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PART I

ETHICAL REASONING

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1

A BRIEF OVERVIEW OF BASIC ETHICAL THEORY

David R. Keller

Ethics is the philosophical study of *morality*. Although we use the words synonymously in everyday discourse, in philosophy it is important to distinguish the two.

Morality is the behavior of making *value* judgments regarding how we should best live our lives. Two points follow. First, judgments presuppose freedom of choice; the entire edifice of ethics is erected on the assumption that value judgments are made by moral agents voluntarily, who therefore are responsible for those choices. This assumption leads into a whole debate about determinism versus free will that I cannot address here.[1] Second, value judgments differ from judgments of ordinary preference, such as how spicy we like our food or what color of clothing we prefer to wear. Moral judgments involve interconnected conceptions of goodness, rightness, the class of beings worthy of moral consideration, and virtue.

Moral judgments presuppose the acceptance of some highest moral good (*summum bonum*). This might be obedience to God, acting in accordance with duty, realizing one's unique individual potential, affirming relationships based on care and empathy, or maximizing overall collective happiness. Humans live their lives and make daily choices with an eye to some ideal of moral goodness. Moral judgments commend some actions as right and condemn other actions as wrong, 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, entire ecosystems, etc. Moral judgments depend on 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.[2] 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:

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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 characters 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 not 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 best to 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 injuring a friend or kicking your dog for barking are actions that are open to moral judgment, and you are morally culpable for them because your friend 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, she will be relieved of her worry for you. 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 an *ethical 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

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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. Ethical dilemmas should not be confused with moral problems in which the right thing to do is obvious, but in which 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 several 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 between 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'ān, Book of Mormon, and others). In either case, the source of authority is assumed to give an avenue of insight into 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 that question 25 centuries ago in a dialogue called the *Euthyphro*. Socrates asks Euthyphro: Is something good because the 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 God complies. For example, is torturing babies wrong only because God thinks it so? And if at some future

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time God should 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). This is especially true in the three great Abrahamic monotheistic traditions (Judaism, Christianity, and Islam) that posit God as the source of morality. These religions hold God's will to be the standard of moral goodness, the *summum bonum* of all morality. "The Good," Swiss theologian Emil Brunner (1889–1966) wrote, "has its basis and its existence solely in the will of God" (1947: 53). Extending this line of argument, American theologian Carl Henry (1913–2003) 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 an autonomous secular morality independent of God's existence (ibid.: 210).

The Bible itself, however, contradicts Henry's contention. As described in Genesis 3: 5 and 3: 22, human moral awareness was brought when the forbidden fruit of the tree of knowledge was eaten, 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.

Whether or not the Old Testament buttresses Divine Command theory, 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 always 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 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). 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 practical guidance.

The Divine Command theorist may conclude that authoritative guidance is needed. Unfortunately, deference to ecclesiastical leadership is no less problematic

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than deference to scriptural authority. For example, the slavery debate that raged before the American Civil War evoked Christian support for both abolition and slavery (Swartley 1983: 31–64). The then 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.: 107–8). 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. Critics of Divine Command theory argue that, as Socrates alluded, 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 Thomas Aquinas (1225–74) 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
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 nor infants into oaks, because doing so would contravene the purposes

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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 all the 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 consistency 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 Aquarian 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

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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 the 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 from which stem mainstream European and American cultures. 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,

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excludes the abundantly interesting cultures of Aboriginal Australia, Africa, Arabia, Native (South, Central, North) America, and Oceania.

Most Western philosophers have modeled the process of moral decision-making on reason, with the notable exceptions of some British philosophers: the third Earl of Shaftesbury (1671–1713), Samuel Clarke (1675–1729), Francis Hutcheson (1694–1746), Adam Smith (1723–90), and, most significantly, the Scottish David Hume (1711–76). In *An Enquiry Concerning the Principles of Morals* and elsewhere, Hume emphasizes the importance of emotion (what he calls "sentiment") in ethics. Eroticism 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.

