

# INHERENT, INTRINSIC, AND INSTRUMENTAL VALUES IN CURRENT CONTROVERSIES OVER BIOETHICS

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The theme of this conference, Inherent and Instrumental Value, underlies many current controversies in bioethics. This short essay offers several issues discussed by an interdisciplinary panel. A set of background readings follows

## 1. The Reform of Health Care

The efforts of Congress and the President to reform the American health care system so far have not achieved a consensus. One may look to states like Oregon, however, for a glimpse of what may be waiting in the wings.

Philosopher Norman Daniels writes in the *Hastings Center Report*:

In June of 1990, the Oregon Health Services Commission released a list of treatment-condition pairs ranked by a cost-benefit calculation. Critics were quick to seize on rankings that seemed completely counterintuitive.... [T]ooth capping was ranked higher than appendectomy . . . . Simply aggregating the net medical benefit of many capped teeth yielded a net benefit greater than that produced by one appendectomy. . . . Are there principles that govern the aggregation we accept? Failure to find justifiable principles would give us strong reason to rely instead on fair procedures.<sup>1</sup>

Frances Kamm<sup>2</sup>, Eric Rakowski<sup>3</sup>, John Broome<sup>4</sup>, and Mary Ann Bailey<sup>5</sup> have responded to this and three other challenges by Daniels in the same issue of the *Report*, and their responses deserve careful reflection. It strikes me, however, that it may be useful to apply some of the theoretical concepts from the philosophical literature on inherent, intrinsic, and instrumental value to the question of allocation of resources to medical needs, so as to recast the discussion in reformulated form. That is, in terms of principles reflecting the logic of inherent, intrinsic, and instrumental values, may we restate the aggregation problem, the democracy problem, the fair chances/best outcomes problem, and the priorities problem identified by Daniels in ways that point to appropriate principles for their resolution?

## 2. Rights Claims for Animals and Marginal Humans

In a number of articles and books, philosophers Tom Regan<sup>6</sup>, Peter Singer<sup>7</sup>, and

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James Rachels<sup>8</sup> have argued that animals should be accorded rights—specifically, rights to life and to freedom. Regan has attempted to redevelop the account of human rights in terms of “preference autonomy,” and then has extended that account to animals on the basis of their evident behavior. Singer has found the utilitarian injunction to maximize pleasure and minimize pain to apply directly and simply to all sentient creatures. And Rachel has endorsed the methodology of selecting a right we are confident humans do have, then showing that there is no relevant difference between animals and humans which would justify denying the right to animals while granting it to humans. This question is central to the use of animals in biomedical research and the teaching of physicians, and sophisticated arguments have been developed on both sides of the question.

Does the logic of inherent, intrinsic, and instrumental value support the conclusions of animal rights activists that we morally should dispense with the use of animals in research and teaching, or can that logic be appropriately employed to support the traditional view that animals have instrumental value and only humans and their experiences have inherent and intrinsic value? Does the logic of inherent, intrinsic, and instrumental value support an intermediate position that would permit the use of some, but not all non-humans in research, teaching and transplantation? Finally, would such an intermediate position be committed to regarding some humans as more like animals with only instrumental value? We may here wish to consider cases such as the one a couple of years ago, where a Florida couple gave birth to an anencephalic baby and attempted to donate its organs for transplantation before it had met the criteria for legal death, or the proposal by Dr. Jack Kevorkian<sup>9</sup> that condemned prisoners be used for risky experiments, or with organ donation as a part of their execution method?

### 3. Physician-Assisted Suicide

Recent court actions and jury decisions have brought to the fore of public debate the question of whether physicians should be permitted to assist their terminally ill, suffering patients to achieve a quicker death than provided by the natural course of the disease, either by withholding life-prolonging treatments or by administering lethal medications. During the week of television coverage following the release of the 9th Circuit Court of Appeals’s decision in *Compassion for the Dying vs. Washington State*<sup>10</sup>, philosopher Arthur Caplan<sup>11</sup> wondered on camera whether this was a timely decision in a country that has yet not extended the benefits of health care to all its citizens? Won’t this decision, if upheld, provide physicians of the poor and indigent a ready means to avoid offering expensive life-sustaining treatments or hospice care by offering their patients a quick and painless way out? Is there in the decision and its predicted aftereffects a subtle message that the poor, uninsured patient has less intrinsic value than instrumental value—i.e., is an instrument of reducing overall medical costs.

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## VALUE IN BIOETHICS

### 4. Conclusion

The following discussion by the panel assembled by conference host John Abarno provides a rich indication of how usefully philosophers, physicians, attorneys, nurse practitioners, and theologians may interact in such a thoroughly interdisciplinary area as bioethics. It was a privilege to set the topics and moderate the discussion. I thank my co-participants and the audience for a most stimulating two hours.

### Notes

1. Norman Daniels, "Four Unsolved Rationing Problems: A Challenge," *Hastings Center Report* 24:4 (1994), pp. 27-9
2. Frances M. Kamm, "To Whom?," *ibid.*, pp. 29-32. Also see Kamm's *Morality, Mortality, vol. 1, Death and Whom to Save From It* (New York: Oxford University Press, 1993).
3. Eric Rakowski, "The Aggregation Problem," *Hastings Center Report* 24:4 (1994), pp. 33-36. Also see Rakowski's *Equal Justice* (Oxford: Oxford University Press, 1991); "Taking and Saving Lives," *Columbia Law Review* 93 (1993), pp. 1063-1156.
4. John Broome, "Fairness versus Doing the Most Good," *Hastings Center Report* 24:4 (1994), pp. 36-39. Also see Broome's "Fairness," *Proceedings of the Aristotelian Society* 91 (1990), pp. 87-102.
5. Mary Ann Bailey, "The Democracy Problem," *Hastings Center Report* 24:4 (1994), pp. 39-42.
6. Tom Regan, *The Struggle for Animal Rights* (Clarks Summit, Penna.: International Society for Animal Rights, Inc., 1987). Also see his *The Case for Animal Rights* (Berkeley, Calif.: University of California Press, 1983); and his "The Case for Animal Rights: A Decade's Passing," in Richard T. Hull, ed., *A Quarter Century of Value Inquiry: Presidential Addresses of The American Society for Value Inquiry* (Amsterdam and Atlanta, Ga.: Rodopi, 1994), pp. 434-59.
7. Peter Singer, *Animal Liberation: A New Ethics for Our Treatment of Animals* (New York: Random House, 1975). Also see his "Animals and the Value of Life," in Tom Regan, ed., *Matters of Life and Death: New Introductory Essays in Moral Philosophy* (New York: Random House, 1980), pp. 218-59.
8. James Rachel, *Created from Animals: The Moral Implications of Darwinism* (New York: Oxford University Press, 1990).
9. Dr. Jack Kevorkian, *Prescription: Medicide: The Goodness of Planned Death* (Buffalo, N.Y.: Prometheus Books, 1991), chaps. 11, 12, p. 257.
10. Hon. Stephen Reinhardt, *Compassion in Dying v. State of Washington*, U.S. App. for the 9th Circuit, No. 94-35534, 6 March 1996.
11. Arthur Caplan, as interviewed on *The Today Show*, Monday, 11 March 1996. The comment is not a direct quotation, but this author's impression of the content of his remarks.