1 A Moral Theory Primer

In 1998, Dr. Jack Kevorkian helped Thomas Youk end his life by giving him a lethal injection of drugs—an incident that was videotaped and later broadcast on CBS's *60 Minutes*.[1] Youk had been suffering from amyotrophic lateral sclerosis (often called Lou Gehrig's disease), a progressive neurodegenerative disease that attacks nerve cells in the brain and spinal cord, eventually leading to death. In the later stages of the disease, its victims are completely paralyzed, as was Youk at the time of his death.

Kevorkian's killing Youk was a case of euthanasia, which is defined as the act of killing (or allowing to die) on grounds of mercy for the victim. In this case, because Youk consented to his own death and because Kevorkian brought about Youk's death by an act of lethal injection, Kevorkian's action was an instance of voluntary active euthanasia. Kevorkian was eventually tried and convicted of second degree murder for his active role in bringing about Youk's death. But even if Kevorkian did violate the law, was his action morally wrong? Youk's immediate family and many others saw nothing morally wrong with Youk's decision or with Kevorkian's act. They argued, for example, that proper respect for an individual's freedom of choice means that people in Youk's situation have a moral right to choose to die and that, therefore, Kevorkian was not acting immorally in helping Youk end his life. Of course, many others disagreed, arguing, for example, that euthanasia is morally wrong because of its possible bad effects over time on society, including the possibility that the practice of euthanasia could be abused, and vulnerable persons might be put to death without their consent. Which side of this moral dispute is correct? Is euthanasia at least sometimes morally right, or is this practice morally wrong?

Disputes over moral issues are a fact of our social lives. Most people, through television, the Internet, magazines, and conversing with others, are familiar with some of the general contours of such disputes—disputes, for example, over the death penalty, the ethical treatment of animals, human cloning, abortion. The same sort of moral question raised about the actions of Kervorkian can be raised about these and other moral issues. Thinking critically about such moral issues is where philosophy becomes especially important.

A *philosophical* approach to moral issues has as its guiding aim arriving at correct or justified answers to questions about the morality of the death penalty, the ethical treatment of animals, human cloning, abortion, and other issues of moral concern. Given the contested nature of such practices as cloning and abortion, one needs to be able to defend one's position with *reasons*. Just as those who dispute questions about, say, science or history are expected to give reasons for the scientific and historical beliefs they hold, those who seriously dispute moral questions are expected to give reasons for whatever moral position they take on

a certain issue. If we examine how philosophers go about providing reasons for the moral positions they take on certain issues, we find that very often they appeal to a **moral theory.** That is, in arguing for a particular position on the topic of, say, euthanasia, philosophers often make their case by applying a moral theory to the practice of euthanasia. Applying moral theory to issues of practical concern—practical issues—is one dominant way in which reasoning in ethics proceeds, and this way of tackling moral issues by applying theory to cases is featured in this book of readings.

But what is a moral theory? What are its guiding aims? What moral theories are there? How is a moral theory used in reasoning about disputed moral issues? These are the main questions of concern in this moral theory primer.

1. WHAT IS A MORAL THEORY?

According to philosopher John Rawls, "The two main concepts of ethics are those of the right and the good. . . . The structure of an ethical theory is, then, largely determined by how it defines and connects these two basic notions."[2]

In explaining what a moral theory is, then, the place to begin is by clarifying the two main concepts featured in such a theory.

The Main Concepts: The Right and the Good

In ethics, the terms "right" and "wrong" are used primarily to evaluate the morality of actions, and in this chapter we are mainly concerned with moral theories that address the nature of right and wrong action (or right action, for short). Here, talk of right action in contrast to wrong action involves using the term "right" broadly to refer to actions that aren't wrong. Used in this broad sense, to say of an action that it is right is to say that it is "all right" (not wrong) to perform, and we leave open the question of whether the act, in addition to being all right, is an action that we morally ought to perform—an obligation or duty. But we sometimes find "right" being used narrowly to refer to actions that are "the" morally right action for one to perform, and when so used, it refers to actions that are morally required or obligatory (one's obligation or duty). Actions that are all right to perform (right in the sense of merely being not wrong) and that are also not one's moral obligation to perform—actions that are all right to perform and all right not to perform—are morally optional. So, we have three basic categories of moral evaluation into which an action may fall: an action may be morally obligatory (something one morally ought to do, is morally required to do, is one's duty), or morally optional, or morally wrong. To help keep this terminology straight, I have summarized what I have been saying in Figure 1.1.

Again, in ethics, the terms "good" and "bad" are used primarily in assessing the value of persons (their character) as well as experiences, things, and states of affairs. Philosophers distinguish between something's having **intrinsic value** (that is, being intrinsically good or bad) and something's having **extrinsic value** (that is, being extrinsically good or bad). Something has intrinsic value when its value depends on features that are *inherent* to it,

