Part I

What Is Ethics?

We are discussing no small matter, but how we ought to live.

SOCRATES

in Plato's Republic

Ethics, or moral philosophy as it is sometimes called, is the systematic endeavor to understand moral concepts and justify moral principles and theories.* It undertakes to analyze such concepts as ‘right,’ ‘wrong,’ ‘permissible,’ ‘ought,’ ‘good,’ and ‘evil’ in their moral contexts. It builds and scrutinizes arguments setting forth large-scale theories on how we ought to act, and it seeks to discover valid principles (for example, never kill innocent human beings) and the relationship between those principles (for example, does saving a life in some situations constitute a valid reason for breaking a promise?).

Whereas much of philosophy is concerned with the knowledge of what is (for example, metaphysics, philosophy of science, philosophy of religion, and philosophy of the mind), ethics is concerned with action and practice. It is concerned with values — not what is, but what ought to be. How should I live my life? What is the right thing to do in this situation? Should one

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*In this book, the terms ‘ethics’ and ‘morality’ (and their cognates) are used synonymously.
always tell the truth? Ought a woman ever to have an abortion? Ethics has a distinct action-guiding aspect, and, as such, belongs to the group of practical institutions that includes religion, law, and etiquette.

A good way to grasp the distinctive features of ethics is to compare it with these other practical institutions that set standards of behavior (namely, law, religion, and etiquette). Consider the following illustration. Recently I heard a Presbyterian missionary tell of a remarkable spiritual experience in rural Brazil. A well-to-do farmer in his church was not paying his workers, who complained about this to the missionary. He and the workers prayed that the farmer would pay them. Then the missionary went to the farmer and told him that it was God's will that he pay his people for their work, and that the farmer was sinning against the Lord. The farmer departed in anger. A week later he reappeared. To the missionary's amazement he gave the missionary a huge hug and told him that the Lord had spoken to him (through his conscience). He said he would obey the Lord, and he paid all of his workers, plus interest.

What probably would have happened in urban America? If workers are not paid, what do they usually do? They get a lawyer and go to court to demand reparations with punitive damages.

In neither of these cases is morality brought directly into the discussion. In the first case a sin against God is committed, and in the second a law is broken. But morality is not necessarily the same as either of these.

How would this case be handled morally? The injured parties or their representatives would approach the farmer, and reason with him. In essence they would appeal to his sense of justice. "Look, you've broken your promise to us. That's morally wrong, isn't it? What's more, you're causing great suffering. You can see that this is against the moral law (or against moral principles), can't you?"

Implied in this appeal is the suggestion that the farmer is not entirely a good person, and that character judgment will be the main sanction used against him. He has lost respect from his fellows. They hope he has some moral sensitivity, and that his conscience will bother him and motivate him to make reparations.

Morality makes reference to right/wrong/permissible behavior with regard to basic values. Moral theories differ on the scope of morality (does it include all and only human beings, or rational beings, or sentient creatures?), and they differ on the exact hierarchy of values (how does one rank survival, justice, happiness, freedom, and other good qualities?), but in general they have in common a concern to alleviate suffering and promote well-being.

Morality can be closely bound up with religion, and moral behavior is typically held to be essential to the practice of religion. But neither the practices nor the precepts of morality should be identified with religion. The practice of morality need not be motivated by religious considerations. And moral precepts need not be grounded in revelation or divine authority, as religious teachings invariably are. The most salient characteristic of ethics—by which I mean both philosophical morality (or morality, as I will simply refer to it) and moral philosophy—is that it is grounded in reason and human experience.

To use a spatial metaphor, secular ethics is horizontal, omitting a vertical or transcendental dimension, while religious ethics is vertical, being grounded in revelation or divine authority, although generally using reason to supplement or complement revelation. These two differing orientations often generate different moral principles and standards of evaluation, but they need not do so. Some versions of religious ethics, which posit God's revelation of the moral law in nature or conscience, hold that reason can discover what is right or wrong even apart from divine revelation. We shall discuss this subject in Part XI.
Morality is also closely related to law, and some people equate the two practices. After all, law can promote well-being and social harmony, and resolve conflicts of interest, just as morality does. Yet there are crucial differences. Ethics may judge some laws to be immoral without denying that they are valid as laws. For example, I would judge laws that permit slavery or discrimination against people on the basis of race or sex to be legally valid but immoral. An antiabortion advocate may believe that the laws permitting abortion are immoral.

