



■ Advice given in Dear Abby and similar columns often employs moral reasoning, which is discussed in this chapter.

things as "When it comes to what you should do, the right thing is what seems right to you. End of story." However, we asked a class how many thought Abby should just have told Feeling Guilty, "Hey, do whatever you feel like"—not a single hand was raised. When people hear about a real moral dilemma, not to mention confront one for themselves, they usually *don't* think it's merely a matter of personal opinion. They discuss the issue with others, seek advice, consider options, and weigh consequences. When they do this, they find that some considerations and arguments carry more weight and are better than others. (You may remember our brief treatment of this topic in Chapter 1, page 6.)

In the first part of this chapter, we look at what actually is involved in moral reasoning and deliberation. Then we will do the same for aspects of legal reasoning and for aesthetic reasoning.

VALUE JUDGMENTS

Let's begin by fine-tuning what we mean when we talk about moral reasoning. Recently, our colleague Becky White debated what to do about a student who had copied parts of someone else's term paper and was silly enough to think Professor White wouldn't notice. Many things could be said about the student; what Professor White said was, "He deserves an F." And that's what she gave him—for the entire course.

Professor White's statement is what people call a "value judgment."* A **value judgment** assesses the merit, desirability, or praiseworthiness of someone or something. When our colleague said the student deserved an F, she wasn't describing him; she was *judging* him. She thought he had done something *wrong*.

Moral reasoning differs from other kinds of reasoning in that it consists mainly in trying to establish moral value judgments. Because moral reasoning is all about moral value judgments, you need to be able to identify one when you run into it.

A difficulty is that not every value judgment expresses a *moral* value judgment. When you say a movie is pretty good, you are judging the movie, but not morally. When you say Pepsi is better than Coke, you are making a taste value judgment, not a moral value judgment.

To help solidify your grasp of the important concept of a moral value judgment, the claims in the left column are all moral value judgments; those in the right are value judgments, but not of the moral variety. Exercises on moral reasoning are at the end of the section titled "Moral Deliberation" in this chapter.

Moral Value Judgments

1. It was wrong for the senator to withhold information.
2. The senator ought not to claim residence in one district when he actually lives in another.

Nonmoral Value Judgments

1. The senator dresses well.
2. *Avatar* has some of the best special effects of any movie ever made.

*Value judgments are also known as "normative" or "prescriptive" statements. We'll stick with "value judgments" because the term is largely self-explanatory and we want to avoid terminological clutter.

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| 3. Abortion is immoral. | 3. As an actress, Paris Hilton is a nice clothes rack. |
| 4. Children should be taught to respect their elders. | 4. Frank Zappa was an excellent guitarist. |
| 5. I don't deserve to be flunked for an honest mistake. | 5. Keith Lewis must be a total flake. |

Typically, moral value judgments employ such words as "good," "bad," "right," "wrong," "ought," "should," "proper," and "justified," "fair," and so forth, and their opposites. But you need to bear in mind that, although these words often signal a moral evaluation, they do not always do so. Telling someone she should keep her promise is making a moral value judgment; telling her she should keep her knees bent when skiing is assigning a positive value to keeping bent knees, but not a moral value.

It's also worth noticing that implicit value judgments can be made inside claims that are not themselves value judgments. For example, "David Axelrod, a good man, engineered President Obama's election" is not a value judgment, but the part about Axelrod being a good man is.

Moral Versus Nonmoral

A source of confusion in discussions that involve moral reasoning is the word "moral." The word has two separate and distinct meanings. First, "moral" may be used as the opposite of "nonmoral." This is the sense in which we have been using the term. The claim "Karl Rove weighs more than 200 pounds" is a nonmoral claim, meaning it has nothing to do with morality. "Karl Rove is a nonmoral claim, meaning it has nothing to do with morality. It is a moral value judgment, a claim that expresses a moral value. The same is true of the claim, "Karl Rove is a good man."

The second meaning of "moral" is the opposite not of "nonmoral" but of "immoral." Kicking a cat for the heck of it would be immoral; taking care of it would be moral. In this sense of the word, "moral" is used to mean "good," "right," "proper," and so forth.

To avoid confusion, when we use the word "moral" in this chapter, we always mean moral as opposed to nonmoral; that is, as having to do with morality. Thus, the statements "It was wrong to kick the cat" and "It wasn't wrong to kick the cat" are both moral judgments.

Two Principles of Moral Reasoning

Suppose Moore announces on the first day of class that the final exam will be optional. "Except," he says, pointing at some person at random, "for the young woman there in the third row. For you," he says, "the final is mandatory."

The problem here is that this student is no different from everyone else, yet Moore is treating her differently. And this brings us to the first principle of moral reasoning.

Moral Reasoning Principle 1

If separate cases aren't different in any relevant way, then they should be treated the same way, and if separate cases are treated the same way, they should not be different in any relevant way.

For convenience, let's call this the **consistency principle**. If Moore gives two students the same grade despite the fact that one student did much better than the other, Moore has violated the principle.

It is important to see that this is a principle of *moral reasoning*, not a moral principle. It's not like saying, "You should be kind to animals." It's like saying, "If all Xs are Ys, then if this thing is an X, then it is a Y"—"If all students are entitled to an optional final, then if the young woman in the third row is a student, then she is entitled to an optional final."

