The Usefulness of a Comprehensive Systematic Moral Theory

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Discussion of Harris' Claims about Moral Theories

In the fall 2009 issue of *Teaching Ethics* C.E. Harris wrote an article with a question as the title, "Is Moral Theory Useful in Practical Ethics?" which he answered in the affirmative.[1] In Harris' article he considers two moral theories. "For utilitarianism the purpose of morality is to promote human well-being, and moral principles and judgments should be evaluated in terms of their effectiveness in accomplishing this aim." (p. 57) "For RP theory, [which is a Kantian type of theory emphasizing the ethics of respect for persons] the purpose of morality is to protect persons from violations of their moral agency." (p. 57) In 1988 I gave a talk, "Morality versus Slogans" to the Western Michigan University Center for the Study of Ethics in Society and in 1989 that talk was published as a pamphlet by the Center. In that talk I said, "Morality is too important to be summarized in terms of slogans."[2] (p. 31) Unfortunately, Harris' discussion seems to regard much of the value of moral theories to depend on their ability to be summarized by a single powerful slogan.

Harris distinguishes four levels of moral thinking. "First, there are moral judgments about particular acts. Examples are: 'Mrs. Jones should (or should not) get an abortion.'" (P. 53) Second are general moral judgments about classes of actions. Examples are: "Abortion is never permissible." (Ibid.) "The third category is intermediate moral principles." Examples given are "W.D. Ross' prima facie duties" (Ibid.) and "Bernard Gert's variously formulated 'moral rules.'" (Ibid) "The fourth category is high-level moral principles, or moral standards, such as those associated with utilitarianism ('Those actions are right that maximize utility') or what I have called RP theory ('Those actions are right that respect the moral agency of individuals.'). (Ibid) Harris then gives reasons "for believing that moral theory in the fullest sense should

be associated with the fourth category or level." (P. 56) But much of the value of the theories on this fourth level, as Harris discusses them, is due to the fact that they can be summarized by a single powerful slogan. They are not, by Harris' own admission, adequate theories. Harris holds that I do not provide a moral theory on the same level as utilitarianism and RP, but that seems to be because my moral theory cannot be summarized by a single powerful slogan.

No teacher of engineering would teach his students to use an engineering theory that he knew to be inadequate, nor would he use such a theory himself when trying to solve some engineering problem. Harris does seem to tell his students that the moral theories he discusses are inadequate and he does not make any moral decision or judgment based on either of these moral theories. Rather, only insofar as a theory comes up with an answer with which Harris agrees, does he accept what the theory says. When both theories come up with the same answer with which Harris agrees he regards that as confirmation of his view that his answer is correct. When the theories disagree, Harris picks the one that agrees with his judgment about the correct answer. Harris holds that no moral theory can adequately explain all of the judgments of common morality because he holds "that there are at least two conflicting conceptual strains within common morality itself, one having to do with promoting human well-being and the other with protecting the moral agency of individuals." (Ibid.) But the conclusion he should reach is that no adequate moral theory can be summarized by a single powerful slogan.

I would have thought that once Harris acknowledged the conflicting strains of our common morality he would have held that an adequate moral theory must incorporate the insights of both utilitarianism and RP theory. However, Harris does not even consider such a moral theory, for it cannot be summarized by a single powerful slogan. It is the single powerful slogan, not the complex theory, that provides what Harris considers two of the three most important functions of a moral theory, "First, there is the unitive function: the ability to unify a large number of moral judgments under a single idea, or very limited number of ideas. Second, there is the insight function: the ability to provide insight into the nature or purpose of morality itself." (P. 56) But the large number of moral judgments made using our common morality cannot, as Harris acknowledges, be unified under a single idea, or a very limited number of ideas. Rather, our common morality is a system and what a moral theory should do is to describe our common morality and show how all of our

moral judgments fit into this system and so can be accounted for by it. Second, Harris admits that the theories that he considers only provide insight into what they mistakenly take as the sole purpose of morality; they do not acknowledge the purpose of morality proposed by the other theory. An adequate moral theory would make clear, as Harris himself admits, that morality has more than one purpose; that it seeks to protect people from each other and also seeks to minimize the harm suffered by these people, regardless of whether that harm is caused by immoral behavior or by natural causes.