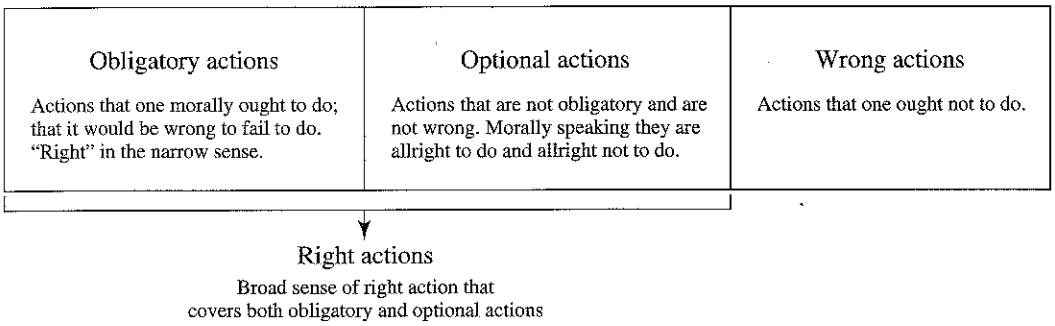


FIGURE 1.1 Basic Categories of Right Conduct

whereas something is extrinsically good when its goodness is a matter of how it is related to something else that is intrinsically good. For instance, some philosophers maintain that happiness is intrinsically good—its goodness depends on the inherent nature of happiness—and that things like money and power, while not intrinsically good, are nevertheless extrinsically good (valuable) because they can be used to bring about or contribute to happiness. Thus, the notion of intrinsic value is the more basic of the two notions, and so philosophical accounts of value are concerned with the nature of intrinsic value. And here we can recognize three basic value categories: the *intrinsically good,* the *intrinsically bad* (also referred to as the intrinsically *evil*), and what we may call the *intrinsically value-neutral*—that is, the category of all those things that are neither intrinsically good nor bad (though they may have extrinsic value).[3]

A moral theory, then, is a theory about the nature of the right and the good and about the proper method for making correct or justified moral decisions. Accordingly, here are some of the main questions that a moral theory attempts to answer:

1. What *makes* an action right or wrong—what *best explains why* right acts are right and wrong acts are wrong?
2. What *makes* something good or bad—what *best explains why* intrinsically good things are intrinsically good (and similarly for things that are intrinsically bad or evil)?
3. What is the *proper method* (supposing there is one) for reasoning our way to correct or justified moral conclusions about the rightness and wrongness of actions and the goodness and badness of persons, and other items of moral evaluation?

In order to understand more fully what a moral theory is and how it attempts to answer these questions, let us relate what has just been said to the two guiding aims of moral theory.

Two Main Aims of a Moral Theory

Corresponding to the first two questions about the nature of the right and the good is what we may call the theoretical aim of a moral theory:

> The **theoretical aim** of a moral theory is to discover those underlying features of actions, persons, and other items of moral evaluation that *make* them right or wrong,

good or bad and thus *explain why* such items have the moral properties they have. Features of this sort serve as *moral criteria* of the right and the good.

Our third main question about proper methodology in ethics is the basis for the practical aim of a moral theory:

The **practical aim** of a moral theory is to offer *practical guidance* for how we might arrive at correct or justified moral verdicts about matters of moral concern—verdicts which we can then use to help guide choice.

Given these aims, we can evaluate a moral theory by seeing how well it satisfies them. We will return to the issue of evaluating moral theories in section 3. For the time being, we can gain a clearer understanding of these aims by considering the role that principles typically play in moral theories.

The Role of Moral Principles

In attempting to satisfy these two aims, philosophers typically propose **moral principles**—very general moral statements that specify conditions under which an action is right (or wrong) and something is intrinsically good (or bad). Principles that state conditions for an action's being right (or wrong) are **principles of right conduct,** and those that specify conditions under which something has intrinsic value are **principles of value.** Here is an example of a principle of right conduct (where "right" is being used in its broad sense to mean "not wrong"):

P An action is right if and only if (and because) it would, if performed, likely bring about at least as much overall happiness as would any available alternative action.[4]

This principle, understood as a moral criterion of right action, purports to reveal the underlying nature of right action—what *makes* a right action right. According to P, facts about how much overall happiness an action would bring about were it to be performed are what determine whether it is morally right. Although P addresses the rightness of actions, it has implications for wrongness as well. From P, together with the definitional claim that if an action is not morally right (in the broad sense of the term) then it is morally wrong, we may infer the following:

P* An action is wrong if and only if (and because) it would, if performed, likely not bring about at least as much overall happiness as would some available alternative action.

Since, as we have just seen, principles about moral wrongness can be derived from principles of rightness, I shall, in explaining a moral theory's account of right and wrong, simply formulate a theory's principles (there may be more than one) for right action.

In addition to serving as moral criteria, principles like P are typically intended to provide some practical guidance for coming to correct or justified moral verdicts about particular issues, thus addressing the practical aim of moral theory. The idea is that if P is a correct moral principle, then we should be able to use it to guide our moral deliberations in coming to correct conclusions about the rightness of actions, thus serving as a basis for moral decision

making. In reasoning our way to moral conclusions about what to do, P has us focus on the consequences of actions and instructs us to consider in particular how much overall happiness actions would likely bring about.

To sum up, a moral theory can be understood as setting forth moral principles of right conduct and value that are supposed to explain what makes an action or other object of evaluation right or wrong, good or bad (thus satisfying the theoretical aim), as well as principles that can be used to guide moral thought in arriving at correct or justified decisions about what to do (thus satisfying the practical aim).

The Structure of a Moral Theory

Finally, what Rawls calls the "structure" of a moral theory is a matter of how a theory connects the right and the good. As we shall see, some theories take the concept of the good to be more basic than the concept of the right and thus define or characterize the rightness of actions in terms of considerations of intrinsic goodness. Call such theories value-based moral theories. **Value-based moral theories** include versions of consequentialism, natural law theory, and virtue ethics. However, some moral theories do not define rightness in terms of goodness. Some theories are **duty-based moral theories**—theories that take the concept of duty to be basic and so define or characterize the rightness of actions independently of considerations of goodness. These theories are often called "deontological" moral theories (from *deon,* the Greek term for duty). The moral theory of Immanuel Kant (see later in this chapter) and theories inspired by Kant (Kantian moral theories) are arguably deontological.[5] And what is called the ethics of prima facie duty, if not a pure deontological theory, contains deontological elements, as we shall see when we discuss this theory later in section 2.

