

Chapter Five (November 2011)

A Survey of Moral Theories

Intense, long, certain, speedy, fruitful, pure—

Such marks in *pleasures* and in *pains* endure.

Such pleasures seek, if *private* be thy end:

If it be *public*, wide let them extend.

Such *pains* avoid, whichever be thy view:

If pains *must* come, let them extend to few.

Jeremy Bentham

We have seen how the “suspiciously unresolvable nature of moral disputes, their ritualistic character, and the astonishing array of incompatible moral stances to be found” have generated various relativistic and skeptical challenges to morality, the most serious of which is “the error-theory,” according to which moral judgments are always in error (or untrue, or false). Since moral realists want to say that moral judgments are sometimes true, I have suggested that it is up to them to explain how they understand this, and to support their claims.

It is only to be expected that some moralists will try to defend their moralism by appealing to religion, so Chapter Three contains an examination of the claim that value and obligation depend on the attitudes and commands of a god. Unfortunately for the moralists, religious morality not only fails to solve their problems, it is burdened with a host of new ones. In Chapter Four we turn to the attempts of secular moralists to

establish morality without reference to divine commands and attitudes, and to the efforts of empiricists like Hume and Mackie to criticize the very idea of objective morality.

Most moral philosophers today would admit that the proponents of the religious and secular versions of morality discussed in Chapters Three and Four have not yet succeeded in answering the main objections that have been raised against them. This, however, has not prevented everyday moralists and those same moral philosophers from making and attempting to defend their judgments about what they take to be good, bad, right, and wrong. Since moralists continue to moralize, the main business of this chapter will be to survey some ways they have of doing that. After a brief look at metaethics, on which we have already spent some time, we will examine a range of answers that moral philosophers have given to “normative” questions about what we ought to seek, and do, and be. We will hear about egoism, hedonism, utilitarianism, deontology, and other isms and ologies; and in the process we will be exposed to a number of relatively subtle distinctions. While this will in no way be the full story of normative ethics, I hope it will be enough to make it clear what the error theorist wants to reject. Even navigating this truncated account will take a bit of patience from the reader, but there is no other way to come to understand the kinds of moral beliefs people adopt and philosophers defend and attack. Skeptics doubt, and error theorists reject, normative theories of value and obligation like hedonism, egoism, and utilitarianism, but both intellectual caution and philosophical etiquette advise us not to reject a belief without first checking it out.

1. Metaethics. According to Gilbert Harman, it should have been obvious to philosophers sooner than it was that “the whole distinction between meta-ethics and normative ethics had to be abandoned” (Harman [2], viii). It would, he claimed, be better to investigate the philosophical problems of morality “without the meta-ethical baggage” (Harman, viii). He said that two things are wrong with metaethics: it is based on “highly controversial and possibly even incoherent assumptions about meaning,” and it isn’t interesting. And yet after saying this, Harman himself gave some pretty interesting answers to several metaethical questions. We have already seen how he explained the moral ‘ought’, and in both *The Nature of Morality* and more recent writings he has criticized competing metaethical theories and defended his own form of ethical relativism.

Richard Taylor was another philosopher who took a dim view of metaethics. He opened the preface to his book *Good and Evil* with these words:

One would search in vain in these pages for any discussion of the naturalistic fallacy . . . or the other fastidious puzzles that have somehow come to be thought of in some circles as important to ethics. Also missing are appraisals of utilitarianism, deontologism, intuitionism, cognitivism, and the rest of the baggage of what has pretentiously come to be known as *metaethics* (Taylor, xi).

Like Harman, Taylor can occasionally be found indulging in metaethics. His claim that “the moral rightness or wrongness of anything is entirely relative to accepted rules of

behavior, and without meaning except in relation to such rules” is pure metaethics, as is his claim that moral right and wrong “can be defined in terms of rules” (Taylor, 139-40).

Both Taylor and Harman wrote about metaethical baggage, a metaphor that suggests unnecessary supplies and superfluous equipment. As they saw it, just when we get excited about some question about what is good or right (a normative question), the metaethicist snaps open his bag and drags out endless distinctions, demands for justification, and quibbles about meaning. Perhaps Taylor, Harman, and the many devotees and practitioners of “applied ethics” feared that we may never get back to (what they took to be) the real questions unless we can manage to keep that Pandora’s bag of metaethical diversions closed.

They may have been right about that, but we will only be in a position to determine the fairness of this complaint if we invite the metaethicist to lay some of the contents of the bag before us. What are these “boring” questions and “fastidious” puzzles but questions and puzzles about meaning and justification? When we ask what words like ‘good’, ‘right’, ‘justice’, ‘rights’, or ‘duty’ mean, or what some person means by them, or how they are being used in a moral judgment, or even what a moral judgment is, we are asking **metaethical** questions. When we learn that Moore believed that “the enjoyment of beautiful objects” is intrinsically good, we learn something about his **normative** theory of value. When we ask what he meant by ‘good’, we have again asked a **metaethical** question, and when he said that there is no way to answer this question, that ‘good’ is an indefinable term, he was taking a **metaethical** stand.

Taylor didn't want to waste time with "utilitarianism, deontology, intuitionism, cognitivism, and the rest of the baggage," but responsible philosophers cannot ignore (or adopt) these theories just because it pleases them to do so. Moore was an intuitionist who said that goodness is a "non-natural property," and a utilitarian who said that the principle of utility is true by definition. Would Taylor and Harman encourage us not to ask whether these ideas are to be accepted or rejected?

