

THE REASONABLENESS OF MORAL REASONS

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The assumption, by such deontologists as Kurt Baier and John Rawls, that conflicting moral reasons have constant weights, is challenged by Michael Philips' "Weighing Moral Reasons".¹ Moral reasons, for Philips, are construed as rules whose weights vary systematically in different contexts in terms of purposes of moral rules. By examining logical possibilities for assessing such purposes, I shall argue that Philips' position is no more viable than the deontological interpretation he rejects.

Since the deontological interpretation is inextricably connected to construing moral reasons as grounded in our rational natures, and since Philips' challenge relies on appealing to disagreeing intuition, my analysis illustrates a perennial tension between intuition and reason. Thus, while it is beyond my scope to fully assess this tension, my discussion provides a unique background for briefly but fruitfully indicating that the problem of disagreeing intuition cannot be resolved by reason (or experience).

Let me discuss the limitations of experience and reason after addressing Philips' attempt to ameliorate a problem of disagreeing intuition endemic to deontology.

1. Deontology and Moral Reasons

Moral reasons for most deontologists, notes Philips, owe their status as reasons to our rational natures. This means *inter alia* that such reasons are unconditional and universal. The "prima facie duties" of David Ross and "morally relevant considerations" of Kurt Baier are intended as moral reasons in this sense.² But if such reasons, say R_1 and R_2 , are universal and unconditional, Philips appropriately questions why R_1 may be more weighty than R_2 in some contexts but not in others.

¹ *Mind*, 1987, 367-375.

² *Ibid.*, pp. 367-368.

Although deontologists, such as Baier and John Rawls,³ advocate calculating weights of conflicting moral reasons in a given case, this only underscores the fact that weights are not assigned in a context-independent manner. In this event such reasons are no more unconditional or rational than the possibly disagreeing intuition on which the determination of their weights depend. What, for example, is the significance of asserting that truth-telling owes its unconditional status as a reason to our rational natures if truth-telling, in a given case, might be wrong in virtue of having less weight than, say, not breaching confidence? And how is the comparison of not breaching confidence to truth-telling to be generated independently of possibly disagreeing intuition influenced by particular persons, motives, and consequences in the case at issue? This problem shall be expanded upon shortly.

While Philips does not explicitly criticize Rawls and Baier who posited "Superiority" ("Priority") rules to govern weights of conflicting reasons in given cases, his subsequent discussion of applied ethics implies that peculiarities indigenous to other cases might obviate such rules. (It is difficult to see how such rules *qua* reasons could be more unconditional than the duties or considerations they are designed to assess.) The assumption, in any event, that weights remain constant is called, by Philips, the "Constancy Assumption". It holds that "if a morally relevant consideration makes a difference of a certain magnitude between two otherwise identical cases, it makes a difference of the same magnitude between any two otherwise identical cases."⁴

2. Falsification of the Constancy Assumption

The conflict between the Constancy Assumption and notion that intuition influenced by varying circumstances renders irregular weights (magnitudes) of moral reasons, may not be obvious in abstract ethical theory. But this becomes apparent in applied ethics. I shall argue, however, that Philips' falsification of this assumption, in James Rachels' "Active and Passive Euthanasia,"⁵ appeals to the very intuition which undermines his

³ *Ibid.*, p. 368. Philips refers to Baier's *The Moral Point of View* (Ithaca, N.Y.: Cornell University Press, 1958) in which moral reasons are governed by rules of superiority and in which Baier accordingly endorses an Ordinal Constancy. Similarly, Rawls' *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971) advocates a full system of principles for institutions and individuals together with priority rules for weighing such principles when they favor contrary sides in a given case.

⁴ *Ibid.*, p. 367.

⁵ *The New England Journal of Medicine*, 1975, pp. 78-80. Mentioned in Philips' "Weighing Moral Reasons", p. 367.

attempted mediation between constant and irregular (wholly relative) weights for moral reasons.