In a recent television series, “Ethics in America,” James Neal, a trial lawyer, was asked what he would do if he discovered that, some years back, his client had committed a murder for which another man had been convicted and would soon be executed. Mr. Neal said that he would have a legal obligation to keep the information confidential and that if he divulged it, he would be disbarred. It is arguable that he would have a moral obligation that overrides his legal obligation and demands that he take action to protect the innocent man from being executed.

Furthermore, some aspects of morality are not covered by law. For example, while it is generally agreed that lying is usually immoral, there is no law against it (except under special conditions, such as in cases of perjury or falsifying income tax returns). Sometimes college newspapers publish advertisements for “research assistance,” where it is known in advance that the companies will aid and abet plagiarism. Publishing such ads is legal, but it is doubtful that it is moral, since it promotes cheating.

There is one other major difference between law and morality. In 1351 King Edward of England promulgated a law against treason that made it a crime merely to think homicidal thoughts about the king. But, alas, the law could not be enforced, for no tribunal could search the heart or fathom the intentions of the mind. It is true that intention, such as malice aforesaid, is considered during the legal process in determining the character of an act once the act has been committed. But preemptive punishment of people presumed to have bad intentions is illegal. If having malicious intentions (called in law mens rea) was illegal, would we not all deserve punishment? And even if it were possible to detect intentions, when should the punishment be administered? As soon as the subject has the intention? But how do we know that he or she will not have a change of mind? And to make the issue even more complex, is there not a continuum between imagining some harm to X, wishing harm to X, desiring harm to X, and then, finally, intending harm to X?

While it is impractical to have laws against bad intentions, such intentions are still bad, still morally wrong. Suppose I buy a gun with the intention of using it to kill Uncle Charlie in order to inherit his wealth, but never get a chance to fire it (Uncle Charlie moves to Australia). While I have not committed a crime, I have committed a moral wrong.

Finally, law differs from morality in that there are physical and financial sanctions to enforce the law but only the sanctions of conscience and reputation to enforce morality.

Morality also differs from etiquette and mere social custom, which concern form and style rather than the essence of social existence. Etiquette determines whether behavior is polite rather than whether behavior is right in a deeper sense. Custom represents society’s decisions about how we are to dress, greet one another, eat, celebrate festivals, carry out social transactions, and dispose of the dead.

Whether we greet one another with a handshake, a bow, a hug, or a kiss on the cheek differs in different social systems, but none of these rituals has any moral superiority. People in England hold their forks in their left hands when they eat, whereas people in other countries hold them in their right hands or in whichever hand they prefer. In India, people usually eat without a fork at all; they simply use their right forefinger. None of
these practices has any moral superiority. Etiquette helps social transactions flow smoothly, but it is not concerned with the substance of those transactions. The observance of customs graces our social existence, but it is not what social existence is about.

Yet it can be immoral to disregard or flaunt etiquette. A cultural crisis recently developed in India when American tourists went to the beaches clad in skimpy bikini bathing suits. This was highly offensive to the Indians, and an uproar erupted.

There is nothing intrinsically wrong with wearing skimpy bathing suits—or with wearing nothing at all, for that matter—but people get used to certain behavioral patterns and it’s extremely insensitive to flaunt those customs, especially when you are a guest in their home or country. It is not the bathing suits themselves but the insensitivity that is morally offensive.

Law, etiquette, and religion are all important institutions, but each has limitations. Limitations of the law are that you can’t have a law for every social malady and you can’t enforce every desirable rule. The limitation of etiquette is that it doesn’t get to the heart of what is of vital importance for personal and social existence. Whether one eats with one’s fingers seems unimportant compared with whether one is honest or trustworthy or just. Etiquette is a cultural invention, but morality claims to be a discovery.

The limitation of the religious injunction is that it rests on authority, and we are not always sure of or in agreement about the credentials of the authority nor on how the authority would rule in ambiguous or new cases. Since religion is founded not on reason but on revelation, you cannot use reason to convince someone who does not share your religious views that yours are the right ones. I hasten to add that when moral differences are caused by disagreements about fundamental moral principles, it is unlikely that philosophical reasoning will settle the matter. Often, however, our moral differences turn out to be rooted in worldviews, not in moral principles. For example, antiabortion and pro-choice advocates often agree that it is wrong to kill innocent persons but differ on specifics. The antiabortion advocate may hold a religious view that states that the fetus has an eternal soul and thus a right to life, while the pro-choice advocate may deny that anyone—let alone a fetus—has a soul and maintain that only self-conscious, rational beings have a right to life.

