MORALITY IN PRACTICE

Fifth Edition

James P. Sterba

Morality in Practice

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This book is printed on acid-free recycled paper.

The book is again dedicated
to Sonya, now 16,
whose sense of what are moral problems
now far exceeds my own.

Preface

A moral problems course tends to teach itself. It takes a really bad teacher to mess one up, but it can be done in at least three different ways:

1. By presenting just one set of views on various topics. (Students appreciate the need for fair play here.)
2. By encouraging students to hold a crude relativism. (Students know that all moral stances are not equally good.)
3. By not being relevant to student concerns. (Students can reasonably expect that, at the least, an ethics course will be relevant to their lives.)

This text enables teachers to avoid (1) by presenting radically opposed selections on all topics. It enables teachers to avoid (2) by suggesting through the introductions and the ordering and selection of topics how some views turn out to be more defensible than others. It enables teachers to avoid (3) by being the only moral problems text to provide in-depth coverage of a broad range of new and standard moral problems. In fact, no other moral problems text combines such breadth and depth. In addition, it has the following to recommend it.

New Features

1. Thirty-five new readings.
2. Three new sections: hate speech, gun control, and punishment and responsibility.
3. Two sections recast and revised: affirmative action and gay and lesbian rights.
4. Revisions of all other sections.

Retained Features

1. A general introduction provides background discussion of traditional moral approaches to ethics as well as an accessible answer to the question, Why be moral?
2. Section introductions set out the framework for the discussion and criticism of the articles in each section.
3. Brief summaries at the beginning of each article enable students to test and improve their comprehension.
4. Each section concludes with one or more articles discussing specific practical applications.
5. Suggestions for further reading are found at the end of each section.

In putting together this fifth edition, I have again benefited enormously from the advice and help of many different people. Very special thanks go to Melissa Barry, who did much of the library work tracking down articles for this edition. Thanks also go to Ken Clatterbaugh of Washington University, Nicholas Capaldi of the

University of Tulsa, John Carvino of the University of Texas, Preston Covey of Carnegie-Mellon University and Hugh LaFollette of East Tennessee University, and to my wife and fellow philosopher Janet Kourany. I also thank the following reviewers whose suggestions were especially helpful: Peter Dalton, Florida State University; Mark Perlman, Arizona State University; Edward F. Becker, University of Nebraska, Lincoln; Lesley Jacobs, York University; Sally Scholz, Villanova University; and Mark Van Hook, Ohio State University.

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Notre Dame, Indiana

Contents

General Introduction

Most of us like to think of ourselves as just and moral people. To be truly such, however, we need to know something about the demands of justice and how they apply in our own particular circumstances. We should be able to assess, for example, whether our society's economic and legal systems are just—that is, whether the ways income and wealth are distributed in society as well as the methods of enforcing that distribution give people what they deserve. We should also consider whether other societal institutions, such as the military defense system, the education system, and the foreign aid program, are truly just. Without investigating these systems and coming to an informed opinion, we cannot say with any certainty that we are just and moral persons rather than perpetrators or beneficiaries of injustice.

This anthology has been created to help you acquire some of the knowledge you will need to justify your belief that you are a just and moral person. For this purpose, the anthology contains a wide spectrum of readings on thirteen important, contemporary, practical problems:

1. The problem of the distribution of income and wealth. (Who should control what resources within a society?)
2. The problem of near and distant peoples. (What obligations do we have to near and distant peoples?)
3. The problem of abortion and euthanasia. (Do fetuses have a right to life, and what should we do for the dying and those requiring life-sustaining medical treatment?)
4. The problem of sex equality. (Should the sexes be treated equally, and what constitutes equal treatment?)
5. The problem of affirmative action. (What specific policies are required to remedy discrimination and prejudice?)
6. The problem of sexual harassment. (What is sexual harassment and how can it be avoided?)
7. The problem of pornography. (Should pornography be prohibited because it promotes violence against women?)
8. The problem of hate speech. (What restrictions, if any, should there be on speech in society?)
9. The problem of gay and lesbian rights. (What rights should gays and lesbians have?)
10. The problem of gun control. (What restrictions should be placed on a citizen's right to own and carry guns?)

