Philosophical Medical Ethics

To what do we have moral obligations and why? I

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The moral prosecution of Dr Arthur began by claiming that innocent human beings have a fundamental right to life and that this entailed that it was both wrong to kill them and wrong to deny them reasonably straightforward protection against life threatening conditions (premises 1, 1a, and 1b in my first article). I shall look at rights subsequently. Here I wish to look at another profound moral question raised by these claims: to what do we have moral obligations and why? For example, and in John Harris's memorable phraseology,¹ by what criteria might we decide, on meeting a creature from outer space, to have him for dinner in one sense rather than the other?

If it is wrong to shoot peasants but OK to shoot pheasants this might be a matter that has nothing to do with the nature of pheasants and peasants; it might be an arbitrary (that is, discretionary) matter arising from some decision taken by people to allow pheasant shooting and forbid peasant shooting. Some moral obligations certainly do arise in this way. If I arbitrarily and knowingly promise to give Oxfam or the National Front £50 I am then morally obliged to honour my promise and this—assuming certain obvious stage setting—has nothing to do with the nature of Oxfam or the National Front but arises from what I have arbitrarily decided and undertaken to do. On the other hand, some of our moral obligations are, it seems fairly clear, not arbitrary and stem directly from the nature of the entities to which we owe those obligations.

Which entities are owed a moral obligation?

It is widely agreed (though it was not always so) that our moral obligation not to shoot peasants is precisely not the sort of moral obligation that we are free to accept or reject but that it resides in the nature of peasants, in particular in their human nature. Conversely, there is wide disagreement about our obligation to pheasants. Supporters of "animal rights" claim that the nature of pheasants is such that it does impose a moral obligation on us not to shoot them (or at least not to shoot them for fun: the claims vary), while those who accept the moral legitimacy of shooting pheasants argue that the nature of pheasants, unlike the nature of peasants, is such that shooting them (and again the permitted circumstances are disputed) is morally permissible.

The claim of the moral prosecution of Dr Arthur was that all innocent human beings have a moral right not to be killed and that this includes a right to some straightforward help in the face of life threatening conditions. Infants with Down's syndrome are undeniably innocent human beings and therefore have this moral right. Similarly, most antiabortionists argue that human fetuses and indeed all human embryos from fertilisation onwards are innocent human beings and have this right. Some supporters of animal rights

argue that all animals have this right, and some people, who really do believe in the "sanctity of life," believe that all living things have this right. Indeed, this is an implied premise in some strands of Buddhism² and was central to the philosophy of Albert Schweitzer.³ In all cases it is something about the nature of the entities that is supposed to ground the moral obligation we are claimed to have towards them.

Four moral positions

In this and the next article I shall consider four moral positions offered as justifications for differentiating morally between different sorts of beings because of differences in their nature. That is, I shall consider ways of deciding the scope of certain moral obligations, and especially the obligation not to kill, on the basis of the characteristics possessed by potential candidates for our moral concern. Obviously there are many more moral positions than the four I have chosen but these seem particularly relevant in the context of medical ethics. I shall also indicate some awkward implications of each of these positions, for I have yet to encounter a moral stance on this issue that is free from awkward implications.

Of the four positions I shall consider, the first is the Benthamite claim that all sentient beings (beings that can experience pleasure and pain) are morally equivalent and that whether or not to kill them depends entirely on calculations of pleasure and pain of all potentially affected. The second is that membership of the species *Homo sapiens* confers a unique moral importance and that all (living and innocent) human beings have the moral right not to be killed and the moral right not to be denied reasonably straightforward help in life threatening conditions (for brevity I propose to call all this "the right to life," though such abbreviation presents problems that I shall consider in later articles on rights and on acts and omissions).

The third position is that all "viable" innocent human beings have this right to life and is commonly held by doctors who accept abortion but who also believe in the right to life of fetuses late on in pregnancy. The fourth, while usually accepting that sentience confers some moral importance, holds that within the class of sentient beings there is a morally more important subclass that possesses the special attributes grounding the unique moral importance due to people, including their right to life.

