

Part I ■ The Moral System



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Features of the Moral System

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Although moral rules and moral ideals are the most recognizable elements of common morality, the moral system is not merely a collection of moral rules and ideals; it is the system in which these rules and ideals are embedded. This system also includes a two-step procedure that people use, usually implicitly, to decide whether to allow a particular violation of a moral rule. The first step is describing a violation in terms of a set of morally relevant features, thereby determining the correct description of the violation. The second step is estimating the harmful and beneficial consequences of everyone knowing that the violation described by means of the first step is allowed.¹

The moral rules, moral ideals, and a two-step procedure, including the morally relevant features, for deciding whether a violation of a moral rule is justified are the central features of the common moral system. If my description of common morality is correct, all those who conscientiously apply the following explicit description of the moral system to moral problems will discover that they agree with the moral decisions and judgments that result. This does not mean that everyone who correctly applies this moral system will make the same moral decisions and judgments. Although there will be agreement on the moral acceptability of a vast majority of

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actions, common morality allows for some unresolvable moral disagreements.

Common morality is a framework that, within limits, allows different persons to fill in their own view about (1) the scope of morality, (2) the rankings of the relevant harms and benefits, (3) the harmful and beneficial consequences of everyone knowing that a given kind of violation is allowed and that it is not allowed, and (4) the interpretation of the rules. When a rational person incorporates her views on these matters into the common moral framework, the moral system will yield those moral decisions and judgments that the person accepts, at least after reflection.² If it does not, then I will have been shown wrong and my description of morality will have to be revised again.



The Moral Rules

The ten general moral rules listed below account for all of the kinds of actions that are morally prohibited and required. They make explicit that part of the moral system that informs moral agents if some excuse or justification is needed for their behavior. They are formulated to provide a clear and usable description of that part of the moral system.

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| 1. Do not kill. | 6. Do not deceive. |
| 2. Do not cause pain. | 7. Keep your promises. |
| 3. Do not disable. | 8. Do not cheat. |
| 4. Do not deprive of freedom. | 9. Obey the law. |
| 5. Do not deprive of pleasure. | 10. Do your duty. |

All violations of any of these rules without adequate justification are immoral actions. Given the appropriate interpretations, these rules also prohibit all immoral actions. All of these rules

should be interpreted not only as prohibiting any intentional violation of a rule but also as prohibiting any attempt to violate a rule, even if that attempt is unsuccessful. Not only are causing pain and deceiving violations, but so is attempting to cause pain and deceive. Intentionally acting so as to significantly increase the risk that someone will suffer any harm also counts as a violation of these rules. All of these violations are immoral unless the agent has an adequate justification for the violation. Knowingly, but not intentionally, sometimes even unknowingly, acting in a way that results in someone suffering a harm or in a significantly increased risk of someone suffering a harm sometimes counts as a violation of a rule, but sometimes not. Whether it does depends on the circumstances of the case and the interpretation of the rule.

Other formulations of moral rules might also prohibit all immoral actions, but the present formulation is both natural and has less serious problems than other commonly proposed formulations. The first five rules could be collapsed into one rule, “Do not cause harm,” but this would give the false impression that harms are a homogenous category that can be ranked on a single scale. Of course, the rule “Do not cause pain” could also be criticized on the same grounds, but the explicit recognition that there are several different kinds of harms makes it unlikely as well as pointless to claim that everyone ranks all pains in the same way. Although it is obvious that different kinds of pains are ranked differently by different people, there are too many kinds of pain to have a separate rule that prohibits causing each of them. Having one rule that prohibits causing all pains, together with having distinct rules that prohibit causing each of the four other general kinds of harms, does not suggest that everyone agrees on the ranking of harms, but it allows five rules to prohibit causing all of the basic harms.