The second principle of moral reasoning is procedural rather than logical:

Moral Reasoning Principle 2

If someone appears to be violating the consistency principle, then the burden of proof is on that person to show that he or she is in fact not violating the principle.

For example, if Parker says, "Blue-eyed students can take tests with books open, but nobody else can," he needs to show that he is not violating the consistency principle. He must show that there is something about having blue eyes that should entitle such individuals to take their tests with their books open.

When do separate cases count as the same or different? Fortunately, Principle 2 enables us to sidestep having to answer this question in the abstract. If Harlan approves of the war in Iraq but opposed the war in Vietnam, and the cases seem to us not to differ in any relevant way, then, if Harlan cannot point to a difference that seems satisfactory to us, then we are justified in regarding him as inconsistent. If Carol treats black customers and white customers differently and cannot identify for us some relevant difference between the two, then we are justified in regarding her as inconsistent.

Suppose, however, that Carol thinks that skin color itself is a difference between blacks and whites relevant to how people should be treated, and she charges us with failing to make relevant discriminations. Here, it would be easy for us to point out to Carol that skin color is an immutable characteristic of birth like height or eye color; does Carol adjust her civility to people depending on those characteristics?

It isn't difficult to perceive the inconsistency on the part of a salesperson who is more polite to customers of one group; but other cases are far tougher, and many are such that reasonable people will disagree about their proper assessment. Is a person inconsistent who approves of abortion but not capital punishment? Is a person inconsistent who, on the one hand, believes that the states should be free to reduce spending on welfare but, on the other, does not think that the states should be able to eliminate ceilings on punitive damages in tort cases? No harm is done in asking, "What's the difference?" and because much headway can be made in a discussion by doing so, it seems wise to ask.

In Chapter 7, we talked about the inconsistency ad hominem, a fallacy we commit when we think we rebut the content of what someone says by pointing out inconsistency on his or her part. Now, let's say Ramesh tells us it is wrong to hunt, and then we find out Ramesh likes to fish. And let's say that, when we press Ramesh, he cannot think of any relevant moral difference between the two activities. Then he is being inconsistent. But that does not mean that it is right to hunt, nor does it mean that it is wrong to fish. An inconsistency ad hominem occurs if we say something like "Ramesh, you are mistaken when you say it is wrong to hunt, because you yourself fish." It is

not an inconsistency ad hominem to say, "Ramesh, you are being inconsistent. You must change your position on either hunting or fishing."

Similarly, let's suppose Professor Moore gives Howard an A and gives James a C but cannot think of any differences between their performance in his course. It would be committing the inconsistency ad hominem if we said, "Moore, James does not deserve a C, because you gave Howard an A." Likewise, it would be committing the inconsistency ad hominem if we said, "Moore, Howard does not deserve an A, because you gave James a C." But it is *not* illogical to say, "Moore, you are being inconsistent. You have misgraded one of these students."

Moral Principles

Because separate moral cases, if similar, must be given similar treatment, a moral principle is a value judgment that is general in nature. That is, a moral principle refers to what should be done (or is right, proper, etc.) not just in a single case but in all similar cases. "Stealing is wrong" is a moral principle. "It is wrong to steal from Billy Bob" is just a true moral value judgment about a specific case. Likewise, "It is wrong for Billy Bob to steal" is a specific moral value judgment and not a moral principle. To qualify as a moral principle, a moral value judgment must be general in scope. Actually, this follows from the consistency principle. The largest part of everyday moral reasoning takes the form of deducing specific moral value judgments from general moral principles. We'll look next at how this works.

In Depth

Deducing the Right Thing to Do

Nearly any kind of reasoning can appear in a discussion of moral matters. For example, we might need to generalize from a sample in order to support a utilitarian claim about how many people would be made happy by some action. However, we've come to the conclusion that the great majority of arguments people make in this context are deductive ones. Whenever an issue arises about what one should do, the claim "You (or she or he or I) should do X" is almost always the conclusion of a categorical syllogism or a chain argument. (The first of these is discussed in Chapter 8, the second in Chapter 9.) Something like this would be typical:

Everybody who benefited from the program should contribute to its continuance.
Denzil certainly benefited from the program.
Therefore, Denzil should contribute to its continuance.

The fact that such arguments are so frequently part of a discussion about what one should do is not surprising, since they seem to reflect our powerful reliance on the consistency principle—that like cases be treated alike. This principle is embedded in the general claim in the premises regarding Denzil, as it groups together everybody who benefited from the program as *prima facie* similar cases.

More about how this works is found in the section "Deriving Specific Moral Value Judgments."

Deriving Specific Moral Value Judgments

From the standpoint of logic, there is something puzzling about deriving a specific moral value judgment from a premise that is not a value judgment. For example, consider this argument:

- 1a. Elliott's father depends on Elliott. Therefore, Elliott should take care of him.

We hear such arguments in everyday life and tend to think nothing of them; they certainly do not seem illogical. If facts and statistics are not grounds for making moral decisions, what is? Nevertheless, logically, arguments like this—the basic kind of argument of moral reasoning—are puzzling, because the premise ("Elliott's father depends on Elliott") is not a value judgment, whereas the conclusion ("Elliott should take care of him") is. How, logically, can we get from the "is" premise to the "should" conclusion? How does the "should" get in there?

