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Duty, Consequences and Christian Ethics

1 Case Study

Read the following case study and make brief notes in answer to the questions. As in previous chapters, you will be invited to refer back to your answers at the end of the chapter.

Assisted Dying for the Terminally Ill?¹

In March 2004, the Assisted Dying for the Terminally Ill Bill was given a second reading in the House of Lords of the UK Parliament. It was put before the House of Lords by the cross-bench peer Lord Joffe, a well-known retired human rights lawyer. Moving the second reading, Lord Joffe said, 'The Bill enables a competent adult, who is suffering unbearably as a result of a terminal illness, to receive medical help to die, at his own considered and persistent request.' The Bill, he said, was 'substantially the same' as an earlier Bill that he had introduced, the Patient (Assisted Dying) Bill. However, three changes had been made in response to concerns that had been expressed about the earlier Bill. First, the new Bill only applied to terminally ill patients. Second, it only allowed the physician to supply the patient with the means to end his or her life, unless the patient was physically unable to do so, in which case the

doctor was permitted actively to end the patient's life. Third, a palliative care specialist would have to discuss the option of palliative care with the patient before a request for assistance in dying could be agreed to.

In the background to Lord Joffe's Bill were cases such as that of Diane Pretty, who suffered from motor neurone disease and wanted her husband to be legally permitted to help her to die. She took her case to the European Court of Human Rights, which ruled against her in May 2002. She died shortly afterwards.

It is claimed that there has been a shift in public opinion in favour of euthanasia and assisted suicide as a result of the Diane Pretty case. Some surveys suggest that as many as 80 per cent of the public support assisted dying, though these survey results have been contested. There appears to be less enthusiasm among the health professions with, for example, both the Royal College of Physicians and Royal College of Nursing opposing euthanasia and assisted suicide. There are claims that significant numbers of professionals privately favour life-ending interventions and many have helped patients to die, but the accuracy of these claims is hard to gauge.

Not surprisingly, the Joffe Bill was strongly supported by the Voluntary Euthanasia Society. Commenting on the case of Brian Blackburn – who was given a suspended sentence for killing his terminally ill wife at her request – the VES argued that the Bill was needed to prevent traumatic police investigations and trials in such cases. However, the Church of England and Roman Catholic bishops opposed the Bill in a joint submission to the Lords Select Committee that was set up to examine it. They argued that Lord Joffe's proposals were not needed to ensure proper care for terminally ill people and vulnerable people would be put at risk if the Bill became law. They appealed to the principle of 'respect for human life at all its stages' and argued that this would be undermined by a change in the law on euthanasia and assisted suicide.

Questions

- Why might Christians adopt a principle of 'respect for human life at all its stages'?
- Does this principle imply that it is always wrong to take a human life?

- Do you think there are things that it would always be wrong to do, however much good would result? If so, say why and give one or two examples. If not, why not?

You may wish to write down a few sentences in answer to each of these questions as you will be invited to return to them at the end of the chapter.

2 Absolute Duties²

In the jargon of moral philosophy, someone who believed that euthanasia is always and absolutely wrong would be some kind of *deontologist*. The words 'deontologist', 'deontology' and so on are derived from the Greek *deon*, 'duty'. Thus, deontological theories are those that say there are absolute moral *duties* I simply must obey. Another way of putting this is to say, as some philosophers do, that an ethical theory must give an account of two different moral concepts; the *right* and the *good*, and their relationship to one another. Whereas consequentialist theories (see section 5 below) give priority to the good, deontological theories give priority to the *right*, so the rightness or wrongness of an action does not depend on how much good it brings about. An action can be wrong, even if it does a great deal of good or averts a great deal of harm, because it violates a moral duty. A deontologist might say, for example, that it would be wrong to kidnap a young child and deliberately endanger her life, even if that was the only way to force her terrorist father to reveal the details of his plot to cause a massive explosion in a busy city centre.³ A favourite deontological slogan sums this up neatly: 'Let justice be done, though the heavens fall.'

According to deontologists, then, I ought to act according to my duty. Duties, though, can come in different shapes or sizes. I can have duties to myself or others. Kant, whom we shall meet in the next section, thought suicide wrong because it conflicts with a person's duty to him- or herself. I can have duties either to do something ('Honour your father and mother') or not to do something ('Do not murder'). I can have duties that clearly prescribe my actions or those that leave me with a lot of working out to do. For example, if I pull the trigger on someone (in the absence of any of the circumstances

that could perhaps justify killing, such as self-defence or military combat), it is fairly clear that I have violated the duty not to murder. However, it may be far less clear whether a particular course of action would or would not violate the duty to honour my parents. Duties can also come, as it were, in different-sized packages. In some theories, duties are concerned with individual *acts*. So, if I meet a homeless person in the street, it could turn out to be my duty to give him my last ten pound note, but I cannot generalize this into a rule that we always ought to give money to homeless people whom we meet (or into any other general rule, however carefully formulated). In other theories, duties are expressed as *rules*. These could be quite specific, such as 'do not murder', or very general, such as 'love your neighbour'.

One difficulty with the notion of absolute duties is that they may conflict with one another, so there may be times when I cannot do one without violating another. Suppose – to borrow a famous example – I have a duty to care for my children, but also a duty not to steal. I could find myself in a situation where the only way to prevent my children from starving is to steal. One way to get round this difficulty is to be careful about drawing the boundaries of different duties. Some philosophers might argue, for instance, that my duty to care for my children does not extend to stealing for them. Another way is to say there are plenty of things that *can* be duties, but not all of them will *actually* turn out to be my duty in a particular situation. When I find myself faced with choosing between stealing and watching my children starve, I may come to the conclusion that I do not in fact have a duty to avoid stealing in this situation. This is roughly what the twentieth-century philosopher W. D. Ross articulated in his theory of *prima facie* duties. A *prima facie* duty is something that matters morally – for example, not stealing – but may or may not turn out to be binding on me in a particular situation.⁴ A third way of coping with the problem of conflicts of duty is to hold that absolute duties come only in the form of very general principles, such as 'love your neighbour'. All of these proposed solutions have problems of their own, though of course they may not turn out to be insoluble.

