

**Moral Theory: a Non-Consequentialist Approach
Applied Ethics: a Non-Consequentialist Approach
by Daniel S. Oderberg (Oxford: Blackwell, 2000)**

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In his 1995 book Peter Singer triumphantly declared that 'the old ethic' behind the sanctity of life idea is dead. Perhaps he should have delayed breaking out the champagne. A new generation of philosophers is recovering the ancient wisdom about freedom, natural law, virtue and community. Tired of the sceptical, liberal and consequentialist cul-de-sacs of late Anglo-American moral philosophy, they are very creatively and persuasively suggesting a much richer morality to ground – amongst other things – bioethics.

The big names who dared to challenge the smug utilitarian orthodoxy in the last few decades – such as Elizabeth Anscombe, Alasdair MacIntyre, Germain Grisez, John Finnis, John Haldane, Phillipa Foot, Martha Nussbaum – are now joined by new names such as Robert George, Mark Murphy, Hayden Ramsay, Onora O'Neill, Marcia Baron, Nancy Sherman, Michael Slot, Jacque Laing, Cora Diamond, Raymond Gaita and Tim Chappell. Another of these exciting new philosophers is Daniel Oderberg. Australian born, now lecturing in the University of Reading, he has published a good deal in metaphysics and will be known by readers of this journal for the excellent volume he edited with Laing, *Human Lives: Critical Essays on Consequentialist Bioethics* (1997).

His latest effort is two companion volumes designed to be read in sequence: *Moral Theory* and *Applied Ethics*. Together they show that, notwithstanding consequentialism's pre-eminence in Anglo-America and Australia, traditional morality is far from dead. Indeed, the irony is that while utilitarianism is nowadays taught in 'history of philosophy' courses in universities more than in contemporary moral theory, and virtue and practical reason are all the rage, those who work in bioethics lag a generation behind so now it is time to catch up.

Oderberg follows the Aristotelian emphasis upon the common sense nature of ethics and begins his defence of 'traditional ethics' with a refutation of skepticism. Readers may wish that the range of different traditional ethics were more clearly articulated and contrasted, but for the author's purposes it was necessary to bring them all under one umbrella. Oderberg acknowledges that skepticism is a major barrier to the acceptance (or even consideration) of traditional morality today. He also recognises the influence of relativism, expressivism and prescriptivism, in both academic and popular forms, in contemporary culture. The recent performances of some of our leaders of science and industry, and their fellow-travellers in politics and media with respect to embryo destruction for stem cells, offer plenty of examples of these approaches in Australian culture. Ethics is reduced to private opinion, personal feeling, religious dogma, cultural creation, impractical idealism... Oderberg responds with a robust account of ethics as a 'science', a rational and intelligible discipline which can be taught and learnt, with principles and conclusions which can be demonstrated, communicated and debated, even between people who do not share the same principles or conclusions.

Oderberg next elaborates the fundamental elements of traditional morality: free will, the 'good' and various 'goods' of human flourishing, virtues, rights and duties. It is, of course, debatable just how far back into 'the tradition' one can read the modern discourse of rights. Some regard rights as just a modern language for the much older notion of responsibilities: rights are merely a way of describing what the person to whom we owe a duty can reasonably expect from us. Others see rights talk as a product of the late scholastic or post-Kantian focus on autonomy and personal preference, and its adoption in contemporary politics and consumer society as an impoverishment rather than an enrichment of our moral vocabulary. Oderberg does not buy into this issue, but takes for granted that the natural or human rights doctrine is consistent with traditional morality. He spends considerable space on the problems of rights and contracts, rights and consequentialism, and the collision of rights.

Moral Theory next considers the tools of moral judgement, such as intentionality and foresight, acts and omissions, and the principle of double-effect. How dearly one might wish political leaders in the current debate who declare themselves 'unable to see any difference' between killing a human embryo for parts and letting an embryo abandoned by his parents die, would learn these basic moral categories. Without them, of course, the euthanasia debate will also keep rearing its ugly head. Oderberg very ably defends these moral notions against their opponents and misinterpreters such as the consequentialists in moral philosophy (and, one might add, the proportionalists in moral theology) who dumb down so much of ethics to a simple balancing act of goods and bads with an emphasis upon people as far as possible getting their own way.