The answer is that the conclusion of this argument follows logically from the stated premise, only if a *general* moral principle is assumed. In this case, a principle that would work is: Adult children should take care of parents who are dependent on them. Here is the argument with its conclusion:

- 1b. Premise: Elliott's father depends on Elliott.
[Unstated general moral principle: Adult children should take care of their parents who are dependent on them.]
Conclusion: Therefore, Elliott should take care of his father.

The result is a valid deductive argument. Likewise, any chain of moral reasoning that starts from a claim about facts and ends up with a moral value judgment assumes a general principle that ties the fact-stating "is" premise to the value-stating "should" conclusion.

So far, this is just a point about the logic of moral reasoning. But there is a practical point to be made here as well. It helps clarify matters to consider our general moral principles when we advance moral arguments. If we agree with the premise that Elliott's father depends on Elliott but disagree with the conclusion that Elliott should take care of his father, then our quarrel must be with the unstated general principle that adult children should take care of their parents who are dependent on them. For example, should an adult take care of parents even if it means sacrificing the welfare of his or her spouse? Considering the assumed general moral principle that ties the fact-stating premise with the value-judging conclusion can go a long way toward clarifying the issues involved in a moral decision.

For another example, you sometimes hear this said:

Homosexuality is unnatural. Therefore, it ought not to be practiced.

A general moral principle assumed here might be: Whatever is unnatural ought not to be done. Bringing that principle to light sets the stage for fruitful discussion. What counts as unnatural? Is it unnatural to fly? To wear clothing? To live to 100? To have sex beyond one's reproductive years? And is it true that unnatural things never should be done? In the natural world, severely disabled offspring are left to fend for themselves; are we wrong to care for our own severely disabled children? Scratching oneself in public certainly qualifies as natural, but in our culture not to do so is considered the proper thing to do.

Earlier, we mentioned our colleague Becky White, who failed a student for copying parts of another student's paper. As it so happens, Professor White also considered whether to penalize the student who allowed his paper to be read by a classmate. Was it wrong for Charles (whose name we have changed) to show his work to a classmate who then copied parts of it? Thinking that it was wrong would require a general principle, and one that would work would be: It is wrong to show your work to classmates before they have turned in their own work. This principle would yield a deductively valid argument, and there is something to be said for the principle. For example, showing your exam answers to the classmate sitting next to you is grounds for dismissal in many universities. At the same time, showing a term paper to a classmate to get constructive feedback is a good thing. Careful consideration of the principle above might lead to the conclusion that, in fact, Charles did nothing wrong.

Now let's look at the most general and fundamental moral principles assumed in most moral reasoning.

Exercise 12-1

Which of the following claims are value judgments?

- ▲ 1. Lizards make fine pets.
2. You can get a clothes rack at True Value for less than \$15.00.
3. The last haircut I got at Supercuts was just totally awful.
- ▲ 4. It was a great year for regional politics.
5. Key officials of the Department of Defense are producing their own unverified intelligence reports about an arms buildup.
6. Texas leads the nation in accidental deaths caused by police chases.
- ▲ 7. Napoleon Bonaparte was the greatest military leader of modern times.
8. Racial segregation is immoral anytime, anywhere.
9. President Bush deployed a "missile defense" that wasn't adequately tested.
- ▲ 10. Air consists mainly of nitrogen and oxygen.

Exercise 12-2

Which of the following claims are value judgments?

- ▲ 1. T-shirts made by Fruit of the Loom are soft and luxurious.
2. Rumsfeld was nearly as detailed as Rice in reports to the press.
3. The Pentagon was not nearly as supportive of a war as it should have been.
- ▲ 4. Tens of billions of dollars have been wasted on worthless public transportation schemes.
5. Atlanta is sultry in the summer.
6. Religious school teachers are stricter than their nonreligious counterparts.
- ▲ 7. Six Flags has the scariest rides in the state.

8. The politician with the best sense of humor? That would have to be Al Sharpton.
9. Eugene is not nearly as happy as his wife, Polly.
10. Polly is more selfish than she should be.

Exercise 12-3

Which of the following are moral value judgments?

- ▲ 1. Marina's car puts out horrible smoke; for the sake of us all, she should get it tuned up.
- 2. After the surgery, Nicky's eyesight improved considerably.
- 3. Ms. Beeson ought not to have embezzled money from the bank.
- ▲ 4. Violence is always wrong.
- 5. Matthew ought to wear that sweater more often; it looks great on him.
- 6. Sandy, you are one of the laziest people I know!
- ▲ 7. My computer software is really good; it even corrects my grammar.
- 8. Lisa has been very good tonight, according to the babysitter.
- 9. Judge Ramesh is quite well-informed.
- ▲ 10. Judge Ramesh's decision gave each party exactly what it deserved.
- 11. The editor couldn't use my illustrations; she said they were not particularly interesting.
- 12. Wow. That was a tasty meal!
- 13. The last set of essays was much better than the first set.
- 14. Do unto others as you would have them do unto you.
- 15. People who live in glass houses shouldn't throw stones.
- 16. You really shouldn't make so much noise when the people upstairs are trying to sleep.
- 17. It is unfair the way Professor Smith asks questions no normal person can answer.
- 18. "Allegro" means fast, but not that fast!
- 19. Being in touch with God gives your life meaning and value.
- 20. Thou shalt not kill.