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3 Kant's Theory of Ethics⁵

Probably the most famous deontological theory of modern times is the one developed by the German philosopher Immanuel Kant (1724–1804). Kant's writing is difficult, sometimes obscure, but has been enormously influential. He wrote many works on ethics, but his basic moral theory is set out in his *Groundwork of the Metaphysic of Morals*.⁶ Some of the main features of his theory are as follows.

1. If I want to know what I ought to do, asking a question such as 'What does God command?' will not help me. Kant holds this view at least in part because he believes that we cannot have certain knowledge about any transcendent reality beyond our experience of the natural world. Therefore we cannot know *for certain* whether or not God exists or what God is like: in his *Critique of Pure Reason*, Kant argues that the traditional proofs of the existence of God fail.⁷ So we cannot gain any sure knowledge of right and wrong by trying to base it on the will or law of God. (Kant does believe that our experience of the moral law gives an argument for the existence of God, but belief in God's existence is a consequence, not the foundation, of his system of ethics.)

2. Nor will thinking about the consequences of my actions help me. This is, roughly speaking, because actions and their consequences have to do with the physical realm of cause and effect – what Kant calls the *phenomenal* realm – but knowledge of right and wrong belongs to the realm of reason – the *noumenal*, in Kant's language. This is not to say that morality has nothing to do with the physical world of cause and effect – moral reasoning will, after all, give rise to action in the world – but we cannot learn what we ought to do from our experience of the physical world. The best that such experience can do is teach me what I ought to do *if* I wish to achieve certain aims (*if* I want to pass my exams, *then* I ought to revise). Kant calls this kind of 'ought' a *hypothetical imperative*. Experience cannot teach me whether these are things that I *should* be aiming for. To answer that kind of question, I need a different kind of 'ought': not the sort that says, 'If you want to achieve A, then you ought to do X', but the sort that simply says, 'You ought to do Y.' This second, unconditional kind of 'ought' Kant calls a *categorical imperative*. In

fact, it would be more accurate to talk about 'the categorical imperative' as Kant believes that there is only one – although, as we shall see, it can be stated in several different forms.

3. Kant's starting point in the *Groundwork* is that the only thing we can call 'good' without any qualification or exception is a *good will*. Plenty of other things may be good in some circumstances and may be useful in the service of good, but the same things, if they are not under the control of a good will, may be thoroughly bad. For example, Kant says that self-control may often be a very good thing, but a scoundrel who possesses self-control will not only be more dangerous but also seem more 'abominable' to us than he would without it. In human life, a good will manifests itself by acting according to duty.

4. If I want to know whether or not an action accords with duty, I must ask about the *maxim* of that action. The *maxim* is the principle on which my action is based. For example, suppose I find myself short of money and borrow some from a friend. I promise that I will repay the loan, though privately I have no intention of doing so. The maxim of this action, according to Kant, would be 'Whenever I believe myself short of money, I will borrow money and promise to pay it back, though I know that this will never be done.'⁸

5. Kant says that I act in accordance with duty if the maxim of my action conforms to the categorical imperative. As we have seen, he thinks that there is only one categorical imperative, but it can be stated in a number of different forms. These include the following:⁹

- 'Act only on that maxim through which you can at the same time will that it should become a universal law'. This is Kant's first, and most basic, formulation. He illustrates it with the example I have just given, of obtaining a loan by making a false promise. If everyone adopted the same maxim, nobody would believe promises of this kind any more. Such a maxim contradicts itself. It is important to underline that Kant does not object to this maxim because it would result in harmful consequences – that may or may not be the case. His objection is, rather, that, in acting on such a maxim, I act in a fundamentally self-contradictory way, simultaneously using and undermining the concept of a promise.

- 'Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end'. This formula has been highly influential and is often used as a slogan without much reference to its context in Kant's thought. It demands *respect for persons* – that is, for rational agents like ourselves. We must never use persons merely as means to our ends or tools for our projects. To do so would impair their own capacity to make rational moral decisions. For example, if I deceive my friend into lending me money, she cannot share my end or goal. As Onora O'Neill points out, it is not just that she does not consent to my action, but my act of deceiving her makes it *impossible* for her either to consent or dissent. Her status as a rational agent is undermined.¹⁰
- 'Every rational being must so act as if he were through his maxims a law-making member in the universal kingdom of ends'. This formula introduces two important notions – *autonomy* and the *kingdom of ends*. 'Autonomy' means making my own laws. As we have seen, Kant does not think that we ought to base our moral decisions on rules that are 'external' to our own reason. If I want to know why I ought not to make false promises, it will not do to say either 'Because God's law forbids it' or 'Because something bad will happen if I do'. Kant calls 'external' reasons like these *heteronomous*. Autonomous morality, by contrast, means that I refuse to make false promises because my reason shows me that false promising is immoral (a maxim of false promising could not be universalized and it would involve treating others merely as means, not as ends in themselves). However, basing my morality on my own reason does not mean that I will be completely individualistic and unconcerned about others' actions. As the moral law is universally valid, a community of autonomous persons who thought and acted rationally would always treat one another as ends in themselves and reach the same conclusions about the maxims that should guide their actions. Such a rationally ordered community of autonomous persons is what Kant means by a 'kingdom of ends'.

Kant believes that these formulations – and the others that he states – are equivalent to one another. It has to be said that not all of his readers have been able to see the connections between them!

Kant's moral theory, as I have said, has been highly influential. It has also been criticized in various ways. First, it is accused of being only a *formal theory* that tells us little or nothing about the content of moral obligation. It may tell us what kind of thing moral reasoning is, but it is not much help if we are trying to work out how we ought to live our lives. This description certainly fits the *Groundwork*, but Kant does not pretend that the *Groundwork* is a full account of ethics. It is what it says – an attempt to lay the foundation of an ethic by giving a description of what it means to act morally. In some of his other ethical writings, Kant discusses the content of morality in considerable detail.

Second, Kant is sometimes accused of *rigorism*, that his system gives rise to rules that are rigid, insensitive and sometimes absurd – we must do justice even if the result is that the heavens do fall. For example, Kant notoriously thought that it would be wrong to tell a lie even in order to prevent a homicidal maniac from finding and killing his victim. It may be, of course, that he was simply mistaken in thinking that his system committed him to such conclusions.