Moore's metaethical targets were those who thought that 'good' can be defined. The controversy between Moore and his opponents was indeed flawed by a primitive concept of meaning, but even when we let primitive concepts of meaning go, we cannot safely ignore the question "What do you mean by 'good'?" Everyone who uses words like 'good' and 'right' in moralist ways is caught by conventions we all share, one of which is that people who make moral and value judgments may be asked to explain their words and support their claims. What, then, is the point of complaining about metaethics? What could be clearer than the contrast between making moral judgments and discussing their meaning, use, and support? And if we do make them, how can we hope to avoid discussing their meaning, use, and support?

We must admit that our metaethical baggage does contain, in addition to our necessities, superfluous distinctions and fastidious puzzles. No matter what the topic, some of the philosophers who discuss it will end up light-years away from the heart of the issue. But a topic is not disqualified as a legitimate candidate for investigation by the fact that it can lead philosophers astray. Even if we were to ban philosophical talk about meaning, there would remain many legitimate and sometimes answerable

questions about how people are using moral and evaluative language. If our serious metaethical requests for explanation and justification are disallowed, then it won't even be possible to find out whether our apparent moral disagreements with others are real disagreements, or merely verbal. That is the sort of thing we discover by asking metaethical questions or, as philosophers say, by "doing" metaethics.

2. Normative Ethics. Some *normative* judgments tell us how we ought to act, some tell us how we ought to be, and others express evaluations. Moral judgments, aesthetic judgments, even judgments of etiquette, are normative judgments. Two components of what has come to be called "normative ethics" are **the theory of value** and **the theory of obligation**. The question "What things are goods or ends in themselves?" said G. E. Moore, is the "fundamental question of Ethics" (Moore, 184). It is, at least, the fundamental question of the theory of value. But the theory of value isn't everything. Even if we come to believe that pleasure is intrinsically good, we would still lack an answer to the question of how we ought to behave. When we turn our concern from what is **good** to what is right, or to what we **ought** to do, we have moved to the theory of obligation and to questions about moral duties, principles, and prohibitions: Are we obliged to increase the pleasure (or happiness) in the world, or to keep our promises, or to treat others as we would like to be treated? When, if ever, is killing, lying, stealing, or cursing morally permissible?

One further area of normative ethics, **the theory of rights**, may be added to the other two. The belief that we have moral rights, and the set of associated beliefs about what bearing this has on what we must and may do, are now inalienable components of

many moral theories. If someone has a moral right, like the right to life or liberty, others have a moral obligation to behave in ways that respect that right. Even normative theories that do not make rights basic owe us an explanation of where rights do come from. Utilitarians, for example, argue that we can recognize rights because (and when) the consequences of doing so are good. Theists, of course, will claim that rights come from God.

Before we look more closely at these three types of normative theory, I want to re-emphasize the point that there are many uses of evaluative terms that are not involved with any kind of moral realism. It is not words like 'good', 'bad', 'right', and 'wrong' that draw the fire from moral error theorists, it is uses of those words (or of any others) that presuppose the existence of objective moral values or the inescapability of the demands of moral duties and obligations.

3. Nonmoral Uses of Evaluative Language. To say that a knife is a good one, or that someone is a good burglar or a good friend, is to make a value judgment, but not a judgment of intrinsic value. These uses of 'good' depend on interests, purposes, and conventional standards that even error theorists may find useful to adopt, or impossible to do without. Sharpness in knives, stealth in burglars, and loyalty in friends are qualities sought by everyone looking for good knives, burglars, or friends.

The words 'ought', 'right', 'must', 'obligation', and 'duty' are used in making judgments of obligation. To have an obligation is to be required or bound to do something. If it is a moral obligation then we are "morally bound," but not all judgments of obligation are judgments of moral obligation. When we say that someone who wants

to avoid colds ought to take Vitamin C, our use of the word 'ought' has nothing to do with morality. We are using the word to make a recommendation. Other non-moral uses of 'ought' show up in "The train ought to be here in five minutes," and in "You ought to have seen them in their funny hats."

When we speak of the *right* road, or wrench, or size, or color, we are not speaking about "moral" rightness, but about the ability of the item mentioned to meet a specific need. It is the right road to take to get to Pataskala, or the right wrench to use on your lug bolt. When we say it is the *duty* of a letter carrier to deliver the mail, we are talking about a "postal duty," an "assigned duty," not a moral one. Letter carriers acquire this "postal obligation" in virtue of their job. They may or may not assume that they have a *moral* duty to perform this contractual duty. Other professions generate other professional (but not yet moral) obligations. Teachers *ought* to meet their classes, keep appointments, and give grades related to the students' performance; bus drivers *ought* to stop at red lights and bus stops, and plumbers *ought* to make house calls.

The concept of a right also has both moral and non-moral uses. Many of our rights are firmly and fully based in the constitution and our laws. Skepticism here is out of place—if the relevant documents say we have them, we have them—even if we aren't allowed to exercise them. We don't have to be moral realists or believe in abstract moral rights to appreciate the right to make a right turn on a red light, or to remain silent when arrested.

It is important to emphasize these points because moralists sometimes take advantage of our innocent, (that is, non-moral) uses of 'ought' or 'good' or 'right'. If an

error theorist claims a civil right, or tells a speaker that he ought to use a microphone, or uses the word 'good' in any of a thousand non-moralist ways, then an opportunistic moralist might accuse him or her with hypocritical moralism. The charge is based on pretending that the speaker's non-moral use of a word is really a moral use. This "Gotcha" move is often not meant completely seriously, but if it is, it is evidence of a failure to understand that error theorists only need to avoid certain uses of certain words, or of a failure to realize that this can be done.

