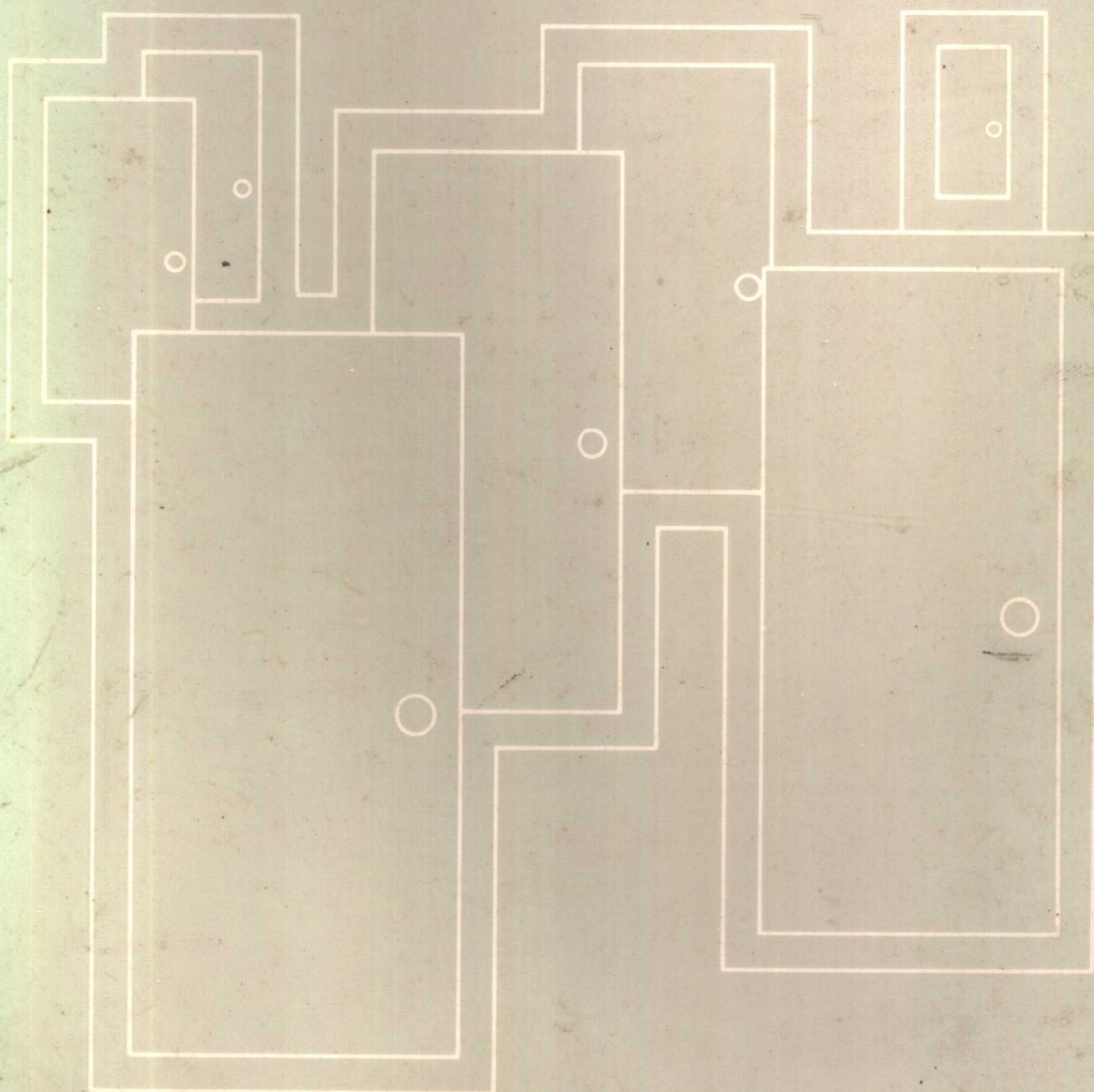

MORALITY IN PRACTICE

James P. Sterba





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DEDICATION

To Sonya,
whose long naps made this book possible.

