GPH S6 04 (M)

Exam Code : ...S E PHM6D...

APPLIED ETHICS

SEMESTER VI

PHILOSOPHY

BLOCK 1

KRISHNA KANTA HANDIQUI STATE OPEN UNIVERSITY

Subject Experts

1. Prof. Sibnath Sarma, Dept. of Philosophy, G.U
2. Prof. Sauravpran Goswami, Dept. of Philosophy, G.U.
3. Mr. Pradip Khataniar, Associate Professor, Dept. of Philosophy, Cotton University.

Course Coordinator: Dr. Tejasha Kalita, Assistant Professor, KKHSOU

SLM Preparation Team

UNITS	CONTRIBUTORS
1,	Dr. Urmimala Hazarika, Pandu College
2, 6	Dr. V. Pravu, IIT Guwahati
3, 8	Dr. Tejasha Kalita, KKHSOU
4	Mr. Nilotpal Deka, Gauhati High Court
5	Dr. Naba Prasad Nath, Nowgong College
7	Ms. Sudeshna Choudhury, SSA Junior College

Editorial Team

Content	:	Dr. Tejasha Kalita, KKHSOU Dr. Bhaskar Bhattacharyya, KKHSOU
Language	:	Dr. Tejasha Kalita, KKHSOU
Structure, Format & Graphics	:	Dr. Tejasha Kalita, KKHSOU

July , 2019

ISBN :

 This Self Learning Material (SLM) of the Krishna Kanta Handiqui State Open University is made available under a Creative Commons Attribution-Non Commercial-Share Alike 4.0 License (international): http://creativecommons.org/licenses/by-nc-sa/4.0/

Printed and published by Registrar on behalf of the Krishna Kanta Handiqui State Open University.

Headquarter: Patgaon, Rani Gate, Guwahati - 781017
City Office: Housefed Complex, Dispur, Guwahati-781006; Web: www.kkhsou.in

The University acknowledges with thanks the financial support provided by the **Distance Education Bureau**, **UGC** for the preparation of this study material.

CONTENTS

Pages

UNIT 1: The Concept of Applied Ethics **7-24**

Concept of Ethics, Areas of Ethics, Meta Ethics, Normative Ethics, Applied Ethics, Nature of Applied Ethics, Applied Ethics and Philosophy, Applied Ethics and Ethics, Applied ethics and applied philosophy, Different fields of Applied Ethics, Three important theories associated with Applied Ethics, Some important principles on Applied Ethical discussion

UNIT 2: Environmental Ethics: Intrinsic Worth of Nature, Deep Ecology **25-40**

Emergence of Environmental Ethics, Perspectives on Environmental ethics, Anthropocentrism, Non-anthropocentrism, Biocentrism, Eco-centrism, Criticisms

UNIT 3: Bioethics **41-49**

The Concept of Bioethics, History of Bioethics, Meaning and Definition of Bioethics, Different Area of Bioethics, Conclusion

UNIT 4: Media Ethics **50-65**

Media and importance of ethics, Media Code of Ethics, Right of Reply

UNIT 5: Capital Punishment **66-82**

Theories of Punishment, What is Capital Punishment, Debate on Capital Punishment: Is Capital Punishment justified, Capital Punishment in India, Right to Live Argument:

UNIT 6: Human Rights **83-97**

Human rights, Human rights: what is, Moral rights and Legal rights, Moral Universalism, Rights and Duties, Claim rights and Liberty rights, Right priorities, Contemporary Debates, Interest theory, Will theory

UNIT 7: Animal Rights **98-117**

Meaning and Definition of Animal Rights, Consequences of Animal Rights, The Case for Animal Rights, The Case against Animal Rights, Moral Community, Problems of Marginal People

UNIT 8: Abortion **118-129**

Meaning and Definitions of Abortion, The Religious, Socio-Cultural and Legal Issues of Abortion, Utilitarianism, Kantian Ethics and the Problem of Abortion, Abortion and the Ethics of Virtue & Care, Moral Dimension of Abortion and Reproductive Issues and Technologies, Conclusion

COURSE INTRODUCTION

This course introduces to you the subject of Applied Ethics. Here you will study the concepts and meaning of applied ethics. Except this you will be learned the different issues like environmental ethics, human rights, capital punishment, bioethics, feminist ethics etc. It will also deal with some other topics like abortion, euthanasia etc.

BLOCK INTRODUCTION

This course consists of two blocks. The first block consists of eight units. First unit of this block is 'The Concepts of Applied Ethics'. After going through this unit, you will be able to know the concept of Ethics, Areas of Ethics, Meta Ethics, Normative Ethics, Applied Ethics, and Nature of Applied Ethics. It also explores the relationship of applied ethics and Philosophy, Different fields of Applied Ethics, three Important Theories associated with Applied Ethics, and Some important principles on Applied Ethical discussion

The name of the second unit of this block is 'Environmental Ethics'. It includes the concepts of Emergence of Environmental Ethics, Perspectives on Environmental ethics, Anthropocentrism, Non-anthropocentrism, Biocentrism, Eco-centrism, and Criticisms.

'Bioethics' is the third unit of this block. This unit introduces to you the concept of bioethics. After going through this unit you will be able to know that bioethics is a part of applied ethics. Unlike other traditional ethics, bioethics tries to explore some of the important real life issues like abortion, euthanasia, animal ethics, environmental issues, stem cell research, and reproductive issues like IVF etc. from the moral perspective. Now let us study and discuss the concept of bioethics in more details.

The fourth unit of course one is 'The Media Ethics'. After going through this unit you will be able to know that Media ethics is the subdivision of applied ethics dealing with the specific ethical principles and standards of media, including broadcast media, film, theatre, the arts, print media and the internet. The field covers many varied and highly controversial topics, ranging from war journalism to advertising.

The fifth unit of this course is 'Capital Punishment'. After going through this unit, one will be able to Know about capital punishment, the frequently discussed issue in media. You will also know how it is related to the core agenda of philosophy. After going through this unit you will be able to analyze different theories of punishment and will be able to find out the possible justification for and against capital punishment and will understand its relevance as well as its proper execution in the present social phenomenon.

The sixth unit of this block is Human Rights. It gives you the knowledge of what are Human Rights, Moral Rights, Legal Rights, and Moral Universalism. Apart from this, it also discusses Rights and Duties, Claim Rights, Liberty rights, Right priorities, Contemporary Debates, Interest theory, and Will theory.

The seventh unit is 'Animal Rights'. After going through this unit you will able to know the meaning of rights and its relation to animals, the arguments for and against animal rights, the values of the lives of the member of moral community etc. You will also able to know which things are wrong to do with animals and will also able to know whether animals posses moral status or not.

The name of the eighth unit is 'Abortion'. In this unit we are going to learn and discuss about the meaning and definitions of abortion, the religious, socio-cultural and legal issues of abortion, the utilitarianism, Kantian ethics and the problem of abortion, the abortion and the ethics and the problem of abortion, the moral dimension of abortion and reproductive issues and technologies.

While going through this course you will come across some boxes which are put on the left side or right side of the text. These boxes will give us the meanings of some words and concepts within the text. Apart from this, there will be some broad and short questions included under Activity and Check Your Progress in every unit. Activities will increase our thinking capacity because questions put in Activity are not directly derived from the text. But answers to the short questions are put in the section Answers to Check Your Progress. Besides, there are some text-related questions which are put in Model Questions. These questions will help you in selecting and mastering probable topics for the examination so that you can prepare for the examination with confidence.

UNIT 1: THE CONCEPT OF APPLIED ETHICS

UNIT STRUCTURE

1.1 Learning Objectives

1.2 Introduction

1.3 Concept of Ethics

1.4 Areas of Ethics

- 1.4.1 Meta Ethics
- 1.4.2 Normative Ethics
- 1.4.3 Applied Ethics

1.5 Nature of Applied Ethics

1.6 Applied Ethics and Philosophy

1.7 Applied Ethics and Ethics

1.8 Applied Ethics and Applied Philosophy

1.9 Different fields of Applied Ethics

1.10 Three important theories associated with Applied Ethics

1.11 Some important principles on Applied Ethical discussion

1.12 Let us sum up

1.13 Further readings

1.14 Answers to check your progress

1.15 Model Questions

1.1 LEARNING OBJECTIVES

After going through this unit you will be able to:

- define the concept of Ethics
- discuss different fields of Ethics
- know what applied ethics is
- distinguish between Normative Ethics and Meta Ethics
- distinguish between Applied Ethics and Philosophy
- describe Applied Ethics and Ethics
- explain Applied Ethics and Applied Philosophy
- discuss different fields of Applied Ethics
- analyse three theories associated with Applied Ethics
- evaluate some principles on Applied Ethical discussion

1.2 INTRODUCTION

This unit introduces to you first of all the concept of ethics, three major areas of Ethics – Normative Ethics, Meta Ethics and Applied Ethics. Thus, it makes an attempt to analyse what is the nature of Applied Ethics and its different fields. We have also tried to examine here the difference between Applied Ethics and Philosophy, Applied Ethics and Ethics, Applied Ethics and Applied Philosophy. Besides, three theories and some important principles associated with Applied Ethics will also be discussed.

1.3 CONCEPT OF ETHICS

Ethics is a special branch of Philosophy. Ethics is related to the Greek word 'Ethos', which means custom, habit. The main task of Ethics is to give an account of the ways in which human beings ought to act. So, Ethics can be called the science of character, habits of activity or conduct of human beings. Ethics is a moral Philosophy or Philosophical study about morality, moral problems and moral judgement. Therefore, we can say that as a science of character, ethics systematizes, defends and recommends concepts of right and wrong behaviour.

1.4 AREAS OF ETHICS

The field of ethics is commonly divided into three parts – Meta Ethics, Normative Ethics and Applied Ethics.

1.4.1 Normative Ethics

Normative Ethics is the study of how to determine ethical values. Normative ethics tries to arrive at a moral standard that regulate right and wrong conduct. Normative ethics always deals with some norms and tries to present the norms according to which they evaluate our actions. It tries to give a theory about the appropriate ethical norms and seeks to influence our actions. The key assumption of Normative ethics is that there is only one ultimate

criterion of moral conduct, and it may be a single rule or set of principles

1.4.2 Meta Ethics

Meta Ethics is a subject concerned with the study of the foundation of ethics. It investigates the sources from where the principles of ethics come and what they mean. Meta Ethics is a kind of philosophical enquiry or theory, which is also called Analytical Ethics. Meta Ethics is distinct from Normative Ethics. The term Meta Ethics was first introduced by logical positivists. Meta-Ethics is concerned primarily with clarification and understanding of the moral concepts. The term Meta Ethics implies that we are not taking part in the practice of ethics itself. But Meta Ethics reflects on that practice. It is not concerned with providing any ethical norms. In Meta Ethics various ethically significant terms are analysed. One of the most popular ethical terms taken up for analysis is 'good'. The problem of universalizability of moral language is also included within the scope of meta ethics. The Question of whether and in what sense morality is subjective or objective, relative or absolute is all included under the heading of Meta- Ethics.

1.4.3 Applied Ethics

Applied Ethics is a discipline of philosophy that attempts to apply ethical theory to real life situation. Applied Ethics is the study of the use of ethical values. Applied ethics tries to resolve the controversial and moral issues such as animal rights, environmental concerns, Medical ethics, Media ethics, Bioethics etc.

1.5 NATURE OF APPLIED ETHICS

The word 'Applied' means 'to put into practice'. Applied ethics is an area of ethics. It is a discipline of philosophy, which means philosophy of action. It is the method used to identify morally correct course of action in

our life. These ethical principles are applied to solve moral problems in practical life. Thus, Applied ethics denotes the application of principles of ethics in our day to day life.

Applied ethics has its impact in various areas of life such as Journalism, law, medicine, engineering, business etc.

Applied ethics is used to solve various problems in personal and professional lives. It defines, organizes and explains ethical issues which have their application in daily life.

Thus, Applied ethics attempts to study the application of ethics to real life situation.

Brenda Almond is the co-founder of the society for Applied Philosophy stated that "Applied ethics is a philosophical examination, from a moral standpoint of a particular issue in private and public life that are matters of moral judgement".



LET US KNOW

Brenda Almond is Emeritus Prof. of moral and social philosophy at the University of Hull. She studied philosophy under A.J. Ayer at University College and University of London. She is the President of the Philosophical Society of England and Vice President of the society for Applied Philosophy. Her books include –The Fragmenting Family, Exploring Ethics, Moral Concerns, The Philosophical Quest.



CHECK YOUR PROGRESS

Q1: State whether the following statements are true or false:

(a) Ethics is a science of human conduct. (True/ False)

(b) Ethics is divided into two primary areas. (True/False)

(c) Meta ethics tries to resolve the controversial issues like abortion and euthanasia. (True/False)

(d) Applied ethics focuses its attention to actual practical problems related to our lives. (True/False)

Q2: What are Normative ethics and Meta ethics? (Answer in about 20 words)

.....

Q3: Write on the nature of Applied Ethics. (Answer in about 30 words)

.....

.....

Q4: State the three areas of Ethics.

.....

Q 5: Name the moral issues related to environmental ethics and applied ethics

.....

.....

Q 6: What is the meaning of the Greek word 'Ethics'?

.....

1.6 APPLIED ETHICS AND PHILOSOPHY

The term 'philosophy' literally means 'love of wisdom'. Philosophy is basically an attitude and an activity of human mind. Philosophy may be considered as the sum total of all knowledge. It refers to a way of living and thinking. Philosophy is taken to be a pure disinterested search for knowledge. The activity of philosophizing should lead towards wisdom, virtue or happiness. The history of philosophy is as old as mankind. A philosopher is always interested in grasping the essential nature of things. So, Philosophy is a critical and analytical investigation into the concepts employed in different fields of human thinking.

Applied ethics cannot be separated from philosophy. Because as an important field of ethics, applied ethics is a part of philosophy. Philosophy discusses such problems as the ideal or the purpose of life, the norms of right actions and the theories of good and evil. Applied ethics not only studies ideas and theories from the general studies of goodness and right actions but also finds out the way to solve these problems. On the other hand,

Philosophy can only analyse and clarify moral problems but can not help to solve these problems.

1.7 APPLIED ETHICS AND ETHICS

Literally, Ethics means the science of custom or habits of man. It is the science of the habitual conduct of man. Ethics stresses more on manners, morals as well as character of human beings. Ethics deals with morality of human acts through the medium of natural reasons. Ethics teaches us how to judge accurately the moral goodness or badness of any human action. Ethics is considered to be the study dealing with the philosophical aspect of human action and trying to assess the question of right and wrong and also judge the moral consequences of such human action and inactive.

So, Ethics gives us theoretical direction to lead our lives. But Applied Ethics gives us practical direction of how to apply ethical principles to real life situations. Applied ethics as an area of ethics analyses, clarifies, and also tries to solve moral problems.

1.8 APPLIED ETHICS AND APPLIED PHILOSOPHY

The word 'applied' is a technical term describing a variety of new philosophical enterprises. Applied means "to put into practice". Applied Ethics focuses more closely on ethical discussion. But **Applied Philosophy covers within its scope the metaphysical, epistemological and ethical discussion. Applied Philosophy is the application of philosophy to everyday problems.** Applied Philosophy discusses metaphysical issues like man's place in nature, the nature of personhood, the social implications of scientific and technological change etc.

Applied ethics likes to resolve controversial moral issues.

Both Applied ethics and Applied philosophy are sometimes used as synonymous. But the area of Applied Philosophy is broader than the area of Applied Ethics because Applied Philosophy covers within its discussion metaphysical, epistemological and ethical aspects. But Applied Ethics discusses only the ethical aspects of our lives.



ACTIVITY: 1.1

What do you mean by Applied philosophy? Do you think it is relevant in the present context?

Ans:.....

.....

.....



CHECK YOUR PROGRESS

Q7: State one moral issue related to applied ethics.

.....

Q8: Can ethics be separated from philosophy? (Answer in about 70 words)

.....

1.9 DIFFERENT FIELDS OF APPLIED ETHICS

There are various fields of Applied Ethics. Some of these are given below–

- Animal Ethics.
- Bioethics.
- Business Ethics.
- Computer Ethics.
- Educational Ethics.
- Environmental Ethics.
- Hospitality Ethics.
- Human right issues (eg. gender Ethics, sexism, classism, racism, capital punishment)
- International Ethics (eg. world hunger)
- Legal Ethics.
- Marketing Ethics.
- Media Ethics/Journalism
- Medical Ethics.
- Military Ethics
- Neuro Ethics.

- Public Administration.
- Research Ethics.
- Sexual Ethics.
- Ethics in social work.
- Sports Ethics.
- **Animal Ethics**

  The main concept of Animal Ethics is that non-human animals should be treated with the same consideration and similar interest as human beings. Animals are used in laboratory for dissection, in biomedical research. It is the duty of every human being to show kindness towards the animals.



Peter Singer is an Australian Philosopher and Prof. of Bioethics at Princeton University and Laureate Professor at the Centre for Applied Philosophy and Public Ethics at the University of Melbourne.

- **Bioethics**

  Bioethics literally means “life ethics”. It is a very broad term and a very broad field of study. Bioethics is a discipline with ethical issues raised by new developments in the field of medicine and biological science. Bioethics makes us seek after what is good and right and what is pleasant life. This makes life lovable and pleasant to live with people and in harmony with the environment. This is total Bioethics. Bioethics education stresses on improving the quality of human life. Some important issues of Bioethics are Abortion, Euthanasia, Surrogate mother, Cloning, Biotechnology, Birth Control technology, Disability rights, Genetic research, and Mental health etc.

- **Business Ethics**

  Business Ethics examines the moral controversies relating to the social and moral responsibilities in business practices. Business ethics analyses the problems and dilemmas created by business practices. Business ethics focuses its attention mainly on the question of policy. All problems arising in business sector should be managed with appropriate attention to ethical concern.

- **Computer Ethics**

  The field of computer is very broad. In this field computing professionals have to face certain situations where they will have to make ethical decisions. As a field of Applied Ethics computer ethics helps the computing professionals to make decisions regarding professional and social conduct.

- **Educational Ethics**

  The major aim of education should be to harmonize people, to enlighten both mind and hearts of individuals on right living. Educational ethics helps to identify moral dilemma in the field of education and offers alternative solution.

- **Environmental Ethics**

  Environmental ethics studies the moral relationship of human being to the environment. The main objective of Environmental ethics is the conservation of life on earth. Environmental ethics is a new area of philosophy and it emerged as an academic discipline only in 1970. The protection of the natural environment is the practical and moral concern for mankind. The main purpose of Environmental ethics is based on promoting this view. Nature has provided climate, water, soil, air, place etc. in our lives. In today's world we face a range of environmental problems, such as global warming, deforestation, reduction in biodiversity etc. So, it is our duty to preserve our environment. This is the main aim of Environmental ethics.

- **Hospitality Ethics**

  Hospitality is the relation between the guest and the host. Hospitality ethics is a discipline which studies the usage of hospitality and how it is applied to real life situation – That means how the friendly and generous relation between the guest and the host should be maintained.

- **Human Right Issues**

  Human Rights are the basic rights and freedom, to which all human beings are entitled. Human right education helps us to develop a positive self image and for the all round development for human personality. Human right issues include gender ethics, sexism, classism, racism, capital punishment etc. Applied ethics helps us to solve the problems that arise regarding these issues.

- **International Ethics**

  International ethics is concerned with the ethical obligations among the different nations. International ethics provides guidelines to overcome conflicts among them and shows the way as to how moral outcome can be achieved.

- **Legal Ethics**

  Legal ethics provides an ethical code that governs the conduct of persons engaged in the practice of law and in legal sector. Legal ethics deals with the study and application of what is right and wrong, good and bad in the practice of law. Legal ethics assists the law profession and provides practical rules, regulations and guidelines that will protect both the public and the lawyer.

- **Marketing Ethics**

  Marketing ethics is the area of Applied Ethics which deals with the moral principles behind the practices and regulations of marketing.

- **Media Ethics/Journalism**

  Media ethics analyses and examines specific ethical principles in the field of broadcast, media (the main means of mass communication, especially television, radio and newspaper) films, theatre, journalism etc. Media persons and journalists have to face different challenges. Ethics of Media and Journalism comprises the principles of ethical and good practices which help the media persons and journalists to solve different problems faced by them.

- **Medical Ethics**

  Medical Ethics is as old as Hippocratic oath. The Hippocratic Oath dates back to 460 BC where the Greek physician emphasized the moral ethical values and respect for the human person. Medical Ethics is one of the important areas of Applied Ethics. It is mainly concerned with the application of general principles to moral problems of medical profession. Medical Ethics analyses the way how moral decisions are made in the field of medicine. In medical profession knowledge is directed to alleviating human suffering, elevate human well being and prolong human life. Medical ethics deals with such issues and helps the physicians and other health professionals to solve the ethical dilemmas, which arise from the changed scenario of health care and increasing decline of moral values associated with medical fraternity and healthcare delivery.

- **Military Ethics**

  The members of the armed forces should lead a disciplined life. Members will have to act in a manner established by military tradition. Military ethics consists in a set of practices and philosophy which will help the members to act a disciplined life guided by the values and standards of morality.

- **Neuro Ethics**

  Neuro Ethics is the branch of medicine and biology concerned with nervous system. Neuro ethics is the ethics of neuroscience. There are tremendous developments in the field of neuroscience. Neuro ethics deals with the ethical issues related to the development in neuroscience and offers suitable solutions to solve the dilemmas.