MAJOR PERSPECTIVES IN MORAL REASONING

Moral reasoning usually takes place within one or more frameworks or perspectives. Here, we consider perspectives that have been especially influential in Western thought.

Consequentialism

The perspective known as **consequentialism** is the view that the *consequences* of a decision, deed, or policy determine its moral value. If an action produces better consequences than the alternatives, then it is the better action, morally speaking. One of the most important versions of this view is **utilitarianism**,

which says that, if an act will produce more happiness than will alternatives, it is the right thing to do, and if it will produce less happiness, it would be wrong to do it in place of an alternative that would produce more happiness.

Many of us use a pro/con list of consequences as a guideline when considering what course of action to take. Your parents are divorced; should you spend Thanksgiving with your father's side of the family or with your mother's? Someone will be disappointed, but there may be more people disappointed on one side. Or the disappointment may be more deeply felt on one side. As a utilitarian, you calculate as best you can how your decision will affect the happiness of people on both sides of the equation. Plus, (using inductive reasoning) you have to factor in how *certain* the outcomes of each alternative are with respect to happiness, assigning more weight to relatively more certain positive outcomes. Because you can generally be more certain of the effect of an act on your own happiness and on the happiness of others you know well, it is often morally proper to favor the act that best promotes your own or their happiness. Of course, you must not use this as an excuse to be entirely self-serving: Your own happiness isn't more important morally than another's. The best course of action morally is not always the one that best promotes your own happiness.

In sum, utilitarians weigh the consequences of the alternatives, pro and con, and then choose the alternative that maximizes happiness. One of the original and most profound intellects behind utilitarianism, Jeremy Bentham (1748–1832), even went so far as to devise a *hedonistic calculus*—a method of assigning actual numerical values to pleasures and pains based on their intensity, certainty, duration, and so forth. Other utilitarians think that some pleasures are of a higher quality (e.g., reading Shakespeare is of a higher quality than watching SpongeBob). Although there are other important issues in utilitarianism, the basic idea involves weighing the consequences of possible actions in terms of happiness. Utilitarianism has considerable popular appeal, and real-life moral reasoning is often utilitarian to a considerable extent.

Nevertheless, some aspects of the theory are problematic. Typically, when we deliberate whether or not to do something, we don't always take into consideration only the effect of the action on happiness. For example, other people have *rights* that we sometimes take into account. We would not make someone in our family a slave, even if the happiness produced for the family by doing so outweighed the unhappiness it created for the slave. We also consider our *duties* and *obligations*. We think it is our duty to return a loan to someone, even if we are still short of cash and the other person doesn't need the money and doesn't even remember having loaned it to us. If we make a date and then want to break it because we've met the love of our life, we think twice about standing up our original date, even if we believe that our overall happiness will far outweigh the temporary unhappiness of our date. To many, the moral obligation of a promise cannot be ignored for the sake of the overall happiness that might result from breaking it.

In estimating the moral worth of what people do, utilitarianism also seems to discount people's *intentions*. Suppose a mugger attacks somebody just as a huge flower pot falls from a balcony above. The mugger happens to push the individual the instant before the flower pot lands on the exact spot where the victim had been standing. The mugger has saved the victim's life, as it turns out. But would we say that the mugger did a morally good deed just because his action had a happy result? According to utilitarianism, we would—assuming the net result of the action was more happiness than would

In Depth

Acts and Rules

Thinking of cheating on a test? Maybe the sum total of happiness in the world would be increased by this single *act* of cheating. But it isn't inconceivable that, if the *principle* involved were adopted widely, the sum total of happiness would be decreased.

This raises the question: When calculating happiness outcomes, should we contemplate happiness outcomes of the particular *act* in question? Or should we contemplate happiness outcomes of adoption of the *principle* involved in the act?

Accordingly, some philosophers make a distinction between "act utilitarianism," which evaluates the moral worth of an act on the happiness it would produce, and "rule utilitarianism," which evaluates the moral worth of an act on the happiness that would be produced by adoption of the principle it exemplifies. (A possible middle ground might be to attempt to factor in, as a part of the happiness outcomes of a particular act, the likelihood that doing it will contribute to a general adoption of the principle involved. This is often what we do when we ask, "But what if everyone did this?")

otherwise have been the case. So, utilitarianism doesn't seem to be the complete story in moral reasoning.

Another important consequentialist theory is **ethical egoism**, the idea that, if an act produces more happiness for oneself than will the alternatives, then it is the right thing to do, and if it produces less happiness for oneself than the alternatives, it is wrong to do it. Clearly, any well-thought-out theory of ethical egoism does not prescribe acting purely selfishly, for selfish behavior is not likely to produce the most happiness for oneself in the long run. Still, there is a difference between saying that the reason for doing something is to bring yourself happiness and saying that the reason for doing something is to bring others happiness. The latter doctrine is **ethical altruism**, which discounts one's own happiness as of lesser value than the happiness of others. From this perspective, utilitarianism is the middle ground, in which one's own happiness and others' happiness are treated as equally important.

Duty Theory/Deontology

Immanuel Kant (1724–1804), who witnessed the beginning phases of the utilitarian philosophy, found utilitarianism deficient because of its neglect, among other things, of moral duty. Kant's theory is a version of what is called **duty theory**, or **deontology**.

