

**MORAL PHILOSOPHY AND MORAL
PROBLEMS**

Moral Philosophy and Moral Problems

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The unprecedented technological advances and social changes of recent years have created problems that were never thought of before. (1) Is it right to prolong life at the cost of human suffering ? Is there such a thing as a right to privacy ? Should drugs be depenalized ? etc... It is to these concrete cases and specific moral problems that moral philosophers have been challenged to apply the concepts, principles and methods of their discipline. This led to what is called «applied ethics» ; with applied ethics moral thinking is no longer the business of the philosophers alone but something in which the larger public is now engaged.

What is moral philosophy ? Can it assist us in the resolution of concrete ethical conflicts despite the fact that its theories are all controversial ? What kind of principles should guide our thinking about moral problems and what kind of skills should we develop to deal with them ? The aim of this paper is to answer these questions in a manner that is clear and accessible to non-philosophers.

1. Morality and moral philosophy

1.1. Morality

The words «ethics» and «morality» refer to the values, beliefs and principles held by an individual or a group what is a right or wrong action, a good or bad character, just and unjust laws and institutions. To claim (reasonably or not) that the new tax law is unjust, jealousy is bad, stealing is all right is to make moral judgments.

1.2 Conventional and reflective morality

However, it is mostly in times of crisis that we reflect consciously on the principles and beliefs that are operative in our moral judgments. Otherwise moral judgments and decisions consist in the spontaneous obedience to the rules of one's community that are internalized through education. Uncertainly about how to solve moral problems raised by new technological developments, conflicts between the interests of different individuals or between duties such as a doctor's duty to save life and ease suffering are the kind of situations that force an individual to ask : What is right and what is wrong ? In cases like these, when we are no longer content to rely on authority, habit and conventions to

decide what is right and what is wrong but think for ourselves, we are engaged in reflective morality. Moral philosophy is a form of reflective morality.

1.3 Moral philosophy

1.3.1 Normative ethics

Moral philosophy is divided into normative ethics and metaethics. The object of normative ethics is the identification of the most basic moral principles that should guide conduct. If you think an action is right or wrong depending on its consequences you are a consequentialist. If you think that what makes an action right is its motive, the intention of the agent or the accordance of the action with a rule you are a deontologist. In addition to consequentialism and deontology, there are moral theories that are based on the notion of rights. These are the three major ethical theories. In recent years there has been a new interest in ancient virtue ethics. This is not concerned with what makes an action right or wrong but what makes a person a good person and what traits of character should be nurtured.

1.3.2 Metaethics

Metaethics is the study of moral language, its object is the meanings of moral terms, the status of moral judgments i.e., whether they are expressions of feelings, descriptions or commands, and moral reasoning. Its importance for applied ethics is most obvious in the way it clarifies the meaning of the notion of «morality» for ethical conflicts are sometimes the result of confusing morality with other domains in which the notions of right and wrong, good and bad, just and unjust occur i.e., law, religion, manners etc.

1.4 Morality and other disciplines

1.4.1 Morality and individual feelings, tastes and opinions.

When debating moral issues it often happens that a person says : «there is no point in continuing this discussion, what I feel is right is right for me, what you feel is right is right for you, morality is a matter of individual feeling».

Such reasoning is flawed in many respects :

If morality were a matter of individual feeling, opinions and tastes we would have no ground on which to condemn wrongdoers, everything would be permitted. But subjectivists may not be willing to accept that everything is permitted.

– It makes sense to ask someone to give reasons for holding a certain moral position but not for having a particular taste or feeling. In addition, we can convince someone to adopt a particular moral position using rational arguments but we cannot convince someone to change his/her taste. This shows that morality is not a matter of feeling or taste.

1.4.2 Morality and the law

Could it be that morality is nothing but the law ? It is undeniable that the law often expresses the moral code of society and enforces it. Thus, many actions that are morally neutral or good are legal and many actions that are immoral are illegal. Still, morality cannot be reduced to the law for the following reasons :

- The law may allow or even require actions that are morally offensive : the American fugitive slave law of 1850 required citizens to help in the capture and the return of runaway slaves to their owners. Yet slavery is morally reprehensible.

- Sometimes the law prohibits actions that are morally neutral or good. Premarital relations between consenting mature people are morally neutral and may even be good yet they are illegal in countries like Saudi Arabia and Iran.

- Morality takes intentions into account, the law does not.

- The law changes at will, morality does not : Abortion was illegal in the United States in 1973 and became legal afterwards. It does not make sense to say it became moral or immoral.

- The law is subject to moral evaluation : It is often on the basis of morality that laws are enacted or revoked.

1.4.3 morality and prudence

Although it is in individuals' interests to be moral, what is in an individual's interest, what is prudential, is not to be confused with what is moral. In morality we take into account our interests as well as those of others, prudence is concerned with the interests of individuals alone. «You should exercise regularly,», «do not smoke» are prudential not moral statements.

1.4.4 Morality and manners

To be polite, careful not to offend others, to know how to talk and behave in company of other people and on special occasions is to have good manners. But someone who has good manners is not necessarily a moral person and someone who has bad manners is not necessarily an immoral person. Being rude does not have the same seriousness as killing, cheating or stealing.

