

TENTH EDITION

APPLYING ETHICS

A Text with Readings

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therefore, relates every maxim of the will as giving universal laws to every other will and also to every action toward itself; it does so not for the sake of any other practical motive or future advantage but rather from the idea of the dignity of a rational being who obeys no law except that which he himself also gives.

In the realm of ends everything has either a *price* or a *dignity*. Whatever has a price can be replaced by something else as its equivalent; on the other hand, whatever is above all price, and therefore admits of no equivalent, has a dignity.

That which is related to general human inclinations and needs has a *market price*. That which, without presupposing any need, accords with a certain taste, i.e., with pleasure in the mere purposeless play of our faculties, has an *affective price*. But that which constituted the condition under which alone something can be an end in itself does not have mere relative worth, i.e., a price, but an intrinsic worth, i.e., *dignity*.

Now morality is the condition under which alone a rational being can be an end in itself, because only through it is it possible to be a legislative member in the realm of ends. Thus morality and humanity, so far as it is capable of morality, alone have dignity. Skill and diligence in work have a market value; wit, lively imagination, and humor have an affective price; but fidelity in promises and benevolence on principle (not from instinct) have intrinsic worth. Nature and likewise art contain nothing which could replace their lack, for their worth consists not in effects which flow from them, nor in advantage and utility which they procure; it consists only in intentions, i.e., maxims of the will which are ready to reveal themselves in this manner

through actions even though success does not favor them. These actions need no recommendation from any subjective disposition or taste in order that they may be looked upon with immediate favor and satisfaction, nor do they have need of any immediate propensity or feeling directed to them. They exhibit the will which performs them as the object of an immediate respect, since nothing but reason is required in order to impose them on the will. The will is not to be cajoled into them, for this, in the case of duties, would be a contradiction. This esteem lets the worth of such a turn of mind be recognized as dignity and puts it infinitely beyond any price, with which it cannot in the least be brought into competition or comparison without, as it were, violating its holiness.

And what is it that justifies the morally good disposition or virtue in making such lofty claims? It is nothing less than the participation it affords the rational being in giving universal laws. He is thus fitted to be a member in a possible realm of ends to which his own nature already destined him. For, as an end in himself, he is destined to be legislative in the realm of ends, free from all laws of nature and obedient only to those which he himself gives. Accordingly, his maxims can belong to a universal legislation to which he is at the same time also subject. A thing has no worth other than that determined for it by the law. The legislation which determines all worth must therefore have a dignity, i.e., unconditional and incomparable worth. For the esteem which a rational being must have for it, only the word "respect" is a suitable expression. Autonomy is thus the basis of the dignity of both human nature and every rational nature....

QUESTIONS FOR ANALYSIS

1. Why is "good will" considered good without qualification? How is it different from other good things?
2. How is a categorical imperative different from a hypothetical imperative? How do categorical imperatives get their authority? What does Kant mean in saying that all rational beings are "legislators" of universal law?
3. How would Kant evaluate this maxim: "I will keep my promises only when it is my own personal best interest"?
4. What does Kant mean by "absolute worth"? Why do persons, but not things, have absolute worth?
5. What does it mean to treat a person as a thing rather than as an end in itself? What examples can you think of?

6. According to Kant, human autonomy lies in the fact that we are subject to the moral law of our own will, not a moral law from an external source. What does it mean to be subject to a law of our own will? Why does our subjection to it make us autonomous?

7. What is the importance of Kant's distinction between price and dignity? Why does he say that human autonomy is the basis of human dignity?
8. What does Kant mean by a "realm of ends"? What role does the concept play in his moral thought?

Utilitarianism

JOHN STUART MILL

In the following selection from *Utilitarianism*, John Stuart Mill argues that the principle of utility, or the greatest happiness principle—choose the action that creates the greatest happiness for all concerned—is the foundation of all morality. All other moral principles, he says, are "secondary principles," which we adopt because following them will help us maximize happiness. Because he takes the principle of utility to be fundamental, he calls his view utilitarianism.

After defining *happiness* as "pleasure and the absence of pain," Mill distinguishes higher—distinctively human—pleasures from lower—animal—pleasures. The rest of the selection is devoted to defending utilitarianism from various objections, the most notable being that it amounts to expediency and selfishness.