Most philosophers base ethics squarely on reason. To meet the minimum standards of rationality, reasoning should be comprehensive, consistent, coherent, and verifiable (these categories are modeled after Ferré 1998: 2–4). Applied to morality, these four criteria constitute the standards for ethics.

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 capital punishment that claims that all human life is good must forbid the death penalty unless it can be justified in terms of some additional consistent and coherent value embraced by the theory. Perhaps criteria could be identified to support a belief that one forfeits his or her claim to moral consideration by behaving in a particularly heinous way, such as torturing an innocent child to death. A theory that both claimed to value all human life and permitted capital punishment but failed to justify that practice would not be sufficiently comprehensive. In another 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.

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 for ethical reasoning.

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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 of the US Constitution) 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 is 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 should not be impugned by data to the contrary. Similarly, the assertion "pre-emptive war is prudent foreign policy" ought to be supported by concrete examples of how this policy is more empirically adequate than detente.

Socrates (470–399 BCE) – at least as depicted by Plato (428–347 BCE) – is considered to be the first ethicist of the Western intellectual tradition and 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 fabricating his own gods (line 23c), in the *Crito* Plato describes the Socratic method of working through a moral problem using reason. As Socrates is awaiting 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

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than the non-experts, 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 non-experts, 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 these premises, 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.[3] 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 he 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 more 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, his 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. He 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

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specifically, and, most significantly, to his own soul (not to mention the unpleasant reality for him of living in exile and being unable to practice philosophy). These outcomes 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 approach to the 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. When we study the different 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? These questions are *meta*religious insofar as they are questions about religion in general rather than about any specific religion.

Metareligion sheds light on metaethics. Metaethics asks questions about ethics generally rather than about the details of specific ethical theories. 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 independent of the contingencies of human culture; the latter position is *metaethical relativism*, which holds that ethical standards have no real, objective existence independent of the contingencies of human culture.

One 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 Henry Sidgwick (1838–1900), and on these theories

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standards are not socially conditional (hence objective), nor are they 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, variation of metaethical objectivism. Metaethical absolutism asserts that there is but one – and only one – ethically correct action per moral category (veracity, beneficence, respect, etc.): period. Not only are social specificities blocked from ethical reasoning by the absolutists; so too are the vagaries of human psychology. Divine Command theorists such as Augustine and 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 are 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, New York and have befriended the mother of a Muslim family down the hall. The parents emigrated from Sudan and are eager to be assimilated 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 clitorectomy, or female genital circumcision, which has its origins in ancient tribal African cultures and is now practiced by some African Muslims, primarily in Egypt, Ethiopia, Mali, Somalia, and Sudan. Clitorectomy 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 clitorectomy on their 12-year-old daughter. You argue that the practice is mutilation and will impair the daughter's ability to experience normal orgasm; plus, you point out, the practice is illegal under US 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 although it is not mentioned in the Qur'an, clitorectomy 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 can be ignored by devout Sudanese Muslims.

After the heated and uncomfortable discussion, you walk down the hall telling yourself that you are adamantly opposed to clitorectomy 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 procedure. 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,

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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 clitorectomy. 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 we pride ourselves on pluralism), but, on the other hand, we want the right to condemn cultures that we think are blatantly immoral. This tension arises in the case study on Japanese whaling given in chapter 7 (Case 27: "Straits of Strife: Japanese Whaling, Cultural Relativism, and International Politics"), where, on one hand, the Japanese believe whaling to be an inherent part of their island culture, and, on the other, Western environmentalists believe it to be an unconscionable form of animal cruelty.

Ethical objectivism and ethical relativism generate tension. Although we strive to be tolerant, at the same time we are, by our very nature, judgmental. One possible solution to this quandary would be to appeal 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, being aware of oneself as a subject in the world, ability to experience pleasure and pain, etc., which determine the scope of moral consideration discussed below.[4] This solution blends objectivism and relativism into a reasonable and workable system.

Types of Normative Ethics

Normative ethics comprises the actual ethical theories. 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; rule 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 436–45).[5] 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 with the others, according to reason (lines 443d–e).[6] 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

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the rule of reason. Reason keeps the desire for honor and gratification in check, resulting in a well-ordered soul.

