

The Hard Cases in Ethics

By Dan Jensen (2024)

(In order to fully benefit from this essay, I recommend reading through my “works for beginners” first. They can be found on my website.)

One of the most common tactics from those that realize their case for a particular ethical position is less than convincing, and in most cases that is putting it very mildly, is to point to the hard cases. By pointing to the really difficult cases, they can make people feel guilty for holding to the far more sound and convincing position on a hotly debated ethical point. For example, most people instinctively know that suicide is wrong. However, those who wish to say that it is not actually wrong often point to the really tough cases. They will talk about how some people have been diagnosed with terminal cancer. They point out how such people often have only a very short time to live, how they have no hope for survival, and that the remaining days for these people are going to be extremely painful and uncomfortable for them and all those around them. Hence, it is argued, the far more humane position to take is that such people should be allowed to end their lives so as to avoid all of the needless suffering.

None of this follows. First, even if we were to agree to the above argumentation, it would only mean that we should allow exceptions in these cases under the lesser of two evils principle. The fact would still remain that the overwhelming vast majority of suicides come at the hands of people that are not in such circumstances. I am not in any way denying the fact that most of those who commit suicide are in deep mental anguish. But, such people should clearly seek out help. Saying that these people should be allowed to commit suicide because of terminally ill cancer patients is a massive stretch and we all know it. Yet, this is exactly how countless people argue in our day regarding almost all controversial ethical questions.

To be clear, before moving on, I am not saying that I believe as an orthodox Christian that terminally ill cancer patients should be allowed to seek out suicide. My position is that life is too sacred and that even these cases do not fall under the lesser of two evils principle. We all know deep down that this principle should be avoided at all costs. Anything else leads to situation ethics where just about anything goes based upon the subjective feelings of the individual. That is ethical anarchy and it is thoroughly unacceptable. The humane position is that we should do all in our power to help lessen the suffering of the terminally ill cancer patient. I am not denying any exceptions to the principle of avoiding suicide. I do believe that some exist as I have laid out in my *Doctrine: Going Deeper*. But, these cases are extremely rare and severe cases.

Life is extraordinarily complicated. It has always been this way since the fall or the dawn of humanity if you take a more Atheistic viewpoint. But, in many ways it has become even more so because of how large the human population has become. The human population has now reached over 8 billion people. That is a massive amount of people. And when you have that many people, you can find odd and difficult situations all over the place. Even when the odds of something happening are monumentally slim, with that big of a sample size, almost anything becomes not only possible but likely to occur somewhere to someone. We cannot take these highly rare, odd, and difficult cases and use them to negate baseline ethical principles. Most times, we have to assert that an exception may need to be made here under the lesser of two evils principle. Many times though, we may not really know what the right thing to do is in one of these given situations. What all should agree upon though, even if this is rarely the case in our culture today unfortunately, is that these very tough cases should never be used to sweep away core ethical principles that almost all humans have agreed upon throughout the entirety of our history.

One of the most common areas where we are seeing this very wicked tactic is over the question of abortion in our country. With the overturning of Roe, the pro-choice apologists are in full force. They are frenziedly trying to cause even further doubt in the minds of Americans over the question of abortion. One of these core tactics is to point

out that pregnancy related deaths rise when abortion is outlawed or limited. Hence, the argument goes that pro-life people are not actually that concerned about preserving human life after all, at least not the lives of adult women. And then usually some pathetic and lame talking point statement is said for good measure along the lines of, "Clearly they just want to control the bodies of women!" The fact that they are so reliant on such ridiculous, slanderous, and stereotyping statements shows how weak their arguments are and they know it all too well.

I am about as staunchly pro-life as they come. And the idea that I just sit around trying to devise ways to control the bodies of women is insane. I have a daughter who has unfortunately walked away from Jesus. She is not a hardcore liberal by any stretch, but she is far more liberal than I am. Despite all this, we have a great relationship. I taught her from the time she could talk (and man did she talk early and often!) that women are entirely equal to men and that she could do almost anything she put her mind towards. She is a fiercely independent young woman. The idea that I want to control her or any other woman is nuts. You can ask her. I have always given her a ton of freedom. Probably too much looking back on things as a Christian. But, that was always my instinct and it still is. She is not sure if she wants to have children or not and that is her decision. The idea that I am trying to behind the scenes get the government to control her sounds like the stuff of whackos, with all due respect. I just don't want babies to be murdered in the womb. A pretty reasonable stance if you ask me.

