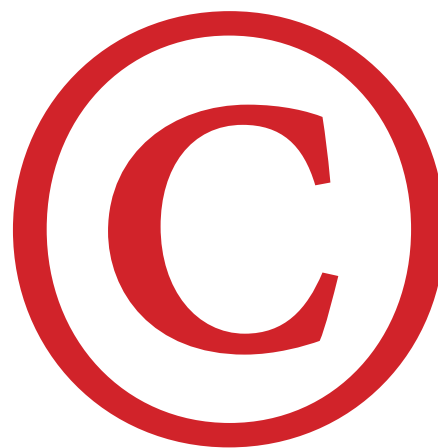


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## AN INTRODUCTION TO ETHICS FOR TEACHING

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Teaching ethics is a noble profession because studying ethics is a valuable activity. The questions of ethics are central to human existence: How best to live one's life? How best to arrange persons in a political order? In a virtuous cycle that repeats itself over generations, the answers of great thinkers are passed from teachers to students, again and again. No student who takes seriously the study of ethics comes away from the experience unchanged: naïveté gives way to maturity as students begin to see moral problems in terms of subtle distinction rather than binary opposition.

For the good of teaching ethics, another brief overview of basic ethical theory is never unpropitious, neither for students nor for their teachers.

Within the context of the Western intellectual tradition, ethics is the philosophical study of morality. Morality involves making value judgments regarding how we ought best live our lives. This means, first, that value judgments presuppose freedom of choice: the entire edifice of ethics is erected on the assumption that value judgments are voluntary and therefore moral agents are responsible for their choices. Second, value judgments differ from judgments of ordinary preference, such as the spiciness of food or color of clothing. Moral judgments involve interconnected conceptions of goodness, rightness, the class of beings worthy of moral consideration, and virtue.

Moral judgments presuppose a concept of some highest moral good (sumum bonum). This might be obedience to God (Divine Command ethics), acting in accordance with duty (Deontology), realizing one's unique individual potential (Existentialism), affirming relationships based on care and empathy (Feminist Ethics of Care), or maximizing individual pleasure (Egoism) or overall collective happiness (Utilitarianism). We live our lives and make daily choices with an eye to some ideal of moral goodness. Moral judgments commend some actions and condemn others depending on the moral good to be affirmed. Moral judgments also

presuppose a class of beings judged to be worthy of moral consideration: humans, all beings capable of suffering, all living things, or entire ecosystems. Moral judgments depend upon the virtue of moral agents, namely, whether the character and actions of moral agents affirm or deny moral goodness, rightness, and the beings helped or harmed by the moral agents involved.

All humans make moral judgments; we cannot avoid it. That ability, or responsibility, is the distinguishing and wondrous feature of humanness. The German philosopher Immanuel Kant marveled, “Two things fill the mind with ever new and increasing admiration and reverence, the more often and more steadily one reflects on them: the starry heavens above me and the moral law within me” (2006, 133). Moral awareness makes humans moral agents. With awareness—what Kant called moral law—comes responsibility, a responsibility that cannot be shirked even with focused determination. If you wake up tomorrow and say to yourself, “I will not make value judgments today,” you will shortly fail. By choosing not to choose, you have chosen. And you will judge the character and actions of family, friends, peers, and strangers before noon. As French philosopher Jean-Paul Sartre put it, “In one sense choice is possible, but what is not possible is not to choose. I can always choose, but I ought to know that if I do not choose, I am still choosing” (2003, 235). Sartre meant that as agents capable of moral awareness and reflection, we are also responsible—whether we want the responsibility or not—for the effects our actions have on others. Not making a choice or taking an action does not free us of moral responsibility. Inaction has its own moral repercussions.

This issue of unavoidable responsibility brings to the fore the issue of identifying the class of beings worthy of moral consideration. Judgments that involve how to best live our lives are moral judgments because they affect beings to which we as moral agents have responsibilities. We are not morally culpable for choices we make regarding things that are not worthy of moral consideration, like rocks: choosing sandstone over limestone for the walkway to the front door is not an overtly moral decision because the stone that will be cut into slabs is not a proper object of moral consideration. But beating your spouse or kicking your dog for barking are actions open to moral judgment, and you are morally culpable for them because your spouse and your dog (many people think) are worthy of moral consideration.

If a being is worthy of moral consideration, then other moral agents have a duty either to help that being or at minimum not to harm them.

The toughest moral choices involve situations that require deciding between two mutually exclusive moral duties, such as telling the truth and avoiding harm. Suppose your elderly grandmother spends most of her waking hours worrying about her grandchildren. As one of those grandchildren, you are aware that telling her the truth about your life—your lingering doubts about medical school, the possibility of your girlfriend’s pregnancy, your credit card debt—would cause her acute distress. If you just say, “Grandma, my life is going great, it couldn’t be better” (which is not true) and leave it at that, her worry would end. If you do not tell the whole truth, which is a form of deception, you avoid harm; if you act honestly and tell the truth in full detail, you will most likely cause harm in the form of some kind of distress.

Moral agents frequently face much more difficult decisions. Imagine a nation at war. The enemy has captured both a military officer and a civilian. The officer knows the location of a submarine armed with nuclear weapons which, when used against the enemy, will likely turn the course of the war and result in victory for the officer’s forces. The enemy is aware that the officer knows, and threatens to torture the civilian to death in gruesome fashion unless the officer discloses the information. The officer faces a moral dilemma. He has two conflicting moral duties: to uphold his duty as a military officer and protect the military and the nation from further harm at the enemy’s hands, and to the civilian, a citizen of the officer’s own nation whom he also is sworn to protect. Acting either way will violate one or more duties the officer is responsible for upholding. If he avoids one horn of the dilemma, he will be impaled on the other. Moral dilemmas should not be confused with moral problems in which the right thing to do is obvious, but doing it is difficult. For example, admitting publicly that you have made an egregious and embarrassing error, such as violating the public trust by misusing funds or admitting to infidelity, is hard to do. It is a lot easier not to fess up to one’s errors.

## ETHICS AND RELIGION

Moral judgments can be made in a number of ways. You could simply flip a coin: heads, tell Grandma the truth; tails, don’t give Grandma the full story. Or you could fast and meditate, hoping to have a mystical experience that will reveal the morally preferable option. Or you could follow your gut instincts. The problem with flipping a coin, trying to have a mystical (what theologians describe as a “fideistic”) experience,

or following your instincts is that these ways of making moral decisions ignore other resources that characterize humanity: reason and religious faith. As alternatives to the above approaches, therefore, you could systematically analyze the situation using the principles of rationality (the approach of ethics, to be explained shortly); or you could use faith as the basis for making moral judgments (the approach of religion).

The distinctively human traits of reason and faith are the primary sources of moral insight. So the question naturally arises: What is the relation of the two? Basing moral judgments on religion, as a conduit of faith, usually means deferring to some kind of authority, whether that authority is a person (such as a prophet, priest, imam, seer, shaman, and so forth) or scripture (such as the *Upanishads*, *Bhagavad-Gita*, *I-Ching*, *Torah*, *New Testament*, *Qur'ân*, *Book of Mormon*, and others). In either case, the source of authority is assumed to give an avenue of insight to the unseen order of things behind the everyday world, whether that unseen order is structured by God (as is believed in the West) or by a cycle of reincarnation (as is believed in the East). Within the Western tradition, which is the focus of this essay, the question becomes: How does divinity, as the source of faith, determine moral goodness and right action?

Plato posed the question twenty-five centuries ago in a dialogue called the *Euthyphro*. Socrates asks Euthyphro: Is something good because gods will it? Or do the gods will it because it is good? (lines 11a-b). The former question answered in the affirmative implies that divine will is the criterion for moral goodness. The latter question answered in the affirmative implies that divinity adheres to some external standard of goodness. There is a big difference between the two, which Socrates stresses but Euthyphro seems to miss: actions are morally reprehensible either because—and only because—of divine intentionality or because there are independent moral standards with which gods comply. For example, is torturing babies wrong only because God (to use the Abrahamic term) thinks it so? And if at some future time should God change His mind, would torturing babies then become morally acceptable? Or is torturing babies wrong in and of itself, independent of what God judges?

Divine Command theory represents the former alternative. On this theory, there is no moral standard independent of God: what is right is what God approves, and what is wrong is what God disapproves. Without divine imperatives, there would be no morality (Harris 2003, 5). On this view, God's will to be the standard of moral goodness, the summum bonum of all morality. "The Good," Swiss Christian theologian Emil Brunner (1889-1966 CE) wrote, "has its basis and its existence

solely in the will of God” (1947, 53). Extending this line of argument, American Christian theologian Carl Henry (1913-2003 CE) directly repudiated Socrates’ implication that moral standards are independent of divine will: “There exists no intrinsic good that is distinguishable from the will of God and to which God must conform” (1957, 212). For this reason, Divine Command theory invalidates the very possibility of a secular morality autonomous of God’s existence (*ibid.*, 210).

The Bible itself, however, contradicts Divine Command theory. As described in Genesis 3:5 and 3:22, human moral awareness was brought about by eating the forbidden fruit of the tree of knowledge, and this knowledge is passed from each human generation to the next (Harris 2003, 55). Thus, the source of knowledge of good and evil is natural, not supernatural. Moral knowledge as described in the Bible has earthly, not divine, origins, as Henry asserted.

Independently of the issue of the consistency of Divine Command theory with the Old Testament, there remains the challenge of discerning God’s will. Two possible arbiters stand out: scripture and ecclesiastical authority. The difficulty for ethics is that God’s will is not easily discernible, even within a single religious tradition. Here is an example. An orthodox Jewish teenager is wondering whether he should enroll in the nearby state college and get a public secular Liberal Arts and Science education after graduating from a private Talmudic high school. He may recall the advice of Proverbs 4:5-8: “Get wisdom; get insight; do not forget, nor turn away from the word of my mouth. Do not forsake her, and she will keep you; love her, and she will guard you. The beginning of wisdom is this: Get wisdom, and whatever else you get, get insight. Prize her highly.”

But then he remembers the warning of the very next book of the Hebrew Bible, “For in much wisdom is much vexation, and those who increase knowledge increase sorrow” (Ecclesiastes 1:18). If the teenager were an evangelical Christian, he might recall God’s admonition in the New Testament, “I will destroy the wisdom of the wise, and the discernment of the discerning I will thwart” (1 Corinthians 1:19). In the West, the decision to pursue higher education is perhaps one of the most important decisions in a teenager’s life, whether an orthodox Jew or an evangelical Christian. As such, it is likely a moral decision, albeit one in which the Word of God as transmitted through the Bible does not offer much useful guidance.

The Divine Command theorist may conclude that authoritative guidance is needed. Unfortunately, deference to ecclesiastical leadership

is no less problematic than deference to scriptural authority. For example, the slavery debate that raged before the American Civil War evoked Christianity in support both of abolition and of slavery (Swartley 1983, 31-64). The governor of South Carolina, James H. Hammond, called slavery “an established, as well as an inevitable human condition of human society” (*The Pro-Slavery Argument*, 107). According to Hammond, neither Christ nor any of his apostles ever “...hinted at such a thing as its termination on earth[.] It is impossible, therefore, to suppose that Slavery is contrary to the will of God. It is equally absurd to say that American Slavery differs in form or principle from that of the chosen people. We accept the Bible terms as the definition of our Slavery, and its precepts as the guide of our conduct” (ibid., 107-08). The Princeton-educated Presbyterian minister Albert Barnes, on the other hand, saw “...conclusive proof that Christianity was not designed to extend and perpetuate slavery, but that the spirit of the Christian religion is against it: and that the fair application of the Christian religion would remove it from the world, because it is an evil, and is displeasing to God[:] it is therefore wrong” (1969, 375, 365).

The predicament for the Divine Command theorist is that there is no way of resolving these incommensurable interpretations of divine will without resorting to reason—or violence. If we wish to avoid violence, we should focus on the latter alternative to Socrates’ conundrum: if some action (like torturing babies or enslaving human beings) is reprehensible for reasons that are independent of God’s will, and those reasons are discoverable through critical thinking, then discerning divine will is unnecessary for the practice of ethics. That is, if God wills something as morally permissible or impermissible because it is wrong in and of itself, then morality need not be based on religion. As Socrates alluded, critics of Divine Command theory argue, morality should be based on reason because that is God’s own approach.