Brief Summary

Now that we have reviewed a few basic elements of moral theory, let us briefly sum up.

- *Main concepts of moral theory.* The two main concepts featured in moral theory are the concepts of the right (and wrong) and the good (and bad).
- *Two aims of moral theory.* A moral theory can be understood as having two central aims. The theoretical aim is to explain the underlying nature of the right and the good—specifying those features of actions or other items of evaluation that *make* an action or whatever right or wrong, good or bad. We call such features "criteria." The practical aim is to offer practical guidance for how we might arrive at correct or justified moral verdicts about matters of moral concern.
- *The role of moral principles.* A moral theory is typically composed of moral principles (sometimes a single, fundamental principle) that are intended to serve as criteria of the right and the good (thus satisfying the theoretical aim) and are also intended to be useful in guiding moral thinking toward correct, or at least justified conclusions about some moral issue.
- *The structure of a moral theory.* Considerations of structure concern how a moral theory connects the concepts of the right and the good. Value-based theories make the good (intrinsic value) more basic than the right and define or characterize the right in terms of the good. Duty-based theories characterize the right independently of considerations of value.

In the next section, we briefly examine six moral theories that play a large role in philosophical discussions of disputed moral issues. After presenting these theories, I devote the remaining section and an appendix to questions that are likely to occur to readers. First, there is the question of why studying moral theories is helpful in thinking about disputed moral issues when there is no *one* moral theory that is accepted by all those who study moral theory. Rather, we find a variety of apparently competing moral theories that sometimes yield conflicting moral verdicts about the same issue. So, how can appealing to moral theory really help in trying to think productively about moral issues? This is a fair question that I address in section 3. In the appendix, I briefly present two moral theories whose guiding ideas will be familiar to most all readers—the divine command theory and ethical relativism—and I explain why they aren't featured in this book's readings. However, before going on, let me say something about how one might use this chapter in studying the moral issues featured in this book.

User's Guide Interlude

In the "User's Guide," I suggested that although this chapter can be read straight through, readers may want to stop here and go on to one of the following chapters and begin their study of disputed moral issues. In the chapter introductions and the brief article summaries that precede each reading selection, I prompt readers to read (or reread) my presentations of one or more of the six moral theories I describe in the next section of this chapter. And, of course, for those who wish to consult primary sources corresponding to the moral theories in question, there are the selections in the next chapter.

As I explained in the user's guide, I like to teach moral theory along with the readings. Seeing how a moral theory applies to a particular moral issue is helpful for understanding an author's position on the issue, which in turn helps readers gain a deeper understanding of and appreciation for moral theory. As for integrating section 3 and the appendix, I recommend consulting these parts of the chapter when the questions they address are prompted by one's thinking about and discussing the book's readings.

2. SIX ESSENTIAL MORAL THEORIES

Six types of moral theory are prominently represented in our readings: consequentialism, natural law theory, Kantian moral theory, rights-based moral theory, virtue ethics, and the ethics of prima facie duty. Here, then, is an overview of these various theories that will provide useful background for understanding our readings.

A. Consequentialism

In thinking about moral issues, one obvious thing to do is to consider the consequences or effects of various actions—the consequences or effects on matters that are of concern to us. **Consequentialism** is a type of moral theory according to which consequences of actions

competing duties is (in that situation) strongest. As mentioned earlier, moral judgment is a matter of discerning the morally important features of a situation and determining what ought or ought not to be done, where doing so cannot be fully captured in a set of rules. Judgment is largely a matter of skill that one may acquire through experience.

One final remark. One need not agree with Ross's own list of basic prima facie duties in order to accept the other tenets of Ross's view. For instance, Robert Audi has recently defended an ethic of prima facie duties that features ten basic prima facie duties.[30] Audi, unlike Ross, distinguishes duties not to lie from duties of fidelity, and he adds two additional duties to Ross's list. So were we to make the additions Audi proposes, we would have the following:

8. Veracity: prima facie, one ought not to lie.
9. Enhancement and preservation of freedom: prima facie, one ought to contribute to increasing or at least preserving the freedom of others with priority given to removing constraints over enhancing opportunities.
10. Respectfulness: prima facie, one ought, in the manner of our relations with other people, treat others respectfully.

The main point I wish to make here is that Ross's version of an ethic of prima facie duties is one version of this general sort of view. Audi's view attempts to build upon and improve Ross's view.

This completes our survey of some of the leading moral theories that figure importantly in many of this book's readings. As mentioned earlier, I recommend using these summaries of the six theories as an aid in understanding those writings in which an author appeals to one or other of them. The remaining section and the appendix address questions about moral theory that are likely to occur to the reader:

- What is the point of moral theory in thinking about disputed moral issues in light of the fact that there is a variety of competing moral theories?
- What about theories that appeal to the will of God or to the norms of society of culture in determining what is right or wrong?

3. COPING WITH MANY MORAL THEORIES

This chapter began with a brief overview of the central concepts and guiding aims of moral theory and then proceeded to survey six types of moral theory. In working through the various moral problems featured in this book, one will find that different moral theories often yield different and conflicting answers to questions about the morality of some action. The natural law theory, for instance, arguably condemns all homosexual behavior as morally wrong; a consequentialist approach does not. So the application of one theory to an issue may yield one moral verdict, while the application of another theory may yield a conflicting moral verdict. What, then, a student may ask, is the point of thinking about disputed moral issues from the perspective of moral theory? It all seems rather arbitrary.

