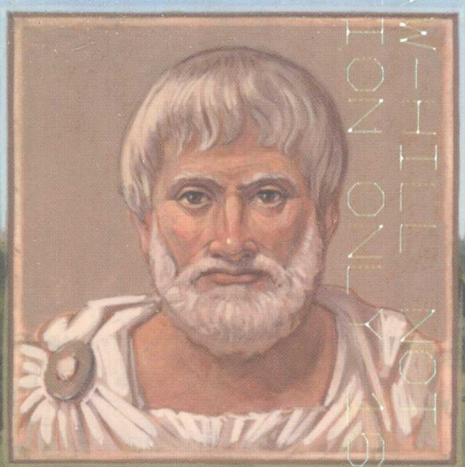
# Philosophical Ethics

## An Introduction to Moral Philosophy

Third Edition

*Tom L. Beauchamp*



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# *Philosophical Ethics*

## *An Introduction to Moral Philosophy*

*THIRD EDITION*

*Tom L. Beauchamp*
*Georgetown University*

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# *Philosophical Ethics*

## *An Introduction to Moral Philosophy*

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*For Karine, Zachary, and Ruthie,*
*who make life come alive*

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# *Preface to the Third Edition*

The objective of this book is to provide a thorough grounding in the main types of moral philosophy. Short readings from classical and contemporary writers are included to facilitate this goal. A secondary but important design of the book is to help students become aware of situations that require moral reflection, judgment, and decision, at the same time revealing the complexities that surround moral choices and the framing of public policies. My aim has been to develop a pedagogically sound book with substantive arguments, readable materials, and practical significance.

The moral philosophies of Aristotle, Hume, Kant, and Mill are at the core of the book's structure, but their philosophical commitments are placed in the context of today's moral problems and philosophical controversies, especially those that have been prominent in moral philosophy in the last thirty years. I have emphasized philosophical argument in these four philosophers, attending to historical background and textual exegesis only as necessary to help the student understand their writings. In short, historical figures are examined both for their theories and for the way they continue to inform contemporary moral thinking.

History is reordered in Chapters 4 through 7 for pedagogical reasons. Utilitarianism is the least intricate of the theories and in many respects the easiest to learn. Kantian theories are most easily learned and appreciated as a reaction to certain alleged deficiencies in utilitarianism. Aristotelian theories, understood here as a type of virtue ethics, are best presented as an alternative to the obligation-based utilitarian and Kantian accounts. Finally, Humean theories are eclectic and have a foot in various types of ethical theory.

There are innumerable changes in this third edition. Every chapter has been rewritten to bring it up to date and to satisfy suggestions made by instructors who have used the text. Approximately one-third of the selections are new. Chapter 1 has been substantially reduced in size so that students are not unduly delayed with preliminary materials. Chapter 7, on Hume and Humean theories, has been heavily reshaped, with some of the material from that chapter moved to Chapter 8, which has an entirely new set of selections.

Many friendly critics helped improve this volume in the first and second editions, and I again acknowledge their efforts. In the first edition, R. Jay Wallace critiqued virtually every paragraph; and in the first two editions, Ruth Faden and Hugh LaFollette made very significant suggestions for improvement. For some comments on earlier materials that led to Chapters 2, 7, 8, and 9, I am indebted to Richard Wasserstrom, Alasdair MacIntyre, Robert L. Simon, Joel Feinberg, James Childress, Burton Leiser, Norman Daniels, Norman Bowie, and Louis Katzner. I have received many helpful suggestions for improvements in this edition from students and faculty who have used the text in the classroom. I am especially grateful to Kevin Gibson and William J. Talbot. Special thanks must be given in this third edition to Gregory Pence and Sven Sherman-Peterson—as to David DeGrazia and Jeff Kahn in the second edition. They worked through the entire set of revisions and conducted research on new source material. They also helped in teaching the new material to students and evaluating its strengths and weaknesses. Moheba Hanif took the manuscript through innumerable drafts and stylistic changes. I am very grateful for all this assistance.

Tom L. Beauchamp

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PART ONE

# *Fundamental Questions*

CHAPTER 1

# *Morality and Moral Philosophy*

In this book we encounter some perplexing moral problems that help us understand the moral philosophy at the core of the book. Each chapter begins with a case study that poses a moral problem. Various aspects of the case are then analyzed in the chapter. The case study that introduces this first chapter may seem to present only a moral *wrong*, not a moral *problem*. On closer inspection, however, this case helps us understand not only moral problems but why we regard such matters as moral at all.