11. The problem of animal liberation and environmental justice. (What should our policies be for the treatment of animals and the environment?)
12. The problem of punishment and responsibility. (Who should be punished and of what should their punishment consist?)
13. The problem of war and humanitarian intervention. (What are the moral limits to the international use of force?)

Before you get into these problems, however, you should know what it means to take a moral approach to these issues and how such an approach is justified.

The Essential Features of a Moral Approach to Practical Problems

To begin with, a moral approach to practical problems must be distinguished from various nonmoral approaches. Nonmoral approaches to practical problems include the *legal approach* (what the law requires with respect to this practical problem), the *group-* or *self-interest approach* (what the group- or self-interest is for the parties affected by this problem), and the *scientific approach* (how this practical problem can best be accounted for or understood). To call these approaches nonmoral, of course, does not imply that they are immoral. All that is implied is that the requirements of these approaches may or may not accord with the requirements of morality.

What, then, essentially characterizes a moral approach to practical problems? I suggest that there are two essential features to such an approach:

1. The approach is prescriptive, that is, it issues in prescriptions, such as "do this" and "don't do that."
2. The approach's prescriptions are acceptable to everyone affected by them.

The first feature distinguishes a moral approach from a scientific approach because a scientific approach is not prescriptive. The second feature distinguishes a moral approach from both a legal approach and a group- or self-interest approach because the prescriptions that accord best with the law or serve the interest of particular groups or individuals may not be acceptable to everyone affected by them.

Here the notion of "acceptable" means "ought to be accepted" or "is reasonable to accept" and not simply "is capable of being accepted." Understood in this way, certain prescriptions may be acceptable even though they are not actually accepted by everyone affected by them. For example, a particular welfare program may be acceptable even though many people oppose it because it involves an increased tax burden. Likewise, certain prescriptions may be unacceptable even though they have been accepted by everyone affected by them. For example, it may be that most women have been socialized to accept prescriptions requiring them to fill certain social roles even though these prescriptions are unacceptable because they impose second-class status on them.

Alternative Moral Approaches to Practical Problems

Using the two essential features of a moral approach to practical problems, let us consider three principal alternative moral approaches to practical problems: a *Utilitarian Approach*, an *Aristotelian Approach*, and a *Kantian Approach*.[1] The basic principle of a Utilitarian Approach is:

> Do those actions that maximize the net utility or satisfaction of everyone affected by them.

A Utilitarian Approach qualifies as a moral approach because it is prescriptive and because it can be argued that its prescriptions are acceptable to everyone affected by them since they take the utility or satisfaction of all those individuals equally into account.

To illustrate, let's consider how this approach applies to the question of whether nation A should intervene in the internal affairs of nation B when nation A's choice would have the following consequences:

	Nation A's Choice	
	Intervene	*Don't Intervene*
Net utility to A	4 trillion units	8½ trillion units
Net utility to B	2 trillion units	−2 trillion units
Total utility	6 trillion units	6½ trillion units

Given that these are all the consequences that are relevant to nation A's choice, a Utilitarian Approach favors not intervening. Note that in this case, the choice favoring a Utilitarian Approach does not conflict with the group-interest of nation A, although it does conflict with the group-interest of nation B.

But are such calculations of utility possible? Admittedly, they are difficult to make. At the same time, such calculations seem to serve as a basis for public discussion. Once President Reagan, addressing a group of Black business leaders, asked whether Blacks were better off because of the Great Society programs, and although many disagreed with the answer he gave, no one found his question unanswerable.[2] Thus, faced with the exigencies of measuring utility, a Utilitarian Approach simply counsels that we do our best to determine what maximizes net utility and act on the result.