- **Public Administration**

  In Public Administration a cordial relationship between administrators and the public should be maintained. During the completion of daily duties a public administrator will have to establish and maintain ethical behaviour with the employees also. Public administrative ethics attempts to give decisions which are based upon ethical principles and what the general public and employees would accept as correct.

- **Research Ethics**

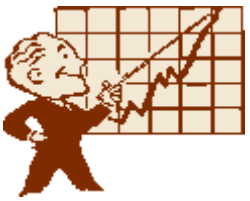
  In research, a systematic investigation should be made in order to establish facts and to reach new conclusion. So, the rights of people as well as their privacy should be protected to carry out the research work. Research ethics deals with the application of moral principles to a variety of topics involved in the field of research work. It also offers guidelines for the protection of the researchers.

- **Sexual Ethics**

  Sexual ethics includes monogamy versus polygamy, sexual relations without love, homosexual relation and extramarital affairs etc. When some conflicting situations arise then sexual ethics provides guidelines to resolve these problems.

- **Sports Ethics**

  Sports ethics deals with the moral issues and dilemma that arise in the field of sports. Ethics in sports is very essential for building a good sports career of a sports person. Sports coaches are expected to conform to ethical standards in a number of areas: humanity, relationship, commitment, co-operation, integrity, advertising, confidentiality, safety and competence. Sports ethics helps sports persons by providing ethical guidelines to resolve difficult issues to them.



CHECK YOUR PROGRESS

Q9: What do you mean by bio-ethics? (Answer in about 20 words)

.....

.....

Q10: Point out three fields of applied ethics.

.....

.....

Q11: What is environmental ethics? (Answer in about 30 words)

.....

.....

Q12: Give some examples of environmental problems.

.....

.....

Q13: State whether the following statements are true or false:

a) Philosophy investigates the concept employed in different fields of human thinking.

b) The area of Applied philosophy is not broader than the area of Applied Ethics.

c) Applied Philosophy is the application of philosophy to everyday problems.

Q14: What is the main difference between Applied Philosophy and Applied Ethics? (Answer in about 30 words)

.....

Q15: What do you mean by the term “Applied”?

.....

Q16: State five different fields of Applied Ethics.

.....

1.10 THREE THEORIES ASSOCIATED WITH APPLIED ETHICS

Applied ethics is an application of normative principles to medical fields. As there are basically three different kinds of Normative Ethics, there are also three basic theories associated with applied ethics.

Utilitarianism, Deontological Ethics and Virtue Ethics are the three theories related with Applied Ethics.

Utilitarianism: Where practical consequences of various policies are evaluated on the assumption that the right policy will be one, which seeks to promote the greatest happiness for the largest number of people. According to Utilitarianism, an action is morally right if the consequences of that action are more favourable rather than unfavourable.

Deontological Ethics: It is based on rules. It is an obligation to perform ‘right’ action, regardless of actual consequences. Deontological Ethics is sometimes called duty ethics.

Virtue Ethics: Virtue Ethics is one of the oldest normative traditions of western philosophy. It is derived from Aristotle’s Ethics. Virtue Ethics emphasizes the role of character and virtue in moral philosophy rather than either doing one’s duty or acting in order to bring about good consequence.

1.11 SOME IMPORTANT PRINCIPLES ON APPLIED ETHICAL DISCUSSION

- Personal benefit – Personal benefit is an action which produces benefit to the individual.
- Social Benefit -Social benefit is an action which produces benefit to the society as a whole.
- Principle of benevolence – This principle insists on helping those in need.

- Principle of paternalism – This principle assists others in pursuing their best interest or the interests of their choice.
- Principle of harm – Not to harm others.
- Principle of honesty – Not to deceive others.
- Principle of lawfulness –One is not supposed to violate the law.
- Principle of autonomy – This principle acknowledges a person's right to due process and fair distribution of benefit. Compensation is to be given for any harm done to the person.
- Rights – It acknowledges a person's right to life, right to information, right to privacy, free expression and safety.



CHECK YOUR PROGRESS

Q17: State whether the following statements are true or false—

a) Utilitarianism is based mainly on rules. (True/False)

.....

b) Virtue ethics is a type of normative ethics.(True/False)

.....

c) Principle of honesty is an important principle of Applied Ethics.(True/False)

.....

d) Applied ethics do not give importance to social benefit.(True/False)

.....

Q18: State the three theories associated with Applied Ethics.

.....

.....

.....

.....

Q19: State five important principles which are commonly applied to Applied Ethics.

.....

.....

.....

Q 20: What do you mean by 'Duty Ethics'? (Answer in about 20 words)

.....

.....



1.12 LET US SUM UP

- Ethics is a special area of philosophy and it is a philosophical study about morality.
- Meta Ethics is a subject concerned with the study of the foundation of ethics. It investigates the sources from where the principles of ethics come. And it is a kind of philosophical enquiry or theory, which is also called Analytical Ethics
- Normative Ethics is the study of how to determine ethical values. Normative ethics tries to arrive at the moral standard that regulates right and wrong conduct.
- Applied Ethics is a discipline of philosophy that attempts to apply ethical theory to real life situations. Applied Ethics is the study of the use of ethical values.
- Applied ethics can't be separated from philosophy. Because as an important field of ethics, applied ethics is a part of philosophy. It not only studies ideas and theories from the general point of view of goodness and right actions but also finds out the way to solve these problems.
- Applied Philosophy covers within its scope the metaphysical, epistemological and ethical discussion. Applied Philosophy is the application of philosophy to everyday problems.
- Bioethics is a discipline with ethical issues raised by new development in the field of medicine and biological science.

- Business Ethics examines moral controversies relating to the social and moral responsibilities in business practices. It analyses problems and dilemmas created by business practices.
- Environmental ethics studies the moral relationship of human beings to the environment. The main objective of Environmental ethics is the conservation of life on earth.
- Medical Ethics is one of the important areas of Applied ethics. It is mainly concerned with the application of general principles to the moral problems of medical profession.
- Neuro Ethics is the branch of medicine and biology concerned with nervous system. Neuro ethics is the ethics of neuroscience.
- Sports ethics deals with the moral issues and dilemma involved in the field of sports. Ethics in sports is very essential for building a good career of an ideal sports person.
- Virtue ethics is derived from Aristotle's Ethics. It emphasizes the role of character and virtue in moral philosophy rather than either doing one's duty or acting in order to bring about good consequence.



1.13 FURTHER READING

1) Rachels, J (ed). 1997, *Moral Problems,* Harper Collins Publishers.
2) Singer, Peter, 2011, *Applied Ethics*, Oxford University Press.
3) Singer, Peter, 1979, *Practical Ethics*, Cambridge University Press.
4) John, H. Piet & Ayodhya Prasad. *An Introduction to Applied Ethics.*



1.14 ANSWER TO CHECK YOUR PROGRESS

Ans to Q No 1: (a) True (b) False (c) False (d) True

Ans to Q No 2: Normative ethics is the study of how to determine ethical values and Meta ethics studies the concepts of ethics.

Ans. to Q No 3: Applied ethics is an area of ethics. Applied ethics tries to resolve some controversial moral issues involved in the field of medicine, law, Journalism, business etc.

Ans to Q No 4: Normative Ethics, Meta Ethics, and Applied Ethics

Ans to Q No 5: Animal rights, Medical ethics, Media ethics

Ans to Q No 6: Greek word 'Ethica'

Ans to Q No 7: Animal ethics

Ans to Q No 8: Applied ethics can't be separated from philosophy. Because as an important field of ethics, applied ethics is a part of philosophy. Philosophy discusses such problems as the ideal or the purpose of life, the norms of right actions and the theories of good and evil. Applied ethics not only studies ideas and theories from the general studies of goodness and right actions but also finds out the way to solve these problems.

Ans to Q No 9: Bioethics is a discipline with ethical issues raised by new development in the field of medicine and biological science.

Ans to Q No 10: abortion, euthanasia, Surrogate mother

Ans to Q No 11: Environmental ethics studies the moral relationship of human being to the environment. The main objectives of Environmental ethics is the conservation of life on earth.

Ans to Q No 12: global warming, deforestation, reduction in biodiversity etc.

Ans to Q No 13: (a) True (b) False (c) True

Ans to Q No 14: Applied philosophy covers within its scope epistemological, metaphysical and ethical discussion. But Applied Ethics discusses ethical issues only and tries to resolve controversies arising from these issues.

Ans to Q No 15: The term Applied means to 'put into practice'.

Ans to Q No 16: Five important fields of Applied Ethics are– Animal Ethics, Bioethics, Environmental Ethics, Medical Ethics, Research Ethics.

Ans to Q No 17: (a) False (b) True (c) True (d) False

Ans to Q No 18: Utilitarianism, Deontological Ethics, Virtue Ethics.

Ans to Q No 19: Personal benefit, social benefit, principle of benevolence, principle of harm, principle of autonomy

Ans to Q No 20: It is based on rules. It is an obligation to perform 'right action' irrespective of actual consequence



1.15 MODEL QUESTIONS

A) Very Short Questions

Q1: What is environmental ethics?

Q2: What are the three parts of ethics?

Q3: What do you mean by applied ethics?

Q4: What is sports ethics?

Q5: What do you mean by medical ethics?

B) Short Questions (Answer in about 100-150 words)

Q1: Distinguish between:

a) Applied Ethics and Philosophy.

b) Applied Ethics and Ethics.

c) Applied Ethics and Applied Philosophy

Q2: Do you find any relationship between applied ethics and philosophy? Briefly explain

Q3: Briefly explain the relationship between applied ethics and ethics.

Q4: What do you mean by applied ethics? Explain briefly with reference to applied philosophy.

D) Long Questions (Answer in about 300-500 words)

Q1: Explain briefly the different areas of ethics.

Q2: Name five important principles related with Applied Ethics. Discuss.

Q3: Discuss briefly— Environmental Ethics, Bioethics, Medical Ethics, Animal Ethics, and Research Ethics.

Q4: What are the different fields of Applied Ethics? Explain

Q5: Discuss the nature of Applied Ethics

Q6: Explain the theories associated with applied ethics.

*** ***** ***

UNIT 2: ENVIRONMENTAL ETHICS: INTRINSIC WORTH OF NATURE, DEEP ECOLOGY

UNIT STRUCTURE

2.1 Learning Objectives

2.2 Introduction

2.3 Emergence of Environmental Ethics

2.4 Perspectives on Environmental Ethics

2.4.1 Anthropocentrism

2.4.2 Non-anthropocentrism

2.4.2.1 Bioentrism

2.4.2.2 Ecocentrism

2.4.3 Criticisms

2.4.4 Environmental Pragmatism

2.5 Let us sum up

2.6 Further Readings

2.7 Answers to check your progress

2.8 Model Questions

2.1 LEARNING OBJECTIVES

After going through this unit, you will be able to:

- identify environmental ethics and the issues pertaining to it
- explain different perspectives related to environmental ethics
- discuss the anthropocentric and non-anthropocentric views on environmental ethics
- understand the contemporary debates on environmental ethics along with contributions from key thinkers
- Evaluate the issues in environmental ethics critically

2.2 INTRODUCTION

In this chapter, we will be discussing one of the important issues in applied ethics, namely environmental ethics. **Environmental ethics is**

concerned with the ethical issues pertaining to environment. An ethical issue is that which studies whether a particular action is right or not. Here, we will be concentrating on understanding the moral rightness of the action with respect to environment.

To give an idea as to what are the concerns with respect to environment ethics– Some important questions are- Is it right to use nature as in whatever way we want to? If we are constrained to use our environment, why is it so? Does nature have a value of its own? Is it right on our part to kill and eat animals? On what basis can one justify as it differ right or wrong? These questions can be raised in order to start our discussion.

2.3 EMERGENCE OF ENVIRONMENTAL ETHICS

The etymological meaning of environment is 'surrounding'. "Environment" comes from the French term "environner", which means to encircle. The oxford English dictionary defines "environment" as "the objects or the region surrounding anything." Though there is a difference between nature and environment, within the environmental ethics discourse, the concern is oriented towards the natural environment. "Environmental ethics is the discipline in philosophy that studies the moral relationship of human beings to, and also the value and moral status of, the environment and its nonhuman contents." The concerns of environment was brought to the forefront by two important books in 1960's, one is Rachel Carson's *Silent Spring in 1962 and the other is* Paul Ehrlich's *The Population Bomb in 1968. These two books dealt with the harmful effects of using chemical pesticides and the increasing levels of human population respectively.* Those books are not purely philosophical and had more to do with the empirical aspect of the human population and its explosion.

Lynn White in his famous article in 1967, "The historical roots of our ecological crisis", claimed that environmental problems are not purely scientific or technical and it cannot be solved purely by means of development of technology alone. He says, "what we do about ecology

depends on our ideas of the man –nature relationship. More science and more technology are not going to get out us out of the present ecologic crisis until we find a new religion, or rethink our old one." White in his essay vehemently criticizes the Judeo-Christian attitude towards nature which results in the present ecological crisis. He claimed in his article, that environmental problems are more to do with our worldview and he claims that the solution to the environmental problems need to be done through a change in the worldview.

Lewis W. Moncrief, in his article "The cultural basis of our environmental crisis" (1970), argues against White's position that environmental problems are not religious in nature, rather, they are cultural. Irrespective of which religion, the environmental degradation is basically a cultural phenomenon, maybe a culture that is being charecterized by industrialism and capitalism. He says, "The force of democracy, technology, urbanization, increasing individual wealth, and an aggressive attitude towards nature seem to be directly related to the environmental crisis now being confronted in the western world."

This suggests that there cannot be a purely technological solution to environmental problems. The emergence of academic journals in the field of environmental ethics gives us a picture that ethical issues do play a part in the understanding of environmental problems and solutions. The international academic journals in environmental ethics and value study were started in the late 1970's and early 1980's. The journals *Environmental Ethics* (1979), *The Trumpeter: Journal of Ecosophy* (1983), *Environmental Values* (1992) address the concerns of environmental issues from the ethical perspective. Similarly, some academic institutions also started environmental ethics as a subject of study. J. B. Callicott started teaching *Environmental ethics* as a course in the University of Wisconsin in 1971.



CHECK YOUR PROGRESS

Q1: What is Environmental ethics? (Answer in about 20 words)

.....

Q2: What is the etymological meaning of the word 'environment'?

.....

.....

Q 3: Who is the author of 'Silent Spring'?

.....

Q 4: What do you mean by environmental degradation?

.....

2.4 PERSPECTIVES ON ENVIRONMENT ETHICS

As mentioned earlier, the important issue with respect to environmental ethics is what duties we have with respect to environment and, more importantly, why do we have such duties? The discussions pertaining to answering these issues gives rise to different perspectives with respect to environment. We broadly categorize the environmental ethical discourse as either Anthropocentric or Non-anthropocentric. Biocentrism, Ecocentrism and others can be brought under one umbrella category, that is, Non-anthropocentrism.

2.4.1 Anthropocentrism

Anthropocentrism means human-centeredness. Anthropocentric approach to environmental issues takes the basis that human beings are at the centre of the environment. Anthropocentrism views that all values are related to the mankind. That is all the objects whether it is biotic or abiotic should be used for the benefit of mankind. Anthropocentrism suggests that man is the only being who can think and have rational capabilities; so all values should be related to the human being. Moral standing is

confined to human beings alone and human beings are not obligated to environment as it does not have any moral standing. For example – I am not supposed to harm/kill any other human being as he or she enjoys equal rights like me, but on the other hand, a goat or a cow cannot enjoy equal rights like me and hence there is no wrong in killing a cow or goat. All objects should be used for the benefit of mankind. Anthropocentrism is a prominent philosophical position from the earlier days, at least in the prominent Western tradition. Judeo-Christian Genesis says that man is in the image of God. Man can dominate over all beings of land, water and even sky. Aristotle also says that all the biotic and non-biotic objects are for the sake of man.



LET US KNOW

Instrumental value: It is the value of objects, not as end in themselves. It is considered as extrinsic value in the sense of considering it as means of achieving something else.

For anthropocentrism, everything else in existence should be evaluated in terms of its utility for the human beings, thus taking a position of instrumental value for the nature. Invariably anthropocentrism tends to go by speciesism. The term 'Speciesism' was first coined by Richard D. Ryder in 1970 which means that humans consider themselves superior only because they are human species and others are not. Speciesism tends to favour human beings over and against other beings and nature by the virtue of merely being part of a species. Some thinkers maintain that in the realm of ethics, an undue advantage is given to human species, which cannot be justified. Except for our bias towards human species, there is no other reason to favour humans as against animals in certain situations. This position by some thinkers had led to a different perspective that can be broadly categorized as Non anthropocentrism.



CHECK YOUR PROGRESS

Q5: How can we categorize the environmental ethical discourse?

.....

.....

Q6: Name the category under which bio-centrism, eco-centrism and others can be discussed.

.....

.....

Q7: What is anthropocentric approach? (Answer in about 50 words)

.....

2.4.2 Non Anthropocentrism

Non-anthropocentric approaches take the basis that human beings are not to be treated as the centre of environment. For the non-anthropocentric thinkers value should be given to other beings also. Our moral obligation should be extended to animals, plants, rivers and even for all living and non-living things. But, non-anthropocentrists are not a homogeneous group. Some subscribe to biocentrism while some others subscribe to ecocentrism. From the religious perspective as well, some of the ancient eastern conceptions like Jainism and Buddhism subscribe to one or the other form of non-anthropocentrism. Buddhism talks about Ahimsa; Jainism advocates a strong view of not killing any animals. Philosophically, extending moral obligation beyond the human beings is one of the most discussed issues in non- anthropocentrism. One important question is as to what is the criterion or the basis on which it can be argued that man can extend his moral obligation beyond human beings? Is the moral obligation directed to other animal species or does it also include plant life as well or does it include the nature as such with its rivers and rocks and mountains, that is,

the ecosystem? Even amongst the non-anthropocentrists there is difference of perception with respect to these issues.

So, the moot question is, if moral standing is extended beyond human beings, then which are all the beings or what are all the things that should also be considered for moral standing? In that case, I (human being) am not supposed to harm/kill them.



Sentient: able to see or feel the things through senses.

2.4.2.1 Bio centrism

Some thinkers articulated that animals have rights and our moral obligation is and should be extended to animals as well. Philosophers like Peter Singer (1946–), Tom Regan (1938–), and Gary Francione (1954–) have argued from different moral theories for the protection of animal welfare. Singer, for example, from utilitarian standpoint and Regan from rights perspective have argued for the animal liberation.

Jeremy Bentham (1748-1832), the utilitarian philosopher puts the question regarding animals in these words “the question is not whether they can speak or think, the question is, can they suffer?” Following the utilitarian point of view Peter Singer in his book, *Animal Liberation* assigns an equal consideration of interest to animals. Singer says that animals are *sentient* beings. They can feel pleasure and pain. On the basis of *sentience*, we have to extend our moral obligation to animals. On the other hand, Tom Regan says that not merely sentience but anything which is the subject of life has to get moral support. Regan’s view is important in the sense that some animals and even some human beings such as mentally retarded person, persons under coma etc. have their life but no capacity for sentience. In such cases, they deserve moral support from fellow human beings. Following Kant’s deontological ethics, Regan also argues that every being should be considered as an end not as a means.



CHECK YOUR PROGRESS

Q8: What is non-anthropocentrism? (Answer in about 50 words)

.....

.....

Q9: Who says- "All the biotic and non-biotic objects are for the same man"

.....

Q10: Who for the first time involves the term 'ecosophy?'

.....

.....

2.4.2.2 Eco centrism

While some non anthropocentrists argue for animal liberation, some other thinkers like Aldo Leopald (1887-1948), Arne Naess (1912-2009) argue against the *unnecessary* intervention with respect to nature. They extend the moral obligation beyond the human beings and animals to the entire eco-system that may include the living and the non-living. Leopold comes up with the notion of 'land ethics'. In order to keep a balance in ecology such type of land ethics is essential. Land should not be merely considered as commodity, but, according to him, it is also a community. Leopold acknowledges the evolutionary changes that have happened in nature and tries to argue that man-made changes are of different order from the evolutionary changes as man-made changes are prone to be more violent because of population density.

Arne Naess (1912-2009), the Norwegian philosopher advocates a holistic approach to the nature. He termed his philosophy as Ecosophy. Everything has its own value of it. **Naess makes a distinction between 'shallow' and 'deep' ecology. He makes the distinction on the criteria that**

valuing the object without self-realization is shallow ecology. In this sort of value, the value that is assigned is only an instrumental value. As against the shallow ecology, is the 'deep ecology', where the nature is valued with self-realization. Here, the value of nature is not because of its instrumental value, but it has its intrinsic worth. According to Naess, it is the deep ecology with self –realization that actually helps us to preserve our different ecological aspects of nature. Naess, along with another person George Session, formulated eight principles for ecological development that include the admission that the human and the non-human life on earth have intrinsic values, they are values-in-themselves, and the humans have no right to reduce the richness and diversity except to satisfy their own vital needs, etc.