4. Value. Moore made the metaethical claim that 'good' is the name of a simple nonnatural property, but when he began to enumerate the things with that property, he was answering a normative question about value. His question was "What things are good?" and his answer was a **Pluralistic** one: many things (including pleasure) have the property named by the word 'good'. For example, he said that while the "mere existence of what is beautiful does appear to have some intrinsic value," that value is negligible beside "that which attaches to the consciousness of beauty" (Moore, 189).

Someone with a **Monistic** theory of value says that only one kind of thing is good in itself, and that if anything else is good, it is because it is related in the right way to what is good in itself. **Hedonism** is the best known monistic theory of value. Hedonists say that only pleasure is intrinsically good. To this they often add the rider that pain is the only intrinsically bad thing. Other value monists identify the good as power, or friendship, or life, or naturalness, or virtue, or happiness, or some other thing.

For as long as there have been hedonists, there have been questions about the nature of happiness and about its relationship to pleasure. Happiness is usually said to

be deeper and longer-lasting than pleasure. In Aristotle's famous words, "one swallow does not make a summer, nor does one day; and so too one day, or a short time, does not make a man blessed and happy" (Aristotle [2], 1098 a 18-20). But not all hedonists distinguish between pleasure and happiness. Jeremy Bentham, who tells us that the standard of right and wrong is "fixed to the throne" of pleasure and pain, uses 'pleasure' and 'happiness' as synonyms, and with staggering inaccuracy says that "benefit, advantage, pleasure, good, or happiness" all amount to the same thing (Bentham, 2). John Stuart Mill, who also held that pleasure and the freedom from pain are the only things desirable as ends, stipulated that "by happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure" (Mill [2], 7).

Even though Bentham and Mill claim to be using 'happiness' and 'pleasure' synonymously, there are important differences between the ways these two hedonists understand these concepts. Bentham appears to think of pleasure and pain as feelings, definite sensations with quantitatively comparable intensities and durations—equal quantities of pleasure are equally good, but greater quantities are better. "Quantity of pleasure being equal," he said, "pushpin is as good as poetry." If we get twenty units of pleasure (philosophers jokingly call them "hedons") playing *Angry Birds* or watching reality shows on TV, then that is exactly as good as if we get twenty hedons listening to Bach, discussing philosophy, or helping orphans.

Mill could not bring himself to believe in this quantitative approach to value, and insisted that "some kinds of pleasure are more desirable and more valuable than others." It is better to be "a human being dissatisfied than a pig satisfied, better to be

Socrates dissatisfied than a fool satisfied,” he said (Mill [2], 8). The *quality* of the satisfactions available in an average human life must certainly outweigh the quantity of pig or fool satisfaction felt by the most favored pig or fool.

When Mill asked what makes one pleasure more valuable than another, which is the right question, his answer was that the better of two pleasures is the one that would be preferred by those acquainted with both. I doubt that everyone equally acquainted with both will make the same choice, but even if they would, and even if we were willing to call what they chose the better pleasure, we would still only have a way to *tell* which of any two pleasures is “better,” and not an answer to the question of what *makes* one pleasure better than another. It cannot be that one pleasure is made better by the fact that it is or would be preferred by some person or group of people, however qualified.

Immanuel Kant also subscribed to a belief in intrinsic value. He said that a “good will” is not good because of its effects, it is good in itself. A good will acts from the motive of duty, not in pursuit of any desire or end. “When a good will is considered in itself,” he said, “then it is to be esteemed very much higher than anything which it might ever bring about merely in order to favor some inclination, or even the sum total of all inclinations.” Even if a good will is powerless to attain its end, it would “like a jewel, still shine by its own light as something which has its full value in itself” (Kant [3], 7-8). A moral error theorist might wish to inform Kant that jewels do not shine by their own light, and that the traits we value are cold and inert until we radiate them with our affection.

Three fundamental phrases nourish and perpetuate the theory of value—they are: ‘intrinsically good’, ‘good in itself’, and ‘good as an end’. They all emphasize the

objectivity and independence of the kind of goodness they are used to identify.

Intrinsic goodness is a kind of goodness a thing has apart from its relation to other things. Something is intrinsically good if it is good no matter what else is true and no matter how anyone feels about it. A thing is ***good in itself*** when it is good just because of the kind of thing it is—its goodness is part of its very nature. Finally, a thing that is ***good as an end*** is worth choosing apart from any consequences that might flow from choosing it, or use to which it might be put. The three phrases are virtually interchangeable, and while our explanations may combine to throw some light on the intrinsic part, they do nothing at all to help explain the goodness.

We learn to apply our words of positive and negative evaluation on the basis of experience and example. At the same time we pick up the standards and attitudes of those we hear using those words. Error theorists can feel comfortable with many of the non-moral uses of ‘good’ and ‘bad’, for there are conventional standards for assessments in every area of life.