As I made clear in my *Doctrine: Going Deeper*, the argument on this ethical question is rather simple. Is the fetus in the womb a human being or is it not? If it is, then killing it is unethical. All of the hard cases must be examined separately. This does not mean that we have to just throw our hands up in the air and give up when it comes to the hard cases. No, we should do all in our power to make things better and more ethical with them as much as that is possible. But, no, we are never to use them to say that they justify the wholesale slaughter of hundreds of millions of tiny babies every year. That is ethical absurdity at its worst.

I understand that many of the laws in states that have heavily limited access to abortions have not caught up to where we need to be in regard to the safety of pregnant mothers. The solution here is to change the laws. It is not to say that we must go back to the Roe *status quo*. A 2022 article from the Guttmacher Institute, hardly a pro-life outlet, states that about 73 million abortions take place every year worldwide. That is 73 million dead babies.¹ The World Health Organization, also hardly a pro-life outlet, estimates that about 287,000 women died from pregnancy related issues in 2020. That number constitutes less than .4% of the number of babies that are murdered every year. None of this is to say that we should not do all in our power to lessen these maternal deaths. Many of them come in very impoverished countries where far better medical care could have prevented many of them. The answer is not always just more abortions. It is plain for anyone to see that the ethical path forward is to outlaw abortion while simultaneously doing all that we can to mitigate against these maternal deaths.

When slavery was fully abolished in our nation, the aftermath was anything but pretty. The period of Reconstruction was ugly and no, it was not simply because the South refused to cooperate. The situation on the ground was messy. Many in the South tried to use this reality to say that what the North had done was plainly evil and that the South was vindicated. The South was right all along. The South had said that if the North had their way, chaos would result. The North won the day and chaos resulted. But, this was a terribly shortsighted way of looking at things and we all know it. The same is true regarding what is taking place with the overthrow of Roe. There is going to be an ugly transition phase. The right thing to do is to do all we can to correct things where necessary. The idea that we just need to go back to abortion on demand is folly.

I understand that there are many other hard cases and unique arguments put forth by the pro-choice apologists. I cannot answer all of them here in an essay of this nature. It seems like I hear a new one almost every day. You can email me if you would like me to address any one in particular if you like. My email can be found on my website. The

¹ "Unintended Pregnancy and Abortion Worldwide," *Guttmacher Institute*, accessed Jan 23, 2024, <https://www.guttmacher.org/fact-sheet/induced-abortion-worldwide>.

hard cases are not going away. Hard cases will never fully go away in any area of ethics. But, they cannot be used to push for ethical anarchy.

The sad thing is that most normal people understand this. Most people know that if what is in the womb is human life, then it is not right to take that life unless the most severe of circumstances is present, such as rape or the life of the mother being in danger. The pro-choice proponents know this, and further they know that the science is now against them, and this is precisely why they are trying so hard to shove these endless side arguments upon the public. They know that most lay people still believe that a fetus is a lump of cells, and so they seek to build on that ignorance by also piling on these side arguments. The egregiousness of this is that these abortion advocates know themselves how outdated the lump of cells argument is. Most of them do not use it any longer themselves. They merely use these side arguments and hope that most of the public is still ignorant regarding the science, which is still unfortunately largely the case.

All of this is horrifically dishonest and disingenuous. We can all agree that we must come together to stop people from seeking unsafe abortions. We can all agree that we must come together to try to minimize maternal deaths as much as possible. We can all agree that we must come together to better educate people on how to prevent unwanted pregnancies. But, none of this means that abortion should ever be legal across the board. That is a travesty of epic proportions and it needs to stop. The same basic principles apply when people try to use the hard cases in other areas of ethics as well.