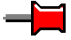

Ethics: The Fundamentals

Julia Driver

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Ethics: The Fundamentals

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Ethics: The Fundamentals

Julia Driver

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Contents

Acknowledgments vi

Introduction 1

1 The Challenge to Moral Universalism 11

2 God and Human Nature 22

3 Classical Utilitarianism 40

4 Contemporary Consequentialism 61

5 Kantian Ethics 80

6 Social Contract Theory 102

7 Intuitionism 121

8 Virtue Ethics 136

9 Feminist Ethics 154

10 Moral Nihilism 170

Index 180

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Julia Driver

Introduction

> [T]he justification of an ethical principle cannot be in terms of any partial or sectional group . . . Ethics requires us to go beyond "I" and "you" to the universal law, the universalizable judgment, the standpoint of the impartial spectator or ideal observer, or whatever we choose to call it.
>
> Peter Singer, *Practical Ethics*[1]

Every human being thinks about how to live a good life – how to make the right sorts of decisions, and what sorts of conditions contribute to a morally good life. This naturally leads to thoughts about the following questions: What should we do in order to be good? What considerations make our actions right or wrong? How should we go about deciding how to act in a morally appropriate manner? This book explores various responses to these questions by looking at a wide range of different moral theories.

We should first distinguish moral "oughts" from other types of "oughts." Some different normative concepts are associated with prudence, some with rationality, and some with aesthetic norms. Moral norms primarily concern our interactions with others in ways that have significance to their well-being. Thus, while it is true that we *ought* to eat at least five servings of fruits and vegetables a day, this ought is not a moral one. If we fail to do this, we have harmed only ourselves – so it is a failure of prudence, not of morality. Also, one *ought* not to hang a psychedelic black velvet painting over one's colonial fireplace. However, doing so is not a moral failure. If anything, it is an aesthetic failure. But if we do something that could harm or benefit someone else, then arguably this is a *moral* matter. Someone who wrongfully harms another does something that he or she ought not

[1] Peter Singer, *Practical Ethics* (Cambridge, UK: Cambridge University Press, 1979), p. 11.

do in the moral sense of "ought." It is this sense that is the subject of normative ethics, and it is an understanding of this sense of "ought" that is at the heart of normative ethical theories.

Normative ethics is the area of philosophy that, broadly speaking, is concerned with standards for right conduct and moral evaluation. Generally, such a theory will give an account of right action and try to give some idea of what makes it right. Some writers, however, tend to focus more on character evaluation; that is, on criteria for evaluating a person's character. In fact, in recent years there has been a move away from simply focusing on right conduct in articulating a moral theory and toward placing more emphasis on character evaluation – that is, moving away from focus on right action and toward the issue of what is involved in being a good or *virtuous* person. Still, whatever the focus, moral theories are primarily concerned with (1) providing moral guidance and (2) the moral evaluation of human conduct. Central concepts such as "right," "wrong," "good," "bad," "permissible," and "impermissible" need to be articulated to accomplish these tasks. Different moral theories spell out application of these concepts differently, and one task of this book will be to discuss the various approaches that have been taken to, for example, providing an account of "right action" and "good character."

An example of a moral problem might help us to understand the tasks of moral theory. Consider the case of Mary, who must decide whether or not to authorize additional medical treatment for her mother. Her mother is in intense pain from her illness, but because she is also suffering from dementia she cannot authorize cessation of treatment herself. Only Mary now has that authority. An ethical theory would first of all try to provide some guidance for Mary – for example, it might offer a principle such as "One ought to try to minimize needless suffering," in which case there is a reason for Mary to authorize that her mother's treatment cease, since her mother's suffering is so intense and since her mother also has no prospect of recovery. Or a theory might present the principle that "One ought to do whatever one can to keep a human alive at all costs," in which case Mary would have a moral reason for continuing the treatment even though this will mean continued suffering for her mother. The point of this example is not to argue which putative moral principle is right, but to give some idea of how such principles can help *guide* action. Depending on which reason Mary has justification to

believe is the best in this particular case, she will be guided by that reason to do what she believes to be best for her mother.