Third, the language of the kingdom of ends leads some of Kant's readers to think that he is hopelessly over-optimistic about the moral capabilities of human beings and cannot give a convincing account of wrongdoing and evil. However, Kant is no naive optimist. While there may be problems with his account of wrongdoing, he can certainly give an account of it. One of his later works, *Religion Within the Limits of Reason Alone*, contains an account of human wickedness that sounds strikingly pessimistic.¹¹

A more general criticism is that Kant's whole project – to base morality on autonomous human reason alone – is fundamentally flawed. One version of this criticism is made by Alasdair MacIntyre and other 'virtue ethicists' and we encounter it again in Chapter 6.

4 Christian Deontology

Kant's thought has influenced Christian thinkers in complex ways. For example, even the work of Karl Barth, who was highly critical of Kant and reacted against his thought in quite fundamental ways, still shows many

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traces of his influence. However, in other Christian thinkers, the debt to Kant is more obvious. Many Christian ethicists hold that ethics includes absolute duties – laws that must never be transgressed – and Kantian themes, such as respect for persons and the universalizability of moral principles, have proved attractive to Christian writers.

One example is Paul Ramsey, the American Protestant ethicist whom we met in the discussion of just war theory in Chapter 3. His writing is rich, complex and – again – difficult, so we should be careful to avoid oversimplification. However, it is probably fair to say that Ramsey is a good example of a Christian deontologist. By contrast with Kant, who wishes to *avoid* basing his ethic on claims about God, Ramsey's ethic is explicitly theological. It is based on the conviction that God has made a *covenant* – a relationship of love and faithfulness – with humankind. The love and faithfulness that God shows to humans are to be the pattern for our relationships with one another. Accordingly, Ramsey places the command to love your neighbour at the heart of Christian ethics and comments that, in this sense, 'Christian ethics is a deontological ethic.'¹²

Unlike Joseph Fletcher, whom we shall meet at the end of this chapter, and who also bases his ethic on love of neighbour, Ramsey believes that this generates absolute moral principles and rules. In other words, Christian ethics does include principles and rules that may never be broken and are always binding. For example, in his best-known book on medical ethics, entitled *The Patient as Person* – an interesting echo of the Kantian language of respect for persons – he argues that our response to God's covenant love requires 'canons of loyalty' or moral principles that express our faithfulness to one another. In medicine, one of the most important 'canons of loyalty' is the requirement that the patient must give his or her *informed consent* to medical treatment or research. There are situations where the consent requirement cannot apply. For example, if children who are too young to give informed consent need medical treatment, their parents or guardians must give it on their behalf. However, this 'proxy consent' is strictly limited to treatment that the child needs. For Ramsey, one implication of the consent requirement is that children must not be used as subjects of clinical research that does not directly benefit them. This is a rule that must never be broken, however greatly the research might benefit others in the future. To use Kantian

language, such research would use children merely as means to an end, not as ends in themselves. Unlike Kant, however, Ramsey grounds this rule in specifically Christian convictions about God and the way God acts towards humankind.

5 Consequentialist Theories

Consequentialist theories, as the name implies, say that actions should be judged according to their consequences. In section 2 above, I contrasted deontological and consequentialist theories and suggested that they differ in their accounts of the relationship between the *right* and the *good*. Deontological theories give priority to the right, so, as we saw in section 2, a deontologist would say that an action could be wrong even if it resulted in great good. Consequentialists, in contrast, give priority to the good and define the right in terms of the good. The right action, according to a consequentialist, is the one that will bring about the greatest good (however 'good' is understood – on this consequentialists vary widely, as we shall see). This may mean, in extreme circumstances, that it is right to do something very nasty if that is the only way to prevent a much greater harm. To return to the example I used in section 2, a consequentialist would say that it could conceivably, under some circumstances, be right to kidnap a child and endanger her life in order to prevent a terrorist outrage. Earlier I quoted the deontological slogan 'Let justice be done, though the heavens fall'; probably the best-known consequentialist slogan is 'The end justifies the means'.

Consequentialist theories are also sometimes described as *teleological*, or goal-directed, from the Greek word *telos*, meaning 'end' or 'goal'. This is a somewhat confusing and probably unhelpful description, as the word 'teleological' used in this sense could describe a much wider range of theories than consequentialism and so would end up lumping very different approaches together under one heading. For example, at least some versions of virtue theory (see Chapter 6) are concerned with the *telos* – the end or purpose – of human life, but, if they are 'teleological', it is in a very different sense from a theory such as utilitarianism and it does not seem very illuminating to use the same word to describe both.

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There are many different consequentialist theories of ethics, but the best known and probably the most influential are the different varieties of *utilitarianism*. In order to get an idea of how consequentialist theories work, we shall look in a little more detail at utilitarianism in its various forms.

6 Utilitarianism

Classical Utilitarianism

The theory of utilitarianism was first set out systematically by the philosopher and social reformer Jeremy Bentham in his *An Introduction to the Principles of Morals and Legislation*, first published in 1789.¹³ As the title suggests, Bentham was at least as interested in legal and political theory as ethics and wanted to set both ethics and law on a sound, rational footing.

One of his aims was to make the case for the humanitarian reform of the criminal justice system. The *Introduction to the Principles* was intended to be the foundation for a comprehensive new penal code, drawn up on rational principles, which would do away with what he saw as the anomalies and excesses of English law in the eighteenth century. He never completed this project, but the theory of punishment contained in the *Introduction* has been influential in legal theory as well as ethics since Bentham's time.

Bentham's reforming project depended on building a system of morality and law on rational, quasi-scientific lines, starting from self-evident first principles and proceeding by means of clear, logical reasoning without any mystifying appeals to the will of God, tradition or other sources of received wisdom. This approach to ethics is a classic example of what Alasdair MacIntyre has called the 'Enlightenment project' in ethics (MacIntyre's critique of the Enlightenment project is explored in Chapter 6). It could be seen as an attempt to apply to other areas of human life and thought the approach that had been so spectacularly successful in the physical sciences since the beginning of the seventeenth century.