Within the Western tradition, the much more common religious approach to morality is Natural Law theory. The Catholic theologian and philosopher Saint Thomas Aquinas (1225-1274 CE) viewed reason as complementing faith. Aquinas gives Natural Law Theory a robust treatment in his gigantic *Summa Theologica*. Through reason, humans discover laws that ultimately emanate from God. These laws are of four kinds: (1) Eternal Law, (2) Divine Law, (3) Natural Law, and (4) Human Law.

In a section of the *Summa* called “Treatise on Law,” Aquinas defines Eternal Law as the law by which God operates the Universe: all laws

derive from Eternal Law (Question 93 Third Article; 1981, 1005). Since all that God does is done with a purpose, “the law denotes a kind of plan directing acts towards an end” (ibid.). All things have imprinted on them laws that govern them: acorns grow into oaks, tadpoles into frogs, infants into adults. Acorns do not grow into tadpoles or infants into oaks because doing so would contravene the purposes laid down by Eternal Law. All laws, as functions of Eternal Law, are thus manifestations of God’s will and are discoverable by reason (Question 90 First Article; ibid., 993) through comprehension of God’s purpose.

Divine Law is the body of Eternal Law that God has revealed to humans, for example, as transmitted through prophets and/or scripture. The source of Divine Law is thus revelation. In contrast, the source of Natural Law is reason. Divine Law forms the basis of religion, whereas Natural Law is the basis for philosophy. What is crucial to note is that while religion and philosophy address two distinct arenas of human wisdom, they are complementary, not contradictory. Their difference lies in the avenues through which truth is transmitted. Their difference is epistemological, not ontological.

Natural Law is humans’ interpretation of Eternal Law through the exercise of reason (Question 94 Second Article; ibid., 1009). Reason enables the discovery of the precepts of Eternal Law, and the discovery of these precepts constitutes the body of Natural Law. Natural Law is therefore, by definition, the same for all humans. Human Law is a portion of Natural Law codified for the practical purpose of governing specific communities (Question 95 Third and Fourth Articles; ibid., 1015, 1016). Human Law varies spatiotemporally from polis to polis and from state to state, but since all specific bodies of Human Law derive from universal Natural Law, Human Law is always consistent with Natural Law. And just because something is not against Human Law, it may still be against Natural Law, because the particular body of Human Law may not include within it precepts of Natural Law. As a mere portion of Natural Law, Human Law cannot prohibit all that Natural Law prohibits (Question 96 Second Article; ibid., 1018).

Herein lies a basis for ethics. The consistency or inconsistency of Human Law with Eternal Law by way of Natural Law as determined by rational analysis provides the basis for normativity: civil law and ethics. If Human Law is based on “right reason” (Question 93 Third Article ibid., 1005), then it is consistent with Eternal Law via Natural Law and consequently is ethical. If it is inconsistent, it is unethical. The challenge is discovering the constancy of Human Law with Eternal Law by way of



an analysis of Natural Law. In this way, Eternal Law provides the basis of morality. Ethics, in Aquinian terms, is the rational exercise of discovering Natural Law as a window to Eternal Law and evaluating Human Law according to that assessment (Question 93 Sixth Article; *ibid.*, 1007).

When the dictates of Natural Law seem straightforward and universally binding on all moral agents—such as the dictum that injuring beings worthy of moral consideration is wrong unless some supervening factor suggests otherwise—the supplication of Human Law to Natural Law appears obvious. Eternal Law sometimes appears ambiguous, however, because seemingly rational arguments can be made for contradictory interpretations of Natural Law, such as in the case of slavery mentioned above. If the *Bible* is taken as an indication of Eternal Law on the subject, the advice is murky. The apostle Paul claims that slavery is founded on “the sound words of our Lord Jesus Christ and the teaching that is in accordance with godliness” (1 Timothy 6:1-6), but elsewhere “slave traders” are described as “godless and sinful” as well as “unholy and profane” (1 Timothy 1:9-10). In this case, one interpretation of Divine Law as transmitted through scripture must be in error. The solution for the Natural Law theorist is to turn to reason in an attempt to discern, in this case, the philosophical spirit of the teachings of Christ. If this is taken to represent an egalitarian spirit under which we are all equal in the eyes of God, as Barnes suggested, then the inequality of the ownership of one human being by another, as goatherds own goats, is contrary to divine intention. Therefore slavery is unethical.

The difference for ethics between Divine Command and Natural Law theories is that the latter explicitly links human reason with divine intentionality while the former does not. Divine Command theory is fideism (i.e., faith exists independently of and is irrelevant to reason), and its logical outcome is irrationalism (since one can ascribe to the dictates of morality only by embracing faith absolutely). Natural Law theory preserves the role of rationality in discerning God’s will and treats the making of moral decisions as a rational process. This makes sense if one believes that God would make nothing in vain. With regard to the brain, as Kant said, “no organ is to be found for any end unless it be the most fit and the best adapted for that end” (1985, 8 [395]). Many pious people believe that God must have had a purpose in giving humans brains that facilitate logical thinking, and that purpose is to ground the capacity for ethical inquiry. On the Natural Law approach, then, reason complements and enhances faith.

Religion plays an important role in the moral life of many people and is indispensable in helping them make moral decisions. From the standpoint of ethics, religion may be indispensable in making moral decisions, but moral judgments inspired by religion must never run contrary to reason. Knowledge of good and bad, right and wrong, virtue and villainy is available to all rational beings of all religions—or no religion.

### ETHICS IN WESTERN INTELLECTUAL TRADITION

All cultures have normative systems based in law and custom to adjudicate conflicts. The details of these systems vary from culture to culture, time to time, and place to place. All add in unique ways to the moral maturity of humanity as a whole, and for that reason, the moral systems of all cultures merit study.

Such breadth and depth of scope is not possible here. We must limit our attention to the Western tradition of which European and American society is derivative. The Western (or Occidental) tradition has its origins in Greek and Hebrew antiquity and is the foundation on which Roman and European cultures were built; the Eastern (or Oriental) tradition originates in ancient Chinese and Indian civilizations and is the foundation for Asian culture. The Western tradition is so named because the Grecian peninsula is west of those early civilizations with written histories centered on the eastern end of the Mediterranean Sea and Mesopotamia, and is contrasted with civilizations to the east, in Asia. This dualism between East and West, itself the product of Western thinking, excludes the abundantly interesting cultures of Aboriginal Australia, Africa, Arabia, Native (South, Central, North) America, and Oceania.

Bring to mind the beginning of the essay: within the context of the Western intellectual tradition, ethics is defined as the philosophical study of morality. The word ‘morality’ has been defined in detail. What about ‘philosophical?’ Here the word refers to a method of rational inquiry. Rational inquiry should be comprehensive, consistent, coherent, and verifiable. Applied to the study of morality, these four criteria constitute the minimum standard for doing “ethics.” Adherence to these logical principles is the common characteristic of the great ethical theories of the Western tradition.

The present definition brings up a semantic issue about the word ‘ethics.’ A central debate in *Ethics Across the Curriculum* is the extent to

which practical ethics ought to be built on ethical theory or common-sense experience (see e.g. Pritchard 2001, Harris 2009a, Davis 2009, Harris 2009b). While that interesting debate cannot be solved here, two observations are pertinent, one related to history, the other to logic. First, I suspect that the resistance to theory in Ethics Across the Curriculum owes to the bias in the Analytic tradition that problems ought to be assessed on their own terms without the distractions of history. Yet acolytes of the ideal of Liberal Education, like myself, are certainly to be disappointed if the proponent of a particular action-guiding moral system in Business Ethics or Engineering Ethics or Health Care Ethics or Professional Ethics were totally unable to contextualize that theory within the intellectual history of the West. So I favor an approach to Ethics Across the Curriculum informed both by the history of theory of moral philosophy as well as the history of the moral problems of the profession under study. Second, a practical normative system might not use methods of rational inquiry in its theory construction. It might instead be based on deference to authority, as in professional codes of conduct and etiquette. Or it might be based on Sharia, as in guidelines for non-usury banking practice. Such normative systems are morally prescriptive but cannot be considered “ethics” in the sense outlined in this essay.

Comprehensive reasoning must incorporate all relevant information into the theory and not leave out obviously relevant information. Ethical theories must articulate (1) what is to be valued as the *summum bonum*; (2) what actions are to be morally demanded, morally forbidden, and merely morally permissible (right); (3) the class of beings worthy of moral consideration (discussed in detail below); and (4) the conditions under which the interests of those beings may legitimately be transgressed. For example, a theory of animal ethics that claims all sentient life is intrinsically valuable and worthy of moral consideration must forbid the taking of animal life unless some other supervening considerations become relevant, such as looming starvation or finding a cure for a deadly disease through animal experimentation. Since humans are omnivores as per our Paleolithic evolutionary history, a theory of animal ethics that failed to address the possible conditions in which killing and eating nonhuman animals is or is not permissible, or whether there are anthropocentric justifications for the use of nonhuman animals in medical research, would not be satisfactorily comprehensive.

A consistent theory is not logically contradictory. For example, consider the following argument made in one of my classes: “All human

life is inherently valuable, and thus fetuses, who are potential human beings, are inherently valuable. Women who terminate their pregnancies are thus guilty of murder and ought to receive the death penalty.” At face value, this argument is blatantly inconsistent. If all human life is inherently valuable and must not be harmed, then the woman who terminates a pregnancy has the same claim not to be killed. A theory that claims all human life is intrinsically valuable and also forbids abortion must—other things being equal—forbid capital punishment. Simultaneously allowing and forbidding the taking of human life is inconsistent and hence irrational. The claim that a woman who terminates her pregnancy should receive the death penalty fails to meet the standard of consistency, and therefore does not meet the standard of ethical reasoning.

Here, however, inconsistency could be easily avoided by stipulating that no innocent life should be taken. This argument would be consistent on account of the distinction between innocent fetuses and guilty adults. But if it is noted that the public policy of capital punishment always results in the death of innocent persons, then the argument again suffers from inconsistency.

A coherent theory must link all involved concepts in a unified and integrated whole. For instance, mixing astrology (fulfilling one’s cosmic destiny as a member of a standing militia) with constitutional law (the Second Amendment) in a theory about gun ownership would be flirting with incoherence. Yet such an argument would not necessarily be internally inconsistent. A theory might be incoherent, in the sense that its parts do not cohere very well, but still be consistent, in the sense that its parts are not straightforwardly self-contradictory.

A verifiable theory is applicable to the real world and supported by empirical evidence (or at minimum is not observably contradicted). For example, if capital punishment is justified by the assertion “the death penalty reduces the rate of violent crime,” that assertion ought to be verified by actual demographic data and not be impugned by data to the contrary. Similarly, the assertion “preemptive war is prudent foreign policy” ought to be supported by concrete examples of how this policy is more empirically adequate than detente.

Perhaps the greatest achievement of the Western intellectual tradition is a methodology of systematic inquiry which provides the possibility of critique of the methodology itself. This is to say that the West is capable, to an exemplary degree, of self-assessment and dissent. In ethics, this has resulted in a robust tradition that itself denies the

legitimacy of logical reasoning in moral matters. A notable exception to the rationalistic Socratic-Platonic tradition in ethics is Scottish philosopher David Hume (1711-1776). In *An Enquiry Concerning the Principles of Morals* and elsewhere, Hume emphasizes the importance of emotion (what Hume calls “sentiment”) in ethics. Emotivism holds that moral decisions spring from emotion rather than rational analysis. It should not go unnoticed, however, that Hume arrives at this position using razor-sharp reason and crystal-clear prose. Feminist Ethics of Care (discussed below) and Nietzschean perspectivism (Danto 2005, 59) also challenge the methodology based in reason going back to Plato.

Socrates (470-399 BCE)—at least as depicted by Plato (428-347)—is considered to be the first ethicist of the Western intellectual tradition: he is an exemplar of logical reasoning about moral problems and living by his conclusions. He accomplished this in two ways. First, he made himself the object of rational inquiry. Philosophers before Socrates typically concerned themselves with the ultimate constitution of nature. In refocusing philosophy on himself, Socrates asked the questions: What are human beings? How ought human beings to live? “For,” Socrates says to Thrasymachus in the *Republic*, “it is no ordinary matter that we are discussing, but the right conduct of life” (line 352d). Second, Socrates applied methods of rational inquiry to moral problems, what we have defined as the practice of ethics.

