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Course: Ethical Theories

Course Code: PHI 303

Lecturer: Fr. Dr. Cletus Umezinwa

Books

Ethics by Prof. Joseph Omorogbe

Nicomachean Ethics by Aristotle (chapters 8 and 9)

Situation Ethics by Joseph Fletcher

African Philosophy a Pragmatic Approach to African Problems edited by Fr. Dr. Cletus Umezinwa

Friendship in Aristotle

Introduction

The discussion on the issue of friendship existed as far back as the Homeric period. That time, they dwelt on the friendship of Patroclus and Achilles, then the guest friendship of Diomedes and the Lycian general, Glaucus.¹ Friendship has been a hobbyhorse amongst philosophers and was discussed by Pythagoras, Plato (*Lysis*), Aristotle, Cicero, Augustine, Aquinas, Bacon, Kant, Elizabeth Telfer. Friendship is a philosophical theme and Aristotle supported it when he said it is a virtue or involves virtue and it is one of the most indispensable requirements of life. Friendship is also discussed in the bible. Jn. 15:13-15 Jesus said 'no one can have greater love than to lay down his life for his friends, you are my friends if you do what I command you. No longer do I call you servants, for the servant does not know what his master is doing; but I have called you friends, for all that I have heard from my Father, I have made known to you'.

Importance of friendship

Plato underlines or underscores the importance of friendship when he says that he prefers a friend to money, horse, dog, fame, or gold. For Aristotle, it is a virtue to have friends. He believes that

¹ Glaucus was the grandson of the hero, Bellerophon, while Diomedes was the best warrior of his time. Diomedes challenged Glaucus in a combat and Glaucus said he, as the grandson of Bellerophon would fight anyone. Diomedes recalled immediately that his grandfather, Oeneus had been a close friend of Bellerophon. The two instituted a friendship there and then and vowed for it to continue.

friendship is very necessary in life and that man cannot do without friends since he is a political animal. For him, no one will prefer to live without friends. He maintains that friendship is the greatest external good and it is so good that a supremely happy man needs it. Aristotle believes that friendship is better than justice and so according to him when men are friends, they have no need of justice, while when they are just they need friendship as well and the truest form of justice is thought to be friendly quality. Thus, while in justice one gives to another what is his due, in friendship, one gives to another *ex gratia* that is, what he does not deserve. Friendship is a means by which man shares his wealth to others. Friendship makes the old people enjoy their old age through the assistance they receive from their old friends. For Aristotle then, with friends men are more able to think and act.

Concept of Friendship

The word *philia* (in Greek) which is translated as friendship embraces various types of relationships such as those between husband and wife, parents and children, brothers and sisters, rulers and their subjects, fellow citizens, guests and host, fellow voyagers, fellow soldiers, people of the same race, and more.

Philia is divided into two; *philia* between equals and *philia* between unequals

1. *Philia* between Equals

This comprises those who have mutual attraction and are attracted by different motives: intrinsic goodness, pleasure and utility. These are called objects of love. It is on account of this that Aristotle affirms that there are three kinds of friendship: perfect friendship, pleasure friendship and utility friendship.

1.1. **Perfect Friendship:** this is one that ensues when one establishes a friendship with another because of the virtue of the other — the intrinsic goodness in the other person and not the accidental qualities of the person. This kind of friendship for Aristotle is a perfect friendship.

1.2. **Pleasure Friendship:** this is one that ensues when one establishes a friendship with another because of his or her accidental qualities such as beauty, height, etc.

1.3. **Utility Friendship:** this is one that ensues when one establishes a friendship with another because he or she feels the other party will be useful to him or her.

2. *Philia* between Unequals

This comprises those relationships between husband and wife, ruler and the subjects, parents and children, old and the young, etc.

According to Aristotle, as long as there exists an association which is of mutual advantage to which each contributes something, a kind of friendship exists. Example is one between the rich and the poor whereby the rich would pay the poor to sing his praises.

General Characteristics of Friendship

1. **Goodwill:** in friendship, one party must have to wish the other party good.
2. **Reciprocity:** the goodwill must be reciprocated.
3. **Mutual Awareness:** both parties must be aware that they both wish themselves good.
4. The goodwill must be because of one of the objects of love; goodness, pleasure or usefulness.

Nature of Perfect Friendship

Perfect friendship is also called friendship of the good, character friendship, friendship of virtue, or friendship of good men.

1. The friends are good in themselves.

2. Each loves the other as he is in himself and "treats humanity in him as an end not as a means to an end."
3. They are similar in virtue. It is similarity in goodness that attracts them.
4. It takes time to develop.
5. It is durable not only because of goodness but also because there meets in it all the qualities that friendship has. For instance, they are useful and pleasant to themselves.
6. There is absence of complaint. The good men are concerned on how to do well to each other. They try to outdo one another in goodness. According to Aristotle, it is the characteristics of good men neither to go wrong themselves nor let their friends do so.
7. In perfect friendship, a friend is ready to die for his friend when the occasion calls for it.
8. In perfect friendship, friends spend time together.
9. Perfect friendship is rare to find because good men are rare.
10. It does not admit many friends.
11. In perfect friendship, a friend is said to be another self. *(Write all)*

Immanuel Kant

One of the foremost and brightest modern philosophers of all times. He made contributions in epistemology, metaphysics and ethics.