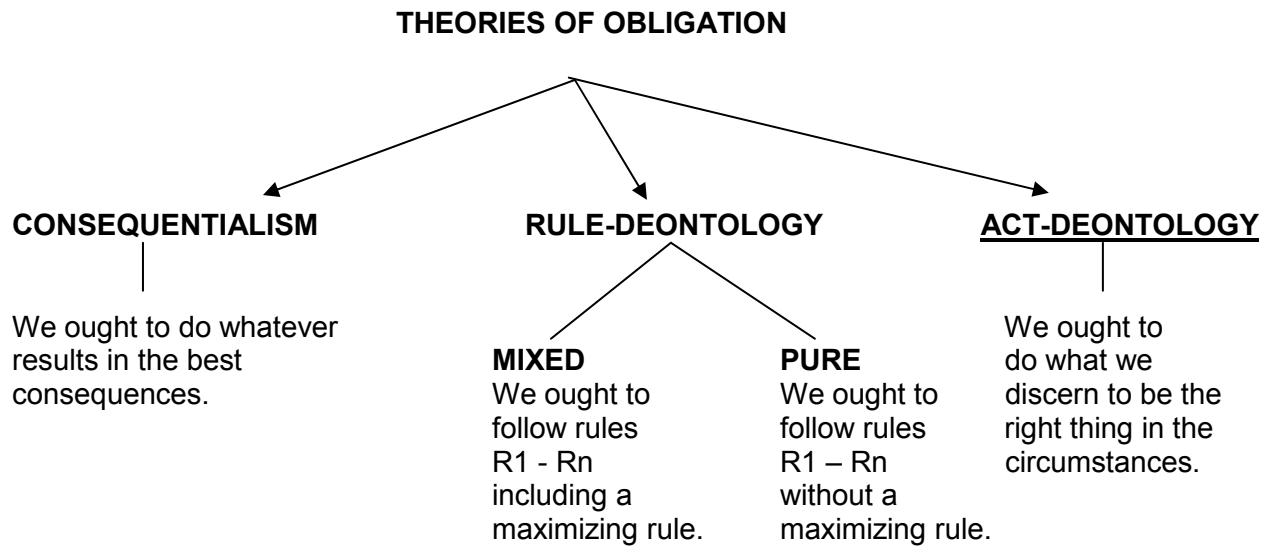
Some moralists follow Aristotle and say that “happiness” is *the* good, and that other things are good only because they lead to happiness. But what do we say when someone asks what makes happiness good? It is not easy to say what happiness is good for, and if we do think of something, we will soon find ourselves facing the further question of what that is good for, and so on till we run out of answers or time. The claim that something is *intrinsically good*, or *good in itself*, or *good as an end*, is designed to stop this game by heading off further questions. If something is intrinsically good, it is good, period; and nobody gets to ask “What makes it good?” or “What is it good for?”

Even if the claim that something is intrinsically good is used as a way to terminate a regress of questions, is it any more than a useful rhetorical device? Do things actually have a kind of value that has nothing to do with their purpose, effects, or relations? Since we learned to use 'good' to evaluate actual items according to familiar (if implicit) standards and purposes, why would we ever think that we can apply the term to evaluate items apart from all standards and purposes? Something is a good apple if it is tart, large, unmarked, and free of worms. Those are the kinds of apples we want. A car that does not break down and is fast (or easy on gas, or impressive) is a good car. Bill is a good plumber and Bob is a good friend. But what is it for a thing not to be "a good X," and not to be "good-for Y" or "good as Z," but just good, period—good-in-itself? If someone were to speak up for the "intrinsically useful," that which is useful in itself, useful as an end, we would see the joke. Here, we do not.

The claim that something is intrinsically good, good as an end, or good in itself defies both explanation and understanding. And yet the idea is as widespread as moralism itself. Most moralists would say that unless some things are good in this special way, we are doomed to arbitrary meaninglessness. Depending on how 'arbitrary meaninglessness' is defined, the error theorist can either reject that conclusion or point out that since nothing is intrinsically bad, neither is arbitrary meaninglessness. The worst thing about not having intrinsic value to anchor our choices is the frustration of our desire for security and leverage—but those desires can be overcome, and the lack of intrinsic value can eventually be seen as liberating. In any case, we gain no stability by dropping our anchor into a perfect vacuum.

5. Obligation. If we say that a thing has intrinsic value, nothing follows about what we or anyone ought to do with, to, or about it. For example, we can believe that pleasure is good in itself without believing that we are morally obliged to experience or to cause as much of it as possible. The idea that the value of something requires action from us takes us beyond the theory of value to the theory of obligation, where we encounter the belief that there are things that we are bound, in the moral way, to do or to refrain from doing.

Since most moralists think obligations are expressed by rules and principles, we can classify most theories of moral obligation on the basis of the kinds of rules they take to be fundamental. The exception is the **act-deontologist**, who believes that there are no general rules about what is right or wrong. Those moralists who believe that our only obligation is to choose actions with the best consequences are called **consequentialists**. By contrast, **rule-deontologists** reject this exclusive focus on results, and make moral obligation depend on rules that mention something *other than* or *in addition to* good or bad consequences. **Mixed rule-deontologists** say that the duty to maximize the good is only one of a number of our duties, and **pure rule-deontologists** say that any value we produce by acting is irrelevant to whether we have done what is right. Our duty is given by rules that say nothing about consequences.



Consequentialism. Consequentialism is the view that we ought to do what produces the best consequences. A consequence of some action is something that *results* from the action, something the action brings about; and the best consequences are the ones that produce the most of whatever is good, be that pleasure, satisfaction, happiness, or some other valued thing. What could be more plausible than a duty to do good and prevent harm? But when that idea shows up as the moral duty to do what leads to the best consequences it is hardly simple, and, when you think about it, it is not even that plausible.

The consequentialist, who says that our obligation is to do what leads to the *best* consequences, needs a theory of value to determine which consequences are the best. It is traditional to choose hedonism, the idea that pleasure alone is good as an end, and then to join it to some form of utilitarianism. The result is “**Hedonistic utilitarianism**,” the idea that we ought to do what maximizes happiness (or pleasure) and/or minimizes

pain. Other accounts of value produce other versions of utilitarianism, some more plausible than others, but none immune to devastating criticism.