After recounting in the *Apology* Socrates’ prosaic defense of himself for allegedly corrupting the youth of Athens and venerating his own gods (line 23c), in the *Crito* Plato proceeds to describe the Socratic method of working through a moral problem using reason. As Socrates awaits execution, his friend Crito visits the prison at daybreak and pleads with Socrates to escape, claiming that if he does not he will be harming himself by playing into the hands of his enemies and deserting his own children. Crito and others will lose a friend, and Socrates will create adverse public opinion because the people of Athens will think of Crito and others as bad friends who were too cheap to bribe the guards and facilitate escape (lines 44b-46a). Crito bases his plea on public perception, and many of us would find it compelling. Rather than examining Crito’s reasons themselves, though, Socrates focuses on Crito’s root rationale for considering the opinions of others in questions of morality. In this conversation, the two agree that one should pay attention to good opinion and reject bad opinion. For example, Socrates says, the athlete in training ought to listen to the expert (i.e., the coach) rather than the nonexperts, who might very well instruct the athlete to push too hard

and injure his body. Good advice, in terms of the athletic performance, improves the body; bad advice harms the body. Then Socrates draws an analogy: the soul is like the body. Therefore, in questions of ethics, such as escape, heeding the advice of the many, who are nonexperts, might damage the soul. Socrates states that he appreciates Crito's concern but cannot take public opinion seriously on the issue of escape from prison (lines 46b-48b).

Socrates has discovered, through conversations with the most prominent and powerful people of Athens, that there is no obvious "expert" on ethics, such as coaches are to athletes. So Socrates must decide his course of action himself, and he does so by analyzing the various harms caused by escape. As the foundation for discussion, Socrates and Crito lay down two premises that are themselves the conclusions of arguments from prior discussions: (1) one ought never to do harm, and (2) one ought to keep one's promises. From there, Socrates builds the following argument (lines 48c-54e). As an Athenian, he has agreed by tacit consent to live under the laws of Athens insofar as he could have left freely at any time but has chosen to stay. Socrates owes his very existence to the laws, which provided the social structure for his parents to marry, form a family, raise him, and educate him. It follows that Socrates is squarely within the scope of the laws' authority by his own choice. Socrates is capable of vitiating the social structure of Athens by denying the authority of the laws that frame the social structure. Therefore, if he escapes, he would be harming, at minimum, his friends and family through harming the integrity of laws that give Athens its civil structure. To the Greek mind, the polis was the very foundation of human existence, and threatening it would be an abomination (Hamilton 1993, 143). But most important he would be harming his soul by committing an unethical act. The act of escape would be unethical because it would precipitate harm to various other beings worthy of moral consideration such as his friends and family and fellow citizens. Socrates concludes that unethical actions harm the soul while ethical actions benefit the soul. If he escapes, he benefits his body but harms his soul by compromising his moral integrity; if he does not escape, he harms his body but benefits his soul.

Socrates demonstrates ethics in action. First, his reasoning is comprehensive. He carefully and methodically catalogues and itemizes the various kinds of harms that escaping might incur in light of the good of avoiding harm to his body versus the good of avoiding harm to his soul. Second, Socrates' reasoning is coherent. The parts of his argument

are all connected by the themes of harm and upholding one's promises. Third, Socrates' reasoning is consistent. In fact, consistency forms the backbone of his argument. Socrates concludes that while his promise to live according to the laws of Athens will result in harm to his own body, it is an acceptable outcome in light of the fact that abiding by his promise will not harm his soul, which is the more important consideration. The commitment to abide by his promise led to the necessity of accepting the verdict, dubious as it is. Fourth, Socrates' reasoning has an element of verifiability insofar as he catalogues the concrete outcomes of alternate actions, including various degrees of harm: to the polis generally, to his friends and family and own body specifically, and, most significant, to his own soul (not to mention the unpleasant reality for him of living in exile and being unable to practice philosophy) are empirically observable in terms real-world repercussions.

Most readers of the *Crito*, especially those who read the *Apology* first, would judge prima facie that escape is warranted given the ludicrous nature of the charges against Socrates and the disproportionality between the alleged crime and the punishment. Yet, through careful, logical reasoning, Socrates arrives at the opposite conclusion. His reasoned, logical approach to the quandary of escape epitomizes the philosophical study of morality—that is, ethics.

## NORMATIVE ETHICS AND METAETHICS

Ethics can be divided into two broad categories: normative ethics and metaethics (Nielsen 1967, 118-19). Normative ethics refers to actual ethical theories; metaethics is concerned with questions about those ethical theories. To understand the difference, it is instructive to draw an analogy with religion. On one hand, we know that there are many different religions around the world; for example, a variety of animistic religions, Zoroastrianism, Buddhism, Taoism, Jainism, Hinduism, Judaism, Christianity, and Islam. These religions consist of actual practices by which people lead their lives. To study various religions, we ask questions about actual doctrines and actual daily practices of the people who live by them.

On the other hand, we can also ask questions about religion in general above and beyond the actual practices and doctrines of specific religions. We can, for example, ask: Is there only one "true" religion, or can there be more than one "true" religion? The question is a

meta-religious question insofar as it asks a question about religion in general rather than a question about a specific religion.

Metareligion sheds light on metaethics. Metaethics asks questions about ethics generally rather than asking questions about the details of ethical theories specifically. The paramount metaethical question concerns relativism: Do ethical standards apply to all people in all places at all times, regardless of culture, or are moral standards determined by culture and relative to culture, differing from nation to nation and generation to generation? The former position is metaethical objectivism (or metaethical realism) which holds that ethical standards have real, objective existence independently of the contingencies of human culture; the latter position is metaethical relativism which holds that ethical standards have no real, objective existence independently of the contingencies of human culture.

The version of metaethical objectivism formulated by Jeremy Bentham and John Stuart Mill insists that ethically correct action is embedded in human psychology. Human psychology is universal across culture and as a result does not hinge on the contingencies of culture; yet the precise psychological necessities of human happiness (camaraderie, satiation, shelter, security, salvation) may vary. Happiness has been a perennial theme in ethics from Aristotle (384-322 BCE) through English philosopher Henry Sidgwick (1838-1900), and on these theories, standards are not socially conditional (hence objective) but neither are immutable (hence not absolute).

This subtlety makes it crucial to distinguish objectivist psychologically-oriented theories from metaethical absolutism. Metaethical absolutism is a particular, more stringent, subset of metaethical objectivism. Metaethical absolutism asserts that there is but one—and only one—ethically correct action per moral category (veracity, beneficence, respect, etcetera), period. Not only are social specificities blocked from ethical reasoning by the absolutists, so are the vagaries of human psychology. Divine Command theorists such as Augustine and deontologists such as Immanuel Kant defend metaethical absolutism.

Ethical relativism is the theory that morality, in the form of values and norms of good behavior, changes from culture to culture, and different moral systems may even be inconsistent. Thus, morally good or bad behavior is determined by the culture in question (“when in Rome, do as the Romans do”). Morally good behavior, on this theory, changes from culture to culture. This raises the problem of cross-cultural moral tolerance.



Imagine that you live in an apartment building in Queens and have befriended the mother of a Muslim family down the hall. The parents emigrated from Sudan and are eager to assimilate into American culture, but they also want to maintain their African traditions in the upbringing of their children. In college, you learned about the practice of clitorrectomy, or female genital circumcision, which has origins in ancient tribal African cultures and is now practiced by some African Muslims, primarily in Egypt, Ethiopia, Mali, Somalia, and Sudan. Clitorrectomy involves, at minimum, the removal of a portion of a female's external genitalia. You are shocked but not surprised when the mother tells you over tea one afternoon that the family intends to carry out a ritual clitorrectomy on their twelve-year-old daughter. You argue that the practice is mutilation and will impair the daughter's ability to experience orgasm and have a normal sex life. Plus, you point out, the practice is illegal under United States civil law. The mother, apparently offended at your lack of tolerance and understanding of their culture, counters, "You just don't understand our culture" and says that the practice has ancient origins and ensures the daughter's "purity" for marriage by reducing the likelihood of premarital sexual intercourse. She voluntarily admits that while it is not mentioned in the *Qur'ân*, clitorrectomy has been a sacred Islamic practice for centuries. Unfazed by the illegality of the practice, the mother states that laws against female genital circumcision are nothing more than Western cultural imperialism and must be dismissed by devout Sudanese Muslims.

After the awkward interchange, you walk down the hall telling yourself that you are adamantly opposed to clitorrectomy because it violates the right of each individual to maintain the integrity of his or her body. Regardless of cultural tradition, the procedure is morally unconscionable. And since it is illegal in the United States, reporting the family's plan to a social worker might very well forestall the ritual. But you wonder if it is your place to judge the beliefs and practices of this reverent and seemingly good family; perhaps you should just keep quiet. You wonder if you would think differently if you lived in Khartoum rather than Queens. If morality transcends cultural practices—that is, if the right to bodily integrity is an ethical and not merely a moral right—then the locality and laws should have no bearing on the rightness or wrongness of clitorrectomy. What should you do? The challenge of relativism is that, on one hand, we want to be tolerant of people and cultures different from our own (especially in the United States, where

citizens pride themselves of pluralism), but, on the other hand, we want the right to condemn cultures that we think are blatantly immoral.

Ethical objectivism and ethical relativism generate tension. On the one hand, we strive to be tolerant; on the other hand, we are by nature judgmental. One possible solution to this quandary would be appealing to positive law rooted in an objective ethical principle such as the right of every person to physical and psychological integrity, for example, the Universal Declaration of Human Rights (1948). Using this as our model, we might say that certain social practices, such as burial or marriage rituals, may properly vary from culture to culture as long as they do not violate universal human rights. Possession of such rights could be based on the criteria of rationality, free will, capacity for speech, any being with an awareness of itself as a subject in the world, ability to experience pleasure and pain, et cetera, which determine the scope of moral consideration discussed below. This solution blends objectivism and relativism into a reasonable and workable system.

#### TYPES OF NORMATIVE ETHICS

Normative ethics are prescriptive, or action-guiding. Normative ethics can be divided broadly into two categories: virtue ethics and rule ethics. Virtue ethics emphasizes the personality traits—the character—of the morally good person; rules ethics emphasizes adherence to guidelines of conduct. Generally speaking, ancient Greek philosophers took the virtue approach to ethics. In the *Republic*, Socrates describes the makeup of the character, or “soul,” of the person of moral excellence, or virtue (arête). The “soul” (the Greek word is psyche) has three parts or, more accurately, aspects: the rational part seeks knowledge, including knowledge of moral goodness; the spirited part is vain and desires honor; and the appetitive part covets material gain and is inclined to satisfy physical pleasures (lines 436-445). The “cardinal virtues” corresponding to these three aspects of the human psyche are wisdom, courage, and temperance. Moral excellence (justice) is a fourth supreme cardinal virtue that consists of each part of the soul functioning in harmony according to reason (lines 443d-e). Justice of the soul—in contemporary terms what we would call psychological harmony or balance—is the summum bonum of human conduct. The person of virtue subjugates the spirited and appetitive parts of the soul to the rule of reason. Reason keeps the desire for honor and gratification in check, resulting in a well-ordered soul.

Aristotle (384-322 BCE) was the first philosopher to use the word ‘ethics’ (ethike). For Aristotle, the summum bonum of ethics was happiness, and reason played the central role. By “happiness” Aristotle meant not mere pleasure but a general sense of well-being (eudaimonia)—presaging the difference between Mill’s qualitative hedonism and Bentham’s quantitative hedonism discussed below. Aristotle, like Plato, parsed the human soul into parts. In the *Nicomachean Ethics* Aristotle (line 1098a) identifies different aspects of the soul, each with a certain function: one of nutrition and growth (which we share with plants and nonhuman animals), one of sense perception and locomotion (which we share with nonhuman animals), and reason (which is unique to us). Since “Nature...makes nothing in vain” (*Politics* line 1253a8), reason must have some role in the realization of virtuous character.

Rationality is the mark of virtuous character because actions should express right reason (*Nicomachean Ethics* line 1103b28). The person of virtuous character is able to determine accurately the “mean” between two vices—a vice of deficiency and a vice of excess (lines 1106b36-1107a3). Philosophers refer to this principle as the Doctrine of the Mean. Thus the virtue of bravery is the mean between cowardice (a vice of deficiency) and foolhardiness (a vice of excess) as determined by reason. Ethics requires that a person with experience and practical wisdom evaluate the rationale supporting alternative moral actions and act accordingly. Choices in ethics “depend on particular facts,” Aristotle notes, “and the decision rests with [the] perception” (line 1109b23) of the person with virtuous character informed by right reason.