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. To give a clear view of the moral standard set up by the theory, much more requires to be said, in particular, what things it includes in the ideas of pain and pleasure and to what extent this is left an open question. But these supplementary explanations do not affect the theory of life on which this theory of morality is grounded—namely, that pleasure and freedom from pain are the only things desirable as ends, and that all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for the pleasure inherent in themselves or as means to the promotion of pleasure and the prevention of pain.

From John Stuart Mill, *Utilitarianism*, (1863).

Now, such a theory of life excites in many minds, and among them in some of the most estimable in feeling and purpose, inveterate dislike. To suppose that life has (as they express it) no higher end than pleasure—no better and nobler object of desire and pursuit—they designate as utterly mean and groveling, as a doctrine worthy only of swine, to whom the followers of Epicurus were, at a very early period, contemptuously likened; and modern holders of the doctrine are occasionally made the subject of equally polite comparisons by its German, French, and English assailants.

When thus attacked, the Epicureans have always answered that it is not they, but their accusers who represent human nature in a degrading light, since the accusation supposes human beings to be capable of no pleasures except those of which swine are capable. If this supposition were true, the charge could not be gainsaid, but would then be no longer an imputation; for if the sources

of pleasure were precisely the same to human beings and to swine, the rule of life which is good enough for the one would be good enough for the other. The comparison of the Epicurean life to that of beasts is felt as degrading precisely because a beast's pleasures do not satisfy a human being's conceptions of happiness. Human beings have faculties more elevated than the animal appetites and, when once made conscious of them, do not regard anything as happiness which does not include their gratification. I do not, indeed, consider the Epicureans to have been by any means faultless in drawing out their scheme of consequences from the utilitarian principle. To do this in any sufficient manner, many Stoic, as well as Christian, elements require to be included. But there is no known Epicurean theory of life which does not assign to the pleasures of the intellect, of the feelings and imagination, and of the moral sentiments a much higher value as pleasures than to those of mere sensation.

It must be admitted, however, that utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in the greater permanency, safety, uncostliness, etc., of the former—that is, in their circumstantial advantages rather than in their intrinsic nature. And on all these points, utilitarians have fully proved their case; but they might have taken the other and, as it may be called, higher ground with entire consistency. 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 pleasures should be supposed to depend on quantity alone.

If I am asked what I mean by difference of quality in pleasures or what makes one pleasure more valuable than another, merely as a pleasure, except its being greater in amount, there is but one possible answer. 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. If one of the two is, by those who are competently acquainted with both, placed so far above the other that they

prefer it, even though knowing it to be attended with a greater amount of discontent, and would not resign it for any quantity of the other pleasure of which their nature is capable, we are justified in ascribing to the preferred enjoyment a superiority in quality so far outweighing quantity as to render it, in comparison, of small account.

Now, it is an unquestionable fact that those who are equally acquainted with and equally capable of appreciating and enjoying both do give a most marked preference to the manner of existence which employs their higher faculties. Few human creatures would consent to be changed into any of the lower animals for a promise of the fullest allowance of a beast's pleasures; no intelligent human being would consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs. They would not resign what they possess more than he for the most complete satisfaction of all the desires which they have in common with him....

I must again repeat what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct is not the agent's own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by and to love your neighbor as yourself constitute the ideal perfection of utilitarian morality. As the means of making the nearest approach to this ideal, utility would enjoin first that laws and social arrangements should place the happiness, or (as speaking practically it may be called) the interest, of every individual as nearly as possible in harmony with the interest of the whole; and secondly, that education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of

the whole—especially between his own happiness and the practice of such modes of conduct, negative and positive, as regard for the universal happiness prescribes, so that not only he may be unable to conceive the possibility of happiness to himself consistently with conduct opposed to the general good, but also that a direct impulse to promote the general good may be in every individual one of the habitual motives of action and the sentiments connected therewith may fill a large and prominent place in every human being's sentient existence. If the impugnors of the utilitarian morality represented it to their own minds in this its true character, I know not what recommendation possessed by any other morality they could possibly affirm to be wanting to it, what more beautiful or more exalted developments of human nature any other ethical system can be supposed to foster, or what springs of action, not accessible to the utilitarian, such systems rely on for giving effect to their mandates.