Further, neither theory that he discusses says anything about the nature of morality. Neither makes clear that our common morality is a system intended to serve as a guide to behavior for fallible and vulnerable persons. Our common morality is not intended to serve as a guide that would be followed by Gods or other omnipotent and omniscient beings as both Kant and many Utilitarians assume. If people were not vulnerable they would not need a moral system to protect themselves. If people were not fallible common morality would not need rules, but could simply state the purposes of morality. Recognition of the nature of the persons who are supposed to be guided by common morality makes clear why common morality has the features that I describe it as having. That all rational persons want to avoid death, pain, disability, loss of pleasure and loss of freedom, unless they have some reason not to want to avoid these harms, makes clear why they all agree to put forward a system that contains rules that prohibit people from causing these harms to others, except in carefully specified situations.

The justification of morality consists in showing under what conditions all rational persons would put forward common morality as the moral system they want to be universally adopted. My coming to realize that a moral theory should provide insight into the nature and justification of morality is why I used *Morality: Its Nature and Justification* as the title of the most recent edition of my full-length moral theory. In this book I try to show that when rational persons limit themselves to beliefs shared by all other rational persons and seek to reach agreement among all such persons, they will all put forward common morality as the system to govern the behavior of all of them. Obviously such a system would have as one of its goals, protecting people from one another, and Harris recognizes that according to my theory this is an important function of morality. (P. 57) Another goal of such a system would be minimizing the amount of harm that people suffer, regardless of whether that harm is caused by immoral behavior or by natural causes. So that I incorporate

two goals of morality that are very close to the two goals that Harris attributes to the two moral theories he proposes, one goal to each.

The Common Moral System[3]

The common moral system does not attempt to accomplish the two goals, protecting moral agents and minimizing their suffering of harms, in the same way. Rational persons would not put forward a moral system that involves prohibitions or requirements that would completely take away people's freedom to act on their own desires and projects. Rather, they would put forward a moral system that prohibits only those actions that harm or significantly increase the risks of harming other people, for this only takes away the freedom of people to act in a very small number of cases. The moral system they would put forward would encourage, though not require, those actions that prevent or relieve the harm suffered by others. The moral system would not require those kinds of actions because doing so would have the unacceptable result mentioned above, completely taking away everyone's freedom to act on their own desires and projects. Our common moral system does, in fact, have two types of precepts; moral rules, which prohibit causing harms, and which everyone is always required to obey except in special circumstances; and moral ideals, which prevent or relieve the harm suffered by others and which everyone is encouraged to follow, but which no one is expected to follow all the time. Both Kant and Mill make a similar distinction by distinguishing between duties of perfect obligation and duties of imperfect obligation, but it is misleading to call both kinds of precepts "duties" because this seems to make following moral ideals a moral requirement.

Because common morality is put forward as a system that governs the behavior of all rational people, not only must the moral rules be known and understood by all rational people, but all of the other aspects of the common moral system must also be known and understood by all. Even high school students must know and understand our common morality, for high-school students are held responsible for their behavior; and it is a feature of our common morality that no one is morally responsible for their behavior if they cannot understand what the moral system requires them to do. This does not mean that everyone must know how they are supposed to act in every situation, for sometimes the facts are so complex that many people do not know and cannot understand what morality requires or encourages them to do in that

situation. But even when in these kinds of situations it must be possible to describe the morally relevant aspects of the situation such that everyone can understand what is involved and can make a morally responsible decision about how to act. One of the most important functions of a moral theory is to provide a method for attaining such a description.

That everyone knows and understands the common moral system does not mean that morality is so simple that it can be adequately summarized by a single powerful slogan. The language of every society is extremely complex yet all high school students know the language of their society in the sense that they can use it to communicate with others and to understand the communications of others. However this does not mean that they can describe the grammatical system of that language. Similarly, the requirement that all moral agents, that is, those that are held morally responsible for their actions, know and understand the common moral system means only that they can use it in making their moral decisions and judgments, it does not mean that they can describe all of its features. Even though there is no simple slogan that adequately summarizes our common moral system, when the morally relevant facts of the situation are known and understood, almost everyone does know which actions are morally acceptable and which are morally unacceptable. The primary practical function of a moral theory is to help people make morally responsible decisions and judgments. This involves not only making the moral system, including the moral rules, moral ideals, and morally relevant features explicit, but also showing how these features interact.