LET US KNOW

Ecology: It is the scientific analysis and study of interactions among organisms and environment**.**

2.4.3 CRITICISMS

While there are different perspectives such as anthropocentrism, biocentrism and ecocentrism with respect to environment and other beings each one of them is criticized either for their shortcomings or for their impractical positions. If we see anthropocentrism, it is too human centered without any obligation to any other beings except humans. This may tend to be too narrow without any moral extension, therefore, thinkers like Ryder, Singer and others have pointed out that this can be a biased perspective in favour of human species and is being denounced as speciesism. Even if the anthropocentrists are bothered about human beings alone, are they bothered only about the present generation or also bothered about the future human generations? If they are bothered

about the future human generations, then they are extending their moral worthiness that goes beyond the present generation. If we take the biocentrists, though they talk of moral worthiness beyond human species, yet they restrict the moral obligation only to those animal species that have the capability of experiencing pain, according to Singer. Those beings that have sentience, the capacity to experience pain, are worthy of moral considerations. This suggests that we should not harm/kill animals like goat or cow or hen. In a sense, these theories subscribe for vegetarianism. Suppose, you have lots of problems with rats in your home, then, are you not supposed to kill them by setting a trap? If they have moral standing, then, can we do that? The biocentrists may come up with an answer maintaining that for necessity we can kill them, but not for other reasons, say, for example, using leather products. But, what is necessity is also contentious. If we face problems with the biocentrists with respect to practicality, we also face similar and more serious problems with ecocentrists as well. How can we think of giving moral worthiness to plants and other existing entities like mountains and rivers? What does it mean to say that they have rights?

This raises a serious issue with respect to environmental ethics as to what course of action should we adopt regarding our environment. The different viewpoints with respect to the human's treatment of animals and their inter relationship with nature has given rise to numerous ethical problems. What is the best course of human action with respect to animals? Whether the humans are right in interfering with nature? Whether nature does really possess a value? If there is a value to the nature, what type of value it is? Is it intrinsic or instrumental? How all these issues translate to policies and development issues? Are the anthropocentric and non-anthropocentric viewpoints are contrasting? Is it possible to reconcile between these two viewpoints in order to make good decisions?

2.4.4 Environmental Pragmatism

In order to address these types of issues, environmental pragmatism as a school of thought emerged in the 1990's. Environmental pragmatism tries to address these environmental issues from the pragmatist view point. Environmental pragmatism, thus, is a new strategy to environmental thought. It argues that theoretical debates are hindering the ability of the environmental movement to forge agreement on basic policy imperatives. Bryan Norton, within the fold of anthropocentrism, makes a distinction of strong and weak anthropocentrism. While strong anthropocentric argues that humans are at the centre and only the humans possess the intrinsic value and all other things, if they possess any value, then they do have it as an instrumental value. The weak anthropocentrism might acknowledge that significantly a greater amount of intrinsic value is given to humans as compared to other beings and hence the protection of humans as against the other nonhuman beings is always justified.

The environmental pragmatists believe that the environmentalist's dilemma is primarily a dilemma in values, conceptualizations, and world views more than a dilemma regarding action and policies, and only occasionally and tangentially does it affect those policies themselves. In this regard, Norton comes out with a theory called as 'Convergence hypotheses'. Norton views that though in the worldview, the weak-anthropocentrists and the non-anthropocentrists differ, but, in terms of choosing the policies, they come up with the same set of policies and procedures. The convergence thesis is a hypothetical conditional. It predicts that if person A is a consistent weak anthropocentric and person B is a non-anthropocentric with a consistent notion of the intrinsic value of the environment, for Norton, both A and B will end up supporting the same environmental policy position. This is only a hypothesis and there are criticisms for this

hypothesis and environmental pragmatism as well. This suggests as to environmental issues are bothering and at the same time shows why they are difficult to resolve? But, still we need to make an attempt to understand the ethical issues involved in environment to try to make as much just decisions as possible.



CHECK YOUR PROGRESS

Q11: How does Naess make a distinction between 'shallow and deep ecology' (Answer in about 60 words)

.....

.....

.....

Q12: What is strong anthropocentrism, according to Bryan Norton? (Answer in about 30 words)

.....

.....

Q13: What is weak anthropocentrism, according to Bryan Norton? (Answer in about 40 words)

.....

.....



ACTIVITY: 2.1

What do you mean by environmental pragmatism?

.....

.....

.....



2.5 LET US SUM UP

- Environmental ethics is concerned with the ethical issues pertaining to environment.

- The environmental ethical discourse can be explained from two perspectives: One is Anthropocentric and the other is non-anthropocentric. Biocentrism, Ecocentrism and others can be brought under one umbrella category, that is, Non-anthropocentrism.
- The etymological meaning of environment is 'surrounding'. "Environment" comes from French term "environner", which means to encircle. The oxford English dictionary defines "environment" as "the objects or the region surrounding anything." Though there is a difference between nature and environment, within the environmental ethics discourse, the concern is oriented towards the natural environment.
- Environmental ethics is the discipline in philosophy that studies the moral relationship of human beings to, and also the value and moral status of, the environment and its nonhuman contents.
- Anthropocentrism means human-centeredness. Anthropocentric approach to environmental issues takes the basis that human beings are at the centre of the environment. Anthropocentrism views that all values are related to mankind. That is all the objects whether they are biotic or abiotic should be used for the benefit of the mankind.
- Bryan Norton makes a distinction between strong and weak anthropocentrism. Strong anthropocentrism argues that humans are at the centre and only the humans possess the intrinsic value and all other things. If they possess any value, then they do have it as an instrumental value.
- Weak anthropocentrism might acknowledge that significantly a greater amount of intrinsic value is given to humans as compared to other beings and hence the protection of humans as against the other nonhuman beings is always justified.
- The environmental pragmatists believe that the environmentalist's dilemma is primarily a dilemma in values, conceptualizations, and world views more than a dilemma regarding action and policies, and only occasionally and tangentially does it affect those policies themselves. In this regard, Norton comes out with a theory called as 'Convergence hypotheses'.



2.6 FURTHER READINGS

1) Jamieson, Dale. *Ethics and Environment.* Cambridge: Cambridge University Press, 2009.

2) Rolston Holmes III. *Environmental Ethics*. Temple University Press, 1989



2.7 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1: As a discipline of philosophy it is concerned with the moral relationship of human beings to the environment.

Ans to Q No 2: The etymological meaning of environment is 'surrounding'. "Environment" comes from French term "environner", which means to encircle.

Ans to Q No 3: Rachel Carson's

Ans to Q No 4: Environmental degradation implies environmental pollution caused by industrialism and capitalism.

Ans to Q No 5: We can categorize the environmental ethical discourse under two heads:

i) Anthropocentrism ii) Non-anthropocentrism

Ans to Q No 6: Non-anthropocentrism

Ans to Q No 7: Anthropocentrism means human-centeredness. Anthropocentric approach to environmental issues takes the basis that human beings are at the centre of the environment. Anthropocentrism views that all values are related to the mankind. That is, all the objects, whether biotic or abiotic, should be used for the benefit of the mankind.

Ans to Q No 8: Non-anthropocentric approaches take the basis that human beings are not to be treated as the centre of environment. For the non-anthropocentric thinkers value should be given to other beings also. Our moral obligation should be extended to animals, plants, rivers and even for all whole living and non-living things.

Ans to Q No 9: Aristotle

Ans to Q No 10: Naess

Ans to Q No 11: Naess distinguishes between 'shallow' and 'deep' ecology. He makes the distinction on the criteria that valuing the object without self-realization is shallow ecology. In this sort of value, the value that is assigned is only an instrumental value. As against the shallow ecology, is the 'deep ecology', where the nature is valued with self-realization.

Ans to Q No 12: According to Bryan Norton, strong anthropocentrism argues that humans are at the centre and possess the intrinsic value. It is considered the instrumental value.

Ans to Q No 13: Weak anthropocentrism holds that a greater amount of intrinsic value is given to humans as compared to other beings and hence the protection of humans as against the other nonhuman beings is always justified.



2.8 MODEL QUESTIONS

A) Objective Questions

Q1: What is environmental ethics?

Q2: State the etymological meaning of 'environment'.

Q3: Who is the author of *The Population Bomb?*

Q4: What is weak anthropocentrism?

Q5: What is strong anthropocentrism?

B) Short Questions (Answer in about 150 words)

Q1: Write a brief note on Anthropocentrism.

Q2: What is non-anthropocentrism? Explain briefly.

Q3: Write briefly on the concept of biocentrism.

Q4: Do you find any distinction between 'Shallow' and 'Deep ecology'? Briefly explain

Q5: Distinguish between weak and strong anthropocentrism.

C) Long Questions (Answer in about 300-500 words)

Q1: Explain the concept of Environmental pragmatism.

Q2: Describe the concept of Eco-centrism.

Q3: Explain critically the different perspectives with respect to environment.

Q4: Discuss the concept of Anthropocentrism.

Q5: What do you mean by Non-anthropocentrism? Explain.

*** ***** ***

UNIT 3: BIO-ETHICS

UNIT STRUCTURE:

3.1: Learning Objectives

3.2: Introduction

3.3: The Concept of Bioethics

3.4: History of Bioethics

3.5: Meaning and Definition of Bioethics

3.6: Different Area of Bioethics

3.7: Conclusion

3.8: Let Us Sum Up

3.9: Further Reading

3.10: Answer to Check Your Progress

3.11: Model Questions

3.1 LEARNING OBJECTIVES

After going through unit you will be able to

- Know the Concept of Bioethics
- Explain the History of Bioethics
- Explain the meaning and definition of bioethics
- Know the different areas of bioethics

3.2 INTRODUCTION

This unit introduces to you the concept of bioethics. After going through this unit you will be able to know that bioethics is a part of applied ethics. Unlike other traditional ethics, bioethics tries to explore some of the important real life issues like abortion, euthanasia, animal ethics, environmental issues, stem cell research, and reproductive issues like IVF etc. from the moral perspective. Now let us study and discuss the concept of bioethics in more details.

3.3 THE CONCEPT OF BIOETHICS

Bioethics is one of the latest trends in philosophy, especially in ethics. It can be regarded that bio-ethics uses to study various ethical issues related to human and non-human like, abortion, euthanasia, stem-cell research, animal rights, environmental issues like pollution, environmental degradation etc. At present bio-ethics is studied by the students of philosophy only, as it comes under the discipline of philosophy. But bio-ethics deals with such important issues which should be known by all. Bioethical debates, particularly in animal ethics and environmental ethics, are concerned with issues of moral status and moral protection. The vital question is, for example, whether all animals have a moral status and hence are members of the moral community enjoying moral protection or whether they do not have a moral status at all (or only to some degree for some animals, such as higher mammals such as great apes, dolphins and elephants). But, even if animals do not have a moral status and hence have no moral rights, it could be the case that they still are morally significant in the sense that human beings are not allowed to do whatever they want to do with them (for example, to torture animals for fun). The fundamental idea of granting a living being a moral status is to protect the particular being from various kinds of harm which undermine the being's flourishing. For example, one can protect the great apes by granting them a moral status which is important for their survival since one can then legally enforce their moral right not to be killed.

3.4 HISTORY OF BIO-ETHICS

For the first time the term "bio-ethics" has been referred by a biological scientist named Van Rensselaer Potter in the year 1970. For him bioethics is a subject which is a mixture of scientific knowledge and moral knowledge and which cover the evolutionary understanding of human in nature. Again in 1971, the Kennedy Institute of Ethics was founded at Georgetown. The main aim of this foundation is to do new

research in the field of medical ethics, the founder of this foundation, Andre Hellegers has also regarded this kind of this ethics to be 'bio-ethics'. The Encyclopaedia of Bioethics, which was begun by Kennedy institute by 1972, has defined bio-ethics as "the study of the ethical dimensions of medicine and the biological sciences" (Reich, 1978). It is observed that some great literaures have been found in different cultures of the world like Greco-Roman, Christian, Buddhist, Hindu, Confucian, Islamic etc. where people have practiced medicine by giving importance to values and Moral behaviour. It is said in those scriptures that medical practitionars in the traditional age were competent, dedicated, kept confidences, and cared for the sick poor without change.

This moral temaparament have been adopeted by the bio-ethician and extend their scope of study to other issues like euthanasia, human reproduction animal rights and environmenatl issues etc. too.

3.5 MEANING AND DEFINITION OF BIO-ETHICS

When we generally talking about ethics, most of the people cannot define it properly or not able to provide proper definition of bio-ethics. If we want to understand bio-ethics, first we have to make our mind to think the answer of the following questions:

- Should we allow the use of cloning by somatic cell nuclear transfer to help an infertile couple haave a child?
- Should genetically modified crops be grown in the UK, where it will be very difficult for organic farmers to maintain their required genetically modified free status?
- Should genetically modified pigs be used to provide organs for transplantation into human patients, with a much reduced risk of immunological rejection? (Mepham, 2005)

So far as the defintions of bioethics is concerned, it can be said that the different definitions can be presented in this respect. According to one definition, bioethics is 'the study of the moral and social implication of techniques resulting from advances in the biological sciences.

(Honderich, 1995) Another philosopher, whose name is Bernard William defines bioethics to be ‘a philosophical structure, which together with some degree of emperical fact, will yield a decision procedure for moral reasoning’ (William, 1993) Another important defintion is presented by Onora O’Neill. According to him,’bioethics is not a decipline It has become a meeting ground for a number of descipline, discourses, and organisations concerned with ethical, legal, and social questions raised by advances in medicine, science, and biotechnology ’(O’Neill, 2002)
So if we analyse the above mentioned definitions, it can be pointed out that bioethics is something which moraly deals with some of the most important of the world. Now let us see the different topics that can be studied within the scope of bio-ethics.

3.6 DIFFERENT AREAS OF BIOETHICS

Bioethics studies within its scope different problems related to human and non-human. Some of the main areas of bioethics are presented as follows:

3.6.1: Medical Ethics

The oldest sub-discipline of bioethics is medical ethics which can be traced back to the introduction of the Hippocratic Oath (500 B.C.E.). Of course, medical ethics is not limited to the Hippocratic Oath; rather that marks the beginning of Western ethical reasoning and decision making in medicine. Other more critical elements of the Hippocratic Oath such as the strict prohibition of euthanasia and abortion seem to be rather debatable and raise the vital question of how to distinguish between valuable and less valuable principles it proposes. In contemporary bioethics, euthanasia is—in general—widely regarded as an eligible autonomous decision of the patient that must be respected. With regard to abortion, most bioethicists believe that it should be allowed, at least, under certain circumstances, but this issue is still hotly debated and causes

many emotional responses. In medical ethics, one is concerned with the general ethical question of “what should one do” under the particular circumstances of medicine. In this respect, medical ethics is not different from basic ethics but it is limited to the area of medicine and deals with its particular state of affairs.

3.6.2: Animal Ethics

The idea that animals should be part of the moral community mainly evolved in the context of the ethics of utilitarianism in the nineteenth century, most notably spearheaded by Jeremy Bentham, who famously argued that it does not matter morally whether animals can reason but rather whether they can suffer. Current problems include research on animals (including vivisection), livestock farming and animal transports, xeno-transplantation, human-animal chimera, meat eating versus vegetarianism/veganism, the legitimacy of zoos and circuses, religious freedom versus animal protection, recreational hunting, and the growing conflict between the protection of the environment and animal welfare. These pose complex moral issues that need to be addressed appropriately by responding to the question of whether animals have a moral status in general (and why), and, if they do, what their exact moral rank is.

3.6.3: Environmental Ethics

It can be said that environmental ethics deals with the moral dimension of the relationship between human beings and non-human nature”animals and plants, local populations, natural resources and ecosystems, landscapes, as well as the biosphere and the cosmos. Strictly speaking, human beings are, of course, part of nature and it seems somewhat odd to claim that there is a contrast between human beings and non-human nature. At second glance, however, it seems reasonable to make this distinction because human beings are the only beings who

are able to reason about the consequences of their actions which may influence the whole of nature or parts of nature in a positive or negative way.

Bioethics use to study all these sensitive issues in the light of ethics.

3.7 CONCLUSION

From the above discussion it can be said that bio-ethics is an important dicipline. In the contemporary world, so many unethical practicecs are found to be practiced in the world. In the name of research animals are used. Stem-cell research is also going on. Again with the development of tchnology or with the invention of ultra-sound machiene, sex-selective abortion become a regular issue. The most important point here is that many educated people are parcticising these unethical things. So moral conciousness is too imporatnat for a person of every dicipline.



CHECK YOUR PROGRESS

Q 1: Mention some of the ethical issues related to bio-ethics.

Q 2: Under which discipline 'bio-ethics' comes into?

Q 3: With what, bioethical debates like animal ethics and environmental ethics are concerned?

Q 4: Who has referred the term 'bioethics for the first time?

Q 5: in which year the Kennedy Institute of Ethics was founded at Georgetown?

Q 6: What is the oldest sub-discipline of bio-ethics?



3.8 LET US SUM UP

- Bio-ethics uses to study various ethical issues related to human and non-human like, abortion, euthanasia, stem-cell research,

animal rights, environmental issues like pollution, environmental degradation etc

- Bioethical debates, particularly in animal ethics and environmental ethics, are concerned with issues of moral status and moral protection.
- For the first time the term “bio-ethics” has been referred by a biological scientist named Van Rensselaer Potter in the year 1970.
- In 1971, the Kennedy Institute of Ethics was founded at Georgetown. The main aim of this foundation is to do new research in the field of medical ethics, the founder of this foundation, Andre Hellegers has also regarded this kind of this ethics to be ‘bio-ethics’.
- It is observed that some great literaures have been found in different cultures of the world like Greco-Roman, Christian, Buddhist, Hindu, Confucian, Islamic etc. where people have practiced medicine by giving importance to values and Moral behaviour.
- According to one definition, bioethics is ‘the study of the moral and social implication of techniques resulting from advances in the biological sciences.
- The oldest sub-discipline of bioethics is medical ethics which can be traced back to the introduction of the Hippocratic Oath (500 B.C.E.). Of course, medical ethics is not limited to the Hippocratic Oath; rather that marks the beginning of Western ethical reasoning and decision making in medicine.
- The idea that animals should be part of the moral community mainly evolved in the context of the ethics of utilitarianism in the nineteenth century, most notably spearheaded by Jeremy Bentham, who famously argued that it does not matter morally whether animals can reason but rather whether they can suffer.
- It can be said that environmental ethics deals with the moral dimension of the relationship between human beings and non-human nature”animals and plants, local populations, natural

resources and ecosystems, landscapes, as well as the biosphere and the cosmos.



3.9 FURTHER READING

Jonsen, A. (2000). *A Short History of Medical Ethics.* Oxford University Press.

Jonsen, A. R. (2010). A History of Bioethics as Discipline and Discourse. In N. S. Jecker, A. R. Jonsen, & R. A. Pearlman, *Bioethics: An Introduction to the History, Method, and Practice.* Jones and Bartlett.

Mepham, B. (2005). *Bioethics: An Introduction for the Biosciences.* Oxford University Press.

O'Neill, O. (2002). *Autonomy and Trust in Bioethics.* Cambridge University Press.

Reich, W. (1978). Introduction. In W. Reich, *The Encyclopedia of Bioethics* (Vol. 1, pp. xiv-xx). The Free Press.

William, B. (1993). *Ethics and the Limits of Philosophy.* Fontana



3.10 ANSWER TO CHECK YOUR PROGRESS

Ans to Q No 1: Some of the human and non-human issues like abortion, euthanasia, stem-cell research, animal rights, environmental issues like pollution, environmental degradation etc.

Ans to Q No 2: Philosophy

Ans to Q No 3: Moral status and moral protection

Ans to Q No 4: In 1970, biological scientist named Van Renesselaer Potter has taken the term bioethics for the first time.

Ans to Q No 5: In 1971

Ans to Q No 6: Medical Ethics



3.11 MODEL QUESTIONS

A. Very Short Questions:

Q.1. With what issues, environmental ethics actually deals?

Q.2. How has Honderich defined bioethics?

Q.3. Mention Onora O'Neill's definition of bioethics/

Q.4. What are the different areas of bioethics?

B. Short Questions:

Q.1. Write a short note on medical ethics.

Q.2. Briefly explain the concept of animal ethics.

Q.3. Briefly describe the concept of environmental ethics.

Q.4. Write a short note on meaning and definition of bio-ethics.

Q.5. Write a short note on the history of bioethics.

C. Long Questions:

Q.1. Explain the concept of bioethics.

Q.2. Describe the different areas of bioethics.

*** ***** ***

UNIT 4: MEDIA ETHICS

UNIT STRUCTURE

4.1 Learning objectives

4.2 Introduction

4.3 Media and importance of ethics

4.4 Media Code of Ethics

- 4.4.1 Common elements of Media Code of Ethics
- 4.4.2 Plagiarism
- 4.4.3 Compliance of Ethical Standards

4.5 Right of Reply

4.6 Let us sum up

4.7 Answers to Check your Progress

4.8 Further Reading

4.9 Model questions

4.1. LEARNING OBJECTIVES

After going through this unit you will be able to:

- explain the concept of 'Media Ethics'
- enumerate the common elements of media ethics and their compliance
- discuss 'Plagiarism'
- explain the 'Right of Reply'

4.2. INTRODUCTION

The media is a powerful institution that can act as a necessary instrument of communication. Freedom of Press or Media Freedom is the immunity enjoyed by communications media – including newspapers, books, periodicals, radio, television, and Internet – from government control or censorship. But one should remember that every human institution is liable to be abused, if not controlled, which may lead to disorder and anarchy. The need for controlling the Press, apart from any Emergency, arises out of this

4.3. MEDIA AND IMPORTANCE OF ETHICS

Media ethics is the subdivision of applied ethics dealing with the specific ethical principles and standards of media, including broadcast media, film, theatre, the arts, print media and the internet. The field covers many varied and highly controversial topics, ranging from war journalism to advertising.