Many things can be said to be good but only one thing is good unconditionally for Kant — good will. This is because other good things and/or qualities such as intelligence, courage, power, wealth, etc. but can be misused or abused. What then is good will? A good will is that will that acts for its own sake. It is a will that acts for the sake of duty. It is a will that acts in respect of moral law. This is opposed to

acting according to duty. Acting for the sake of duty is different from acting according to duty. Acting according to duty has no moral value or worth. This is because one who acts according to duty does so for his benefit or because he feels like doing it. Though the act be good in itself, it has no moral value.

How then do we know exactly that we are acting good not out of inclination or because of our benefit, but purely out of moral law?

1. Against suicide: from self-love I make it my principle to shorten my life if its continuance threatens more evil. The question then to ask is if this principle can be universalized.

Analysis: the aim of self-love is protection. It is said that preservation of life is the first human instinct. This is contradictory because since the aim of self-love is preservation, one cannot out of self-love kill himself. Therefore one cannot universalize suicide.

2. One with financial problem goes out to borrow money and promises to pay but within him is convinced that he will not pay.

The maxim of this act is, when I am in financial trouble, I will go out to borrow money with the intention of not paying. In an attempt to universalize this maxim, one would notice that it cannot be universalized for to universalize it would result to the end of people borrowing money.

3. An opulent man sees a wretched person and ignores his state by not giving help.

Maxim: when I am rich enough and see a poor man, I should disregard him and give him no assistance.

Could this be universalizable? This maxim is self-contradictory and cannot be universalized because if the rich were to be a poor he would want to be given help out of self-love to protect his existence. Again if the poor were to be rich he would not want to be compelled to assist the poor out of self-love again. Thus, this maxim is contradicting.

Difference between maxim and principle

Principle is an objective law of morality on which everyone has to pass. Maxim on the other hand is...

Kant says that there would not be further problem if men were to be rational beings. Without sentiments, emotions, moral law would not be difficult.

MORAL LAW: CATEGORICAL IMPERATIVE

There are two kinds of imperative; hypothetical imperative and categorical imperative

1. Hypothetical Imperative: this is that which commands an action in view of another end. Ex. If you want to be a saint, do this. It is subdivided into problematic hypothetical imperative and assertoric hypothetical imperative.

- a. Problematic Hypothetical Imperative: ex. If you want to be a priest, you must do philosophy and theology. It is conditional, but it is not for everyone, but for those who want to get something.
- b. Assertoric Hypothetical Imperative: ex. If you want to be happy, do this. Everyone desires happiness.

2. Categorical Imperative: this one is binding on all rational beings and it is an imperative which commands an end itself

EXISTENTIALIST ETHICS

Existentialist ethics is an ethics that is derived from the existentialist philosophy. It is something that follows from the metaphysics of the existentialists. Some proponents of existentialism are Soren Kierkegaard, Martin Heidegger, Jean Paul Sartre, and Karl Jaspers. Kierkegaard is regarded as the 'father' of existentialism.

Reasons for the Emergence of Existentialism

Existentialism emerged after the Second World War. It is a philosophy that shows concern for human existence. It shows concern for the condition and the quality of life of the concrete individual human being. Four major factors that led to the origin of (*form et origo*) of existentialism are;

1. **Philosophical Neglect of the Individual:** the major systems of philosophy had in general neglected the human person. Besides Socrates, the first personalist philosopher to whom is credited the dictum 'man know thyself,' and perhaps Augustine for his introspective reflection on the root cause of man's anxiety, the system builders like Plato, Aristotle, etc. largely neglected the individual. In their metaphysics, ethics and epistemology, they approached their themes from an objective point of view. The concrete individual was not their major concern.

2. **Historical Events like Wars:** some historical events like wars were fought without consideration of the individual who got the brunt of those wars. One of the major motivations of such wars was nationalist interest. In general, wars were fought in order to conquer, annex, dominate and exploit the minorities or other nations. These wars consequentially were fought to the detriment of the individuals who were at the receiving end of the misguided nationalism.

3. **Technology:** the cardinal intention for technological development was to make life better for the human person. Technology is supposed to be at the service of man, but it turned out to be the opposite — it was man who was at the service of technology. This reduced the dignity and quality of life of the human person. Besides this, technology led to the research and manufacture of instruments of mass destruction at the expense of the development of the human person. For instance, over 2

billion dollars was used to create the bombs that destroyed Hiroshima and Nagasaki during the Second World War which led to death of 152 Japanese. These figures do not include those who died later as a result of radiation and other effects of the explosion. The life and dignity of the human person was so downgraded and cheapened by the development of these lethal instruments of mass destruction.

4. Decline in Religious Belief and Affiliation: religion was something that showed concern for the individual, but with advancement in science and rational thought, religious belief and affiliation declined tremendously. It was the last straw that broke the camel's back. The enthusiasm in things pertaining to religion went down in a depressing level. It was such that Nietzsche declared that God's was dead.

It was a result of these that the existentialists came in to fill the vacuum. They offered support in both theistic and atheistic points of view.