Augustine (354-430 CE) elucidated Plato’s ideal of the well-ordered soul in Christian terms. In *The City of God* Augustine writes: “If we were irrational animals, we should desire nothing beyond the proper arrangement of the body’s parts and the satisfaction of our appetites[.] But because there is in man a rational soul, he subordinates all that he has in common with the beasts to the peace of that rational soul” (1998, 940-41). Whereas for Plato a well-ordered soul is an end in and of itself, for Augustine a well-ordered soul is a means to a higher end beyond individual happiness. That higher end is obedience to God by the person of virtuous character.

Augustine distinguishes between two types of moral dispositions: selfishness (egoism) and selflessness. The principle of conduct of the former type of person is autonomy; the principle of conduct of the latter type of person is heteronomy, or deference to authority. For Augustine, heteronomy is morally right and autonomy is morally wrong because

acting autonomously is disobedient to God and commits the sin of hubris. Augustine uses this distinction to elucidate two types of societies (or “cities”): the City of God and the City of Man. The history of civilization, Augustine argues, is the history of the interaction of these two groups:

Though there are a great many nations throughout the world, living according to different rites and customs, and distinguished by many different forms of language, arms and dress, there nonetheless exist only two orders, as we may call them, of human society; and, following our Scriptures [vide Ephesians 2:19 and Philippians 3:20], we may rightly speak of these as two cities. The one is made up of men who live according to the flesh, and the other of those who live according to the spirit. Each desires its own kind of peace, and, when they have found what they sought, each lives in its own kind of peace (ibid., 581).

These two cities are idealized categories; actual cities are mixtures of the two: citizens of the City of God are identified not by political boundaries but rather by conduct and character. What distinguishes the two types of cities are their citizens. The principle of conduct of citizens of the City of God (i.e., the Christian city) is love of God. The principle of conduct of citizens of the City of Man (i.e., the pagan city) is love of self. Citizens of the City of God, using free will, turn to God in accordance to Divine Law; citizens of the City of Man, using free will, turn away from God in violation of Divine Law. Therefore, virtuous character is exemplified by persons who acquiesce to God’s will, and debauched character is exemplified by persons who defy God’s will.

Skeptics of supernaturalism will find Augustinian ethics problematic with regard to the standard of verifiability: Augustine founded his ethics on crucial supernaturalistic tenets that are not empirically verifiable. Nonetheless, virtue ethics is directly relevant in cases where moral agents stand either to improve or to damage their moral integrity depending upon the choice they make and the action they take, an idea reminiscent of the *Crito*.

Some feminist philosophers have recently emphasized the virtue of caring for others. The Western tradition, they point out, has been characterized by a misguided emphasis on moral agents as discrete, atomistic selves. On the atomistic ontology of the self, individuals are discrete beings who make moral judgments about other individuals in a cool and detached way. This ontology of self is overtly masculine in that

it emphasizes autonomy and sets the stage for competition in the marketplace. The failing of this ontology of self is that it does not appreciate the importance of the webs of relationships that constitute the social fabric into which individuals are woven. Feminist ontology of self emphasizes interdependence over autonomy. It is not so much that selves have relationships (the masculine model) as that selves are relationships (the feminine model).

In virtue ethics, moral character is gauged in terms of some other notion of goodness. These notions vary widely: harmony of the soul (Plato), living a life of well-being in accordance with reason (Aristotle), obedience to God (Augustine), willingness to take a “leap of faith” (Kierkegaard), radical individuality (Nietzsche), and capacity for care (Noddings) are among them. Virtue ethics holds up role models that moral agents should emulate—“do as the Buddha would do” or “do as Jesus would do” (Johnson 2003).

The premise of virtue ethics is that the person of good character will have a predilection to do the right thing although in specific circumstances may fail to do so. That is why we sometimes say that someone “acted out of character.” Or the virtuous person may act according to one virtue rather than another when the two conflict. The virtuous person is able to use practical wisdom to determine the correct course of action when all things are considered.

What passes for a virtue of character is to some degree culturally relative (MacIntyre 1984, 131): some cultures may prize unflinching resolve and stoic forbearance while others may not. American philosopher Martha Nussbaum asserts that some virtues, however, are cross-cultural and have withstood the test of time. Nussbaum (1993) identifies the virtues of honesty (the disposition to avoid deceit), fidelity (the disposition to keep one’s promises, to be true to one’s word), compassion (the disposition to assuage the suffering of others), courage (the disposition to remain faithful to what one believes, even when doing so poses risks), and integrity (the disposition to be true to one’s values).

Many modern philosophers have found virtue ethics abstruse and have taken a new approach to ethics by formulating specific rules instead of worrying about the psychology of the morally good person. In contrasting ancient with modern approaches, Sidgwick remarked that ancient and medieval moral philosophers conceived of ethics as being

attractive rather than imperative[.] For the chief characteristics of ancient ethical controversy as distinguished from modern may be traced to the employment of a generic

notion instead of a specific one in expressing the common moral judgments on actions. Virtue or Right action is commonly regarded as only a species of the Good: and so, on this view[,] the first question that offers itself, when we endeavour to systematise conduct, is how to determine the relation of this species of good to the rest of the genus. It was on this question that the Greek thinkers argued, from first to last (1962, 105-06).

More effective, the reasoning goes, would be to come up with moral rules or authoritative prescriptions (ibid., 106) with the force of law.

Contemporary normative ethics consists of both rule and virtue ethics. Let's look at four prominent theories in greater detail: Utilitarianism, Deontology, Social Contractarianism, and feminist Ethics of Care.

## UTILITARIANISM

Jeremy Bentham (1748-1832), in *The Principles of Morals and Legislation*, cited psychological hedonism as the starting point for ethics: "Nature has placed mankind under the governance of two sovereign masters, pain and pleasure" (1988, 1). Upon this foundation Bentham built an ethical framework of consequentialism: "It is for [pain and pleasure] alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne" (ibid.). An act is morally correct insofar as it produces the greatest amount of pleasure (or at least mitigates pain). But an individual's act is not to be calculated in terms of the pleasure or pain produced for that individual, but collectively. The method of ethics turns into a cost/benefit analysis (ibid., 29-32) that later commentators dubbed the "hedonistic calculus." Moral agents should act to produce the most units of pleasure ("hedons") collectively as possible.

Whereas Bentham measured pleasure quantitatively, his successor, John Stuart Mill (1806-1873), measured pleasure qualitatively. In Utilitarianism Mill notes that "it is quite compatible with the principle of utility to recognize the fact that some kinds of pleasure are more desirable and more valuable than others. It would be absurd that, while in estimating all other things quality is considered as well as quantity, the estimation of pleasure should be supposed to depend on quantity alone" (2001, 8).

Mill identifies morally good action by the consequences it produces. The desirable consequence is happiness, which varies in both quantity and quality. The *Principle of Utility* weaves all these threads together in one moral rule by which alternative actions may be judged: “The creed which accepts as the foundation of morals ‘utility’ or the ‘greatest happiness principle’ holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure” (ibid., 7). Mill argues, in Aristotelian fashion, that all human beings desire pleasure (happiness) and the avoidance of pain. In contrast to Bentham, Mill insists that ethics must consider both mental pleasure and physical pleasure.

While the case could be made that mental pleasures are more instrumentally (extrinsically) valuable than physical pleasures (as they are safer, more durable, and less likely to lead to unpleasant after-effects like hangovers or infection by sexually transmitted diseases), the better case to be made is that mental pleasures are actually more intrinsically valuable. Mill uses the “competent judge criterion” to make this argument. A competent judge is a person who has had experiences of roughly the same type (e.g., being a spectator of two several-hour-long events, such as watching the Daytona 500 in a sports bar and listening to a live performance of Stravinsky’s *The Rite of Spring* at the London Philharmonic) and, after assessing the relative merits and demerits of each, decidedly prefers one over the other. As Mill puts it: “Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure” (ibid., p. 8). Mill believed certain pleasures are more mentally satisfying, and hence better. He is renowned for saying: “It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, are of a different opinion, it is because they only know their own side of the question” (ibid., 10).

Egoism and Utilitarianism share the psychological foundation of hedonism—the pursuit of pleasure and the avoidance of pain. The difference between Egoism and Utilitarianism is that egoism is individualistic hedonism and Utilitarianism is collective hedonism. Bentham’s *Utilitarianism* is quantitative collective hedonism, however, and Mill’s *Utilitarianism* is qualitative collective hedonism.

In Mill’s formulation of Utilitarianism, there are two ways to implement the Principle of Utility: one is to assess alternate actions of

each particular situation that arises in the course of one's life, and the other is to generate general rules calculated to create the greatest good in the long run. Interestingly these two approaches are not always commensurate. One may decide that in a particular instance it is better to lie (or at least when talking to Grandma not divulge the whole truth), while one may also decide that as a rule it is better to tell the whole truth despite the fact that in particular instances the greatest good will not result. Commentators have named these two approaches Act-Utilitarianism and Rule-Utilitarianism, respectively. Mill himself alludes to both approaches; he says at one point that an agent should consider whether actions would be "generally injurious" (ibid., p. 19)—evoking a Rule-Utilitarian methodology—but remarks later that there will always be exceptions to generalized rules, and that the moral agent must therefore consider each situation individually (ibid., 24)—evoking an Act-Utilitarian methodology. The debate about the relative merits of each approach is the topic of an enduring discussion in ethics.

Mill treats the sociopolitical implications of Utilitarianism in greater detail in *On Liberty*, which states that a principle of liberty governs the political dynamics of individuals with the collective (1978, 1, 73). This principle deals with two spheres of individual actions: private actions that have no discernible public repercussion, and those that do. In the first case, if the idiosyncrasies of a chosen lifestyle are of no consequence to others, society has no right to limit liberty: "There is no room for entertaining any such question when a person's conduct affects the interests of no persons besides himself, or needs not affect them unless they like[.] In all such cases, there should be perfect freedom, legal and social, to do the action and stand the consequences" (ibid., 73-74).

The most obvious instances of actions of the second sphere involve violent harm to others, either intentional or negligent, that fully justify punishment and abrogation of liberty (ibid., 77). Harm to others can also be transmitted nonviolently, such as by smoking cigarettes in public places. Less overt are transgressions of social duty and violation of the public trust that justify some kind of limitation of liberty: "When a person disables himself, by conduct purely self-regarding, from the performance of some definite duty incumbent to the public, he is guilty of a social offense. No person ought to be punished simply for being drunk; but a soldier or a policeman should be punished for being drunk on duty" (ibid., 79-80).

The least obvious grounds for the limitation of liberty by society concern instances in which an individual, through harm to him- or her-



self, also exacts some sort of social cost. According to Mill, each individual has the right to liberty up to the point at which exercising that right infringes on the similar right of others to liberty and the pursuit of happiness. This principle is the underpinning of liberal democracy—that is, democracy based on the value of liberty—and is the political justification for paternalism. Paternalistic laws limit freedom at the point at which one person's actions interfere with the liberties of others and inhibit their ability to pursue happiness. Mandatory motorcycle helmet laws and bans against cigarette smoking in public spaces are common paternalistic laws. The intent of these laws is to save society from paying for individual stupidity.

The principle of liberty is analyzable in terms of Utilitarianism. If individual choice, no matter how odd and eccentric, brings happiness to the agent and does not result in any significant harm to the collective, there is no ethical basis for limiting liberty. If the social cost trumps individual happiness, limitation of freedom is warranted. Or if choice brings happiness to an individual at a cost to others affected by those actions, liberty may be limited even by incarceration. A recurrent theme of political philosophy is the tension between individual liberty and the common good. Mill's ethics provide an outstanding resource for analyzing the dynamics of these tensions.

In summary, the importance of the attention Utilitarianism pays to consequences cannot be overestimated. One of the very few certainties in ethics is that, *ceteris paribus*, good outcomes are better than bad outcomes. Even critics of Utilitarianism admit the importance of outcomes; disagreement arises regarding the relationship of outcomes to other moral values, such as duty.