Ethical behaviour elevates the practice of journalism. Journalism has an ethical goal – the communication of truth and facts. The problem is that the concept of truth has changed through human history. Along with this media audiences have also changed. In this context even the accepted facts and truth are subject to various interpretations among diverse viewers and readers on the basis of geography and cultural divides. Telling the truth as one views it, then, becomes a matter of possessing good moral character and the learning to recognise truth and how to convey it without distortion. Truth has somehow come to be mixed up with vision and present circumstances. There has been much debate some years back about the means employed by the Tehelka team to record on film the extent of corruption in the Defence Ministry over the purchase of arms and ammunitions. The use of subterfuge to find the truth has been questioned at different forums of journalists. That is why the importance of ethics in the field of journalism is necessary.

Ethics is the study of standards of conduct and moral judgement that is what is good for an individual as also for society at large. The concept of ethics was formulated by the ancient Philosophers like Plato and Aristotle in Greece. The ethical culture was advocated in the Mahabharata and also in the New Testament. All those scripures prescribed that for the individual, courage, morality and correct behaviour was a benchmark for morality and ethics. They also added the qualities of wisdom, justice and temperance to the list. Ethics refers to the value system by which a person determines what is right or wrong, fair or unfair, just or unjust. It is expressed through moral behaviour in specific situations. An iindividual's conduct is measured not only against his or her conscience but also against some norm of

acceptability that has been socially, professionally or organisationally determined.

In present day conditions ethics has come to mean the ability to make decisions between what is good and bad, what is morally justifiable and what is not. It also denotes the ability to discern the correct choice out of many, all of which may be morally justifiable. It is the ability to explain these choices to the people that mark ethical and rational thinking, to be converted into action. A reporter writing a story for a newspaper or for television may be called upon to take several decisions or ethical choices regarding the source of his story, his colleagues and the reading or viewing public. If his choice is correct, it cannot offend or hurt anyone of these categories involved.

Public enlightenment is the forerunner of justice and the foundation of democracy. The duty of a journalist is to further those ends by seeking truth and providing a fair, objective and comprehensive account of events and issues. Conscientious journalists from all media strive to serve the public with thoroughness and honesty and at the same time professional integrity is the cornerstone of a journalist's credibility. Media codes of ethics are designed as guides through numerous difficulties, such as conflicts of interest, to assist journalists in dealing with ethical dilemmas. The codes and canons provide journalists a framework for self-monitoring and self-correction as they pursue professional assignments. While journalists in the United States and European countries have led in formulation and adoption of these standards, such codes can be found in the news reporting organisations in most countries along with f'reedom of the press'. The written codes and practical standards vary somewhat from country to country and organisation to organisation, but there is a substantial overlapping among mainstream publications and societies.

The ethical standards for media are directed towards bringing the highest quality of news reporting to the public, thus fulfilling the mission of timely distribution of information in the service of the public interest. To a large extent, the codes and canons have evolved via observation of and response to past ethical lapses by journalists and publishers. Today, it is common for terms of employment to mandate adherence to such codes

equally applicable to both the staff and freelance journalists. Sometimes journalist may face dismissal for ethical failures. Upholding professional standards also enhances the reputation of and trust in a news organisation, which boosts the size of the audience it serves.

4.4 MEDIA CODE OF ETHICS

Ethics are norms for conduct that distinguish between acceptable and unacceptable behavior. It is concerned with what is right or wrong, good or bad, fair or unfair, responsible or irresponsible, obligatory or permissible, praiseworthy or blameworthy. Ethics and standards of journalism comprise principles of ethics and of good practice as applicable to the specific challenges faced by professional journalists. Historically and currently, these set of ethical standards are widely known to journalists as their professional "code of ethics". In recent years, it has almost become a norm that most renowned professional journalism associations and individual print, broadcast, and online news organisations have come out with their own set of basic codes on ethics to serve the society. The fundamental objectives of these ethical codes of journalism is to serve the people with news, views, comments and information on matters of public interest in a fair, accurate, unbiased, sober and decent manner. Towards this end, the Press is expected to conduct itself in keeping with certain norms of professionalism universally recognised. These universally recognised norms are expected to apply with due discernment and adaptation to the varying circumstance of each case which definitely will help the journalists to self-regulate their conduct.

The recent flurry of code writing suggests that editors and news staffs are taking issues of ethics seriously. The process of drafting and redrafting and debating and implementing the codes has good therapeutic value in and of itself. Even better, newspapers with clearly enunciated principles and stated values, combined with strong ethical decision-making skills, can better serve their readers and the public interest. Therein lies an essential connection to credibility. Codes of ethics can help newsroom staffers make

sound decisions and build journalistic credibility about the many ethical problems they may encounter in their work.

There are various organisations and associations world over related to journalists and most of these associations have their own set of code of ethics. The principles of Journalistic codes of ethics of these national and international associations are designed as guides through numerous difficulties to assist journalists in dealing with ethical dilemmas. The codes and canons provide journalists a framework for self-monitoring and self-correction as they pursue professional assignments. In India we have Editor's Charter, 1953 ,adopted by All India Newspaper Editor's Conference (AINEC), AINEC Code of Ethics, 1968 to cover communal incidents, Press Council Code, 1996, Press Council Code on Communal Matters, 1968, National Integration Council (NIC) Code, 1962 and Parliamentary Code of Ethics, 1976 adopted by the Rajya Sabha for journalists and newspapers regarding their social and moral responsibilities. While various existing codes have some differences, most share common elements and these include the principles of truthfulness, accuracy, objectivity, impartiality, dignity, fairness, public accountability and humanity as these apply to the acquisition of newsworthy information.



Salacious:
Showing too much interest in sexual matters.

4.4.1 Common elements of Media Code of Ethics

Truthfulness:

This principle extends from honesty, good faith, and sincerity of a journalist in general, to the fact or reality in particular. However, truthfulness may conflict with many other values. Salacious details of the lives of public figures is a central content element in many media.

This type of publication is not necessarily justified simply because the information is true. Journalists need to keep in mind that Privacy is also a right. Revelation of military secrets and other sensitive government information may be contrary to the public interest, even if it is true. Photo journalists who cover war and disasters confront situations which may shock the sensitivities of

their audiences. For example, human remains are rarely screened. Journalistic ethics may conflict with the law over issues such as the protection of confidential news sources. There is also the question of the extent to which it is ethically acceptable to break the law in order to obtain news. For example, undercover reporters may be engaging in deception, trespass and similar torts and crimes. The ethical issue is how far one should risk shocking the audience's sensitivities in order to correctly and fully report the truth.

Accuracy:

Accuracy is much more than simply making sure you quote someone correctly or spell their name right. It also means that journalists put their words and opinions in the proper context. It means that you report on people and events as truthfully as possible. Journalists should not tidy up what happened to fit neatly into whatever angle you or your editor might want the story to take. It means the report is not tainted by whatever personal feelings a journalist might have about the selected subject or people. The information in the report should conform to reality and it should be not in any way misleading or false. This demands not only careful and thorough research but a disciplined use of language and production techniques, including visuals. Events with a single eyewitness should be reported with attribution. Events with two or more independent eyewitnesses may be reported as fact. Controversial facts are always reported with attribution. Independent fact-checking by another employee of the publisher is desirable for accuracy of a news. Corrections should be published when errors are discovered. Defendants at trial should be treated only as having "allegedly" committed crimes, until conviction, when their crimes are generally reported as fact. Reporters are expected to be as accurate as possible given the time allotted to story preparation and the space available, and to seek reliable sources.

Objectivity:

The term 'objectivity' was not applied to journalistic work until the 20th century, but it had fully emerged as a guiding principle by the 1890s. A number of communication scholars and historians agree that the idea of "objectivity" has prevailed as a dominant discourse among journalists in the United States since the appearance of modern newspapers. The rise of objectivity in journalistic method is also rooted in the scientific positivism of the 19th century, as professional journalism of the late 19th century borrowed parts of its worldview from various scientific disciplines of the day.

Today journalists and the public often tend to identify objectivity in its absence. Objectivity is a significant principle of journalistic professionalism, especially in the United Kingdom and United States. Journalistic objectivity can refer to fairness, disinterestedness, factuality, and nonpartisanship, but most often it encompasses all of these qualities. However, not many journalists would make a claim to total neutrality or impartiality. However, some strive toward a certain modicum of detachment from their own personal biases in their news work.

The journalistic ethics of objectivity has strong influence on the profession. But journalistic objectivity is not the pristine objectivity of philosophy. Instead, a journalist attempts to be objective by two methods: 1) fairness to those concerned with the news and 2) a professional process of information gathering that seeks fairness, completeness, and accuracy. As we all know, the ethical heights journalists set for themselves are not always reached. But, all in all, like politics, it is an honourable profession practiced, for the most part, by people trying to do the right thing.

Impartiality:

The journalistic principle of impartiality holds that decisions should be based on objective criteria, rather than on the basis of

bias, prejudice, or to the benefit one person over another for improper reasons.

Fairness:

Ethical journalistic practice demands that reporters and editors be fair. Journalists should be careful about the fact that reporting about an incident is made objectively and free from political influence or personal favouritism. They should see whatever they are being fair to the people you writing about. The portrayal of thoughts and words should be fair and should not be adulterated in some way or the other. The information reports should reflect equitably the relevant facts and significant points of view and should deal fairly and ethically with persons, institutions, issues and events. The journalist should himself feel comfortable reading his own story to the people involved. One of the biggest compliments a journalist can receive is to be called tough but fair by someone he has written about in an uncomplimentary way.

In the news reporting the fairness bias manifests a contention between/among political actors. Whenever one faction or politician does something or says something newsworthy, the press is compelled by this bias to get a reaction from an opposing camp.

This creates the illusion that the game of politics is always contentious and never cooperative. This bias can also create situations in which one faction appears to be attacked by the press.

Public Accountability:

With the principle of public accountability come such principles as answerability, responsibility, blame worthiness, liability and other terms associated with the expectation of account-giving. Public accountability of journalists means the obligation of journalist to explain and report publicly, fully and fairly, before and after the fact, how they are carrying out responsibilities that affect the public in important ways. Their report about an incident should validate their

fairness and completeness. In a way journalists have an obligation to explain and to justify his or her reporting.

Dignity:

The dignity of the people a journalist writes about is very important. So is the dignity of readers and newspaper. That does not mean that someone is not an aggressive journalist, but it means that he does not take cheap shots. Most hard-hitting stories are strengthened when the reporter shows respect toward the people or institutions under examination.

Humanity:

It is the principle of being humane. In the movie *Absence of Malice* there is a great scene where a wise old city editor talks about being a reporter. He says he knows how to report the news and he knows how not to hurt people, but he doesn't know how to do both at the same time. The best journalism usually hurts someone, often without meaning to. Humanity means not to hurt the innocent or those who have no idea what they are getting into when they talk to a reporter. Good journalists have a special responsibility when it comes to the common masses.

The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues. Conscientious journalists from all media and specialties strive to serve the public with thoroughness and honesty. Professional integrity is the cornerstone of a journalist's credibility. Ethics form the foundation on which is built the basic social contract that has to exist between the credible journalist and the public he or she serves. The stronger that foundation, the stronger are the ties between the writer and the reader. But that strong foundation is rarely obvious to the reader, or for that matter the writer. Ethics almost always remains in the background, usually only becoming evident when there is a problem.

4.3.2. Plagiarism



Pligiarism:
The action of taking work or idea of someone else and pass it off as one's own.

'Plagiarism' is essentially the unacknowledged use of another person's work, usually by one person acting independently. It is a form of copying without acknowledgement of the work of others – published or unpublished, either verbatim or in close paraphrase, including material downloaded from computer files and the Internet. It may be the use of or close imitation of the language and thoughts of another author and the representation of them as one's own original work.

In journalism, plagiarism is considered a breach of journalistic ethics, and reporters caught plagiarising typically face disciplinary measures ranging from suspension to termination. Some individuals caught plagiarising in academic or journalistic contexts claim that they plagiarised unintentionally, by failing to include quotations or to give the appropriate citation. While plagiarism in scholarship and journalism has a century-old history, the development of the Internet, where articles appear as electronic text, has made the physical act of copying the work of others much easier, simply by copying and pasting text from one web page to another. The practice of plagiarism is being increasingly indulged in by some newspapers by lifting news from other newspapers and publishing them subsequently as their own. In India this practice is very common. Reporters consciously or unconsciously deal with many situations that could involve plagiarism. This malpractice may not be corrected to wholesale prevention or actionable as a breach of copyright, because news once published becomes public property. To get rid of unethicality of such news proper acknowledgement of the source of the report at the beginning or at the end of the news must be given. Events in a news cannot be copyrighted, but specific account of the event can be. Journalists can rewrite the article without violating the law.

One thing may be mentioned here that Plagiarism is not copyright infringement. While both terms may apply to a particular act,

they bear different meanings in law. Copyright infringement is a violation of the rights of a copyright holder, when material protected by copyright is used without consent. On the other hand, plagiarism is concerned with the unearned increment to the plagiarising author's reputation that is achieved through false claims of authorship.



LET US KNOW

Pligiarism is not same as infringement of copyright

4.4.3. Compliance of Ethical Standards

There is a perennial concern that the standards of media ethics are being ignored. One of the most controversial issues in modern reporting is media bias, especially on political issues, but also with regard to cultural and other issues. Sensationalism is also a common complaint. Minor factual errors are also extremely common, as almost anyone who is familiar with the subject of a particular report will quickly realise. There are also some wider concerns, as the media continue to change, for example that the brevity of news reports and use of sound bites has reduced fidelity to the truth, and may contribute to a lack of needed context for public understanding. From outside the profession, the rise of news management contributes to the real possibility that news media may be deliberately manipulated. Selective reporting, double standards are commonly alleged against newspapers, and by their very nature forms of bias are not easy to establish, or guard against.

Among the leading news organizations which voluntarily adopt and attempt to uphold the common standards of media ethics there is considerable variation in respect of adherence and general quality . The professionalism, reliability and public accountability of a news organisation are three of its most valuable assets. An organisation earns and maintains a strong reputation, in part, through a consistent implementation of ethical standards, which influence

its position with the public and within the print and electronic media houses.

4.5. RIGHT OF REPLY

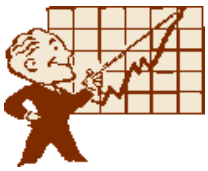
The 'Right of Reply' is the right of an individual to reply to misleading or inaccurate publications about him. The right of reply is the right to defend oneself against criticism. It means a person must be given the opportunity to respond to any allegations made against them in a publication. In most cases this would mean they would be contacted before publication so that their side of the story may be put across to the audience in the same article. But right to reply does not mean a person must be contacted before publication. However, it does mean that they must be given the opportunity to put their side of the story across after publication.

The newspaper should promptly publish, at the instance of the person feeling aggrieved/or concerned by the impugned publication, a contradiction/ reply/rejoinder sent to the editor in the form of a letter or note. The editor has the discretion either to publish it in full or in its abridged and edited version, particularly when it is inordinately long. But the rejoinder should be an effective reply to the allegations. However, the editor is not entitled to alter, omit or refuse to publish important portions of the reply/rejoinder which effectively deals with the material allegations in the news item. If the editor doubts the truth or factual accuracy of the contradiction/reply/rejoinder, even then it is her/his duty to publish it, with liberty to add separately at the end, an editorial comment doubting its veracity, but only when this doubt is reasonably founded on unimpeachable documentary or other evidential material in her/ his possession. The editor should not, in a cavalier fashion, without the application of mind, append such note, as: "We stand by our story". It must be remembered that the liberty to append an editorial comment to a rejoinder or reply is not absolute right. It is a concession which has to be availed of sparingly with due discretion and caution in appropriate cases. However, where the reply/contradiction or rejoinder is being published in compliance with the direction of the Press Council, it is permissible to append a brief editorial note to that effect.

In Europe there have been proposals to enshrine the principle in law that there is a legally enforceable right of reply that applies to all media,

including newspapers, magazines, and other print media, along with radio, television, and the internet. Article 1 of the Council of Europe's draft recommendation Recital 8 *"proposes that a legally enforceable right of reply should apply to all media, including newspapers, magazines and other print media, radio, television and Internet."* It also proposes *a right of reply "offering a possibility to react to any information in the media presenting inaccurate facts...which affect...personal rights".* In Europe in Austria, Denmark, France, Germany, Finland, The Netherlands, Norway, Spain and Sweden the right of reply is a statutory right, while in Greece it is a constitutional right.

The Sean McBride Commission, a Commission set up by the UNESCO to ensure a better flow of news suggested, "It must be recognised that communication is a personal right belonging to all individuals, not only journalists and governments, not only those who exercise political and economic power." The right to reply is a part of the right to know in the same way as the latter is a part of the right to free expression. The media`s right to know is linked to its duty to inform. If they fail to do it, the citizen will have to have the right to do it in the form of a reply or rejoinder. In Australian politics, the Opposition party in Federal Parliament is given the formal right of reply to respond to the government's budget. Two nights after the budget is presented by the Treasurer of Australia on live television, the Leader of the Opposition delivers a reply speech in Parliament that is also broadcast on live TV.



CHECK YOUR PROGRESS

Q. 1: What is 'Ethics'?

Q. 2: What are the most universally accepted common principles of Code of Conduct of Journalism?

Q. 3: What is Journalistic objectivity?

Q. 4: Some newspapers are found of lifting news from other newspapers and publishing them subsequently as their own – what is this practice called?

Q. 5 : "It is your right to defend yourself against criticism about you" which is published in a newspaper. This right may be termed as?



4.6. LET US SUM UP

- Freedom of Press or Media Freedom is the immunity of the communications media – including newspapers, books, periodicals, radio, television, and Internet – from government control or censorship.
- Media Freedom is a guarantee by a government to the media or press for its citizens and their associations, extended to members of news-gathering organizations and journalists, and their published reporting.
- In many countries there are constitutional or statutory protections pertaining to media freedom or freedom of the press. Media freedom does not have the same meaning everywhere in the world.
- The principle of freedom of the press (or Media Freedom) as a constraint on government actions against the press can differ from the amount of freedom of the press actually exercises at a given time.
- The need for controlling the Press, apart from any Emergency, arises out of this danger of the freedom of the Press being abused. Freedom of the Press is not a freedom from responsibility for its exercise.
- Ethical behaviour elevates the practice of journalism. Journalism has an ethical goal – the communication of truth and facts.

  Media ethics is the subdivision of applied ethics dealing with the specific ethical principles and standards of media, including broadcast media, film, theatre, the arts, print media and the internet.
- Ethics are norms for conduct that distinguish between or acceptable and unacceptable behavior. While the various existing codes of conduct of journalism different organisations adopt have some differences, most share some common elements which include the principles of — truthfulness, accuracy, objectivity, impartiality, dignity, fairness, public accountability and humanity.
- But there is a perennial concern that the standards of media ethics are being ignored.

- 'Plagiarism' is essentially the unacknowledged use of another person's work, usually by one person acting independently. It is a form of copying without acknowledgement of the work of others – published or unpublished, either verbatim or in close paraphrase, including material downloaded from computer files and the Internet.
- In journalism, plagiarism is considered a breach of journalistic ethics, and reporters caught plagiarising typically face disciplinary measures ranging from suspension to termination. Plagiarism is not copyright infringement. While both terms may apply to a particular act, they bear different meanings in law.
- The 'Right of Reply' is right of an individual to reply to misleading or inaccurate publications about him. The right of reply is the right to defend oneself against criticism. It means a person must be given the opportunity to respond to any allegations made against them in a publication.



4.7. ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1: Ethics is the study of what is good for an individual as also for the society at large. The concept of ethics was formulated by the Greeks. Ethics refers to the value system by which a person determines what is right or wrong, fair or unfair, just or unjust. It is expressed through moral behaviour in specific situations. The Greeks prescribed that for an individual courage, morality and correct behaviour was a benchmark for morality and ethics. They also added the qualities of wisdom, justice and temperance to the list.

Ans to Q No 2: Common elements of media ethics are truthfulness, accuracy, objectivity, impartiality, dignity, fairness, public accountability and humanity.

Ans to Q No 3: Journalistic objectivity can refer to fairness, disinterestedness, factuality and nonpartisanship, but most often it encompasses all of

these qualities. However, not many journalists would make a claim to total neutrality or impartiality.

Ans to Q No 4: Plagiarism

Ans to Q No 5: Right of Reply



4.8. FURTHER READING

- **P. K. Ravindran:** ***Preess Law and Ethics of Journalism***
- **Vir Bala Aggarwal :** ***Essentials of Practical Journalism***
- **T. Rajshekhar:** ***Journalism – Ethics and Objectives***
- **Raymond Wacks:** ***Privacy and Press Freedom***



4.9. MODEL QUESTION

Q.1. What is 'media freedom'? Why is there a need to put restraint on media freedom? Explain.

Q.2. Write a brief note on the importance of ethics for the media houses.

Q.3. What is Media Ethics? Write a note on the media code of ethics.

Q.4. What are the common principles or elements of media ethics? Write briefly on each one of them.

Q.5. Write a brief note on the compliance of the media ethics in reporting news.

Q.6. What is plagiarism? Explain plagiarism with reference to media ethics.

Q.7. What is Right of Reply? Write a note on right of reply with reference to media.