We must also ask our consequentialists who they want us to take into consideration. Consequentialist accounts of obligation can be classified on the basis of whose happiness (or whatever) is taken into account in judging the action. As we can see by glancing at the following chart, at one end of the spectrum we find the **ethical egoist**, who holds that the only consequences that matter are those that affect the agent. At the opposite end we find those who want us to take into consideration the happiness or interests of all sentient beings—all beings capable of feeling or having interests. These people are frequently identified as **utilitarians**, but so are those less inclusive moralists who count only the humans.

**A PERSON OUGHT TO DO WHAT LEADS
TO THE GREATEST GOOD FOR**

himself herself	the members of his/her family or tribe	the people in his/her state	all humans with some special feature	all human beings	all rational beings	all sentient beings
ETHICAL EGOISM	TRIBALISM	NATIONALISM	RACISM SEXISM	SPECIESISM		
				UTILITARIANISM		

Utilitarians need not agree on what Peter Singer has called their “spheres of considerability.” The speciesist, who includes only humans within his sphere, still can be said to be a utilitarian. Those concerned only about the good of the citizens of their

own country (state, city, neighborhood), or those who include only blood relatives, or people of the same race, religion, or sex, cannot be called utilitarians. But even those utilitarians who include all sentient beings within their sphere of considerability can be asked whether they include future as well as present sentient beings. They can also be asked whether they want to compare the value of what actual beings have experienced with the value of what that they *might have* enjoyed, had different choices been made. In deliberating about an abortion, for example, are we to compare the value of the state of the world after the abortion, with the value of a (hypothetical) state that includes the unaborting child? How could we possibly do that?

Since ethical egoism is sometimes used to justify selfishness, we can understand why someone may embrace it. But it is hard to imagine that anyone could actually believe that our only moral duty is to maximize the good for ourselves. How could anyone defend *that* duty, or take seriously a moral theory that made self-sacrifice immoral, and the exploitation of others a moral obligation? Where would the duty to be selfish come from? It is clearly not a feature of our conventional morality, which points in the opposite direction.

While there is little call for a morality that limits the sphere of moral considerability to the person performing the action, there is an almost irresistible drift toward more and more inclusive groups. One reason for this is that we prefer generosity to selfishness in others. Another is that it is difficult to provide a moral justification for limiting our concern. If we consider only *some* of the creatures who suffer, how is the suffering we have ignored irrelevant? Bentham was clear about this and explicitly included “the rest

of the animal creation” within his sphere of moral considerability. That makes sense because when we recognize a duty to increase happiness or diminish suffering we must either include all beings capable of happiness and suffering, justify excluding some, or admit that our discrimination is arbitrary.

We all discriminate, but rarely do so arbitrarily. We live in a complex society and are embedded in a constantly fluctuating matrix of relationships. What we choose to do with, for, and to others varies with time and circumstance, and in ways that no rule could ever fully determine and no person could ever completely understand. When we decide what to do, the interests of our friends, relatives, future benefactors, and even those strangers that we manage to care about, are factored in, but usually spontaneously. We will return to this point in Chapter Eight, where we discuss the making of decisions.

Objections to Utilitarianism. The moral advice of the utilitarian may turn out to be as bizarre as that of the egoist, but for the opposite reason. The idea that we have an obligation to maximize the good of others is revolutionary and demanding. The hedonistic utilitarian, for example, says it is our duty to neglect our own happiness, and that of our families and friends, when doing so will increase the general happiness, which it almost always will. It is no wonder that those who understand what these utilitarians are saying want to know why they think we have a moral obligation to engage in perpetual self-sacrifice, to neglect our families and those to whom we have conventional duties, and to engage in unrelenting altruism.

The fact that utilitarianism is so out of harmony with conventional morality allows philosophers to generate counterexamples to it at will. The method is simple: find a

conflict between what a utilitarian must say about our duty and what our conventional morality says about our duty, and then count this against the utilitarian. The counterexamples come in four traditional styles.

(1) There is some act that maximizes the total good but it is one that we are obligated not to do. Suppose we can maximize the total happiness in the world by publicly torturing a universally hated villain. According to the utilitarian, this is what we ought to do, but in fact, says the critic of utilitarianism, it is something that we ought not do.

(2) There is some act that maximizes the total good but it is one that we are not obligated to do. If we can relieve much suffering by selling our I-pads and distributing the proceeds to help feed hungry orphans, the utilitarian may have to say that, unless there is some alternative that will produce even more good, we ought to do this. But, the critic of utilitarianism will say, this is not something that we ought to do.

(3) There is some act that fails to maximize the total good, but it is one that we ought to do. Suppose we have made a death-bed promise to bury someone with his unfinished manuscript. According to the utilitarian we ought to break that promise if publishing the

manuscript will produce more happiness than not publishing it; but, a critic may insist, we ought to keep that death-bed promise even if doing so will subtract from the world's happiness.

(4) There is some act that fails to maximize the total good, but it is one that we may do. Almost all of our normal daily actions will fail to maximize the total good. We are not maximizing the total good when we take a walk or a nap, or when we are watching television, eating candy, or reading books about ethics. Since there are alternatives to each of these actions that would produce more good, the utilitarian will be forced to say that we ought to choose one of them. But if anything is clear, says the critic of utilitarianism, it is that many of these innocent pleasures are morally permissible.