Kant acknowledged that our lives are full of imperatives based on our own situations and our objectives. If we want to advance at work, then it is imperative that we keep our promises; if we are concerned about our friends' happiness, then it is imperative that we not talk about them behind their backs. But this type of **hypothetical imperative**, which tells us we ought to do (or ought not to do) something in order to achieve such and such a result, is not a *moral imperative*, Kant argued. Keeping a promise so we'll get a solid reputation is neither morally praiseworthy nor morally blameworthy, he said. For our act to be *morally praiseworthy*, it must be done, not for the sake of some objective, but

simply because *it is right*. Our action of keeping our promise is morally praiseworthy, he said, only if we do it simply because it is right to keep our promises. A moral imperative is unconditional or **categorical**; it prescribes an action, not for the sake of some result, but simply because that action is our moral duty.

It follows from this philosophy that, when it comes to evaluating an action morally, what counts is not the result or consequences of the action, as utilitarianism maintains, but the intention from which it is done. And the morally best intention—indeed, in Kant's opinion the *only* truly morally praiseworthy intention—is that according to which you do something just because it is your moral duty.

But what makes something our moral duty? Some deontologists ground duty in human nature; others ground it in reason; in Western culture, of course, many believe moral duty is set by God. How can we tell what our duty is? Some believe our duty is to be found by consulting conscience; others believe that it is just self-evident or is clear to moral intuition. Those who maintain that human moral duties are established by God usually derive their specific understanding of these duties through interpretations of religious texts such as the Bible, though there is disagreement over what the correct interpretation is and even over who should do the interpreting.

Kant answered the question, How can we tell what our moral duty is? as follows: Suppose you are considering some course of action—say, whether to borrow some money you need very badly. But suppose you know you can't pay back the loan. Is it morally permissible for you to borrow money under such circumstances? Kant said to do this: First, find the *maxim* (principle of action) involved in what you want to do. In the case in question, the maxim is "When I'm in need of money, I'll go to my friends and promise I'll pay it back, even if I know I can't." Next, ask yourself, "Could I want this maxim to be a *universal law* or rule, one that everyone should follow?" This process of *universalization* is the feature that lets you judge whether something would work as a moral law, according to Kant. Could you make it a universal law that it is okay for everybody to lie about paying back loans? Hardly: If everyone adopted this principle, then there would be no such thing as loan making. In short, the universalization of your principle undermines the very principle that is universalized. If everyone adopted the principle, then nobody could possibly follow it. The universalization of your principle is illogical, so it is your duty to pay back loans.

As you can see, the results of acting according to Kant's theory can be radically different from the results of acting according to utilitarianism. Utilitarianism would condone borrowing money with no intention of repaying it, assuming that doing so would produce more happiness than would be produced by not doing so. But Kant's theory would not condone it.

Kant also noted that, if you were to borrow a friend's money with no intention of repaying it, you would be treating your friend merely as a means to an end. If you examine cases like this, in which you use other people as mere tools for your own objectives, then, Kant said, you will find in each case a transgression of moral duty, a principle of action that cannot be universalized. Thus, he warned us, it is our moral duty never to treat someone else *merely* as a tool, as means to an end. Of course, Kant did not mean that Moore cannot ask Parker for help on some project; doing so would not be a case of Moore's using Parker *merely* as a tool.

Kant's theory of the moral necessity of never treating other people as mere tools can be modified to support the ideas that people have rights and that treatment of others must always involve fair play. Regardless of whether

Real Life

Inmate Who Got New Heart While Still in Prison Dies

A California prison inmate believed to be the first in the nation to receive a heart transplant while incarcerated has died, officials said Tuesday.

Department of Corrections spokesman Russ Heimerich said the inmate, whose identity has been withheld, died late Monday at Stanford University Medical Center.

Heimerich said the exact cause of death was still undetermined, "but it looks like his body was rejecting the heart" he received in an expensive and controversial taxpayer-financed operation in January.

Officials estimated the surgery and subsequent care—including the \$12,500 a day it cost to keep him in the Stanford facility after he was admitted Nov. 23—have cost more than \$1.25 million. Heimerich said that figure does not include transportation, medication or providing round-the-clock security while the inmate was in the hospital.

"It could easily reach \$2 million when it's all added in," Heimerich said.

The prisoner was a 32-year-old two-time felon serving a 14-year sentence for robbing a Los Angeles convenience store in 1996. He was eligible for parole in October 2008.

He became the center of a national controversy after *The Bee* disclosed the surgery, which also took place at Stanford.

The operation raised questions about whether there should be limits on the kinds of medical care to which prison inmates are entitled.

Comment: Such cases involve legal reasoning (see next section of this chapter) as well as moral reasoning. The position taken here by medical professionals is duty theory; they are explicitly ruling out utilitarian considerations in deciding to whom to give transplants.

Source: *The Sacramento Bee*.

At the time of the transplant, prison officials said they were required under numerous court orders, including a 1976 U.S. Supreme Court decision, to provide necessary health care to all inmates.

The decision to provide the inmate, who had longtime heart problems caused by a viral infection, with a new heart was made by a medical panel at Stanford. The surgery was performed on a day when at least 500 other Californians were waiting for similar operations.

But medical professionals and organ transplant centers said they can make decisions about who gets organs and who doesn't based only on medical protocols and not social factors.