*** ***** ***

UNIT-5: CAPITAL PUNISHMENT

UNIT STRUCTURE

5.1 Learning Objectives:

5.2 Introduction:

5.3 Background:

5.4 Theories of Punishment:

- 5.4.1 Preventive theory:
- 5.4.2 Reformative theory:
- 5.4.3 Retributive theory:

5.5 What is Capital Punishment?

- 5.5.1 Philosophers View on the Issue:

5.6 Debate on Capital Punishment: Is Capital Punishment justified?

- 5.6.1 Reformists view:
- 5.6.2 Challenge to Reformists View:
- 5.6.3 Relevance of the Debate:

5.7 Capital Punishment in India:

5.8 Right to Live Argument:

5.9 Let us Sum Up

5.10 Further Reading

5.11 Answers to Check Your Progress:

5.12 Model Questions:

5.1 LEARNING OBJECTIVES

After going through this unit you will be able to:

- Know about capital punishment, the frequently discussed issue in media.
- Describe how it is related to the core agenda of philosophy.
- Analyze different theories of punishment.
- Find out the possible justification for and against capital punishment.
- Understand its relevance as well as its proper execution in the present social phenomenon.

5.2 INTRODUCTION

Philosophy is a discipline which discusses the life and the universe as a whole. It discusses the phenomenal as well as the transcendental world as our curiosity towards knowledge goes beyond. Again it endeavors to know how to lead a worthwhile life as a human being in true sense of the term. It is the activity of that branch of philosophy which is called Axiology. Ethics, "the science of human behavior" is important subject matter of Axiology. The theory of punishment is one of the key issues of ethics. Of course the issue of punishment may have two aspects, i.e. legal and moral. Ethics as the branch of philosophy under Axiology try to discuss different theories of punishment in these both aspects. This is how the theory of punishment has become one of the important issues of discussion in philosophy. The capital punishment is the important issue of discussion under theory of punishment. The focal concern of this chapter is to expose what capital punishment is and what are its issues and significance in the society.

5.3 BACKGROUND

The debate over whether execution is an acceptable form of punishment involves a complicated collection of legal, empirical and moral issues. The eighth amendment to the United States Constitution prohibits "cruel and unusual punishment," and so the legal debate has tended to center around whether capital punishment is cruel or unusual.

Crime is a disruptive act. It is the violation of the laws of society. Mackenzie says that a wrong against social law is a wrong against humanity, and it cannot be forgiven until the offended majesty of law is appeased. It is here that the justification of punishment is found. Society or State punishes the wrong doer because the latter has degraded the majesty of the social law by its violation. Punishment is inflicted on the wrong doer, because he has earned it by violating the moral law. The wrong doer has not only tried to disturb the social peace and harmony through his criminal acts, but has also degraded himself. Punishment is

inflicted on a wrong doer because justice demands it. Justice demands that there should be appropriate distribution of reward and punishment in proportion to the merit and demerit of actions. Here the issue arises how the degree of crime will be counted to measure the punishment.

5.4 THEORIES OF PUNISHMENT

To think clearly about whether we ought to carry out executions at all, it is helpful to begin with an overview of different views about the justification of punishment. We can divide justifications of punishment into two broad categories: deontological and utilitarian. These two categories mainly hint three different types of theories of punishment. These are: Preventive or Deterrent theory, Reformative or Educative theory and Retributive theory. Let us have a brief overview of these three theories.

5.4.1 Preventive Theory

According to the advocates of the preventive theory, the primary end of punishment is to prevent the recurrence of crime. Here it is said a criminal ought to be punished in order to prevent others from committing similar crimes. It should be an exemplary punishment. The problem of this theory is sometimes it may recommend severe punishment for slight offences. The main theme of this theory has best been expressed through the maxim “you are not punished for stealing sheep, but in order that sheep may not be stolen,” According to this theory, the criminal is punished as a means to an end which is the prevention of crimes. But, it can be said, it is not justified to treat man as means.

5.4.2 Reformative Theory

According to the advocates of the reformative theory, the aim of punishment is to reform the criminal himself. The offender was, prior to the commission of offence, a member of the society. It should be the duty of the society to regenerate the offender. The offender

should be punished for his own good. Punishment aims at reforming the offender of his anti-social tendencies so that he may regain his position in society. Punishment should educate the offender in the consciousness of the moral ideal and moral duties. It should never be tinged with retribution.

5.4.3 Retributive Theory

Retributive theory is the third important view of punishment. This theory is purely connected to the legal system. It says, punishment is an act of justice. It is (punishment) an end in itself, not a means to any end beyond itself. The primary aim of punishment is retribution. The aim of punishment is to defend the supremacy and authority of the moral law and to do justice to a criminal. According to the advocates of the retributive theory the offender against society must be punished. He has done a wrong against society. The wrong which he has done to others and to society should shrink back upon himself. It is through punishment that he should be made conscious of the wrong he has done. Punishment is the compliment paid to the criminal. The retributive theory has two wings. According to the first wing the punishing authority should take into consideration the motives and intentions of a wrong-doer while punishing the offender. Punishment should not be inflicted mechanically. Otherwise, punishment will be mere oppression. Punishment should be justice tempered with mercy. This is known as Mollified Retributive theory. On the other hand according to the second wing of this theory, punishment should be of the nature of “tit for tat, eye for an eye, and tooth for a tooth.” Severe crimes should have severe punishment. Nature of punishment is to be determined by the nature of the offence. This is known as regoristic retributive theory. In this context the issue of capital punishment comes.

The retributive theory justifies capital punishment under exceptional circumstances. Right to live is the fundamental right. If a person takes away the life of another, justice demands that he should

be deprived of his life. This is how the way of capital punishment can be understood. But generally the execution of capital punishment is a controversial debate since its inception. Let us see what capital punishment is and what is its issue?



CHECK YOUR PROGRESSS

Q. 1: What is preventive theory of punishment?

Answer: ……..... .....

Q. 2: What is reformative theory of punishment?

Answer: ……..... .....

Q. 3: What is retributive theory of punishment?

Answer: ……..... .....

5.5 WHAT IS CAPITAL PUNISHMENT?

Capital punishment means “death sentence”. It is also known as the death penalty, a government sanctioned practice whereby a person is put to death by the State as a punishment for a crime. The sentence that someone be punished in such a manner is referred to as a death sentence, whereas the act of carrying out the sentence is known as an execution. Crimes that can result in a death penalty are known as capital crimes or capital offences. The term *capital* is derived from the Latin *capitalis* means “of the head”, referring to execution by beheading. Capital punishment is a legal penalty in India.

5.5.1: Philosopjers View on the Issue

Different philosophers have given different views on punishment. The famous Greek philosopher Aristotle regards punishment as negative reward. The man who deliberately breaks

a moral law is entitled to a negative reward. The society gives him what is his due. The German philosopher Emanuel Kant holds that punishment ought to be inflicted on the criminal because he has committed a crime, not as a means to his own good or that of others. He advocates the retributive theory of punishment. Kant says, "Punishment can never be administered merely as a means for promoting another good either with regard to the criminal himself or to society. The penal law is a categorical imperative". Hegel also advocates this view. He also holds that punishment is demanded by the criminal. It is his reward. It is what he deserves-what he has earned by breaking the moral law. It may be said to be his negative reward. The view of these three philosophers is very close to capital punishment as they have corollary to the retributive theory of punishment. The other thinker Rashdall advocates the reformative theory of punishment, and criticizes the retributive theory. He brands it as a vindictive theory. According to him, the amount of pain to be inflicted on the criminal in proportion to the crime cannot be ascertained.

5.6 DEBATE ON CAPITAL PUNISHMENT: IS CAPITAL PUNISHMENT JUSTIFIED?

The above mentioned three theories have their own view regarding capital punishment. The reformative theory of punishment aims at the reformation of the criminal. It is therefore, apparent that capital punishment is not justified according to this theory. If the criminal is given death sentence, the question of his reformation becomes meaningless. Secondly the preventive theory aims at preventing the recurrence of crimes. The criminal is not punished so much for his own good as for preventing others from committing similar crimes. This theory advocates exemplary punishment. Hence capital punishment is justifiable on this theory. The Mollified Retributive theory advocates punishment to the wrong-doer after considering his motive, intention and the circumstances

under which the wrong was done. But if the crime is of severe nature and if there are no extenuating circumstances, the criminal being hardened and incurable, capital punishment may be awarded. But Rigoristic Retributive theory does not consider the extenuating circumstances of the criminal. Rather it renders punishment to the criminal according to the gravity of the crime.

5.6.1 Reformists View

The reformists or the humanists as it is already hinted by reformative theory are opposed to capital punishment. They maintain that if punishment merely aims at vindication of the moral law, it smack of revenge. According to this standpoint a wrong doer becomes temporally insane while committing a crime. Usually no murder is committed in cold blood. But when society inflicts death sentence on a criminal, it does so in cold blood. Therefore, society or its leaders should also be punished with death. The humanists maintain that taking one's life to set an example to others is an act of barbaric cruelty. Homicidal crimes have not disappeared from the countries where capital punishment is in vogue. Capital punishment has no deterrent effect. According to the humanists, healthy and strong public opinion as well as mass awareness are the real deterrent to crime. Treating the offender as a means to an end is a crime against humanity.

The reformist theory is supported by Criminal Sociology. It regards crimes as outcomes of unfavorable social circumstances. According to them crimes are due to social inequalities, maladjustments and corruptions. For example, it presumes that theft is due to poverty. Therefore repression of crime without improving the social and economic conditions of criminals is useless and injurious. Crimes can be prevented only if the human society is reconstructed on the basis of justice and equity.

Here it can be said, if punishment can reform the offender, it serves its purpose well. There is a possibility that with the reformation of an offender punishment may harden the criminal habit of the criminal. A kind treatment may sometimes produce a better effect than punishment. Sometimes forgiveness may bring home to the criminal his guilt and lead him to repentance and reformation. Forgiveness by the offended person sometimes melts the heart of a criminal and transforms his nature.

From the above standpoint of the reformists it is clear that this theory cannot justify capital punishment, because the hanged man cannot be reformed.

5.6.2: Challenge to Reformists View

There are some problems in the reformists' standpoint. It is fact that all crimes cannot be attributed to social maladjustments. Crimes are deliberately committed by some persons, who are not necessarily under adverse social conditions. The common phenomenon of corruption is the right evidence of that. To ascribe all crimes to social distempers, as the reformists intended to, is to miss the distinctive character of crimes.

5.6.3 Releance of the Debate

Capital punishment is a matter of active controversy in various countries and states, and positions can vary within a single political ideology or cultural region. In the European Union, Article 2 of the Charter of Fundamental Rights prohibits the use of capital punishment. Also, the Council of Europe, which has 47 member states, prohibits the use of the death penalty by its members. The United Nations General Assembly has adopted, in 2007, 2008, 2010, 2012 and 2014 non-binding resolutions calling for a global moratorium on executions, with a view to eventual abolition. Although most nations have abolished capital

punishment, over 60% of the world's population live in countries where executions take place, such as China, India, the United States and Indonesia.

The arguments against death sentence are true to a great extent. But abolition of capital punishment cannot also be advocated. It is true that crimes have not disappeared from the countries where capital punishment is in force. But it cannot be ignored that the incidence of heinous crimes may rise sharply if capital punishment is abolished in those countries. All cases of crimes, as the reformists advocate, cannot be due to social or economic inequalities, lack of education or to some mental defects. There may be some 'born criminal'; nothing can reform these born criminals. In that case if a criminal who has committed a heinous crime goes off with a lighter punishment, it will give an indulgence to the criminal tendencies that may be in other persons. So, here the preventive attitude of punishment cannot be ignored. If the crime is of severe nature and if there are no extenuating circumstances in favour of the criminal, death sentence may be justified in that case. Where the criminal commits murder in cold blood, he will have to accept death sentence as his reward.

5.7 CAPITAL PUNISHMENT IN INDIA:

Capital punishment is a legal penalty in India. Here at least 100 people in 2007, 40 in 2006, 77 in 2005, 23 in 2002, and 33 in 2001 were sentenced to death (but not executed), according to Amnesty International figures. No official statistics of those sentenced to death have been released. The president of India use to receive many mercy petitions who are convicted by Indian court and verdict death sentence. As of July 2015, President Pranab Mukherjee has rejected 24 mercy pleas including that of Yakub Memon, Ajmal Kasab, Afzal Guru. On 14 August 2004, Dhananjoy Chatterjee was hanged for the murder (following

a rape) of 18-year-old Hetal Parekh at her apartment residence in Bhowanipur on 5 March 1990. Chatterjee, whose mercy plea was rejected on 4 August 2004, was kept at Alipore Central Jail for nearly 14 years.

On 3 May 2010, a Mumbai Special Court convicted Ajmal Kasab of murder, waging war on India, possessing explosives and other charges. On 6 May 2010 the same trial court sentenced him to death on four counts and to a life sentence on five other counts. Kasab was sentenced to death for attacking Mumbai and killing 166 people on 26 November 2008 along with nine other Pakistani terrorists. He was found guilty of 80 offences, including waging war against the nation, which is punishable by death. Kasab's death sentence was upheld by the Bombay High Court on 21 February 2011 and by the Supreme Court on 29 August 2012. His mercy plea was rejected by the president on 5 November and the same was communicated to him on 12 November. On 21 November 2012, Kasab was hanged in the Yerwada Central Jail in Pune. Likewise Afzal Guru was convicted of conspiracy in connection with the 2001 Indian Parliament attack and was sentenced to death. The Supreme Court of India upheld the sentence, ruling that the attack "shocked the conscience of the society at large." Afzal was scheduled to be executed on 20 October 2006, but the sentence was stayed. He was hanged on 9 February 2013 at Delhi's Tihar Central Jail.

Yakub Memon, convicted of 1993 Bombay bombings, was executed by hanging in Nagpur Central Jail at around 6:30 am IST on 30 July 2015. On 21 March 2013 the Supreme Court confirmed Memon's conviction and death sentence for conspiracy through financing the attacks. On 30 July 2013 the Supreme Court bench headed by Chief Justice P. Sathasivam, Justice B. S. Chauhan and Justice Prafulla Chandra Pant rejected Memon's application for an oral hearing and dismissed his review petition by circulation. Indian President Pranab Mukherjee rejected Memon's petition for clemency on 11 April 2014. Memon then filed a curative petition to the Supreme Court, which was rejected on 21 July 2015.

A special mention here is to the 650-page written judgment in the 1984 Assassination of Indira Gandhi, who was killed by her bodyguards, in which the Delhi High Court panel said, “No excuse or circumstance can . . . mitigate such a treacherous and cowardly act where a defenseless woman was cruelly slaughtered by the ‘guardians’ of her safety.” The judgment condemned “the most inhuman mode of killing” and said, “Two persons crowding in before an elderly woman and mercilessly pumping into her not one or two but as many as 30 bullets is the ghastly scene to be conjured in the mind’s eye.” Kehar Singh was hanged on 6 January 1989 for conspiracy in the assassination, carried out by Satwant Singh and Beant Singh.

In June 2012 it became known that Indian president Pratibha Patil, near the end of her five-year term as president, commuted the death sentence of as many as 35 convicts to life imprisonment, including four on the same day (2 June), which created a storm of protest. There have been calls for the introduction of the death penalty for rapists and molesters, especially since an infamous 2012 Delhi gang rape case and later crimes. So here it can be said in Indian context capital punishment is executed considering the gravity of the crime.

5.8 RIGHT TO LIVE ARGUMENT

Here it can be realized the importance of capital punishment cannot be ignored. But another standpoint holds that human life is valuable. It is so valuable that even the worst murderers should not be deprived of the value of their lives. They believe that the value of the offender’s life cannot be destroyed by the offender’s bad conduct - even if they have killed someone. Some abolitionists don’t go that far. They say that life should be preserved unless there is a very good reason not to, and that those who are in favour of capital punishment are the ones who have to justify their position. Everyone has an inalienable human right to life, even those who commit murder; sentencing a person to death and executing them violates that right. This is very similar to the ‘value of life’

argument, but approached from the perspective of human rights. Another problem in case of capital punishment is the execution of innocent persons. It is a problem for the retribution argument - if there is a serious risk of executing the innocent then one of the key principles of retribution - that people should get what they deserve (and therefore *only* what they deserve) should be very carefully monitored by the judiciary of a State. But unfortunately sometimes it is violated may be due to the dishonesty of legal professionals and some instance can be seen even in USA where the capital punishment has been executed on the innocent people. Again the death penalty doesn't seem to deter people from committing serious violent crimes. But the reverse argument in this regard is that if there is no provision for capital punishment then the level of crime may cross the limit.



CHECK YOUR PROGRESSS

Q. 4: Fill in the blanks:

Answer: The term *capital* is derived from the Latin ……..means ……..

Q. 5: What is capital punishment?

Answer:……..

Q. 6: What is Aristole's view about punishment?

Answer:……..

Q. 7: Can Immanuel Kant, the German philosopher be said as the supporter of capital punishment?

Answer:……..

Q. 8: What is Hegel's view on the theory of punishment?

Answer:……..

Q. 9: What did Rashdall said about punishment?

Answer:……..

Q. 10: What is reformist approach to capital punishment?

Answer:……..

……



5.9 LET US SUM UP

- Capital punishment means death sentence. It is also known as the death penalty, is a government sanctioned practice whereby a person is put to death by the state as a punishment for a crime.
- There are different opinions of different theories of punishment regarding capital punishment. One section supports it whereas others oppose.
- According to the Deterrent theory, a person who deliberately commits murder should be given capital punishment. The criminal deprived a person of his life, so he should be hanged to prevent others from committing the same. He should be made an example for others.
- According to the retributive theory also a murderer should be given capital punishment. He has taken away the life of a person in cold blood. So justice demands that he be deprived of his life. The rigorous form of the retributive theory does not make any concession. But the mollified form of it recommends taking into consideration the criminal's age, provocation, education, and other extenuating circumstances in softening the rigour of justice.
- Capital punishment is a legal penalty in India. Here lots of instances can be found of giving capital punishment legally to different criminals.
- Capital punishment is a matter of active controversy in various countries and states, and positions can vary within a single political ideology or cultural region. In the Article 2 of the Charter of Fundamental Rights of the European Union prohibits the use of capital punishment.
- As it is already seen the retributive theory justifies capital punishment under exceptional circumstances. Right to live is the fundamental right. If a person takes away the life of another, justice demands that

he should be deprived of his life. This is how the way of capital punishment can be understood. But generally the execution of capital punishment is a controversial debate since its inception.

- In the contemporary age the reformists or the humanists have been tried to enlighten public opinion against capital punishment.
- But one thing cannot be ignored that if there is no provision for capital punishment then the level of crime may cross the limit. The important thing here is that the judiciary should take special caution when executing the capital punishment so that the innocent people may not be affected.



5.10 FURTHER READING

1) Encyclopedia of Religion and Ethics.
2) John H. Piet and Ayodhya Prasad (ed) An Introduction to Applied Ethics.
3) Steven Luper & Curtis Brown, The Moral Life, Second Edition, Harcourt Brace College Publishers.
4) LaFollette, Hugh (2002). Ethics in practice: an anthology. Oxford: Blackwell.
5) Sinha, J.N., Manual of Ethics, New Central Book Agency (p) Ltd. London



5.11 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q no 1: The preventive theory of punishment is that theory according to which, the primary end of punishment is to prevent the recurrence of crime. Here it is said a criminal ought to be punished in order to prevent others from committing similar crimes. It should be an exemplary punishment.

Ans to Q no 2: According the reformative theory, the aim of punishment is to reform the criminal himself. The offender was, prior to the

commission of offence, a member of the society. It should be the duty of the society to rehabilitate the offender. The offender should be punished for his own good. Punishment aims at reforming the offender.

Ans to Q no 3: The retributive theory of punishment is purely connected to the legal system. It says, punishment is an act of justice. It is (punishment) an end in itself, not a means to any end beyond itself. The primary aim of punishment is retribution. The aim of punishment is to defend the supremacy and authority of the moral law and to do justice to a criminal. According to the advocates of the retributive theory the offender against society must be punished.

Ans to Q no 4: The term *capital* is derived from the Latin word *capitalis* means “of the head”.

The term *capital* is derived from the Latin *capitalis* means “of the head”,

Ans to Q no 5: Capital punishment means “death sentence”. It is also known as the death penalty, a government sanctioned practice whereby a person is put to death by the State as a punishment for a crime.

Ans to Q no 6: According to Aristotle, punishment is negative reward. The man who deliberately breaks a moral law is entitled to a negative reward. The society gives him what is his due.

Ans to Q no 7: The German philosopher Emanuel Kant holds that punishment ought to be inflicted on the criminal because he has committed a crime, not as a means to his own good or that of others. He advocates the retributive theory of punishment. Kant says, “Punishment can never be administered merely as a means for promoting another good either with regard to the criminal himself or to society. The penal law is a categorical imperative”. Here it can be said, Kant supports capital punishment for the sake of the law and order itself.

Ans to Q no 8: Hegel advocates the retributivists’ view of punishment. He holds that punishment is demanded by the criminal. It is his

reward. It is what he deserves-what he has earned by breaking the moral law. It may be said to be his negative reward.

Ans to Q no 9: Rashdall advocates the reformative theory of punishment, and criticizes the retributive theory. He brands it as a vindictive theory. According to him, the amount of pain to be inflicted on the criminal in proportion to the crime cannot be ascertained.