Collapsing all of the second five rules into some rule like “Do not violate trust” also would not be useful. Although this rule could

be given a sense such that it prohibits every action prohibited by the second five rules, no one who was not taught this special sense would understand it. It would have to be explained by pointing out that it prohibits deceiving, breaking promises, cheating, breaking the law, and neglecting one's duty. Although each of the second five rules must also be explained, these explanations are generally quite straightforward and easily understood. As formulated, the ten rules are part of an explicit system that all moral agents can be expected to know and follow.³

Having ten moral rules, as this formulation does, takes advantage of a well-known tradition. That putting forward exactly ten rules leads some philosophers to try that much harder to find mistakes is an unintended bonus. The present formulation also results in the rules being neatly divided into two distinct categories, the first five prohibiting directly causing all of the basic harms and the second five prohibiting those kinds of actions that indirectly cause these same harms. Although widespread violation of the second five rules always results in an increase in the amount of harm suffered, a particular violation of the second five rules does not always result in anyone suffering some harm. Because no one may be harmed by a particular unjustifiable violation of any one of the second five rules, it is not surprising that it is primarily with regard to these rules that people ask, "Why should I be moral?"



The Moral Ideals

Since acting on any moral ideal is intentionally acting so as to avoid, prevent, or relieve the suffering of harm by someone protected by the moral system, there is no need to provide a detailed description of each particular moral ideal. Unlike the moral rules, people are only encouraged, not required, to follow moral ideals.

That means that failing to follow a moral ideal, unlike violating a moral rule, does not involve liability to punishment. Also, unlike violations of moral rules, which always need to be justified, there is usually no need to be concerned with justifying a failure to follow a moral ideal. As these considerations suggest, it is considered more important for people to obey the moral rules than to follow the moral ideals. In the final chapter of *Utilitarianism* (paragraph 32), Mill makes this point forcefully: “The moral rules which forbid mankind to hurt one another (in which we must never forget to include a wrongful interference with each other’s freedom) are more vital to human well-being than any maxims, however important, which only point out the best mode of managing some department of human affairs. . . . a person may possibly not need the benefits of others, but he always needs that they not do him hurt.”⁴

The moral ideals encourage people to prevent or relieve the harms that the moral rules prohibit them from causing. When a person has no duty to do so, it is following a moral ideal to prevent death, to prevent or relieve pain, to prevent or relieve disabilities, and to prevent the loss of freedom or the loss of pleasure. Preventing avoidable death, pain, and disability are among the major goals of medicine, which is why entering into the practice of medicine is usually regarded as following moral ideals. Insofar as lawyers seek to prevent the loss of freedom, they are also following moral ideals. Besides these direct attempts to prevent or relieve the suffering of harms, there are also indirect attempts. For example, police who seek to prevent people from unjustifiably violating the moral rules are acting on moral ideals—as are those who teach people to follow the moral rules and to act on the moral ideals. To intentionally act to lessen the amount of harm suffered by others, either directly or indirectly, is to follow a moral ideal, but such an action is not morally acceptable if it involves an unjustified violation of a moral rule.

When acting on a moral ideal involves violating a moral rule, it is often not clear whether the moral ideal should be followed or the moral rule obeyed. It may be thought that because people are required to obey the moral rules and are only encouraged to follow the moral ideals, following a moral ideal never justifies violating a moral rule. Stated abstractly, it may sound paradoxical to say that doing what is morally encouraged can justify not doing what is morally required, but examples show its truth. Unless he has an adequate justification, a person who promises to pick someone up for dinner is morally required to do so. No person, except possibly a fireman, is required to risk his life to save children from a burning building. Nonetheless, assuming that such a risk is reasonable, many would morally encourage a person to try to save the children. However, if he were no more qualified than many others who were also present, he would certainly not be morally required to do so. Yet no one doubts that his trying to save the children provides an adequate justification for his breaking his promise to pick up the person for dinner.

Because following a moral ideal can provide a justification for violating a moral rule, it is important to distinguish moral ideals from other ideals that do not provide such a justification. In particular, it is important to distinguish moral ideals, which aim at lessening the amount of harm suffered, from utilitarian ideals, which aim at increasing the amount of goods. Usually there is no doubt about whether a person is following a moral ideal or a utilitarian ideal (physicians act on moral ideals; pastry chefs act on utilitarian ideals), but sometimes it is not clear which is involved. Providing pleasure for deprived persons counts as following a moral ideal, but providing more pleasure for those who already have a good life is following a utilitarian ideal.