This is a completely understandable question whose answer requires that one move from a focus on particular moral issues to questions about the nature and evaluation of moral

theories. It is not possible to fully address such questions in a chapter whose aim is to provide students with a basic understanding of a range of moral theories. But because of its importance, the question does deserve to be addressed, even if briefly. In so doing, I will first offer some remarks about evaluating a moral theory, and then I will suggest a way of looking at the various moral theories for the illumination I think they provide in thinking about moral issues.

Evaluating a Moral Theory

Philosophers who develop a moral theory do not just state some moral principle or other and leave it at that; rather, they *argue* for whatever principles they are proposing. And we can critically evaluate their arguments. So the first point I wish to make is that there can be rational debate about a moral theory—not any old moral theory is as good as any other.

Furthermore, there are standards for evaluating a moral theory—standards that are not arbitrary but rather have to do with the guiding aims of a moral theory that we discussed in section 1 of this chapter. Corresponding to the theoretical aim of moral theory—the aim of explaining what makes something right or wrong, good or bad—is the principle of **explanatory power:**

> A moral theory should feature principles that explain our more specific considered moral beliefs, thus helping us understand *why* actions, persons, and other objects of moral evaluation are right or wrong, good or bad. The better a theory's principles in providing such explanations, the better the theory.

This principle appeals to our "considered" moral beliefs, which may be defined as those moral beliefs that are *deeply held* and *very widely shared.* I hope that everyone reading this text believes that murder is wrong, that rape is wrong, and that child molestation is wrong. The list could be extended. Moreover, such moral beliefs are (for those who have them) very likely deeply held convictions. The principle of explanatory power tells us to evaluate a moral theory by determining whether its principles properly explain why such actions are morally wrong. Similar remarks apply to widely shared and deeply held beliefs about our obligations. So we can help confirm a moral theory by showing that it can properly explain the rightness or wrongness of actions about whose moral status we are virtually certain. Correlatively, we can criticize a moral theory by showing that it does not properly explain the rightness or wrongness of actions about whose moral status we are virtually certain. Applying this principle requires that we can tell what counts as a good explanation of the rightness or wrongness of actions. This is a topic of lively and ongoing philosophical inquiry whose study would take us far beyond the scope of this book. But in thinking about moral issues from the perspective of moral theory, the reader is invited to consider not only what a theory implies about some action or practice, but also what explanation it provides for whatever verdict it reaches about the action or practice under consideration. (I return briefly to this matter toward the end of this section.)

According to the practical aim of moral theory, we want moral principles that will help guide our moral deliberations and subsequent choices. Corresponding to this aim is the principle of **practical guidance:**

> A moral theory should feature principles that are useful in guiding moral deliberation toward correct or justified moral verdicts about particular issues which we can then use

to help guide choice. The better a theory's principles are in providing practical guidance, the better the theory.

Any moral theory that would yield inconsistent verdicts about some particular concrete action is obviously of no practical help on the issue at hand. Furthermore, a moral theory whose principles are so vague that it fails to have clear implications for a range of moral issues is again of no help in guiding thought about those issues. Finally, a moral theory whose principles are extremely difficult to apply because, for example, applying them requires a great deal of factual information that is humanly impossible to acquire, is at odds with the principle of practical guidance. These are three measures to consider in evaluating how well a moral theory does in satisfying the principle of practical guidance and thus how well it does in satisfying the practical aim of moral theory.

These brief remarks are only meant to indicate how one can begin to evaluate a moral theory. Hopefully, what I have said is enough to make a start on answering the challenge that began this section. Let us now move on to the second point I wish to make in response to the challenge.

Moral Theory and Moral Illumination[31]

I conclude with a plea for the importance of moral theory, even if there is no one theory that currently commands the allegiance of all philosophers who specialize in ethics. The plea is that moral theory can help focus and sharpen our moral thinking about particular issues, and it can thereby provide a kind of insight and illumination of moral issues that is otherwise easily missed. Let me explain.

No doubt readers of this chapter will have noticed that the various moral theories we have surveyed build on ideas that are very familiar. To see this, let us return to the case of euthanasia with which this chapter began. You may recall that in that case, Dr. Jack Kevorkian brought about the death of his patient Thomas Youk by a lethal injection. We described Kevorkian's action as an instance of voluntary active euthanasia. Now if one pays attention to on-line discussions and newspaper editorials that focus on this moral issue, and listens to the views of politicians and other social activists who discuss it, we find that some arguments appeal to the likely effects or consequences of allowing this practice. And of course, the idea that an action's rightness or wrongness is to be explained by reference to its likely consequences is the main idea of the various varieties of consequentialist moral theory. Similar remarks can be made about the other five types of moral theory presented in section 2. Some arguments over euthanasia focus on the intrinsic value of human life—one of the four basic human goods featured in natural law ethics. Related to questions about end-of-life moral decisions, some have argued that providing a terminal patient with painkilling drugs that will knowingly cause the patient to die of liver failure before succumbing to cancer is nevertheless permissible because death in this case is merely a foreseen side effect of the painkilling drug. Here we have a tacit appeal to the doctrine of double effect. Again, we find arguments that appeal to the special dignity and worth of human beings, as well as arguments that appeal to such alleged rights as the right to die or the right to die with dignity—arguments that tacitly appeal, respectively, to elements of Kantian moral theory and to rights-based moral theory (or at least rights-focused approaches to moral issues). Similar points can be made about virtue ethics and the ethics of prima facie duties.