Ans to Q no 10: The reformists or the humanists like reformative theory are opposed to capital punishment. They maintain that if punishment merely aims at vindication of the moral law, it smack of revenge. According to this standpoint a wrong doer becomes temporally insane while committing a crime. Usually no murder is committed in cold blood. But when society inflicts death sentence on a criminal, it does so in cold blood. Therefore, society or its leaders should also be punished with death. The humanists maintain that taking one's life to set an example to others is an act of barbaric cruelty.



5.12 MODEL QUESTIONS

A. Very Short question

Q 1: What is the literal meaning of the word 'capital punishment'?

Q 2: What is "tit for tat, eye for an eye"?

Q 3: What is Axiology?

Q 4: What is Ethics?

Q 5: What is punishment?

B. Short question (Answer in about 150 words)

Q 1: What is capital punishment?

Q 2: What is preventive or deterrent theory of punishment?

Q 3: What is reformative theory of punishment?

Q 4: What is mollified retributive theory of punishment?

Q 5: What is regoristic retributive theory of punishment?

C. Long Questions (Answer in about 300- 500 words)

Q 1: Is capital punishment justified? Explain with examples.

Q 2: What is humanist or reformist's view on capital punishment? Is it justified? Give reasons.

Q 3: Briefly discuss the scenario of capital punishment and its implementation in India.

Q 4: Give your arguments for and against capital punishment. Can capital punishment minimize the level of crime in the society?

*** ***** ***

UNIT 6: HUMAN RIGHTS

UNIT STRUCTURE

6.1 Learning Objectives
6.2 Introduction
6.3 Human Rights
6.3.1 Human Rights: what it is
6.3.2 Moral rights and Legal rights
6.3.3 Moral Universalism
6.4 Rights and Duties
6.4.1 Claim Rights and Liberty Rights
6.4.2 Rights Priorities
6.5 Contemporary Debates
6.5.1 Interest theory
6.5.2 Will theory
6.6 Let us sum up
6.7 Further Readings
6.8 Answers to check your progress
6.9 Model Questions

6.1 LEARNING OBJECTIVES

After going through this unit, you will be able to:

- identify what human rights are and the issues pertaining to human rights
- discuss the different philosophical positions in the human rights discourse.
- understand human rights in the social, legal and political contexts
- understand the relationship between rights and duties
- evaluate human rights issues critically

6.2 INTRODUCTION

In this chapter, we will be discussing issues pertaining to human rights. Human rights are one of the important issues being discussed in the

contemporary world. Human rights are generally considered to be those inalienable rights that are bestowed upon a human being by the virtue of being a member of the human family. In this chapter, we shall deliberate upon the philosophical issues involved with respect to human rights and we shall try to see how it is related to duties. Can there be a moral justification for human rights? Are human rights and moral rights same? What are the different aspects of human rights? These are some of the issues we will be discussing in the subsequent sections of this chapter. To do this exercise, let us start with the question- what this issue of human rights is all about?

6.3.1 Human Rights: what it is

Before getting into a philosophical discussion of human rights, let me give a brief historical account of the human Rights Declaration. Instead of focusing on how many of such **human rights are possible, international institutions like the UN was laid stress on the fundamental prerequisites for every human being to lead a minimal good life.** For instance, have you ever given a thought as to what are all the things you need to lead a basic good life? The Universal Declaration of Human Rights (1948), the European Convention on Human Rights (1954) and the International Covenant on Civil and Economic Rights (1966) have outlined certain rights for every human being for leading a good life and it should be the aspiration for every nation to ensure that these rights are made available to every citizen.

We know that the Universal Declaration of Human Rights (1948) came out with a list of basic human rights. This naturally entails such questions were there no human rights before? Or are human rights merely some constitutional rights or are they something more than that?

6.3.2 Natural Rights and Legal Rights

Can somebody harm you? Can somebody take your property without your knowledge? Do you feel that any such type of action is

wrong? If it is wrong, did you ever think why it is wrong? You may come up with an answer saying that you have a right of not to be harmed and that also you have a right of owning your property. The next question will be who gave you these rights? Or how did you get/acquire these rights? You can come up with an answer that these rights are provided to you according to our legal system. Can we ask further? Let us assume, if the legal system did not provide you with a right of not being harmed, does it mean that you do not enjoy a right not to be harmed? Or do you think that whether legal system accepts or not, you have a right not to be harmed? Answers to these questions shall make us dwell on the philosophical issue of human rights. In the subsequent paragraphs we shall discuss the philosophical rationale for the human rights.

We come across primarily two main positions here. One position holds that human rights are basically an outcome of specific social-cultural contexts and there is nothing like natural human rights. This can be a sort of moral relativism. According to this school, in the context of human rights, whatever is claimed as human rights is nothing but a branch of legal rights given in the laws of individual states or other institutions. As against this, the other position is that there is a natural moral right with which every human being is bestowed with. These natural rights are common to all individuals irrespective of their culture, social class, or any other such types of contingencies. This school takes the moral rights to be universal. Thus, this position resorts to one or the other sort of moral universalism. This means that there is a moral right, which we can identify through our reason and which is beyond any social and historical contingencies and every human being irrespective of his/her race, culture, colour, caste, religion, creed, language, gender does possess such rights. This suggests that these moral rights are universally true.

By accepting the position of moral universalism, we are given the scope for seeing if 'human-made' laws are correct. That is, we

can have an evaluation of a legal system on the basis of whether it is in accordance with the moral law. Aristotle made such claims in his Nicomachean Ethics. In distinguishing between 'natural justice' and 'legal justice', Aristotle writes, 'the natural is that which has the same validity everywhere and does not depend upon acceptance.'

The other camp, legal positivists, talks of legal rights as the only possible rights. The moral rights are not rights as such, rather, they are moral claims. For utilitarian thinker Jeremy Bentham, there cannot be any moral rights existing prior to any legal system. Whether a particular right is there for a person or not, in this scheme of thought it is judged by the fact as to whether that right has been given in the legal system. If it is available in the legal procedures, then that right is allowed and if it is not, then there is no such right. Though this account seems rather simple, yet it has serious problems.



LET US KNOW

Moral relativism: It is a concept that moral judgments are true or false only relative to some particular standpoint and it holds that no standpoint is absolutely true or false.



CHECK YOUR PROGRESS

Q1: What is natural justice? (Answer in about 20 words)

.....

.....

Q 2: State the name of a utilitarian thinker.

.....

.....

6.3.3 Moral Universalism

As we raised in the initial part of our discussion, we have seen that it might be possible and, as a matter of fact, it needs to be

possible, for us to evaluate a particular legal procedure. There can be a legal system, which can reject outright certain rights given to certain segments of the people to enjoy. In this case, are we not making an attempt to evaluate whether the laws, which are discriminatory, are taking care of the 'rights' of all the people? If we find that certain laws are discriminatory, we claim that it is against the 'rights' of the people. When we make such types of arguments, we presume a certain kind of 'right' over and above the legal rights. These rights can be argued as moral rights and which can be considered independent of any social or historical conditions and, therefore, they can be thought of as universal moral rights. According to this position, every individual possesses natural rights independent of society or state. This position was particularly held by one influential thinker John Locke in his work *Two Treatises of Government* (1688). The acceptance of moral rights can be taken as the genesis of human rights. According to Locke's argument, an individual possesses natural rights independent of the any political setup and prior to any legal setup as well. The immediate question that comes to our mind is what are all the moral rights the individual possesses and how does the individual possess such natural rights? While addressing the former question, one needs to enumerate with justification the natural rights one is supposed to possess; and for the latter question, one has to justify how such moral rights are possible. According to Locke, they possess natural rights because of natural law and natural law originated from God. Thus, Locke referred to the theological issues when he tried to substantiate the natural law and thereby natural rights theory.

As against Locke, in the 18th century Immanuel Kant tried to base moral rights not on any theological suppositions but on the universal rationality and autonomy of the individuals. Kant tries to give a formal understanding of the rights rather than the substantive one. That is, he was concerned with the rule for making certain rights rather than whether a particular right (for example, a right to

die in case of euthanasia) can be made as inalienable right or not. According to Kant, formal principle consists in making one's maxim to see if it carries a universal applicability that respects equality and individual autonomy. Thus, Kant gives the basis of universal moral rights through his categorical imperative. I shall take up the contemporary debates with respect to this issue in the later part of the unit.

6.4 RIGHTS AND DUTIES

While we talk about human rights we should also be discussing duties as the idea of human rights is related with the concept of duty. To put in simplistic terms, one person's right is another person's duty. But, on a careful analysis of the concept of right, we can find there can be different shades of rights. **W.N. Hohfeld (1919) classified rights into four types – Liberty rights, Claim rights, Power rights and Immunity rights. Current literature (Peter Jones 1994) reduces the last two categories also within claim and liberty rights. Let us see what these liberty rights and claim rights mean.**



CHECK YOUR PROGRESS

Q 3: Who is the author of Two *Treatises of Government*?

.....

.....

Q 4: What are the kinds of rights, according to W.N. Hohfeld

.....

.....

6.4.1 Claim Rights and Liberty Rights

Claim rights are those rights which we normally understand as rights, which have corresponding duty onto others. If I have a right, then it means that you (individual or state) have a duty to abide

by it. Peter Jones writes that Claim right is, more important than Liberty rights. Jones classifies Claim Rights into *positive* and *negative* claim rights. Positive claim rights are those that are against some specific person or institution. For example, if I am entitled for some items in ration shop, then I have a positive right to get those items from the government public distribution system. They are bound to give me what I have a right to. Negative claim rights are not directed against any one person, but against all. For example, I have bought a pen and I have a right over it. It means that nobody can take it. Everybody is obligated not to take my pen. This can be treated as negative claim right.

Compared to Claim Rights, Liberty Rights are those rights which are not directed against one or any other person's duty to fulfill that right. It is often marked in negative terms. It comes up with the idea of liberty. I have the freedom (right) to think of having a good peaceful evening on the banks of the Brahmaputra. Is anybody obligated to fulfill your right? No. Similarly can anybody restrain you from having that freedom? No. Thus, Liberty Rights are often negative rights that need not come up with obligation on any person.

The need to make these categories of rights like Claim Rights and Liberty Rights is to see how the different enumerations of rights fit in the ambit of universal rights. When we talk of the substantive rights described in the Universal Declaration on Human Rights and other conventions, we can see that it can be broadly categorized under five heads – *rights to life*, *rights to freedom*, *rights to political participation*, *rights to the protection of the rule of law*; *rights to fundamental social*, *economic*, *and cultural goods*. These rights involve Claim Rights, Liberty Rights or a combination of both.



CHECK YOUR PROGRESS

Q 5: What are the classifications of Claim Right, according to Peter Jones?

.....

.....

Q 6: Make a distinction between positive and negative claim rights. (Answer in about 20 words)

.....

.....

.....

Q 7: Human rights can be categorized into five heads. What are they?

.....

.....

6.4.2 Rights Priorities

When we have a list of human rights does it mean that all rights have the same importance? This will be a difficult question to tackle. Broadly speaking, when we talk of human rights as rights that are needed for every individual to lead a minimally good life, then it will not be possible to prioritize which rights are more important than the others. But, at the same time, when we think practically, depending on the resources of the state to fulfill the requirements of rights, there can be certain level of prioritizing of certain human rights over certain other human rights. For example, realizing in practice that everybody has a right to food actually depends upon the resources available to implement it.

The biggest problem associated with the current human rights discourse is its implementation part. Who owns the responsibility for exercising one's rights? Everybody has got the right to food, but we see in so many African countries and even in our own country lots of people suffer/die from hunger. Do these

people not have the right to live? Who is responsible for this? Does it mean that you and I are responsible for this or is it our government? Some Philosophers like Thomas Pagge (1995) claim that moral responsibility lies upon the institutions rather than the individuals. That is why we consider our government and its policies responsible for any such violation of human rights. The government and international organizations like UN are to take the responsibility from the fulfillment of these human rights aspirations**.** Ronald Dworokin (1977), a thinker, suggests that human rights trump all other policies and social goals. That means catering to the needs of human rights is the priority of the government before it takes up other social issues. In this way, we can at least try to give a formal structure to protect human rights with the resources available to us.

6.5 CONTEMPORARY DEBATES

The current trend on human rights is considered both in terms of moral rights and legal rights. But, this issue is not philosophically resolved. The one big problem of confining human rights to legal rights is to make it contingent and socially and historically contextualized. So, some philosophers tried to defend human rights over and beyond legal rights. Contemporary thinkers like John Finnis in 'Natural Law and Natural Rights' (1997) try to defend a natural law position in rights. We have already seen how the concept of natural rights has been deliberated in the past to lay a foundation for human rights as moral rights. Apart from the natural rights theorists, there are also thinkers who try to give human rights a social-contract perspective. Thinkers like Thomas Hobbes did it. Human rights were also based on the concept of reciprocity – a golden rule – that is, 'do unto others what you want them to do to you.'

4.5.1 Interest theory

In the ongoing debate on the nature of human rights as moral rights, currently two positions can be considered quite important. They are the 'Interests theory' and the 'Will theory'. Interests' theory

approach to human rights bases its idea on some common human interests which are by nature available to human beings. For the interests theorists, the function of human rights are to serve the human interests. As humans have some natural interests, securing those interests is a part of their rights and thus, human rights can be morally justified as it is part of the human's interests. The Interests theory is concerned with listing out the social and biological interests for human beings to lead a minimally good life. Thus for the Interests theorists like John Finnis (1980), human rights act as an instrumental value in order to provide and protect the basic human interests. The human interests based approach to human rights has an appeal to commonality amongst all the human beings and thus try to make those interests as inalienable rights that transcend beyond the contingencies. It can also try to give preference for one human right over the other on the basis of the prioritizing the interests of the humans. For example, the interest to survive is more important than the interest to get education. Maybe, an interest to get education can be more important than interest to enjoy leisure. Thus, prioritizing human rights is both possible and workable in this approach.

One of the important criticisms against the Interest theory is that its bases his human rights account on the universal human nature. But a serious question in this regard is, can there be a universal human nature? The Interest theory, on the basis of universal human nature, insists on creating the necessary conditions to provide a minimal quality of good life, but, the issue is with regard to the minimal things for good life - is it common to all the people? Do the social, cultural and historical factors not play a major role in this? Amartya Sen (1999) has argued that the minimal conditions for a decent life are socially and culturally relative. Once we accept this position, then the Interests theory insists that on the basis of human's social and biological needs, the rights need to be ascertained and the need to be relooked at. And one more important issue is that once we take certain social and biological interests as

the basis of human nature and subsequently those can be established as human rights, we implicitly take a deterministic position with respect to human interests and needs.



LET US KNOW

Inalienable right: A right that cannot be taken away, denied, or transferred.

Contingencies: A future event or circumstance which is possible but cannot be predicted.

6.5.2 Will Theory

Against the 'Interest theorists' are the 'will theorists', who try to rationalize human rights on the basis of one attribute, that is, the human capacity to be free. They argue that the distinctive aspect of human agency is his/her capacity for freedom and hence the human rights issue needs to be addressed through this element of freedom. WLA Hart, Henry Shue, Alan Gewirth are some thinkers who try to argue from this line. Gewirth claims that human rights claims are based upon our capacity as rationally purposive agents. To be human is to be rationally purposive and for that freedom and well-being are the necessary, according to Gewirth, who says that capacity for freedom implies a rationally purposive agency. While such a view of human rights on the premise of rationally purposive agents with the prerequisites of human freedom and well-being is sound, it raises a serious issue against the marginalized people, who are not rational purposive agents. People who are challenged with one or other mental illness or similar illness may not fall under the category of rationally autonomous agents. Does it mean that they do not have any human rights? The implication of Will theory may imply that but it is intuitively unacceptable. However, taken together the interest and the will theory give a good ground for arguing about the possibility of human rights as something common to all people going

irrespective of different cultures and social contexts. The contemporary debates and discussions do suggest that human rights issues are not merely philosophical issues but also have social, political and ethical ramification.



LET US KNOW

Marginalized people**:** People who are confined to a lower or outer limit or edge in case of social standing.



CHECK YOUR PROGRESS

Q 8: What do you mean by Interests theory? (Answer in about 30 words)

.....

.....

Q 9: What is Will theory? (Answer in about 30 words)

.....

.....



6.6 LET US SUM UP

- Human rights focus on fundamental prerequisites for every human being to lead a minimal good life.
- Natural rights are common to all individuals irrespective of their culture, social class, or any other such types of contingencies.
- Moral universalism holds that the moral rights are universal. This means that there is a moral right, which we can identify through our reason and which is beyond any social and historical contingencies and every human being irrespective of his/her race, culture, color, caste, religion, creed, language, gender does possess such rights.
- W.N. Hohfeld (1919) classified rights into four types – liberty rights, claim rights, power rights and immunity rights. Current literature (Peter

Jones 1994) reduces the last two categories also within claim and liberty rights.

- Jones classifies Claim rights into positive and negative claim rights. Positive claim rights are those that are against some specific person or institution. For example, if I am entitled for some items in ration shop, then I have a positive right to get that from the government public distribution system. They are bound to give me what I have a right to.
- Negative claim rights are not directed against any one person, but against all. For example, I have bought a pen and I have a right over it. It means that nobody can take it. Everybody is obligated not to take my pen. This can be treated as negative claim right.
- Liberty rights are those rights which are not directed against one or any other person's duty to fulfill that right. It is often marked in negative terms. It comes up with the idea of liberty.
- Philosophers (Thomas Pagge 1995) claim that moral responsibility is upon the institutions rather than the individuals. That is why we see that our government and its policies are considered to be responsible for any such violation of human rights. The government and international organizations like UN take the responsibility to realize these human rights aspirations.
- On the nature of human rights as moral rights, two positions can be considered as quite important. They are the 'Interests' theory' and the 'Will theory'.
- Interests' theory approach to human rights bases its idea on some common human interests which are by nature available to the human beings. For the Interests theorists, the function of human rights are to serve the human interests. As humans have some natural interests, securing those interests is the part of their rights and thus, human rights can be morally justified as it is part of the human's interests. The interests theory is concerned with listing out the social and biological interests for human beings leading a minimally good life.



6.7 FURTHER READINGS

1) Patrick Hayden.(2001) *Philosophy of Human Rights*: *Readings in Context*. Paragaon House Publishers

2) Internet Encyclopedia of Philosophy – Human Rights



6.8 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1: According to Aristotle, 'the natural is that which has the same validity everywhere and does not depend upon acceptance.'

Ans to Q No 2: Geremy Bentham

Ans to Q No 3: John Locke

Ans to Q No 4: Liberty rights, Claim rights, Power rights, Immunity rights

Ans to Q No 5: Positive claim rights and Negative claim rights

Ans to Q No 6: Jones classifies claim rights into two. They are positive and negative claim rights. Positive claim rights are those rights which are against some specific person or institution. For example, I want some items in ration shop. It implies I have a positive right to get that from the government public distribution system. They are bound to give me what I have a right to. On the other hand Negative claim rights are that rights which are not directed against any one person, but against all. For example, I have bought a pen and I have a right over it. It means that nobody can take it. Everybody is obligated to not to take my pen. This can be treated as negative claim right.

Ans to Q No 7: Human rights can be categorized into five heads. They are: Rights to life, rights to freedom, rights to political participation, rights to the protection of the rule of law, rights to fundamental social, economic, and cultural goods.

Ans to Q No 8: It is a theory of human rights which is concerned with the social and biological interests for human beings in order to lead a good life. The advocates of this theory are WLA Hart, Henry Shue, and Alan Gewirth.

Ans to Q No 9: It is also a theory of human rights which is rationalized on the basis of one attribute i.e., human capacity to be free. It also denotes that all human rights issue needs to be addressed through the element of freedom.



6.9 MODEL QUESTIONS

A) Very Short Questions

Q1: What do you mean by Human Rights?

Q2: What is legal rights?

Q3: Define natural rights.

Q4: What do you mean by moral relativism?

Q5: Write the name of an advocate of legal system.

Q6: Who writes: "The natural is that which has the same validity everywhere and does not depend on acceptance".

Q7: What are claim rights?

Q8: Write the definition of liberty rights.

B) Answer briefly (Answer in about 100-150 words)

Q1: Make a distinction between natural rights and legal rights.

Q2: Write briefly on natural rights.

Q3: Write a short note on Moral Utilitarianism.

Q4: Distinguish between claim rights and liberty rights.

Q5: Explain in brief the interest theory approach to human rights.

Q6: What is will theory? Briefly explain.

C) Long Questions (Answer in about 300-500 words)

Q1: Explain the concept of moral utilitarianism.

Q2: Do you find any link between rights and duties? Explain in support of your reason.

Q3: What is human rights? Explain the different kinds of rights.

*** ***** ***

UNIT 7: ANIMAL RIGHTS

UNIT STRUCTURE

7.1 Learning Objectives

7.2 Introduction

7.3 Meaning and Definition of Animal Rights

7.4 Consequences of Animal Rights

7.5 The Case for Animal Rights

7.6 The Case against Animal Rights

7.7 Moral Community

7.8 Problems of Marginal People

7.9 Let Us Sum Up

7.10 Answer to Check Your Progress

7.11 Model Questions

7.1 LEARNING OBJECTIVES

After going through this unit you will able to

- Know the meaning of rights and its relation to animals
- Know the arguments for and against animal rights
- Know which things are wrong to do animals
- Know the values of the lives of the member of moral community
- Know whether animals posses moral status or not

7.2 INTRODUCTION

The foundation for rigorous thinking about animal use was laid in 1975, with the publication of Peter Singer's book animal liberation. While today Singer is commonly regarded as father of the animal rights movements, ironically animal liberation did not make a concerted attempt to argue that animals in fact have rights. Peter Singer extended Bentham's utilitarian approach to evaluate how animals might ethically be used by humans. Utilitarianism opens the door to a thoughtful dialogue about how humans can ethically make use of animals. But utilitarian

thinking is also hindered by some obvious limitations. Especially intrinsic value of the animal's life a second concept called speciesism that opened the door to considering animal rights.

