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My aim in this paper is to show that the issues of abortion, euthanasia, cross-burning, and affirmative action, are important moral issues as well as important legal issues. The latter part of this claim will be supported by using various U.S. Supreme Court opinions.

There have been many moral arguments in relation to the case concerning abortion. Sally Markowitz, a professor of philosophy as well as an advocate for feminism and abortion rights, argues that abortion is morally permissible if women find themselves facing unwanted pregnancies in a society in which they suffer discrimination and experience inequality. She rejects the idea of an autonomy defense, but endorses her idea of an egalitarian society. She also implements what she calls the Impermissible Sacrifice Principle which states that when one group in a society is systematically oppressed by another, it is impermissible to require the oppressed group to make sacrifices that will exacerbate or perpetuate this oppression. The ISP allows for the demonstration of solidarity with other oppressed groups by resting the case for abortion on the same principle that might block a policy requiring the poor rather than the rich to bear the tax burden. In her abortion argument, Markowitz also supplemented the ISP with the Feminist Proviso where women are, as a group, sexually oppressed by men. She feels as though the Impermissible Sacrifice Principle and the Feminist Proviso justify abortion together on demand for women because they live in a sexist society. Sally Markowitz had shown that the above issue is important morally by using the perspectival approach to

moral philosophy. She implemented the social matrix to have a stronger argument. She included the social dynamic of gender in order to prove the point of view in her argument.

Another philosopher, Don Marquis, has set out an argument for the serious presumptive wrongness of abortion subject to the assumption that the moral permissibility of abortion stands or falls on the moral status of the fetus. He defends his view by stating that fetuses have the same moral status as do adult persons. If the same reason that makes killing an adult immoral, it would deprive that person of a future and therefore supports the conclusion that there is a strong presumption that any abortion is morally impermissible. In addition to his argument against abortion, Marquis sheds light on the possibility of another life form from planet "X." He says that if there is another life form on a different planet, then they would have a future like ours. Since they have a future like ours, it would be wrong to kill them. Therefore the theory is opposed to the claim that only life that is biologically human has any moral worth. Unlike Sally Markowitz, Don Marquis did not endorse the perspectival approach to moral philosophy. However, he did use the abstract approach to moral philosophy to prove his argument was one that had great moral importance. In his argument, he abstracted the "real" moral issues of abortion as far as possible from the supposedly irrelevant and the social matrix from which they emerged, such as his idea of beings from planet "X."

The issue of abortion gained much national attention when a pregnant single woman (using the alias Roe) brought a class action challenging the constitutionality of the Texas criminal abortion laws, which proscribe attempting an abortion except on medical advice for the purpose of saving the mother's life. This Supreme Court case was

known as *Roe et al. v. Wade*. In this case, the court found the Texas criminal abortion laws to be in conflict with the fourteenth amendment and particularly a woman's right to privacy, therefore allowing the aborting of fetuses in the quickening, or first trimester pregnancies. This in turn showed that the issue of abortion is very important legally.

Euthanasia, the deliberate killing of an innocent person, is another morally important, as well as legally important issue. Dan Brock feels as though the moral permissibility of euthanasia would be good because it would respect the self-determination of competent patients who want it, polls have shown that a majority of Americans feel it should be legalized, patients who are in great pain and are dying should be allowed to have a choice, and finally, if death has been accepted by a person, it is often more humane to end life quickly and peacefully. These good consequences are followed by the bad as well. Dr. Brock says some of the bad consequences could be a weakening of society's commitment to provide optimal health care to the dying, it would threaten the progress made in securing rights of patients to refuse life-sustaining treatment, and finally, if you give someone the choice to end their life, it could make them worse off than they originally were. Dan Brock was able to show the moral importance in this case by using the Socratic method of asking questions about the issue which led to more questions and answers, before the best possible conclusion could be reached.