COMMON EXISTENTIAL OUTLINES

The existentialists conceive of man as a conscious being. For this reason, he is a transcending being, he transcends the present and looks up to the future. It is only a conscious being that can behave in this way. Apart from this, it is consciousness that makes one unique. This is because no one can penetrate another's consciousness. It is impenetrable. This resembles what Spinoza says on Monads as being windowless and impenetrable. Since, for the existentialists, the individual is unique because of his consciousness which is impenetrable, it implies that a concrete individual is identical to no one. No two individuals are the same. The individual comes to know of his uniqueness when he realizes he is to experience death alone. That no one can die for him. That an individual is unique implies that he must live his life the way he wants it to be. To live in this way is to live authentic life, and to live otherwise is to live an inauthentic life. To live an authentic life, one must do things, not because it is customary to do them, nor because others are doing same, but because one has freely chosen to do so. To live authentically or unauthentically implies that man has the freedom to live either ways. Freedom is a very important theme in existentialism.

JEAN PAUL SARTRE'S ETHICS

Of all the existentialist philosophers, Sartre is the most committed to the question of human freedom. Sartre exaggerated freedom so much that he used to deny the existence of God. For him, the notion of God and human freedom are not contiguous. One is rather the converse of the other. If God were to exist, there would be no human freedom (for he would be controlled by God). Hence, denial of the

existence of God is denial of objective universal moral laws. If God were not to exist there would be no one to give out objective universal moral laws. The belief that there is no objective universal moral law is called antinomianism. Sartre is a professed atheist and antinomian.² Nietzsche is also an atheist and antinomian but unlike Sartre, he does not derive his antinomianism from the denial of God but from the nature of man. His argument is that people are different and there is not just one kind of nature for all. Each person has his own nature and is different from others. On account of this, Nietzsche maintained that there cannot be objective universal moral laws for all. How then does Sartre's exaggeration of freedom lead to the denial of God and subsequently, objective universal moral laws? It is his metaphysics that brings about these consequences on his ethics. His metaphysics is centred on the claim, "existence precedes essence." This claim is a reversal of that of the traditional metaphysics. The traditional metaphysical belief is "essence precedes existence."

Essence Precedes Existence: Essence is referential in the sense that it refers to the nature of a thing or what makes a thing what it is. For the traditional metaphysicians, the essence of a thing precedes its actual coming into existence. Using a house for instance, the nature or image of a house, or the idea of how it is going to be built as well as the purpose for embarking on this project would pre-exist in the mind of the builder before it is built. The image of the house is the essence of the house. Relating it analogically to God and man, it would mean that the nature of each human person existed in the mind of God before coming into existence. That God had the foreknowledge of the existence of each person. Jean Paul Sartre objects to this. He argues that if this were to be true, man would not be free because he would be controlled by God and if he is not free, he will not be responsible for his action. But Sartre believes strongly that man is free and responsible. How does he derive man's freedom and responsibility?

Existence Precedes Essence: having denied the validity of the traditional metaphysical belief on "essence precedes existence," Sartre would then defend his thesis – existence precedes essence. Man for him has no nature preconceived by God. Man simply exists, confronts himself and gives himself essence or nature. It is man that makes himself what he is. He has the awesome freedom to do this. He is not a finished item, he is a self-creating being in the sense that he has a capacity and the freedom to make himself the way he wants to be. In a bid to explain this, he makes a distinction between *en-soi*, the being-in-itself, and *le-pour-soi*, the being-for-itself. *En-soi* refers to a being that remains the same all the time. An example is a mountain or a stone. A mountain or a stone cannot do anything for itself. It remains as it is. It is immobile. *Le-pour-soi* on the other hand, refers to a self-conscious being. *Le-pour-soi* has more dignity than *en-soi*, this dignity is because it is self-conscious. It knows itself as a subject and the other things that surround it as objects. It can transcend the present and move towards

² 'anti'- 'against,' 'nomos' – 'law.'

³ être-en-soi

the future. It can imagine something in the future and move towards its actual realisation. Transcending from the present towards the future for the realisation of his intention implies that he has the capacity and the freedom to do it. Sartre therefore, derives human freedom from the self-consciousness of *le-pour-soi*. Man is that self-conscious being. He has the power and the freedom to develop himself, to create his own values and give himself essence. According to Sartre, man cannot escape from freedom. He is condemned to be free. Not to make a choice is already a choice made. Freedom is part and parcel of the human person. Man is therefore entrapped in the shackles of human freedom. It would appear that Sartre's ethics would lead to moral anarchy if everyone is allowed to use his freedom to create his own values and give himself his essence. It would not lead to this conclusion however. His argument is that in using one's freedom for example to choose between X and Y, you attach a value to which ever one you have chosen. If one then chooses X over Y, it means that X is better than Y and Sartre says "nothing can be good for us without being good for all."⁴ So, in choosing value for oneself, one is at the same time doing so for all, so there is no moral anarchy. Sartre says something additionally important in this context of creating values or creating one's essence. He says that in doing this, an individual usually have before him, an idea of the type of human nature he wants to give himself – the type of human being he wants to be. Sartre intends that while making these choices however, there is a possibility that one may not allow those in similar situations to make the same choices. But to make choices and not allow others to make the same is self-deception according to Sartre. That possibility that one may not allow others to make the same choices led Sartre to say that freedom involves anguish. Now, Sartre has established the freedom of man first; from his denial of the existence of God, second from his assertion of man as a self-conscious being. Having established that man is free, he affirms that man is responsible for his action. Freedom goes with responsibility. These are co-relatives. Man must accept the responsibility for his action. To deny that man is responsible for his action amounts to what Sartre calls *mauvaise foi*,⁵ i.e. self-deception. There's no escape to human's responsible. Attributing human errors to determinism, human nature, custom or social pressure is downright self-deception. Even postponement of a decision is *mauvaise foi*. One should make decision and take responsibility for his action. If for example, in our context one is faced with the condition of conducting funeral ceremonies of his relative in a Christian way or traditional way, he has to choose one and take the responsible for his action. For Sartre, there is no god that says that one ought to act in one way and not in the other. One has to choose and take responsibility for the action.