7.3 MEANING AND DEFINITION OF ANIMAL RIGHTS

The origin of the idea of animal rights is not easy to trace. One view is that this notion is a natural spin-off or even a logical extension of the civil rights and women rights movements. Another view is that it represents nothing more than another system of the tendency, particularly prevalent in the United States to couch all demands for change in the language of rights. But to develop a sensible alternative position on the moral status of animals, it is necessary to examine the foundation of our system of moral beliefs.

The fundamental principle of equality, on which the equality of all human beings rest is the principle of equal considerations of interests. Only a basic moral principle of this kind can defend a form of equality that embraces all human beings with all the differences that exists between them. Having accepted the principle of equality as a sound moral basis for relations with others of our own species, we are also committed to accepting it as a sound moral basis for relations with those outside our own species, i.e the non human animals. Animals deserves certain kinds of considerations, like what is in their best interests, regardless of whether they are useful to humans or any human cares about them at all. It means recognizing that animals are not to be use as our property for food, clothing, entertainment, or experimentation.

Among the most important moral and political issues facing the world today, issues like moral status of animals should be treated alike. Do not human animas have substantial or full moral status? If so, why? If not, why not? Morality requires equally unless there is some general and relevant differences between them that morally justifies a difference in treatment. Animals are more like humans in almost all sorts of important ways. For eg- like human beings, they are alive, most of them

are capable of suffering, some can arguably think and even emotions. So it would be more precise to ask how those non-human animals should be treated that we standardly use for food, for product and biomedical testing and for their skin. Virtually most of the philosophers, scientists agree that it would be wrong to torture or kill a mammal or bird just for fun. The question here is not about whether these animals have moral status, but rather how much status they have, and why?

Every conscious being has interests that should be respected. No being who is conscious of being alive should be devalued to thinghood, dominated, used as resource or a commodity.

The main part of the idea known as animal rights is a movement to extent moral consideration to all conscious beings. When we stop eating and drinking products derived from other animals, when we stop going to circuses, decline to bread or buy dogs and cats, we are carrying out the idea of animal right. By doing so and giving respect to the animals regardless of how they happen to be classified or name, the purpose of giving rights to animals will be served.

According to the view that an animal's moral claim is equivalent to a moral right, any action that fails to treat the animal as a being with inherent worth would violate that animal's right and will be morally objectionable. According to the animal rights position, to treat an animal as a means to some human end, as many humans do when they eat animals or experiment on them, is to violate animal's right. The animal rights position is an absolutist position. Any being that is a subject of life has inherent worth and the rights that protect such worth and all subjects of a life have these rights equally. Thus any practice that fails to respect the rights of those animals who have them eg- eating animals, hunting animals, experimenting on animals, using animals for entertainment, is wrong, irrespective of human need, context or culture.

In the past, the idea of "the rights of animals has been used to parody the case for women's rights. When Mary Wollstonecraft, a fore runner of later feminists, published her vindication of the rights of women

in 1792, her ideas were widely regarded as abused, and they were satirized.

In any anonymous publication entitled. A vindication of the rights of bruits the author of this satire tride to refute W ollstonecraft's reasonings by shouring that they could be carried one stage further. If sound when applied to women, why should be arguments not be applied to dogs, cats, and horses? They seem to hold equally will for these "brutes", yet to hold that brutes had rights was manifestly abused, therefore the reasoning by which this conclusion had been reached must be unsound when applied to brute, it must also be lensound when applied to women, since the very same arguments had been used in each case.

7.4: CONSEQUNCES OF ANIMAL RIGHTS

Animal rights teach us that certain things are wrong as a matter of principle. There are certain things that are morally wrong to do to animals, even if they do them in a humane way. Accepting the doctrine of animal rights may mean the following points.

1) No experiments on animals:

The area in which speciesism can most clearly be observed is the use of animals in experiments. Animals are used in laboratories for three main purposes- education, product safety testing and experimentation-medical research in particulars. The issue here stands in an unpleasant manner because experiments often seek to justify experimenting an animal by claiming that the experiments lead us to discover about humans and if this is so the experiments must agree that human and non human animals are similar in crucial respects. Again sometimes people think that all animal experiments serve vital medical purposes, and can be justified on the grounds that they relieve more suffering than they cause. But this comfortable belief is mistaken. Pressure from the animal liberation movement has led several cosmetic companies to abandon this practice. Thus one who belives in absolute rights might hold that it is always wrong to sacrifice one being, whether human or animal, for the

benefit of another. In that case the experiment should not be carried out whatever be the consequence.

2) No breeding and killing animals for food or cloths:

The use of animals for food is probably the oldest and the most widespread from of animal use. There is also a sense in which it is the most basic form of animal use. The foundation stone on which rests the belief that animal exists for our pleasure and convenience. The case against using animals for food is at its strongest when animals are made to lead miserable lives so that their flesh can be made available to humans at the lowest possible cost. Modern forms of intensive farming apply science and technology to the attitude that animals are objects for us to use. In order to have meat on the table at a price that people can afford our society tolerates methods of meat production that confine sentient animals in cramped unsuitable conditions for the entire duration of their lives. Animals are treated as machines that convert fodder into flesh, and any innovations that results in higher conversion ratio is liable to be adopted. To avoid speciesism we must stop these practices. Our custom is all the support that factory farmers need. We should not eat chicken, pork or veal, unless we know that the meat we are eating was not produced by factory farm method. The lives of free ranging animals are undoubtedly better than those of animals reared in factory farm. So human beings have no rights to take the live of animals for their comfort i.e. for their food and clothing.

3) No use of animals for hard labour :

Another use of animal is in exploiting them by forcing them to do physical labour. Most of the animals are used as a means of transport, to pull plows, carry goods etc. some are also used as police dogs or guide dogs. Again in many places the use of horses for transportation is tourists attraction, which is a similar form of exploitation to that of other domesticated animals used for work. Jobs for which non human animals are used are often tiresome and may cause physical pain. They are stressed and unhappy by the tedium of their activities. Our labour values

tell us that we have a moral duty to treat the animals we share our planet with in a humane and compassionate way. The last labour government achieved much to end the cruel and unnecessary suffering of animals. The banning of hunting with dogs, and others by introducing the animal welfare act 2006.

4) No hunting:

Hunting has contributed to the extinction of several animals over the world. Many animals endure prolonged painful deaths when they are injured. Animals are being hunted for thrill but people do not understand that a balance in the environment should be maintained for their own benefit. Under the terms of the new hunting act, which covers England and wales, a person commits an offense if he hunts a wild mammal with a dog, unless his hunting is exempt. Exempt hunting is defined as stalking or flushing out an animal, using no more than two dogs, with a view to shooting the mammal as soon as it breaks cover. Under animal rights it is a punishable offense to kill or maim any animal including stray animals.

5) No use of animals in entertainment:

Under animal rights it is morally wrong to keep animals in zoo and use them for entertainment. It treats the animals as a means to achieve some human end. Also it falls to treat animals with the respect they deserve. Moreover it violets the animal's right to live in freedom.

7.6: THE CASE FOR ANIMAL RIGHTS

The case for animal rights is usually derived from the case for human rights. The case for animal rights shows that the animal rights movement is a part of the human rights movement and not antagonistic to it. The theory that rationally grounds the rights of animals also grounds the rights of humans. Thus those involve in the animal rights movement are partners in the struggle to secure respect for human rights – the rights of women, for example, or minorities or workers. The animal rights

movement is cut from the same moral cloth as these. The case for animal rights put forwarded the following points

- Human beings and animals have similar levels of biological complexity. Pain is pain wherever it occurs. If someone causing a human being is wrong because of the pain that is caused , moral relevance of the pain that an animal feels cannot rationally be ignored or dismissed.
- Like human beings animals are also conscious and aware of their existence. Consequently the weight of evidence indicates that humans are not unique in possessing the neurological substrates that generate consciousness. Non human animals including all mammals and birds and many other creatures also possess these neurological substrates.
- Like human beings animals also has preferences of likes and dislikes and make conscious choices.
- Human beings live in such a way to give themselves the best quality of life. So as animals also try the best shelter place. They also find the best food for themselves.

All beings with inherent value are equally valuable and entitled to the same right. Their inherent value does not depend on how useful they are to the world, and it does not diminish if they are a burden to others. Thus, animals have their rights just in the same way, for the reasons , and to the same extent that human beings have rights.

In all essential respects these animals are physiologically like human beings and human beings are like them. Charles Darwin compares “the mental power of man and the lower animals.” For example – injuries to our brain or spinal cord can diminish aru sense of sight or touch. By analogy Darwin thinks it is reasonable to infer that the same is true of animals that are most physiologically similar to human beings. Because our central nervous system provides the physical basis for our subjective awareness of the world, and because the central nervous system of other mammals resemble human beings in all the relevant respects, it is reasonable to believe that their central nervous system provide the physical basis for their subjective awareness.

Every person of commonsense agrees with Darwin. Dogs and pigs enjoy something and find others painful. In addition both humans and other mammals share a family of cognitive abilities as well as variety of emotions. (Darwin lists fear, jealousy and sadness). Not surprisingly again, these mental capacities affect their behavior. For e.g. other mammal will behave one way rather than another because they remember which ways of acting had pleasant outcomes in the past or because they are afraid or sad.

The psychological complexity of mammals (hence forth “animals”, unless otherwise indicated) plays an important role in arguing for their rights. As in the case of human so in the case of animals. They are the subjects – of – a- life, their life, a life that is experientially better or worse for the one whose life it is. Each is unique somebody not a replaceable something. In this respect, as the subjects –of –a- life other mammals are our equals. And in this case our someness, our equality is important morally, logically, we cannot maintain that harms alone to us matter morally, but that harms done to these animals do not. Relevantly similar cases must be judged similarly. So humans have rights to do these animals.

In the case of the use of animals in science, the rights view is categorically abolitionist. Lab animals are not our testers, we are not their kings. Because these animals are treated routinely, systematically as if their value were reducible to their usefulness to others, they are routinely, systematically treated with a lack of respect, and thus are their rights routinely, systematically violated. This is just as true when they are used in trivial, duplicative, unnecessary or unique research as it is when they are used in studies that hold out real promise of human benefits. Harming or killing a human being can’t be justified just these sort of reason neither it can be done even in the case of so lowly creatures as a laboratory rat. It is not just refinement or reduction that is called for not just larger, cleaner cages, not just more generous use of anesthesia or the elimination of multiple surgeries, not just tidying up the system. It is complete replacement the best that can be done when it comes to

using animals in science is-not to use them. That is where one's duty lies according to rights view.

As for commercial animal's agriculture, the rights view takes a similar abolitionist position. The fundamental moral wrong here is not that animals are kept in stressful close confinement or in isolation, or that their pain and suffering their needs and preferences are ignored or discounted. All these are wrong, of course, but they are not the fundamental wrong. They are symptoms and effects of the deeper. Systematic wrong that allows these animals to be viewed and treated as lacking independent value, as resources for people—as needed, a renewable resource. Giving farm animals more space, more natural environment more companions does not right the fundamental wrong. Anesthesia or bigger cleaner cages would right the fundamental wrong in their case. Nothing less than the total dissolution of the commercial animal agriculture will do this. Morality requires nothing less than the total elimination of hunting and trapping for commercial and sporting ends. In this way the rights view's implications are stated clearly and uncompromisingly by Tom Regan.

7.6 THE CASE AGAINST ANIMAL RIGHTS

The argument for animal rights sketched above implies that humans and other animals are equal in morally relevant respects. Some philosophers repudiate any form of species egalitarianism. According to Cohen (Cohen and Regan, 2001), whereas humans are equal in morally relevant respects regardless of our race, gender, or ethnicity humans and other animals are not morally equal in any respect not even when it comes to suffering. Here are a few examples that will clarify Cohen's position.

At first, let us imagine that a boy and a girl suffer equally. If someone assigns greater moral weight to the boy's suffering because he is white made from Ireland and less moral weight to the girl's suffering because she is black female from Kenya Cohen would protest and rightly

so. Human racial, gender and ethnic differences are not morally relevant difference. The situation differs however when it comes to differences in species. When we imagine a cat and a dog both suffer as much as the boy and girl. For Cohen there is nothing morally prejudicial, nothing morally arbitrary in assigning greater importance to the suffering of the children, because they are human, than to the equal suffering of the animals, because they are not.

Proponents of animal rights deny this. It is believed that views like Cohen's reflect a moral prejudice against animals that is fully analogous to moral prejudices like sexism and racism that humans often have against one another. This type of prejudice is called speciesism he denies its prejudicial status because according to him, while there are no morally relevant differences between men and women or between white and blacks the morally relevant differences between humans and other animals are enormous. In particular human beings are morally autonomous and can make moral choices for which they are morally responsible. But animals are not morally autonomous and thus are not morally responsible.

But this defense of speciesism is no defense at all. It not only over look the fact that a very large percentage of the human populations are not morally autonomous, but moral autonomy is notrelevent to the issue at hand.

It is seen that a number of arguments are put forward against the idea that animals have rights which are as follows:

1) Animals don't think as men do. They are not really conscious. The French philosopher Rene Descartes and many others taught that animals were no more than complicated biological robots. These meant that animals were not the sort of thing that was entitled to have rights or any moral consideration.

2) Animals were put on earth to serve human beings. St Thomas Aquinas taught that the universe was constructed as a hierarchy in which beings at a lower level were there to serve those above them. As human beings were above animals in this hierarchy they were entitled to use animals in any way they wanted.

3) Moreover animals are not 'moral'. Rights only have meaning within a moral community and only human beings live in a moral community. Animal's don't understand or practice living according to a moral code. The differences in the way human beings and animals experience the world are morally relevant. There for rights are only for human and is applicable only to human being.

4) Moreover some argue that since animals don't behave in a moral way they don't deserve moral treatments from other beings. Animals usually behave selfishly and look after their own interests, while human beings will often help other people, even if doing so is it to their own disadvantage.

5) It is also objected by some that if animals have rights, they should be allowed to vote, marry, file for divorce and immigrate, which is absurd. Therefore animals have no rights

6) Another objection raised is that animals are not members of the moral community. A moral community is- A) a group of beings who live in relationship with each other and use and understand moral concepts and rules. B) The members of this community can respect each other moral persons. C) The members of this community respect each other's autonomy.

These characters of moral community are displayed in human beings and are therefore members of the moral community. But animals do not display these characteristics and are therefore not members of moral community. Thus only members of moral community can have rights. Therefore animals don't have rights.

7) Again it is objected that animals have some rights to bodily integrity and life, but the rights they have are not equal to human rights. therefore human vivisection is wrong, but animal vivisection is not.

The objections raised above have been considered because they are among the most important, not because they are the least convincing. Their failure, individually and collectively goes some way towards suggesting logical inadequacy of the anti animal rights position. Morality is certainly not mathematics. In morality there are no proofs like those we

find in geometry. What we can find and what we must live with, are principles and values that have the best reasons, the best arguments on their side. The principles and values that pass this test, whether most people accept them or not, are the ones that should guide our lives. Given this reasonable standard, the principles and values of animal rights should guide our lives.

7.7 MORAL COMMUNITY

Generally moral community is regarded as a group of beings that shares certain characteristics and whose members are bound to observe certain rules of conduct in relation to one another because of their mutual likeness. All the members of the moral community do not have lives of equal value. It is deeply disagreeable to many to think that some lives are less valuable than others, they would dearly love it to be true that atleast all human lives are equally valuable. But when it is said of all lives not being equally valuable, it does not only refer to the differences between animal and normal adult human lives, it also refer to human lives themselves. It is viewed that all human lives are of not equal quality.

If we think that not all human lives have the same value , and if we think about the depths to which human life can tragically plummet , then it may well turn out that some animal lives have a higher quality than some human lives. R.G Frey in his chapter titled ‘Animals and their medical use’ stated that the comparative value of the human and animal life must be subject to scrutiny. The value of human and animal life, Frey thinks, coheres nicely with recent discussions of the value of life in medical ethics and allied areas. The value of a life is a function of its quality,its quality of its richness and its richness of its capacities and scope for enrichment: it matters, then, what a creature’s capacities for a rich life are.

As Frey indicated, since not all human lives have the same richness and potentialities for enrichment, not all human lives are equally

valuable. In fact, some human lives can be so shatter with no or so little prospect for enrichment that the quality of such lives can fall well below that of ordinary ,healthy animals. It might be claimed that we can know nothing of the richness of animal lives, but ethnologists and animal behaviorist, including some sympathetic to the 'animal rights' cause, certainly think otherwise. How else, for example, could the claim that certain rearing practices blight animal lives be sustained? That we cannot know everything about the inner lives of animals, of course, in no implies that we cannot know a good deal.

Quality of life views turn upon richness and if we are to answer the question of the comparative value of human and animal life we must inquire after the richness of their respective lives. Inter-species comparisons of richness and quality of life are likely to be even more difficult, though not possible.

Again, it must not be thought that criteria assessing the richness of human lives apply straightforwardly to animals. Rather we must use all that we know about animals, especially those closest to us, to try to guage the quality of their lives in terms appropriate to their species.

However, one cannot be sure that human life will always and in every case be of higher quality than animal life. And if we are to use the life of lower quality in preference to the life of higher quality, assuming that some life or other has to be used then we seem committed to using the human life of lower quality in this case.

Finally, R.G Frey draws a distinction between two different senses of the moral community. He stated that the patient in the final throes of Alzheimer disease or the severely mentally enfeebled are members of the moral community in the sense of having moral standing, since they remain experiential subjects with a welfare and a quality of life that can be diminished by what we do to them. All kinds of human being presently live lives of massively reduced quality – reduced from the quality of life we find in healthy, normal, adult humans. Yet they remain members of the moral community.

On the other hand, patients in a permanently vegetative state are more problematic candidates for membership in the moral community in this first sense. For all accounts of moral community in this first sense are accompanied by disclaimers that animals are moral agents – are capable, in the sense of agency that matters for the assessment of moral responsibility, of acting for and weighing reasons. They are not morally responsible for what they do, because fall outside the moral community in this first sense, but because they do not weigh reasons for action.

Membership in the moral community in the second sense has nothing to do with whether a being is morally considerable. On a quality of life view of the value of a life, being a member of the moral community in the second sense can enrich one's life and therefore, enhance its quality. It does this by informing the relations in which we stand to others and thus affecting how we live and judge our lives.(Frey unpublished)

It should be noted that the very way we live our lives as, for instance, fathers and sons – in order to fulfill what we see as our obligations within these moral relations – forms part of the texture and richness of our lives. We often cannot explain who we are and what we take some of our prized ends in life to be except in terms of these relationship in a moral community, and we often find it difficult to explain why we did something that obviously was at great cost to ourselves except through citing how we see ourselves linked to certain others. Thus, the fact that most humans are the members of the moral community in the second sense is a powerful and important feature of their lives, they can live lives out of their own choosing, moulded, and shaped in the ways they want, in order to reflect and capture the ends and projects they want to pursue.

When we seek to compare human and animal life, then, in order to make judgements about the comparative richness of life, account must be taken of this fashioning of a life for ourselves in a community of shared moral relations. R.G Frey claims that agency can enable normal adult human to enhance the quality and value of their lives in ways that

no account of the activities that we share with animals comprehends, and in seeking to give some account of the comparative value of human and animal lives , this kind of difference is obviously both relevant and important. When we examine critically each of the characteristics differentiating humans from animals which are morally relevant we find that none of them succeeds in establishing the moral superiority of humans.

7.8 PROBLEMS OF MARGINAL PEOPLE

The argument from marginal cases is an argument that attempts to demonstrate that if animals do not have direct moral status, than neither do such human beings as infants, the senile, the severely cognitively disabled, and other such 'marginal cases' of humanity.

Peter Singer has been very influential in the debate concerning animals and ethics. The publication of his animal liberation marked the beginning of a growing and increasingly powerful movement in both the United States and Europe. Singer attacks the views of those who wish to give the interests of animals less weight than the interests of human beings. He argues that if we attempt to extend such unequal consideration to the interests of animals, we will be forced to give unequal consideration to the interests of different human beings. Singer concludes that we must instead extend a principle of equal consideration of interests to animals as well. To defend his point Singer gave two arguments. First is a version of the argument from marginal cases. Singer's version of argument from marginal cases runs as follows——

1) In order to conclude that all and only human beings deserve a full and equal moral status (and therefore that the animals deserve a full and equal moral status), there must be some property P that all and only human beings have that can ground such a claim.
2) Any P that only human beings have is a property that (some) human beings lack(e.g. the marginal cases)
3) Any P that all human beings have is a property that (most) animals have as well.

4) Therefore, there is no way to defend the claim that all and only human beings deserve a full equal moral status.

