IMPRACTICAL ETHICS

(A critical comment on Peter Singer's Philosophy*)

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Let us try to understand first not Singer's Ethics - for his, like every other, presupposes a more general philosophy of reality - but the "ontology" upon which it must be based if it is to have any intelligible value. We do not need to do this in any exhaustive way but only in so far as it is necessary for his specific notion of Ethics to be understood. Thus we do not have to go into the question of being itself. We may take it that he reasons from a realist view of the world in which we live, even if we find that he is immersed in the "subjective" world of knowledge and feeling which is the context in which his utilitarian ethics is worked out.

From his point of view, therefore, we may divide reality into the non-sentient and the sentient. Aristotle and the ancient Greek philosophers, first of all divided reality into the corporeal and the incorporeal, then the corporeal into the non-living and the living, before dividing the living into the non-sentient and the sentient. Singer, therefore, leaves out some important preliminary distinctions, especially that between the non-living and the living when the notion of "life" is used in such a central way in ethical discussion. However, it is reasonable to start with the distinction that brings in the sort of life that includes knowledge, for ethical behaviour obviously does not belong below this. Aristotle himself did the same in his introduction to Ethics.

This involves no great possibility of confusion and error provided that one does not arbitrarily exclude important parts of reality in the process. Singer, unfortunately, no doubt unwittingly, as it belongs universally to the philosophical tradition to which he belongs, does import into his reasoning the gratuitous exclusion of all reality other than the corporeal. That is to say his arguments are premised upon the basis that all reality is material, thereby excluding any intellectual value in considering even the possibility of the spiritual.

This exclusion, however, is not direct – it does not result in a crass materialism or explicit atheism – but flows from the method of philosophical investigation of English empiricism begun in Locke and perfected in Hume; it admits only the evidence of "experience", which virtually is equated with sense experience, whether external or internal. The "analytical" method employed in regard to the objects of this experience inevitably dissolves the spiritual content of our ideas. The unintended result of this is the loss of the mind's grasp of reality. For our sense knowledge, or what Singer calls "sentience", does not deal in realities but in appearances. As Hume found to his dismay, rational analysis of this sort lands us in a world of unreality, a pure stream of disconnected consciousness.

This is the legacy that subsequent philosophy in the English speaking world has had to work with. The fundamental problems it makes for any realistic thinking have not yet been resolved, despite the efforts of many brilliant minds. In recent times it seems that many thinkers in the tradition have turned away from attempting to resolve the more basic "metaphysical" questions, and have turned to applying the analytical method to questions of more immediate concern and practicality, such as in Ethics, or more to the point here, in Bioethics.

There is of course nothing wrong with attempting to argue from such a basic materialist position. But it is at a stage that precedes any ethical discussion. Argument at that "metaphysical" level will show that those who disagree with this approach will deny the very possibility of the study of ethics from a purely materialist or sensist position. They will say there is really no point in carrying on the discussion on such an ontologically false basis. Indeed, as the notions used in ethical discussion, such as "nature", "reason", "will", "freedom" "laws", "rights", "principles", "person" necessarily have a spiritual dimension there will inevitably be distortion in their use entirely within materialist presuppositions about the nature of reality. Such is found to be the case when Singer happily proceeds to try and build a "practical ethics" upon such notions saturated with utilitarian and empiricist presuppositions.

The confusions in fact turn out to be quite hopeless. Starting with the distinction between the non-sentient and the sentient Singer is not able to proceed, as the great philosophers did, to the next and final distinction between those sentient beings that are non-rational and those that are rational, or between the non-human animals and the human. For one cannot make this distinction without an understanding of the difference between the material and the spiritual. He does, however, surreptitiously, make this distinction where it is forced on him, but in a hopelessly muddled way as we shall see.