Evaluation:

Sartre's emphasis on freedom and responsibility is good; people should be ready to take responsibility for their actions, but his exaggeration of freedom is absurd. What is it that makes an action good? Is it because the action is good in itself or because it is freely chosen? It is certainly because it is good in itself and freely chosen. It is not simply because it is freely chosen. If for example one freely chooses to be a kidnapper, does it make the act of kidnapping good? Certainly not. So, there is need for objective universal moral laws to serve as guides in the exercise of individuals' freedom. Again, the denial of the existence of God is not necessarily against the idea of freedom. God may give the commands, but the individual has the freewill to obey or not to obey them. So, man is not determined just because God exists.⁶

JOSEPH FLETCHER: SITUATION ETHICS

Introduction

The situation ethics is known as the New Morality which indicates there has been an old morality in existence before this present one. This old morality refers to that of the Jews, Catholics and the Pentecostals. This traditional morality is said to be legalistic and asserts that certain actions are intrinsically bad and can never be good. Some of these actions include murder, adultery, rape, abortion, divorce, stealing, premarital sex etc. Situations and circumstances cannot change the morality of these actions. They remain fundamentally flawed actions. The situationists that is, the new moralists disagree with this. For them, the same actions can be good in certain situations and bad in other situations. That when the chiefs are down, one will certainly accept the voracity of this conclusion. Joseph fletcher, a priest of the Episcopal Church in America who later became an atheist promoted and popularized the situation ethics in 1966 through the publication of his book, *Situation Ethics*. A pandora's box was opened in the publication of this book. a flawed gate of reactions came with the publication; some positive, some negative.

Joseph Fletcher's Situation Ethics

Joseph Fletcher regards situation ethics, not as system of ethics but as a method of moral decision making. His basic tenet is that situations are different each being unique and not identical with another situation. If this is acknowledged and accepted as true, the same action cannot be judged in the same way in every situation. Each action has to be evaluated within the context of the particular situation in question. Every action is in itself neutral – it is neither good nor bad. Goodness or badness is not a property intrinsic in action. An action is judged to be good or bad depending on the prevalent or unique nature of the situation in which it is performed. Almsgiving for example is regarded as

⁶ St. John Paul on freedom as doing what one ought to do and not what one wants to do.

something good, but for the situationists, almsgiving is neither good nor bad. If giving alms to an indigent person would lower the dignity or self-worth of that person, one should refrain from doing it for it is bad. One should find some other way to help him. Divorce is not considered as something good, for the situationists, divorce is neither good nor bad. Joseph Fletcher encourages people to go for divorce if it would improve the spiritual and material welfare of the children and couples themselves. This implication of this position of the situationists is the existing moral laws are not absolute. Moral laws cannot be validly applied in all situations since every situation is unique.

Fletcher regards moral laws simply as illuminators and not directors in moral decision making. They are illuminators in the sense that they serve as guides on what to do but they are not directors in the sense that they are not absolute - they are not obligatory, no one is bound to obey them in any situation. The only moral law that Fletcher regards as absolute is the law of love (to love one's neighbour) as commanded by God. This is the only law that can be validly applied in every situation because for him, love is the only thing that is intrinsically good. Thus any action that is inspired by love or is a demonstration of love, is good. Fletcher understands love in a utilitarian way. If performing an action would improve the standard of life of another or will be beneficial to another then one should perform it for it is a good action. One should perform that action no matter what the moral law says. In Fletcher's words, "The situationists follow the moral law or violates it according to love's need. His decisions are hypothetical not categorical. Only the command to love is categorical." Hence, the laws that guide decisions are not *a priori*, that moral laws that are established and codified already before ever one comes face to face with a concrete moral situation. Laws that influence decision according to him ought to be empirical in the sense that it is experience of the concrete moral situation that may help one to choose well, the action that is more beneficial than the others in a particular situation. He gave four examples to support his tenets of situation ethics, two though will be mentioned:

1. **World War II:** America detonated two atomic bombs in Japan in 1945, one in Hiroshima and another in Nagasaki. 152 people died on the spot while many others died later due to the effects of the bombs. The Japanese however surrendered due to the detonation of those bombs. Later the US scientists and ethicists discussed whether it was proper to have deployed those bombs to end the war. There was a protracted argument, some said it was proper, others said it was necessary. The argument of the latter was that the Japanese would not have surrendered if such drastic action was not taken and that if the bombs had not been used, the number of people who would have died were the war to continue would outnumber those who died as a result of the use of those atomic bombs. The situationists would approve the use of the bombs for their perceived outcome is more positive than negative. For them, it was more beneficial to use them than not to use them.