Morally Relevant Features and Justifying Violations of a Moral Rule

Identifying the morally relevant features is the first step of a two-step procedure that is the part of our common moral system that is used to determine whether a violation of a moral rule is justified. One way to identify these morally relevant features is to provide an explicit list of questions, the answers to which are the morally relevant features of those situations concerned with a violation of a moral rule. This list reminds people of what they already know but may have neglected to take into consideration. Some of these morally relevant features will involve the consequences of the particular violation, the consequences of not violating the rule, and the consequences of alternative actions, which are

considerations that utilitarianism seems to regard as the only morally relevant features. However there are other morally relevant features that are not acknowledged by utilitarianism, such as the relationship between the violator and the person toward whom the rule is being violated and the desires and beliefs of that person. It is also morally relevant whether the violation is being done intentionally or only knowingly, and also whether the situation is an emergency such that people are unlikely to plan to be in that kind of situation. These important matters are complex and any adequate theory must deal with them, yet neither utilitarianism nor RP theory provides an explicit procedure that is designed to remind people of which facts are morally relevant and which facts are not.

Everyone knows that in making a decision about whether to violate a moral rule, they need to have a description of the situation that includes all and only its morally relevant features. Everyone also knows that it is not morally acceptable for one person to violate a moral rule unless it is morally acceptable for any other person to violate that rule in a situation with the same morally relevant features. Everyone knows that making a moral decision involves this kind of impartiality. Classical Utilitarians, Bentham and Mill, completely ignore this kind of impartiality, being concerned only with the kind of impartiality involved in the distribution of benefits and harms. They endorse the slogan that each is to count for one and no one is to count for more than one. Violation of this kind of impartiality involves treating people unfairly. Kant is concerned with the previous kind of impartiality, but his attempt to capture it in his first formulation of the Categorical Imperative is inadequate. He states it far too strongly, claiming that one should not violate a moral rule unless one favors everyone violating the rule in the same circumstances. Hare, who tries to combine Utilitarianism with Kantian universalizability, makes the same mistake. The correct formulation for this kind of impartiality involves determining whether, using only the morally relevant features of the violation, you would be willing for everyone to know that any violation with the same morally relevant features is allowed. Failing to be impartial in this way is arrogant. This formulation does not generate any of the counter-examples that Kant's first formulation of the Categorical Imperative does.

Moral Disagreement

Sometimes the morally relevant features of the situation are such that all equally informed impartial rational persons would be willing for

everyone to know that the violation is allowed; other times no equally informed impartial rational person would be willing for everyone to know that the violation is allowed; and sometimes equally informed impartial rational persons will disagree about whether they would be willing for everyone to know that the violation is allowed. That the morally relevant features of some situations might be such that equally informed impartial rational persons disagree about whether they would be willing for everyone to know that a violation of a moral rule is allowed in these circumstances conflicts with both utilitarianism and RP theory. Although both theories claim to provide unique correct solutions to every moral problem, this claim is not supported by the application of these theories to controversial moral questions. A comprehensive moral theory that provides an adequate account of our common morality must acknowledge that there are some controversial moral questions, e.g., the moral acceptability of abortion, about which there is no agreement in our common morality. A comprehensive moral theory should not try to provide a unique correct answer to every moral question; rather a comprehensive moral theory must explain why there is agreement concerning the answers to the overwhelming majority of moral questions but also must explain why there are unresolvable moral disagreements concerning the answers to a significant number of important controversial moral questions.