## DEONTOLOGY

Kant (1724-1804) concluded ethics must be law like—not civil law, but rational law. Kant adopted the Christian emphasis of the importance of conformity to law but made reason, not God, its source. In order to achieve nomothetic certainty, Kant grounded his ethics on the inherent properties of rationality. By deriving moral principles from the innate cognitive structure of all rational beings, Kant developed an ethical theory that is universally binding on all rational beings in all places at all times. The details of particular situations are thus inconsequential for ethics, for they have nothing to do with the universal dictates of reason. Herein lies the Kantian dismissal of relativism; ethics, by definition, is not

relative to culture or to any contingencies of the human condition but is grounded in the dictates of reason.

Since the ingredients for happiness change from person to person, Kant rejected any attempt to found ethics on happiness or the consequentialism that hedonism entails. The problem with grounding ethics on happiness, as Aristotle, Bentham, and Mill did, is that there is no necessary connection between happiness and morality. One might be happy and immoral (think of Alex in Anthony Burgess's *A Clockwork Orange*) or unhappy and moral (think of Viktor Frankl in Nazi concentration camps). Kant argues in the *Groundwork of the Metaphysics of Morals* that the summum bonum for ethics is not happiness but good will—that is, good intentions. The greatest good for the greatest number of people may be produced accidentally for the wrong reasons (such as the hope for fame and fortune) rather than from pure, morally good intentions. In Kant's view, nothing

can be regarded as good without qualification, except a good will. Intelligence, wit, judgment, and whatever talents of the mind one might want to name are doubtless in many respects good and desirable, as are such qualities of temperament as courage, resolution, perseverance. But they can also become extremely bad and harmful if the will, which is to make use of these gifts of nature and which in its special constitution is called virtue, is not good[.] A good will is good not because of what it effects or accomplishes, nor because of its fitness to attain some proposed end; it is good only through its willing, i.e., it is good in itself (1985, 7 [393]).

Good will—acting on good intentions—is the only unqualified moral good. Other qualities of character are good if and only if a person has good will. Charisma or intelligence may be good or bad depending upon the leader who possesses it. A good will is good not because of the results it produces, as Mill asserted, but is good in and of itself. “Like a jewel,” the will “shine[s] by its own light as something which has its full value in itself,” regardless of whether the person is able to realize his or her good intentions (ibid., 8 [394]).

A good will acts in accordance with duty (ibid., 9 [397]), and this is the basis for defining Kant's ethical theory as Deontology (from the ancient Greek word *deon* meaning “duty”). Whereas acting on inclination is contingent upon the particulars of a given situation, acting in accordance with duty is acting in accordance with moral law. The difference between duty and inclination marks the difference between

ethically praiseworthy action and merely praiseworthy action. Kant uses the example of a shopkeeper. If the shopkeeper does not overcharge a child inexperienced in commercial transactions, it makes a difference whether the shopkeeper refrains out of fear of being discovered and punished or out of a sense of duty to charge the fair market price (*ibid.*, 10 [397]). The former action might be done in accordance with duty yet not done out of a sense of duty.

Reason prescribes acting from duty and proscribes acting from inclination. To elaborate, Kant offers three summary propositions: (1) moral action emanates from duty, not inclination; (2) actions have moral worth due not to the results they produce but to the goodness of the will; and (3) duty is the necessity of acting out of respect for moral law (*ibid.*, 12-13 [399-400]). What is needed is a test to determine whether the intentions motivating an action flow from a sense of duty and are in agreement with moral law.

The test must take the form of an imperative that commands moral agents to act in accordance with duty. Kant identifies two types of imperatives: hypothetical and categorical (*ibid.*, 25 [414]). Hypothetical imperatives take an “if...then” form: If you want to achieve X, then do Y. If you want to score well on the LSAT (X), then study for it (Y). But since moral law must be universally (i.e., categorically) binding, hypothetical imperatives cannot be moral laws. Hypothetical imperatives are practical imperatives for those who want to achieve certain ends; since not all of us want to attend law school, the advice about studying for the LSAT is not universally applicable. Therefore the deontologist could say that Utilitarianism is a system of hypothetical imperatives, and hence has nothing to do with morality.

Laws are laws insofar as they are universal (*ibid.*, 34 [426]). Moral law is universal and legislates that moral agents act always in accordance with duty. The moral imperative must hold categorically—taking the form of “Do Y!”—and must not be contingent on any extraneous circumstances. Hence the Categorical Imperative for ethics: “Act only on that subjective statement of intention through which you can at the same time will that it should become a universal moral law” (*ibid.*, 30 [421]). Now think of yourself for a moment. As a rational being, you recognize that the value of your existence extends beyond your use—value for other people. Your existence has value independent of the instrumental value you also happen to have for other people’s needs or desires; that is, you have intrinsic value in and of yourself. Since you cannot will, as a general rule, that rational beings have value only to the

extent that they are valuable for others' ends, it follows that the first formulation of the Categorical Imperative entails a second: "Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means" (*ibid.*, 36 [429]). Since rational beings exist as ends in themselves, each rational being is intrinsically valuable and ought never to have this value denied. The second instantiation of the Categorical Imperative provides the rationale for the inherent respect for persons and provides the bulwark against the Utilitarian rationale for forsaking individual rights of the common good.

An agent capable of conformity to the Categorical Imperative recognizes as a logical consequence that just as one ought not be a means to others' ends, neither can others be a means to one's own ends. This reciprocal recognition of oneself and others comprising a community bound by moral law means that each agent is at once legislator and citizen, drafting and obeying those laws simultaneously:

For all rational beings stand under the law that each of them should treat himself and all others never merely as means but always at the same time as an end in himself. Hereby arises a systematic union of rational beings through common objective laws, i.e., a kingdom that may be called a kingdom of ends (certainly only an ideal), inasmuch as these laws have in view the very relation of such beings to one another as ends and means.

A rational being belongs to the kingdom of ends as a member when he legislates in it universal laws while also being himself subject to these laws. He belongs to it as sovereign, when as legislator he is himself subject to the will of no other (*ibid.*, 39-40 [433]).

The class of rational agents that at once wills and obeys universal moral law constitutes a community—the Kingdom of Ends—and circumscribes the scope of beings worthy of moral consideration. If one recognizes the universally binding strength of the Categorical Imperative, one is a citizen of the Kingdom of Ends. Citizens of the Kingdom of Ends are both sovereigns and vassals of moral laws. Thankfully, all citizens of the Kingdom of Ends will draft the exact same set of laws as prescribed by the Categorical Imperative.

Reciprocity of respect is a key part of Kant's ethics. Moral law entails the recognition of the reciprocity of mutual respect among all members of the Kingdom of Ends and requires each member of the community to

help every other member achieve individual goals as long as pursuing those goals does not conflict with moral law. Kant makes reciprocity of respect explicit in *The Metaphysics of Morals*: “Any action is right if it can coexist with everyone’s freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with a universal law” (1996, 24). Ethics is thus preeminently public insofar as calculations of alternate actions need to be constantly referenced to the moral community, the Kingdom of Ends.

The way to use the Categorical Imperative is to take a subjective statement of intention and universalize it. If it can logically be universalized, it passes the test and ought to be acted on. If a contradiction occurs in the process of universalizing a subjective statement of intention, it does not pass the test and must be rejected. Kant gives four examples (1985, 30-32 [422-423]), which are of two types: straightforward logical contradictions, and inconsistencies in the Kingdom of Ends. Kant’s first two examples illustrate straightforward logical contradictions. Consider example two. Suppose your subjective statement of intention is: (a) “When I need money, I will lie in order to get it.” Universalized, according to the Categorical Imperative, the subjective statement of intention becomes: (b) “When anyone is in need of money, anyone should lie in order to get it.” Statement (a) implies a world in which people generally tell the truth (World T), for that is only the kind of world that would enable lying in order to get money. Statement (b) implies a world in which no one tells the truth (World  $\sim$ T). Therefore, the subjective statement of intention is a straightforward logical contradiction when universalized.

Now consider example two. Someone is suffering from depression and considering suicide. The universalized subjective statement of intention would be: “If anyone is depressed and fails to see any value or purpose in continued existence, then he or she should end one’s life.” Willing suicide is a logical contradiction because one cannot simultaneously will to respect oneself (World R) and will to disrespect oneself by destroying oneself (World  $\sim$ R).

Examples three and four illustrate the other complication in universalization. They are not logical contradictions like examples one and two, because some subjective statements of intention are consistent but problematic. In example three, the universalized subjective statement of intention of “I will squander my unique talents” (athleticism, musicality, religiosity, etc.), for instance, makes sense in a world in which everybody squanders their natural aptitudes (World S). There is no logical

inconsistency between the world implied by the subjective statement of intention and the world implied by the universalization. Instead there is a different kind of problem: the universalization results in unacceptable consequences within the framework of the Kingdom of Ends. One cannot will to squander one's natural talents or refuse to help others in need (as in example four) because both the subjective statement of intention and the universalized imperative would fail to recognize rational moral agents as intrinsically valuable ends in themselves. Given these illustrations, it is clear that consequences matter for Kant, but they do not constitute ends for ethics. The determining factor of ethical action is adherence to moral duty.

Kant's contribution to ethics is the idea that people are bound in a moral community. The glue that binds this community is mutual respect; each person demands respect from others and accedes to others' demand for respect. As Utilitarianism did, Deontology gave rise to several moral principles: specifically, respect for autonomy and individual rights. Citizens of the Kingdom of Ends deserve to be respected as autonomous and self-determining individuals. Citizens of the Kingdom of Ends have rights that cannot be transgressed for the ends of others or even for the common good.

## SOCIAL CONTRACTARIANISM

The third major rule-based ethical theory is the Social Contractarianism outlined by John Locke (1632-1704) and Jean-Jacques Rousseau (1712-1778), but initially and most importantly by the English philosopher Thomas Hobbes (1588-1650). Unlike the ancient Greeks, who thought of political bodies as natural products of human association, Hobbes believed that political bodies are artificial constructions (1996, 7) aimed at resolving disputes so that humans might live together as peaceably as possible. In the *Leviathan*, Hobbes gives a hypothetical explanation of how humans beings came together out of an anarchic "state of nature" to form civil society. He does not intend his outline to be a literal historical account but rather to provide a philosophical justification for civil society, and the ethical justification for civil society to censure and punish those who do not heed the social contract.

Hobbes' ethical theory, like Utilitarianism, rests on a psychological foundation. According to Hobbes, all humans want to achieve their goals, which brings us into strife with one another since all inevitably

compete for the same things, such as mates, shelter, food, and luxuries (ibid., 83). In our natural state, each of us is predisposed to engage in continual warfare, and each of us has a natural right to do whatever we can to protect ourselves and attain our goals; egoistically, anything else would be irrational. While all persons have a natural right to protect themselves and their property, continually exercising this right causes relentless aggression, which makes civilization itself impossible. In humans' natural state,

there is no place for industry; because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving, and removing such things as require much force; no knowledge of the face of the earth; an account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short (ibid., 84).

Egoistic prudence mandates individuals to get out of this grim state of incessant barbarity. Fortunately, the discovery of the Laws of Nature, which are dictates of reason, makes this possible. The fundamental Law of Nature, a precept of egoism, states that people cannot act contrary to self-interest. "It is a precept, or general rule of reason, that every man, ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of war" (ibid., p. 87; italics omitted). The Second Law of Nature prescribes the willingness, if others are willing as well, to forswear the natural right to engage in violence and to transfer this right to a "sovereign" not party to the social contract. This second law is the foundation for a "social contract" that directs a mutual transfer of the forsworn natural rights to a sovereign (ibid., 89).

A covenant, or pact, is needed back up the contract and establish a commonwealth, or civil society. The covenant charges those involved in the contract to promise each other to make the contract permanent and to trust that others will do so as well (ibid.). The Third Law of Nature logically follows: "that men perform their covenants made: without which, covenants are in vain, and but empty words" (ibid., 95; italics omitted). Once the covenant is secured, the contractarians' natural right to exercise violence is transferred to a sovereign leader, and a civil government is formed (ibid., 114). Only the government has the right to judge citizens' guilt or innocence and mete out punishment (ibid., 120).

Citizens no longer possess a right of retribution; those who take retribution into their own hands are vigilantes.

Ethics thus lays the foundation for political justice. Upholding one's covenant is ethical; breaking one's covenant is unethical. Justice has no existence prior to the state as it does in Plato, Aristotle, Augustine, and Aquinas; justice is the a posteriori product of the establishment of a commonwealth, and distinguishes Hobbes' modern method from those of his ancient and medieval predecessors.