1.4.5 Morality and religion

Even though all religions enforce a certain code of behavior and may motivate people to behave morally, morality can do without religion.

- As a matter of fact, not all people who are moral are religious and many religions commands may be immoral : Spanish inquisition, witch hunts, amputations of hands in Islam etc...

– Not all the arguments advanced by religions for the sake of morality are of a religious nature : truth telling, justice, the prohibition of killing etc..., can be defended independently of all religious notions.

– Moral arguments are based on facts and principles shared and accepted by all, they require a higher degree of objectivity than those that serve to support an individual's religious beliefs. (2)

– The major conceptual difficulty of the divine command theory, however dates from Plato's Euthyphro (3). Socrates asked : Is it God's liking of a thing that makes it morally good or does God like a thing because it is good ? If it is God's approval that makes a thing right morality is arbitrary ; if God changed his mind would killing still be wrong ? If on the other hand, God likes a thing because that thing is good, we are back where we started and still do not know what makes a thing right.

– In fact, it may be religion that is dependent on morality for one of the reasons we worship God is that God is good. A god that is powerful but not good may be feared but is not worth our respect let alone our adoration.

1.5 The Minimum conception of morality

If morality is not religion, the law, feelings, customs or etiquette ? What are its essential characteristics ? They are :

– *Rationality*. The first condition of morality is not to accept anything uncritically. Unless we can show that a certain course of action is justified, that a case can be made for it, it is not moral.

– *Noncoerciveness*. Force, threats and coercion have no place in morality. In moral debates, logic should prevail ; we have to get the other to accept a certain point of view because it can be proven to be better not because it appeals to our feelings.

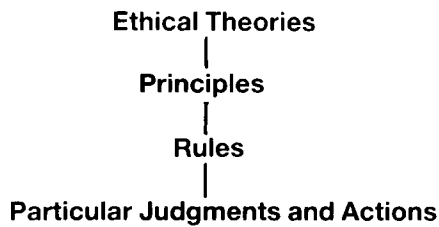
– *Impartiality*. In deciding what is a moral action the interests of all individuals are given equal weight. Nobody is granted any special privilege.

– *Objectivity*. A good reason is a reason that can stand up when tested against criteria that are public rather than private feelings of individuals.

– *Humanism*. Morality seeks to enrich human life and improve its quality.

2. Principled morality

In so far as morality is based on reason and reason is a rule-governed activity, ethical decisions should be made on the basis of principles and rules. These principles should satisfy a set of formal conditions without which they cannot be said to be moral principles at all and they should follow logically from a theory or ideology we deem acceptable. Principles apply to particular cases through rules. They are more pervasive and more fundamental than rules. (4)



2.1. The Formal conditions that moral principles should meet.

Beauchamp and Childress have identified three such conditions (5) :

1. They must reflect ideals that take precedence over most other moral considerations and should be accepted by all people concerned.
2. They should be universalizable. This means that they should be applicable to all similar situations in the same way.
3. Their focus should be the well being of others rather than the agent's well being.

Rawls added the following conditions (6) :

1. Moral principles should be general. They should not identify particular persons or associations specifically.
2. They should be universal in application. They apply to everybody and should be chosen in light of everybody's compliance with them.
3. They should be public. All people concerned should accept and understand them.
4. They should impose an order on conflicting claims. We should be able to appeal to them to resolve ethical conflicts.
5. They should constitute the final court of appeal and may even override what law and customs require.

Rawls's third and fifth conditions are similar to Beauchamp's first condition. Many authors mentioned one or the other but only Rawls's list is exhaustive. Thus, Hare talks about « universalizability » and D.A.J. Richards about « finality », « generality » and « Universality » while Baier requires only that moral rules be « meant for everybody » and be « for the good of everyone alike. » (7)

2.2. Moral theories

To justify moral principles one may appeal to either utilitarianism, Kantian deontology, rights ethics, one of the varieties of the theories or even to several theories in combination. (8)

Utilitarianism is the view that where a person has a choice between different courses of action the right action is the one that produces the greatest balance of pleasure over pain for the largest possible number of people, everyone given equal consideration (9)

For Kant on the other hand, non action is moral unless it is motivated by duty. And to be motivated by duty means to be aware of the moral law as a categorical imperative, that is, as an absolute command directed to all men that certain things be done and others not done regardless of the consequences and what one happens to desire (10). To determine whether an action is right or not ask what would happen if it were made a rule and everyone acted in accordance with it. If it can be universalized without involving its author in a contradiction it is permissible, otherwise it is not. This is the first formulation of the basic principle called the *Categorical Imperative* (11). The second formulation makes it a duty not to interfere with a person's exercise of his or her capacity for free choice and forbids using him or her solely as means for our purposes (12). The third formulation of the *Categorical Imperative* requires that we should let our actions be determined by rules of our own making we think all rational beings ought to obey and not by our desires, inclinations or any external authority. (13)

As to rights-based moralities, they are built on the idea that all individuals are entitled to do, have or enjoy some things such as freedom and property, not because of any relationship or agreement but simply in virtue of their being human.