Recognizing that our common moral system allows for disagreement among equally informed impartial rational persons is extremely important in doing applied and professional ethics. From my decades long experience on an ethics committee of a hospital, I know that fruitful moral discussion is far more likely to take place when everyone acknowledges that there is more than one morally acceptable solution to a controversial moral problem. Holding that anyone who disagrees with the solution that one supports is not informed, not impartial, or not rational, is unlikely to lead to a civil and fruitful discussion. Recognizing that there is more than one morally acceptable solution allows for compromise without any sacrifice of moral integrity. It allows the person charged with making the decision to acknowledge that the solutions proposed by others are acceptable while still acting on the decision that she regards as best. A valuable practical function of a moral theory is to remind people that when dealing with controversial matters there are sometimes legitimate unresolvable moral disagreements. Indeed, making clear that our common moral system allows for some legitimate unresolvable moral disagreements may be the

strongest support that a moral theory can provide for democracy. If all moral questions have unique correct answers, then the best form of government would not be a democracy, but an aristocracy of the most intelligent or a monarchy with a philosopher-king.

Distinguishing moral considerations from non-moral considerations, particularly religious and cultural considerations, is another important function of a moral theory. Once a person is clear about the morally relevant features of a situation where a violation of a moral rule is being considered, she will usually have the correct moral intuition about what actions are morally acceptable and what actions are unacceptable. A moral theory helps a person become clear about what are the morally relevant features of a situation. This involves not only being reminded of all of the morally relevant features, but also making clear that one's moral decision or judgment should not be influenced by features that are not morally relevant. As mentioned earlier, a moral theory is helpful in assuring people that the fact there are some legitimate unresolvable moral disagreements is compatible with there being unique correct answers with regard to the overwhelming number of moral questions.

Although I agree with Harris that a moral theory is useful in practical ethics, I disagree with him about why. Harris calls a moral theory's third function the "rational function: the ability to provide a useful and suggestive basis for moral analysis and for resolving moral issues," (P. 56) However, this is far too weak; rather a moral theory must provide an explicit procedure for doing moral analysis and for resolving moral issues. Moreover, I do not agree with Harris if he is suggesting that all moral issues can be resolved. A moral theory can help resolve most moral issues by providing an explicit procedure, including identifying the morally relevant features of the situation, for deciding how to act. However, even with all the same information, impartial rational persons will sometimes disagree on the answers to some important moral questions, e.g., concerning abortion and physician-assisted suicide. A moral theory must explain why there can be unresolvable disagreement on some controversial moral issues, and still provide unique correct answers to the overwhelming majority of moral questions. An important part of this explanation requires distinguishing between our universal common morality and particular religions, so that we do not confuse genuinely controversial moral issues with controversies between morality and particular religions.

One way to distinguish our universal common morality from all particular religions and other non-moral sources is to make clear that the common moral system has no aspect that is not known and understood by all those who are moral agents, i.e., persons who are held morally responsible for their actions. No particular historical facts can provide a necessary basis or foundation for our common morality, that is, it cannot be that one has to know any particular historical fact in order to understand the common moral system. All moral agents must know and understand morality regardless of their knowledge of any particular historical fact. All particular religions claim authority because of some particular historical facts, thus no particular religion can claim any authority about the content of our common morality. Of course, some universally known facts are not morally relevant, e.g., that the moon is a great distance from the earth, but it is a necessary feature of morality that no facts that are not universally known can be essential for knowing and understanding our common moral system.

The primary source of moral disagreement is disagreement about the facts, i.e., the facts of the particular case, e.g., did Bill or Tom fire the first shot, which can include disagreement about some morally relevant feature of the situation, e.g., whether it is an emergency situation. The facts of the particular case can be such that all fully informed persons would agree if they had the same information and disagreement is due solely to lack of full information. Or, even with all of the same relevant information, people can disagree about the interpretation of the situation e.g., whether it is really an emergency. Also whenever predictions of the future are involved, people with the same information may disagree. None of these kinds of disagreements are peculiar to moral reasoning; they occur in scientific reasoning as well as in prudential reasoning, however there are four sources of moral disagreement that are peculiar to moral reasoning.

These four sources of moral disagreement can occur even when there is complete agreement on all the facts and the morally relevant features of the situation. The first source is a difference in the rankings of the harms and benefits involved. Even the implausible hedonistic utilitarian view that the only benefit is pleasure and the only harm is pain still does not provide a universally accepted way of determining how much pleasure compensates for a given amount of pain or how to weigh the intense pain of a few against less intense pain for many. When one acknowledges that there are other benefits besides pleasure, e.g., freedom, and other harms besides pain, e.g., death, then the view that

there is a unique correct ranking of the harms and benefits is so implausible that no one has even attempted to defend it. But if there are sometimes unresolvable differences in the rankings of the benefits and harms, then there cannot be a unique correct answer to every moral question, even for utilitarianism.