## THE WATERGATE COVERUP

In March 1973, a convicted burglar named James McCord wrote to a judge named John Sirica that the White House was covering up the fact that five men had been hired by high White House officials to burglarize Democratic headquarters in the Watergate apartment-hotel complex. A month later, on April 30, 1973, White House counsel John Dean was fired by President Richard Nixon after Dean refused to issue a fictitious report that denied a coverup in the Watergate scandal.

Two months after his firing, Dean gave public testimony before Congress regarding the Watergate scandal that ultimately led to Nixon's resignation. Dean testified in remarkable detail about how the highest-ranking White House officials, including President Nixon, had approved the burglary and then obstructed justice in attempting a coverup of potentially damaging information about their activities. According to Dean, when the men who burglarized Democratic headquarters were arrested, those responsible at the White House intentionally effected the massive coverup. There was never any question of making the full story public; it was assumed in this tight circle that the facts must be concealed. There were, however, different reasons for the coverup: Some White House officials feared prosecution, some feared impeachment, and some feared the overthrow of the country by radicals. Nevertheless, the imperative to cover up was, according to Dean, accepted spontaneously, unanimously, and without serious question.

Millions of people who followed this testimony, including Dean himself, thought that this burglary and the subsequent coverup were *morally wrong*, whether or not they turned out to be *illegal*. They considered such actions to be moral offenses,

even if they were not punishable by law. It was eventually established that the break-in was illegal, and Dean himself was imprisoned for his role, but there was never any official judgment or pronouncement about the immorality of the break-in. Indeed, one of the early witnesses in congressional hearings on the Watergate scandal, Bernard Barker, defended the burglary as both patriotic and morally proper, no matter its legality.

## MORALITY

As we reflect on Dean's testimony and the events surrounding Watergate, several philosophical questions emerge about the morality of these activities. What made this burglary wrong? Is it the mere fact of its being a burglary? If so, how can a fact constitute a wrong? Is morality comprised of facts? Do we need a philosophical theory to determine the rightness or wrongness of the burglary—or, rather, does a philosophical theory merely draw on social morality, thus *assuming* rightness or wrongness?

These questions are philosophical, and we will meet such questions many times in this book. As an initial response, it seems clear that the words "ethics" and "morality" cannot be confined to *philosophical* contexts. The terms "ethical theory" and "moral philosophy" refer exclusively to philosophical reflection on morality. The purpose of ethical theory is to introduce clarity, substance, and precision of argument into the domain of morality. Comprehensive ethical theories attempt to provide a normative framework for understanding and responding to problems in living a moral life. Usually such a framework takes the form of a theory of right action, but it may also take the form of a theory of good character.

The term "morality," by contrast to "ethical theory" and "moral philosophy," is used to refer to conventions in society about right and wrong human conduct. These beliefs are expressed through terms such as "good," "bad," "virtuous," "praiseworthy," "right," "wrong," "ought," and "blameworthy." However, several areas of conduct other than ethics also use action-directing words such as "good" and "bad" to evaluate human endeavors. Religion, law, etiquette, and politics are examples. We may ask, then, "What is distinctive about morality?" or, more generally, "How is morality distinct from other areas of human endeavor in which normative judgments occur?"

### Morality as a Social Institution

Morality is a social institution, composed of a set of standards pervasively acknowledged by the members of a culture. It is comprised of practices that—together with other kinds of customs, rules, and mores—are transmitted from generation to generation. Morality thus has an enduring social status as a body of guidelines for conduct. Similar to political constitutions and natural languages, morality exists prior to the acceptance (or rejection) of its standards by particular individuals. Individuals do not create morality by making their own rules, and morality cannot be purely a personal policy or code.

We learn these social requirements and their appropriate applications as we grow up, along with other important social rules, and this is one reason why it is sometimes difficult to distinguish moral rules from other rules. For example, we are constantly bombarded in our early years with rules such as "Don't swim near the rocks," "Don't cross the street without looking both ways," and "See your dentist for an annual checkup." Most of these rules are instructions in our own interest, teaching us about various kinds of *prudent behavior*.

We also learn rules of several different kinds. We are told by parents, teachers, and peers that certain things ought or ought not to be done because they affect the interests of other people: "Don't color your sister's photographs," "Don't lie to your father and mother," "It is better to give than to receive," and "Respect the rights of others." These are elementary instructions in morality because they express what society expects of us in terms of taking the interests of other people into account. We thus learn about *moral* behavior. But we learn rules of other types as well.