Sentience

Jeremy Bentham, a founder of modern utilitarianism, argued that sentience was the fundamental moral criterion and that all others were ultimately reducible to it. He believed that animals were morally equivalent to humans and that the utilitarian calculus, the basis of all morality, applied to them as much as to humans: "The question is not whether they can reason but whether they can suffer." He reflected that "the day may come when the rest of the animal creation may acquire those rights which never could have been withheld from them but by the hand of tyranny." (Like

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many modern utilitarians Bentham actually thought that the concept of rights was nonsense, as we shall see in a subsequent article; but this does not seem to stop many such critics from using the term, usually, to be fair, in actual or implied inverted commas).

As I indicated in my article on utilitarianism, this simple claim that all sentient beings are morally equivalent is highly counterintuitive. Although most people would grant some moral importance to the need to avoid suffering and to promote pleasure, few are prepared to accept this as of equal importance in animals and humans, and few are prepared to accept it as the only or overriding moral obligation. Most people would argue that people are simply more important morally speaking than (other) animals and that this is so for reasons that are independent of considerations of pain and pleasure. How, however, are such intuitions to be justified?

Membership of the human species

One standard response, typified by Roman Catholic theology, is to claim that all innocent, living human beings from the beginning to the end of their lives are morally equivalent in having equal natural rights including an equal right to life. It would be a mistake to see this as grounded merely in membership of the species *Homo sapiens*; rather the claim is that all human beings who possess the morally crucial gift of a soul are in this special moral category and that their lives as human beings start at the time of this "ensoulment" or "hominisation."

When precisely it occurs is still today, as it has been throughout the history of the Roman Catholic Church, a matter of disagreement and debate. Current orthodoxy, though explicitly uncertain about this according to Father John Mahoney (the Second Vatican Council "deliberately leaves aside at what moment in time the spiritual soul is infused" and the Roman Congregation for the Doctrine of Faith acknowledges disagreement about this point and "does not proceed to adjudicate"), none the less requires Roman Catholics to behave as though it occurred at fertilisation and thus proscribes all abortion however early, including any destruction of the fertilised ovum before implantation by contraceptive methods having this effect.⁵

Mahoney himself, a Jesuit philosopher and theologian and a past principal of London University's Jesuit Heythrop College, argues that hominisation or ensoulment at fertilisation is highly improbable—rather it is more coherently understood as a process that must occur at or after the time at which (a) the developing embryo is no longer able to divide into twins (b) coalescence of embryos is no longer possible, and (c) cell differentiation rather than mere cell division has started.⁶

Other contemporary Roman Catholic theorists, deploying classical Thomist arguments, argue that hominisation could not occur until even later, perhaps after the development of neural tissue.⁷ On the other hand, Iglesias⁸ and also Grisez and Boyle in their powerful modern defence of the Roman Catholic "pro-life" position argue inter alia that any such theory whereby moral personality "joins" the developing human after its beginning at conception must entail a version of mind body dualism against which there are powerful philosophical arguments.⁹ Roman Catholic counterarguments, however, to this claim by Iglesias, Grisez, and Boyle can either deny the need for dualism, using the Aristotelian theory of hylomorphism adopted by Aquinas whereby the human soul is seen as the "form" of a sufficiently complex human body (a form which a less complex human body simply could not have), or they can argue the case for dualism, as Mahoney at least implicitly does.¹⁰

Such disagreements are not new in Roman Catholicism, for long ago that church's greatest philosopher, Thomas Aquinas, accepted the Aristotelian claims that ensoulment does not occur until 40 days for boys and 90 days for girls.¹¹ None the less, there is no doubt that so far as practical issues are concerned it is widely accepted within that faith that all living human beings from fertilisation onwards are to be treated as morally equal and as possessing the full human rights possessed by all people, including the right to life.

A widespread moral intuition

Such a view is not limited to Roman Catholicism; certain protestants also accept it.^{12,13} Such positions are not, however, generally shared by all protestant strands of Christianity,^{14,15} by Judaism,¹⁶ or by Islam.¹⁷ In general, it would be fair to say that the stance of no killing from conception runs counter to a widespread intuition that newly fertilised ova and developing embryos and fetuses are not in the same moral category as people and that unlike people they may legitimately be killed for the sake of (sufficient) benefits to others. Moreover, when the position that all human life has a right to life from conception onwards is combined with the view that man properly has "dominion" over (including the right to kill) other animals the combination also runs counter to an increasingly strongly held view that such a straightforward moral division between members of our species and members of other animal species is not morally defensible. How, however, are such moral intuitions to be justified?