The objectors to utilitarianism cannot always be charged with representing it in a discreditable light. On the contrary, those among them who entertain anything like a just idea of its disinterested character sometimes find fault with its standard as being too high for humanity. They say it is exacting too much to require that people shall always act from the inducement of promoting the general interests of society. But this is to mistake the very meaning of a standard of morals and confound the rule of action with the motive of it. It is the business of ethics to tell us what are our duties or by what test we may know them; but no system of ethics requires that the sole motive of all we do shall be a feeling of duty: on the contrary, ninety-nine hundredths of all our actions are done from other motives, and rightly so done, if the rule of duty does not condemn them. It is the more unjust to utilitarianism that this particular misapprehension should be made a ground of objection to it, inasmuch as utilitarian moralists have gone beyond almost all others in affirming that the motive has nothing to do with the morality of the action, though much with the worth of the agent. He who saves a fellow creature from drowning does what is morally right, whether his motive be duty or the hope of being paid for his

trouble; he who betrays the friend that trusts him is guilty of a crime, even if his object be to serve another friend to whom he is under greater obligations. But to speak only of actions done from the motive of duty, and in direct obedience to principle: it is a misapprehension of the utilitarian mode of thought to conceive it as implying that people should fix their minds upon so wide a generality as the world or society at large. The great majority of good actions are intended not for the benefit of the world, but for that of individuals, of which the good of the world is made up; and the thoughts of the most virtuous man need not on these occasions travel beyond the particular persons concerned, except so far as is necessary to assure himself that in benefiting them he is not violating the rights, that is the legitimate and authorized expectations, of anyone else. The multiplication of happiness is, according to the utilitarian ethics, the object of virtue: the occasions on which any person (except one in a thousand) has it in his power to do this on an extended scale, in other words to be a public benefactor, are but exceptional; and on these occasions alone is he called on to consider public utility; in every other case, private utility, the interest or happiness of some few persons, is all he has to attend to. Those alone the influence of whose actions extends to society in general need concern themselves habitually about so large an object. In the case of abstinences, indeed—of things which people forbear to do from moral considerations, though the consequences in the particular case might be beneficial—it would be unworthy of an intelligent agent not to be consciously aware that the action is of a class which, if practiced generally, would be generally injurious, and that this is the ground of the obligation to abstain from it. The amount of regard for the public interest implied in this recognition is no greater than is demanded by every system of morals, for they all enjoin to abstain from whatever is manifestly pernicious to society....

Again, Utility is often summarily stigmatized as an immoral doctrine by giving it the name of Expediency and taking advantage of the popular use of that term to contrast it with Principle. But the Expedient, in the sense in which it is opposed

to the Right, generally means that which is expedient for the particular interest of the agent himself, as when a minister sacrifices the interests of his country to keep himself in place. When it means anything better than this, it means that which is expedient for some immediate object, some temporary purpose, but which violates a rule whose observance is expedient in a much higher degree. The Expedient, in this sense, instead of being the same thing as the useful, is a branch of the hurtful.

Thus, it would often be expedient, for the purpose of getting over some momentary embarrassment, or attaining some object immediately useful to ourselves or others, to tell a lie. But inasmuch as the cultivation in ourselves of a sensitive feeling on the subject of veracity is one of the most useful, and the enfeeblement of that feeling one of the most hurtful, things to which our conduct can be instrumental; and inasmuch as any, even unintentional, deviation from truth does that much toward weakening the trustworthiness of human assertion, which is not only the principal support of all present social well-being, but the insufficiency of which does more than any one thing that can be named to keep back civilization, virtue, everything on which human happiness on the largest scale depends—we feel that the violation, for a present advantage, of a rule of such transcendent expediency is not expedient and that he, who for the sake of a convenience to himself or to some other individual, does what depends on him to deprive mankind of the good, and inflict upon them the evil, involved in the greater or less reliance which they can place in each other's word, acts the part of one of their worst enemies.

Yet, that even this rule, sacred as it is, admits of possible exceptions is acknowledged by all moralists, the chief of which is when the withholding of some fact (as of information from a malefactor or of bad news from a person dangerously ill) would save an individual (especially an individual other than oneself) from great and unmerited evil, and when the withholding can only be effected by denial. But in order that the exception may not extend itself beyond the need and may have the least possible effect in weakening reliance on

veracity, it ought to be recognized and, if possible, its limits defined; and if the principle of utility is good for anything, it must be good for weighing these conflicting utilities against one another and marking out the region within which one or the other preponderates.