Accordingly, Bentham begins his argument with an empirical observation – that is, a statement about what is the case, based on experience and

observation: 'Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*.'¹⁴ In other words, we all naturally try to maximize our *happiness*, which Bentham defines simply as pleasure and the absence of pain. On the basis of this observation, Bentham proposes the moral principle that we ought to act so as to maximize happiness – others' as well as our own. When we have a decision to make, we should choose whatever course of action will bring about the *greatest happiness of the greatest number* of those affected by our action. Bentham calls this the 'principle of utility' or the 'greatest happiness' principle. (Bentham did not invent either the term 'the principle of utility' or the 'greatest happiness' formula, but he was the first to deploy both in a fully worked-out system of ethics.) Of course, in order to know which actions will maximize happiness, we need to be able to measure it. Bentham offers a 'hedonic calculus' to enable us to do so. A pleasure can be quantified according to seven measures, which are its:¹⁵

- intensity
- duration
- certainty or uncertainty
- 'propinquity' (nearness) or remoteness
- fecundity – the likelihood of its being followed by other similar sensations
- purity – the likelihood of its *not* being followed by opposite – painful – sensations
- extent – the number of people affected by it.

Bentham's account runs into a number of fairly obvious difficulties, some of which were pointed out early on by his critics. One has to do with the justification of his principle of utility. He says that, like the first principle of any argument, it cannot be proved, nor does it have to be. He also claims that no one can consistently deny it and everyone makes use of it at least some of the time. However, his reason for proposing the greatest happiness of the greatest number as the fundamental moral principle of action seems to be his empirical claim that happiness is in fact our fundamental motivation. This has led some commentators to accuse him of committing the 'naturalistic fallacy' – drawing a conclusion about what *ought* to

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be the case from a premise about what *is* the case. (The term 'naturalistic fallacy' was invented early in the twentieth century by G. E. Moore, but, before Bentham was born, David Hume had already questioned the validity of moving from 'is' to 'ought' in moral argument.¹⁶ The naturalistic fallacy is discussed further in Chapter 5.)

Another problem for Bentham's theory is that it seems to assume that pleasure is a kind of universal moral currency in which any kind of human good or goal can be expressed. Bentham's early critics worried that this was a low, ignoble view of human motivation. It may also be misleadingly simplistic. The assumption that all pleasures are different instances of the same thing seems problematic. It is not obvious that all the countless different pleasures that humans experience – from eating a good meal to falling in love, from watching your children grow up and flourish to contemplating a great work of art – can be measured on the same moral scale. The variety and diversity of human goods may make this impossible.

One of the things that makes Bentham's system seem attractive is its simplicity, but it could be a false simplicity that fails to do justice to the complexity and subtlety of human motivation and experience. In his 1861 book *Utilitarianism*, John Stuart Mill (who was Bentham's pupil, but later reacted against some aspects of his thought) develops and refines the theory and attempts to deal with some of the difficulties of Bentham's version.¹⁷ To the objection that utilitarianism reduces all human ends to the base desire for pleasure, he responds by acknowledging that there are different kinds of pleasure and some are more intrinsically valuable than others. The more valuable pleasures are those that employ the 'higher faculties' of human beings. Even a little of the higher pleasures is worth more than a great quantity of the lower and, to know which are the most valuable, we should ask those who have experienced the different kinds of pleasure. Mill says:

It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, are of a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides. (p. 10)

Note that Mill expresses his own thought rather carelessly here when he

compares the experience of two human individuals, 'Socrates' and 'the fool'. He makes it clear elsewhere that we can only be confident in counting one pleasure higher than another if that is the judgement of the overwhelming majority of people who have experienced both.

This account of happiness is richer and more plausible than Bentham's. It also, of course, makes the latter's 'hedonic calculus' much more complicated and perhaps completely unworkable.

Armed with this account of happiness, Mill also attempts to address the problem of justifying the 'greatest happiness' principle (or the principle of utility, as he also calls it). Like Bentham, he acknowledges it is impossible to prove that we ought to promote happiness. He simply observes that 'people do actually desire it' and says this demonstrates effectively enough 'that each person's happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons' (p. 36). He also claims that happiness (understood in the rich and diverse way he has earlier argued for) is the ultimate end people desire – everything else they desire, such as virtue, is desirable either because it is a form of happiness or because it is a means to happiness. Therefore, the 'greatest happiness' principle can be accepted as the fundamental principle of morality because it is in line with the ultimate end towards which humans direct their lives. As Mill's understanding of happiness is more complex and richly textured than Bentham's, he can claim this more plausibly than Bentham could, though Mill's account still seems to involve claims about human nature that not everyone finds convincing.

Contemporary Utilitarianism

There are many different versions of utilitarianism on offer in contemporary literature, some of which have been developed in an attempt to address some of the problems of earlier versions. First, there are different views as to the standard by which actions should be judged. Classical utilitarianism, as we have seen, took *happiness* as its ultimate standard – we should act so as to maximize the happiness of those affected by our actions. However, even the richer account of happiness offered by Mill seems to some utilitarians to take too narrow a view of the human good. Some therefore argue for *preference-*

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utilitarianism – that is, we should act so that the preferences of all concerned are satisfied as far as possible. This can take account of a wider range of motivations, including charity, selfless devotion to a good cause and even laying down one's life to save others. Some critics still worry, though, that it has a rather consumerist flavour: the good consists in satisfying whatever preferences people happen to have, and the theory has nothing to say about the preferences people *should* have – what it is *good* for us to prefer. Others, therefore, argue instead for *welfare-utilitarianism*, which proposes that we should act so as to satisfy people's (long-term) interests or welfare, not just their (possibly short-term) preferences.¹⁸

There is also a difference of opinion about the shape and size that utilitarian judgements should come in. The simplest version is *act-utilitarianism* – whenever I have a decision to make, the right course of action is the one that will maximize happiness (or welfare or preference-satisfaction). This has met with various objections. One is that it might require us to do deeply repugnant things if they were the way to maximize happiness. Thus, the end could justify (and indeed require) some thoroughly nasty means, as in the example of the terrorist and his daughter that I mentioned in section 2. Act-utilitarians concede that repugnant acts could in principle be required, but only in such extreme circumstances that the alternative is even more unpalatable. Another objection to act-utilitarianism is that it is impracticable. It seems to require us to calculate the consequences of all our options before we make any decision, but life is too short to do this and, anyway, some of the relevant consequences may be literally impossible to foresee. Some theorists therefore prefer *rule-utilitarianism*, which says that when I have a decision to make, I should act on the rule that, if everyone obeyed it, would maximize happiness (or welfare or preference satisfaction). This is obviously more feasible than calculating the consequences in advance of every decision as we can work out and learn the rules in advance and, anyway, many of them will probably turn out to be well-known pieces of moral wisdom, such as the Ten Commandments. It also seems to deal with the problem of repugnant conclusions. For example, even if kidnapping and endangering the life of a child would maximize utility in one isolated case, it seems pretty clear that the rule 'Never kidnap children' would maximize utility overall, if everyone obeyed it. However, rule-utilitarianism may not in fact get us out of

this bind. If we make the rules general enough to avoid the repugnant cases, they will become the sort of harshly inflexible rules that can give repugnant results of their own, as we saw when discussing Kant's ethics in section 3. If, on the other hand, we make them specific enough to deal flexibly with the hard cases, they will end up commanding the same repugnant actions as act-utilitarianism.