Aristotle 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 (ibid.: 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 uses reason to evaluate the support for alternative moral actions and acts 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) 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: 940–1). 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, à la Divine Command theory.

Augustine distinguishes between two types of people: those who are selfish (egoistic) and those who are selfless (unegoistic). The principle of conduct of the former type is autonomy; the principle of conduct of the latter type 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,

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> arms and dress, there nonetheless exist only two orders, as we may call them, of human society; and, following our Scriptures,[7] 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 adequacy: 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 on the choices they make and the actions 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).

American philosopher of education Nel Noddings highlights the importance in ethics of the ability to nurture reciprocal relationships of empathy and care. An ethics of care 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" (1984: 5). Persons of virtue are able to intuit the complexity of 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

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themselves in terms of caring" (ibid.: 8). Noddings's *summum bonum* is care, and the sign of moral virtue is the ability to create, nurture, and maintain relationships.

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). In chapter 2 of this volume, Eric H. Gampel acknowledges the significance of these personal virtues in the process of moral reasoning by including virtue as a fundamental ethical principle for moral problem solving.

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.[8] In contrasting ancient with modern approaches, English philosopher Henry Sidgwick remarked in the late nineteenth century 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: 105–6)

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

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An obvious way to formulate rules is by analyzing the *consequences* that alternative actions produce. On this approach, once the *summum bonum* is agreed on, rules effective in producing that good can be formulated. This good might be acting according to God's will (Divine Command theory), good will (deontology), individual determination (existentialism), individual pleasure (egoistic hedonism), the rational escape from the state of nature (social contractarianism), or collective pleasure of society measured as a whole (utilitarianism). For the moment, we shall focus on utilitarianism, deontology, and social contractarianism.

Utilitarianism

Jeremy Bentham (1748–1832), in *The Principles of Morals and Legislation*, wastes no time in citing psychological hedonism as the starting point for ethics: "Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*" (1988: 1). On this foundation, Bentham immediately lays a consequentialist framework: "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 alone, but *collectively*.[9] 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.

While Bentham measured pleasure quantitatively, his successor, John Stuart Mill (1806–73), characterized it as also differing 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. Diverging here from 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,

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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.: 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).

We can see that 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 to 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.: 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 need not affect them unless

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they like. . . . In all such cases, there should be perfect freedom, legal and social, to do the action and stand the consequences" (ibid.: 73–4).

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 non-violently, 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 policemen 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 herself, 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 that 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 are common paternalistic laws. The intent of these laws is to save society from footing the bill for foolish individual behavior.

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 the case studies in this book 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 the next chapter in this volume, Eric H. Gampel evokes the central lesson of utilitarianism – namely, the necessity of producing good and avoiding bad consequences – and then identifies three utilitarian moral principles: nonmaleficence, beneficence, and utility. The principle of nonmaleficence prohibits harm. The principle of beneficence dictates help. More commonly, when the outcomes of an action are mixed, the principle of utility states that the ratio of harm to help should be kept as low as possible once the outcomes for all those affected are taken into consideration. Thus, an action is correct insofar as it produces the greatest ratio of benefit to harm, or the smallest ratio of harm to benefit, of all alternative actions.

In summary, the importance of the attention paid by utilitarianism 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

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utilitarianism admit the importance of outcomes; disagreement arises regarding the relationship of outcomes to other moral values, such as duty.

Deontology

Kant (1724–1804) believed that ethics must be built on law – not civil law, but rational law. He adopted the Christian emphasis of the importance of conformity to law but made reason, not God, its source. In order to achieve the nomothetic certainty attained by science, Kant grounded his ethics on the inherent properties of rationality. By deriving moral principles from the innate cognitive structure of all rational beings, he 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 irrelevant 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 on 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]).

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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 on 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. In this volume, the duty to refrain from exploiting persons inexperienced in certain types of transactions, such as commercial transactions, arises in the biopiracy case study, "Only God Can Make a Tree: Patenting Indigenous Plants" (see chapter 7).

