

make-believe.²⁹ Indeed, by telling children Santa is a real person, parents may actually be negating the benefits of the use of the Santa Claus story in stimulating children's imagination.

People may also justify their lies on the grounds that the other person lied to them first. However, this in no way justifies lowering ourselves to lie. To do so is a violation of our own dignity as well as that of the other person. Bok also rejects the excuse that it is okay to lie to someone simply because he or she is our enemy. Lying to an enemy in wartime incurs the risk of increasing hostility. It also damages the trust of one's compatriots because lying to the enemy necessarily involves deceiving the general public. Therefore, even during wartime, lies are not justified except in situations of clear crisis.

Three Criteria

When deciding whether lying is morally justified in a particular case, Bok suggests that we use the following criteria: First, we should *look for another alternative to deception*. For example, will telling the truth work? If so, we ought to tell the truth. Second, we should *ask ourselves whether the lie can pass the test of publicity* by examining the lie from the viewpoint of others. Moral justification must be capable of being made public and accepted by reasonable persons. Finally, we should *engage in personal soul-searching*. Would we like to be lied to in this situation? If we would not like to be the person being duped, then we ought not do it to someone else.

Kant believed that, for moral duties to be universal, they have to be absolute; however, does this necessarily follow? Bok, like other deontologists, agrees with Kant that moral rules such as "do not lie" should be universal rather than relative to an individual or a culture. Everything being equal, we expect everyone to abide by this rule. If there were no rule against lying, society as we know it would soon come to a grinding halt. But would we also want to make the rule "do not lie" absolute—that is, binding in every case? Like Bok, most deontologists say no. They disagree with Kant that accepting a moral rule as universally valid entails going the extra step to claim that it must also be absolutely binding—that there can never be any exceptions. By doing this, critics claim, Kant has committed the fallacy of accident.

Connections

Why are absolutists most likely to commit the fallacy of accident? See Chapter 2, page 58.

Bok's Three Criteria for Deciding Whether a Particular Lie Is Justified

1. Is there a workable alternative to deception?
2. Does the lie pass the test of publicity: that is, would lying in this case be acceptable to reasonable people?
3. Would we like to be lied to in this situation?

Exercises

1. Using Bok's list of criteria, discuss whether the deception in each of the following case studies is morally justified:
 - a. It is said that what matters most in Japan is not that everything is always perfect but that everything always *appears* to be perfect. Well-attended funerals and weddings are important to a family's honor, and some people are willing to pay "convenience agencies" anywhere between \$200 and \$1,500 for fake friends, family, and colleagues. The "guests" are briefed about what to say to bolster the image of the family. Young men who want to impress a woman friend with their bravery might also hire a punk to hassle them, so they can step in and challenge the punk, who then runs away. In Tokyo, one of the most densely populated places on earth, these deceptions are rarely discovered. Are these types of deceptions, undertaken to avoid shame or social stigma, morally justified?
 - b. According to former abortion rights advocate and abortion clinic director Dr. Bernard Nathanson, the number of maternal deaths due to illegal abortions was intentionally exaggerated to gain public support for the legalization of abortion. "I confess that I knew the figures were totally false," he later wrote. "But in the 'morality' of our revolution, it was a useful figure, widely accepted."³⁰ Are lies like these justified if they are for the "greater good"? Support your answer.
 - c. Government agencies will only approve a new drug after clinical trials have shown that subjects receiving the drug do significantly better than those receiving a placebo—an inert treatment such as a sugar pill. This process involves randomly dividing subjects into two groups. One group receives the treatment drug and the other a placebo. Neither knows which they are getting. Subjects receiving the placebo often improve because of their expectation that they are getting the drug. Using Bok's three criteria, discuss whether the practice of using placebos in medical research is morally justified.