So the first point I wish to make about studying moral issues from the perspective of moral theory is that one thereby gains greater insight and clarity into the kinds of arguments that one commonly reads and hears (and perhaps is disposed to give) over disputed moral issues. In fact, one may think of the various moral theories we have surveyed as attempts to develop such familiar ideas from moral thought and discourse in a rigorous philosophical manner. To really understand some moral issue for purposes of making up your own mind about it, you first have to understand the issue, which in turn requires that you consider the various reasons that reflective people bring to bear in thinking and debating the issue at hand. Such reasons, as I have just indicated, are often developed systematically in a moral theory. So coming to understand moral theory helps provide a kind of moral illumination or insight into moral issues.

The further point is this. Different moral theories differ partly because of how they propose to *organize* our moral thinking about practical issues. For instance, utilitarianism has us organize our moral thinking about some issue in terms of its likely effects on well-being or happiness. Virtue ethics, by contrast, has us organize our moral thinking around considerations of virtue and vice, asking us, for example, to view a proposed course of action in terms of what it would express about our characters. Rights-based moral theories have us think about an issue in terms of competing moral claims that can be made by various involved parties. Similar remarks apply to Kantian moral theory, natural law theory, and the ethics of prima facie duty. But let us put aside for the moment the fact that the various moral theories in question purport to provide competing answers to questions about the underlying nature of right and wrong, good and bad. If we do, we might then view these theories as providing different ways of diagnosing and thinking about a moral problem, where in some cases the best approach is utilitarian, whereas in others the best approach is from a virtue ethics perspective, and still in others, some other moral theory best gets at what is morally most important to consider. In other words, it strikes me that some practical moral questions are best approached from, say, the perspective of act utilitarianism, others not. Here is an example that comes up in the chapter on war, terrorism, and torture and is discussed in the reading from Alan M. Dershowitz. He considers a "ticking bomb" scenario in which a captured terrorist very likely knows the whereabouts of a powerful explosive set to go off in a heavily populated city. Would it be morally permissible to torture this (uncooperative) individual in an attempt to extract information that might be used to locate and defuse the explosive? Given what is at stake in *this* particular case, I can well understand why one's moral thinking would be guided by essentially act utilitarian reasoning. But in other cases, thinking in these terms seems morally askew. Thomas E. Hill Jr., in his article included in chapter 14, argues that in thinking about how we ought to relate to the environment, utilitarianism fails to properly diagnose what is wrong with certain ways of treating the environment. He also argues that thinking in terms of rights fails to get at what is really morally important about our dealings with the environment. His proposal is to think in terms of virtue—ideals of excellence—rather than in terms of utility or rights. As explained in section 1 of this chapter, a moral theory is partly in the business of providing practical guidance for moral thinking and decision making. My suggestion is that in some contexts it makes sense to think as an act utilitarian, in other contexts it makes most sense to think in terms of rights, and in still other contexts, thinking in terms of virtue and excellence seems most illuminating. The same can be said about the other moral theories we have surveyed. Thinking exclusively about all moral issues in terms of some one particular moral theory

assumes a *one-size-fits-all* approach to moral thinking. I am suggesting that this probably isn't the best way to use theory to illuminate practice.[32]

Returning now to the challenge that began this section, I have tried to address it in two ways. First, moral theory is not arbitrary in the sense that you can just pick and choose your favorite or make up your own: there are standards for evaluating moral theories that have to do with the theoretical and practical aims of moral theory. Second, the variety of moral theories on offer can positively aid in one's moral thinking about controversial moral issues in two ways. First, it can do so by providing rigorous articulations of common ideas about morality. And second, it can do so if one views these theories as diagnostic tools for getting to the heart of moral problems. Some tools are better for some jobs than other tools. My suggestion is that a particular moral theory may be a better tool than others when it comes to thinking through some particular issue, though a different theory may be better at helping one think through other issues.

APPENDIX: ETHICS BY AUTHORITY?

DIVINE COMMAND THEORY AND ETHICAL RELATIVISM

The idea that morality depends on some authority—whether the will of God or the norms of one's culture—is well known, even if not generally well understood. The readings in this collection by and large reflect the impact of the six moral theories presented in section 2 on philosophical thinking about disputed moral issues. This does not mean that other moral theories or approaches to moral issues are not worthy of philosophical attention. My presentation has been selective. However, because what I am calling ethics by authority in one form or another will likely occur to readers, I think it is important to explain why many who think about moral issues have grave reservations about both divine command theory and ethical relativism.

According to the **divine command theory,** what is right or wrong depends on God's commands in the sense that what *makes* an action right or wrong are mere facts about God's commands, nothing more. On this view, an action is wrong whenever (and because) God commands that we not do the action. An action is morally obligatory whenever (and because) God commands that we do it. Otherwise an action is morally optional. So the fundamental moral principle of this sort of theory can be expressed as follows:

DCT An action is right if and only if (and because) God does not command that we not do that action.

For many people, being told that God does or does not command some action is crucial in their thinking about moral issues. But surely if God commands that we perform some action, there must be some reason why God issues this command—some reason that explains *why* the action is something we ought or ought not to do. But then, as philosophers, we can ask what it is about the action in question that makes it wrong and is a basis for God's command. And once we put the question to ourselves in this way, we are simply raising the general moral questions about the right and the good that we began with. So, appealing to God's commands (at least for believers) may help the believer decide what to do, but the fact that God

commands this or that action does not answer the deep question about the underlying nature of right and wrong that a moral theory attempts to answer—it does not plausibly address the main *theoretical aim* of moral theory explained earlier.