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), for example, 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 is 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

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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 for 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 pre-eminently *public* insofar as calculations of alternate actions need to be constantly referenced to the moral community, the Kingdom of Ends – a theme that can be traced through every case study in this book.

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 can 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: 30–2 [422–3]), which are of two types:

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straightforward logical contradictions and inconsistencies in the treatment of members of the Kingdom of Ends. Kant's first two examples illustrate straightforward logical contradictions. Consider example two. Suppose your subjective statement of intention is: (i) "When I need money, I will lie in order to get it." Universalized, according to the Categorical Imperative, the subjective statement of intention becomes: (ii) "When anyone is in need of money, anyone should lie in order to get it." Statement (i) 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 (ii) implies a world in which no one tells the truth (World not-T). Therefore, the subjective statement of intention is a straightforward logical contradiction when universalized.

Now consider example one. 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 his/her 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 not-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, "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 disrespect 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 do matter for Kant, but they are not the sole determining factors of morality as in Utilitarianism.

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 commands respect from others and accedes to others' commands 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 social contractarianism, outlined by John Locke (1632–1704) and Jean-Jacques Rousseau (1712–78), but initially

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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 *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 a philosophical justification for civil society, and an ethical justification for civil societies to censure and punish those who do not heed the social contract.

Hobbes's ethical theory, like utilitarianism, rests on a psychological foundation. This foundation is one of egoism, unlike Mill's appeal to the common good (or unegoism). 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:

> [T]here 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.: 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" who is 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 to 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:

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"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's 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 for Plato, Aristotle, Augustine, and Aquinas); justice is the a posteriori product of the establishment of a commonwealth, and distinguishes Hobbes's modern method from those of his ancient and medieval predecessors.

Interestingly, because communities are complex networks of individuals and subgroups, covenants within communities can collide. In this volume, in the case study in chapter 5 on the murder of an infant, "Deadly Secrets: Releasing Confidential Medical Records to Law-Enforcement Officers," the apparent covenant of privacy between Planned Parenthood and women seeking its services collides with the covenant of public safety between law-enforcement officials and the community. In the case study on the student arrested for writing an essay with violent images (chapter 8), "Words Fail: Institutional Responses to Creative Violence," the apparent covenant between teachers and families to implement pedagogical methods that actualize students' creative potential collides with a concomitant covenant of teachers and families to prohibit students from inciting violence.

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 to form a civil society. In this hypothetical situation, these 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, religious or nonreligious (1971: 12). Rawls calls this lack of knowledge about one's real position in a real society after the formation of a social contract a "veil of ignorance." Rawls's idea is that, in this situation, moral agents will not focus on the specifics of social organization, but instead on untainted abstract principles of justice on which the political structure should be devised (ibid.: pp. 136–7). 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 on which civil society is to be founded. The first is an equal liberty principle

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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 (e.g., paying physicians higher wages so that the rest will benefit from quality healthcare).

It should be noted that Rawls's ethics, though generally cast in the framework of social contract theory, has consequentialist 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 these disadvantages cannot be justified by the given social arrangements of society as a whole, then the social arrangements are unjust and the social contract is unethical.

Social contractarianism is directly relevant to many of the case studies examined in this book, particularly in public policy issues where discrimination on the basis of some attribute irrelevant to the social contract – race, religion, sex, income – is an issue.

The three pioneering theories of modern ethics – utilitarianism, deontology, and social contractarianism – 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 of the common criticisms of each theory.

Feminist philosophers have criticized all three theories because they overemphasize reason. Through empirical studies, American psychologist Carol Gilligan (1982) concludes that women tend to make moral judgments not through reason and adherence to rigid and abstract principles but, rather, on relationships and how webs of relationships are effected by moral actions. 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)

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In reaffirming the importance of sentiment, feminist moral philosophy echoes the emotivism of Hume and rejects the rationalism of Kant. In Noddings's view, "An ethic built on caring 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).

