

Practical Ethics

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ENDS AND MEANS

atmosphere. Finally, the world's cattle are thought to produce about 20 per cent of the methane released into the atmosphere, and methane traps twenty-five times as much heat from the sun as carbon dioxide. Factory farm manure also produces methane because, unlike manured dropped naturally in the fields, it does not decompose in the presence of oxygen. All of this amounts to a compelling reason, additional to that developed in Chapter 3, for a largely plant-based diet.

The emphasis on frugality and a simple life does not mean that an environmental ethic frowns upon pleasure, but that the pleasures it values do not come from conspicuous consumption. They come, instead, from warm personal and sexual relationships, from being close to children and friends, from conversation, from sports and recreations that are in harmony with our environment instead of being harmful to it; from food that is not based on the exploitation of sentient creatures and does not cost the earth; from creative activity and work of all kinds; and, (with due care so as not to ruin precisely what is valued) from appreciating the unspoiled places in the world in which we live.

WE have examined a number of ethical issues. We have seen that many accepted practices are open to serious objections. What ought we to do about it? This, too, is an ethical issue. Here are four actual cases to consider.

Oskar Schindler was a German industrialist. During the war he ran a factory near Cracow, in Poland. At a time when Polish Jews were being sent to death camps, he assembled a labour force of Jewish inmates from concentration camps and the ghetto, considerably larger than his factory needed, and used several illegal stratagems, including bribing members of the SS and other officials, to protect them. He spent his own money to buy food on the black market to supplement the inadequate official rations he obtained for his workers. By these methods he was able to save the lives of about 1,200 people.

In 1984 Dr Thomas Gennarelli directed a Head Injury Laboratory at the University of Pennsylvania, in Philadelphia. Members of an underground organisation called the Animal Liberation Front knew that Gennarelli inflicted head injuries on monkeys there and had been told that the monkeys underwent the experiments without being properly anaesthetised. They also knew that Gennarelli and his collaborators videotaped their experiments, to provide a record of what happened during and after the injuries they inflicted. They tried to obtain further information through official channels but were unsuccessful. In May 1984, they broke into the laboratory at

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night and found thirty-four videotapes. They then systematically destroyed laboratory equipment before leaving with the tapes. The tapes clearly showed conscious monkeys struggling as they were being strapped to an operating table where head injuries were inflicted; they also showed experimenters mocking and laughing at frightened animals about to be used in experiments. When an edited version of the tapes was released to the public, it produced widespread revulsion. Nevertheless, it took a further year of protests, culminating in a sit-in at the headquarters of the government organisation that was funding Gennarelli's experiments, before the U.S. Secretary of Health and Human Services ordered the experiments stopped.

In 1986 Joan Andrews entered an abortion clinic in Pensacola, Florida, and damaged a suction abortion apparatus. She refused to be represented in court, on the grounds that 'the true defendants, the pre-born children, received none, and were killed without due process'. Andrews was a supporter of Operation Rescue, an American organisation that takes its name, and its authority to act, from the biblical injunction to 'rescue those who are drawn toward death and hold back those stumbling to the slaughter'. Operation Rescue uses civil disobedience to shut down abortion clinics, thus, in its view, 'sparing the lives of unborn babies whom the Rescuers are morally pledged to defend'. Participants block the doors of the clinics to prevent physicians and pregnant women seeking abortion from entering. They attempt to dissuade pregnant women from approaching the clinic by 'sidewalk counselling' on the nature of abortion. Gary Leber, an Operation Rescue director, has said that, between 1987 and 1989 alone, as a direct result of such 'rescue missions', at least 421 women changed their minds about having abortions, and the children of these women, who would have been killed, are alive today.

