CURRENT THEOLOGY

RECENT PHILOSOPHICAL WORK IN MORAL THEORY

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ETHICS: INVENTING RIGHT AND WRONG. By John L. Mackie. Harmondsworth, Middlesex: Penguin, 1978. Pp. 249.

THE NATURE OF MORALITY: AN INTRODUCTION TO ETHICS. By Gilbert Harman. New York: Oxford University Press, 1977. Pp. xiv + 165.

A THEORY OF THE GOOD AND THE RIGHT. By Richard Brandt. Oxford: Clarendon Press, 1979. Pp. xiv + 362.

REASON AND MORALITY. By Alan Gewirth. Chicago: University of Chicago Press, 1978. Pp. xii + 393.

THE THEORY OF MORALITY. By Alan Donagan. Chicago: University of Chicago Press, 1977. Pp. xvi + 278.

One of the areas of philosophy that is of perennial concern for the development of theology is ethical theory; and this concern is bound to be intensified and to take on a more practical character as the churches continue to appropriate and reconceive their commitment to a just society and as moral philosophy draws closer both to political theory and to practical questions. In this overview of five recent books in moral philosophy, I shall attempt both to present the main theses of these books and to characterize them against the background of previous work in the field. I will then compare them with regard to some key issues: the nature of ethical knowledge, concepts of the moral agent, concepts of human community, religious availability.

The five works under examination are all specimens of Anglo-American moral philosophy in its postlinguistic phase. The effects of the "linguistic turn" that moral philosophy and philosophy in general underwent in the period from 1940 to 1970 still remain in many ways. But many of the restraints that both logical positivism and the different styles of ordinary language analysis stemming from the later Wittgenstein and J. L. Austin sought to impose on moral theorizing are now seen as barriers to be overcome rather than as boundaries to be respected. But many of the gains achieved by the "linguistic turn" in the analysis and characterization of particular moral concepts and in the careful delineation of moral arguments remain. All five books show the influence of prevalent styles of argument in Anglo-American moral philosophy. But all show a much

stronger concern for the social character of morality in reaction to the individualism that was operative in the emotivism of Ayer and Stevenson and in the prescriptivism of R. M. Hare, where moral principles were seen mainly as the object of personal preference and commitment. It should also be noted that the most discussed contemporary moral thinkers in these works are Hare and John Rawls, though all the writers are in significant disagreement with both. Discussion of the tradition of moral philosophy centers on the usual English canon of Hobbes, Locke, Hume, Mill, Aristotle (a naturalized Oxonian), and Kant, with an occasional nod to Aquinas and Bishop Butler.

The five books, however, differ considerably among themselves. The most important and obvious difference is that two of them (Gewirth, Donagan) are neo-Kantian presentations of morality as a deductive system. As I shall argue later, they involve a quite different sense of what morality is than the other three volumes. Brandt's ideal-code utilitarianism, Harman's social-custom theory of morality, and Mackie's antiobjectivist and quasi-Hobbesian account of morality all take a largely instrumental view of morality as a means for the avoidance of certain harms and the attainment of certain goals. They also show more continuity with Anglo-American moral philosophy of the recent past, and so I shall begin with them.

I

The work most influenced by emotivism and most at variance with prelinguistic approaches to morality is *Ethics: Inventing Right and Wrong* by John L. Mackie, an Australian who now teaches at University College, Oxford. Mackie begins his first chapter with the forthright statement, "There are no objective values,"[1] and carries on a sustained polemic against objective and absolute values. This position of moral scepticism or subjectivism Mackie defends as a negative thesis about the status of moral judgments, a second-order view which does not imply any particular first-order conclusions in normative ethics. He admits that the denial of objective values is not supported by linguistic and conceptual analysis of our ordinary moral language, in which our judgments "include a claim to objectivity."[2] But he argues in empiricist fashion from the relativity of morals and the "queerness" of the entities appealed to by objectivists against belief in objective values, a belief which is in his view the result of various social patterns of objectification.

If his arguments are granted, Mackie is in the interesting position of a

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[1] John L. Mackie, *Ethics: Inventing Right and Wrong* (Harmondsworth, Middlesex: Penguin, 1978) 15.

[2] Ibid. 35.

writer who has destroyed the ostensible (and traditional) subject of his treatise. Accordingly, the main interest of his work lies in the alternative account of morality that he works out. But first Mackie works in more detail on efforts to arrive at objective values by analysis of the meanings of "good" and "ought." He holds that "good" has a descriptive constraint, namely, a relation to interests, but denies that this can give us any specific guidance on moral or other questions. Nor do more specific commendatory terms involve any reference to objective values. Thus our favorable estimate of courage "is so well established that it has been absorbed into the ordinary conventions of language."[3] "Ought" refers to expectations and is never purely egocentric. Many "oughts" have their home in institutions; when these institutions are "widespread, socially diffused, and not obviously artificial," their requirements are mistakenly taken to be objective.[4] Even the effort to arrive at a restricted realm of moral principles by formal consideration of what principles can consistently be universalized has a subjective as well as a logical aspect and does not yield objective values. Thus Mackie concludes: "The universalizability of moral judgements, then, does not impose any rational constraints on choices of action or defensible patterns of behavior."[5]

This is a view that will be directly challenged by Alan Gewirth; it is a good example of what Gilbert Harman discusses as moderate nihilism[6] and of what William Frankena has pointed to as a tendency akin to existentialism in analytic moral philosophy.[7] This view, however, has its classic source in English philosophy in the restrictive view of the role of reason in morality championed by David Hume.[8] This tendency has emphasized the role of choice in accepting and abiding by the primary importance of moral considerations, in adopting the moral point of view, and in assenting to fundamental moral principles. It is nicely illustrated in a more casual observation by Mackie: "You are, as Hare has stressed, logically free to opt out of the moral language game; it is then, logically

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[3] Ibid. 63. [4] Ibid. 82.