Singer does not defend his first premise, but does not need to. The proponents of the view that all and only humans deserves a full and equal moral status rely on it themselves. In support of the second premise, Singer ask us to consider exactly what properties only humans have that can ground such a strong moral status, for e.g. being rational, autonomous or able to act morally have all been used to justify giving a stronger status to human beings than we do to animals. The problem with such a suggestion is that not all human beings have these properties. So if this is what grounds a full and equal moral status, it follows that not all human beings are equal after all. The attempt to grant all and only human beings a full and equal moral status does not work accordingly to singer. We must either conclude that not all human beings are equal, or we must conclude that not only human beings are equal; Singer suggests that the first option is too counter—intuitive to be acceptable, so we are forced to conclude that all animals are equal, human or otherwise.

Tom Regan is of the view that a being with inherent value has rights and these rights act as trumps against the promotion of the overall good. Regan concludes that we must radically alter the ways in which we treat animals, when we rise animals for food, regardless of how they are treated and how they are killed, we are using them as a means to our ends and not treating them as ends in themselves.

Some philosophers are prepared to argue that in fact the marginal human beings don't have rights, most people find that conclusion repellent.

The argument can be rescued by rewriting it like this.

- If an individual is a member of a species that lacks the capacity for free moral judgment than he or she does not have moral rights.
- All non—human animal species lack the capacity for free moral judgment.

Therefore, non –human animals do not have moral rights.

But this is not an argument, it's a statement that human beings have rights and non—human animals don't, which is pure speciesism and hardly persuasive.



CHECK YOUR PROGRESS

Q 1: What is the meaning of animal rights?

……

……

Q 2: Does animal have moral status?

……

……

Q 3: What do you understand by the problem of marginal people?

……

……

Q 4: What are the consequences of animal rights?

……

……

Q 5: The idea of THE RIGHTS OF ANIMAL has been used to parody the case for whose right?

……

……

Q 6: Name two advocates of animal rights.

……

……

Q 7: Write the cases for animal rights.

……

……

Q 8: Write the cases against animal rights.

……

……

Q 9: What do you understand by moral community?

.....

.....

Q 10: Who drew the distinction between two stages of moral community?

.....

.....



7.9 LET US SUM UP

- Along with the issues of moral and politics the issue , issues like moral status of animals should be treated alike.
- Animal rights teaches us that certain things are morally wrong to do to animals like experiments on them, breeding and killing of animals for food, etc.
- Every conscious being has interest that should be respected. No being should be disvalued or used as a resource or commodity.
- Animals should be not use for hard labour.
- The case for animal rights shows that the animal rights movement is a part of the human rights movement and not antagonistic to it.
- The psychological complexity of mammals plays an important role in arguing for their rights.
- Logically we cannot maintain that harm harm alone to us matter morally, but that harm done to this animals do not. Relevantly similar cases must be judged similarly. S o if human have rights, so too do these animals.



7.10 ANSWER TO CHECK YOUR PROGRESS

Ans to Q No. 1 : Animal rights means recognizing that animals are not to be used as our property for food , clothing, entertainment or experiment.

Ans to Q No. 2 : Animals are more like humans in almost all sorts of important ways. So they have moral status.

Ans to Q No. 3 : It is an argument that attempts to demonstrate that if animals do not have direct moral status , then neither do such human beings as infants, the senile, and other such marginal cases of humanity.

Ans to Q No. 4 : The consequences of animal rights are –

- No experiments on animals.
- No breeding and killing animals for food or clothes.
- No use of animals for hard labour.
- No hunting of animals.
- No use of animals in entertainment.

Ans to Q No. 5 : In the past the case of the idea of the rights of animals has been used to parody
the case for women's rights.

Ans to Q No. 6 : Peter Singer and Tom Regan.

Ans to Q No. 7 : The cases for animal rights are as follows –

- human beings and animals have similar similar levels of biological complexities.
- like human beings animals also has preferences of likes and dislikes and make conscious choices.
- Like human beings animals also finds the best food and the best shelter for themselves.
- Animals have rights just the same way , for the same reasons and to the same extent that human beings have rights.

Ans to Q No. 8 : The cases against animal rights are as follows ;

- Animals do not think as man do.
- Animals were put on earth to serve human beings.
- Only human beings live in a moral community and not animals.
- Since animals do not behave in a moral way they do not deserve moral rights.
- If animals have rights they should be allowed to vote, marry, file for divorce. Therefore animals have no rights.

Ans to Q No. 9 : Generally moral community is regarded as a group of beings that shares certain characteristics and whose members are bound to observe certain rules of conduct in relation to one another because of their mutual likeness.

Ans to Q No. 10 : R.G FREY drew the distinction between two different senses of moral community.

7.11 MODEL QUESTIONS

A) Very Short Question:

Q 1: What do you understand by the concept of animal rights?

Q 2: What is a moral community?

Q 3: State two consequences of animal rights.

Q 4: What are two views regarding of the concept of animal rights?

Q 5: What are two different senses of moral community according to R.G. frey?

B) Short answers (About 100-150 Words)

Q 1: Briefly in details the cases for animal rights.

Q 2: Briefly in details the cases against animal rights.

Q 3: Briefly in details the consequences of animal rights.

C) Long Questions (About 300-500 Words)

Q 1: State Singer's version of the argument from moral cases.

Q 2: Discuss how the idea of ' the rights of animals' has been used to parody the case for women's right.

*** ***** ***

UNIT 8: ABORTION

UNIT STRUCTURE

8.1 Learning Objectives

8.2 Introduction

8.3 Meaning and Definitions of Abortion

8.4 The Religious, Socio-Cultural and Legal Issues of Abortion

8.5 Utilitarianism, Kantian Ethics and the Problem of Abortion

8.6 Abortion and the Ethics of Virtue & Care

8.7 Moral Dimension of Abortion and Reproductive Issues and Technologies

8.8 Conclusion

8.9 Let Us Sum Up

8.10 Further Reading

8.11 Answer to Check Your Progress

8.12 Model Questions

8.1 LEARNING OBJECTIVES

After going through this unit, you will be able to

- Know the meaning and definitions of abortion
- Explain the religious, socio-cultural and legal issues of abortion
- Know the utilitarianism, Kantian ethics and the problem of abortion
- Know the abortion and the ethics and the problem of abortion
- Explain the moral dimension of abortion and reproductive issues and technologies.

8.2 INTRODUCTION

The issue of abortion is a very sensible one. As from the various definitions of abortion it becomes clear that abortion is the destruction of the foetus or the killing of the foetus. As one of the most hotly debated social and moral issues, many ethical debates are found to be

associated with this problem. As a living issue, abortion is very much a debatable one in the society we live, and we can see that there are many sides to this debate which touch many angles of our socio-cultural-religious or even political and legal aspects of life. From a commoner to a legal expert, a feminist or a man of religion, one has his or her way of looking at the problem. In this unit we are discussing some such diverse ways of interpreting the issues of abortion in its effort at exploring a possible moral dimension of some such issues as abortion or foetus-killing. Questions of abortion become related to the question of infanticide, of how one defines a 'human being' and a 'person' and where one draws the line. Some of the most difficult issues that we still face and the ones that create the greatest emotional anguish, to parties involved with it. In order to enter into some such problems we have to trace the socio-historical background of the problem of abortion.

8.3 MEANING AND DEFINTIONS OF ABORTION

Let us now begin with the basic definition of the term 'abortion' as per scientific and technological understanding goes. Although the term 'miscarriage' is often been confused by the people with the term 'abortion', there is not much difference between the two. The only difference between the two is that if it is done before twenty-four weeks, then it is called miscarriage, after that it is called abortion. In both the cases, if it is not spontaneous, it should be done by licensed physician and more preferably by the experienced physician. There are two methods of abortion, viz. the medical abortion and the surgical abortion. The term medical abortion is used for ending pregnancy with the means of drugs. It can only be done if the pregnancy age is of forty-nine days or less. It does not need any surgical procedure; this can be done in doctor's clinic or at home. But medical abortion sometimes becomes dangerous for the health of the pregnant woman. Surgical abortion on the otherhand is done when pregnancy age crossed forty-nine days. It is done with three different ways, viz. Suction Aspiration, Dilation & Curettage (D&C) and Induction Abortion.

8.4 THE RELIGIOUS, SOCIO-CULTURAL AND LEGAL ISSUES OF ABORTION

If the issue of abortion is to be discussed from various socio-cultural, legal and religious aspects and to see, whether because of today's changing moral scenario, and the changing attitude of the people around us, the issue of abortion has already become a non-issue and if so, then how to make it an issue? For those who considered problematic nature of the abortion issue it needed a holistic approach to the problem that touched not only the intimate and the private personal aspects but also it needed public discussion and policy formation to be formulated and that is how public issues like abortion debates and discussions, could become matters of philosophical concern.

Not only the religious issues, but along with it, this unit will also discusses how religious impact or the religious faith of the people can control one's socio-cultural outlook of the people. As for example, it can be said that patriarchal attitudes of many religions of the world have somehow degraded the status of the women in the society. It even somehow leads to the sex-selective abortion in many countries like India, china etc. Because of which many legal steps and act have been implemented as per the various laws of those countries.

It is further observed that many religions have adopted very rigid positions regarding the act of abortion which has remained influential so far as the laws of the countries are concerned. As for example, because of the dominant of catholic religion, abortion is made unacceptable under any circumstances especially in a country like Ireland. So it can be said that different religions have played a great role so far as the socio-cultural and legal aspect of the abortion issue is concerned.

But over and above these various dimensions of new laws being introduced and implemented, various laws of different countries have also been revised because of the major influence and the role played by the ethical discussion on abortion. Even then abortion is still there in the society as one of the burning problems in the society.

It is observed that religious and cultural background of a situated moral agent often remains influential in ascertaining policy decisions and also in motivating one to a particular way of looking at sensitive moral issues. For example, if any kind religious doctrine supports the notion of ensoulment that needs a divine author, abortion will be an act that would be religiously offensive. It is observed that almost all the major religions of the world have made efforts at clarifying their positions mostly in a pro life manner keeping exception for some extraordinary situations.

8.5 UTILITARIANISM, KANTIAN ETHICS AND THE PROBLEM OF ABORTION

From the point of view of ethical analysis of the problem of abortion, it will be trying to explore whether it is possible to study the problem of abortion with the help of traditional theories of ethics like utilitarianism and Kantian de-ontological ethics? It further questioned some of the limitations of the traditional theories of ethics in order to address the question whether with the changing structure of the society; do we need a new kind of ethics that remains more sensitive to a holistic and also to the feminist and other approaches to the value question?

By keeping in mind of this learning objective of this unit, it tries to analyse the different factors of abortion like sex-selective abortion, abortion due to the bad health condition of mother, abortion due to the defective foetus etc. from the perspectives of the traditional theories like utilitarianism and Kantian de-ontology. Utilitarianism, because of its consequentialism, has put on sole emphasis on the production of pleasure and happiness; on the other hand Kantian ethics of deontology, has emphasised on duty and reason. However, the peculiarity with the abortion issue is its distinctive nature of mother-child relationship that is neither result oriented nor entirely and exclusively reason based.

After making a brief survey of certain implications of utilitarianism's greatest happiness of the greatest number doctrine and its impact on the abortion debate, particularly with reference to Peter

Singer, Michael Tooly and others, it will be trying to make a brief reference to some other related issues like animal rights, etc. While as per Michael Tooly's theory, a dolphin or a chimpanzee's right to life will get more priority in comparison to an infant, Peter Singer's point of view regarding the concept of person and foetus killing similarly centres round human-person dichotomy although mostly viewed from a point of preference utilitarian's perspective. In order to explain the problem of abortion, some feminist thinkers take the help of Kantian model.

Until the rise of virtue ethics, the dominant paradigms in 20th century normative ethics were utilitarianism and deontological ethics, both made room for reason and right based decisions in this regard. However the two dominant ethical positions in abortion debate were developed later in terms of Pro-Life (against Abortion) and Pro-Choice (for Abortion) positions**.** Judith Jarvis Thomson, who assumes a conservative position for the sake of argument, argues in favour of pro choice position from a feminist perspective.

Mary Anne Warren tries to defend the liberal view of abortion, i.e. it is morally permissible if reason permits to do so .The thesis makes a casual reference to some implications of Kantian de-ontological ethics on some feminist scholars some of whom are critical of the masculinity of reason that is accorded in traditional moral theories.

Kantian ethics, by using its deontological nature, has given sole emphasis on the duty and reason. Kant's one dimensional focus on duty and respect for the moral laws, as the only morally praiseworthy motive, dehumanizes the relation between mother and her foetus. In fact Max Scheler says in this context that moral law or the categorical imperative originates from the values rather than from human thinking as Kant explained it to be. So far as moral consciousness is concerned, emotion plays an important role. Morality is not something, which can be presented with the form of judgment derived from pure reason. Human beings should be guided by some moral values not merely by their rational quality.

Provided ethics is seen more as a problem solving rational skill and a pursuit that might lead to absurd conclusions when confronted with real life problems, like that of infanticide, this unit is looking for some alternate approach to be made in this direction. The unit also takes into consideration in what manner some of the existentialist philosophers, like Jean Paul Sartre, Kierkegaard and, and some others, have sought to put the affective existential man in the centre of moral decision, thereby seeking to unearth the fact that 'human reason has boundaries'. In order to decide what should be the moral position in an ethical debate one is not looking for mere principles and formulae that comes from a robotic and rule governed phase of machine existence but issues like abortion, euthanasia etc. are actual moral dilemmas depicting some sort of existential crisis.

So it can be said that the rightness or wrongness of abortion cannot be explained in terms of reason only. It is true that, it is very difficult to arrive at a definite conclusion of the problem of abortion. The rightness or wrongness of abortion varies from situation to situation.

8.6 ABORTION AND THE ETHICS OF VIRTUE & CARE

In its search for alternate ethical positions in regard to the abortion issue, there is made some explorations of the basic findings of virtue and also of care ethics and its different positions in regard to the moral status of the abortion debate. As a character-based ethics Virtue ethics looks at the virtue or moral character of the person carrying out an action, rather than at ethical duties and rules, or the consequences of particular actions. Virtue ethics not only deals with the rightness or wrongness of individual actions, it also provides guidance as to the sort of characteristics and behaviours a good person will seek to achieve. Here it has been found that although traditional virtue ethics has certain limitations, especially in adequately addressing certain abortion related problems, but the ethics of care has successfully laid down certain

guidelines in order to overcome some such limitations. Despite the complicated nature of the problem, care ethics exponents have suggested various positions that have also remained successful to overcome the complicated issues of abortion. Clearly, the, the politics of reproduction, including the legislative debate over surrogate parenting, is bound up with social conflicts about gender, particularly about the role of motherhood in women's lives. The possibility that the significance of motherhood in women's identity is declining is a great source of worry for some groups, as is the seeming decoupling of motherhood from marriage. Interestingly findings confirm that a history of advocacy on behalf of women is important when it comes to legislation dealing with surrogate motherhood.

In future decades, pro-life advocates could grant that women ought to be fully sovereign over their own bodies and that they do have the right to remove an unwanted foetus. However, they could argue that while women have the right to remove a foetus, they do not have a right to kill it.

Care-based theories are away from any hard and fast rule. It tries to analyse the problem with the help of care and by taking care of the emotion of the people. Unlike Kantian de-ontology and utilitarianism, which gives importance on reason and utility respectively, care ethics, tries to analyse the problem of abortion by taking into consideration of the various emotions of the woman as it is an issue related to exclusively to both body and mind of the pregnant woman.

When the issue of abortion is being discussed one most important point which can be noticed is that it involves an assumption that the existence of unborn babies is of lesser value than an adult human's life. It is observed that there are some striking resemblances between care ethics and medical ethics.

Care ethics, especially feminist exponents of care ethics have tried to draw attention to the unequal power of women and men, of white people and people of colour, of First World and Third World people, of the rich and the poor, of the healthy and the disabled, and so forth are central

to feminist ethics are decisive factors in any kind of moral evaluation. Need for re-visiting the unequal pattern of relationship that characterizes doctor patient relationship is highly significant.

Biomedical ethics, like feminine care ethics, looks for real guidance in an actual troubling situation than an abstract focus in the domain of rules and principles. Most of feminists are largely influenced by Carol Gilligan, who claims that women are more likely than men to understand morality in terms of caring for others although many feminists remain uneasy about the normative significance of this gendered description of ethics.

There are many feminist thinkers who are supporter of pro-life. These care based feminists, including those of profile feminists, usually have found the pro-choice supporter to be with masculine nature. They said pro-choice supporter possessed the quality of aggression and destruction of maleness of reason. But in against of which, care based feminist has chosen a alternative and peaceful path having ecologically sensitive means to resolve conflicts while respecting human potentiality.

8.7 MORAL DIMENSION OF ABORTION AND REPRODUCTIVE ISSUES AND TECHNOLOGIES

It is seen that various modern technological issues like the role of ultrasound machines in abortion, stem cell research, in-vitro fertilization etc. are also found to be associated with the foetus killing and abortion. It is found that the science and technology has played a very significant role, so far as the problem of abortion is concerned. Not only the ultrasound machines have played a very significant role in both decision making process of those who are caught in the abortion dilemma ,other advancements in science technology research like stem-cell research and IVF etc. have played crucial role, and have remained instrumental to both pro choice and pro life exponents in diverse ways.

8.8 CONCLUSION

This is in brief about the problem of abortion, studied from the ethical perspective. It is found that without taken into consideration of various socio-cultural and religious issues, it is not possible to study the problem. So by taking into consideration of all this issues, finally it is tried to analyse the problem of abortion with some traditional as well as contemporary ethical theories. But from the description of various issues, it becomes clear that the problem of abortion is a problem, found to be associated with the mother and the foetus she is carrying in her womb. So finally a satisfactory answer can be expected from the care ethic.



CHECK YOUR PROGRESS

Q 1: Write down the difference between 'abortion' and 'miscarriage'.

Q 2: For what term 'medical ethics' is used for?

Q 3: What are the three different ways of surgical abortion?

Q 4: What has degraded the status of the women in the society?

Q 5: What is found to be remained influential in ascertaining policy discussions and also in motivating one to a particular way of looking at sensitive moral issues?

Q 6: Mary Anne Waren tries to defend which kind of view of abortion?

Q 7: Mention the names of two existentialist philosophers.

Q 8: For what biomedical ethics actually looks?



8.9 LET US SUM UP

- As a living issue, abortion is very much a debatable one in the society we live, and we can see that there are many sides to this debate which touch many angles of our socio-cultural-religious or even political and legal aspects of life.

- For those who considered problematic nature of the abortion issue it needed a holistic approach to the problem that touched not only the intimate and the private personal aspects but also it needed public discussion and policy formation to be formulated and that is how public issues like abortion debates and discussions, could become matters of philosophical concern.
- From the point of view of ethical analysis of the problem of abortion, it will be trying to explore whether it is possible to study the problem of abortion with the help of traditional theories of ethics like utilitarianism and Kantian de-ontological ethics?
- In its search for alternate ethical positions in regard to the abortion issue, there is made some explorations of the basic findings of virtue and also of care ethics and its different positions in regard to the moral status of the abortion debate.
- Biomedical ethics, like feminine care ethics, looks for real guidance in an actual troubling situation than an abstract focus in the domain of rules and principles.
- It is seen that various modern technological issues like the role of ultrasound machines in abortion, stem cell research, in-vitro fertilization etc. are also found to be associated with the foetus killing and abortion.



8.10 FURTHER READING

Ashcroft, R. E. (2007). *Principles of Health Care Ethics.* John Wiley & Sons.

Ashley, B. M., & O'Rourke, K. D. (2002). *Ethics of Health Cre: An Introductory Textbook.* Georgetown University Press.

Ashley, B. M., DeBlois, J., & O'Rourke, K. D. (2006). *Health Care Ethics: A Catholic Theological Analysis.* Georgetown University Press.

Dwyer, S., & Feinberg, J. (1997). The Problem of Abortion. wdworth Publishing Company.



8.11 ANSWER TO CHECK YOUR PROGRESS

Ans to Q No 1: The difference between the two is that if it is done before twenty four weeks, it is called miscarriage and after that it is called abortion.

Ans to Q No 2: The term 'medical abortion' is used for ending pregnancy with the means of drugs.

Ans to Q No 3: Suction Aspiration, Dilation & Curettage (D&C), Induction Abortion.

Ans to Q No 4: Patriarchal attitudes of many religions of the world have somehow degraded the status of the women in the society.

Ans to Q No 5: Cultural and Religious background

Ans to Q No 6: Liberal view of abortion

Ans to Q No 7: J.P. Sartre and Kierkegaard

Ans to Q No 8: Like feminist care ethics, it looks for real guidance.



8.12 MODEL QUESTIONS

A. Very Short Questions

Q 1: Define Abortion

Q 2: Name some of the countries of countries, where sex-selective abortion is found?

Q 3: What is the point that is emphasises by Kantian ethics of deontology?

Q 4: Write Max Scheler's view regarding the moral law or the categorical imperative of Kant?

Q 5: What is virtue ethics?

B. Short Questions (Write in about 100-150 words)

Q 1: Write down the meaning and definition of abortion.

Q 2: Write a short note on religious, socio-cultural and legal issues of abortion.

Q 3: What is a Pro-life and Pro-choice position? Explain briefly.

C. Long Questions (Write in about 300-500 words)

Q 1: Explain the problem of abortion.

Q 2: How utilitarianism and Kantian ethics has analysed the problem of abortion? Discuss

Q 3: Discuss the problem of abortion from the angle virtue and care ethics?

Q 4: Discuss the role of technological side of the issue of abortion and reproductive issues.

*** ***** ***