Many physicians also use placebos. For example, they may give a sugar pill to a woman suffering from headaches that the physician believes are psychosomatic. Discuss whether this practice is morally justified.
 - d. Police sometimes use entrapment to catch criminals. In Atlantic City, New Jersey, the mugging of tourists returning from the casinos has become such a problem that the police have established an antimugging decoy squad. A police officer pretending to be a drunk and disorderly tourist is dropped off in a neighborhood where there have been recent muggings. As a result of the efforts of this decoy squad, muggings have dropped by 16 percent. Is the deception justified? Why or why not?

Prima Facie Deontology

[N]o act is ever, in virtue of falling under some general description, necessarily right . . .
[because] moral acts . . . have different characteristics that tend to make them at the same time
prima facie right and prima facie wrong; there is probably no act, for instance, which does good
to anyone without doing harm to someone else, and vice versa.

—W. D. Ross, *The Right and the Good* (1930), Ch. 2

Kant thought it would be possible to derive absolute moral maxims from his categorical imperative, but in fact, the application of the categorical imperative is not as easy as it first appears. One of the weaknesses of Kant's theory is that it does not give actual guidelines about how to word moral maxims. Instead of "do not lie," how about "do not lie except to save someone's life"? However, this wording is still too narrow; there may be other situations where lying is morally justified. To list all of these situations would be tedious, if not impossible. Furthermore, in the vast majority of situations, the maxim "do not lie" is a good moral rule.

W. D. Ross's Seven Prima Facie Duties

Most deontologists overcome this difficulty by saying that moral duties, while universal, are prima facie—a term popularized among moral philosophers by Scottish deontologist W. D. Ross (1877–1971). **Prima facie duties** are moral duties that may on occasion be overridden by stronger moral claims. Kant argued that duties are absolute because they are derived from reason, and it is therefore logically inconceivable for duties to conflict. Ross turned Kant's argument around. He argued that, by making a moral rule such as "do not lie" absolutely binding, the rule destroys itself because there are times when lying may be the right course of action.³¹ From a logical point of view, duties cannot be absolute because there are particular situations where they come into conflict. Because duties are context-bound, the particular circumstances will affect which moral duties are most important in any given situation.

Ross pointed out that there are times when the *ought* or good and what is right are not the same. In other words, we may acknowledge that we *ought* not to lie, but situations may occur when it is *right* to lie. If lying seems the only way to save someone's life, then even though in principle we ought not to lie, in this case it would be the right thing to do. Recognizing the *ought* as having universal validity does not necessarily entail that these principles are absolute or always the right ones to follow in every situation.

Ross identified seven prima facie duties, which he claimed that we intuitively know (Table 10.1). These include the future-looking utilitarian duties of nonmaleficence (minimize pain) and beneficence (increase happiness). These two duties are summarized in the Confucian duty of *jen* (humaneness). Ross also recognized two ongoing prima facie duties and three that stem from past actions or commitments. By "duties," Ross does not mean motivation but a duty

TABLE 10.1 Ross's Seven Prima Facie Duties

Future-Looking Duties

- Beneficence (the duty to do good acts and to promote happiness)
- Nonmaleficence (the duty to do no harm and to prevent harm)

Duties Based on Past Obligations

- Fidelity (duties arising from past commitments and promises)
- Reparation (duties that stem from past harms we caused others)
- Gratitude (duties based on past favors and unearned services)

Ongoing Duties

- Self-improvement (the duty to improve our knowledge and virtue)
- Justice (the duty to give each person equal consideration)

to perform a certain action. We do not have a duty to feel grateful or to regret past harms that we have caused. Our duty is to perform certain actions—such as keeping promises and repaying favors—irrespective of our motives.

Although Ross agreed with the utilitarians that consequences matter when applying moral principles, like Bok he rejected the most basic assumption of utilitarian theory that only pleasure has intrinsic value. Ross argued instead that “no amount of pleasure equals the smallest amount of virtue.” Utilitarian theory, he claimed, does not do full justice to the highly personal character of duty that Kant captured in his concept of the good will. Ross also found utilitarian theory inadequate because, by focusing only on future consequences, it neglects the past as well as ongoing duties. For example, a utilitarian may urge us to keep a promise, not because we made a past commitment to someone, but because by not keeping our promise we may damage future trust. Deontologists, on the other hand, believe that past actions do create moral obligations independently of any possible future consequences.