Counterexamples of all four types can be (and have been) offered by the dozens. The consistent hedonistic utilitarian appears to be committed to the belief that we ought to give up our own happiness, disregard agreements, lie, steal, kill, and use torture, when doing so increases the total amount of happiness, and the plain fact is that next to nobody believes this.

W. D. Ross said that the “essential defect” of utilitarianism is that “it ignores, or at least does not do full justice to, the highly personal character of duty” (Ross, 22). We think we owe our parents and our children special consideration, but the utilitarian may

appear to be saying that we have a duty to maximize the total good without paying attention to the relationships among those involved. But we give money to the people we know and to the people we owe, not to those who might benefit more from the gift. John Rawls was objecting to the same narrowness when he counted as one of its defects the fact that utilitarianism “does not take seriously the distinction between persons” (Rawls, 27).

It is, of course, open to the utilitarian with a hedonistic account of value to say that if depriving our family of food, lying to everyone, betraying our country, or anything else at all, promises to yield a net increase of happiness, then we ought to do it. “Yes,” this determined utilitarian can say, “my understanding of morality often puts me at odds with conventional morality, but that doesn’t mean I am wrong; indeed, it is by neglecting utility that conventional morality goes wrong. I can just ‘bite the bullet’ and reject each and every counterexample you offer.” History gives us at least one clear example of someone who was not at all bothered by the conflict between his utilitarianism and conventional morality. William Godwin (1756-1836) opposed the use of physical force, thought the best social system was anarchism, and was a dedicated utilitarian, who concluded that resources ought to go where they will do the most good. “I am bound,” he said, “to employ my talents, my understanding, my strength and my time, for the production of the greatest quantity of general good. Such are the declarations of justice, so great is the extent of my duty” (Godwin, 175). In a chapter on “Justice” he argued that gratitude is improper because if it will do the most good for you to give me something, you have an obligation to give it, and I to take it. He also accepted the

punishment of the innocent and other bitter pills philosophers try to force upon utilitarians, who are usually too conventional to swallow them (Godwin, 168-77).

Moral philosophers often distinguish between **objective** and **subjective** versions of consequentialism. The objective version says that we ought to do what will *in fact* result in the best consequences, and the subjective version says that we ought to do what *we believe* will result in the best consequences. Both opinions have their problems. Consider the objective variety, which seems to be the position taken by Godwin. Unless we can restrict what can be counted as a consequence, it is no easier to find out what we should have done after the act than it was before the act. If we allow that the consequences of our actions extend indefinitely after our deaths, we will go to our graves without knowing whether any action of ours was right or wrong.

What is worse, there may not even be such a thing as the (total set of) consequences of an action. Even at judgment-day there may be no way to identify some collection of items (events, things, actions, people, etc.) that make up “all and only” the consequences of what we have done. But even if we could make sense of the idea of “all the consequences of an action,” we would still never know which of our many possible choices *would have* produced the best consequences, because there is no way for even the most vivid imagination to say very much about the many roads we did not take.

When we move to the subjective form of consequentialism we will no longer be required to compare actual with alternative possible consequences, but we will have departed further from consequentialism than the description of our position may

suggest. If our obligation is only to do what we *think* will produce good consequences, we are not morally bound to produce good consequences at all. In fact we can produce very bad consequences without doing anything wrong because, on this view, an act is not right because it has the best consequences, it is right because the person performing it believes it will. Whatever we call this account of obligation, there is little reason to think we are always morally obliged to do what we *think* will lead to the best consequences, since often our beliefs result from carelessness, prejudice, manipulation, or willful ignorance.

Consequentialists try to remedy the situation by moving to what we might call (but only on this one occasion) “sufficiently reflective subjective consequentialism,” according to which our moral obligation is to do what, after adequate investigation and deliberation, we believe will lead to the best consequences. This might seem to solve the problem that undermined the purely subjective version, but it is still a very demanding requirement, and the notions of “adequate” and “sufficient” will never be explained to everyone’s satisfaction. How much investigation is enough, how is that determined, and by whom?

One more distinction and then we are done with utilitarianism. The **act-utilitarian** says that our actual moral obligation in each case is a function of the actual or expected consequences that result from the particular act being evaluated. By contrast, the **rule-utilitarian** says that what is actually right or wrong in a given case is determined not by the consequences flowing from the act in question, but by whether or not the act is in conformity with a “justified rule.” If “Do not lie” is a justified rule, then

even in those instances when lying leads to better consequences than telling the truth, it is still wrong to lie. What justifies a rule is the fact, if it is a fact, that following it (or trying to follow it) has sufficiently good consequences. We are skipping many details and complications here, but in effect the rule-utilitarian asks not which *actions* have the greatest utility but which *rules* do.

Rule-utilitarianism brings utilitarian morality closer to common sense morality. Sometimes moralists think that they ought to do something even when the consequences will be bad, and the rule-utilitarian leaves room for this. But if it is hard to determine the consequences of any particular action, it is far more difficult to determine the consequences of general adherence to a rule or practice. If you doubt this, consider the difference between trying to find out what might happen if you tell the truth on a particular occasion and trying to find out what would happen if everyone always told the truth. Rule-utilitarianism apparently involves even more fantasy than does act-utilitarianism.