In *A Theory of Justice*, the American philosopher John Rawls (1921-2002) greatly enhances and refines Social Contractarianism. Rather than assuming anything about the actual historical human condition, Rawls appeals to a hypothetical "original position." The original position is an imaginary assembly of rational persons who have not yet entered into a social contract and formed a civil society. In this hypothetical situation, rational persons have no knowledge or inclination of what accidental attributes they may possess in real life—whether they might be rich or poor, black or white, bright or dim, talented or not, spiritual or agnostic (1971, 12). Rawls calls this lack of knowledge about one's real position in society after the formation of a social contract a "veil of ignorance." Rawls' idea is that, in this situation, moral agents will focus not on the specifics of social organization but instead on untainted abstract principles of justice upon which the political structure should be devised (ibid., 136-37). As biological beings, we do not have control over "accidents of natural endowment" (ibid., 15), but as moral agents, we do have the power to mitigate these inequalities as much as possible within a just political framework.

Rawls assumes that the moral agents entering the social contract are both rational and reasonable: rational insofar as each citizen is able to identify and pursue his or her own good (ibid., 408), reasonable insofar as each is able to get along with others (i.e., the contractarians are not antisocial). In the original position, it is rational and reasonable to agree collectively on two principles of justice upon which civil society is to be founded. The first is an equal liberty principle that holds that "each person is to have an equal right to the most extensive basic liberty compatible with similar liberty for others" (ibid., 60). The second is a difference and equal opportunity principle that holds that "social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all" (ibid.). Inequalities in the distribution of wealth are justified if those inequalities redound to the good of the



least well off; for example, paying physicians higher wages so that the rest will benefit from quality health care. It should be noted that Rawls' ethics, though generally cast in the framework of social contract theory, have consequentialistic as well as deontological elements. For example, moral agents in the original position, behind a veil of ignorance, are to choose principles of justice according to a duty to secure well-being for all those involved without knowing the material conditions of those people. At the same time, though, those principles are to be chosen with an eye to producing the most favorable consequences for all those involved. If some citizens end up in a state of poverty and squalor and this state cannot be justified in any way given the social arrangements of society as a whole, then the social arrangements are unjust and the social contract is unethical.

#### ETHICS OF CARE

Feminism, in the humanities and social sciences, is the position that social structures in the Western tradition have impeded or retarded the development of girls and women, and that these structures ought to be dismantled.

To this critique of Western patriarchy feminist philosophers have faulted established ethical theory for its atomistic ontology of selfhood. On the normative theories outlined above (Utilitarianism, Deontology, Social Contractarianism), the just moral agent is autonomous and impartial. In order to avoid capriciousness and meet a minimum standard of universality, the just moral agent uses tools of dispassionate reason decontextualized from the particularities of specific situations. Most feminist philosophers reject the ethical principles of autonomy, impartiality, and universalizability in favor of the intrinsic value of relationships and commitment to relationships.

Many feminist philosophers distinguish sex and gender. The terminology of sex is biological (male/female) and the terminology of gender is social (masculine/feminine). Culture, worldwide, inculcates males to be "masculine" and females to be "feminine" though there is no necessary connection between sex and gender. For example, in the United States the fact that parents dress baby boys in blue and baby girls in pink, and that some persons have crew-cut hair and others wear mascara, has nothing to do with genetics: gender identity is wholly the product of society. Our individual moral dispositions are functions of both biology (nature) and socialization (nurture). The moral philosopher

must therefore study the engendering processes which shape moral disposition, that is, moral psychology.

Feminist moral psychology informs feminist moral philosophy due to the influence of American psychologist Carol Gilligan (Friedman 2004, 206). In her pioneering work *In a Different Voice*, Gilligan concludes that women tend to make moral judgments not by adherence to rigid, abstract principles but rather on the basis of the relationships in their lives and how these relationships are strengthened or damaged by various alternate actions. Moreover, and importantly, Gilligan asserts that this is an honorable moral perspective (Friedman 2004, 207). “Given the differences in women’s conceptions of self and morality, women bring to the life cycle a different point of view and order human experience in terms of different priorities” (Gilligan 1982, 22). This feminine ethic is an Ethics of Care.

In a postmodern gesture, Gilligan notes that science cannot be completely objective because any scientific project requires an operative theory, and the adopted theory colors results (1982, 6). In moral psychology, females have traditionally been evaluated by masculine-oriented criteria (that is, by the principles of autonomy, impartiality, and universalizability). By such measures, men are more morally mature than women (Kohlberg 1981). The result: in moral psychology the male life has been the norm and the female life deviant (Gilligan 1982, 6). It is this demeaning marginalization of the feminine perspective which Gilligan, rightfully, finds objectionable. Empirical studies of females (*ibid.*, 19) reveal that a second psychological model is needed (*ibid.*, 173).

According to Gilligan, a flaw in psychological theory has been misinterpreted as a flaw in human development (*loc. cit.*, 7). The problem in moral psychology has been that there has been only one theoretical apparatus (a masculine “justice” perspective) to evaluate two dissimilar psychologies (masculine/feminine) to the disadvantage of individuals with feminine psychology. The association of masculine/feminine gender psychology with male/female sexual identity is not absolute (*ibid.*, 2), although tradition enforces that connection.

The differences between masculine and feminine inculcation processes is observable in children’s play. Boys tend to like competitive sports involving running, jumping, throwing, and hitting, where victory is secured at the expense of loss, and disputation is expected. Girls tend to like more cooperative activities such as turn-taking games, dress-up, and doll house. In girl’s games, if a quarrel erupts, play often ends (*ibid.*, 10). Such empirical observations point to two distinct moral psychologies. On

the masculine model, men are akin to gas molecules bumping into one another and causing friction, as in a Hobbesian state of nature, either being deflected or shooting ahead. In adult life, this psychology is advantageous for a laissez-faire economy. Women, on the other hand, see themselves as embedded in webworks of relationships: lover, mother, sister, daughter, aunt, friend, neighbor. In adult life, this psychology is adapted to domesticity. In short, on the masculine model, the self has relationships; on the feminine model, the self is relationships.

The upshot is that a man, who has been trained to value abstract reason, is likely to evaluate a moral dilemma differently than a woman. Rather than appeal to some a priori principle like Utility or the Categorical Imperative or the principles of justice deduced in the Original Position, a woman may instead look to the ways alternative actions affect others in the proximate moral community. The ethical sophistication of boys and men ought to be judged by the criteria of masculine moral psychology, and the ethical sophistication of girls and women ought to be judged by the criteria of feminine moral psychology. Whereas the traditional male-oriented psychology of Freud, Piaget, Erickson, Kohlberg, and others provides an incomplete picture of human life, gender complementarity provides a far more rich portrait of families and communities (*ibid.*, 174).

Building on Gilligan's research, philosopher Annette Baier (1986, 249) argues that there is little hope of melding the mainstream obsession with rigid principles in Western ethics with the empirical lessons of Gilligan's research. Ethics based on cool reason and detached analysis ignores morally relevant considerations such as compassion, caring, empathy, and love. In Baier's estimation, modern philosophers have

managed to relegate to the mental background the web of trust tying most moral agents to one another, and to focus their philosophical attention...single-mindedly on cool, distanced relations between more or less free and equal adult strangers[.] Relations between equals and nonintimates will be the moral norm for adult males whose dealings with others are mainly business or restrained social dealings with similarly placed males. But for lovers, husbands, fathers, the ill, the very young, and the elderly, other relationships with their moral potential and perils will loom larger (*ibid.*, 248).

American philosopher of education Nel Noddings situates the Ethics of Care as an ethics of virtue. This ethics of virtue is "...characteristically and essentially feminine[;] an ethic of caring

arises...out of our experience as women, just as the traditional logical approach to ethical problems arises more obviously from masculine experience” (1984, 8). The essentially feminine form of virtue is the ability to intuit the complexity of the concrete relationships that bind us together, and act accordingly: “Many persons who live moral lives do not approach moral problems formally. Women, in particular, seem to approach moral problems by placing themselves as nearly as possible in concrete situations and assuming personal responsibility for the choices to be made. They define themselves in terms of caring” (ibid.). Recognition and affirmation of reciprocal relationships of empathy arises out of “that relation in which we respond...out of love or natural inclination. The relation of natural caring [is] the human condition that we, consciously or unconsciously, perceive as ‘good.’ It is that condition toward which we long and strive, and it is our longing for caring—to be in that special relation—that provides the motivation for us to be moral” (ibid., 5). The summum bonum of ethics is the ability to create, nurture, and maintain relationships.

In reaffirming the importance of sentiment, feminist moral philosophy echoes the emotivism of Hume, and rejects the rationalism of Kant, in a normative ethics of virtue.

## CRITIQUE OF MODERN ETHICS

The four pioneering theories of modern ethics (Utilitarianism, Deontology, Social Contractarianism, and feminist Ethics of Care) are not without serious problems. Each theory has been energetically criticized and defended, and all are subjects of book-length treatments. Let us look briefly at some common criticisms of each theory.

Utilitarianism has been criticized on the bases that it justifies injustice and overlooks special relationships. The first allegation has manifold permutations, but the most significant problem might be called the “majority/minority” problem: the good of individuals or groups of individuals constituting a minority can be justifiably sacrificed for the collective good using the Principle of Utility. Consider this: Farmer John has been cultivating land owned by his family for five generations. John feels close to the land, and farming is his *raison d’être*. A population surge has ignited the expansion of exurbia into the bucolic community where Farmer John resides, and along with it traffic and congestion. City planners have drafted a proposal to build a six-lane connector highway right through the middle of Farmer John’s fields. Farmer John is

unwilling to sell his land at any price, so the city planners intend to take the land by eminent domain. According to the Principle of Utility, if taking his land will cause five thousand units of pain to Farmer John but building the road will create ten thousand units of pleasure (in the form of convenience)—one unit for each of the ten thousand people who will be able to get home more quickly at the end of a long workday—then public policy is clear: take Farmer John’s land. Even though the ratio of his individual suffering to the suffering of each commuter who cannot get home quite as fast is five thousand to one, the collective benefit outweighs the individual cost two to one. The problem with this, a deontologist would reflexively retort, is that Farmer John has the right to keep his land, regardless of the will of the majority. He has done nothing wrong and does not deserve to suffer. Farmer John could compellingly argue that the Utilitarian rationale for condemning his land subverts a fundamental concept of fairness: that is, he could claim that it is not fair that he is harmed by public policy decisions when he himself has done nothing wrong and has a right to continue to farm his land. One thing is clear, though: the cost/benefit methodology of Utilitarianism makes it amenable to economic analysis, and consequently it often serves as a “moral” rationale for public policy. For the Utilitarian, the concept of fairness does not apply to Farmer John: through no fault of his own, Farmer John may justifiably be harmed by public policy for a higher social end.

The second problem is the impersonal nature of Utilitarianism: it does not consider the special relationships that the feminist Ethics of Care finds intrinsically valuable. Say you are a parent and your teenage son will soon be graduating from high school—theoretically. But your son skips school, doesn’t study, barely passes his classes, stays up late drinking and smoking and playing video games and sleeps until noon the next day, hangs out with unsavory types, and generally, at least in your view, lacks motivation, focus, and purpose. This is vexing because you had hoped that he would attend a prestigious private college, which you are able to afford. You harbor a lingering idealism from the heady days of the 1960s, optimistic that individuals can initiate social change and make the world a better place. As an engaged citizen worried about injustice and human suffering, you believe it is your obligation to try to make the world a better place. You had hoped that your son would become a physician, social activist, or civil rights lawyer—someone who would improve the human condition. Just down the street is a young woman who is the same age as your son. Unlike your son, she is focused, driven

to achieve, and exemplifies a social consciousness you admire. She told you yesterday in her family's dry-cleaning business that she would like to study medicine, join Doctors Without Borders or the Peace Corps, and work in free health clinics in Africa. Unfortunately, her family cannot afford postsecondary education and she will likely spend her adult life running the family business.

Assume that, given your finite income, you cannot send both your son and the neighbor to college, and that it is crystal-clear to you that sending your son will result in no social benefit whatsoever and a legacy of public intoxication arrests. On the other hand, sending the young woman to college would result in significant social good. According to the Principle of Utility, you should let your own son waste his life playing video games and smoking marijuana and send the neighbor to college! Critics of Utilitarianism note that parents have special obligations to their own children over other children, a relationship that the Principle of Utility fails to recognize. (The a rule Utilitarian could counter that, as a rule, parents should favor their children.)