The future-looking duties of non-maleficence and beneficence have already been discussed in depth in the previous chapter on utilitarian theory. Following are discussions of the two ongoing duties and the three duties based on past obligations.

Self-Improvement

Self-improvement is the first of Ross's ongoing prima facie duties. By self-improvement, deontologists do not mean getting a new wardrobe or job training. **Self-improvement** as a moral duty entails constantly striving to improve our knowledge (wisdom) and our virtue.

The duty of self-improvement is important in virtually every ethical system. For both Confucius and Kant, self-improvement and the development of proper self-esteem are essential to the cultivation of the good will. The Hindu and Buddhist concept of karma likewise involves the duty to cultivate within ourselves “peacefulness, self-control, austerity, purity, tolerance, honesty, knowledge, wisdom

Connections

What is the greatest happiness principle? See Chapter 8, page 235.

and religiousness." In Buddhist ethics, continuous self-improvement through right living and right thinking is the only way to reach moral excellence and enlightenment. Self-improvement does not end in this lifetime. Buddhists believe that we are repeatedly reincarnated until we reach moral enlightenment. Even the utilitarians believe that self-improvement, although not a direct duty, is important because a person with a benevolent and virtuous disposition is more likely to act in ways that benefit others.

Justice

The ongoing duty of **justice**, like self-improvement, is recognized by just about every moral system. A sense of justice emerges in children, regardless of their culture, at a very young age. Because justice is regarded by many philosophers as the most important duty of all, it will be discussed in greater detail in the following section.

Fidelity

Fidelity, the first of the three duties based on past obligations, stems from past commitments we have made. We keep promises, not because we are thinking of beneficial future consequences, but because of our past action in making the promise and because it is our duty to keep our promises. Like promises, some commitments are voluntary, such as wedding vows or commitments to our friends, college, or career. For instance, a firefighter has a duty to attempt to save someone caught in a burning building, whereas we do not because we have not made a commitment to that profession.

The duty of fidelity can also stem from involuntary commitments. The duty of filial piety, for example, is very important in Confucian deontology. Yet most of us did not have a choice about who our parents would be or in what country we would live. Nevertheless, we still have a commitment to care for our elderly parents and to be loyal to our country (within the limits of moral decency).

When people do not keep their commitments, we may feel resentment and a sense of betrayal. Those who have a strong sense of fidelity to their past commitments are people whom we can trust. They remain loyal even when they are tempted to stray or to divulge secrets.

Fidelity that is not grounded in reason can lead us astray. People like Eichmann were willing to participate in the murder of thousands of Jews in the name of fidelity to their country. Gang members steal, maim, and kill, all in the name of loyalty to their gang. And suicide bombers kill civilians and themselves out of loyalty to a national or religious ideal. Because blind loyalty can be such a powerful sentiment, very few individuals will engage in whistle-blowing by informing on coworkers or friends who are engaged in immoral activities. Those who do blow the whistle often do so at considerable personal risk, including the risk of being ostracized by their coworkers and friends.

Connections

What virtues are considered most important in Buddhism and in Confucianism? See Chapter 12, page 406.

Connections

What is the difference between resentment and moral outrage and why are both considered moral sentiments? See Chapter 3, pages 84–86.

When Linda Almonte, a division vice president at JPMorgan Chase, told her boss about possible fraud she had found in a major deal she was working on, instead of praising her, he fired her. "Employees get fired all the time for blowing the whistle," says Dana Gold, a fellow at the Government Accountability Project that advocates for whistleblowers. "It's a predictable phenomenon."³²

Reparation

The duty of **reparation** is also based on past actions. Reparation requires that we make up for past harms that we have caused others. These harms may have been direct or indirect, individual or collective, intentional or unintentional. Reparation requires acknowledging our wrongdoing and taking action to compensate the person we have harmed. Unlike retribution, which requires punishment for past wrongdoing, reparation serves to reestablish balance between people by having the wrongdoer make some sort of restitution to the harmed party. Automobile insurance companies, for example, act as our agents in making reparation to other people we have harmed by our careless driving. Some judges sentence minor offenders to do community service as a way of repaying the community for the harm they have caused to the people of the community.