In summary, morality distinguishes itself from law and etiquette by going deeper into the essence of our social existence. It distinguishes itself from religion by seeking reasons, rather than authority, to justify its principles. The central purpose of moral philosophy is to secure valid principles of conduct and values that can be instrumental in guiding human actions and producing good character. As such it is the most important activity known to humans, for it has to do with how we are to live.

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**Domains of Ethical Assessment**

It might seem at this point that ethics concerns itself only with rules of conduct based only on an evaluation of acts. However, the situation is more complicated than this. Most ethical analysis falls into one, or some, of the following domains:

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<th>Domain</th>
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<td>Character</td>
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<td>Motive</td>
<td>Good will, evil will, neutral</td>
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Let us examine each of these domains.

**Types of Action**

- **Right** (Permissible)
- **Wrong** (Not permissible)

  - **Obligatory**
  - **Neutral**
  - **Supererogatory**
Part I: What Is Ethics?

Action

The most common classification of actions may be as right or wrong, but the term “right” is ambiguous. Sometimes it means “obligatory” (as in “the right act”), but sometimes it means “permissible” (as in “a right act” or “it’s all right to do that”). Usually, philosophers define “right” as permissible, including under that category what is obligatory.

(i) A “right act” is an act that is permissible. It may be either (a) optional or (b) obligatory.

(a) An “optional act” is an act that is neither obligatory nor wrong to do. In other words, it is not one’s duty to do it; nor is it one’s duty not to do it—neither would be wrong.

(b) An “obligatory act” is one that morality requires one to take, an act that is not permissible to refrain from doing.

(ii) A “wrong act” is an act that one has an obligation or duty to refrain from; it is an act one ought not to do, an act that is not permissible.

Let us briefly illustrate these concepts. The act of lying is generally seen as a wrong act (and therefore not permissible), whereas telling the truth is generally seen as obligatory. But some acts seem to be neither wrong nor obligatory. Whether you decide to take a course in art history or in Asian literature and whether you write your friend a letter with a pencil or a pen—all of these acts seem morally neutral. They are optional (hence, permissible).

Consider the decision to marry. Admittedly, this is a decision of great moral significance. It is, after all, an important decision about how one lives one’s life. Under most circumstances, however, the act of getting married is neither obligatory nor wrong, because being married, in itself, is considered morally neutral. To marry is therefore an optional act. You are not required to marry. Neither are you required not to marry.

Within the range of permissible acts are “supererogatory” acts. These highly altruistic acts go beyond the call of duty. They are not obligatory, and they exceed the requirements of morality. You may have an obligation to give a donation to strangers in dire need, but you are not obligated to sell your house or car, let alone to become destitute yourself, in order to help them. To help such people by selling your house or car or by becoming destitute yourself would be supererogatory.

Theories that place the emphasis on the nature of the act are called “deontological” (from the Greek word for duty). These theories hold that there is something inherently right or good about such acts as truth-telling and promise-keeping and something inherently wrong or bad about such acts as lying and promise-breaking. We shall study deontological theories in Part VI.

Consequences

We have said that lying is generally seen as wrong and that telling the truth is generally seen as right. But consider this situation: You are hiding in your home an innocent woman named Laura, who is fleeing gangsters. Gangland Gas knocks on your door, and when you open it, he asks if Laura is in your house. What should you do? Should you tell the truth or lie? Those who believe that morality has something to do with the consequences of actions would prescribe lying as the morally right thing to do. Those who believe that we should not consider the consequences of our acts in the face of a clear and absolute rule of action would say that we should either keep silent or tell the truth. When no other rule is at stake, of course, the rule-oriented ethicist allows the foreseeable consequences to determine a course of action. Theories that focus primarily on consequences in determining moral rightness and wrongness are called “teleological” ethical theories (from the Greek telos, meaning goal-directed). The most famous of these theories is utilitarianism, which we shall study in Part V.
Character

While some ethical theories emphasize principles of actions for themselves and some emphasize principles involving consequences of actions, other theories, such as Aristotle's ethics, emphasize character or virtue. According to Aristotle, it is most important to develop virtuous character, for if and only if we have good people can we ensure habitual right action. While the virtues are not central to other types of moral theories, most moral theories include the virtues as important. Different moral systems emphasize different virtues and emphasize them to different degrees. We shall study virtue ethics in Part VII.