In considering whether there is a bare difference between passive and active euthanasia, Rachels considers two otherwise identical cases in which 1) Smith, an adult, drowns his six year old cousin for an inheritance, and 2) Smith lets the child drown in order to receive the inheritance. In concluding that there is no morally relevant difference between killing and letting die in these cases, Rachels further concludes that there is no morally relevant difference between these acts in general (for cases alike except for killing and letting die).

While Philips agrees that there is no morally relevant difference between killing and letting die in the "Smith" scenarios, he disagrees with the further conclusion. That conclusion reflects the Constancy Assumption in which *ceteris paribus* the weights for killing *per se* and letting die *per se* are equal. The difficulty is that no actual act or case is a *per se* act or case.

Philips establishes this by articulating several sets of cases which are alike except for killing and letting die, but in which the weights between them vary. Mention of one is sufficient for falsifying the Constancy Assumption as well as for establishing a potential problem for Philips.

The parts of Philips' counter-cases⁶ that are alike involve Jones cheating Smith out of their mutually owned business and writing letters to Smith's wife which accuse him of philandering. But the first case has Jones accidentally drowning while the vengeful Smith, who has come to murder him, lets him die. The second has Smith killing Jones by holding his head under water.

The "victim" in Philips' cases is a scoundrel, a morally culpable adult. The victim in Rachels' case is an innocent child. Beyond these considerations, more social good is created by the general practice of aiding the young, innocent, and helpless than in aiding the culpably vicious person. While killing either victim is seriously wrong *prima facie*, Philips argues that his intuition is influenced by such considerations in terms of construing the weight of aiding the child to be greater than that of aiding the scoundrel. Thus there is a disparity in the weights assigned to killing and letting die in Philips' cases that does not obtain in Rachels' cases.

If the Constancy Assumption is false and the weights of moral considerations are possibly relative to different cases, the deontologist is thrown back to intuition on a case by case basis. But "since intuitions

⁶ Philips, "Weighing Moral Reasons", p. 370.

notoriously disagree, moral argument too easily becomes *ad hominem* (my intuitions are less distorted than yours)."⁷

In order to avoid disagreeing intuition, Philips suggests a "utilitarian" approach to moral reasons (rules) in which weights vary systematically in "teleological" patterns or contexts. I will argue, however, that his approach does itself foster a weak Constancy Assumption "halfway" between moral reason *qua* reason and disagreeing intuition, but still subject to the latter. While this will establish its inadequacy, I shall also seek to show that his conflation of various contexts renders his approach incoherent. Such incoherency, I will argue, tends to result from exhaustive reliance on reason and experience to explicate moral reasoning. Philips' position is particularly useful in illustrating the dilemma in virtue of his sharing in both deontological and consequential approaches.

3. The Purpose of Moral Rules

The purpose (point) of a moral rule, says Philips,⁸ is to promote certain goods or to prevent certain evils, and, roughly, the weight of a morally relevant consideration in a situation depends on the degree to which it serves that purpose in situations of that sort. Thus we may argue, normatively or empirically, that a consideration deserves more or less weight in a given context. And we may challenge or defend the claim that compliance with a consideration in a given context yields a state of affairs (consequent) that itself may be defended or challenged as being a good thing.

It is noteworthy that while he rejects the utilitarian theory of good, his position, as he admits, has affinities with R. M. Hare and versions of rule utilitarianism. In this sense moral reasons are construed as rules which have utility in yielding good consequences. Their goodness would therefore be ascertained to some degree on the basis of experienced states of affairs. But inasmuch as weights of moral rules vary systematically in terms of their purpose (points), his position has affinities with teleology. And although he does not ground a *telos* on a desiring intelligence in nature or human nature, it seems clear that Philips intends the purposes of moral rules to be no less rational than the moral reasons of deontologists. If it were otherwise, it would seem peculiar that specific purposes (points) of moral rules are merely asserted and not argued.

Philips does argue for the plausibility of his position by providing several illustrations. Let me examine how his conflation of the contexts of "science"

⁷ *Ibid.*, pp. 372-373.

⁸ *Ibid.*, p. 373.

and "strangers" with the contexts of "societies" results in incoherency after discussing how his illustration of truth-telling ignores possibly disagreeing intuition.