An ethical theory may also provide criteria for *evaluating* an action. For example, whatever principle Mary uses to make her decision, a theory that held that she should be acting so as to minimize needless suffering would argue that she should be criticized if she knowingly failed to do so, and instead allowed her mother to continue living in intense pain, with no prospect of recovery. Therefore, not only does an ethical theory guide our actions, but it also provides the criteria used to evaluate actions. In short, normative ethical theories give us some idea of how we ought to act, and what reasons are relevant in justifying praise and blame of action.

Some of the theorists discussed in this text sought to apply their theories to problems that people faced at the time. One very famous example of this is the philosopher John Stuart Mill (1806–73), who used his theory of *utilitarianism* to criticize laws that he felt were pointless and even harmful to society. Utilitarianism holds that an action, or a law, is right only if it produces the best outcome – only if it brings about the "greatest good for the greatest number." But some laws seemed to only cause misery, or bought happiness for some by degrading others. Mill would go on to be a champion of women's suffrage and a vigorous defender of free speech. He would argue that numerous social benefits would be realized by granting women a say in government. If the state tolerates diverse points of view within its borders, then the ensuing debate improves intellectual development and offers a force to counteract complacency and reactionary tendencies. Mill's books *Utilitarianism* and *On Liberty* eloquently argued for these changes.

Similarly, when we look at some modern moral theorists, we see people who believe that ethical theory can be used to provide arguments that will morally improve society. Feminist writers have long argued, for example, that female perspectives on how to approach moral problems have been ignored or set aside as inferior. Some writers, such as Carol Gilligan and Virginia Held, have argued that this attitude toward women's experiences has led to the systematic overlooking of alternative approaches to moral issues, approaches that treat our relationships with others as central to morality, as opposed to an impartial standard of justice. In Chapter 9 of this book, we will examine these approaches in more detail.

But aside from the practical significance of ethical theories, they are also intrinsically interesting. It is one thing to know that, let's say, killing is wrong; it is another to hear what other people have to say about what precisely *makes* it wrong. Theory enables us to delve beyond our surface intuitions about what is right and wrong to get at the underlying explanation for that judgment – a very important judgment, since it enables us to provide justifications for our actions and evaluations. We frequently want and need to provide justifications for at least some of our actions. For example, whatever Mary decides to do for her mother, she will want to do it on the basis of good reasons, reasons that she endorses. This means that she has a justification for her decision and subsequent action, and it also provides her with the tools to justify that decision to others. An understanding of underlying moral justification, which normative ethics supplies, helps us in our justificatory and critical practices. For example, a Kantian ethicist agrees with the classical utilitarian that killing an innocent person is wrong. He or she disagrees with the utilitarian about what makes it wrong – for the Kantian, it is a failure to adhere to a universal norm and a failure to treat the person who is being killed with respect; for the utilitarian, the person who is killed is being deprived of his or her future pleasant experiences.

Because the role of normative ethical theory is to better understand moral justification, one important point to stress is that normative ethics is about giving an account of what we *ought* to do, or what we *ought* to be like. This is distinct from giving an account or a theory of how people do in fact act, and how they do in fact go about praising and blaming. That is the subject of *descriptive*, not *normative*, ethics. Descriptive ethics is not evaluative – for example, an anthropologist studying the ethical beliefs prevalent in a given culture will describe those beliefs and practices, but will not evaluate them and will not (generally) endorse or criticize them. But normative ethics is a different enterprise entirely. Normative ethics is about how we ought to act. If someone makes a claim of the form "*x* ought to do *y*," this claim cannot be shown to be true or false by simply pointing out what *x* actually does. That's because *x* may in fact do what is wrong. There is a difference between how we *ought* to act and how we *do* act, though in practice we hope that those coincide.

Normative ethics is also distinct from the law. Just because a procedure or outcome is legal does not make it morally good. Sadly,

history is filled with examples of laws that were (and are) immoral. Laws permitting slavery, laws forbidding women the vote, legal permissions for child labor, and laws that allowed for bloody expansionist warfare all qualify as immoral since – for one thing – they were laws that allowed some to profit unfairly at the expense of others, or they denied an equal voice to all persons. Again, ethics and the law are distinct, though we hope that true ethical norms will inform the content and enforcement of the law.