Again, defenders of utility often find themselves called upon to reply to such objections as this—that there is not time, previous to action, for calculating and weighing the effects of any line of conduct on the general happiness. This is exactly as if anyone were to say that it is impossible to guide our conduct by Christianity because there is not time, on every occasion on which anything has to be done, to read through the Old and New Testaments. The answer to the objection is that there has been ample time, namely, the whole past duration of the human species. During all that time, mankind have been learning by experience the tendencies of actions, on which experience all the prudence, as well as all the morality of life, are dependent. People talk as if the commencement of this course of experience had hitherto been put off, and as if, at the moment when some man feels tempted to meddle with the property or life of another, he had to begin considering for the first time whether murder and theft are injurious to human happiness. Even then, I do not think that he would find the question very puzzling; but, at all events, the matter is now done to his hand. It is truly a whimsical supposition that if mankind were agreed in considering utility to be the test of morality, they would remain without any agreement as to what is useful and would take no measures for having their notions on the subject taught to the young and enforced by law and opinion. There is no difficulty in proving any ethical standard whatever to work ill, if we suppose universal idiocy to be conjoined with it; but on any hypothesis short of that, mankind must by this time have acquired positive beliefs as to the effects of some actions on their happiness; and the beliefs which have thus come down are the rules of morality for the multitude, and for the philosopher until he has succeeded in finding better.

That philosophers might easily do this, even now, on many subjects; that the received code of

ethics is by no means of divine right; and that mankind have still much to learn as to the effects of actions on the general happiness—I admit, or, rather, earnestly maintain. The corollaries from the principle of utility, like the precepts of every practical art, admit of indefinite improvement, and, in a progressive state of the human mind, their improvement is perpetually going on. But to consider the rules of morality as improvable is one thing; to pass over the intermediate generalizations entirely, and endeavor to test each individual action directly by the first principle, is another. It is a strange notion that the acknowledgment of a first principle is inconsistent with the admission of secondary ones. To inform a traveler respecting the place of his ultimate destination is not to forbid the use of landmarks and direction-posts on the way. The proposition that happiness is the end and aim of morality does not mean that no road ought to be laid down to that goal or that persons going thither should not be advised to take one direction, rather than another. Men really ought to leave off talking a kind of nonsense on this subject, which they would neither talk nor listen to on other matters of practical concernment. Nobody argues that the art of navigation is not founded on astronomy because sailors cannot wait to calculate the Nautical Almanack. Being rational creatures, they go to sea with it ready calculated; and all rational creatures go out upon the sea of life with their minds made up on the common questions of right and wrong, as well as on many of the far more difficult questions of wise and foolish. And this, as long as foresight is a human quality, it is to be presumed they will continue to do. Whatever we adopt as the fundamental principle of morality, we require subordinate principles to apply it by; the impossibility of doing without them, being common to all systems, can afford no argument against any one in particular; but gravely to argue as if no such secondary principles could be had, and as if mankind had remained till now, and always remain, without drawing any general conclusions from the experience of human life, is as high a pitch, I think, as absurdity has ever reached in philosophical controversy.

The remainder of the stock arguments against utilitarianism mostly consist in laying to its charge

the common infirmities of human nature and the general difficulties which embarrass conscientious persons in shaping their course through life. We are told that a utilitarian will be apt to make his own particular case an exception to moral rules and, when under temptation, will see a utility in the breach of a rule greater than he will see in its observance. But is utility the only creed which is able to furnish us with excuses for evildoing and means of cheating our own conscience? They are afforded in abundance by all doctrines which recognize as a fact in morals the existence of conflicting considerations, which all doctrines do that have been believed by sane persons. It is not the fault of any creed, but of the complicated nature of human affairs, that rules of conduct cannot be so framed as to require no exceptions and that hardly any kind of action can safely be laid down as either always obligatory or always condemnable. There is no ethical creed which does not temper the rigidity of its laws by giving a certain latitude, under the moral responsibility of the agent, for accommodation to peculiarities of circumstances; and under every creed, at the opening thus made, self-deception and dishonest casuistry get in. There exists no moral system under which there do not arise unequivocal cases of conflicting obligation. These are the real difficulties, the knotty points both in the theory of ethics and in the conscientious guidance of personal conduct. They are overcome practically with greater or with less success according to the intellect and virtue of the individual; but it can hardly be pretended that anyone will be the less qualified for dealing with them from possessing an ultimate standard to which conflicting rights and duties can be referred. If utility is the ultimate source of moral obligations, utility may be invoked to decide between them when their demands are incompatible. Though the application of the standard may be difficult, it is better than none at all: while in other systems the moral laws all claiming independent authority, there is no common umpire entitled to interfere between them; their claims to precedence one over another rest on little better than sophistry, and unless determined, as they generally are, by the unacknowledged influence of considerations of utility,

afford a free scope for the action of personal desires and partialities. We must remember that only in these cases of conflict between secondary principles is it requisite that first principles should be appealed to. There is no case of moral

obligation in which some secondary principle is not involved; and, if only one, there can seldom be any real doubt which one it is in the mind of any person by whom the principle itself is recognized.