Truth-telling in the context of science, for Philips, is a serious matter since a facile attitude towards fraud would engender a mistrust that would jeopardize the scientific enterprise. (This does seem evident from recent scientific literature and even news reports which, discussing the ease with which statistics can be manipulated, warn of disastrous results in research and development.) By contrast, lying in the context of strangers is less serious since the truths at issue are relatively unimportant. A minimal wrong is connected with the possibility that it encourages a habit which spills over into other contexts. Hence, while the fulfillment of the point of truth-telling proceeds *pari passu* with an increase in trust and exchange of useful information, the weight of truth-telling increases with the importance of trust endangered and information exchanged. And this importance varies systematically in the contexts in question.

It is significant that Philips does not refer to actual acts or particular cases of truth-telling but rather to general contexts. Thus he does not address the very motives, persons, or consequences that he emphasizes in his criticism of a *per se* act or case. Yet, if the notion of a *per se* act is inadequate and a Constancy Assumption is false by virtue of particular circumstances and intuition influenced by them, his own position is untenable for the same or similar reasons. This becomes apparent by considering an "actual" case of lying in the context of strangers.

Suppose one stranger asks a second stranger on the back of a crowded bus if the latter knows what stop to get off at for St. Luke's Hospital. The second stranger, who flatters himself as knowing more than he does and who habitually tells "white lies", does not know. However, he tells the first stranger to get off ten stops later rather than at the next stop which would have been correct.

No significant trust is breached, on Philips's view, since the persons at issue are strangers. But the first stranger, unbeknownst to the second, feels pain in his arm and wishes to insure that his health is satisfactory. He gets off at the wrong stop and, after fruitlessly seeking the hospital, dies of a myocardial infarction. We might suppose that the second stranger might have admitted his ignorance in which case the first stranger would have questioned another rider who knew the correct stop. And had he exited at that stop, he would have survived.

This particular case of lying in a context of strangers is one in which the weight assigned to truth-telling should be relatively small as compared to that of science. But lying resulted in death and Philips concedes that human life in

our society is presently the paramount good.⁹ Accordingly, if I accept the paramount good to be human life, Philips' weights do not vary systematically in general contexts as he describes them.

The significance of this becomes more evident if, in my example, the first stranger is a drug pusher whose activities result in the deaths of children. The intuition of many persons might in this case be influenced in terms of their deeming his death to be of little importance. Some might even hold it to be a good thing. The intuition of others, however, might be influenced by the value of the stranger's life regardless of his activities or consequences. Thus the information exchanged between the first and second strangers would be important. Moreover, if the first stranger had been a medical researcher with a promising cure for AIDS, the intuition of many would undoubtedly be influenced in a positive manner beyond the consideration in itself of his life.

The heart of the difficulty is that Philips' illustration does not refer to particular cases or actual acts of lying or truth-telling. His contexts of strangers and science are general ones to which an equally general rule or obligation of truth-telling applies. But how is such a relatively general obligation to be distinguished from an obligation (act) *per se*? By not referring to actual acts or particular cases Philips does himself fall back on a relatively weak Constancy Assumption: if a morally relevant consideration makes a difference of a certain magnitude between general contexts, it makes a *systematic* difference of the same magnitude between any actual cases within those contexts.¹⁰

But this seems patently false in view of possible cases which *in principle* might serve as counter-examples and to which Philips links possibly disagreeing intuition. Such intuition may sometimes be more influenced by particular motives than consequences or vice versa, or more by one consideration, say the value of human life, than another.

⁹ *Ibid.*, p. 374.

¹⁰ I am grateful to Professor Simon Blackburn of Pembroke College, Oxford, for several helpful comments. One of them, concerning a possible criticism of my thesis here, however, helps clarify it. Thus he argues that Philips might happily concede that any case described with an element of abstraction permits a variety of fillings out that alter ethical weightings. He takes this to be the point of Philips' position. But Philips' point is precisely to show that an element of abstraction, e.g. Constancy Assumption, in the deontological position he rejects, permits fillings out that falsify that Assumption. His point is *not* to provide another element of abstraction which also allows such fillings out and which would be falsifiable. Rather, he seeks to show, among other things, that weights vary systematically in a manner that does not culminate in disagreeing intuition.