The second approach to consider is an Aristotelian Approach. Its basic principle is:

> Do those actions that would further one's proper development as a human being.

This approach also qualifies as a moral approach because it is prescriptive and because it can be argued that its prescriptions are acceptable to everyone affected by them.

There are, however, different versions of this approach. According to some versions, each person can determine through the use of reason his or her proper development as a human being. Other versions disagree. For example, many religious traditions rely on revelation to guide people in their proper development as human beings. However, although an Aristotelian Approach can take these various forms, I want to focus on what is probably its philosophically most interesting form. That form specifies proper development in terms of virtuous activity and understands virtuous activity to preclude intentionally doing evil that good may come of it. In this form, an Aristotelian Approach conflicts most radically with a Utilitarian Approach, which requires intentionally doing evil whenever a *greater* good would come of it.

The third approach to be considered is a Kantian Approach. This approach has its origins in seventeenth- and eighteenth-century social contract theories, which tended to rely on actual contracts to specify moral requirements. However, actual contracts may or may not have been made, and, even if they were made, they may or may not have been moral or fair. This led Immanuel Kant and contemporary Kantian John Rawls to resort to a hypothetical contract to ground moral requirements. A difficulty with this approach is in determining under what conditions a hypothetical contract is fair and moral. Currently, the most favored Kantian Approach is specified by the following basic principle:

> Do those actions that persons behind an imaginary veil of ignorance would unanimously agree should be done.[3]

This imaginary veil extends to most particular facts about oneself—anything that would bias

one's choice or stand in the way of a unanimous agreement. Accordingly, the imaginary veil of ignorance would mask one's knowledge of one's social position, talents, sex, race, and religion, but not one's knowledge of such general information as would be contained in political, social, economic, and psychological theories. A Kantian Approach qualifies as a moral approach because it is prescriptive and because it can be argued that its prescriptions would be acceptable to everyone affected by them since they would be agreed to by everyone affected behind an imaginary veil of ignorance.

To illustrate the approach, let's return to the example of nation A and nation B used earlier. The choice facing nation A was the following:

	Nation A's Choice	
	Intervene	*Don't Intervene*
Net utility to A	4 trillion units	8½ trillion units
Net utility to B	2 trillion units	−2 trillion units
Total utility	6 trillion units	6½ trillion units

Given that these are all the consequences relevant to nation A's choice, a Kantian Approach favors intervention because persons behind the imaginary veil of ignorance would have to consider that they might turn out to be in nation B, and in that case, they would not want to be so disadvantaged for the greater benefit of those in nation A. This resolution conflicts with the resolution favored by a Utilitarian Approach and the group-interest of nation A, but not with the group-interest of nation B.

Assessing Alternative Moral Approaches

Needless to say, each moral approach has its strengths and weaknesses. The main strength of a Utilitarian Approach is that once the relevant utilities are determined, there is an effective decision-making procedure that can be used to resolve all practical problems. After determining the relevant utilities, all that remains is to total the net utilities and choose the alternative with the highest net utility. The basic weakness of this approach, however, is that it does not give sufficient weight to the distribution of utility among the relevant parties. For example, consider a society equally divided between the Privileged Rich and the Alienated Poor who face the following alternatives:

	Nation A's Choice	
	Alternative A	*Alternative B*
Net utility to Privileged Rich	5½ trillion units	4 trillion units
Net utility to Alienated Poor	1 trillion units	2 trillion units
Total utility	6½ trillion units	6 trillion units

Given that these are all the relevant utilities, a Utilitarian Approach favors Alternative A even though Alternative B provides a higher minimum payoff. And if the utility values for two alternatives were:

	Nation A's Choice	
	Alternative A	*Alternative B*
Net utility to Privileged Rich	4 trillion units	5 trillion units
Net utility to Alienated Poor	2 trillion units	1 trillion units
Total utility	6½ trillion units	6 trillion units

A Utilitarian Approach would be indifferent between the alternatives, even though Alternative A provides a higher minimum payoff. In this way, a Utilitarian Approach fails to take into account the distribution of utility among the relevant parties. All that matters for this ap-

proach is maximizing total utility, and the distribution of utility among the affected parties is taken into account only insofar as it contributes toward the attainment of that goal.