Of course, someone sympathetic to DCT may claim that it is just God's commands that make an action right or wrong. But this won't be acceptable to a theist who thinks that God's actions are rational. After all, if one says that there is no reason behind God's commands, then one is saying that God has no good reason for commanding that we keep our promises and not commit murder, that God's commands are completely arbitrary. But this can't be right. So, a theist must say that there are facts about an action that make it wrong and that since God knows all facts, and since God is all-good, God commands that we do what is (independently of his commands) right and not do what is wrong.

As for **ethical relativism,** there is a good deal of confusion generated by the vague (and unfortunately popular) talk of morality being relative. Surely anyone can agree that whether a particular action—say, addressing a professor by her first name—is morally right may be importantly affected by what a society considers to be insulting. In the United States at present, the social norms that help specify what constitutes an insult do not seem to consider a student addressing a university professor by her first name as an insult. If that's right, then a student in a U.S. university would not be insulting a professor in addressing her by her first name (unless, perhaps, the professor had expressed a desire not to be so addressed). But in other countries (at present), the social norms governing student–professor relationships are such that the sort of address in question does constitute an insult. If we agree that insults are morally wrong (see the chapters dealing with hate speech and with sexism, racism, and reparation for more about the morality of insults), then we can easily see that the action of addressing a professor by her first name is morally wrong in some social circumstances (when in certain countries) and not in others (when in the United States). But this kind of context-sensitivity of morality according to which one's circumstances, including the social norms of one's culture, may have a bearing on what is right or wrong to do in that culture is something that all of the moral theories we have considered do accept.

So if ethical relativism is to represent a moral theory that competes with the ones we have surveyed, what must it say? It must say something like this: (1) there are no correct moral norms or principles that are valid for all cultures at all times; rather (2) there are only the moral norms that some group or culture happens to accept, and these norms—*no matter what those norms say*—are what determine what is right or wrong for members of that group or culture. We can encapsulate these ideas in the following principle:

ER An action (performed by members of a group G) is right if and only if the moral norms that are accepted by G permit the performance of the action.

Thus, if some culture accepts the moral norm that the enslavement of other human beings is morally right, then (according to the relativist) enslavement really *is* right—for those people.

Now relativism has its popular allure. Some people seem to take ethical relativism as an enlightened view about the true nature of morality. In order to disabuse the reader of the kind of simple ethical relativism just described, consider abortion. Suppose we find out that a majority of current U.S. citizens accept a set of moral norms that find nothing wrong with abortion. If we suppose that the moral norms of some culture are those norms that are held by a majority of its members, then according to ethical relativism, we would have to conclude that abortion (for members of U.S. culture) is morally right. Even if you think that abortion

is morally right, do you (the reader) really think that the actual moral rightness and wrongness of an action depends on majority opinion? If so, then you might think we can settle moral issues by a vote. But this would mean that no matter what the majority of some group accepts as part of that group's moral norms—genocide, slavery, infanticide, lying, cheating, whatever—those actions would be right for members of that group. Granted, the members of some group may honestly *think* that genocide is morally right, but thinking something is right does not *make* it right. Right?

So, we can agree to the following thesis of **context-sensitivity:**

CS The rightness or wrongness of an action may depend in part on facts about the agent and her circumstances, where her circumstances may include facts about the norms for what counts as constituting insults, a person's privacy, proper respect for others, and so forth.

The example of insulting behavior illustrates how CS can be true. But as we have already noted, CS is compatible with all of the nonrelativist moral theories that we have surveyed in section 2. According to each of those theories, there are basic moral principles or norms whose correctness is objective and not dependent on whether they happen to be accepted by some culture. Of course, in applying one of these principles to some particular case, we must consider various details of the case including facts about particular agents and their circumstances as well as facts about the society in which one happens to live.

Whether some version of ethical relativism can be defended is controversial and cannot be settled here. If so, it would have to improve upon ER. My main point was to note the important difference between CS and ER (they are often confused) and explain why CS is uncontroversial and why ER is problematic.

According to both divine command theory and ethical relativism, morality depends on the dictates of some authority—God or culture. I have tried to indicate very briefly why many moral philosophers are not satisfied with either of these theories.[33] In any case, in our readings, although a few authors appeal to theological premises in attempting to support a position on a disputed moral issue, none of these authors rest their case solely on a brute appeal to what they take to be God's commands. And none of the authors appeal to ethical relativism.

NOTES

1. A few paragraphs of material in this essay are taken from my "Ethics" in *Reflections on Philosophy,* 2nd ed., ed. L. McHenry and T. Yagisowa, (New York: Longman's Publishers, 2003), 103–25.
2. John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 24.
3. Given this understanding of the notions of intrinsic and extrinsic value, it is possible for something to have value of both sorts. Suppose, for example, that both happiness and knowledge have intrinsic positive value. Since knowledge can be of use in promoting happiness, knowledge can also have extrinsic value.
4. The "if and only if (and because) . . ." is meant to make clear that what follows the "and because" is meant to be a moral criterion that explains *why* the item being evaluated has whatever moral property (e.g., rightness) is mentioned in the first part of the principle.
5. To categorize Kant's ethical theory as deontological in the sense of being fundamentally duty-based may be inaccurate. Arguably, the notion of dignity—a kind of status that all persons have—is the explanatory basis of duties in Kant's ethical theory. Since dignity is a kind of value, this would make Kant's theory a certain kind of value-based theory, but nevertheless distinct from consequentialist views.