Normative ethics is also distinct from what philosophers call ''metaethics,'' though the two are closely related. Meta-ethical issues are issues *about* ethics – for example, the status of moral claims, their truth-value, whether or not there are such things as moral properties, and so forth. We will discuss a few meta-ethical issues that have to do with challenges to ethical theory – one is the issue, for example, of moral relativism, which will be covered in Chapter 1. Moral relativism is the view that there are no universal moral standards, no standards of ''right'' and ''wrong'' that apply across all times and cultures. Instead, moral relativists think that the truth-value of the claim

(1) Torturing innocent persons is wrong.

is *relative*. Usually, they understand the truth or falsity of a normative claim, such as (1), to be relative to what people happen to believe in a given culture. Thus, there may be some cultures in which (1) is true and others in which it is false, depending on what people happen to believe about the permissibility of torture. Some argue that if moral relativism is true, then there is a problem for normative ethics because no universal justifications can be provided. I will be arguing that we have good reason to doubt the truth of moral relativism, but even if it were true, this needn't undercut the authority of morality. There are degrees of universality, and even if it is only true that the norms are universal within a culture, we can have some basis for principled moral appraisal. However, the focus of the book will be on normative ethical theory.

One central problem in ethics has to do with accounting for the *source of normativity*. Normative claims are evaluative. In ethics, the kind of evaluations that occur are those that have to do with moral value and disvalue, moral rightness and wrongness. Further, these claims in ethics are thought to have a peculiar authority over us. If

an action is judged to be wrong, it is not to be done – it is impermissible. A person performing this action would be subject to blame and possibly even more severe punishment. What gives these claims such authority over our actions? Very roughly, normative theories can be divided into two categories on the basis of how they answer this question. The first group comprises those theories that identify this source as being external to humans. Some believe, for example, that it is God's authority that underlies the authority of morals. The second group comprises those theories that identify this source as being dependent in some way on human nature, or facts about human beings. For example, some ethical egoists believe that human beings are essentially self-interested creatures and so morality must tie into promotion of self-interest. Thus, they appeal to a particular account of human nature – what human beings are like – to provide the basis for their theory. We will compare these two approaches in Chapter 2. The issue of where morality gets its content and authority is meta-ethical, but views about this issue, I believe, have helped to inform how people have developed different theories in the past – it helps sometimes to understand the motivation behind acceptance or rejection of some theoretical approaches to ethical evaluation.

Moral Evaluation of Actions: Terminology

It might first be helpful to spell out some of the terminology that we will be using. It is fairly clear that the concepts of "right" and "wrong" are important to our thinking about moral issues. Loosely, the right action is the one that we ought to do and the wrong action is the one that we ought to avoid; however, this will be spelled out differently with different theories. Other important concepts include the following:

- *Obligatory actions*. These are the actions that we ought, morally, to do; they are morally required and not morally optional. Failure to perform an obligatory act is wrong, or forbidden. "Obligations" are generally understood to be *prima facie* and not absolute. We have a moral obligation to tell the truth, for example, unless there is some countervailing consideration – such as the fact that under the circumstances telling the truth would lead to the death of an innocent person. Thus, telling the truth is obligatory, and we

have an obligation to tell the truth, although the obligation is *prima facie* and can be overridden by other moral considerations.