In the landmark Supreme Court case of *Washington v. Glucksburg*, it was found that the ban on physician assisted suicide offended the 14<sup>th</sup> amendment and that the "liberty" of the due process clause did not include a right to commit suicide, therefore it was asserted that there was no right for a physician assisted suicide and has been justified

by the due process clause of the amendment. In another Supreme Court case pertaining to euthanasia, *Quill v. Vacco (1996)*, it was found that New York permits a competent person to refuse life-sustaining treatment and that refusal of such treatment is essentially the same thing as physician assisted suicide, so therefore New York's ban on assisted suicide ban violates the equal protection clause of the 14<sup>th</sup> amendment. However, the court held that anyone could refuse medical treatment and that no one is permitted to assist in suicide, therefore neither New York's ban on assisted suicide or statutes permitting refusal of medical treatment are in violation of the U.S. Constitution. By reaching the U.S. Supreme Court level, it was clear that the issue of physician assisted suicide and euthanasia are important legal issues.

Recently the issue of cross-burning has come about. It is a hate crime in which the persons responsible for the crime build a cross and burn it on the property of someone in order to intimidate them, usually a black person(s). Cross-burning crimes have been committed all over the United States including Maryland, North Carolina, and Virginia. The morality of this issue is important because there have been debates on both sides of the argument. Some people, such as the Ku Klux Klan, feel as though it should be allowed because of the freedom of speech. At the same time, there are those who feel as though it is wrong to burn crosses because of the intimidation purposes it may have. In the landmark case of *Virginia v. Black et al*, respondents were convicted separately of violating a Virginia statute that makes it a felony for anyone with the intent of intimidating a person or group, to burn a cross on the property of another, a highway or other public place. It also specifies that any such cross burning will be prima facie evidence of intent to intimidate a person or group. While burning a cross does not

inevitably convey a message of intimidation, often the cross burner intends that the recipients of the message fear for their lives. When a cross burning is used to intimidate, few if any messages are more powerful. When the cross-burning issue reached Supreme Court level, it helped to get everyone's attention, therefore making it a very important legal issue.

One of the most recent issues concerning morality as well as legality is that of affirmative action. The morality of affirmative action is just as important as the above mentioned issues. There are many who feel as though everyone should have the same rights and privileges as everyone else. They think that special treatment should be given to no one, unless there is a physical or mental disability present. There are also the people who feel as though minority groups have been looked down upon and are oppressed, therefore they should be given these special treatments and rewarded for the pain and strife they endure because there are being oppressed. In the Supreme Court case of *Gratz v. Bollinger* Justice Powell's opinion of race being used as a factor in admissions might in some cases serve as a compelling government interest, as argued in the *Bakke* case. The Supreme Court found the admissions policy of University of Michigan's LSA was in violation of the equal protection clause because it was not equally tailored because it automatically awarded one fifth of the total points needed for admission who were found to be an underrepresented minority. In a similar case which involved a female seeking admission to the University of Michigan School of Law (*Grutter v. Bollinger*). The plaintiff argued that she was discriminated against because race was a predominant factor in the law school admissions process. The Supreme Court found the law school admissions not in violation of the equal protection clause when it was found that race was

a factor in the admissions process, but was not a predominant factor. Both of the issues dealing with affirmative action reached the Supreme Court level, even though one was decided in favor while the other was decided against. This proved the important legality of the affirmative action issue.

Binding precedent has been used in almost all the Supreme Court cases. Through the number of cases tried by the Supreme Court, there have been many ties between various cases concerning judgments based on the U.S. Constitution. One of the main Supreme Court cases that were looked at during the semester in which binding precedent was really looked at was *Grutter v. Bollinger*. A previous case, *Bakke* which was about a medical school applicant who was denied admission based on the standards used by the admissions department, was used to help in deciding the case of *Grutter*, which was a case also concerned with admissions requirements and standards.

In conclusion, the issues of abortion, euthanasia, cross-burning, and affirmative action, are important moral issues as well as important legal issues. Many approaches to moral philosophy such as the perspectival approach which implements the ideas of the social matrix, the abstract approach that takes the “real” moral issues as far as possible from the supposedly irrelevant and the details of the social matrix from which they emerged, and the Socratic method were used to show the moral importance of each of the above issues. The legal importances of each of the issues were shown through the various Supreme Court cases mentioned in each of the arguments.