Motive

Finally, practically all ethical systems, and especially Kant's system, accept the relevance of motive. It is important to the full assessment of any action that the intention of the agent be taken into account. Two acts may be identical, but one may be judged morally culpable and the other excusable. Consider John's pushing Joan off a ledge, causing her to break her leg. In situation A he is angry and intends to harm her, but in situation B he sees a knife flying in her direction and intends to save her life. In situation A what he did was clearly wrong, whereas in situation B he did the right thing. In contrast, two acts, while equally good on the basis of intention, may have opposite results. For example, two soldiers try to cross the enemy line to communicate with an allied force, but one gets captured through no fault of his own and the other succeeds. In a full moral description of any act, motive will be taken into consideration as a relevant factor.

A few more distinctions need to be made before we embark on our study of ethical theory. The first is the distinction between descriptive and normative ethics. Anthropology and sociology, as descriptive sciences, examine the ethical beliefs and practices of given societies or of people as such (e.g., sociobiologists claim that human nature exhibits a common set of moral practices). They tell us what is in different cultures. But, while moral philosophy may take into account the results of science, it is distinctly normative rather than descriptive. It is about ideal behavior, about what should be, even though it is not a present reality, and it seeks to justify sets of principles pointing toward those ideals.

Secondly, we need to note that the term 'moral' is ambiguous and has two possible opposites: 'nonmoral' and 'immoral.' We may use the term 'moral' in discussing whether some issue is within the scope of moral consideration. Deciding whether to write with a pen or a pencil or whatever to wear a white shirt rather than a blue one is not normally a moral issue at all. Some issues in etiquette may not be moral issues. They are nonmoral. On the other hand, when we normally speak of some deed as moral, we use the term as shorthand for the morally right thing to do, as opposed to the morally wrong thing to do or the immoral act.

Finally, we said that morality had to do with value judgments. However, not all value judgments are within the scope of moral considerations. Some value judgments are prudential, others are aesthetic. When we say, "That is good," we need to pay attention to the context, for we may mean either that an act is the most fitting one if we want to reach our goal, or that an object described is beautiful or aesthetically satisfying, or, speaking morally, that an act is the morally correct deed.

Our first reading, Plato's dialogue called the Crito, is a classic example of ethical thinking. Written in the fourth century B.C., it is one of the earliest surviving treatises on philosophical ethics. It represents an acutely self-conscious attempt to use reasoning to decide what is the right course of action in a particular situation.

The year is 399 B.C., the place, an Athenian jail. Socrates, a 70-year-old philosopher, has been condemned to death by an Athenian court for not believing in the Greek gods and for corrupting the youth. In fact, he has been unjustly con-
demned, but his refusal to compromise with the
powers-that-be has provoked extreme behavior.

Now his friends, led by Crito, have planned
his escape and have arranged passage to Thessaly,
where Socrates has been assured of a tranquil re-
tirement among admirers. The moral issue is:
Should Socrates escape? Should he avail himself
of Crito's help and attempt to free himself from
prison? In other words, should he engage in civil
disobedience?

Crito and Socrates engage in a moral argu-
ment. As you read this dialogue, identify Crito's
arguments and Socrates's counterarguments. Try
to identify the major principles that each holds
and decide how valid the arguments are. Note
especially the relationship between law and mo-
rality. In another treatise, the *Apology*, Socrates
seems to put one principle above the law. He says
that if the law commands him to refrain from
teaching, he will not obey it. In fact, some years
before the events in the *Crito*, he refused to obey
the leaders of Athens when they commanded him
to arrest an admiral whom he considered inno-
cent of any crime. Do these actions affect his argu-
ment in the *Crito*? Was Socrates correct in his
arguments? Did he do the right thing? What
would you have done in his position, and why?

A good discussion of civil disobedience may
be found in Ronald Dworkin's "Taking Rights
Seriously" in Part XIII.3 of this book.

*Endnote*

1"Ethics in America," produced by Fred Friendly, PBS,
1989.