Deontology, as articulated by Kant, is also subject to pointed criticisms. One that looms large is the problem of ethical absolutism. If ethical rules are absolute, then there should be no ambiguity in adhering to them in any given situation. Unfortunately for ethical absolutism, adherence to one exceptionless imperative sometimes seems to violate another. Consider the following example. Suppose you are on a ski vacation in Utah and are riding the aerial tramway at Snowbird. Suddenly, a snowboarder rips open his baggy jacket and shouts, "Save the red squirrel! No ski resorts! Biodiversity and Earth First!" Under his jacket you see an explosive vest. With one deft move you could jab your ski pole in his neck from behind, subverting his ability to detonate the blast and saving all 119 persons onboard—and most likely killing him. You recall from your college Introduction to Ethics course that killing him might, *prima facie*, violate a categorically-binding imperative. You use your keen intellect to do a lightning-quick Kantian calculation, reasoning that the subjective statement of intention "I should act as to prevent the loss of human life whenever possible" can be universalized into another categorically binding imperative: "Anyone should act to prevent the loss of human life whenever possible." As a moral agent, you confront two mutually exclusive absolute moral duties. Mill's advice would be unequivocal: kill the deranged ecological saboteur. Kant would say that if the young man sets off the blast, the moral turpitude of murder rests on his shoulders, not yours: the proximate cause of death would be the

actions of the ecoterrorist, not your failure to take his life. But the price you pay for this moral courage is death (yours and the other 118 persons on the tram). So is adhering to a categorical prohibition against taking a human life the right thing to do in this situation?

Social Contractarianism is problematic with regard to the standard of comprehensiveness. It lays the foundation for ethical relations between rational individuals but is technically silent on obligations to nonrational beings. Beings that seem worthy of moral consideration, such as nonhuman animals (on the basis of their capacity to suffer) and profoundly retarded persons (on the basis of respect for people), are excluded from the social contract on the basis that they lack rationality and hence cannot be party to a mutually agreed upon social pact. This cannot justify treating profoundly retarded persons unequally from normal persons or harming nonhuman animals and causing suffering. “Unless some way can be found to remedy this difficulty,” American philosopher James Rachels remarked, “the verdict must be that the basic idea of the theory is deeply flawed” (1986, 138).

Feminist Ethics of Care in its principal formulation is founded on gender essentialism (that is, the position that genders have fixed essences). Gender essentialism results in metaethical incoherence. Gilligan and Noddings identify two essences: a masculine moral psychology of justice and a feminine moral psychology of care. The result is ethical dualism: there are two ethical systems, and it is mistaken to judge one type of person with the inappropriate ethical system. But we know through experience that not all males are “masculine” and not all females are “feminine”—some males are effeminate and some females are mannish. An unstated but logical conclusion of Gilligan’s moral philosophy is that a masculine person (whether male or female) ought to be judged by the criteria of masculine moral psychology, and that a feminine person (whether male or female) ought to be judged by the criteria of feminine moral psychology.

The problem is that if gender is not divided by the bright line of sex (and even here hermaphrodites exhibit biological ambiguity), then what metaethical criterion do we use to decide which ethical system to employ—justice or care? Worse, each human individual probably lives to some extent by both the perspectives regardless of gender. This problem has led philosopher Marilyn Friedman (1987) to reject Gilligan’s ethical dualism in favor of an ethical monism “beyond caring.” According to Friedman, we need an ethic that is “non-gendered” and “non-

dichotomized,” one that takes into account in a single normative system both moral perspectives (ibid., 105).

In summary, four of the great theories of modern ethics—Utilitarianism, Deontology, Social Contractarianism, and the feminist Ethics of Care—are problematic, yet no ethical analysis could be considered comprehensive if it did not take into consideration their central principles. Even if the consequences of one action are horrendous compared with its alternative, the moral agent should at least take pause to consider acting against duty; even if one’s duty is crystal-clear, the moral agent should at least pause to consider the consequences of that action.

Beyond the theories themselves is a metaethical question: Which methodology (virtue ethics or rule ethics) is primary? The answer is that, while virtue and rule ethics are two types of ethical theories, they are interrelated. For example, if you are a parent raising children, you want to help them develop good virtue. In order to do that, you probably impose some set of rules (don’t lie, don’t harm, don’t steal). Virtue ethics thus presupposes rules: it is hard to know which dispositions (virtues) to cultivate without reference to some kind of rules.

An individual who lacks good virtue will have no motivation to follow rules and may choose instead to ignore them. There is no reason to subscribe to rules unless you have a disposition to do so. Rule ethics thus presupposes virtuous character. In Aristotelian ethics, for example, the *Doctrine of the Mean* is unmistakably rule-like, and it takes a person of good virtue (practically wise and virtuous) to discern the mean. In Augustinian ethics, persons with good character have the proclivity to adhere to rules reflecting God’s will (as outlined in the *Decalogue*, for instance). These rules provide a blueprint for developing good character. In Kantian ethics, there would be no motivation to observe moral law unless one possessed the virtue of good will. Although seldom noticed by those who study Kant, Kantian justifications of a particular action involve a virtue-ethics dimension insofar as acting in accordance to duty requires good intentions.

So, while the distinction between virtue ethics and rule ethics has pedagogical value, in the end it is an artificial dichotomy. Virtue ethics and rule ethics are pieces of a whole.



## WHAT IS THE SCOPE OF MORAL CONSIDERABILITY?

Ethical theories provide conceptual frameworks to help moral agents make decisions and to guide their actions. Yet the questions remain: What is the proper subject-matter of ethics? Exactly who or what should be counted in ethical deliberations and actions? What attribute or essence defines the class of beings worthy of moral consideration?

From Socrates to Sartre, philosophers of the Western tradition have held that humans, and humans only, are the proper subject-matter of ethics; that is, only humans are worthy of moral consideration. Rationality is the attribute that defines the class of beings worthy of moral consideration. This human-centered, or “anthropocentric,” bias holds that rationality is the necessary condition for demanding moral consideration. Socrates espoused a human-centered perspective when he claimed while walking with a companion outside the city walls of Athens, “Trees and open country won't teach me a thing, whereas people in the town do” (*Phaedrus* line 230d). In suggesting, obliquely but repeatedly, that a “human being” is a “rational animal,” Aristotle distinguished humans from nonhuman animals, conferring upon us special status. Two millennia later, the French philosopher René Descartes (1596-1650) argued that rationality is a function of the immortal soul. Thinking and speaking are functions of the soul. Humans possess immortal souls that nonhumans lack. “The reason why animals do not speak as we do is not that they lack the organs,” Descartes explained, “but that they have no thoughts” (1991, 303). Since only humans have immortal souls, humans have no more ethical obligations to nonhumans than they have to machines—a view of nonhuman animals that is at the foundation of modern factory farming.

Kant agreed with Descartes that we have no direct ethical duties to nonhuman animals, but disagreed that we have no ethical obligations to animals whatsoever. He believed that we have some indirect duties to some nonrational beings that transcend utility:

If a dog, for example, has served his master long and faithfully, that is an analogue of merit; hence I must reward it, and once the dog can serve no longer, must look after him to the end, for I thereby cultivate my duty to humanity, as I am called upon to do; so if the acts of animals arise out of the same principium from which human actions spring, and the animal actions are analogues of this, we have duties to animals, in that we thereby promote the cause of humanity (1997, 212).

The way we treat nonhumans, that is, will likely affect the way we treat fellow humans, “for he who is cruel to animals becomes hard also in his dealing with men” (ibid.). “Thus our duties to animals are indirectly duties to humanity” (ibid., 213). Treating nonhumans “inhumanly” may not be wrong per se, but mistreating nonhumans will lead to the mistreatment of fellow humans, a direct violation of the Categorical Imperative framed in the Kingdom of Ends.

The thoroughgoing anthropocentrism of Western ethics was not called into question until the mid-to-late twentieth century, and the last several decades have marked a sea change in ethical thinking. Contemporary philosopher Tom Regan (1983) argues that the standard of rationality (and allied criterion of speech) for moral consideration is too narrow. It should be widened, he says, to include “subjects-of-a-life.” A subject-of-a-life is any being with an awareness of itself as a subject in the world. Chimpanzees looking in mirrors are an example of Regan’s concept. They understand that the image in front of them is not another chimpanzee but is them (Gallup 1970), indicating that they have an awareness of themselves as subjects in the world of chimpanzees.

Other animal ethicists argue that this scope, albeit wider than anthropocentrism, is still too narrow because it applies only to mammals distinguished by highly centralized nervous systems. Philosopher Peter Singer insists that Bentham was absolutely right in pegging the criterion for moral consideration not to rationality, as Descartes and Kant did, but to the capacity to suffer, the ability to experience pain. Singer (2002, 7) quotes Bentham approvingly:

The day may come when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny[.] It may one day come to be recognized that the number of the legs, the villosity of the skin, or the termination of the os sacrum [part of the pelvis], are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or, perhaps, the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose the case were otherwise, what would it avail? The question is not, Can they reason? nor, Can they talk? but, Can they suffer? (1988, 311n).

In formulating animal ethics, Singer did not invent a new class of beings worthy of moral consideration; he creatively and consistently applied the Principle of Utility to nonhuman animals.

The consequences for ethics of this move are profound: the scope of moral consideration is not limited to human individuals or subjects-of-a-life but encompasses any being capable of suffering. This includes, most obviously, the higher mammals included in Regan's theory, but also other vertebrates that may not exhibit much in the way of self-awareness but can experience pain, such as poultry.

The animal ethics of Regan and Singer reject the traditional narrow scope of anthropocentrism and lay the groundwork for nonanthropocentric ethics. For Singer and Regan, moral considerability ought not be based on the attribute of rationality and the ability to speak any more than skin color or degree of hairiness. While this line of reasoning is an improvement on the myopic focus of mainstream Western ethics, Paul Taylor (1986) believes that it still does not go far enough. Every entity that has inherent value—that is, value in and of itself independent of any instrumental value the entity might have for others—is worthy of moral consideration. An entity has inherent value if it exhibits goal-directed (teleological, in the jargon of philosophy) activity. An entity that exhibits goal-directed activity may be helped to achieve its ends or harmed.

All living things meet this standard of inherent value because all organisms have an end—namely, to live and flourish. All living things are worthy of moral consideration: “All organisms, whether conscious or not, are teleological centers of life in the sense that each is a unified, coherently ordered system of goal-oriented activities that has a constant tendency to protect and maintain the organism's existence” (1986, 122). Thus the locus of moral consideration for Taylor is not being human (Kant), being a subject-of-a-life (Regan), or being sentient (Bentham and Singer), but rather being alive. This ethic is thus biocentric-centered on life.

Pathogens, such as bacteria and other microorganisms are living things (viruses are borderline cases), so the biocentrist must provide a method for adjudicating mutually exclusive interests of the biota. For example, the eradication of *Mycobacterium tuberculosis*, the bacterium which causes tuberculosis, is a necessary condition for the flourishing of *Homo sapiens*. The Principle of Self-Defense makes it “...permissible for moral agents to protect themselves against dangerous or harmful

organisms by destroying them” (Taylor 1986, 264-65) such as killing *Mycobacterium tuberculosis*.

As Singer reconfigured Utilitarianism to meet the demands of nonanthropocentrism posed by nonhuman suffering, so Taylor reconfigured Deontology to meet the demands of nonanthropocentrism posed by the goal-directed activity of all living things, essentially granting a new type of citizenship in Kant’s Kingdom of Ends for nonrational living things:

In addition to and independently of whatever moral obligations we might have toward our fellow humans, we also have duties that are owed to wild living things in their own right[.] Our duties toward the Earth’s non-human forms of life are grounded on their status as entities possessing inherent worth. They have a kind of value that belongs to them by their very nature, and it is this value that makes it wrong to treat them as if they existed as mere means to human ends. It is for their sake that their good should be promoted or protected. Just as humans should be treated with respect, so should they (ibid., 13).