2. **A woman in a shuttle flight:** Fletcher gave another example of a woman he met on a shuttle flight, who shared her moral dilemma with him. There was a war raging on at the moment she said, and her government was asking her to go and seduce an opponent spy and blackmail him. This was the only way to end the war quickly and save the life of many people, but her conscience pricked her tremendously because going to involve herself in this seduction was against her morals. Was she to embark in this project of seduction and save the life of many or not? That was the dilemma. The situation ethics would advise her to go for the seduction. In order to indicate the nature and importance of situation ethics, Joseph Fletcher discusses three approaches to decision making.

Three Approaches to Moral Decision Making

1. Legalism: this is the traditional moral decision making system. Here, the moral laws are codified and written out in books. These laws are believed to be absolute and valid in every situation. When one is confronted with a moral choice, one has to recall or consult a moral book to find out what the law says; whether an action is good or bad. For the legalists, all the moral laws are not only illuminators but directors. They illuminate and they proscribe or command actions. The Jewish, Catholics and Pentecostal laws are examples of absolute moral laws that must be applied, while assessing or judging the moral action of individuals. Legalism emphasizes according to Fletcher, the letters of the law and not the spirit of the law.

2. Antinomianism: the opposite of legalism. Antinomianism and legalism are poles apart. Antinomianism is a *principleless* or lawless approach to moral decision making. It rejects the idea of laws as illuminators and directors in moral decision making. For Fletcher, the Corinthians and the Ephesians exhibited the symptoms of antinomianism. He says, "They were repudiating all laws as such and all principles relying on all moral action choices solely upon guidance in the situation. In the philosophical circle, Jean Paul Sartre stands as an unapologetic and dogged antinomian who has no regrets ever when he rejects objective moral laws and maintained that man has unfettered freedom to make decisions in moral dilemmas. The uniqueness of the individual is what confers on him, the power and the freedom to behave this way."

Situationism: this stands as a middle course between legalism and antinomianism. It recognises moral laws as illuminators but not directors of moral decision making. Situationists recognize moral laws but is prepared to set them aside and compromise them when the application of love is better served in the situation. Love is the only thing that is good and can be applied in every situation. However, the fact that **Situationism says that moral laws are illuminators** shows that it shares partly in the ideals of **legalism** and the fact it maintains that moral laws are not directors, shows that it shares partly in the ideals of **antinomianism**. Hence, for Fletcher situationism is the best for moral making.

The Four Working Principles of Situation Ethics

These refer to what one ought to have in mind in the discussion of situation ethics.

- a. **Pragmatism:** situation ethics is said to be pragmatic in the sense that it is concerned with what is workable, expedient and satisfactory. One makes a choice that works out in practice in a concrete situation, a choice that is necessary and one that brings satisfaction.
- b. **Relativism:** situation ethics is relativistic in the sense that moral laws are not absolute but relative. That an action is good or bad depends on the situation. An action can be good in one situation but bad in another situation. Goodness or badness is not a property inherent in an action.
- c. **Positivism:** situation ethics is positivistic for it adopts empirical rather than *a priori* approach in moral decision making. *A priori* laws are not helpful for it is difficult to prove what they are and why they are good or bad. Fletcher believes that even the meaning of love cannot be determined *a priori*. It is a simple term, it is indefinable like goodness. It cannot be defined in terms of something else but then, when one sees an action that manifests love, he knows it intuitively. That is why situation ethics is said to adopt empirical approach.
- d. **Personalism:** situation ethics is personalistic for its principal objective is the good and welfare of the human person. Moral laws are supposed to be for the benefits of man. Laws are made for man and not man for laws. The traditional morality appears to underscore that laws are made for man while situation ethics emphasizes that man is not made for laws. The traditional morality emphasizes the letter of the law according to Fletcher, while situation ethics emphasizes the spirit of the law by showing concern for the development in the good of the individual.

Situation Ethics' Axioms of love

- a. **Love only is always good:** for situationists, love is always good. It is good in every situation in which it is applied. Other moral laws are good in all situations. God is love, he is love himself. Human action is good to the extent that it is done with love and in imitation of God who is love. To emphasize this that love is always good, Fletcher quotes St. Augustine who says that to find out whether one is good, one does not ask what he believes or what he hopes but what he loves.
- b. **Love is the only norm:** love is the only absolute norm, other laws are not absolute but dependent on love. They derive their meaning and efficacy from love. This is supported by St. Augustine who said that all virtues whether cardinal or theological, hang on love and because all virtue find their articulation and meaning in love, love with care, then what you will, do.
- c. **Love and justice are the same:** in situation ethics, love and justice are identical, they are not separable. Fletcher states this in unmistakable terms when he says that love is equal to justice and justice is equal to love. In the bible it is said that the only thing you should owe to anyone is love for one another.⁷ So, everyone has a right to be loved. This is a duty we owe to everyone. Justice is simply

⁷ Rom 13:8

the practical working out of this commandment of love in which everyone is given what he deserves. Therefore, there is no way one can love another without at the same time being just to him. Love and justice are symbiotically connected.