In my next article I shall consider arguments for and against prohuman "speciesism," the claim that "viability" is a justifiable criterion for differentiating between humans that can be killed and those that cannot, and claims that "personhood" is the morally relevant differentiating concept.

References

- 1 Harris J. *The value of life: an introduction to medical ethics*. London: Routledge and Kegan Paul, (in press).
- 2 Edwards E, ed. *The encyclopedia of philosophy*. London: Collier Macmillan, 1967:1,417.
- 3 Schweitzer A. *Philosophy of civilisation*. Part 2. *Civilisation and ethics*. Chapters 19-22. London: A and C Black, 1929.
- 4 Bentham J. Introduction to the principles of morals and legislation. In: Harrison W, ed. *Jeremy Bentham's fragment on government and introduction to the principles of morals and legislation*. Oxford: Blackwell, 1948.
- 5 Mahoney J. *Bioethics and belief*. London: Sheed and Ward, 1984:52-86.
- 6 Mahoney J. *Bioethics and belief*. London: Sheed and Ward, 1984:67,69,85.
- 7 Donceel FJ. Immediate animation and delayed hominisation. *Theological studies* 1970;31:76-105.
- 8 Iglesias T. In vitro fertilisation: the major issues. *J Med Ethics* 1984;10:32-7.
- 9 Grisez G, Boyle JM. *Life and death with liberty and justice*. Notre Dame, Indiana: University of Notre Dame Press, 1979:375-80.
- 10 Mahoney J. *Bioethics and belief*. London: Sheed and Ward, 1984:57.
- 11 Mahoney J. *Bioethics and belief*. London: Sheed and Ward:1984:58-9,71.
- 12 Stirrat G. From your letters. *Journal of the Christian Medical Fellowship* 1984;30:23.
- 13 Vere DW. Working out salvation: is there a Christian Ethic? *Journal of the Christian Medical Fellowship* 1984;30:14.
- 14 Dunstan GR. The moral status of the human embryo: a tradition recalled. *J Med Ethics* 1984;10:38-44.
- 15 Church of England Board for Social Responsibility. *Abortion: an ethical discussion*. London: Church Information Office, 1965.
- 16 Jakobovits I. *Jewish medical ethics*. New York: Bloch Publishing Company, 1975:273-5.
- 17 Musallam BF. Population ethics: Islamic perspectives. In: Reich WT, ed. *Encyclopedia of bioethics*. Vol 3. London: Collier Macmillan, 1978:1267.

What evidence is there that special diets help in the treatment of rheumatic arthritis?

Despite the fact that many patients with arthritis are convinced that their joint pains are worse after certain foods or drinks, little scientific research has been published on this aspect of the rheumatic diseases. Yet it seems probable that potential antigens may cross the mucosal barrier under certain circumstances, and, perhaps in a few "allergic" individuals, result in systemic effects—including arthritis. Certainly, it is not difficult to identify potential mucosal abnormalities in some rheumatic diseases—for instance, Sjögren's syndrome associated with rheumatoid arthritis or occult bowel disease associated with seronegative rheumatoid arthritis. Possible mechanisms for food associated effects on arthritis have recently been reviewed.¹ Perhaps more tangible evidence comes from the observations made on a patient with rheumatoid arthritis in whom exclusion of dairy produce (notably cheese) resulted not only in a pronounced improvement in her arthritis but a reversal of the immunological abnormalities. Subsequent rechallenge with cheese caused a severe clinical and laboratory flare of the disease.² It is perhaps a reflection of our professional attitudes that we have tended to play down the importance of such associations, made by so many observant patients.—G R V HUGHES, reader in rheumatism, London.

- 1 Walport MJ. Food and the connective tissue diseases. *Clinics in Immunology and Allergy* 1982; 2,1:13-120.
- 2 Parke AL, Hughes GRV. Rheumatoid arthritis and food: a case study. *Br Med J* 1981;282:2027-9.