All his explicit notions of rationality and self-consciousness, then, have to be accommodated within the purely animal world. For, though he grants that humans are a separate species his notion of species is not philosophical but scientific, where the differences have to be conceived in terms of sensed externals and appearances. At this level the differences are disposed to be seen as a matter of degree, so that humans are to be understood only as the most highly developed of animals. In any case the notion of human species (*homo sapiens*) is dragged down to be equated with the general level of animals with material souls, whose awareness is seen as limited to sense knowledge which, though confined to knowledge conditioned by time and place, can reach a high degree of sophistication.

All knowledge and awareness are therefore but developments of "sentience", or the capacity to feel something. This means that the human's sophisticated sense awareness is called intelligence in the same sense as a dolphin's or a chimpanzee's. It is on this ground that he objects to "speciesism". For the human species cannot claim on this account any generic superiority over other sentient beings. "That's one important fact about

the world, that there are sentient beings in it, and we of course are among them.”

But in a true philosophical consideration of things this sort of intelligence is not what distinguishes the human being. Human rationality and choice are such that they can act with regard to goods that abstract from the limits of time and place, and being focused on goodness pure and simple are truly free regarding all particular goods, let alone material goods. Singer recognises this when he says: “There are other capacities, other mental properties, that also make a difference. One of them is being not only sentient but able to understand that you live in the world, that you have awareness over time, that you have a past, that you can make plans for the future, that you can plan your life out.” Though some elements of this statement might be seen verified in the higher animals, others presuppose an independence of mind and will that transcends the natural capacities of the animal world.

His notions here, however, are sufficiently confused with the notion of intelligence that can apply to humans and animals that he thinks that this peculiarly human mental capacity may apply to other animals; “chimpanzees are clearly self-aware as well. Even if not making detailed plans for the future, they are at least aware of the possibility of doing something in the future, and of having a rich and complex social life with other members of the group.”

It is not surprising, then, that he should try to extend the notion of “person” beyond human nature. Classically defined as an individual substance of rational nature, there is really no reason to differentiate between a person and a human being. For, the philosophical notion of a human being is an animal that can reason. A person so far as this discussion is concerned is simply an individual human being. But if one’s notion of rationality, of self awareness, is a bit hazy so must one’s notion of person be.

Singer takes over Locke’s distinction between being human and being a person. He takes Locke’s definition of a person, ‘A thinking intelligent being that has reason and reflection and considers itself the same thinking thing in different times and places’ as if it is something different from the notion of an individual human being.

It is to be remembered that Locke was struggling at the time with the notion of substance as something underlying accidents and actions, and was therefore preoccupied with the problem of personal identity in the context of the mind’s stream of consciousness. The definition, therefore, bears upon one’s awareness of one’s personal status or individuality rather than on the status itself. Obviously a person so defined has to be in a fully conscious state. One will define actions such as consciousness in this way. But one does not define things as being simply their active state (unless one is a radical empiricist). A singer does not have to be actually singing to be defined as a singer. It means someone who has the natural capacity to sing given the right conditions, even if those conditions do not apply at some particular time. One does not disqualify a person as a singer who is also an underwater swimmer even though the two abilities considered as activities are incompatible.

Similarly, a person is one who has the natural capacity to reason etc. (i.e. to act as a human being) given the conditions appropriate to such activity. We know from our own experience that this entails the development of bodily organs and the normal operation of concomitant cognitive faculties. But the natural capacity exists even if these conditions are never met or are absent at a particular time. In the case of a human person the natural capacity to reason begins to exist as soon as one can be said to have a human nature.

Singer has been misled by Locke, and the analytical philosophical tradition, into thinking he can differentiate between an individual human being and a person. This of course serves his purposes of on the one hand retaining the evident (scientific) difference between humans and other animals (as physical organisms) and on the other hand linking ethical considerations to active states (mental activity) which he believes we can detect in non-humans. This leads him "logically" to conclude that humans who lack this mental activity or self awareness, or at least will not enjoy it within a reasonable time, may be disposed of according to the desires of those responsible for them. Conversely, he can logically conclude that we ought to extend to certain non-human sentient beings the rights we accord to persons.