d. **Love is not liking:** situation ethics understands love - the agape love as benevolence or good will. This agape love is extended to all; the deserving and the undeserving, the lovable and unlovable. It is so in imitation of God who is love himself, who allows the son to shine on the good and the bad alike. The fact that agape love can be extended to all, makes it different from liking. Liking is something emotional. It cannot be extended to all. There are some people who are unlikable. It is futile to command people to like such persons. But love, because it is commanded for the sake and in imitation of Christ can be extended to all.

e. **Love justifies its means:** the traditional moral dictum is that the end does not justify the means. Situation ethics reverse this by saying that the end justifies the means and this end is love. Fletcher emphasizes this when he says, "there is only one end, one goal, one purpose which is not relative and contingent, and always an end in itself and that is love. It is this love that justifies whatever means that is used to achieve it. The means are actions. Actions are in themselves neither good nor bad, nor right nor wrong. These moral properties are not inherent in actions. When the end is love, acquire the predicate of goodness.

f. **Love decides There and Then:** situation ethics claims that when one makes a choice, he is not determined by the past nor by the future, but only by the present. According to Fletcher, we live in the past by faith and that is legalism; in the future by hope, and in the present by love and that is situationism. The presence of love in situational context is a deciding factor whether to act or not to act. Love's decision are made situationally.

Evaluation:

The emphasis on the agape love is something good. Agape love is all inclusive, we are enjoined to love all even our enemies. It is because we love God that we are obliged to love all. All human beings are creatures of God. To love God effectively, we ought to love all, for they are dear to him. But Joseph Fletcher's interpretation and application of the agape love in his situation ethics is bizarre. His understanding of agape encourages the violation of the commandments of love, which God himself had ordered. Jesus says, "if you love me, keep my commandment." He did not just order it, he kept it. He told the Jews, "do not imagine that I have come to abolish the law and prophets. I have not come to abolish but to complete them. In Romans also we read "...and you shall not commit adultery. You shall not kill, you shall not covet," and all the other commandments that there are summed up in this

simple phrase: "you shall love your neighbour as yourself."⁸ How then does Fletcher say that adultery and other precepts which are summed up in love can be violated and justified in certain situations. Perhaps he has another meaning of love, but not the agape love. Again, Fletcher looks at agape love in utilitarian way. An action that produces great good in a situation is a sign of agape love for him and it ought to be preferred to any other action. The problem with this is that it is very difficult to foresee all the direct and indirect consequences of an action. An example: the use of atomic bombs in Japan was said to be justified, because it reduced the number of those who would have died if they were not used to end the war. This claim can only be hypothetical and not categorical. There is nothing to confirm it in one way or another. Besides, other factors for example intense hunger or eruption in fighting among the Japanese which could weaken their fighting spirit, could have forced the Japanese to surrender if the war had lingered without the use of bombs.

LAWRENCE KOHLBERG (ON MORAL DEVELOPMENT)

INTRODUCTION

Kohlberg says that an individual develops morally. He claims that there are three major levels in moral development each consisting of 2 moral stages. Hence, there are 6 moral developmental stages. He claimed that these moral developmental stages are natural, universal and invariant. He claims also that each moral stage apart from the first one is an advanced form of the one before it. It is his claim also that the 6th moral stage is the most adequate for making moral decision. Caro Gilligan finds Kohlberg's theory inadequate. She claims that Kohlberg's theory is not contextual since it does not take into account the moral experience of women in concrete situations. She calls for ethics of care and responsibility to address these deficiencies. Her objection was flawed by Habermas who advocated rather for ethics of discourse otherwise known as consensus ethics.

KOHLBERG'S DESCRIPTION OF THE MAJOR LEVELS OF MORAL DEVELOPMENT

According to Kohlberg, there are three major levels of moral development: preconventional, conventional, and post-conventional. Each of these levels is subdivided into two. The preconventional level comprises of moral stages 1 and 2, the conventional level of moral stages 3 and 4, and the post-conventional level of moral stages 5 and 6. Therefore, in sum there are six moral stages. Children

⁸ Rom 13:9

under 20, many adolescents and adult criminals are found in the preconventional level, most adults are in the conventional while few adults usually after the age of 20 are in postconventional level.

In the preconventional level, the individual does not understand the rules and expectations of the society. He has not internalized them. Indeed, they are external to him. The individual's knowledge here is dependent on whether the action is going to be rewarded or punished. The hope of whether an action is going to be rewarded is what motivates him to perform a certain action while the fear of punishment makes him abstain from a particular action. The individual does not understand why the society says that an action is good or bad, right or wrong. These moral concepts are understood in the terms of the consequences of the action. That is, reward or punishment.

At the conventional, the individual is aware of the rules and expectations of the society. That is, he understands the laws, the customs and the tradition of the society and what he is expected to do at each moment. He accepts them hook, line and sinker. He does not question their legality or legitimacy. He believes they are correct and good without questioning. Maintaining them in his family, societies and groups is his primary concern. He believes that one who conforms to them is acting good while one who goes contrary to the stipulations is acting badly;

At the postconventional level, the individual understands the laws, customs and traditions and the expectations of the society but his acceptance of all these is dependent on whether they are in conformity with the universal principles of justice, equality, freedom and respect of the dignity of the human person. When the universal principles of the justice and the society's laws come into conflict, the individual at the post-conventional level upholds the principles rather than the society's laws.