The second source is a difference concerning who besides moral agents are impartially protected by the moral rules. This is one of the areas in which utilitarian and RP theories disagree most clearly. Some forms of utilitarianism claim that all sentient beings are impartially protected but most forms of RP theories claim that only moral agents are fully protected. It should be clear, however, that this is a matter about which impartial rational persons can and do disagree. Indeed, the disagreement extends beyond utilitarianism and RP theory, for some people hold that fetuses, and even embryos, are impartially protected even though they are neither sentient beings nor moral agents, though, if not aborted, they will become both sentient beings and moral agents. Some rational persons claim that morality impartially protects all beings that, if nor interfered with, would become moral agents, even if they are not sentient, whereas others claim that morality impartially protects only sentient beings that, if nor interfered with, would become moral agents. Contrary to both of these views, some hold that the pregnant woman, who is a moral agent, always has greater protection from morality than her fetus or embryo. They hold that it is morally acceptable to abort a fetus at any stage in order to prevent a significantly lesser harm to the pregnant woman. However, those that agree that fetuses and embryos do not have impartial protection still disagree about how much protection, if any, they do have.

The third source is a difference in the estimates of the harmful and beneficial consequences of everyone knowing that a given kind of violation is allowed compared with the consequences of everyone knowing that it is not allowed. This is not a disagreement about the consequences of the particular case; rather, except when concerned with initiating a public policy, it is usually a disagreement about a counterfactual prediction that involves differences in one's view of human nature, e.g., whether one is optimistic or pessimistic about human nature. The widespread disagreement about whether it is morally acceptable to deceive someone in order to avoid hurting her feelings is based on one's view about whether the consequences of everyone knowing that it is morally acceptable to deceive in this kind of situation would be better or worse than the consequences of everyone knowing

that it is morally unacceptable to deceive in this kind of situation. This is a disagreement about whether the failure of trust involved in everyone knowing that such deceit is morally acceptable results in more harm than the hurt feelings avoided in everyone knowing that such deceit is morally unacceptable. This kind of disagreement is often involved in political disputes.

The fourth source involves a difference in the interpretation of a moral rule, e.g., whether coloring one's hair should count as violating the rule prohibiting deception. If it counts as a violation, then one would need a justification for coloring one's hair, but it is clear that "I felt like it," or "I thought it made me look younger," are not justifications for breaking a moral rule. There are also significant differences about what counts as deceptive advertising. Disagreement about the interpretation of a rule also affects matters of life and death, e.g., whether, when a ventilator dependent competent patient has requested that he be taken off of the ventilator taking him off of his ventilator counts as violating the rule against killing. Dealing with these kinds of differences is one of the major tasks of applied and professional ethics.

How a Moral Theory can be Useful in Practical Ethics

Harris seems to think that it is necessary to teach about a moral theory in order for moral theories to be useful, but I agree with Davis that this is not correct. I do not think that one needs to do philosophy in order to make use of a moral theory. The kind of moral theory that is useful in practical ethics provides an explicit description of our common morality and then tries to show that our common morality is justified. But it is the explicit description of our common morality that is most useful in practical ethics. Of course, a teacher would want to assure herself that our common morality deserves to be used in dealing with moral problems because, as Harris acknowledges, both utilitarianism and RP theory treat our common morality as if it is not an adequate guide. So it is worthwhile for the teacher to assure herself that our common morality is indeed justified, i.e., that, given the proper conditions all rational persons would endorse common morality. There may also be students or practitioners who are not content to simply apply our common morality to a moral problem, but need to be assured that common morality is not simply a tradition that has been passed down in our society, but has universal validity.