3 Sexual Morality and Marriage

Moral questions about sexual activity including contraception, masturbation, simultaneous sex with multiple partners, homosexuality, adultery, premarital sex, and prostitution seem to be a permanent source of dispute. Some think that all such actions are inherently morally wrong; others disagree. Moral questions about sexual behavior are related to moral and legal questions about marriage. Some claim that marriage ought to be between one man and one woman; that any other form of interpersonal union involving sex among partners is both morally wrong and ought to be legally prohibited. Questions about the morality and legality of marriage have been hotly debated in recent years where the focus has been on same-sex marriage.

Debates over the morality of various forms of sexual behavior and over the morality and legality of same-sex marriage raise the following questions:

- For each type of sexual activity in question, are there any conditions under which it is morally wrong?
- For those sexual activities and practices that are morally wrong, what is the best explanation of their wrongness?
- Should same-sex marriage be permitted?
- If not, what is the best explanation of why it should not be permitted?

1. A SPECTRUM OF VIEWS

Often the terms **"conservative," "liberal,"** and **"moderate"** are used to characterize different positions one might take on some moral issue. Let us first explain these labels as they tend to be used in connection with issues about sexual behavior, and then I will issue a couple of warnings about their use.

The differences among conservative, liberal, and moderate views on most any moral issue have to do with the range of behavior that is taken to be morally permissible: conservative views restrict the range to a greater degree than do moderate or liberal views, and, of course, a moderate view imposes more restrictions than does a liberal one. When it comes to questions of sexual behavior, moral restrictions focus on the nature of the relationship that exists among those engaged in sexual activity. The motto of the conservative is "no sex

without legal marriage," where it is assumed that marriage partners are of the opposite sex and that they are restricted in their sexual activity to having sex with each other and not, say, with partners from another marriage. Most obviously, a conservative sexual ethic rules out a number of sexual activities including premarital sex, adultery, prostitution, and homosexual behavior.

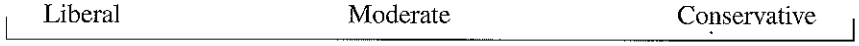
By contrast, a liberal on matters of sexual morality will hold that limits on sex have to do with the moral restrictions on human relationships generally—restrictions that are not specifically about sex. So, for example, on a standard liberal view, sexual behavior by an individual that is based on deceiving a sexual partner is wrong because it involves deception. Lying to someone about having a sexually transmittable disease in order to get them to agree to sexual intercourse is wrong because (according to the liberal view), lying in general is wrong. Again, sex involving coercion (including most obviously rape) is wrong on a liberal view because coercion is wrong. A conservative will agree with the liberal about cases involving deception and coercion, but where they differ is that the conservative holds that there are further restrictions on morally permissible sex besides those having to do with general moral rules that apply to all behavior. For a liberal, then, there is nothing inherently morally wrong with homosexuality, premarital sex, prostitution, simultaneous sex with multiple partners, adultery, prostitution—individual instances of all of these activities are permissible *so long as they are not in violation of general moral rules applying to all sorts of behavior—sexual and nonsexual.*

Finally, a moderate is someone who disagrees with a conservative in restricting morally permissible sex to partners who are legally married, but also disagrees with a liberal who thinks that the only moral restrictions on sex have to do with general moral rules. Rather, a typical moderate position claims that in order for sexual activity by an individual to be morally legitimate, that person must have a certain "bond" with her or his partner. Sometimes this view is expressed in the motto "no sex without love." Were a moderate to stick to this motto, her view would still allow many forms of sexual interaction ruled out by the typical conservative. For instance, going by this motto, homosexual behavior between gays or lesbians who love each other is morally permitted.

But let me issue two warnings about the use of these labels. First, speaking now about moral issues generally, these labels are here being used for general positions on the morality of some activity that differ in *the range of sexual activities that are thought to be morally permissible.* In other contexts, these same labels are used to classify views over economic policy and more generally over the role of government in the lives of its citizens.[1] And so the first warning is this: when using such labels, remember that it is possible to be, for example, a conservative about economic issues, but a liberal or moderate about moral issues. Additionally, if one is a liberal, say, about the morality of euthanasia, one need not be a liberal about all other moral issues. In short, taking a so-called liberal or conservative or moderate position on one issue need not commit you to taking the same type of position on other issues.

The second warning is this. There is no *one* conservative or liberal or moderate position on any one topic. These labels are names for general types of views, and within each type there will be a variety of more specific versions of the general type. Thus, two individuals might hold a conservative position with respect to sexual morality, but one of these positions may be more conservative than the other. For instance, in addition to holding that sexual partners must be legally married to each other, one might hold that there are moral limits to what sorts

of sexual activity they may engage in. One possible further restriction might rule out anal intercourse or mutual masturbation or (even more restrictively) sexual intercourse that does not aim at producing children. Within each camp, we find a variety of possible views that are more or less restrictive. So, if one is going to use these labels, then it is best to think of there being a spectrum of views that blend into one another. Here is a simple visual aid:



Let the farthest point on the left of the horizontal line represent the most extreme liberal view, and let the farthest point on the right of the same line represent the most extreme conservative view. A line is a series of points, and so think of there being possible views about the morality of sexual behavior that may be positioned anywhere along this line. Using these labels, one might hold an extremely conservative view, or instead one might hold a moderately conservative view, or perhaps a moderately liberal view, and so on. The view one holds on any moral issue should be based on one's assessment of the quality of the moral arguments that concern the issue in question, rather than based on whichever label applies to that view.