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In 1976 Bob Brown, then a young medical practitioner, rafted down the Franklin river, in Tasmania's southwest. The wild beauty of the river and the peace of the undisturbed forests around it impressed him deeply. Then, around a bend on the lower reaches of the river, he came across workers for the Hydro-Electric Commission, studying the feasibility of building a dam across the river. Brown gave up his medical practice and founded the Tasmanian Wilderness Society, with the object of protecting the state's remaining wilderness areas. Despite vigorous campaigning, the Hydro-Electric Commission recommended the building of the dam, and after some vacillation the state government, with support both from the business community and the labour unions, decided to go ahead. The Tasmanian Wilderness Society organized a non-violent blockade of the road being built to the dam site. In 1982, Brown, along with many others, was arrested and jailed for four days for trespassing on land controlled by the Hydro-Electric Commission. But the blockade became a focus of national attention, and although the Australian federal government was not directly responsible for the dam, it became an issue in the federal election that was then due. The Australian Labor Party, in opposition before the election, pledged to explore constitutional means of preventing the dam from going ahead. The election saw the Labor party elected to office, and legislation passed to stop the dam. Though challenged by the Tasmanian government, the legislation was upheld by a narrow majority of the High Court of Australia on the grounds that the Tasmanian southwest was a World Heritage area, and the federal government had constitutional powers to uphold the international treaty creating the World Heritage Commission. Today the Franklin still runs free.

Do we have an overriding obligation to obey the law? Oskar Schindler, the members of the Animal Liberation Front who

took Gennarelli's videotapes, Joan Andrews of Operation Rescue, and Bob Brown and those who joined him in front of the bulldozers in Tasmania's southwest were all breaking the law. Were they all acting wrongly?

The question cannot be dealt with by invoking the simplistic formula: 'the end never justifies the means'. For all but the strictest adherent of an ethic of rules, the end sometimes does justify the means. Most people think that lying is wrong, other things being equal, yet think it right to lie in order to avoid causing unnecessary offence or embarrassment – for instance, when a well-meaning relative gives you a hideous vase for your birthday, and then asks if you really like it. If this relatively trivial end can justify lying, it is even more obvious that some important end – preventing a murder, or saving animals from great suffering – can justify lying. Thus the principle that the end cannot justify the means is easily breached. The difficult issue is not whether the end can ever justify the means, but which means are justified by which ends.

Stop reading here.

INDIVIDUAL CONSCIENCE AND THE LAW

There are many people who are opposed to damming wild rivers, to the exploitation of animals, or to abortion, but who do not break the law in order to stop these activities. No doubt some members of the more conventional conservation, animal liberation, and anti-abortion organizations do not commit illegal acts because they do not wish to be fined or imprisoned; but others would be prepared to take the consequences of illegal acts. They refrain only because they respect and obey the moral authority of the law.

Who is right in this ethical disagreement? Are we under any moral obligation to obey the law, if the law protects and sanctions things we hold utterly wrong? A clear-cut answer to this question was given by the nineteenth-century American radical,

Henry Thoreau. In his essay entitled 'Civil Disobedience' – perhaps the first use of this now-familiar phrase – he wrote:

Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? I think we should be men first and subjects afterwards. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume, is to do at any time what I think right.

The American philosopher Robert Paul Wolff has written in similar vein:

The defining mark of the state is authority, the right to rule. The primary obligation of man is autonomy, the refusal to be ruled. It would seem, then, that there can be no resolution of the conflict between the autonomy of the individual and the putative authority of the state. Insofar as a man fulfills his obligation to make himself the author of his decisions, he will resist the state's claim to have authority over him.

Thoreau and Wolff resolve the conflict between individual and society in favour of the individual. We should do as our conscience dictates, as we autonomously decide we ought to do: not as the law directs. Anything else would be a denial of our capacity for ethical choice.

Thus stated, the issue looks straightforward and the Thoreau-Wolff answer obviously right. So Oskar Schindler, the Animal Liberation Front, Joan Andrews, and Bob Brown were fully justified in doing what they saw to be right, rather than what the state laid down as lawful. But is it that simple? There is a sense in which it is undeniable that, as Thoreau says, we ought to do what we think right; or, as Wolff puts it, make ourselves the authors of our decisions. Faced with a choice between doing what we think right and what we think wrong, of course we ought to do what we think right. But this, though true, is not much help. What we need to know is not whether we should do what we decide to be right, but how we should decide what is right.

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