While the first of its kind, the transplant is not likely to be the last. As California's prison population ages, authorities are concerned the cost of inmate health care will soar far above last fiscal year's \$663 million.

Compounding the problem, Heimerich said, is that many inmate patients don't follow doctor's orders. He said the heart recipient apparently did not follow all of the medical recommendations, although it wasn't clear his failure to do so played a role in his death.

"We can treat them," Heimerich said, "but we can't baby-sit them."

—Steve Wiegand,
Bee staffwriter

you subscribe to Kant's version of duty theory, the chances are that your own moral deliberations are more than just strictly utilitarian and may well involve considerations of what you take to be other moral requirements, including your duties and the rights of others.

Moral Relativism

One popular view of ethics, especially perhaps among undergraduates taking a first course in philosophy, is **moral relativism**, the idea that what is right and wrong depends on and is determined by one's group or culture.

A mistake sometimes made in moral reasoning is to confuse the following two claims:

1. What is *believed* to be right and wrong may differ from group to group, society to society, or culture to culture.
2. What *is* right and wrong may differ from group to group, society to society, or culture to culture.

The second claim, but not the first, is moral relativism. Please go back and read the two claims carefully. They are so similar that it takes a moment to see they are actually quite different. But they are different. The first claim is incontestable; the second claim is controversial and problematic. It may well have been the majority belief in ancient Greece that there was nothing wrong with slavery. But that does not mean that at that time there was nothing wrong with slavery.

It is worth noting that moral relativism suffers from three potential difficulties. First, exactly what counts as a group, society, or culture, and what are the criteria for membership in one? How many groups, societies, or cultures do you belong to? You probably find it hard to say. This makes it difficult to specify which set of general principles apply to a person.

The second difficulty is that conflicting views about moral principles are to be found within all but the very smallest groups. For example, even within small communities, people may disagree about gay marriage.

A third difficulty is perhaps less obvious. To understand the problem, if someone belongs to a society that believes it is permissible for that person then you, as a moral relativist, must concede it is permissible for that person to kill Americans. But if Americans in general agree on anything, it is that nobody should kill another person simply because of his or her national status. Therefore, if you are an American, you must also say it is *not* permissible for that person to kill Americans. Subscribing to moral relativism has placed you in a self-contradictory position.

Another popular moral perspective is **moral subjectivism**, the idea that what is right and wrong is merely a matter of subjective opinion, that thinking that something is right or wrong makes it right or wrong for that individual. We considered subjectivism in Chapter 1 and saw there the mistake in thinking that all value judgments are subjective.

Religious Relativism

As you might expect, **religious relativism** is the belief that what is right and wrong is whatever one's religious culture or society deems. The problems attending this view are the same as those for other versions of relativism. First,

I'm not guilty of murder. I'm guilty of obeying the laws of the Creator.

—BENJAMIN MATTHEW WILLIAMS, who committed suicide while awaiting sentencing for having murdered a gay couple



■ The Ten Commandments represent the perspective of religious absolutism.

what counts as a religious culture or society and as membership within one? Are Baptists and Catholics part of the same culture? Are you a Christian even if you never attend church? Second, even within a single culture, conflicting moral views are likely to be found. The United Church of Christ, for example, currently is conflicted about gay marriage.

Third, those who belong to one religion might well consider practices of other religions to be sinful. For example, members of the first religion may think it is sinful to worship a false god. Thus, according to religious relativism, if you belong to the first religion, then you must say that those who worship the other god are doing something sinful, because that is the view of your religion. But as a religious relativist, you must also say that those who worship the other god are *not* doing something sinful.

Religious Absolutism

One way out of this difficulty might be to subscribe to **religious absolutism**, which maintains that the correct moral principles are those accepted by the “correct” religion. A problem, of course, is that opinions vary as to what the correct religion is, and there seems to be no good reason for thinking that one is more correct—more likely to be true—than another.

Virtue Ethics

Up to this point, the ethical perspectives discussed have focused on the question of what is the right or proper act, decision, practice, or policy. For that reason, these perspectives are referred to as “ethics of conduct.” However, another approach, one predominant in classical Greek thinking, has regained popularity among some contemporary moral philosophers. This approach, known as **virtue ethics**, focuses not on what to do but on how to be.

To find an excellent example of virtue ethics, one need look no further than the Boy Scout pledge. A Boy Scout doesn’t pledge to do or to refrain from doing this or that particular action; instead, he pledges to *be* a certain kind of person. He pledges to *be* trustworthy, loyal, helpful, friendly, courteous, kind, brave, and so forth. This is a list of “virtues,” or traits of character. A person who has them is disposed by habit to act in certain ways and not to act in others.

The ancient Greeks believed it was supremely important for a person to achieve psychological and physical balance; and to do that, the person needed to develop a consistently good character. A person out of balance will not be able to assess a situation properly and will tend to overreact or to not react strongly enough; moreover, such a person will not know his or her proper limits. People who recognize their own qualifications and limitations and who are capable of reacting to the right degree, at the right time, toward the right person, and for the right reason are virtuous persons. They understand the value of the idea of moderation: not too much and not too little, but in each case a response that is just right.

Aristotle (384–322 B.C.E.) regarded virtue as a trait, like wisdom, justice, or courage, that we acquire when we use our capacity to reason to moderate our impulses and appetites. The largest part of Aristotle’s major ethical writing, the *Nicomachean Ethics*, is devoted to analysis of specific moral virtues as means between extremes (for example, courage is the mean between fearing everything and fearing nothing). He also emphasized that virtue is a matter of habit; it is a trait, a way of living.