Let us now turn to the sorts of arguments featured in our readings. It is useful to sort the readings into two groups. First, there are "general approaches" to sexual morality that attempt to provide a general ethical framework for thinking about matters of sex. Second, there are "selected topics" including adultery, homosexuality, and same-sex marriage (among others) that are discussed in our readings.

2. THEORY MEETS PRACTICE: GENERAL APPROACHES

In the first and third readings that follow, we find sharply contrasting approaches to sexual morality. The "Vatican Declaration" presents a conservative sexual ethic based on some elements of natural law theory. In the second article, Thomas A. Mappes defends a liberal view based on one leading idea of Kant's ethics. And in his article on adultery, Raja Halwani embraces a version of virtue ethics. Let us briefly consider the natural law and Kantian approaches, saving the virtue ethics approach for our discussion of special topics.

Natural Law Theory

You may recall from chapter 1 that the basic idea of natural law ethics is that there is an objective human good, and the rightness or wrongness of actions is evaluated in terms of how they bear on the production and maintenance of what is good. According to Aquinas, one of the four basic human goods is procreation, proper respect for which imposes obligations regarding the use of sexual organs as well as obligations regarding the "natural" outcome of sexual intercourse, namely, child rearing.

Sometimes natural law theory is associated with the idea that an action is morally wrong if performing it would somehow go against nature. The idea is summed up in the formula: *an action is wrong if it is unnatural,* and it is the basis of the often-heard "unnaturalness" argument against homosexuality and other forms of sexual behavior. Problems with the unnaturalness argument are discussed in the reading from John Corvino. However, one should not

suppose that all versions (or even the most plausible version) of natural law theory commit one to questionable ideas about what is and is not natural.

Kantian Moral Theory

One of the leading ideas of Kant's ethics is the general requirement to treat all persons as ends in themselves and never *merely* as means to an end. This is Kant's Humanity formulation of his fundamental moral principle—the categorical imperative. This principle was discussed briefly in the first chapter and is the basis of a liberal view on sexual morality defended by Mappes. What Mappes does is provide a characterization of what it means to treat someone as a mere means, and on that basis proceeds to draw out various moral implications for sexual activity. It should be noted that Kant himself held a fairly conservative view of sexual morality because he thought that sexual behavior outside the confines of marriage was inherently degrading to the worth or dignity of human beings. On this point Kant and Mappes differ significantly.

3. THEORY MEETS PRACTICE: SPECIAL TOPICS

Adultery

Adultery is the act of voluntary sexual intercourse between a married person and someone other than his or her legal spouse. Adulterous actions are widely considered to be morally wrong—either in all, or at least most, cases. But how best can we understand the wrongness of such actions—what best explains the wrongness of adulterous actions? This same question can be asked of infidelity between couples who are not legally married but who are involved in a romantic relationship that is understood by the partners to be sexually exclusive. Consequentialists will appeal to the overall badness of the consequences of sexual infidelity, while Kantians like Mappes will stress the fact that cases of infidelity where one partner deceives the other violates the requirement that partners treat each other not as a mere means but as ends in themselves. By contrast, virtue ethics approaches the morality of adultery in particular and sexual fidelity in general by focusing on ideals toward which a virtuous person would aspire. This is the approach that is defended by Raja Halwani in our readings. He argues that virtue ethics provides a better understanding of the morality of sexual fidelity than does either consequentialist or Kantian approaches.

Homosexuality

The morality of **homosexual behavior**—sexual activity, particularly intercourse, between members of the same sex—is a continuing source of moral and legal dispute. As noted above, one familiar kind of argument for the claim that homosexuality is morally wrong is that such sex is "unnatural." In addition, some critics argue that homosexuality (compared to heterosexuality) is harmful to those who engage in it as well as to other members of society. In addition to his critique of unnaturalness arguments concerning homosexuality, Corvino also discusses arguments that allege various sorts of harm.

Same-Sex Marriage

A related issue that has received much media attention in recent years is **same-sex marriage**. Same-sex marriage is to be distinguished from **civil unions**, which is a legal category that grants some rights to same-sex couples, and **domestic partnerships**, which is a legal category that extends some rights to unmarried couples, including same-sex couples. With respect to rights, the main difference between marriages that are recognized by the federal government and civil unions is that the former but not the latter offers *federal* benefits and protections.

However, in 1996, the United States Congress passed the "Defense of Marriage Act" (**DOMA**), which, for purposes of Federal law, defines "marriage" as "a legal union between one man and one woman as husband and wife." This definition implies that the federal benefits that opposite-sex married couples enjoy compared to those involved in civil unions are not available to same-sex married couples.

DOMA also affirms the power of U.S. states to refuse to grant and to recognize same-sex marriages. Many U.S. states have either passed laws that prohibit marrying same-sex couples in that state or have adopted state constitutional amendments prohibiting same-sex marriages. However, as of July 2009, six states (Connecticut, Iowa, Maine, Massachusetts, New Hampshire, and Vermont) had passed laws that legalize same-sex marriages, and prohibitions in many other states are currently being subject to legal challenge. However, in 2009, voters in Maine voted to repeal the state law permitting same-sex marriages. Should same-sex marriages be legalized? This question is debated in the selections by Maggie Gallagher, who opposes such unions, and Evan Wolfson, who favors them. Much of their disagreement stems from claims about the predicted consequences of allowing same-sex marriage.

NOTE

1. This usage of "liberal" and "conservative" should not be confused with the political ideologies that are referred to by the labels "Liberal*ism*" and "Conservat*ism*." These views are briefly described in the introduction to the chapter on pornography, hate speech, and censorship, sec. 2.