Rule-deontologists and rule-utilitarians both appeal to rules, but rule-utilitarians say the rules are justified by the good that would result from everyone following them. This justification is not available to rule-deontologists, who usually give no defense of their preferred moral rules. But of course neither act-utilitarians nor rule-utilitarians have been able to justify the principle of utility, the fundamental rule they use to justify individual acts and general rules. As we saw in Chapter One, Bentham actually seemed annoyed at the thought that anyone might ask him to defend his beloved principle. He said that it has been “formally contested by those who have not known

what they have been meaning.” He added that it is not subject to any direct proof because “that which is used to prove everything else, cannot itself be proved.” To offer a proof of the principle of utility “is as impossible as it is needless.” (Bentham, 4) Impossible, yes; but why needless? We have already seen how out of touch most, if not all, forms of consequentialism are with the everyday moral feelings and beliefs of the average moralist, so why should we give such a radical and demanding principle a free pass?

Deontology. Consequentialists adopt a single standard for right action—our obligation, they say, is to produce the best consequences. **Act-deontologists** reject the idea that there are any firm and general rules about what is right and wrong. They are “particularists” who think that we can know (or see, or intuit) what we ought to do in each particular situation (or at least some particular situations). **Rule-deontologists** say that we have moral obligations to follow rules *other than or in addition to* the maximizing rules used by consequentialists. Rule-deontologists can allow that *one* of our duties is to produce good consequences, but this will not be the only duty they recognize. If it were, they would be consequentialists.

Rule-deontologists can say that we have a duty to produce good consequences, but they can also deny this. If they say that our duty is to follow a single rule (Kant’s Categorical Imperative) or a set of rules that say nothing of consequences (the Ten Commandments), they can be called **Pure** rule-deontologists. **Mixed** rule-deontologists believe that our moral duties flow from rules that require us to produce good consequences as well as from rules that do not mention consequences.

Deontologists bring us back to earth by acknowledging the demands of conventional morality. The rule-deontologist accepts rules against torture, duplicity, unfairness, and property violations as if they were the most natural things in the world, which they are. After all, they reflect our natural and strong preferences not to be tortured, deceived, exploited, and invaded. H. A. Prichard, who appeared in Chapter Four as a moral intuitionist, was an act deontologist who argued that all forms of consequentialism fail “to correspond to our actual moral convictions.” He said that after we have examined a case in depth and with imagination, we “apprehend” the rightness or wrongness of some particular action—*this* theft or *this* lie (Prichard, p. 4). For him, the judgment that an action is right does not depend on the consequences of that action, and it is not a derivation from any general rule. We just apprehend it.

Prichard was right when he said that consequentialist theories of obligation have their problems, but the failure of consequentialism, or even the failure of *all* rule theories, does not automatically establish the truth of act-deontology. There is always moral anti-realism, the rejection of both consequentialist and deontological theories of obligation. But this option was never seriously considered by intuitionists like Prichard, who reckoned that if we can't prove that some actions are right, we must know it without proof.

Another modern moral intuitionist who was a deontologist, but a rule-deontologist rather than an act-deontologist, was W. D. Ross. At the end of Chapter Four we saw how Ross claimed that we apprehend what he called *prima-facie* duties. Of the duties he mentioned (fidelity, reparation, gratitude, justice, beneficence, self-improvement, and

non-maleficence), only the duties of beneficence and non-maleficence would be acknowledged by consequentialists. Ross' array of *prima-facie* duties reflects our ordinary morality far better than act-utilitarianism. The mixed rule-deontologist will be able to say that since the duty of self-improvement tempers the duty of beneficence, we are probably not morally required to drop out of college to help sick and hungry strangers. The duty of justice helps us determine how to distribute the good and the bad, and the duty of fidelity will often require the keeping of promises and paying of debts, even if we might be able to produce more good in some other way.

Ross' rule-deontology is intuitively plausible because it is a collection of the sorts of rules we have been pushing on each other for eons. The lessons that impart the duties of fidelity and the rest are taught so thoroughly that the requirements seem to be dictated by nature itself, self-evident, inescapable. By contrast, the hopelessly vague duty to maximize the good is both counterintuitive and forbiddingly demanding. One of the great services of *prima-facie* duties is to put the moral brakes on the quest for utility. For example, we want to be left alone to pursue projects that would be difficult to justify on utilitarian grounds, so we claim to have a duty of self-improvement, or, as we are about to see, a right to pursue harmless activities of our own choosing.

6. Rights. Deontological rules like Ross' duty of self-improvement do manage to shield us from the demands of unbridled consequentialism, but critics of rule theories say that all rules have exceptions, and no one has the slightest idea how to extract an actual duty from a competing host of *prima-facie* ones. These and other difficulties and defects of rule theories sometimes turn rule theorists into rights theorists because when

we want to protect our interests from the demands of consequentialists, moral rights seem at least as useful as moral rules, and they have considerably more rhetorical power.

If we have any moral intuitions at all, they tell us that it is wrong to harvest the organs of one healthy but unwilling individual to save the lives of five who need various organ transplants. Most moralists would even say that it is wrong to kidnap some vagrant and take one of his kidneys in order to save the life of a scientist on the verge of discovering a cure for cancer. It is wrong, many would say, because it violates that vagrant's rights.

Rights are useful because we can appeal to them without making fantastic and unbelievable calculations and projections. Forbidding some people to speak may or may not have good consequences, but we don't have to know the truth about this (if there is a truth) to claim that someone's right to free speech has been violated. But what is this idea of a right? There are, of course, legal and constitutional rights, and these notions are not difficult to explain. We have a legal or constitutional right (or duty) if the law or constitution says that we do. If we belong to some organization with rules, then we have the rights (and duties) given us by the rules. These conventional or "institutional" rights have their complications and difficulties, but compared to the idea of a moral right, they are straightforward and not in least mysterious.