How can these theories help us solve practical moral problems ?

Utilitarianism has many advantages for applied ethics : it is practical, it provides a single principle for judging whether an action is right or wrong, it is impartial and it conforms with our ordinary moral consciousness with its emphasis on happiness, pleasure and pain. Its usefulness for applied ethics can be seen in cost-benefit analysis used in clinical decision making.

Kantian deontology provides social ethicists with good arguments for the individual's free exercise of his or her capacity for free choice. Any interference with a person's freedom for the sake of another person, society or even for the benefit of that person is a violation of one's right to personal autonomy. In bioethics, Kant's theory puts the notion of informed consent on secure foundations and replaces the paternalistic model of doctor-patient relationship with a contractual relationship that respects the autonomy of both the doctor and the patient.

The notion of rights enables individuals to stand up for themselves and claim to be treated with respect, as ends not as means only. It may, also, be used to require others not to interfere with the right bearer's exercise of an activity or enjoyment of something for even to take positive steps to provide him or her with some good such as a minimum standard of living or decent work conditions.

Are there any principles on which all these three theories agree ?

2.3. Autonomy, Beneficence and Justice

Despite the obvious differences in their approaches and their metaprinciples such as duty, rights or utility, the major ethical theories do agree on a number of normative prin-

ciples that should guide ethical decisions making. Beauchamp and Childress have articulated four such basic principles : autonomy, beneficence, non-maleficence and justice.

Autonomy : To be autonomous means not being subject to the control of others in making decisions that are important to one's life and in acting upon them. The principle of autonomy requires treating people as capable of rational actions and forbids interfering with their autonomy [unless they are mentally incompetent or their autonomy conflicts with the autonomy] or well being of others. The principle of autonomy grounds three important moral rules : informed consent, truth telling, and privacy.

Informed consent means that a surgical operation, for example, cannot be performed unless the patient is informed on the options that are available to him and the risks that are involved, he understands the information and his choice is voluntary. Privacy has to do with the extent a person controls the access to information about one's life. Truth telling is a rule that has implications for international politics, journalism, business and bioethics.

Beneficence : The principle on non-maleficence consists in the prohibition to inflict harm to others intentionally. This principle may be overridden in circumstances where the affliction of some pain may prevent worse harm or may have a long term benefit for an individual.

The principle of beneficence states a positive duty. It directs us to improve the well being of others and diminish harm. Beneficence and nonmaleficence may be thought of as the opposite poles of the same continuum. According to Frankena (14), the principles of beneficence includes four elements : one ought not to inflict harm, one ought to prevent evil, one ought to remove evil or harm and finally one ought to do or promote good. For Frankena, this ordering reflects the importance of each element so that the first takes precedence over the second and so on. Beauchamp and Childress distinguish two elements in the principle of beneficence : providing benefits and balancing harms and benefits. (15)

Justice : Justice has to do with the fair distribution of burdens and benefits. It is essentially a comparative notion and consists in treating equals equally and inequals inequally but in proportion to their relevant differences. If A and B are equal with respect to a characteristic M then their respective shares of a burden or a benefit should be equal. Now, if they are unequal with respect to M then each one's share should be proportional to his or her possession of M. There are several suggestions as to what might serve as the relevant difference in the distribution of wealth, education, health : need, merit or contribution. In practice different criteria have been taken as the relevant difference in different contexts : revenue in income tax, need in welfare and health care, merit in hiring etc.

3. Moral reasoning

Moral reasoning consists in the application of these moral principles to particular cases it requires :

1. Being able to distinguish normative ethical judgments from descriptive judgments.
2. Being able to distinguish between morality and religion, law, etiquette, customs and feelings.
3. Obtaining all the relevant factual information one can about the moral problem and see how they can help make a decision.
4. Testing the principles one is using and see whether they satisfy the conditions we listed above.
5. Being able to see the implications and consequences of projected actions.
6. Determining which rule takes precedence over the other when there is a conflict between rules and which principles should take precedence over the other when there is a conflict of principles.
7. Being careful to follow the rules of valid deduction.
8. Seeing whether one is willing to apply the same decision in all similar circumstances.
9. Being impartial, one can do this through what Arcus calls the «role exchange test».

« The role exchange test means simply that we ask whether we would be willing to exchange places with the person(s) most disadvantaged in a situation. If not, then something is probably morally wrong. » (16)

4. Conclusion

Moral philosophy provides applied ethics with important conceptual clarifications concerning the meanings of ethical terms and the essential characteristics of morality ; it also puts forward rules for assessing the principles that guide decisions makings and normative theories that identify and justify some of these principles. However, we should not expect moral philosophy to provide ready made answers to all the problems raised by the new technological developments and rapidly changing life styles. To deal effectively with these problems requires that we balance the interests of all individuals involved, rank rights and duties according to their importance and adapt the normative theory we deem acceptable to the case in hand. Moral problems call for a knowledge of moral philosophy as well as an exercise of judgement.

Notes

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