4. Points of Moral Rules in Context

The possibility of disagreeing intuition is not the least difficulty. For Philips says that his reasoning "helps to explain differences between the moralities of various societies and changes in the moralities of a given society over time."¹¹ Thus he conflates contexts such as "strangers" in a given society with the contexts of a given society over time or different societies at the same time. If, however, conceptions of good and evil vary in this manner, the very points or purposes of moral rules are subject to possibly inconsistent specifications.

Thus, although the general point or purpose of a moral rule is to promote good or prevent evil, it is possible that a given society (Ψ) may posit the moral rule (R) that an act should be done, and the given society at another time or another society (Θ) may posit the moral rule ($\neg R$) that the act should not be done. Notwithstanding the fact R and $\neg R$ have mere "utility" in rendering good states of affairs, the point (P_1) of R in Ψ and the point (P_2) of $\neg R$ in Θ will presuppose that certain things, say trust and treachery, are good things. [While those living in "open societies" may doubt that treachery could be a good thing, those in "closed (totalitarian) societies" may well concede its goodness.] Indeed, it is difficult to see how trust and treachery could not each be a good thing *per se*. For it is precisely such trust and treachery that will attach to good states of affairs yielded by complying with R and $\neg R$.

Hence, while Philips might hold that R and $\neg R$ have mere utility, it is possible that P_1 and P_2 will involve inconsistent claims regarding what are good things. For again, how could P_1 and P_2 specify that the points of R (e.g. truth-telling) and $\neg R$ (e.g. lying), respectively, are trust and treachery independently of supposing that the latter are good things? But the question ensues concerning whether P_1 and P_2 are correct in this respect. If P_1 and P_2 have no epistemic ("truth-") value in terms of being correct in virtue of there being no good or evil thing *per se*, then it is pointless for Philips to advocate challenging or defending the claim that a given state of affairs *is* a good thing. If, however, P_1 is correct in Ψ but incorrect in Θ and P_2 is correct in Θ but incorrect in Ψ in terms of supposing what are good things, then the view is incoherent.

For if " P_1 " (" P_2 ") in Ψ and Θ expresses the same point of a moral rule, say as expressed by proposition p , then " P_1 " (" P_2 ") has the same meaning in both societies or the same society at different times. It is, that is, a necessary condition for p to express or mean the same thing in Ψ and Θ that p has the

¹¹ Philips, "Weighing Moral Reasons", p. 374.

same epistemic ("truth-") conditions for what makes its claim correct (true) that something is a good thing (whether G. E. Moore's indefinable non-natural quality in things or something else). Thus if p , which expresses the meaning of " P_1 " (" P_2 "), were correct in Ψ and incorrect in Θ (or vice versa), the conditions for its correctness would be different. If such conditions were different, it would mean that a given condition both does and does not obtain. But this is incoherent.

If Philips' reasoning "explains" such incoherence, then it is less satisfactory than the disagreeing intuition he seeks to avoid. For despite possible peregrination into *ad hominem* argument (my intuition is less distorted than yours), the proponent of an intuition need not incoherently assert that his or her intuition is possibly both correct and incorrect. It would seem, in any case, that what are correct points of moral rules is no less subject to possibly disagreeing intuition than the significance of particular persons, motives, and consequences which provide counter-examples to a Constancy Assumption.

5. Reason and Experience in Moral Reasoning

It is only fair to commend Philips' succinct criticism of deontological views which suppose a Constancy Assumption. Moreover, his alternative, creatively explicated in terms of elements in utilitarian and teleological approaches, invites further exploration. Notwithstanding reference to teleology, however, there is no mention of any metaphysics which traditionally attaches to it. It is difficult to see how his position can be fruitfully explored on the basis of reason (analysis) and experience alone.