By contrast, the main strength of an Aristotelian Approach in the form we are considering is that it limits the means that can be chosen in pursuit of good consequences. In particular, it absolutely prohibits intentionally doing evil that good may come of it. However, although some limit on the means available for the pursuit of good consequences seems desirable, the main weakness of this version of an Aristotelian Approach is that the limit it imposes is too strong. Indeed, exceptions to this limit would seem to be justified whenever the evil to be done is:

1. Trivial (e.g., stepping on someone's foot to get out of a crowded subway).
2. Easily reparable (e.g., lying to a temporarily depressed friend to keep her from committing suicide).
3. Sufficiently outweighed by the consequences of the action (e.g., shooting one of 200 civilian hostages to prevent in the only way possible the execution of all 200).

Still another weakness of this approach is that it lacks an effective decision-making procedure for resolving practical problems. Beyond imposing limits on the means that can be employed in the pursuit of good consequences, the advocates of this approach have not agreed on criteria for selecting among the available alternatives.

The main strength of a Kantian Approach is that like an Aristotelian Approach, it seeks to limit the means available for the pursuit of good consequences. However, unlike the version of the Aristotelian Approach we considered, a Kantian Approach does not impose an absolute limit on intentionally doing evil that good may come of it. Behind the veil of ignorance, persons would surely agree that if the evil were trivial, easily reparable, or sufficiently outweighed by the consequences, there would be an adequate justification for permitting it. On the other hand, the main weakness of a Kantian Approach is that although it provides an effective decision-making procedure for resolving some practical problems, such as the problem of how to distribute income and wealth and the problem of near and distant peoples, a Kantian Approach cannot be applied to all problems. For example, it will not work for the problems of animal rights and abortion unless we assume that animals and fetuses should be behind the veil of ignorance.

So far, we have seen that prescriptivity and acceptability of prescriptions by everyone affected by them are the two essential features of a moral approach to practical problems, and we have considered three principal alternative approaches that qualify as moral approaches to these problems. Let's now examine what reasons there are for giving a moral approach to practical problems precedence over any nonmoral approach with which it conflicts.

The Justification for Following a Moral Approach to Practical Problems

To begin with, the ethical egoist, by denying the priority of morality over self-interest, presents the most serious challenge to a moral approach to practical problems. Basically, that challenge takes two forms: Individual Ethical Egoism and Universal Ethical Egoism. The basic principle of Individual Ethical Egoism is:

> Everyone ought to do what is in the overall self-interest of just one particular individual.

The basic principle of Universal Ethical Egoism is:

> Everyone ought to do what is in his or her overall self-interest.

Obviously, the prescriptions deriving from these two forms of egoism would conflict significantly with prescriptions following from a moral approach to practical problems. How then can we show that a moral approach is preferable to an egoist's approach?

In Individual Ethical Egoism, all prescriptions are based on the overall interests of just one particular individual. Let's call that individual Gladys. Because in Individual Ethical Egoism Gladys's interests constitute the sole basis for determining prescriptions, there should be no problem of inconsistent prescriptions, assuming, of course, that Gladys's own particular interests are in harmony. The crucial problem for Individual Ethical Egoism, however, is justifying that only Gladys's interests count in determining prescriptions. Individual Ethical Egoism must provide at least some reason for accepting that view. Otherwise, it would be irrational to accept the theory. But what reason or reasons could serve this function? Clearly, it will not do to cite as a reason some characteristic Gladys shares with other persons because whatever justification such a characteristic would provide for favoring Gladys's interests, it would also provide for favoring the interests of those other persons. Nor will it do to cite as a reason some unique characteristic of Gladys, such as knowing all of Shakespeare's writings by heart, because such a characteristic involves a comparative element, and consequently others with similar characteristics, like knowing some or most of Shakespeare's corpus by heart, would still have some justification, although a proportionally lesser justification, for having their interests favored. But again the proposed characteristic would not justify favoring only Gladys's interests.