Oderberg begins his defence of the principle of double effect with the observation that consequentialism in its purest form requires more than this simple balancing of good and bad effects: "it is essentially a calculative theory, holding that benefits and harms can be quantified so as to produce a precise and unique result for every proposed action". Thus, "the consequentialist ideal is to have a unit of measurement that can be used across all consequences so as to produce a result in respect of every given course of action". Oderberg suggests that it is for this reason that economists who theorise about morality are nearly all consequentialists, seeing all benefit as economic benefit and all harm as economic harm, and

that it is also for this reason that consequentialist bioethicists, who form the majority in this field, commonly speak of 'quality of life years' (qalys) and similar measures for reducing the value of all human existence to some common denominator. Such approaches are, of course, especially attractive to an era of bureaucratic planning and economic rationalism. They are also increasingly corrupting our law, where confusion about intention and foresight, action and omission is leaving the criminal law and the law of negligence increasingly misshapen.

The final chapter of *Moral Theory* is really a bridge to the sister volume. Here Oderberg addresses the doctrine of the sanctity of human life and the arguments of leading ethicists who reject it as 'speciesist'. The fault line here between consequentialists in the style of Peter Singer and proponents of traditional morality is drawn by different understandings of personhood. For Singer, to be a person means being self-conscious, aware of oneself, having plans and projects, desires and interests to be satisfied, being rational, linguistic and interesting— indeed being rather like a University professor. Oderberg suggests that Locke and Singer's psychologising of personhood mistakenly reduces person to personality and once again impoverishes rather than enriches our moral discourse. Yet again, this has real bite in our contemporary debates: laboratory embryos are dismissed as just too small, too young, too unloved, not yet sentient or intellectual, and so ready fodder for scientific projects. But if we reflect upon the fact that the only reason they ever develop 'personality' is that they are persons to begin with – and not roses which develop rosality or kangaroos which develop kangarooality – then we will realise that the person / human being division of the *personists* is far more elitist (and misleading) than that of the so-called *speciesists*.

When Aristotle said 'man is a rational animal', he was not making a statement about only those mature, normally functioning members of humankind, awake, sober and sane, forming plans, and making choices about what sort of life to live (or what book to write next). He was defining the essence of humankind. Living things are always classified according to the properties of their paradigmatic, normal, mature members, whether or not every member of the kind has all those properties. As Jenny Teichman observes, just because mammals are defined by reference to suckling their young, does not mean that bulls are not mammals.

The longer sequel, on *Applied Ethics*, is divided into five chapters which focus on some intractable ethical debates of modern 'bioethics': abortion, euthanasia, animals, execution and war. Each chapter will be useful for teaching as well as for ordinary readers, though the polemical undertone and the lack of light and shade may frighten some away. In the first two chapters Oderberg argues for strong prohibitions against the taking of innocent human life and examines and dismisses the arguments in favour of abortion and euthanasia in a systematic way. He examines the seven arguments regularly offered against the unborn being a human being and finds them all wanting. The common appeal of some theologians, based on weak science and even weaker metaphysics, to the twinability and totipotency of the early embryo as a way to dismiss its individuality, is shown to be fatuous. He also helpfully considers popular arguments such as 'the woman's right to choose', 'the foetus isn't a person', 'I'm personally against abortion but I wouldn't impose my opinion on anyone else'. Altogether this is a very useful survey and response.

Equally helpful is the chapter on euthanasia – the bioethical issue that simply will not go away in this journal's city of origin. He considers varieties of euthanasia, the arguments from autonomy and compassion, and the supposed distinctions between voluntary and involuntary, active and passive euthanasia. He also carefully articulates the distinction between ordinary and extraordinary means, highlighting some contemporary misconceptions. 'In a given case,' he says, 'a patient must not be treated in such a way as to give the impression: that his treatment is a gift; that it will be used on him unless and until the doctor judges his life to be 'not worth living'; that when this judgment is made, he will be left to die and the equipment will be moved on to someone else. Rather, the burdensomeness of treatment is related to whether it is doing what it is supposed to do, whether it carries unacceptable risks, and whether and to what degree it taxes the capacities of doctor or patient.'

In the third chapter he seeks to define those morally significant characteristics which separate animals from human persons and engages the contemporary debate about 'animal rights'. MacIntyre's recent writing would present a useful foil from within the Aristotelian-Thomist camp. Unremittably unimpressed by the 'politically correct', Oderberg will no more endear himself to some modern readers by his arguments about animals than by his treatment of abortion and euthanasia.

So too with his last two chapters. Indeed these may raise the ire even of some of those who are most sympathetic to his previous chapters. Having so eloquently expressed the range of situations when the taking of human life is morally prohibited, he now considers some situations when it might be permissible: in capital punishment and in warfare. It might have been interesting for Oderberg to contend more directly with the arguments of some of his erstwhile allies – such as Grisez, or John Paul II. It is fair to say, however, that he offers a good case for the consistency of direct killing in these situations with traditional morality, including the so-called sanctity of life doctrine. Whether such a position is appropriate *in practice*, in a world already steeped in 'the culture of death', is another matter.