Indeed, Philips' position is instructive for indicating that an incoherent relativism might ultimately follow attempts to base ethical theories on cognitive reason and experience. For any "prescription" formulated by rules or purposes of rules concerning what should be the case (what is morally desirable) cannot be logically deduced from a description, based on experience, of what is the case (what is desired). And if such experience appeals to or is conflated with intuition, it permits the very disagreeing intuition that has perennially perplexed empirically orientated (utilitarian) philosophers. When such philosophers subsequently recognize the equal *epistemic* status of disagreeing intuition (or Mill's "preferences"), their positions will tend to collapse into *ad hominem* arguments or an incoherent relativism in which opposing intuitions are conceded to be equally correct. The objection that intuitions are not epistemologically equal begs for an articulation of intuition independently of the very cognitive experience and reason which *prima facie* could make their explication intelligible.

By the same token, deontologists who appeal to reason or our rational natures tend to conflate logical certainty with intuitive certainty. While they may be convinced that, say, truth-telling *per se* is moral in virtue of our rational natures, the denial that it is moral results in no self-contradiction. If they render self-contradictory the denial of such "reasons", they also render such reasons trivially true. For insofar as moral reasons or their purposes are logically certain, they yield no information about the very cases they putatively address. Inasmuch as they address them in terms of yielding information about what persons ought to do, they are not logically certain.

I submit that the "logocentricity" of modern empiricism and rationalism, which have inspired the deontological and utilitarian views, have tended to "tug" philosophers in the direction of *ad hominem* or relativistic arguments. (This is not a matter of what they seek, but rather of what they are epistemologically lead to do.) I suggest, moreover, that Philips' attempt to avoid disagreeing intuition and the *ad hominem* arguments it results in, illustrates just this sort of dilemma.

It seems, in any event, that there are serious difficulties in using reason and experience alone to assess what are correct moral intuitions.¹² For if intuition is a cognitive part of either experience or reason, then why appeal to intuition at all? If intuition is not appealed to in assessing moral reasons or weights, how is one, on the basis of reason or experience, to determine what ought to be the case? [The "Ought-Is" problem, often explicated *via* the Naturalistic Fallacy, still holds despite, for example, Abraham Edel's unwarranted dismissal of it in his recent Romanell Lecture on moral naturalism to the Eastern Division Meeting of the American Philosophical Association.¹³ There, he virtually advocates ignoring it in view of Rawls' popular book in 1971 (*A Theory of Justice*) which disregards it. Edel's dismissal, however, borders on committing, if it does not commit, the *ad populum* fallacy. He has an epistemic incentive in disparaging the fallacy, since he seeks to base changing moral norms on radically changing scientific

¹² Cf. Richard De George's "Theological Ethics and Business Ethics" (*Journal of Business Ethics*, 1986, 421-432) and "Replies and Reflections on Theology and Business Ethics" (*Journal of Business Ethics*, 1986, 521-524). De George, in the realm of applied ethics, argues that philosophers rely on experience and reason alone (a "neutral territory" of reason) to assess ethical practices and determine what moral intuitions are correct.

¹³ This refers to Abraham Edel's First Annual Patrick Romanell Lecture, "On Philosophical Naturalism", to the American Philosophical Association, Eastern Division Meeting, Boston, Massachusetts, December 28, 1986. It was subsequently published as "Naturalism and the Concept of Moral Change", *Proceedings and Addresses of The American Philosophical Association*, 1987, pp. 823-840.

"contexts". This, of course, makes "good" and "evil" wholly relative to possibly conflicting (scientific) communities or cultures.]

If what *is* the case, as experienced or described by science, does embody some non-natural good which is not the proper epistemic object of experience or reason, then ethical theorists will circularly suppose the intuition for which they empirically or "rationally" argue. Will such arguments be any more certain than the initial intuition?