It is entirely possible that the concept of a moral right borrows what meaning it has from legal, political, and institutional contexts. We naturally think of rights in terms of being granted them. If an earthly sovereign grants us our legal rights, then perhaps a

superhuman sovereign grants us our moral rights—as the Declaration of Independence says. This divine gift theory of moral rights, like the divine command theory of moral obligation, is open to criticism. But so is the alternative, which is that we have rights simply because we are human. This idea is vague, and unless we are content with blatant speciesism, we will have to allow that the same argument appears to give dogs, cats, and bears rights as well—just because they are dogs, cats, and bears. We might rule out the animals by saying that we get our rights by entering into agreements with others like ourselves, but then we are left with a watered-down conventionalist idea of rights that makes it hard to see how they can be binding or inalienable, as they are often thought to be.

Thomas Hobbes said that in a state of nature each person has a right to all things. He called this the **Right of Nature**, and his idea was that people in a state of nature are “permitted,” in the sense that they are not forbidden, to do as they choose. This is often said to be a right in the **weak sense** because it is really no more than the complete absence of restrictions. No one is required or forbidden to do anything by our having this sort of right.

The rights that matter to us are rights in the **strong sense**. If a person has a right in the strong sense, then others are restricted from acting, or required to act, in certain ways. Rights in the strong sense may be either **negative rights**, which require others not to interfere with the right-holder, or **positive rights**, which require others to aid the right-holder. Someone who “takes rights seriously” will concentrate on negative and positive rights in the strong sense.

Locke gave us a stronger concept of a 'right' than the bare liberty acknowledged by Hobbes, though the rights he had in mind seem to be negative rather than positive ones. He said that even in a state of nature each person has a right to life, liberty, and property, with the result that it is wrong, even in a state of nature, to kill or hurt others, or to deprive them of property which is theirs. Your right to life and liberty makes it is wrong for me to kill or confine you, but Locke did not say that it is wrong for me (or for us) to fail to supply you with what you need in order to stay alive or free, which is what someone would say who believed that the right to life or liberty was a positive right.

In 1789 the French National Assembly proclaimed the "Declaration of the Rights of Man and the Citizen." Among our "imprescriptable" rights, they included rights to liberty, property, and security, and the right to resist oppression. From then on, there have been strong and vocal defenders and critics of such rights. In *Nonsense upon Stilts*, Jeremy Waldron collects major attacks on this natural rights tradition by Jeremy Bentham, Edmund Burke, and Karl Marx—liberal, conservative, and socialist critics of rights. Bentham thought so little of the idea of rights that he wrote something he called "No French Nonsense: or A Cross Buttock for the first Declaration of Rights: together with a kick of the A – for the Second . . . by a practitioner of the Old English Art of Self Defense" (Waldron, 32). He thought that the many rights-claims made during the French Revolution were arbitrary and groundless expressions of selfish personal preferences, and he described the claim that people have rights ungrounded by consequences as "nonsense upon stilts."

Mill, who did not follow Bentham on all points, followed him on this one. He declared himself willing to “forego any advantage which could be derived to my argument from the idea of abstract right as a thing independent of utility” (Mill [1], 14). “To have a right,” he said, is “to have something which society ought to defend me in the possession of. If the objector goes on to ask why it ought, I can give him no other reason than general utility” (Mill [2], 52). To this consequentialist derivation of rights, Mill adds an explanation of the “peculiar energy” of the feeling of obligation that goes with the concept of a right. Our passion for rights is inflamed by our need for security, something “no human being can possibly do without” (Mill [2], 53). Since it is a matter of “making safe for us the very groundwork of our existence,” the emotions that gather around our rights tend to be the strongest, and our claim to a right “assumes that character of absoluteness, that apparent infinity and incommensurability with all other considerations which constitute the distinction between the feeling of right and wrong and that of ordinary expediency and in expediency.” (Mill [2], 53)

Every identifiable group speaks of and for its rights, and far too many who want something tend to claim it as a right. This was perhaps the thing about rights that bothered Bentham so much:

When a man has a political caprice to gratify, and is determined to gratify it, if possible, at any price, when he feels an ardent desire to see it gratified but can give no reason why it should be gratified, when he finds it necessary to get the multitude to join with him, but either stoops not to enquire

whether they would be the better or the happier for doing so,
or feels himself at a loss to prove it, he sets up a cry for rights
(Bentham, 36).

It is clear, at least to the error theorist, what is going on here. Utilitarians are right when they object to the idea of fundamental moral rights, and deontologists are right when they argue against any utilitarian defense of moral rules or rights. We have learned to claim our rights, and perhaps to believe in them as well, but we should have been made suspicious long ago that our intuitions about what moral rights we have, and even about what moral rights are, depend predictably on our needs, desires, interests, and training.

The ways to moralize are as uncountable as the disagreements among moralists. Those who embrace one theory of obligation will be convinced that proponents of other theories of obligation have failed to see the truth. Utilitarians differ among themselves about how to state utilitarianism, and rights-theorists disagree about which purported rights are actual, and about the relative stringency of the rights they agree we do have. Each theory mentioned in this chapter has been defended in many books, and attacked in more. All seem to take it for granted that everyone is involved in a search for the truth—the truth about what is really good, or the truth about how a person ought to act. If there is no truth here, if all the claims of the moralists about what is intrinsically good and morally right and wrong are in error, as the error theorist believes, then the study of normative ethics is of limited “value,” and our time might be spent more productively.