MORALITY IN PRACTICE

PREFACE

The present anthology was born of exasperation. First there were the generous omissions in the available moral problems anthologies—omissions of sufficiently opposing articles on the moral problems covered. Then there were the copy centers that provided the missing articles for student consumption—tardily delivered in one uncollated heap. Then there were the students (only a handful, to be sure) who never seemed to have the \$5.82 copying fee the entire month I collected for it in class. The only way out, alas, was to provide a new moral problems anthology that minimized these and other sources of frustration and had other nice features as well. The present book is the result. It has, to recommend it, the following:

Distinctive Features:

1. The anthology contains radically opposing articles defending alternative solutions to six mainline moral problems. Every article included has been published before, edited, and tested for class use.
2. Each section of the anthology begins with an article discussing the basic concepts to be employed and concludes with one or more articles discussing specific practical applications.
3. Introductions are provided which help to set out the framework for the discussion and criticism of the articles in each section.
4. Suggestions for further reading are found at the end of each section.

Innovative Features

1. The Introductions argue that a practical solution to any one of the moral problems considered in the anthology requires solutions to the other moral problems as well. It is argued that this holds irrespective of the ultimate political or moral ideals one happens to endorse.
2. Brief summaries are provided at the beginning of each article to enable students to test and improve their comprehension.

In putting together this anthology I have benefited enormously from the advice and help of many different people. In particular, I would like to thank Ken King and Mary Arbogast of Wadsworth Publishing Co., Robin Lockwood and John Ehlen of Bookman Productions, my wife and colleague Janet Kourany, Lance Leibman of Harvard Law School, Clifton Perry of Auburn University, my colleagues Jorge Garcia and David Solomon, Margaret Battin of the

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GENERAL INTRODUCTION

YOU PROBABLY LIKE to think of yourself as a just and moral person; most of us do. To be truly such, however, you must know something about the demands of justice and how they apply in your own particular circumstances. You must be able to assess, for example, whether your society's economic and legal system is just—that is, whether the ways income and wealth are distributed in your society as well as the methods of enforcing that distribution give people what they deserve. You must also be able to determine whether other institutions in your society—such as the military defense system, the educational system, the foreign aid program—are truly just. Without investigating these things and coming to an informed opinion, none of us has very good reasons for believing that we are just and moral persons and not the perpetrators or the beneficiaries of injustice. For unless we have attained some understanding about such matters, we are like an athlete who claims to be a good player although she is manifestly ignorant of both the rules and the strategies of her sport.

The aim of this anthology is to assist you in acquiring the knowledge you will need to justify a belief that you are a just and moral person. For this purpose, the anthology contains a wide spectrum of readings on six important contemporary moral problems:

1. The problem of the distribution of income and wealth (Who should control what resources within a society?)
2. The problem of distant peoples and future generations (What obligations do we have to distant peoples and future generations?)
3. The problem of abortion and euthanasia (Do fetuses have a right to life and what should we do for the dying?)
4. The problem of discrimination and prejudice (What is the proper response to racial and sexual discrimination and prejudice?)
5. The problem of punishment and responsibility (Who should be punished and in what should their punishment consist?)
6. The problem of war and nuclear deterrence (What are the moral limits to military defense?).

Both theoretical and practical readings about each problem are included. The theoretical selections discuss the options available in each problem area. The practical selections help you face squarely the question of how these options apply to everyday life. By working through these readings you should gain a more informed view about what justice demands of us with respect to each of these moral problems.

You should also come to appreciate why a practical solution to any one of these moral problems requires solutions to the other problems as well. That is to say, the readings on the distribution of wealth and income (in Section I) may have helped you to characterize a morally defensible system for distributing income and wealth within a society; but you would still not know how to apply such a system in a particular society without also inquiring how just that society is with respect to the other problem areas covered by this anthology.