7 Christians and Consequentialism

Many Christians have been suspicious of consequentialism in general and utilitarianism in particular. There are many grounds for this suspicion. One is that Christian ethics seems to have a stake in the existence of absolute laws and commands – do not murder, do not steal and so on. (As we saw in Chapter 2, there is a great deal more to biblical ethics than the Ten Commandments and the Sermon on the Mount, but, nonetheless, the moral content of the Bible does seem to *include* absolute rules and commands.) Consequentialist theories would seem to call such rules into question: it might generally be wrong to murder, but there could be situations in which consequentialism would require it.

Another difficulty for Christians is that some consequentialist theories – certainly classical utilitarianism – deliberately give an account of moral decision making that is independent of any religious or theological frame of reference. The criteria for right action are defined in purely this-worldly terms – maximizing happiness, welfare or the satisfaction of preferences, for example. Many Christian thinkers find this odd, to say the least.

A related difficulty is that theories such as utilitarianism seem to operate with a fairly restricted notion of human nature and the good. In Mill's version of utilitarianism, for instance, the ultimate end for human beings is happiness, understood in this-worldly terms. Contrast this with the view of Thomas Aquinas. In his system, human beings do indeed have this-worldly ends (existence, procreation and living according to our rational nature), but our *ultimate end* is eternal life with God.¹⁹ Furthermore, the notion that human life has certain proper ends, both in this world and beyond, would lead many Christians to think that not all preferences, nor all kinds

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of happiness, should be given equal weight. Utilitarian theories tend to call for the maximization of happiness or the satisfaction of preferences without expressing an opinion about what *should* make us happy or what we *ought* to prefer. By contrast, Christians influenced by Thomas, for example, might want to ask what preferences we ought to have or what kinds of happiness might contribute to a fully human life as God intends it to be.

Both Bentham and Mill argued that utilitarian theory is compatible with Christianity. A loving God, they said, presumably desires the happiness of his creatures, so, if we want to know what actions will be in line with God's will, the principle of utility offers us the surest way of finding out. It is doubtful that these arguments should be taken at face value as both Bentham and Mill were hostile to established religious traditions. However, some Christians have embraced various forms of consequentialism, including utilitarianism. For example, around the same time as Bentham, Archdeacon William Paley (better known for his *Natural Theology*, which proposes a famous version of the 'design argument' for the existence of God) argued for a form of utilitarianism.

In the nineteenth and twentieth centuries, various Christian thinkers have argued that utilitarianism is, in effect, a philosophical version of the Christian command to love your neighbour as yourself. Most famously, in the 1960s, American Anglican Joseph Fletcher put forward a theory of 'situation ethics', which is essentially a version of act-utilitarianism.²⁰ Fletcher wants to get away from 'legalism' – by which he means any system that has rigid, absolute rules – without falling into the opposite trap of 'antinomianism', which is complete moral lawlessness. He seeks a middle way in which the only absolute is the command to love your neighbour as yourself. While laws and moral traditions might guide us, we cannot know for certain in advance what love will require of us in a particular situation. As Fletcher puts it, 'Love's decisions are made situationally, not prescriptively.'²¹ Now, loving your neighbour means seeking his or her good, so, in order to discover what love requires in our situation, we must work out which course of action will bring about the greatest good for the greatest number.

Fletcher's situationism has not worn well and many Christian ethicists now regard it as little more than a historical curiosity. It obviously suffers from the same difficulties as other versions of utilitarianism, which, of

course, from a philosophical point of view, might or might not be soluble. However, as a *theological* theory of ethics, it looks distinctly thin. Despite the impressive line-up of theologians Fletcher claims, rightly or wrongly, as fellow situationists, it seems fairly clear that he more or less lifts a secular philosophical theory off the shelf in order to spell out what might be understood by Christian love. This, not surprisingly, leaves large gaps in his understanding both of love and of the human good.

Despite its problems, situationism's basic assumptions have come to seem attractive to many Christians – particularly those active in pastoral care, who know from experience how harsh rigid rules can seem to vulnerable people. If situationism is indeed inadequate as a theological ethic, Christian communities will need to find better alternatives that meet the same pastoral needs. Some possibilities are explored in Chapter 9.

8 The Case Study Revisited

The Ethics of Assisted Suicide and Euthanasia – Definitions and Distinctions

It is worth beginning with some important definitions and distinctions as discussions of euthanasia and assisted suicide often suffer from muddle and confusion about the meanings of key words (as well as other kinds of confusion, which, of course, will not be sorted out by careful definitions alone).

Suicide is the direct and intentional killing of oneself.

In *assisted suicide*, someone else provides help to the person committing suicide. For example, a doctor might supply a lethal dose of a drug, but it is still suicide as the person who dies kills *him* or *herself* – he or she is not killed by the one who assists.

Euthanasia means killing someone else whose life is thought to be not worth living. Various distinctions are made between different types of euthanasia. One set of these is between *voluntary*, *non-voluntary* and *involuntary* euthanasia. *Voluntary euthanasia* is done at the request of

the person who is to be killed or with his or her consent. *Non-voluntary euthanasia* is done without the request or consent of the one who is killed, because he or she is not capable of giving consent. Examples might be the killing of a very severely disabled newborn infant or a patient with advanced Alzheimer's disease. *Involuntary euthanasia* is the killing of a person who is capable of consent, but has not given his or her consent to be killed. The Nazi euthanasia programme in Germany in the 1930s and 1940s is the best-known historical example of involuntary euthanasia.