Aside from emotivists' and feminists' sweeping condemnation of ethical theory as being obsessed with reason, each ethical theory is the target of more distinct criticisms. Utilitarianism, in particular, 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. A mundane example is this: Farmer John has been cultivating land owned by his family for five generations; he 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, bringing 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. (Similar arguments condoning slavery could be made using the Principle of Utility.) One thing is clear: the cost/benefit methodology of utilitarianism makes it amenable to economic analysis, and consequently it often serves as a "moral" rationale for public policy. Our culture is distinctively utilitarian. Note again, though, that the concept of fairness (getting what one deserves) did not apply to Farmer John because Farmer John did nothing wrong but was caused overt harm by public policy decisions.

The second problem is the impersonal nature of utilitarianism: it does not consider special relationships. 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, for which you are well able to pay. You harbor a lingering idealism from the heady days of the 1960s, optimistic that individuals can initiate

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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 post-secondary 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 you 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.

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! 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 would violate the categorically binding imperative never to take a human life. You use your keen intellect to do a lighting-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 eco-terrorist, 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

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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-on 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).

In summary, the three great theories of modern ethics – utilitarianism, deontology, and social contractarianism – 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.

To use the language of Gampel's CARVE schema, outlined in chapter 2, we will all be faced with problems that require us to determine the scope of moral consideration of the beings involved and consider:

C: the consequences of various alternatives, including inaction, both for individuals and for the common good;
A: which actions will best respect persons or their autonomy;
R: the presence, nature, and comparative strength of intrinsic rights;
V: how different actions may develop virtuous character in and affect the moral integrity of the persons involved – whether as agents or as patients;
E: the relationship of individuals with civil society as a whole and whether agents ought to treat others equally or fairly (i.e., justly).

In short, we must learn to CARVE moral dilemmas (a process to which we will turn in the next chapter) from the varied topography of the human condition into problems we can grapple with to the best of our abilities.

In the hyperbolic example of the snowboarding eco-terrorist, and many actual situations, both consequences and duties must be taken into consideration in ethical dilemmas. If you respect *autonomy* and the *right* of the eco-terrorist independently of the details of this particular situation, you could be criticized for turning a blind eye to the *consequences* of not incapacitating him. If you kill him, you carry the moral burden of taking a human life. Of course, you might justifiably conclude that the terrorist has violated the social contract through his threat of violence, and thus has relinquished his right to equal treatment and respect. Since adherence to all principles is not possible in this situation, the only rational way to proceed is through a careful analysis of all the relevant moral principles and their relative weight in the context of the problem. A framework for such an analysis is outlined by Gampel.

Beyond the nuance of theory itself is the metaethical question: Which methodology (virtue ethics or rule ethics) is primary? The answer is that while

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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 virtues. 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 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 virtue (practically wise) 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.

The Scope of Ethics: Who (or What) Matters?

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 on 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,

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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 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 on 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).[10]

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* [the end of the spinal cord], 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*? (Bentham 1988: 311n.)

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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, such as poultry, that may not exhibit much in the way of self-awareness but that can experience pain.

The animal ethics of Regan and Singer reject the traditional narrow scope of anthropocentrism and lay the groundwork for non-anthropocentric ethics. For Singer and Regan, rationality and the ability to speak and write are no more ethically relevant than skin color or degree of hairiness. While this direction 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" (ibid.: 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 micro-organisms, 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" (ibid. 1986: 264–5), such as killing *Mycobacterium tuberculosis*.

As Singer reconfigured utilitarianism to meet the demands of non-anthropocentrism posed by nonhuman suffering, so Taylor reconfigured deontology to meet the demands of non-anthropocentrism 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

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> 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 associating the *class of moral agents* with the *class of beings deserving of moral respect.* Some beings such as frogs, cats, babies, profoundly retarded persons, and even sociopaths are not moral agents, but still 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 2,500 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 evolution 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.) Just 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 Land Ethics.[11]

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 – a common theme throughout the present book. The major obstacle

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to achieving an ecological ethic, he notes, is the economic worldview. Currently, human relations with ecosystems are guided only by human economic interests. To understand Leopold, it is useful to refer back 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 value in 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. In a word, ecosystems have intrinsic value as biotic communities in which we are citizens. The problem with economic ethics is that they are ill-suited to recognize non-economic (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 recognizing the intrinsic value that ecological systems have far beyond their mere Lockean economic value.