A similar objection could be raised if a unique relational characteristic were proposed as a reason for Gladys's special status—such as that Gladys is Seymour's wife. Because other persons would have similar but not identical relational characteristics, similar but not identical reasons would hold for them. Nor will it do to argue that the reason for Gladys's special status is not the particular unique traits that she possesses, but rather the mere fact that she has unique traits. The same would hold true of everyone else. Every individual has unique traits. If recourse to unique traits is dropped and Gladys claims that she is special simply because she is herself and wants to further her own interests, every other person could claim the same.[4]

For the Individual Ethical Egoist to argue that the same or similar reasons do *not* hold for other peoples with the same or similar characteristics to those of Gladys, she must explain *why* they do not hold. It must always be possible to understand how a characteristic serves as a reason in one case but not in another. If no explanation can be provided, and in the case of Individual Ethical Egoism none has been forthcoming, the proposed characteristic either serves as a reason in both cases or does not serve as a reason at all.

Universal Ethical Egoism

Unfortunately, these objections to Individual Ethical Egoism do not work against Universal Ethical Egoism because Universal Ethical Egoism does provide a reason why the egoist should be concerned simply about maximizing his or her own interests, which is simply that the egoist is herself and wants to further her own interests. The Individual Ethical Egoist could not recognize such a reason without giving up her view, but the Universal Ethical Egoist is willing and able to universalize her claim and recognize that everyone has a similar justification for adopting Universal Ethical Egoism.

Accordingly, the objections that typically have been raised against Universal Ethical Egoism are designed to show that the view is fundamentally inconsistent. For the purpose of evaluating these

objections, let's consider the case of Gary Gyges, an otherwise normal human being who, for reasons of personal gain, has embezzled $300,000 while working at People's National Bank and is in the process of escaping to a South Sea island where he will have the good fortune to live a pleasant life protected by the local authorities and untroubled by any qualms of conscience. Suppose that Hedda Hawkeye, a fellow employee, knows that Gyges has been embezzling money from the bank and is about to escape. Suppose, further, that it is in Hawkeye's overall self-interest to prevent Gyges from escaping with the embezzled money because she will be generously rewarded for doing so by being appointed vice-president of the bank. Given that it is in Gyges's overall self-interest to escape with the embezzled money, it now appears that we can derive a contradiction from the following:

1. Gyges ought to escape with the embezzled money.
2. Hawkeye ought to prevent Gyges from escaping with the embezzled money.
3. By preventing Gyges from escaping with the embezzled money, Hawkeye is preventing Gyges from doing what he ought to do.
4. One ought never to prevent someone from doing what he ought to do.
5. Thus, Hawkeye ought not to prevent Gyges from escaping with the embezzled money.

Because premise 2 and conclusion 5 are contradictory, Universal Ethical Egoism appears to be inconsistent.

The soundness of this argument depends, however, on premise 4, and defenders of Universal Ethical Egoism believe there are grounds for rejecting this premise. For if "preventing an action" means "rendering the action impossible," it would appear that there *are* cases in which a person is justified in preventing someone else from doing what he or she ought to do. Consider, for example, the following case. Suppose Irma and Igor are both actively competing for the same position at a prestigious law firm. If Irma accepts the position, she obviously renders it impossible for Igor to obtain the position. But surely this is *not* what we normally think of as an unacceptable form of prevention. Nor would Hawkeye's prevention of Gyges's escape appear to be unacceptable. Thus, to sustain the argument against Universal Ethical Egoism, one must distinguish between acceptable and unacceptable forms of prevention and then show that the argument succeeds even for forms of prevention that a Universal Ethical Egoist would regard as unacceptable. This requires elucidating the force of "ought" in Universal Ethical Egoism.