- *Right actions*. A restrictive sense of ''right'' would be synonymous with ''obligatory''; however, some would argue for a less restrictive sense of ''right'' that would include obligatory, supererogatory, and even morally neutral actions. In this sense, ''right'' would just mean ''not wrong.'' However, people who would argue for this broader understanding of ''right'' would probably not include the suberogatory and, indeed, might argue that no such category exists – that all putative examples involve forbidden acts.
- *Forbidden actions*. These are wrong; these are actions that one is morally required not to do – they are morally impermissible. All other things being equal, failure to keep our promises, for example, is forbidden since when we make a promise we are taking on an obligation to keep the promise (barring unusual circumstances).
- *Supererogatory actions*. These are actions that are good, but not obligatory. For example, if someone rushes into a burning building to save someone else's life, this is supererogatory. It is admirable, but not obligatory, since that person would not be blamed for failing to risk his or her own life even to save another. There are very many examples of supererogatory acts. These acts involve rendering aid to others when they are not, strictly speaking, entitled to that aid.
- *Suberogatory actions*. These are actions that are bad, but not forbidden. This category is more controversial, since some writers would hold that actions that are bad are always forbidden. However, putative examples of the suberogatory would involve failures to help others when they are not entitled to the help. For example, if (assuming that you are a healthy adult) you refuse to give up your seat on the bus to an elderly person who sorely needs it, this could be regarded as suberogatory: if you are entitled to the seat given a ''first come, first served'' rule, then failure to give it up is not forbidden – it does not violate an obligation that you have. However, it does seem bad to fail to help the elderly person, who will then have a very unpleasant ride on the bus.
- *Permissible actions*. These are actions that are morally acceptable. This category includes the obligatory, the right, the supererogatory, and the suberogatory, as well as morally neutral actions. For example, under normal circumstances, eating an apple as opposed to an orange is morally neutral, and therefore permissible.

Value Terms

Value theory is an important part of ethics. For example, if part of our theory of right action is that it brings about a good – or at least better – state of affairs, then fleshing out the theory requires an account of what is good. The fundamental or basic good is often referred to as *intrinsic* good. Thus we can note a distinction between various types of value – intrinsic, extrinsic, and instrumental. We will discuss substantive accounts of value later in the book, when we discuss specific ethical theories.

- *Intrinsic value*. Something has intrinsic value if it has value in and of itself. For example, some philosophers think that pleasure has intrinsic value, since the goodness of pleasure does not seem to depend upon anything else – it requires no explanation.
- *Extrinsic value*. Something has extrinsic value if it has value that depends upon some factor that is external to it. For example, we might hold that a beautiful painting has value, but the value is extrinsic since it depends on the reactions of sentient beings.
- *Instrumental value*. Something has instrumental value if it has value through what it brings about, or through its consequences. For example, a hammer has instrumental value due to its being used to create things.

"Testing" a Moral Theory: How Do We Evaluate the Theories Themselves?

One of the most basic criteria of goodness for a theory is consistency. If a theory is inconsistent, then it must be revised or rejected. This is true of any theory, not simply ethical theories.

In looking for other criteria for evaluation, it may be useful to make a comparison with other sorts of theories – scientific theories, for example. Another very basic question is how well the theory explains the phenomena in question, or, in the case of ethics, how well it identifies reasons that are justifying. A person concerned with providing justification doesn't want to merely explain why he or she performed a particular action. He or she also wants to try to give reasons

that are taken to be good reasons for the action. All actions have some explanation or other, but not all can be morally justified. Mary's testy remarks on Saturday morning may be explained by the fact that she stayed out too late on Friday night and is tired. But these facts don't morally justify the testiness. When she writes a check for Oxfam later in the day, that may be explained in part by her feeling sorry for the starving children. The action is morally justified because it is one that is motivated out of a desire to alleviate human suffering. What are the features that the ethical theory identifies as morally relevant, and can they be generalized to other cases? For example, one theory we will look at in this book is utilitarianism, which holds that right actions maximize the good. The classical utilitarians identified the good as pleasure, so on this premise the action that brings about the most pleasure is the right action. This theory can explain why a wrong action is wrong and justify the judgment that it is wrong – because it causes pain as opposed to pleasure, for example, and in a way that is generalizable. For example, one implication of the theory is that if animals feel pleasure and pain, then we can behave rightly and wrongly toward animals.

The analogy with scientific theories suggests another mode of evaluation. Most of us are familiar, at least roughly, with how scientific theories get tested – a scientist comes up with something as an explanation for an observable phenomenon, for example, and then makes predictions that are either true or false. Crudely, if the prediction is true, the theory is at least slightly confirmed; if false, it is at least slightly disconfirmed. Testing a moral theory can work like this as well. For example, in this book when we discuss a specific theory, after considering some of its advantages we may take a critical look at both its structure and its implications. If those implications conflict with our strongly held and reflective moral convictions, then this is viewed as presenting a problem for the theory – the theory then needs to be either revised or rejected in the light of this problem.

When it comes to ethical theories, we also frequently look for novel guidance. Ethical theories are supposed to provide us with decision procedures and/or criteria for evaluation of actions and character. They are, in that way, practically oriented. If a theory does not give us answers that go beyond our intuitions, then the theory is not doing any independent work for us, and this would be a drawback. For example, a scientific theory that is powerful will make novel

predictions, and lead to further fruitful areas of inquiry, and even suggest surprising and interesting connections between disciplines that had previously been regarded as unrelated, or irrelevant to each other. Ideally, we'd like to see the same thing in an ethical theory.

We also seem to regard simple theories as superior to complicated ones. This criterion is controversial – critics will wonder about it since, off hand, there seems to be no connection between simplicity and truth. But, *all other things being equal*, the simple, elegant theory is preferred. This may have something to do with pragmatic considerations – for example, simple theories are easier to use and we are less likely to make a mistake implementing a simple theory as opposed to a highly complex one.

Before moving on to a discussion of the substantive moral theories, we should first take a look at a popular, though misguided, challenge to normative ethical theory – in Chapter 1, we will consider the issue of moral relativism.

Chapter 1

The Challenge to Moral Universalism[1]

> What, to the American slave, is your 4th of July? I answer, a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To him, your celebration is a sham . . . There is not a nation on the earth guilty of practices more shocking and bloody than are the people of the United States, at this very hour.
>
> Frederick Douglass, July 5, 1852

We are all familiar with the practice of moral appraisal. Whenever we assess an action or policy as right or wrong, or a person as good or bad, we are evaluating. There are whole ranges of behaviors that people tend to view as wrong – killing innocent persons, theft, lying, or cheating, for example. Others we typically evaluate as right or good – charity, promise keeping, and respect for others, for example. It would be very difficult to imagine living as we do without this practice of evaluation and moral appraisal. We need to evaluate potential courses of action in order to decide what to do. We need to evaluate in order to convey our moral concern to others. Positive social change also requires evaluation. For example, when Frederick Douglass, the great American orator and reformer, condemned the institution of slavery, he was evaluating the institution, judging it to be wrong and a social evil.

Yet, in spite of its seeming significance, there are some people who are very skeptical about morality – about whether there is such a thing

[1] In reality, this chapter focuses on a particular type of argument for moral relativism – one based on a consideration of cultural differences.

as a truly universal moral system, and whether any moral claims are true or ''just a matter of opinion.'' Some argue that what is morally good is a matter of taste, or a matter of convention, so moral judgments are like aesthetic ones, where just about anything goes. We can trace such a view back to the historian Herodotus, who noted that there was enormous cultural diversity on moral issues – in some countries, cannibalism is permissible and in others it is immoral; in some nations it is acceptable to eat beef, while in others, it is not. Who is to say what is ''really'' right or wrong? There is no universal fact of the matter about ''rightness'' and ''wrongness,'' and so forth.

On this view of moral evaluation, normative claims will be radically different from descriptive claims. For example, if someone were to make the descriptive claim

(1) Wombats are mammals.

she would be stating something that has a truth-value that does not vary across individual beliefs, or across cultures. If (1) is true, it is true not in virtue of what someone happens to believe. The truth-value of (1) is not a relative matter. How do we find out whether or not (1) is true or false? We look at the features of wombats relevant to their classification as mammals – Are they warm-blooded and furry, and do they give birth to live young? The answers to all of these questions are affirmative, so (1) is true. In determining the truth-value of (1), we don't look at what people happen to believe about wombats. After all, people can be mistaken.

Moral relativists hold that normative claims, such as moral ones, however, are quite different from descriptive claims such as (1) and do have truth-values that can vary. The most prevalent forms hold that the truth-values depend upon what people happen to believe to be right and wrong, or good and bad.

These sorts of views pose challenges to normative ethics in the sense that they challenge its status and authority. It's worth discussing the most significant challenge, that of cultural moral relativism, before turning to specific normative theories. First, though, we will look at a similar, though more restrictive, view – that of individual moral relativism.

One form of moral relativism is very restrictive, holding that the truth-value of moral claims can vary from individual to individual.