Virtue ethics is not an abstruse ethical theory. Many of us (fortunately) wish to be (or to become) persons of good character. And as a practical matter, when we are deliberating a course of action, our approach often is to consider what someone whose character we admire would do in the circumstances.

Still, it is possible that virtue theory alone cannot answer all moral questions. Each of us may face moral dilemmas of such a nature that it simply isn’t clear what course of action is required by someone of good character.

Determine which ethical perspective is primarily reflected in each of the following statements. Choose from

Exercise 12-4

- A = consequentialism
- B = duty ethics/deontology
- C = virtue ethics
- D = moral relativism
- E = religious absolutism

- ▲ 1. Yes, innocent civilians have been killed in Iraq. But in the long run, the world will be a safer place if Iraq becomes a democracy.
2. Although many cultures have practiced human sacrifice, within the culture it was not thought to be wrong. So, human sacrifice within those cultures wasn’t really immoral.
3. (Note: “*Preferential treatment*” refers to the practice of some universities and professional schools of lowering entrance requirements for women and ethnic minorities.) Preferential treatment is wrong, period. You shouldn’t discriminate against anyone, no matter how much society benefits from it.
- ▲ 4. Sure, we might benefit from expanding Highway 99. But seizing a person’s property against his or her wishes is just wrong, period.

5. Sure, we might benefit from expanding Highway 99. But it's wrong to seize someone's property, at least in this country. In our society, property rights are fundamental.
6. Sure, we might benefit from expanding Highway 99. But it's wrong to seize someone's property! You have a God-given right to own property.
- ▲ 7. If a company doesn't want to hire a woman, nobody should force it to. A company has a right to hire whomever it wants!
8. You have to balance a person's rights against the common good. Pornography isn't good for a society, and we should get rid of it.
9. Gay marriage? I think it is only fair! The right to happiness is a basic human right.
- ▲ 10. Gay marriage? I am against it. Once gays start marrying, the next thing you know, brothers and sisters will get married. Then moms and sons. Society will come apart at the seams.

Exercise 12-5

In each of the following passages, a general moral principle must be added as an extra premise to make the argument valid. Supply such a principle.

Example

Mrs. Montez's new refrigerator was delivered yesterday, and it stopped working altogether. She has followed the directions carefully but still can't make it work. The people she bought it from should either come out and make it work or replace it with another one.

Principle

People should make certain the things they sell work.

1. After borrowing Morey's car, Leo had an accident and crumpled a fender. So, Leo ought to pay whatever expenses were involved in getting Morey's car fixed.
- ▲ 2. When Sarah bought the lawn mower from Jean, she promised to pay another fifty dollars on the first of the month. Since it is now the first, Sarah should pay Jean the money.
3. Kevin worked on his sister's car all weekend. The least she could do is let him borrow the car for his job interview next Thursday.
4. Harold is obligated to supply ten cords of firewood to the lodge by the beginning of October, since he signed a contract guaranteeing delivery of the wood by that date.
- ▲ 5. Since it was revealed yesterday on the 11:00 news that Mayor Ahearn has been taking bribes, he should step down any day now.
6. As a political candidate, Havenhurst promised to put an end to crime in the inner city. Now that she is in office, we'd like to see results.
- ▲ 7. Since he has committed his third felony, he should automatically go to prison for twenty-five years.
- ▲ 8. Laura's priest has advised Laura and her husband not to sign up for the in vitro fertilization program at the hospital, because such treatments are unnatural.

9. Ali has been working overtime a lot lately, so he should receive a bonus.
10. It is true there are more voters in the northern part of the state. But that shouldn't allow the north to dictate to the south.

MORAL DELIBERATION

Before you began this chapter, you may have assumed that moral discussion is merely an exchange of personal opinion or feeling, one that reserves no place for reason or critical thinking. But moral discussion usually assumes some sort of perspective like those we have mentioned here. Actually, in real life, moral reasoning is often a mixture of perspectives, a blend of utilitarian considerations weighted somewhat toward one's own happiness, modified by ideas about duties, rights, and obligations, and mixed often with a thought, perhaps guilty, about what the ideally virtuous person (a parent, a teacher) would do in similar circumstances. It also sometimes involves mistakes—value judgments may be confused with other types of claims, inconsistencies may occur, inductive arguments may be weak or deductive arguments invalid, fallacious reasoning may be present, and so forth.

In Depth

Why Moral Problems Seem Unresolvable

Differences of opinion over ethical issues sometimes seem irreconcilable. Yet this fact often strikes thoughtful people as amazing, because ethical opponents often share a great deal of common ground. For example, pro-life and pro-choice adherents agree on the sanctity of human life. So why in the world can't they resolve their differences? Likewise, those who favor affirmative action and those who agree that racism and sexism still exist and are wrong and need to be eradicated—why can't they resolve their differences?