For suppose justice requires us to provide for the basic nutritional needs of distant peoples and future generations as well as for people within our own society. (See the readings in Section II.) Surely such

a requirement would at least restrict the use of non-renewable resources to satisfy the nonbasic or luxury needs of persons within our society—a use that might otherwise be permitted by a morally defensible system for distributing income and wealth within our society.

Still further moral restrictions upon the satisfaction of persons' nonbasic or luxury needs could arise from a correct determination of who has a right to life. For example, if fetuses have a right to life, many of us may be morally required to sacrifice the satisfaction of certain nonbasic or luxury needs in order to bring fetuses to term. If, by contrast, euthanasia can be morally justified, scarce resources that are now used to sustain human life could be freed up for other purposes. (See the readings in Section III.)

Justice may also demand that we sacrifice the satisfaction of some nonbasic or luxury needs to remedy past discrimination and prejudice. For example, we may be required to turn away candidates for medical schools and law schools who are otherwise qualified so that other candidates who have suffered from past injustices may be compensated by admission to these schools. (See the readings in Section IV.)

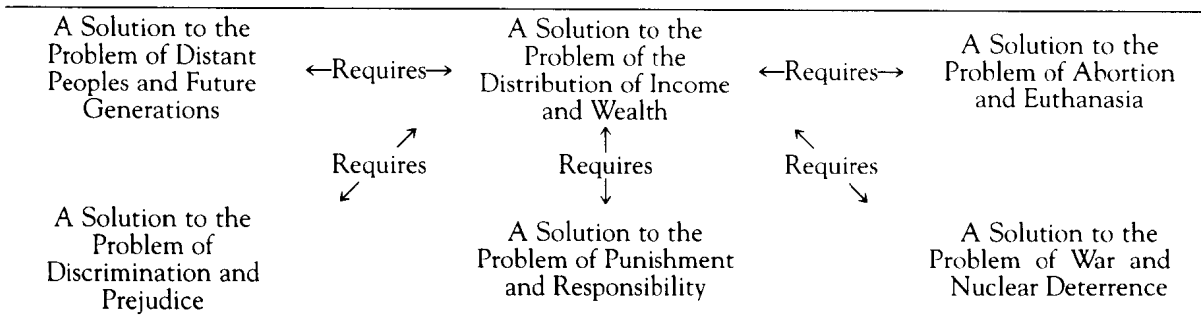
Similarly, the legitimate costs of legal enforcement must ultimately enter into any calculation of who gets what in society. This will require a solution to the problem of punishment and responsibility. (See the readings in Section V.)

A solution to the problem of punishment and responsibility, in turn, itself presupposes solutions to the other moral problems discussed in the anthology. For suppose that, in a society with a just distribution of income and wealth, persons who put forth their best efforts would receive a yearly income of at least \$8,000 if the society has the resources. (If you think a just distribution of income would provide some other amount, plug that amount in and make the corresponding adjustments in subsequent figures.) Suppose further that the society in which you and I live has an unjust distribution of income and wealth because, although there are enough resources for a just distribution, many persons who put forth their

best efforts receive no more than \$4,000 per year while others receive as much as \$400,000. Now let's say that your income is \$400,000 and mine is only \$4,000 even though I have tried every legal way to increase my income. Assume also that any resort to civil disobedience or armed revolution would be ineffectual and too costly for me personally. If I then rob you of \$4,000, thus bringing my yearly income up to the just allotment of \$8,000, what would a morally defensible system of punishment and responsibility do to me if I happened to be caught? To require a punishment equal in severity to the \$4,000 I took would simply reinforce an unjust distribution of income and wealth. So it seems that only a fairly light punishment or no punishment at all should be required. What this example shows is that the application of a morally defensible solution to the problem of punishment and responsibility depends on a solution to the problem of the distribution of income and wealth in a society. To know, therefore, how to apply a morally defensible system of punishment and responsibility in a particular society, you must know to what degree that society incorporates a morally defensible distribution of income and wealth.