To illustrate the sense in which a Universal Ethical Egoist claims that other persons ought to do what is in their overall self-interest, defenders often appeal to an analogy of competitive games. For example, in football a defensive player might think that the opposing team's quarterback ought to pass on third down with five yards to go, while not wanting the quarterback to do so and planning to prevent any such attempt. Or to use Jesse Kalin's example:

> I may see how my chess opponent can put my king in check. This is how he ought to move. But believing that he ought to move his bishop and check my king does not commit me to wanting him to do that, nor to persuading him to do so. What I ought to do is sit there quietly, hoping he does not move as he ought.[5]

The point of these examples is to suggest that a Universal Ethical Egoist may, like a player in a game, judge that others ought to do what is in their overall self-interest while simultaneously attempting to prevent such actions or at least refraining from encouraging them.

The analogy of competitive games also illustrates the sense in which a Universal Ethical Egoist claims that she herself ought to do what is in her overall self-interest. For just as a player's

judgment that she ought to make a particular move is followed, other things being equal, by an attempt to perform the appropriate action, so likewise when a Universal Ethical Egoist judges that she ought to do some particular action, other things being equal, an attempt to perform the appropriate action follows. In general, defenders of Universal Ethical Egoism stress that because we have little difficulty understanding the implications of the use of "ought" in competitive games, we should also have little difficulty understanding the analogous use of "ought" by the Universal Ethical Egoist.

To claim, however, that the "oughts" in competitive games are analogous to the "oughts" of Universal Ethical Egoism does not mean there are no differences between them. Most important, competitive games are governed by moral constraints such that when everyone plays the game properly, there are acceptable moral limits as to what one can do. For example, in football one cannot poison the opposing quarterback in order to win the game. By contrast, when everyone holds self-interested reasons to be supreme, the only limit to what one can do is the point beyond which one ceases to benefit. But this important difference between the "oughts" of Universal Ethical Egoism and the "oughts" found in publicly recognized activities like competitive games does not defeat the appropriateness of the analogy. That the "oughts" found in publicly recognized activities are always limited by various moral constraints (what else would get publicly recognized?) does not preclude their being a suggestive model for the unlimited action-guiding character of the "oughts" of Universal Ethical Egoism.[6]

From Rationality to Morality

Although the most promising attempts to show that Universal Ethical Egoism is inconsistent have failed, the challenge the view presents to a moral approach to practical problems can still be turned aside. It can be shown that, although consistent, the egoist acts contrary to reason in rejecting a moral approach to practical problems.

To show this, let us begin by imagining that we are members of a society deliberating over what sort of principles governing action we should accept. Let us assume that each of us is capable of entertaining and acting on both self-interested and moral reasons and that the question we are seeking to answer is what sort of principles governing action it would be rational for us to accept.[7] This question is not about what sort of principles we should publicly affirm since people will sometimes publicly affirm principles that are quite different from those they are prepared to act on, but rather it is a question of what principles it would be rational for us to accept at the deepest level—in our heart of hearts.

Of course, there are people who are incapable of acting on moral reasons. For such people, there is no question about their being required to act morally or altruistically. But the interesting philosophical question is not about such people, but about people, like ourselves, who are capable of acting self-interestedly or morally and are seeking a rational justification for following one course of action over the others.

Obviously, from a self-interested perspective the only principles we should accept are those that can be derived from the following principle of Universal Ethical Egoism:

> Each person ought to do what best serves his or her overall self-interest.

But we can no more defend egoism by simply denying the relevance of moral reasons to rational choice than we can, by simply denying the relevance of self-interested reasons to rational choice, defend the view of pure altruism that the principles we should accept are those that can be derived from the following general principle of altruism: