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Author(s): Kai Nielsen

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Against Moral Conservatism

Kai Nielsen

University of Calgary

I

It is sometimes claimed that any consequentialist view of ethics has monstrous implications which make such a conception of morality untenable. What we must do—so the claim goes—is reject all forms of consequentialism and accept what has been labeled ‘conservatism’ or ‘moral absolutism.’ By ‘conservatism’ is meant, here, a normative ethical theory which maintains that there is a privileged moral principle or cluster of moral principles, prescribing determinate actions, with which it would always be wrong not to act in accordance no matter what the consequences. A key example of such a principle is the claim that it is always wrong to kill an innocent human, whatever the consequences of not doing so.

I will argue that such moral conservatism is itself unjustified and, indeed, has morally unacceptable consequences, while consequentialism does not have implications which are morally monstrous and does not contain evident moral mistakes.

A consequentialist maintains that actions, rules, policies, practices, and moral principles are ultimately to be judged by certain consequences: to wit (for a very influential kind of consequentialism), by whether doing them more than, or at least as much as doing anything else, or acting in accordance with them more than or at least as much as acting in accordance with alternative policies, practices, rules or principles, tends, on the whole, and for *everyone* involved, to maximize satisfaction and minimize dissatisfaction. The states of affairs to be sought are those which maximize these things to the greatest extent possible for all mankind. But while this all sounds very humane and humanitarian, when its implications are thought through, it has been forcefully argued, it will be seen actually to have inhumane and morally intolerable implications. Circumstances could arise in which one holding such a view would have to assert that one was justified in punishing, killing, torturing, or

deliberately harming the innocent, and such a consequence is, morally speaking, unacceptable.¹ As Anscombe has put it, anyone who “really thinks, *in advance*, that it is open to question whether such an action as procuring the judicial execution of the innocent should be quite excluded from consideration—I do not want to argue with him; he shows a corrupt mind.”²

At the risk of being thought to exhibit a corrupt mind and a shallow consequentialist morality, I should like to argue that things are not as simple and straightforward as Anscombe seems to believe.

Surely, every moral man must be appalled at the judicial execution of the innocent or at the punishment, torture, and killing of the innocent. Indeed, being appalled by such behavior partially defines what it is to be a moral agent. And a consequentialist has very good utilitarian grounds for being so appalled, namely, that it is always wrong to inflict pain for its own sake. But this does not get to the core considerations which divide a conservative position such as Anscombe's from a consequentialist view. There are a series of tough cases that need to be taken to heart and their implications thought through by any reflective person, be he a conservative or a consequentialist. By doing this, we can get to the heart of the issue between conservatism and consequentialism. Consider this clash between conservatism and consequentialism arising over the problem of a ‘just war.’

If we deliberately bomb civilian targets, we do not pretend that civilians are combatants in any simple fashion, but argue that this bombing will terminate hostilities more quickly, and will minimize all around suffering. It is hard to see how any brand of utilitarian will escape Miss Anscombe's objections. We are certainly killing the innocent . . . we are not killing them for the sake of killing them, but to save the lives of other innocent persons. Utilitarians, I think, grit their teeth and put up with this as part of the logic of total war; Miss Anscombe and anyone who thinks like her surely has to either redescribe the situation to ascribe guilt to the civilians or else she has to refuse to accept this sort of military tactics as simply wrong.³

It is indeed true that we cannot but feel the force of Anscombe's objections here. But is it the case that anyone shows a corrupt mind if he defends such bombing when, horrible as it is, it will quite definitely lessen appreciably the total amount of suffering and death in the long run, and if he is sufficiently nonevasive not to rationalize such a bombing of civilians into a situation in which all the putatively innocent people—

1. Alan Donagan, “Is There a Credible Form of Utilitarianism?” and H. J. McCloskey, “A Non-Utilitarian Approach to Punishment,” both in *Contemporary Utilitarianism*, ed. Michael D. Bayles (Garden City, N.Y.: Doubleday & Co., 1968).

2. Elizabeth Anscombe, “Modern Moral Philosophy,” *Philosophy* 23 (January 1957): 16–17.

3. Alan Ryan, “Review of Jan Narveson's *Morality and Utility*,” *Philosophical Books* 9, no. 3 (October 1958): 14.

children and all—are somehow in some measure judged guilty? Must such a man exhibit a corrupt moral sense if he refuses to hold that such military tactics are never morally justified? Must this be the monstrous view of a fanatical man devoid of any proper moral awareness? It is difficult for me to believe that this must be so.

Consider the quite parallel actions of guerrilla fighters and terrorists in wars of national liberation. In certain almost unavoidable circumstances, they must deliberately kill the innocent. We need to see some cases in detail here to get the necessary contextual background, and for this reason the motion picture *The Battle of Algiers* can be taken as a convenient point of reference. There we saw Algerian women—gentle, kindly women with children of their own and plainly people of moral sensitivity—with evident heaviness of heart, plant bombs which they had every good reason to believe would kill innocent people, including children; and we also saw a French general, also a human being of moral fiber and integrity, order the torture of Arab terrorists and threaten the bombing of houses in which terrorists were concealed but which also contained innocent people, including children. There are indeed many people involved in such activities who are cruel, sadistic beasts, or simply morally indifferent or, in important ways, morally uncomprehending. But the characters I have referred to from *The Battle of Algiers* were not of that stamp. They were plainly moral agents of a high degree of sensitivity, and yet they deliberately killed or were prepared to kill the innocent. And, with inessential variations, this is a recurrent phenomenon of human living in extreme situations. Such cases are by no means desert-island or esoteric cases.

It is indeed arguable whether such actions are always morally wrong—whether anyone should ever act as the Arab women or French general acted. But what could not be reasonably maintained, *pace* Anscombe, by any stretch of the imagination, is that the characters I described from *The Battle of Algiers* exhibited corrupt minds. Possibly morally mistaken, yes; guilty of moral corruption, no.

Dropping the charge of moral corruption but sticking with the moral issue about what actions are right, is it not the case that my consequentialist position logically forces me to conclude that under some circumstances—where the good to be achieved is great enough—I must not only countenance but actually advocate such violence toward the innocent? But is it not always, no matter what the circumstances or consequences, wrong to countenance, advocate, or engage in such violence? To answer such a question affirmatively is to commit oneself to the kind of moral absolutism or conservatism which Anscombe advocates. But, given the alternatives, should not one be such a conservative or at least hold that certain deontological principles must never be overridden?

I will take, so to speak, the papal bull by the horns and answer that there are circumstances when such violence must be reluctantly assented to or even taken to be something that one, morally speaking, must do. But, *pace* Anscombe, this very much needs arguing, and I shall argue it; but first I would like to set out some further but simpler cases which have a similar bearing. They are, by contrast, artificial cases. I use them because, in their greater simplicity, by contrast with my above examples, there are fewer variables to control and I can more conveniently make the essential conceptual and moral points. But, if my argument is correct for these simpler cases, the line of reasoning employed is intended to be applicable to those more complex cases as well.

II

Consider the following cases embedded in their exemplary tales:

1. *The Case of the Innocent Fat Man*

Consider the story (well known to philosophers) of the fat man stuck in the mouth of a cave on a coast. He was leading a group of people out of the cave when he got stuck in the mouth of the cave and in a very short time high tide will be upon them, and unless he is promptly unstuck, they all will be drowned except the fat man, whose head is out of the cave. But, fortunately or unfortunately, someone has with him a stick of dynamite. The short of the matter is, either they use the dynamite and blast the poor innocent fat man out of the mouth of the cave or everyone else drowns. Either one life or many lives. Our conservative presumably would take the attitude that it is all in God's hands and say that he ought never to blast the fat man out, for it is always wrong to kill the innocent. Must or should a moral man come to that conclusion? I shall argue that he should not.

My first exemplary tale was designed to show that our normal, immediate, rather absolutistic, moral reactions need to be questioned along with such principles as 'The direct intention of the death of an innocent person is never justifiable.' I have hinted (and later shall argue) that we should *beware* of our moral outrage here—our naturally conservative and unreflective moral reactions—for here the consequentialist has a strong case for what I shall call 'moral radicalism.' But, before turning to a defense of that, I want to tell another story taken from Phillipa Foot but used for my own purposes.⁴ This tale, I shall argue, has a different import than our previous tale. Here our unrehearsed, commonsense moral reactions will stand up under moral scrutiny. But, I shall also argue when I consider them in Section III, that our commonsense moral reactions here, initial expectations to the contrary notwith-

4. Phillipa Foot, "The Problem of Abortion and the Doctrine of the Double Effect," *Oxford Review*, no. 5 (Trinity 1967), pp. 5-15.

standing, can be shown to be justified on consequentialist grounds. The thrust of my argument for this case is that we are not justified in opting for a theistic and/or deontological absolutism or in rejecting consequentialism.

2. *The Magistrate and the Threatening Mob*

A magistrate or judge is faced with a very real threat from a large and uncontrollable mob of rioters demanding a culprit for a crime. Unless the criminal is produced, promptly tried, and executed, they will take their own bloody revenge on a much smaller and quite vulnerable section of the community (a kind of frenzied pogrom). The judge knows that the real culprit is unknown and that the authorities do not even have a good clew as to who he may be. But he also knows that there is within easy reach a disreputable, thoroughly disliked, and useless man, who, though innocent, could easily be framed so that the mob would be quite convinced that he was guilty and would be pacified if he were promptly executed. Recognizing that he can prevent the occurrence of extensive carnage only by framing some innocent person, the magistrate has him framed, goes through the mockery of a trial, and has him executed. Most of us regard such a framing and execution of such a man in such circumstances as totally unacceptable.⁵ There are some who would say that it is categorically wrong—morally inexcusable—*whatever the circumstances*. Indeed, such a case remains a problem for the consequentialist, but here again, I shall argue, one can consistently remain a consequentialist and continue to accept commonsense moral convictions about such matters.

My storytelling is at an end. The job is to see what the stories imply. We must try to determine whether thinking through their implications should lead a clearheaded and morally sensitive man to abandon consequentialism and to adopt some form of theistic absolutism and/or deontological absolutism. I shall argue that it does not.

III

I shall consider the last case first because there are good reasons why the consequentialist should stick with commonsense moral convictions for such cases. I shall start by giving my rationale for that claim. If the magistrate were a tough-minded but morally conscientious consequentialist, he could still, on straightforward consequentialist grounds, refuse to frame and execute the innocent man, even knowing that this would unleash the mob and cause much suffering and many deaths. The

5. Later, I shall show that there are desert-island circumstances—i.e., highly improbable situations—in which such judicial railroading might be a moral necessity. But I also shall show what little force desert-island cases have in the articulation and defense of a normative ethical theory.

rationale for his particular moral stand would be that, by so framing and then executing such an innocent man, he would, in the long run, cause still more suffering through the resultant corrupting effect on the institution of justice. That is, in a case involving such extensive general interest in the issue—without that, there would be no problem about preventing the carnage or call for such extreme measures—knowledge that the man was framed, that the law had prostituted itself, would, surely, eventually leak out. This would encourage mob action in other circumstances, would lead to an increased skepticism about the incorruptibility or even the reliability of the judicial process, and would set a dangerous precedent for less clearheaded or less scrupulously humane magistrates. Given such a potential for the corruption of justice, a utilitarian or consequentialist judge or magistrate could, on good utilitarian or consequentialist grounds, argue that it was morally wrong to frame an innocent man. If the mob must rampage if such a sacrificial lamb is not provided, then the mob must rampage.

Must a utilitarian or consequentialist come to such a conclusion? The answer is no. It is the conclusion which is, as things stand, the most reasonable conclusion, but that he *must* come to it is far too strong a claim. A consequentialist could *consistently*—I did not say *successfully*—argue that, in taking the above tough-minded utilitarian position, we have overestimated the corrupting effects of such judicial railroading. His circumstance was an extreme one: a situation not often to be repeated even if, instead of acting as he did, he had set a precedent by such an act of judicial murder. A utilitarian rather more skeptical than most utilitarians about the claims of commonsense morality might reason that the lesser evil here is the judicial murder of an innocent man, vile as it is. He would persist in his moral iconoclasm by standing on the consequentialist rock that the lesser evil is always to be preferred to the greater evil.

The short of it is that utilitarians could disagree, as other consequentialists could disagree, about what is morally required of us in that case. The disagreement here between utilitarians or consequentialists of the same type is not one concerning fundamental moral principles but a disagreement about the empirical facts, about what course of action would in the long run produce the least suffering and the most happiness for *everyone* involved.⁶

However, considering the effect advocating the deliberate judicial killing of an innocent man would have on the reliance people put on commonsense moral beliefs of such a ubiquitous sort as the belief that the innocent must not be harmed, a utilitarian who defended the cen-

6. 'Everyone' here is used distributively; i.e., I am talking about the interests of each and every one. In that sense, everyone's interests need to be considered.

trality of commonsense moral beliefs would indeed have a strong utilitarian case here. But the most crucial thing to recognize is that, to regard such judicial bowing to such a threatening mob as unqualifiedly wrong, as morally intolerable, one need not reject utilitarianism and accept some form of theistic or deontological absolutism.

It has been argued, however, that, in taking such a stance, I still have not squarely faced the moral conservative's central objection to the judicial railroading of the innocent. I allow, as a consequentialist, that there could be circumstances, at least as far as logical possibilities are concerned, in which such a railroading would be justified but that, as things actually go, it is not and probably never in fact will be justified. But the conservative's point is that in *no circumstances, either actual or conceivable, would it be justified*. No matter what the consequences, it is unqualifiedly unjustified. To say, as I do, that the situations in which it might be justified are desert-island, esoteric cases which do not occur in life, is not to the point, for, as Alan Donagan argues, "Moral theory is *a priori*, as clear-headed utilitarians like Henry Sidgwick recognized. It is, as Leibniz would say, 'true of all possible worlds.'"⁷ Thus, to argue as I have and as others have that the counterexamples directed against the consequentialist's appeal to conditions which are never in fact fulfilled or are unlikely to be fulfilled is beside the point.⁸ Whether "a moral theory is true or false depends on whether its implications for all possible worlds are true. Hence, whether utilitarianism (or consequentialism) is true or false cannot depend on how the actual world is."⁹ It is possible to specify logically conceivable situations in which consequentialism would have implications which are monstrous—for example, certain beneficial judicial murders of the innocent (whether they are even remotely likely to obtain is irrelevant)—hence consequentialism must be false.

We should not take such a short way with consequentialists, for what is true in Donagan's claim about moral theory's being *a priori* will not refute or even render implausible consequentialism, and what would undermine it in such a claim about the *a priori* nature of moral theory and presumably moral claims is not true.

To say that moral theory is *a priori* is probably correct if that means that categorical moral claims—fundamental moral statements—cannot be deduced from empirical statements or nonmoral theological statements, such that it is a contradiction to assert the empirical and/or nonmoral theological statements and deny the categorical moral claims or

7. Alan Donagan (n. 1 above), p. 189.

8. T. L. S. Sprigge argues in such a manner in his "A Utilitarian Reply to Dr. McCloskey," in *Contemporary Utilitarianism*, ed. Michael D. Bayles (Garden City, N.Y.: Doubleday & Co., 1968).

9. Alan Donagan, p. 194.

vice versa.¹⁰ In that fundamental sense, it is reasonable and, I believe, justifiable to maintain that moral theory is autonomous and a priori. It is also a priori in the sense that moral statements are not themselves a kind of empirical statement. That is, if I assert 'One ought never to torture any sentient creature' or 'One ought never to kill an innocent man,' I am not trying to predict or describe what people do or are likely to do but am asserting what they are *to do*. It is also true that, if a moral statement is true, it holds for all possible worlds *in which situations of exactly the sort characterized in the statement obtain*. If it is true for one, it is true for all. You cannot consistently say that *A* ought to do *B* in situation *Y* and deny that someone exactly like *A* in a situation exactly like *Y* ought to do *B*.

In these ways, moral claims and indeed moral theory are a priori. But it is also evident that none of these ways will touch the consequentialist or utilitarian arguments. After all, the consequentialist need not be, and typically has not been, an ethical naturalist—he need not think moral claims are derivable from factual claims or that moral claims are a subspecies of empirical statement and he could accept—indeed, he must accept—what is an important truism anyway, that you cannot consistently say that *A* ought to do *B* in situation *Y* and deny that someone exactly like *A* in a situation exactly like *Y* ought to do *B*. But he could and should deny that moral claims are a priori in the sense that rational men must or even will make them without regard for the context, the situation, in which they are made. We say people ought not to drive way over the speed limit, or speed on icy roads, or throw knives at each other. But, if human beings had a kind of metallic exoskeleton and would not be hurt, disfigured, or seriously inconvenienced by knives sticking in them or by automobile crashes, we would not—so evidently at least—have good grounds for saying such speeding or knife throwing is wrong. It would not be so obvious that it was unreasonable and immoral to do these things if these conditions obtained.

In the very way we choose to describe the situation when we make ethical remarks, it is important in making this choice that we know what the world is like and what human beings are like. Our understanding of the situation, our understanding of human nature and motivation cannot but effect our structuring of the moral case. The consequentialist is saying that, as the world goes, there are good grounds for holding that judicial killings are morally intolerable, though he would have to admit that if the world (including human beings) were very different, such killings could be something that ought to be done. But, in holding this,

10. There is considerable recent literature about whether it is possible to derive moral claims from nonmoral claims. See W. D. Hudson, ed., *The Is-Ought Question: A Collection of Papers on the Central Problem in Moral Philosophy* (New York: St. Martin's Press, 1969).

he is not committed to denying the universalizability of moral judgments, for, where he would reverse or qualify the moral judgment, the situation must be different. He is only committed to claiming that, where the situation is the same or relevantly similar and the persons are relevantly similar, they must, if they are to act morally, do the same thing. However, he is claiming both (1) that, as things stand, judicial killing of the innocent is always wrong and (2) that it is an irrational moral judgment to assert of reasonably determinate actions (e.g., killing an innocent man) that they are unjustifiable and morally unacceptable in all *possible* worlds, whatever the situation and whatever the consequences.

Donagan's claims about the a priori nature of moral theories do not show such a consequentialist claim to be mistaken or even give us the slightest reason for thinking that it is mistaken. What is brutal and vile, for example, throwing a knife at a human being just for the fun of it, would not be so, if human beings were invulnerable to harm from such a direction because they had a metallic exoskeleton. Similarly, what is, as things are, morally intolerable, for example, the judicial killing of the innocent, need not be morally intolerable in all conceivable circumstances.

Such considerations support the utilitarian or consequentialist skeptical of simply taking the claims of our commonsense morality as a rock-bottom ground of appeal for moral theorizing. Yet it may also well be the case—given our extensive cruelty anyway—that, if we ever start sanctioning such behavior, an even greater callousness toward life than the very extensive callousness extant now will, as a matter of fact, develop. Given a normative ethical theory which sanctions, *under certain circumstances*, such judicial murders, there may occur an undermining of our moral disapproval of killing and our absolutely essential moral principle that all human beings, great and small, are deserving of respect. This is surely enough, together with the not unimportant weight of even our unrehearsed moral feelings, to give strong utilitarian weight *here* to the dictates of our commonsense morality. Yet, I think I have also said enough to show that someone who questions their 'unquestionableness' in such a context does not thereby exhibit a 'corrupt mind' and that it is an open question whether he must be conceptually confused or morally mistaken over this matter.

iv

So far, I have tried to show with reference to the case of the magistrate and the threatening mob how consequentialists can reasonably square their normative ethical theories with an important range of commonsense moral convictions. Now, I wish by reference to the case of the innocent fat man to establish that there is at least a serious question concerning whether such fundamental commonsense moral convictions

should always function as 'moral facts' or a kind of moral ground to test the adequacy of normative ethical theories or positions. I want to establish that careful attention to such cases shows that we are not justified in taking the principles embodied in our commonsense moral reasoning about such cases as normative for all moral decisions. That a normative ethical theory is incompatible with some of our 'moral intuitions' (moral feelings or convictions) does not refute the normative ethical theory. What I will try to do here is to establish that this case, no more than the case examined in Section III, gives us adequate grounds for abandoning consequentialism and for adopting moral conservatism.

Forget the levity of the example and consider the case of the innocent fat man. If there really is no other way of unsticking our fat man and if plainly, without blasting him out, everyone in the cave will drown, then, innocent or not, he should be blasted out. This indeed overrides the principle that the innocent should never be deliberately killed, but it does not reveal a callousness toward life, for the people involved are caught in a desperate situation in which, if such extreme action is not taken, many lives will be lost and far greater misery will obtain. Moreover, the people who do such a horrible thing or acquiesce in the doing of it are not likely to be rendered more callous about human life and human suffering as a result. Its occurrence will haunt them for the rest of their lives and is as likely as not to make them more rather than less morally sensitive. It is not even correct to say that such a desperate act shows a lack of respect for persons. We are not treating the fat man merely as a means. The fat man's person—his interests and rights—are not ignored. Killing him is something which is undertaken with the greatest reluctance. It is only when it is quite certain that there is no other way to save the lives of the others that such a violent course of action is justifiably undertaken.

Alan Donagan, arguing rather as Anscombe argues, maintains that "to use any innocent man ill for the sake of some public good is directly to degrade him to being a mere means" and to do this is of course to violate a principle essential to morality, that is, that human beings should never merely be treated as means but should be treated as ends in themselves (as persons worthy of respect).¹¹ But, as my above remarks show, it need not be the case, and in the above situation it is not the case, that in killing such an innocent man we are treating him *merely* as a means. The action is universalizable, all alternative actions which would save his life are duly considered, the blasting out is done only as a last and desperate resort with the minimum of harshness and indifference to his suffering and the like. It indeed sounds ironical to talk this way, given

11. Alan Donagan (n. 1 above), pp. 199–200.

what is done to him. But if such a terrible situation were to arise, there would always be more or less humane ways of going about one's grim task. And in acting in the more humane ways toward the fat man, as we do what we must do and would have done to ourselves were the roles reversed, we show a respect for his person.¹²

In so treating the fat man—not just to further the public good but to prevent the certain death of a whole group of people (that is to prevent an even greater evil than his being killed in this way)—the claims of justice are not overridden either, for each individual involved, if he is reasoning correctly, should realize that if he were so stuck rather than the fat man, he should in such situations be blasted out. Thus, there is no question of being unfair. Surely we must choose between evils here, but is there anything more reasonable, more morally appropriate, than choosing the lesser evil when doing or allowing some evil cannot be avoided? That is, where there is no avoiding both and where our actions can determine whether a greater or lesser evil obtains, should we not plainly always opt for the lesser evil? And is it not obviously a greater evil that all those other innocent people should suffer and die than that the fat man should suffer and die? Blowing up the fat man is indeed monstrous. But letting him remain stuck while the whole group drowns is still more monstrous.

The consequentialist is on strong moral ground here, and, if his reflective moral convictions do not square either with certain unhearsed or with certain reflective particular moral convictions of human beings, so much the worse for such commonsense moral convictions. One could even usefully and relevantly adapt here—though for a quite different purpose—an argument of Donagan's. Consequentialism of the kind I have been arguing for provides so persuasive "a theoretical basis for common morality that when it contradicts some moral intuition, it is natural to suspect that intuition, not theory, is corrupt."¹³ Given the comprehensiveness, plausibility, and overall rationality of consequentialism, it is not unreasonable to override even a deeply felt moral conviction if it does not square with such a theory, though, if it made no sense or overrode the bulk of or even a great many of our considered moral convictions, that would be another matter indeed.

Anticonsequentialists often point to the inhumanity of people who will sanction such killing of the innocent, but cannot the compliment be returned by speaking of the even greater inhumanity, conjoined with evasiveness, of those who will allow even more death and far greater

12. Again, I am not asserting that we would have enough fortitude to assent to it were the roles actually reversed. I am making a conceptual remark about what as moral beings we must try to do and not a psychological observation about what we can do.

13. Alan Donagan (n. 1 above), p. 198.

misery and then excuse themselves on the ground that they did not intend the death and misery but merely forbore to prevent it? In such a context, such reasoning and such forbearing to prevent seems to me to constitute a moral evasion. I say it is evasive because rather than steeling himself to do what in normal circumstances would be a horrible and vile act but in this circumstance is a harsh moral necessity, he allows, when he has the power to prevent it, a situation which is still many times worse. He tries to keep his 'moral purity' and avoid 'dirty hands' at the price of utter moral failure and what Kierkegaard called 'double-mindedness.' It is understandable that people should act in this morally evasive way but this does not make it right.

My consequentialist reasoning about such cases as the case of the innocent fat man is very often resisted on the grounds that it starts a very dangerous precedent. People rationalize wildly and irrationally in their own favor in such situations. To avoid such rationalization, we must stubbornly stick to our deontological principles and recognize as well that very frequently, if people will put their wits to work or just endure, such admittedly monstrous actions done to prevent still greater evils will turn out to be unnecessary.

The general moral principles surrounding bans on killing the innocent are strong and play such a crucial role in the ever-floundering effort to humanize the savage mind—savage as a primitive and savage again as a contemporary in industrial society—that it is of the utmost social utility, it can be argued, that such bans against killing the innocent not be called into question in any practical manner by consequentialist reasoning.

However, in arguing in this way, the moral conservative has plainly shifted his ground, and he is himself arguing on consequentialist grounds that we must treat certain nonconsequentialist moral principles as absolute (as principles which can never *in fact*, from a reasonable moral point of view, be overridden, for it would be just too disastrous to do so).¹⁴ But now he is on my home court, and my reply is that there is no good evidence at all that in the circumstances I characterized, overriding these deontological principles would have this disastrous effect. I am aware that a bad precedent could be set. Such judgments must not be made for more doubtful cases. But my telling my two stories in some detail, and my contrasting them, was done in order to make evident the type of situation, with its attendant rationale, in which the overriding of those deontological principles can be seen clearly to be justified and the situations in which this does not obtain and why. My point was to specify the situations in which we ought to override our commonsense moral

14. Jonathan Bennett, "Whatever the Consequences," *Analysis*, vol. 26 (1966), has shown that this is a very common equivocation for the conservative and makes, when unnoticed, his position seem more plausible than it actually is.

convictions about those matters, and the contexts in which we are not so justified or at least in which it is not clear which course of action is justified.¹⁵

If people are able to be sufficiently clearheaded about these matters, they can see that there are relevant differences between the two sorts of cases. But I was also carefully guarding against extending such 'moral radicalism'—if such it should be called—to other and more doubtful cases. Unless solid empirical evidence can be given that such a 'moral radicalism' would—if it were to gain a toehold in the community—overflow destructively and inhumanely into the other doubtful and positively unjustifiable situations, nothing has been said to undermine the correctness of my consequentialist defense of 'moral radicalism' in the contexts in which I defended it.¹⁶

15. I have spoken, conceding this to the Christian absolutist for the sake of the discussion, as if (1) it is fairly evident what our commonsense moral convictions are here and (2) that they are deontological principles taken to hold no matter what the consequences. But that either (1) or (2) is clearly so seems to me very much open to question.

16. I do not mean to suggest that I am giving a blanket defense to our commonsense morality; that is one of the last things I would want to do. Much of what we or any other tribe take to be commonsense morality is little better than a set of magical charms to deal with our social environment. But I was defending the importance of such cross-culturally ubiquitous moral principles as that one ought not to harm the innocent or that promises ought to be kept. However, against Christian absolutists of the type I have been discussing, I take them to be *prima facie* obligations. This means that they always hold *ceteris paribus*; but the *ceteris paribus* qualification implies that they can be overridden on occasion. On my account, appeal to consequences and considerations about justice and respect for persons determines when they should on a given occasion be overridden.