Finally, as we in the United States are painfully aware at the present time, proposed allocations for distributing income and wealth through social welfare programs can come into conflict with proposed allocations for military defense. Many have argued that when this happens we must sacrifice social welfare programs to meet the requirements of military defense, while others have disagreed. Obviously, then, to know exactly how your solutions to the other problem areas treated in this anthology should be applied in a particular society, you also need to know what a morally defensible system of military defense requires for that society. (See the readings in Section VI.)

That the practical solutions to the problem areas covered by the anthology are interconnected can perhaps be usefully represented by means of the following diagram:



Put briefly, what is required (or permitted) by a morally defensible solution to the problem of the distribution of income and wealth within a society will depend on what is required (or permitted) by morally defensible solutions to the problems of distant peoples and future generations, abortion and euthanasia, discrimination and prejudice, punishment and responsibility, and war and deterrence. Moreover, as we have seen in the case of the problem of punishment and responsibility, the dependency can run both ways. This means that any solution you might have to one of these moral problems can only be provisional until you are able to determine solutions to the others as well. And even if you are unable at the moment to devise solutions to all of these moral problems, you must still acknowledge that your final solutions will need to be interconnected.

Notice too that acknowledging the interconnectedness of the solutions to these moral problems does not presuppose a commitment to any particular political or moral ideal. For example, whether you tend

to be a conservative, a liberal, a libertarian, a socialist, or anything else, the interconnectedness of the solutions to the moral problems we are discussing still obtains. Those who endorse different political and moral ideals will presumably devise different solutions to these practical moral problems; yet in the case of each such ideal the solutions will be interconnected.

Working through the selections of this anthology will not always be an easy task. You will clearly understand some after the first reading; others you may need to read several times. You should also make sure you give each selection a fair hearing, for while some will accord with your current views others will not. It is important that you evaluate these latter with an open mind, allowing for the possibility that after sufficient reflection you may come to view them as the most morally defensible. Indeed, to approach the selections of this anthology in any other way would surely undermine the grounds you have for thinking you are a just and moral person.

THE DISTRIBUTION OF INCOME AND WEALTH

BASIC CONCEPTS

The problem of the distribution of income and wealth within a society has traditionally been referred to as the problem of distributive justice. Less frequently, this problem has been taken to include the distribution of other social goods in addition to income and wealth (e.g., political freedoms such as freedom of speech and freedom of the press), and at times it is expanded to embrace distribution on a worldwide scale rather than being confined to a particular society. The majority of philosophers, however, have tended to agree that the distribution of income and wealth within a specific society is at the heart of the problem of distributive justice.

Just as traditionally, a variety of solutions to this problem have been proposed. As Nicholas Rescher notes in his selection (see pp. 11–16), each of the following has been defended as the ultimate criterion for the distribution of income and wealth: equality, need, ability and/or achievement, effort, productivity, social utility, and supply and demand. Before examining these and other criteria proposed as solutions to the problem of distributive justice, however, it is useful to observe what is common to all such solutions.

First, even though the solutions may differ as to exactly how much income and wealth particular people deserve or should rightfully possess, they all purport to tell us what people deserve or what they have a right to possess. For example, some may think that people deserve to have their needs ful-

filled, others that what people deserve or should rightfully possess is the product of their labor.

Second, all solutions to the problem of distributive justice make a distinction between justice and charity. Justice is what we ought to do as a matter of obligation or duty. By contrast, charity is what we ought to do if we want to choose what is the morally best possible action available to us. Accordingly, the demands of charity go beyond duty. In addition, failure to fulfill the demands of justice is blameworthy, violates someone's rights, and can legitimately be punished. By contrast, failure to fulfill the demands of charity, although not ideal, is not blameworthy, nor does it violate anyone's rights, nor can it legitimately be punished. Of course, certain solutions to the problem of distributive justice will give more scope to justice and less to charity, while others will do just the opposite; but in all such solutions the distinction between justice and charity will still be found to play a role.