In countering the objections to his position based upon the notion of capacity or potential, rather than actual use or actuality, Singer is obliged to enter into an ontological or metaphysical discussion of such terms. Not being familiar with the necessary distinctions required for such a discussion his comments generally miss the mark. This can be illustrated using the very example he gives. Prince Charles may a potential king. That certainly does not entitle us to attribute any kingly character or power to him. An embryo is alleged (so he thinks) to be a potential human being or person. Neither does that entitle us to attribute any human or personal quality to it.

But the potentiality being discussed in this context is not the capacity to be a person but the capacity for action following upon being a person. The capacities that are to the point here are not purely passive potencies but actual qualities or forms that are ordered to further actuality, to which they stand as specific capacities. In short what is in question is not the potential to be, but the power to do. One can be something, and have the power to do some action but still not so act for one reason or another. The lack of activity does not disprove the existence of the power or capacity, let alone the existence of the thing.

The example of Singer is misapplied. He simply assumes, whether or not misled by the way the objection is put, that we are talking here about potencies that are purely passive. In such cases there is nothing in the thing whereby we might attribute any actual quality to it. But the position is quite different if the potential is something belonging to an already existing thing with a human nature which is the radical principle of further potencies and acts.

To take Singer's example the gist of the objection against his position supposes that Charles has been made king, but either because of age (too young or old) or disability is not able to exercise his royal powers, i.e. carry out his royal activities, (for a short or a long time). The objection maintains that he would still be a king – until deposed in a constitutional way. The capacity or potential that is relevant is not a purely passive one requiring an act whereby he becomes king, but something issuing from the nature received or character already endowed. That is to say it is a power or potency already existing in an actual thing which will issue into action immediately the right conditions apply.

The human being as soon as it begins to exist is endowed with the natural capacity to reason, i.e. the power of understanding the real world into which it has come. For that is what being constituted human means. The fact that that capacity requires a certain well defined time before it goes into operation does not negate the capacity. Exactly the same considerations apply to the existence, with that human capacity, of a person. But, unlike the example given, no one (apart from its maker) has the power to depose such a person from its exalted status.

It is possible therefore to assassinate a king, even before he takes up his kingly duties, similarly it is possible to kill a person, before it has had the opportunity to exercise its full powers. The first case is as much regicide as any later assassination; the second case, the abortion of a person at the very beginning of its human existence, is as much unjustifiable homicide as the killing of an adult.

Singer's "analysis" of ethical questions suffers from the same fallacies and confusions that apply to utilitarian ethics generally. He is simply bolder than most in drawing out some of its more morally offensive implications. To call his project practical ethics is an academic exercise in wishful thinking. For it neither is truly practical nor ethical; the practices it endorses are, from an ethical point of view, to be abhorred.

Strangely enough, no one in Australia seems to feel greatly threatened by Singer's arguments against traditional morality. Perhaps this can be explained to some extent by the fact that the community has already begun to be persuaded that the immoral practices he defends are justifiable. Personally, I do not believe this to be the reason. It is hard to believe that anyone in our society even today is prepared to in conscience defend what is so evidently morally indefensible, except with a bad conscience. That is to say, though the immoral practices concerned (abortion, infanticide, euthanasia etc.) are becoming more prevalent, which is alarming, it is the practice that is changing not the theory. The community has not yet reached the stage of adjusting the moral code of ages, if the life-styles of many, an increasing number, require them to live in contempt of it.

What is more likely is that attempts such as that of Singer to "rationalize" the moral law (i.e. to bring it more in line with practical immorality) cause no great community concern here because in English speaking countries no ordinary person takes much notice of philosophical discourses. For, regardless of their pretensions to practical importance or social relevance, they have tended, for good or ill, to be looked upon more as academic exercises than as anything of general practical consequence.

* The quotations used in this article have been taken from a relatively recent speech in which Singer set out his main ideas in summary form. *The speech was delivered in Madison, Wisconsin, on Oct. 30, 2004, at the 27th annual national convention of the Freedom From Religion Foundation.*