Kohlberg's Claims on the Moral Stages

1. The second moral stage of each level is a more advanced form of that level. So, the moral stages are arranged hierarchically from the moral stage one to the moral stage six. While the moral stage one is the lowest, the moral stage six is highest and the best for moral decision making.
2. The moral stages are invariant, that is, that a child moves step-by-step or sequentially from one stage to another. No child skips one stage and enters into another. Kohlberg however admits that a child can move faster in the moral stages than another in a stage than another child of the same age. He asserts that a child may reach a particular stage of moral development and remain there. But as long as he continues to move upwards, it is a step-by-step movement.
3. They are structured whole. A stage represents an individual's way of thinking not simply in a particular situation but in all cases. Thus, the position that an individual in moral stage six maintains for example, on stealing to save life, is likely to be the same with what he will maintain with regards to civil disobedience. An individual however is not wholly and entirely in one stage. He may be at a particular stage which is his major but participate to some extent in the next stage,

towards which he is moving and also maintains the traces of the previous stage from which he has just emerged.

4. The moral stages have universal validity. Their validity cuts across cultural values. As an individual grows, he does not simply and only learn the values of his culture. He learns also values that are universal; that is, values that can be found in any culture. But if this claim is correct, critics could ask him to explain why there are many cultural differences if the basic moral experience and development in the different cultures are the same. To this objection, Kohlberg would respond that the universal principle of action in moral stage six for example, can be found in all cultures.

KOHLBERG'S DESCRIPTION OF THE SIX MORAL STAGES

Moral Stage One (Stage of Punishment and Reward): the action that the individual at this stage understands as good or bad, right or wrong, is not dependent on the ordinary meaning of these moral concepts. It is the consequence of an action that determines whether an action is good or bad, or right or wrong. An action that has punishment attached to it, is understood to be a bad action while the one that has no punishment attached to it or the one that has reward attached to it is said to be a good action. The reason why an individual at this stage obeys a rule is to avoid punishment and the superior power of the authority. The individual at this stage does not consider the interest of others, he does not understand that others have points of view different from his.

Moral Stage Two (Stage of Interest): what an individual considers as good action is that which is principally to his own interests; that is, an action in which he stands to gain something. An individual follows the rule only and in so far as he stands to gain a profit from the action. By inference, the action in which one stands to lose is bad. However, unlike in moral stage one, the individual in moral stage two is aware that others have their own interests too. But then, his own interest comes before that of others. Even though there may be fairness and reciprocity in the relationship at this moral stage, the individual bargains primarily for his own interest and only occasionally for the interest of others.

Moral Stage Three (Stage of Appearing Good to Others): doing good in this stage is understood as doing what in general people expect one to do. One for example who plays well, the role of a son or a brother or a friend pleases his parents, siblings and friends respectively. He is considered a good son, or a brother or a friend. Everyone is pleased. At this stage, what motivates one is the desire to please others by playing one's role effectively. So there is an element of care for others – to please them and make them happy. Hence, there is concern for others here. Indeed, there is the golden rule and mutual relations like trust, loyalty and respect.

Moral Stage Four (Stage of Authority): individuals here have strong tendency towards authority. He has the tendency to maintain rules and order. He believes that laws and agreements are to be obeyed except when they conflict with societal laws. Hence, what he considers as right action is obeying the

authority and conforming to fixed rules. The reason or motive for taking this line of action is to avoid anarchy or to avoid total breakdown of law and order. He believes that if everyone were to disobey the authority or the rules at one's whims and caprices, the result will be anarchy.

Moral Stage Five (Laws of Social Contract): there is here, a strong emphasis on laws – the laws that are made through social contract. The right action is considered by an individual in this moral stage as obeying the laws of social contract. That is, the laws of the state. One's reason for upholding that right action is obeying the law is because of one's commitment to social contract. Because, of one's commitment that impartiality should be maintained. However, the individual at this moral stage observes that sometimes, the legal and the moral law conflict. For Kohlberg, when such conflict arises, the individual at this stage does not know how to resolve them effectively.

Moral Stage Six (Stage of Conscience): this is the last of the six moral stages. The individual follows his self-chosen principle – his conscience. He accepts particular laws, customs and traditions or social contract laws as valid, as long as they are based on universal ethical principles. According to Kohlberg, when any law violates these principles, one acts in accordance with the principles. These principles are the universal principles of justice, equality, human rights, and respect for dignity of human beings as individual person. The individual in this moral stage believes in and is committed to the validity of universal principles. He believes that human beings are ends in themselves and should be respected. For Kohlberg, this sixth moral stage is the best for moral decision. The reason is because the individual in this moral stage understands right and duty as correlatives – they go together. If one has the right to something, every other person has a duty to protect it. If someone has a right to life, everybody has an obligation to protect it even if it means breaking the law of the state. This is unlike the moral stage five where rights and duties are not correlative. There is a difference between the natural rights of an individual and the awarded right of the state. If the person has the natural right to life, this right does not impose duty on everyone to protect it. One is not obliged to break the law of the state to preserve it. If one does, one will be punished by the state. But in the moral stage six, one can violate any law to protect the natural rights.