Another distinction sometimes made is between *active* and *passive* euthanasia. *Active euthanasia* means doing something to cause or hasten the death of the person to be killed, such as administering a lethal dose of a drug. *Passive euthanasia* means causing or hastening death by omitting or ceasing to do something, for example, removing a patient from a ventilator that is keeping him or her alive. Many authors (particularly those who are against euthanasia) argue that 'passive euthanasia' is not really euthanasia at all – it is simply the good clinical practice of not giving medical treatment that would be futile and/or excessively burdensome to the patient.

The law varies from one jurisdiction to another. In Britain, suicide was decriminalized in 1961, but, at the time of writing, assisting suicide remains a criminal offence. Active euthanasia is regarded as murder in UK law. However, withholding or withdrawing life-prolonging treatment, where it is judged clinically appropriate to do so, is permitted. In the case of Tony Bland – who was in a persistent vegetative state (PVS) following the Hillsborough football stadium disaster of 1989 – the House of Lords ruled that artificial feeding and hydration could be counted as medical treatment and could be withdrawn. This was accordingly done, with the result that Bland died. The Joffe Bill mentioned in the case study is intended to change British law, legalizing both assisted suicide and (more exceptionally) voluntary euthanasia in certain limited circumstances. If it were passed, Britain would not be the first jurisdiction in the world to do this. Voluntary euthanasia and assisted suicide are legal in the Netherlands and Belgium, while the State of Oregon in the USA has a law permitting assisted suicide.

The Value of Human Life

The prohibition of assisted suicide and euthanasia reflects a notion of the value of human life that has deep roots in the Christian tradition. That tradition understands human life as a 'gift' or 'loan' from God, who created all things, including human life, and pronounced them 'very good' (Genesis 1.31). Christians have taken this view of human life to mean, first, that we should cherish and treasure it and do all we can to protect it. Second, our life is not our own – God is, in an important sense, the true 'owner' of all life, including ours. If that is so, then there are limits to what I may do with either my own life or someone else's. I may not dispose of anyone's life, including my own, in just any way I want to. This explicitly theological view of the value of human life is reinforced in some Christian traditions by the natural law precept that life is to be protected (see Chapter 3).

From this Christian viewpoint, the value of life is reckoned to be *unconditional* – that is, every individual's life is to be valued, regardless of status, condition, age or anything else. This unconditional value is sometimes described as the *sanctity of life*, though, as we shall see, some Christians question whether or not 'sanctity' is an appropriate term to use. The Anglican and Catholic bishops' submission to the Select Committee on the Joffe Bill, referred to in the case study, appeals to this theologically grounded notion of the value of human life.

In accordance with this view, the Christian Church since at least the fourth century has fairly consistently disapproved of suicide. Thomas Aquinas, in the thirteenth century, held that it is wrong for three reasons:

- it is contrary to natural law
- it harms the human community to which the person belongs
- 'it wrongs God whose gift life is and who alone has power over life and death'.²²

Official Roman Catholic teaching has held consistently to this view. One well-known recent expression of it is in Pope John Paul II's encyclical letter *Evangelium Vitae*, which appeals to the Bible, Christian tradition and natural law to support the claim that suicide 'is as morally objectionable as murder'.²³

The Protestant tradition has largely agreed. Karl Barth, for example, also argues that suicide is 'self-murder', a violation of God's command 'Thou shalt not kill'. Characteristically, Barth will not rule out the possibility that, in some quite exceptional case, God might command someone to take his or her own life as God is sovereign and God's command cannot be second-guessed by human beings. However, that exceptional possibility is right on the margins of his account.²⁴

When Christians and the Churches have thought about assisted suicide, it has been widely agreed that, if suicide is wrong, it is also wrong to help someone else commit suicide. This is spelled out, for example, by John Paul II in *Evangelium Vitae*.

There have been secularized versions of this rule against suicide, too. Kant, for example, thought that suicide is forbidden by the categorical imperative. He argued that the maxim, 'From self-love I make it my principle to shorten my life if its continuance threatens more evil than it promises pleasure', could not be universalized without self-contradiction, so if I commit suicide to save myself from pain and suffering, I am using my own humanity merely as a means, not as an end in itself.²⁵

While the Christian tradition has generally prohibited the killing of humans, most Christians have allowed exceptions to that prohibition. For example, the majority Christian tradition has permitted killing in self-defence, war and capital punishment (though there have been powerful Christian voices raised against all of these). So, more precisely stated, what the Christian tradition has generally prohibited is *the direct killing of an innocent human being*. 'Innocent' in this context does not mean one who is free from all moral guilt, but one who has done nothing to justify his or her being killed. Neither a violent assailant nor the members of an invading army would be considered 'innocent' in this sense. (The other important qualification introduced in this formula is the word 'direct'. Later in this section, I shall say a little about the significance of this for the euthanasia debate.) Unlike self-defence, war and capital punishment, however, euthanasia has not been recognized as an exception to the general rule against killing. John Paul II in *Evangelium Vitae* regards it as a 'grave violation of the law of God',²⁶ morally equivalent to either suicide or murder. Barth, too, regards it as murder and, by contrast with his discussion of suicide, does not allow even the

possibility that it could, in an exceptional situation, be commanded by God.²⁷ (It may seem odd, by the way, to regard voluntary euthanasia as a form of murder as the major and obvious difference between voluntary euthanasia and most murders is that, in the former, the 'victim' *wants to be killed*. Yet, consent does not necessarily make a crucial difference here. In those rare and bizarre cases of murder in which the victim consents, his or her consent is not accepted in law as a defence.) In line with this broad stream of tradition, the bishops' submission on the Joffe Bill resists euthanasia and assisted suicide.

Although mainstream Christian tradition has placed a great and unconditional value on human life, it has been wary of claiming that this value is *absolute* or *infinite*. To make that claim would be to turn human life into an 'idol', to treat it with the kind of devotion that should only be given to God. As Joseph Boyle, a Roman Catholic, observes, the Christian tradition has often recognized that trying to preserve your life at any cost is spiritually dangerous.²⁸ It can distract you from far more important matters – in particular, the need to be in a right relationship with God. The fact that the Church has made a habit of honouring its martyrs indicates that, in the Christian tradition, it is better to die than deny or betray your faith in Jesus Christ. For this reason, some Christians argue that it is misleading to talk about 'the *sanctity* of life', words such as 'respect' or 'dignity' capturing the Christian position better. Stanley Hauerwas puts the point well (if, perhaps, with just a touch of hyperbole):

Put starkly, Christians are not fundamentally concerned about living. Rather, their concern is to die for the right thing. Appeals to the sanctity of life as an ideology make it appear that Christians are committed to the proposition that there is nothing in life worth dying for.²⁹

Modern Challenges

Possibly throughout human history – if not, certainly for a very long time – there have been people who have suffered slow and painful deaths and those who have experienced their lives as a burden and a curse, not a blessing.