All poignant and powerful ethical theories are reducible to one memorable maxim (e.g., Aristotle's Doctrine of the Mean; the Golden Rule of Jesus, Hillel, and Confucius; Mill's Principle of Utility; 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.: 224–5).

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 in *In Defense of the Land Ethic* 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 (ibid.: 39). Individuals have extrinsic value for ecosystems;

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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 chapter, ethics is all about how we ought best to 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 non-anthropocentrism of ecosystem, animal, and life-centered ethics and back to the human.

The story of ethics in the West is a story about refocusing the lens 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 2,000 years. Eventually, nonhuman animals entered the scene, followed by entire ecosystems and the totality of living things. Most recently, the human-built environment has re-entered 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 pre-eminently 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

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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. 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 2,500 years of anthropocentrism.

Many moral problems that at first glance seem simple to solve turn out to be tremendously complicated. The case studies contained in this book are intended to reflect this aspect of moral problems, to reflect the variety and complexity of moral conundrums that each of us, as moral agents, faces in the private and public dimensions of our lives. 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; in short, to succumb to the absolutism of extremism. Since moral problems are characterized by inherent ambiguity (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

1 French philosopher Baron Paul d'Holbach (1723–89) notoriously embraced determinism and denied free will: "Man's life is a line that nature commands him to describe on the surface of the earth, without his ever being able to swerve from it, even for an instant[.][?????] Nevertheless, in spite of the shackles by which he is bound, it is pretended he is a free agent, or that independent of the causes by which he is moved,

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he determines his own will, and regulates his own condition[.][????] Man . . . is not a free agent in any one instant of his life" (1999: 135, 145). If d'Holbach and other determinists are right, the study of ethics is all for naught because moral actions and value judgments about them are determined by antecedent conditions.

2 This statement assumes a benchmark of normalcy; some human beings, for one cause or another, may not be moral agents insofar as they can not make moral judgments. Laws against capital punishment for mentally retarded persons and children reflect this distinction.

3 This is not a social contract insofar as Socrates did not enter an agreement with other individuals; rather, he simply agreed to live under the authority of the laws by not leaving the city walls (see lines 51d–52d).

4 The relativist could protest that the notion of universal human rights is an unwarranted attempt to foist universal standards on all human cultures, but in doing so would need to argue that flourishing is *not* an intrinsic human good.

5 To translate *psyche* as "soul" is misleading in that *psyche* refers to the essence of humanness, or the capacity for ideation, but not necessarily to an immaterial soul as we tend to think of today.

6 Plato saw a close parallel between the soul and the state (*Republic*, lines 434d ff). The state, like the soul, has three parts, or classes of people; when these classes function according to the wisdom of the rulers and are not meddling in each other's business, they exhibit political virtue, or justice (ibid.: 685).

7 See Ephesians 2: 19 and Philippians 3: 20.

8 It is useful to divide the Western tradition into four periods: ancient, medieval, modern, and postmodern (i.e., the contemporary period). The modern period begins approximately with the Renaissance, continues through the Enlightenment, and extends into the twentieth century, when postmodern thinkers began questioning the fundamental tenets of modernism, such as epistemic objectivity.

9 Interestingly, Bentham (1996: 283n. [Bentham 1996 is not in the Refs – only Bentham 1988. Pls correct/add as necessary]) argued that many nonhuman animals have the capacity to suffer just as humans do and should therefore have their pleasures and pains included in the scope of moral considerability. Peter Singer (1990)[ditto: Singer 1990 not in Refs; only Singer 2002] extends Bentham's argument in his theory for the ethical treatment of sentient animals elaborated in the section "The Scope of Ethics."

10 These remarks were not published by Kant but are taken from a transcription of a lecture on ethics taken by a student at Albertina University in Königsberg in 1784.

11 "Land Ethics" is technically a misnomer, because the term refers to all living systems, including aquatic systems. Leopold spent most of his life scouting the interior of the North American continent, so, biographically speaking, it is easy to understand his choice of words.

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