## Morality and Law

One group of rules that we learn early in life are the rules of law, and these rules are often confused with moral rules. This confusion is understandable. Morality and law are both social institutions, and they share concerns over matters of great social importance. They also share in common certain basic principles, obligations, and criteria of evidence. Law can even serve as the public's agency for translating morality into explicit social guidelines and practices and for stipulating punishments for offenses.

A surprising number of people tend to think "If it's legal, it's moral." Many thousands of people who followed the events in the Watergate scandal took just this view: If nothing legally wrong had been done, then there was no moral fault or blame either. Moral evaluation, however, needs to be carefully distinguished from legal evaluation. The law is not the repository of a society's moral standards and values, even when the law is directly concerned with moral problems. A law-abiding person is not necessarily morally sensitive or virtuous, and the fact that something is legally acceptable does not imply that it is morally acceptable. For example, a person who has a joint bank account with another person is legally authorized to withdraw all the money from the account, but it hardly follows that the person is morally authorized to do so. What legally is a withdrawal may morally be a theft.

In the Watergate affair, it seems clear in retrospect that the planned burglary was morally wrong even if no court had ever been persuaded that a legal wrong had occurred (as at one time seemed a possible outcome of the case). The actions that took place in the White House constituted moral offenses whether punishable by law or even governed by law. For example, the coverup led to several legally punishable cases of perjury by high officials, including Dean and Attorney General John Mitchell. Their acts would have been condemnable lies from a moral point of view even if these figures had been found innocent of the perjury charges. There also were charges of "political espionage" by White House officials—a legally suspect category in this case, but a most important matter in judging the moral character of those so charged. President Nixon himself was never legally punished, though he

was widely considered to have committed the most egregious moral lapse of all by fostering an environment of immoral conduct in the White House that permitted the scandal to occur. It has often been observed that the Watergate affair provoked widespread lack of confidence in the United States in the moral integrity of politicians and high officials. This is a matter of the highest moral importance in a culture, though it has no direct legal significance.

Finally, it deserves note that we commonly use moral principles to formulate and to criticize the law. In his famous "Letter from the Birmingham City Jail," Martin Luther King, Jr. argued that racial segregation was immoral, even though it was legal in many parts of the United States at the time. King wrote that "any law that degrades human personality is unjust. It gives the segregator a false sense of superiority, and the segregated a false sense of inferiority. . . . [It relegates] persons to the status of things. So segregation is not only politically, economically, and sociologically unsound, but it is morally wrong and sinful."[1]

## The Universality in Morality

The most abstract and sweeping principles of morality—such as, "Do not kill"—are, in effect, found in all cultures. These shared principles are sometimes referred to as the "common morality." Common morality is not a (specific) morality or a theory; it is simply shared morality. In recent years, the favored category to express shared universal moral content has been human rights (see the Feinberg, Okin, and Waldron selections in Chapter 8), but obligations can also be expressed in universal form. Typical of the principles that persons in all cultures seem to affirm are "Tell the truth," "Obtain consent before invading another person's body," "Do not cause pain," "Do not deprive of liberty," and "Do not steal or otherwise deprive of goods." Several of these fundamental moral values were violated by White House officials in the Watergate affair.

These norms constituting shared morality certainly do not comprise all of morality; the morality we share is only a small slice of the entire moral life. Morality more broadly understood includes divergent moral norms and positions that spring from particular cultural, philosophical, and religious roots. Many people, including many philosophers, are skeptical that the common morality has very much content at all. That is, they think that virtually nothing in the way of substantive moral content is shared across cultures. This issue will be considered in depth in Chapters 2, 3, and 8 in this text.

But before we get to those chapters, one widely held belief about morals deserves attention: When we judge an act morally right or wrong (e.g., "The deception at the White House was a moral outrage") or make a judgment about moral character (e.g., "Nixon was absolutely not to be trusted"), we do not believe our declaration is like a judgment of mere taste or preference (e.g., "This banana is delicious"). Mere preferences vary from individual to individual, but sound ethical judgments that derive from the common morality seem to transcend such individual

[1]Martin Luther King, Jr., "Letter from Birmingham City Jail," in James Melvin Washington, ed., *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* (San Francisco: Harper, 1991).

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