However, for most practitioners, if not most students, the most important part of a moral theory is its explicit description of the common moral system. Everyone knows these features once they are made explicit, e.g., everyone knows that killing, causing pain, disabling, and depriving of freedom or pleasure count as harming a person and are immoral unless justified. They also know that deceiving, breaking a promise, cheating, disobeying the law, and not doing one's duty increase the risk of harm, and are immoral unless justified. What they may not realize is that unless one is doing one of these kinds of actions, one's action is not prohibited, and so the action does not need to be justified. So, although it is morally good to help others, unless one has some special role or is in some special circumstances, one is not doing anything morally wrong by not helping. But when considering violating a moral rule, there is a two-step procedure embedded in our common morality that can help a person decide whether to violate the rule. The first step of this procedure makes clear how to describe that violation solely in terms of its morally relevant features. Then the second step of this two-step procedure describes how to achieve the kind of impartiality that is necessary when considering a violation of a moral rule.

Applying this two-step procedure involves estimating the consequences of everyone knowing that they are allowed to violate the rule in this kind of situation and the consequences of everyone knowing that they are not allowed to violate the rule in this kind of situation. When an impartial rational person compares her estimates of the consequences of everyone knowing that the violation is allowed and everyone knowing that the violation is not allowed, she should regard as the best decision that alternative that she estimates would have the best consequences. However, as pointed out above, it must be made clear that people can, within limits, differ on what counts as the best consequences, so there may be legitimate unresolvable moral disagreement. This two-step procedure, which also takes into account the other sources of unresolvable moral disagreement, can thus explain the overwhelming agreement concerning most moral questions as well as explaining why there is sometimes unresolvable disagreement concerning some controversial moral issues.

Providing such an explicit summary of our common moral system enables one to provide a much more reliable way to decide how one should act in a morally problematic situation than any of the tests that Harris and Davis put forward. Their tests are not a reliable way to determine what is the morally correct way to act, e.g., Kant correctly

argues that the Golden Rule, regarded by Harris as part of RP theory, (and labeled as the reversibility test by Davis) often gives an incorrect answer. As a practical matter, in most cases we do not need these tests, for our common morality is so much a part of us that our moral intuitions are generally a quite reliable guide. However, we sometimes need to persuade others to support the moral decision that we are taking or defend our moral decision or judgment to someone who disagrees with it. It is in these situations that a comprehensive moral theory, one that provides an explicit description of our common morality, including the two-step procedure needed when considering the violation of a moral rule, is far more helpful and reliable than any of these tests. Requiring all involved to describe the situation in terms of it morally relevant features helps people to discover if they have any disagreements about the morally relevant facts of the case. Requiring that people consider whether they would be willing for everyone to know that they are allowed to violate that moral rule in a situation with these morally relevant features is far more reliable that using any of tests that Harris or Davis recommend.

It is not too difficult or time-consuming to remind practitioners that morality has the goals of protecting moral agents and of preventing and relieving the suffering of harm by moral agents and others. Making clear that morality is a guide for vulnerable and fallible persons explains why certain kinds of acts need moral justification. Making explicit the two-step procedure, including identifying the morally relevant features, and estimating the consequences of everyone knowing that they are allowed to violate the rule in a situation with the same morally relevant features, is extremely helpful in helping people who are trying to make a moral decision. People also need to be reminded that morality encourages acts such as giving to charities, but does not require such acts. Practitioners must be taught how to use the explicit description of morality to distinguish controversial moral matters from controversies between what morality requires and what religion or country demand. Finally they must be made aware that while our common moral system provides unique correct answers to most moral questions, there are some controversial moral problems about which there is legitimate moral disagreement even among people who know all of the same facts.

ENDNOTES

[1] *Teaching Ethics*, Volume 10, Number 1, pp.51-67. In the same issue Michael Davis wrote a response, "The Usefulness of Moral Theory in Practical Ethics: A Question of Comparative Cost (A Response to Harris)" pp. 69-78, and Harris replied, "Response to Michael Davis: The Cost is Minimal and Worth It." I will concentrate on Harris' first paper, but will say something about what Davis says in his response.

[2] "Morality Versus Slogans," *Western Michigan University Center for the Study of Ethics in Society*, Vol. 3, No. 2, December 1989.

[3] See *Common Morality: Deciding What to Do*, Oxford University Press, Paperback edition, 2007, 188 pp. or *Morality: Its Nature and Justification*, Oxford University Press, Revised edition, 2005, 434 pp.