Taylor’s biocentric ethics points to a major difference between being a moral agent and being morally considerable: moral agents are aware of themselves (as in Kant and Regan) and aware of their moral obligations to other beings (explicit in the thinking of Socrates, Mill, and Kant). Other entities are not moral agents but nonetheless are worthy of moral consideration. A damning fallacy of anthropocentric ethics is equating the class of beings deserving of moral respect with the class of moral agents: some beings worthy of moral consideration are not moral agents. Frogs, cats, babies, profoundly retarded persons, and even sociopaths are not moral agents but nonetheless demand inclusion in moral calculations. Moral agents are thus obligated, out of a sense of duty, to respect all beings with inherent value, whether or not those beings also happen to be moral agents themselves.

Biocentric ethics holds that moral agents have two sets of duties: one set to other moral agents, and the other set to all entities who are not moral agents themselves but are nonetheless worthy of moral consideration.

The foregoing theories are all individualistic; that is, all root the locus of moral consideration in individual beings. The American ecologist Aldo Leopold (1887-1948), who opposed individualism in ethics, fomented a revolution. He argued that it is not individual

organisms that are the proper locus of moral consideration, but rather entire ecological communities. This holistic emphasis in ethics departs from twenty-five hundred years of Western ethics. It is perhaps telling that such a revolution would come from an ecologist, not a philosopher.

In *A Sand County Almanac* Leopold points out that during the history of the Western tradition, moral consideration has been expanded to include individuals of previously excluded groups such as blacks and women. “During the three thousand years which have since elapsed, ethical criteria have been extended to many fields of conduct, with corresponding shrinkages in those judged by expediency only” (1960, 202). (If Leopold had not been several decades ahead of his time, he might have included the categories of sentient beings and living beings discussed above.) As the domain of moral consideration has expanded to include more human individuals, Leopold argues, it should be further expanded to include entire ecological communities, or ecosystems. Leopold calls this new moral philosophy the Land Ethic.

As parts of ecosystems, human beings are citizens not only of human communities but also of larger biotic communities. Our dual citizenship fundamentally alters the relationship of humans to ecosystems: “a land ethic changes the role of Homo sapiens from conqueror of the land-community to plain member and citizen of it” (ibid., 204). Ecosystems are not simply something to conquer, to tame, to order; indeed, humans ought to act with honor and respect as citizens of biotic communities.

Leopold explicitly addresses the tension between environmental ethics and economics. The major obstacle to achieving an ecological ethic, he notes, is the economic worldview. Currently our relations with ecosystems are guided only by human economic interest. To understand Leopold, it is useful to refer to the source of the economic ethic that is the source of his pillory, the theory of the creation of private property outlined by English philosopher John Locke. In *The Second Treatise of Government*, Locke (1987, 16-30) conjectures that God gave humankind the Earth in common for use as a natural resource for our well-being. Each individual “owns” his or her own body, and labor is a function of the body. Once one applies one’s labor to the unproductive pool of natural resources to make it productive—by clearing forest, moving rocks, plowing the soil, and planting crops—one is entitled to the fruits of that labor. Through work, humans pull resources out of the common pool and secure the products of that labor for themselves as private property. This is the essence of private property, and it is based on the fundamental

assumption that the value of natural resources is latent in the sense that the resources must be actualized by human labor. Nature itself has no inherent value; human beings, through labor, can transform the latent resource value of ecosystems into useful products. Humans should “release” as much value from ecosystems as possible through development.

In the economic model, the value of ecosystems is its resource value, its instrumental value as property. In the ecological model, ecosystems are living things with value above and beyond economic value; the ecosystems have intrinsic value as biotic communities of which we are citizens. The problem with economic ethics is that they are ill-suited to recognize noneconomic (read “ecological”) types of value. “A system of conservation based solely on economic self-interest is hopelessly lopsided,” Leopold claims in *A Sand County Almanac*. “It tends to ignore, and thus eventually to eliminate, many elements in the land community that lack commercial value, but that are (as far as we know) essential to its healthy functioning” (1960, 214). The triumph of achieving an ethical relationship with ecosystems requires the recognition of the intrinsic value that ecological systems have far beyond their mere Lockean economic value.

Some of the West’s most significant ethical theories have been distilled to a memorable maxim (think of Aristotle’s Doctrine of the Mean, the Golden Rule of Jesus, Hillel, and Confucius, Mill’s Principle of Utility, and Kant’s Categorical Imperative). Leopold provides a similar summarization of ecological ethics: “A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise” (*ibid.*, 224-25).

The American philosopher J. Baird Callicott (1989) has fleshed out the nuances of Leopold’s insights in greater detail than any other scholar. Building on Leopold’s insights, Callicott argues that the entire enterprise of mainstream Occidental moral philosophy—including Singer’s and Regan’s animal ethics and Taylor’s biocentric ethics—has been wrongly based on individualism and must be abandoned. Individual organisms should not be thought of as having intrinsic value or rights because individuals do not really affect ecosystems. An individual organism, qua member of a species, has value insofar as it contributes to the overall integrity and stability of the larger biotic community (*loc. cit.*, 39). Individuals have extrinsic value for ecosystems; ecosystems have intrinsic value that deserves and demands recognition by moral agents.

Environmental ethics beginning with the holistic revolution of ecological theory and continuing through animal ethics to biocentrism has tended to focus almost exclusively on the natural (that is, nonhuman) environment. Very recently philosophers have begun to call this focus into question and suggest a need to reintroduce human-constructed environments as a legitimate subject-matter for ethics of the environment. The Australian philosopher Warwick Fox, for example, notes that “just as traditional, anthropocentrically focused forms of ethics have exhibited a major blind spot in their theorizing with respect to the non-human world, so the development of environmental ethics has thus far exhibited a major blind spot of its own” (2000, 2), namely, the human-constructed environment. As noted at the outset of this essay, ethics is all about how we ought to best live our lives. This must include questions about how we build our cities and homes, and how we move things around the globe from one place to another. This recognition, in a profound sense, brings ethics full circle from the Greeks’ human-centered focus to the nonanthropocentrism of ecosystem, animal, and life-centered ethics and back to the human.

The story of ethics in the West is a story about widening the scope of moral consideration. The narrative began with human beings as the only characters on stage, and the play continued that way, with minor exceptions, for more than two thousand years. Eventually nonhuman animals entered the scene, followed by entire ecosystems and the totality of living things. Most recently, the human-built environment has reentered the drama. The question Socrates posed to his peers inside the city walls of Athens remains to this day: How should we best live our lives?

## CONCLUSION

Either by divine plan (Augustine 1998) or evolutionary design (Wilson 1980), human beings are moral agents. Every day we judge, of ourselves and others, character and action. Making moral judgments constitutes nothing less than the essence, the defining feature, of what it means to be human.

Nowadays it is common to equate morality with private life. While it is certainly true that each moral agent must cultivate virtues to best live his or her life, as Socrates did by example, ethics is preeminently a public affair. No moral agent lives in a normative vacuum, for we are intricately bound in a social fabric by relationships of reciprocity. Whatever we

do—and do not do—affects other beings worthy of consideration and respect.

With awareness comes responsibility, though sometimes the gravity of this responsibility seems a crushing weight we wish we did not have to bear. Part of this responsibility is determining which beings demand recognition and which do not. Historically, the class of beings possessing rights has typically been limited to certain categories of humans. In Western culture, the boundaries of this class have ranged from property-owning males, in Greek antiquity, to white males, in colonial America. More recently the boundary of moral consideration has been enlarged to include all human beings, regardless of race, religion, sex or gender, socioeconomic status, and other attributes accidental to core humanness. Lately, within the last few decades, moral philosophers have widened the scope of moral consideration to include sentient mammals, all living things, or even entire ecosystems. If indeed the moral community includes more than the human community, then as moral agents it is our duty to respect nonhuman beings—a radical departure from twenty-five hundred years of anthropocentrism.

Many moral problems that at first glance seem simple to solve turn out to be tremendously complicated. It is tempting to deal with the dizzying intricacies of moral choices by painting the human condition in stark black and austere white, to fall back onto the ordinary dualisms of good and evil, right and wrong, moral and immoral, righteous and depraved, to succumb to the absolutism of extremism. Since moral problems are characterized by inherent ambiguity (de Beauvoir 1976), negligence in acknowledging ambiguity—thinking rigidly of morality in terms of either/or rather than both/and—precipitates intolerance and violence. For ethics, absolutism fails.

Some kind of moral compass is needed to help us navigate the variegated terrain of our daily lives and keep the distant horizon in focus. The pivot point of this compass may be faith, intuition, or reason; most likely it is a combination of all three. The latter pivot point we have defined as ethics. Ethics, based on the four criteria of comprehensiveness, coherence, consistency, and adequacy, is an exceptionally effective way of making moral decisions.

Ethical thinking requires practical wisdom. Practical wisdom is the sum of the capacity to reason plus worldly experience. The person of practical wisdom is tolerant of ambiguity and has an acute ability to discern myriad shades of moral gray. Since it is doubtful that a single ethical system can be superimposed on the rolling topography of the



human condition, the person of practical wisdom must decide whether it is best to proceed through the valley of virtue, over the summit of duty, or along the ridgeline of consequences.

Ethics is not about making decisions for the sake of being decisive. It is about the quality of those decisions, about not just living, but, as Socrates said, living well.

## NOTES

This essay grew from lecture notes compiled over twelve years of teaching a Liberal Education humanities course at Utah Valley University. This Philosophy course (named Ethics and Values) is required of all associate and baccalaureate degree-seeking students. Due to its significant role in the curriculum as the only Philosophy course that most students will ever take, Ethics and Values constitutes the Philosophy department's most important contribution to Liberal Education. For me this pedagogical responsibility has been challenging: it is essential to begin with basics, and situate the study of ethics in the Western intellectual tradition.

In this essay, I attempt a rigorous, systematic, and student-friendly definition of ethics, clarification of the fundamental concepts of moral philosophy, and general categorization of the main types of ethical theory. Though I require the students to read the entire essay during the first week of the semester, it guides our progress throughout the semester by providing a meta-narrative of various primary sources we consider such as the *Crito*, *City of God*, the *Groundwork*, *Utilitarianism*, *In a Different Voice*, *A Sand County Almanac*, *Animal Liberation*, etcetera. The essay thus maps the syllabus.

Note on the text. An earlier version of this essay appeared as the lead chapter of *Ethics in Action* (Wiley-Blackwell, 2009) and is reprinted with permission of Wiley-Blackwell. This earlier version benefited greatly from the comments of Becky Cox-White, Professor of Philosophy at California State University—Chico. The present version includes revisions in response to Deborah Mower's critically constructive book review printed in these pages (*Teaching Ethics* Vol. 9 No. 2 [Spring 2009]: 135-39). The essay has also benefited by comments in correspondence with Frederick Ferré, Research Professor Emeritus of Philosophy at the University of Georgia, Shannon Mussett, Associate Professor of Philosophy at Utah Valley University, and Michael S. Pritchard, Professor of Philosophy at Western Michigan University and Co-Editor of *Teaching Ethics*.

As a resource for students, I videotaped eight 30-minute lectures which track portions of this essay:

- Lecture 1. Introduction: Morality, Religion, and Ethics (Definitions of Morality, Ethics, Goodness, Types of Judgments, Religion and Ethics);

- Lecture 2. Ethics in Action: Socrates Imprisoned (Western Ethics, Definition of Rationality, Socrates as example of Ethics in Action);
- Lecture 3. Types of Ethical Theories (Normative Ethics, Metaethics, Objectivism, Relativism, Rule ethics, Virtue ethics);
- Lecture 4. Christian Virtue Ethics: Augustine (Justice of the Soul, Problem of Free Will, City of God versus City of Man);
- Lecture 5. Existentialist Virtue Ethics: Nietzsche (Relativism, Genealogy of morals, Transvaluation of Values, Eternal Return, Übermensch);
- Lecture 6. Consequentialist Rule Ethics: Mill (Utilitarianism, Qualitative Hedonism, Principle of Utility, Competent Judges Criterion, Rule Utilitarianism, Act Utilitarianism);
- Lecture 7. Duty-Based Rule Ethics: Kant (Objectivity and Rationality, Good Will, Duty, Categorical Imperative, Kingdom of Ends);
- Lecture 8. Feminist Virtue Ethics: Gilligan (Feminism, Distinction between Sex and Gender, Moral Psychology, Care Ethics).

These short lectures are available on the Internet at [http://www.youtube.com/results?search\\_query=Ethics+Keller%27s+UVU+Lectures&search=tag](http://www.youtube.com/results?search_query=Ethics+Keller%27s+UVU+Lectures&search=tag) or <http://tinyurl.com/26b48t>.

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