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However, modern technological medicine seems to have made these things a much bigger problem for us than they were for most of our ancestors. Many of us are now living longer than our grandparents did, and high-tech medical care enables us to survive illnesses and injuries that would almost certainly have killed our forebears.

For many people, of course, these developments are a huge blessing, but for some the lives that have been prolonged by medical care seem painful, limited and sometimes overwhelmed by suffering. This experience – of being kept alive, but with a terribly poor quality of life – is one reason for the traditional rules against suicide and euthanasia being increasingly challenged. These challenges have come particularly (but not only) from secular philosophers, many of them using *consequentialist* approaches of the sort outlined earlier in this chapter.

Christian appeals to the notion of *life as a gift* have been challenged. Critics argue that, if I am given a gift, it becomes mine and I can use it or dispose of it as I choose. My gratitude to the giver might put limits on what I do with it. For example, I might feel obliged to keep a gift if I know that the giver would be very hurt to find out that I had got rid of it. However, it is hard to see how gratitude obliges me to keep a gift that causes me unbearable pain and torment. By the same token, the view of life as a loan from God may not support the traditional prohibition of suicide and euthanasia. As philosopher David Hume argued in the eighteenth century, if artificially ending my life trespasses on God's position as the giver and owner of life, the same could be said about artificially *prolonging* someone's life by, for example, giving life-saving medical treatment.³⁰

More generally, many philosophers challenge arguments based on the *sanctity of life*. They argue that this concept comes from a Christian belief system that the majority of people in Western societies today do not hold, so public ethical decisions and laws cannot be based on it.³¹

In place of Christian ethical approaches, many philosophers argue for various kinds of *utilitarian* approach to these questions. Some argue that allowing assisted suicide and euthanasia would result in more benefit, and less harm, than continuing to prohibit it. Others, such as Peter Singer, argue that, in our decision making, we should seek, as far as possible, to satisfy the *preferences* of all concerned. So, if some people experience their lives as

a terrible burden, and have a strong desire to end them, permitting assisted suicide and euthanasia could be the decision that most fully satisfies the preferences of the interested parties.

Ironically, in view of Kant's opposition to suicide, another popular argument for euthanasia and assisted suicide is based on *autonomy*, which, as we saw earlier, is an important part of Kant's moral theory. However, the notion of autonomy deployed in the euthanasia debate seems to have relatively little to do with Kant. I said in section 3 that autonomy for Kant does not mean permission to act completely individualistically. Rather, it has more to do with each person's responsibility to work out the demands of the moral law for him- or herself. The version of autonomy in play in arguments about suicide and euthanasia probably owes more to the utilitarian philosopher John Stuart Mill, who held that adults should be free from interference by others in the way they live their lives, so long as their choices do not cause harm to others.³²

The autonomy argument for suicide and euthanasia is that I should have the freedom to direct my life as I see fit, provided my choices do not interfere with the freedom of others. That freedom includes the right to die at the time and in the way that I choose. (Part of Diane Pretty's argument, which was rejected by the European Court, was that, if her husband was not allowed to help her die, she would be deprived of the right that able-bodied people have to choose the time and manner of their death.)

These arguments are not deployed only by secular thinkers – some Christians, such as Paul Badham, also argue in favour of voluntary euthanasia, sometimes making use of broadly similar consequentialist and autonomy-based arguments.³³

It would be overly simple, though, to imagine that the consequentialist arguments are all on the pro-euthanasia side of the debate. It is quite possible to make a consequentialist case *against* legalizing assisted suicide and voluntary euthanasia. For example, a consequentialist could argue that, while euthanasia or assisted suicide might well be justified in some individual cases (such as that of Diane Pretty), legalization could allow various harmful consequences. It could give rise to a 'slippery slope' situation in which vulnerable people were put under pressure to ask for euthanasia. If voluntary euthanasia became routinely accepted, society might in time come to

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accept non-voluntary euthanasia and perhaps even, eventually, involuntary euthanasia.

Legalization might also undermine the relationship of trust between patients and the health professionals who care for them. Furthermore, if euthanasia and assisted suicide were available as easy and cheap options, this might be a disincentive for hard-pressed health services to develop proper terminal and palliative care. The result could be that *more* people ended up dying in avoidable pain and distress. In short, it can be argued that, although assisted suicide and euthanasia would be good in some individual cases, legalizing them would, in the long run, do far more harm than good and that, overall, the good would be maximized and harm minimized by continuing to prohibit them. Those – particularly consequentialists – who argue in favour of euthanasia and assisted suicide find themselves having to show that slippery slopes and other seriously harmful consequences would not be at all likely to follow from legalization. Both sides in these arguments look to Oregon, the Netherlands and Belgium for evidence as to whether or not legalization has resulted in any kind of abuse, erosion of trust or other harmful consequences that people fear.

It is also worth noticing that arguments about slippery slopes, the dangers of abuse and other harmful results are not only used by consequentialists. The bishops' submission for the Joffe Bill uses several of these arguments in an attempt to show that the Bill would undermine the fundamental principle of respect for human life. Robin Gill, a Christian theologian who is not a consequentialist, argued in his evidence to the Select Committee scrutinizing the Bill that, although euthanasia might be justified in individual cases, such as that of Diane Pretty, legalizing it would create a serious risk that vulnerable people would be made even more vulnerable.³⁴

Responses to the Challenges

Christians and others who wish to maintain their opposition to euthanasia and assisted suicide respond to these challenges in various ways. One is to reassert traditional Christian claims about the value of human life and the wrongness of killing. This is what the papal encyclical *Evangelium Vitae*

sets out to do. It draws a fundamental contrast between the 'Gospel of life', announced by Jesus Christ and entrusted to the Church, and the 'culture of death' which can be seen in many aspects of modern society. Euthanasia and assisted suicide are seen as aspects of the 'culture of death', fundamentally opposed to the 'Gospel of life'.