What then happens when there are two persons with conflicting rights to be protected? How does one resolve the dilemma? Which right is one obliged to protect? Kohlberg says that the dilemma can be resolved with the principle of reversibility. One has to reverse the rules. One has to imagine whether each of those whose rights are to be protected should put oneself in the position of the other and still maintain that one's right ought to be protected. If one can, then one can act on the basis of this. But if one cannot, then one must refrain from acting.

EXAMPLE: Suppose A and B have conflicting rights and each is claiming that his own right is to be protected, how can C know whose right to protect? C would have to imagine if A could put himself in

the position of B and still be maintaining his position. If A can, then C has to protect the rights of A. And if B can, C has to protect the right of B. Kohlberg gave an example: "In Europe, a woman was near death from a very bad disease, a special kind of cancer. There was one drug that the doctors thought might save her. It is a form of radium for which the druggist was charging ten times what the drug cost him to make. The sick woman's husband, Heinz, went to everyone he knew to borrow the money, but he could only get together about half of what it cost. He told the druggist that his wife was dying, and asked him to sell it cheaper or let him pay later. But the druggist said, "No, I discovered the drug and I'm going to make money from it." So, Heinz got desperate and broke into the man's store to steal it for his wife. How would the individual in moral stage 5 or 6 judge the action of Heinz.

RESPONSE: *the individual in moral stage 5 will not judge in favour of Heinz since he broke the law by stealing from the druggist. The rightness of an action for individuals in moral stage 5 is dependent on obeying the laws of social contract. However, an individual in moral stage 6 would judge in favour of Heinz since he understands rights and duties as correlatives and that if one has the right to life, everyone has a right to protect it even if it means breaking the law. Heinz broke the law in order to save his wife who has a right to life. Again, his obeisance to the law would contradict universal principles of justice. Individuals in moral 6 obey laws in as much as they are in consonance with the universal ethical principles.*

Socrates is a good example of someone in Kohlberg's sixth moral stage. He was always on the side of truth and justice and was always prepared to take responsibility for the consequences arising from this. As a member of the Athenian senate, he and his colleagues were once asked to try the case of ten commanders together, who failed to rescue other soldiers in a navy battle. He voted against trying all of them together for it was unjust and unconstitutional. He was the only person who voted against the idea of trying them together. Each person is unique and his unique right has to be protected. He would have been punished severely for voting against trying the commanders together, but he thought it was his duty to stand at the side of truth and justice, rather than injustice because of fear of imprisonment or even death. Again, when the so-called government of thirty was in power in Athens, he and four others were asked to go and fetch Leo of Salamis for execution. He considered this action as wicked. Everyone has a right to his life, the four others went, but he refused to join them. He would have paid the supreme price for this intransigence, had the government not fallen almost immediately. He was not afraid to die following his conscience. Nelson Mandela and Martin Luther King Jr. are also good examples of those whose actions depict the actions of those in moral stage six. Nelson Mandela reacted against the discriminatory laws of the apartheid regime in South Africa. He fought for the freedom and equality of all South Africans, he was arrested for his activism in this regard and sentenced to life imprisonment. He was released twenty-seven years after. He became later the first black South Africa's president. Martin Luther King Jr. fought as well for the freedom and equal right

of all. He was arrested a number of times. The struggle eventually led to the end of the segregatory laws of the African-Americans.

Socrates is a good example of an individual in Kohlberg's moral stage six. He maintained his side of truth and justice even in threat of death. Nelson Mandela and Martin Luther King Jr also depicted the action of those in Kohlberg's moral stage six. Mandela stayed 27 years in prison for his activism in his fight for freedom and equality of all South Africans. Luther did similar.

Evaluation

Some philosophers question specific aspects of Kohlberg's theory. Holstein for instance, in his study of Kohlberg's six moral stages, argued that no individual proceeds to through the moral stages in a step-wise fashion. With his data, he shows that there is a considerable skipping of stages and regression among the final stages of both sexes. E. Simpson on her part questions the universality of Kohlberg's moral stages. She argues that a philosophical theory which claims universality must give account of reality of the conceptual differences which arise in the varied perceptions and explanations with regards to customs of diverse groups. Caro Gilligan gives a more damaging criticism against Kohlberg. She observes that Kohlberg in conducting his research on moral development which lasted over twenty years, based it on 84 boys alone with the exception of girls. She says that the exclusion of girls in the research is perhaps why the women do not fit in well in Kohlberg's theory. The women are dominant in the third moral stage. This is a stage that is characterized with care, caring to be good, caring to appear good to others. Care is a particular virtue of women. Caro Gilligan considers care to be very positive in human interaction but Kohlberg has downgraded it to the third stage in the ladder of moral development. She argues that if morality is to be formulated from the women's experience of care, an ethics that is better than that of Kohlberg will emerge particularly in resolving moral dilemmas. He pointed out the loopholes in their theories. He called for the union of the two voices through argumentation. His point is that a moral issue is to be discussed by the two voices before it can be adopted as a moral law for all. This is known as discussed ethics or ethics of consensus. This has its own horrible implication; for people can easily come together and discuss and adopt what is against the natural law or against the commandment of God.