QUESTIONS FOR ANALYSIS

1. How does Mill distinguish higher and lower pleasures? What test does he propose?
2. According to Mill, utilitarianism and the golden rule are both in the same spirit. Why? Do you agree? Why or why not?
3. What is the importance of Mill's distinction between private and public utility? What criticism is it intended to disarm?
4. Mill says that we need appeal directly to the greatest happiness principle only when secondary principles conflict. Why?
5. Mill's ethical view is often called hedonistic because it considers pleasure to be the only good desirable in itself. Can you think of goods that are desirable independent of any pleasure they might give?

A Theory of Justice

JOHN RAWLS

Political philosopher John Rawls (1921–2002) published his enormously influential book *A Theory of Justice* in 1971. A professor of philosophy at Harvard University for most of his career, he drew on the social contract tradition of Jean-Jacques Rousseau, John Locke, and Immanuel Kant to fashion proposals which have shaped philosophical dialogue on justice to this day. His writings sought to elaborate his vision of egalitarianism and pluralism in contemporary society. This brief excerpt introduces key elements of his theory, including the concept of "justice as fairness," the "veil of ignorance," and his two principles of justice. (Footnotes have been omitted from this brief excerpt.)

THE ROLE OF JUSTICE

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not

allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests. The only thing that permits us to acquiesce in an erroneous theory is the lack of a better one; analogously, an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice are uncompromising....

From John Rawls, *A Theory of Justice* (original edition), The Belknap Press of Harvard University Press, Cambridge, Massachusetts. Copyright © 1971 by the President and Fellows of Harvard College. Reprinted by permission.

I shall begin by considering the role of the principles of justice. Let us assume, to fix ideas, that a society is a more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding and who for the most part act in accordance with them. Suppose further that these rules specify a system of cooperation designed to advance the good of those taking part in it. Then, although a society is a cooperative venture for mutual advantage, it is typically marked by a conflict as well as by an identity of interests. There is an identity of interests since social cooperation makes possible a better life for all than any would have if each were to live solely by his own efforts. There is a conflict of interests since persons are not indifferent as to how the greater benefits produced by their collaboration are distributed, for in order to pursue their ends they each prefer a larger to a lesser share. A set of principles is required for choosing among the various social arrangements which determine this division of advantages and for underwriting an agreement on the proper distributive shares. These principles are the principles of social justice: they provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation.

Now let us say that a society is well-ordered when it is not only designed to advance the good of its members but when it is also effectively regulated by a public conception of justice. That is, it is a society in which (1) everyone accepts and knows that the others accept the same principles of justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles. In this case while men may put forth excessive demands on one another, they nevertheless acknowledge a common point of view from which their claims may be adjudicated. If men's inclination to self-interest makes their vigilance against one another necessary, their public sense of justice makes their secure association together possible. Among individuals with disparate aims and purposes a shared conception of justice establishes the bonds of civic friendship; the general desire for justice limits the pursuit of other ends. One may think of a public conception of

justice as constituting the fundamental charter of a well-ordered human association....

THE MAIN IDEA OF THE THEORY OF JUSTICE

My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant. In order to do this we are not to think of the original contract as one to enter a particular society or to set up a particular form of government. Rather, the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement. They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established. This way of regarding the principles of justice I shall call justice as fairness.

Thus we are to imagine that those who engage in social cooperation choose together, in one joint act, the principles which are to assign basic rights and duties and to determine the division of social benefits. Men are to decide in advance how they are to regulate their claims against one another and what is to be the foundation charter of their society. Just as each person must decide by rational reflection what constitutes his good, that is, the system of ends which it is rational for him to pursue, so a group of persons must decide once and for all what is to count among them as just and unjust. The choice which rational men would make in this hypothetical situation of equal liberty, assuming for the present that this choice problem has a solution, determines the principles of justice.

In justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract. This original position is not, of course, thought of as an actual historical state of affairs, much less as a primitive condition of culture. It is understood as a purely