The extent of reparation owed depends on the magnitude of the harm and the degree of our willing participation in bringing about the harm. For a small harm, a simple apology will generally suffice. Greater harms, such as causing someone grave bodily or mental injury or centuries of oppression visited upon a certain class of people, demand more extensive restitution. Almost fifty years following the incarceration during World War II of 120,000 people of Japanese ancestry living in the United States, Congress passed the Civil Liberties Act of 1988, better known as the Japanese American Redress Bill. The bill acknowledged that "a grave injustice was done" and mandated that Congress pay each victim of internment \$20,000 in reparations.

In 2009 the U.S. Senate passed a resolution apologizing for slavery and racial discrimination. However, the resolution contained a disclaimer stating that it says nothing about supporting or authorizing reparation. Some see the resolution as a first step in working to get reparation for African Americans adversely affected by slavery and discrimination. Others, however, criticize it as being grossly inadequate, like apologizing for murder.

Connections

How does cultural relativism contribute to our tendency to marginalize certain groups of people? See Chapter 6, pages 179–180.

Gratitude

Gratitude is the third duty that is based on past actions. Our sense of gratitude is evoked when we receive gifts or unearned favors and services from others. Like reparation, gratitude is linked to the duty of justice. The demand for fair exchange or expressing gratitude for favors done is one of the first ways a child learns the duty of justice.

Gratitude is morally admirable in virtually every culture. Many psychologists and sociologists regard gratitude as an inborn emotional response. Sociologist Georg Simmel maintained that gratitude is the fundamental bond that

forms and holds societies together.³³ The Roman statesman and philosopher Cicero called gratitude "the mother of all virtue." Not to show gratitude or to return a favor begrudgingly is seen as a great insult and an indication of a mean personality. The Omaha Indians of North America said of the ungrateful person: "He does not appreciate the gift. He has no manners."

While most Western deontologists maintain that we have duties only to other rational beings, some see gratitude as having more global implications. Ecologist and environmental philosopher Thomas Berry wrote in his book *The Dream of Earth*:

If the earth does grow inhospitable toward human presence, it is primarily because we have lost our sense of courtesy toward the earth and its inhabitants, our sense of gratitude, our willingness to recognize the sacred character of habitat, our capacity for the awesome, for the numinous quality of every earthly reality.³⁴

Gratitude stems from a natural impulse to maintain proper balance and equality. Ross maintained that gratitude is not merely a matter of sentiment but requires the use of our reason to know when it is morally appropriate. When the giver and the receiver are of equal status, the receiver is in a position to express gratitude in a way that re-creates and affirms the importance of balance in the relationship. It also serves to deepen the commitment to a relationship. The exchange of gifts as a means of strengthening relationships is probably most obvious among family, lovers, and close friends.

Give as much as you receive and all is for the best.

—Maori (New Zealand) proverb

However, giving to another person who has less power and who is not able to return the favor can also be a means of dehumanizing and gaining power over the weaker person by creating in that person an ongoing sense of gratitude and obligation. Indeed, the charge of ingratitude is one of the most frequent accusations made by the rich against the poor.

Conflicting Duties

Any of these seven duties can come into conflict with another. Whenever we have a conflict or moral dilemma, we must carefully weigh each duty, decide which are the most compelling in that particular situation, and try to arrive at a resolution that honors as many of the duties as possible. Because moral duties are *prima facie*, they can come into conflict in a particular situation. We may promise our patient not to tell anyone that he is being treated for gonorrhea. However, this promise may conflict with the duty of nonmaleficence if we later

discover that he has passed the infection on to his wife and possibly to other partners as well. When faced with a moral dilemma, we have to decide which of the competing moral duties is the most compelling under those particular circumstances.