Turning from common ground to disputed territory, solutions offered to the problem of distributive justice have tended to take either liberty or equality, or some particular mix of liberty and equality, as the ultimate political ideal. Through the ages different labels have been used for these three positions. With some justification, however, those who take liberty to be the ultimate political ideal can be called libertarians, using the label favored by some of the most ardent contemporary defenders of this ideal. For similar reasons, those who take equality to be the ultimate political ideal may be called socialists, and those who favor a particular mix of liberty

and equality can be designated welfare liberals. (As you will see, Ronald Dworkin (see pp. 43–54) objects to this classification, but I will defer consideration of his objection until later.)

LIBERTARIANISM

Libertarians, like John Hospers (see pp. 17–26), who take liberty as the ultimate political ideal, typically define liberty as “the state of being unconstrained by other persons from doing what one wants.” This definition limits the scope of liberty in two ways. First, not all constraints, whatever the source, count as a restriction of liberty; the constraints must come from other persons. For example, people who are constrained by natural forces from getting to the top of Mount Everest do not lack liberty in this regard. Second, constraints that have their source in other persons, but that do not run counter to an individual’s wants, constrain without restricting that individual’s liberty. Thus, for people who do not want to hear Beethoven’s Fifth Symphony, the fact that others have effectively proscribed its performance does not restrict their liberty, even though it does constrain what they are able to do.

Of course, libertarians may wish to argue that even such constraints can be seen to restrict a person’s liberty once we take into account the fact that people normally want or have a general desire to be unconstrained by others. But other philosophers have thought that the possibility of such constraints points to a serious defect in the libertarian’s definition of liberty, which only can be remedied by defining liberty more broadly as “the state of being unconstrained by other persons from doing what one is able to do.” Applying this revised definition to the above example, we find that people’s liberty to hear Beethoven’s Fifth Symphony would be restricted even if they did not want to hear it (and even if, perchance, they did not want to be unconstrained by others), since other people would still be constraining them from doing what they are able to do.

Confident that problems of defining liberty can be overcome in some satisfactory manner, libertarians

go on to characterize their political ideal as requiring that each person should have the greatest amount of liberty commensurate with the same liberty for all. From this ideal, libertarians claim to derive a number of more specific requirements, in particular a right to life, a right to freedom of speech, press, and assembly, and a right to property.

Here it is important to observe that the libertarian’s right to life is not a right to receive from others the goods and resources necessary for preserving one’s life; it is simply a right not to be killed. So understood, the right to life is not a right to welfare. In fact, there are no welfare rights in the libertarian view. Accordingly, the libertarian’s understanding of the right to property is not a right to receive from others the goods and resources necessary for one’s welfare, but rather a right to acquire goods and resources either by initial acquisition or by voluntary agreement.

Obviously, by defending rights such as these, libertarians can only support a limited role for government. That role is simply to prevent and punish initial acts of coercion—the only wrongful actions for libertarians.

Nevertheless, no libertarian would deny that it is a good thing for people to have sufficient goods and resources to meet at least their basic nutritional needs; what libertarians would deny is that it is the role of government to make provision for such needs. Some good things, like the provision of welfare to the needy, are requirements not of justice but only of charity, libertarians claim. Accordingly, failure to make such provisions is neither blameworthy nor punishable.

A basic difficulty with the libertarian’s solution to the problem of distributive justice is the claim that a right to life and a right to property (as the libertarian understands these rights) derive from an ideal of liberty. Why should we think that an ideal of liberty requires a right to life and a right to property that exclude a right to welfare? Surely it would seem that a right to property (as the libertarian understands this right) might well justify a rich person’s depriving a poor person of the liberty to acquire the goods and resources necessary for meeting her basic nutritional needs. How could we appeal to an ideal of liberty to justify such a deprivation? Surely we couldn’t claim that such a deprivation is justified for