An argument that is similar in many respects is advanced by Michael Banner, who holds that the practices of euthanasia and assisted suicide betray a fundamental lack of trust in the hope of eternal life offered by God through the resurrection of Jesus Christ. Christians should never countenance such a move.³⁵

Some Christian ethicists also challenge the assumption that release from suffering must always be the overriding aim. Nobody denies that reducing suffering is an important goal, but some authors point out that the Christian community has traditionally tried to train and equip its members to *endure* suffering and hardship. For complex historical and cultural reasons, it has become difficult for us in Western societies to find value or meaning in enduring suffering and now our culture has a powerful assumption that the relief of suffering is an overriding aim that should trump almost all others. However, say some Christian thinkers, if we accept this assumption, we may lose sight of some important aspects of what it means to live a good human life. Setting up a legal situation where there is the escape route of a quick and painless death may encourage us to forget about other important human goals and values.

Having said that, Christians and others are quick to point out that suffering can be minimized without euthanasia and a pain-filled life need not be prolonged at all costs. The Christian warning that I mentioned earlier – about making an idol of bodily life – supports this point. Many Christians and others point to the hospice movement and the development of palliative care (the branch of healthcare that aims to relieve the pain and suffering of patients with incurable or terminal diseases) as alternatives to euthanasia. It is sometimes said that if good palliative care were available to all who needed it, this would make euthanasia and assisted suicide unnecessary in virtually all cases. Those who argue for euthanasia reply that, as things stand, the majority of patients do not have access to proper palliative care and that, in any case, there may be a minority for whom pain relief just does not work.

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While thinking about pain relief and palliative care, it is worth returning to the formula I stated earlier, that Christian ethics has traditionally prohibited the *direct* killing of innocent human beings. A terminally ill patient may need large doses of analgesic (pain-relieving) drugs to manage his or her pain and these could have the side-effect of shortening his or her life. Christian ethicists often appeal to the so-called 'doctrine of double effect' to reassure patients and professionals that giving such drugs is justified. The doctrine of double effect is that it is morally justified for me to do something in order to achieve a good result, *even if I can foresee that my action will also have an evil consequence*, provided that I do not *intend* the evil and that the evil 'side-effect' will be outweighed by the good I am aiming for. (To understand the distinction between 'foreseen' and 'intended' effects, consider the following example. I am expecting a phone call about an urgent and complicated matter. While I am eating my meal, the phone rings. I answer it, expecting to be in for a long conversation. In answering the phone, I do not *intend* to let my food go cold – I *intend* to try and sort out the business that the phone call is about – but I can *foresee* that my food is very likely to have gone cold by the time I get off the phone.)

The doctrine of double effect has long been used in just war theory (see Chapter 3) to say that the intentional killing of non-combatants is prohibited, but actions that will have the foreseen but unintended side-effect of causing civilian casualties may be justified. In the case of palliative care, the good aim is relief of the patient's pain and the foreseen but unintended evil is the shortening of his or her life. The doctrine of double effect is used not only in moral arguments but also in law, so that health professionals who give large doses of analgesics with the intention of relieving pain are not prosecuted for murder or manslaughter if those drugs also shorten their patients' lives. Critics sometimes argue that it is a moral and legal fiction to say that I can foresee, but not intend, a result of my action. In effect, they say, both law and clinical practice already sanction some forms of euthanasia under the cloak of 'double effect' and it would be better to be honest about it and do it more effectively.

Another relevant distinction here is between active and passive 'euthanasia'. Critics of the traditional view argue that there is no moral difference between a deliberate act and a deliberate omission that have the same result.

If I see my enemy drowning and, because I want him dead, do nothing to save him, I am as guilty of his death as if I had pushed him in. To switch off a ventilator, withdraw a feeding tube or refrain from resuscitating a terminally ill patient, they say, is just as much a form of euthanasia as administering a lethal dose of a drug. As professionals are already practising 'passive euthanasia', so the argument goes, they should also be willing, and permitted, to practise active euthanasia, which offers more effective and humane ways of achieving the same goal. However, many health professionals and Christian ethicists argue that there is a real distinction, even though it may be hard to state. Not every medical intervention, they point out, is obligatory or even desirable, and a wise doctor knows when to stop intervening because he or she can do nothing more to cure the patient. This situation is a far cry from actively seeking his or her patient's death.

Questions

- Is Christian ethics committed to the view that there are absolute moral duties? If so, how might Christians know what those duties are?
- How well do you think the principle of 'respect for human life in all its stages' expresses the Christian understanding of the value of human life? What practical moral obligations might follow from this principle?
- Should the Christian Churches maintain or revise the traditional prohibition of assisted suicide and euthanasia? Should they support or oppose legal changes such as those proposed by Lord Joffe?
- Compare these answers to your responses to the case study questions at the start of the chapter. How, if at all, has your thinking changed as a result of your work on this chapter?

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Suggestions for Further Reading

Deontological Ethics

Immanuel Kant, *Groundwork of the Metaphysic of Morals*, London and New York: Routledge, 2005.

Paul Ramsey, *The Essential Paul Ramsey: A Collection*, William Werpehowski and Stephen D. Crocco (eds), New Haven, CT: Yale University Press, 1994. (A collection of Ramsey's writings on a variety of subjects, together with a helpful introduction to his life and thought.)

Peter Singer (ed.), *A Companion to Ethics*, Oxford: Blackwell, 1991. (Contains several useful and relevant chapters, particularly Chapters 14, 17 and 18.)

Consequentialist Theories

Robert E. Goodin, 'Utility and the Good', in Singer, *A Companion to Ethics*, pp. 241–8.

Richard M. Hare, 'Utilitarianism', in John MacQuarrie and James Childress (eds), *A New Dictionary of Christian Ethics*, London: SCM Press, 1986, pp. 640–3.

J. J. C. Smart and Bernard Williams, *Utilitarianism: For and Against*, Cambridge: Cambridge University Press, 1973.

Euthanasia and Assisted Suicide

The following are very useful books.

Nigel Biggar, *Aiming to Kill: The Ethics of Suicide and Euthanasia*, London: Darton, Longman & Todd, 2004. (A careful and closely argued re-examination of the traditional Christian position and the standard criticisms of it.)

Robin Gill (ed.), *Euthanasia and the Churches*, London: Cassell, 1998. (A multi-author collection in which three authors respond to each main essay and the writer of the main essay then replies to these responses.)