The distinction between moral and utilitarian ideals loses its significance when it is not clear which one is involved. When an

action is difficult to classify, it may not make any difference which way it is classified. Consider a case where a person has won a lottery but needs to claim her prize within a limited time or lose it.⁵ Is it following a utilitarian ideal, promoting benefits, or a moral ideal, preventing the loss of benefits, to try to notify her so that she can claim the prize within the allotted time? To attempt to decide in this way whether it is justified to break a promise to pick up a friend for dinner in order to find and notify the lottery winner is to demand more precision than the subject matter allows. Although cases might be found in which following a utilitarian ideal is taken as justifying the violation of a moral rule, in almost all of these cases, it is also plausible to view the action as following a moral ideal. Or, because most of these cases involve breaking promises, it is likely that people justifiably believe that the person to whom the promise was made would have excused them from keeping the promise if she had known about the situation.

Like the actions prohibited or required by the basic general moral rules, the actions encouraged by the basic general moral ideals are simple kinds of actions, such as preventing or relieving pain, which are understood by all moral agents. But whereas the moral rules provide limits to what a person is allowed to do, no matter what his goals are, the moral ideals set out goals or ends that persons are encouraged to adopt. Whereas people are expected to abide by the limits set by the moral rules all of the time unless they have an adequate justification for violating them, no one is expected to try to achieve the goals or ends encouraged by the moral ideals all of the time. As will be explained by the analysis of impartiality in part II, whereas people are required to obey the moral rules impartially, they are not even encouraged to follow the moral ideals impartially. It is not morally better to distribute your money impartially among every worthy charity rather than to give that same amount to one or two worthy charities to which you have some special relationship.

As both Kant and Mill point out, it is far more important for there to be general obedience to the moral rules (perfect duties) than for there to be general following of the moral ideals (imperfect duties). Whereas widespread failure to follow moral ideals prevents a society from flourishing, widespread violations of the moral rules make it impossible to maintain a viable society. Nonetheless, following the moral ideals expresses the point of morality, namely, the prevention of harm being suffered, more directly than obeying the moral rules. A person who never follows any moral ideals cannot be a morally good person, even if he never violates a moral rule. A hermit might never violate a moral rule, but this need not say anything about his moral character. Although a society could not continue to exist if there were not general obedience to the moral rules, it could not flourish unless a significant number of its citizens followed the moral ideals. Recognition of the importance of moral ideals makes clear that it is a serious mistake to regard morality as consisting solely of rules that prohibit and require. Nonetheless, the rules are central to morality, and so a more detailed analysis of them is in order.

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General Characteristics of Moral Rules

To whom do the rules apply?

It is a general feature of all of the moral rules that they apply to all and only those persons who know them and can guide their conduct accordingly. Such people are moral agents. It is not appropriate to make moral judgments about people who are not moral agents. Only human beings are known to be moral agents, but not all human beings are moral agents. Infants and very young children

are not moral agents, because they do not understand the rules. Older children who can understand some of these rules are partial moral agents. People who are so severely retarded that they cannot understand any of the rules are not moral agents, and people who have such serious mental disorders that they cannot guide their conduct by the rules are also not subject to moral judgments. As noted earlier, even people who are moral agents are not subject to moral judgments for their actions when those actions are not violations of the second five moral rules and they are completely excusably ignorant of the harmful consequences of their actions. A driver of a car is not subject to an adverse moral judgment if, while driving with due diligence, his car runs over a piece of metal and sends it flying into the air and it hits a person and seriously injures him. Saying that a person is completely excused is not making a moral judgment about his action; it is saying that making a moral judgment is inappropriate.

To know the moral rules is to know what kinds of actions they prohibit and require. No moral agent who is a member of a society is ignorant of the basic general moral rules. All moral agents know that killing another moral agent, causing him pain or disability, or depriving him of freedom or pleasure is immoral unless there is an adequate justification for doing so. Similarly, all moral agents know that deceiving, breaking a promise, cheating, disobeying the law, and neglecting one's duty are immoral if not adequately justified. There is very little disagreement about what counts as a moral rule. Mill explicitly states that even most philosophers accept the same moral rules (*Utilitarianism*, chapter 1, paragraph 3). However, since there often are adequate justifications for breaking any of these moral rules, disagreements about when a person morally should violate a moral rule are more common.