The answer, in some cases, comes down to a difference in moral perspective. Take affirmative action. Those who favor affirmative action often operate within a utilitarian perspective: They assume that whether a policy should be adopted depends on whether adopting the policy will produce more happiness than will not adopting it. From this perspective, if policies of affirmative action produce more happiness over the long run, then they should be adopted—end of discussion. But those who oppose affirmative action (on grounds other than blatant racism) do so because they believe deontologism trumps utilitarianism. From the deontologist perspective, even if affirmative action policies would produce more happiness in the long run, if they involve even temporarily using some people as a means to that objective, then they are wrong—end of discussion.

In other disputes, the root difference lies elsewhere. Pro-life and pro-choice adherents often both are deontologists and agree, for example, that in the absence of a powerful justification, it is wrong to take a human life. They may disagree, however, either as to what counts as a human life or as to what counts as a powerful justification. This difference, then, comes down to a difference in basic definitions—which fact, incidentally, illustrates how silly it can be to dismiss a discussion as "mere semantics."

We can make headway in our own thinking about moral issues by trying to get clear on what perspective, if any, we are assuming. For example, suppose we are thinking about the death penalty. Our first thought might be that society is much better off if murderers are executed. Are we then assuming a utilitarian perspective? Asking ourselves this question might lead us to consider whether there are *limits* to what we would do for the common good—for example, would we be willing to risk sacrificing an innocent person? It might also lead us to consider how we might *establish* whether society is better off if murderers are executed—if we are utilitarians, then ultimately we will have to establish this if our reasoning is to be compelling.

Or suppose we have seen a friend cheating on an exam. Should we report it to the teacher? Whatever our inclination, it may be wise to consider our perspective. Are we viewing things from a utilitarian perspective? That is, are we assuming that it would promote the most happiness overall to report our friend? Or do we simply believe that it is our duty to report him or her, come what may? Would a virtuous person report his or her friend? Each of these questions will tend to focus our attention on a particular set of considerations—those that are the most relevant to our way of thinking.

It may occur to you to wonder at this point if there is any reason for choosing among perspectives. The answer to this question is yes: Adherents of these positions, philosophers such as those we mentioned, offer grounding or support for their perspectives in theories about human nature, the natural universe, the nature of morality, and other things. In other words, they have *arguments* to support their views. If you are interested, we recommend a course in ethics.

Additional Exercises on Moral Reasoning

Exercise 12-6

Identify each of the following questions as A, B, or C.

- A = moral value judgment
- B = nonmoral value judgment
- C = not a value judgment

- ▲ 1. You should avoid making such a large down payment.
- 2. You can't go wrong taking Professor Anderson's class.
- 3. Misdemeanors are punished less severely than felonies.
- ▲ 4. Anyone who would do a thing like that to another human being is a scumbag.
- 5. He thought about homeschooling his kids.
- 6. He should have thought about homeschooling his kids.
- ▲ 7. He thought about whether he should homeschool his kids.
- 8. Did he think about homeschooling his kids? Apparently.
- ▲ 9. It was a darn good thing he thought about homeschooling his kids.

Exercise 12-7

Identify each of the following statements as A, B, or C.

- A = moral value judgment
- B = nonmoral value judgment
- C = not a value judgment

- ▲ 1. The employees deserve health care benefits.
- 2. Last year, the employees may have deserved health care benefits, but they don't now.
- 3. The employees' health care benefits consumed 40 percent of our operating costs.
- ▲ 4. The health care benefits we gave the employees last year were excessive.
- 5. The health care benefits we gave the employees were generous, but not excessive.
- 6. Susan is the best photographer in the department.
- ▲ 7. Susan should not have used a filter when she made those photographs.
- 8. Susan upset that man when she photographed him; she shouldn't have done that.
- 9. Susan's photographs are exquisite in their realism and detail.
- ▲ 10. Be more careful mowing the lawn! You could hurt yourself.
- 11. Be more tactful dealing with people! You could hurt them.
- 12. Use more fertilizer! You'll get better plants.
- 13. Use more deodorant! Your kids will thank you for it.

Answer the question or respond to the statement that concludes each item.

Exercise 12-8

- ▲ 1. Tory thinks women should have the same rights as men. However, he also thinks that, although a man should have the right to marry a woman, a woman should not have the right to marry a woman. Is Tory being consistent in his views?
- ▲ 2. At Shelley's university, the minimum GPA requirement for admission is relaxed for 6 percent of incoming students. Half of those admitted under this program are women and minorities, and the other half are athletes, children of alumni, and talented art and music students. Shelley is opposed to special admissions programs for women and minority students; she is not opposed to special admission programs for art and music students, athletes, or children of alumni. Is she consistent?
- ▲ 3. Marin does not approve of abortion because the Bible says explicitly, "Thou shalt not kill." "'Thou shalt not kill' means thou shalt not kill," he says. Marin does, however, approve of capital punishment. Is Marin consistent?
- 4. Koko believes that adults should have the unrestricted right to read whatever material they want to read, but she does not believe that her seventeen-year-old daughter Gina should have the unrestricted right to read whatever she wants to read. Is Koko consistent?
- 5. Jack maintains that the purpose of marriage is procreation. On these grounds, he opposes same-sex marriages. "Gays can't create children," he explains. However, he does not oppose marriages between heterosexual partners who cannot have children due to age or medical reasons. "It's not the same," he says. Is Jack being consistent?
- 6. Alisha thinks the idea of outlawing cigarettes is ridiculous. "Give me a break," she says. "If you want to screw up your health with cigarettes, that's your own business." However, Alisha does not approve of the