My own inclination, which is beyond my purpose to fully explicate here, is to disregard intuition altogether. It seems more tenable to ground purposes of moral rules on an Aristotelian- (Thomistic-) like *telos* in human nature wherein rules ("virtues") are relative to different activities but universally "virtuous" insofar as complying with them yields good consequences independently of changing cultures. Weights might favor that rule which, being complied with, yields the most morally desirable things indigenous to purposes of other rules. For there is no reason *prima facie*, given a universally unifying *skopos qua* benevolent (loving) intelligence "in" nature, why purposes or rules would not overlap or why natural desire need be metaphysically bifurcated from the morally desirable.

How did such a bifurcation arise and why is it irrelevant, for example, to a teleological *metaphysics*? In concluding, let me briefly suggest a reason.

Such a bifurcation may *paradoxically* stem from a metaphysical commitment to exhaustively explicating nature and human nature independently of metaphysics. Contemporary post-positivist philosophers, in the empiricist-rationalist tradition, have generally engendered this paradox by *tacitly* committing themselves to a truth-valueless (metaphysical) verification principle supposed for the articulation of empirical truth-claims of science (*viz.* physics).¹⁴ Physics, notwithstanding its epistemological reliance on meta-

¹⁴ See *The Structure of Scientific Theories*, ed. F. Suppe (Urbana: University of Illinois Press, 1977), pp. 64, 65, 716. This was an outgrowth of an international symposium held at the University of Illinois at Chicago Circle. See also M. A. Rothman's *A Physicist's Guide to Skepticism* (New York: Prometheus Books, 1988) pp. 155-176, and E. M. Adams' "The Accountability of Religious Discourse" (*International Journal for Philosophy of Religion*, 1985), 3-17. Suppe takes science as paradigm knowledge, and Rothman and Adams refer to a verification principle as that which tests (makes "accountable") truth-claims outside the parameters of science. Interestingly, of course, a verification principle cannot itself be verified. In just this sense it is a truth-valueless metaphysical principle formulated for the truth-claims of physical systems. While I do not suggest that deontologists or consequentialists explicitly posit a verification principle, I do suggest that their ostensive reliance on experience/reason alone reflects a bias against metaphysics paradoxically influenced by neo-positivist metaphysics. Interestingly, both Aristotle and St. Thomas openly explicate an inter-dependence of physics and metaphysics that is more compatible with ethical explanations than the myopic approaches of our neo-(post) positivist era.

physics, has tended to be construed as paradigm knowledge embodying reason and experience alone. This dogma has paradoxically eventuated into a virtual *Lebenswelt* which embraces a "received view"¹⁵ of ethics. It is paradoxical since (for example, following Edmund Husserl) a *Lebenswelt* is the world in the sense of what embraces one's immediate experience or entire complex of conscious life.

But a neo-positivist "received view" of science implicitly becomes an "axiomatized consciousness" of the complex of everyday behavior, ethics, religion, literature, music, art, and society in general as well as science. Naturally, everything except pre-axiomatizable empirical statements or axiomatized theoretical propositions would be cognitively meaningless or only "psychologically" significant. In order to allay the insignificance of ethics, something taken as more than a mere psychological "phenomenon" of passing interest in their immediate experience, post-positive philosophers speak of cognitive experience or reason assessing "ethical intuition". They speak of this *as though* such intuition could be rendered morally cognitive through some correspondence rule (of the form $O_x \equiv T_x$, where "T" is a theoretical term, "O" is an observation term, and observation terms refer to specified phenomena—in this case the intuitions at issue!).

The dilemma posed by the Naturalistic Fallacy, a legitimate difficulty for those metaphysically committed to cognitive experience or reason alone, loses its force against those openly receptive to a proper (e.g., non-verificationist) metaphysical basis for ethics. Although my metaphysical inclination yields no rational or experiential certainty concerning what are correct moral purposes or rules, it seems preferable to conflating experience or reason with disagreeing intuition, or to stating purposes of moral reasons but positing conflicting cultural norms by which purposes may be both correct and incorrect.

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¹⁵ The name "received view" was coined by Hilary Putnam in 1962 in reference to scientific theories as axiomatic calculi given partial observational interpretation through correspondence rules. See Suppe, *The Structure of Scientific Theories*, p. 3. This was the accepted understanding of science *qua* paradigm knowledge.