Although Ross admitted that his list of prima facie duties may be incomplete, he also believed that all reflective, rational people would agree that these are moral duties. "There is nothing arbitrary about these prima facie duties," he wrote. "Each rests on a definite circumstance which cannot seriously be held to be without moral significance."³⁵

Exercises

1. Discuss whether moral duties are prima facie or absolute. Does the concept of duties as prima facie weaken the moral law, as Kant feared it would? Support your answer.
2. Discuss whether the U.S. government, as well as corporations that have benefited from past slavery, have a duty of reparation toward the descendants of slaves. Or are reparations due only to those people who were directly harmed, as in the case of government actions toward the Japanese Americans who were interned in camps during World War II? Support your answer.
3. Working in small groups, select one of the case studies from exercise 1, page 320. When deciding if lying was morally justified in this case, were there other morally relevant considerations besides the consequences? If so, what were these considerations? Were they based on past or present duties? Which of the duties conflicted? How did you resolve the conflict? Was your solution the same as that of other people in your group? If not, were some of the solutions better than others? Support your answers.
4. Do you agree with Ross that all rational people would agree with his list of prima facie duties? Are there any other duties you would add to his list or any that you would remove? Explain.
5. Going back to the scenario at the beginning of the chapter, identify which moral duties are in conflict in this case. If the wife came to visit you and you found out that she was pregnant (given that gonorrhea can cause complications during pregnancy), would this alter your initial decision about how to respond to the husband's request? If so, explain why. Discuss how a deontologist would have most likely handled this situation.
6. In Edward Westermarck's book *The Origin and Development of the Moral Ideas* (vol. 2, p. 158), he argues that gratitude is only for equals. Those with less power do not owe the duty of gratitude to those who have much more than they do. Do you agree with him? Do people being served by social service agencies owe gratitude to those who support these services through their taxes, charitable donations, or volunteer work? Relate your answer to the victims of hurricanes such as Katrina and other natural or manmade disasters.

7. Using the steps outlined in Chapter 2, page 67 resolving moral dilemmas, try to resolve the following moral dilemmas or one of the dilemmas listed at the end of that section, taking into consideration the different prima facie moral duties.
 - a. Rose and Joe have been living together in a monogamous relationship for the past two years—since the beginning of their sophomore year at college. They both agreed, at the time they moved in together, that either could leave the relationship at any time. However, Rose unexpectedly became pregnant. Because she is opposed to abortion, she has resigned herself to having the baby. When Rose is six months pregnant, Joe decides to leave. He leaves a short note saying, "It was fun while it lasted, but it's time for me to move on." What should Rose do?
 - b. You are a rookie police officer. You have been asked to serve as an undercover agent to catch drug dealers on campus. This involves posing as a college student. Should you accept the assignment?
 - c. Imagine that you are a college librarian who is approached by a federal agent with a search warrant for a student's records. Under the USA Patriot Act, the FBI can get a search warrant for a person's library records, even if they do not have probable cause to believe that this person has committed a crime.³⁶ You know that this student, who was born in Iran and moved here as a young child, is writing a paper on terrorism for his political science class. You believe that this student is kind and trustworthy and has no connection with any terrorist group. What should you do?
 - d. Pedro has been working for you for several years as a foreman on your ranch. He is an excellent worker and is well liked. Pedro has been living in the United States for thirty years and has a wife and three children, one of whom is valedictorian of her high school class. You find out by accident that Pedro came to the United States from Guatemala as an eleven-year-old with his illegal-immigrant parents. Pedro's wife, you discover, is also an illegal immigrant. However, their children, because they were born in the United States, are American citizens. Referring to Ross's list of moral duties, discuss whether you should report Pedro and his wife to the immigration authorities.

The Duty of Justice

Justice is the first virtue of social institutions, as truth is of systems of thought

—JOHN RAWLS, *A Theory of Justice* (1971), p. 3

The duty of justice is regarded by many philosophers as our most important duty as members of our community. The ongoing duty of justice requires that we give each person equal consideration. Because laws and social institutions are generally the agencies for balancing conflicting interests, the issue of justice is closely tied in with that of the good society; however, legal justice is not