[5] Ibid. 99.

[6] Gilbert Harman, *The Nature of Morality: An Introduction to Ethics* (New York: Oxford University Press, 1977) 10–11.

[7] William Frankena, "Recent Conceptions of Morality," in Hector-Neri Castañeda and George Nakhnikian, eds., *Morality and the Language of Conduct* (Detroit: Wayne State University, 1965) 2–5.

[8] See especially the notorious passage in Hume's *Treatise of Human Nature*, where he affirms: "It is not contrary to reason to prefer the destruction of the whole world to the scratching of my finger. It is not contrary to reason for me to choose my total ruin, to prevent the least uneasiness of an Indian or person wholly unknown to me." The second sentence, in particular, shows that moral scepticism need not involve a covert acceptance of egoism. Reprinted in D. D. Raphael, ed., *British Moralists 1650–1800* 2 (Oxford: Clarendon, 1969) 6.

speaking, a decision if you opt into it, even if, historically speaking, you have grown up in it and have never thought of thinking otherwise."[9]

The object of morality as Mackie conceives it is to serve as a set of constraints on our conduct that will counteract the limitations of our sympathies and enable us to live together harmoniously in a way that advances our interests. It is not something to be discovered, but something to be made socially and, if our social situation changes, something to be remade.[10] This is a view of morality that has an affinity with contractarian views, that leaves room for a pragmatic reformism, and that goes well with an evolutionary explanation of the origins of morality and a utilitarian consideration of its benefits. It is also, one may add, a view that encourages moral discussion and debate to be carried on at low temperatures.

Though he would accept a utilitarian justification of the institution of morality, Mackie does not accept utilitarianism as a first-order moral theory, since he finds it to be conceptually muddled, overly demanding, and potentially exploitative of individuals. He wants a wider conception of the good, a greater tolerance of inequalities, and a clearer recognition of the role of secondary principles and special relationships than is found in most forms of utilitarianism. He offers a deontological approach with virtually exceptionless moral rules as the best way to achieve the social objective of morality.[11]

In his treatment of practical morality, Mackie acknowledges the importance of rights as a protection of the interests of persons, but he treats them as claims within given moral and legal systems and not as moral demands that may be urged in criticism of such systems. Neither liberty nor property can be regarded as an absolute right, but both are important values which we need to preserve and define through a complex set of rules. In handling a number of practical issues, such as capital punishment and cruelty to animals, Mackie does not rely on considerations of rights but on the incompatibility of these actions with the humane dispositions and virtues that are required to maintain morality as a social institution and ourselves as worthy agents. He holds that the good society must leave open ways in which different conceptions of the good life can be realized and it must allow room for competition as well as co-operation.[12]

Mackie's book is not a bad introduction to one important contemporary style of doing ethics. His observations and arguments are intelligent, though rarely profound; his conclusions are modest and not intolerant. What he offers is an account of the status and content of ethics for the

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[9] Mackie 100.   [10] Ibid. 123.

[11] Ibid. 159–68. This section includes a good introductory treatment of the principle of double effect.

[12] Ibid. 236.

materialist who wishes to remain socially responsible and humane at no great cost to himself, free from illusions and free from the grosser forms of selfishness. His work is acute without being rigorous, empiricist without being scientific. It is an ethic for *l'homme moyen sensuel* written in much the same spirit, though without the wit, that prompted C. D. Broad many years ago to write in the Preface to his *Five Types of Ethical Theory*: "A healthy appetite for righteousness, kept in due control by good manners, is an excellent thing; but to 'hunger and thirst after it' is often merely a symptom of spiritual diabetes."[13]

Gilbert Harman's book *The Nature of Morality* is, like Mackie's, an introduction to the subject. It is idiosyncratic and not very satisfactory for beginners, but it is more stimulating to philosophers. Harman is a former pupil of Willard Quine and teaches at Princeton. Most of his previous work has been in epistemology and the philosophy of mind; so, while his work is dominated by metaethical considerations, his approach is fresher than that of many professional moral philosophers. He begins by pointing to the lack of observational evidence for moral principles. This leads him to a lengthy reflection on emotivism, which he sees as a response to the nihilist claim that "there are no moral facts, no moral truths, no moral knowledge."[14] Clearly, Harman is working over the same issues raised by Mackie, though in a way that is less polemical about the denial of objective values and more interested in exploring positions that preserve our ordinary belief that moral judgments are true or false and the fact that "moral reasoning makes essential appeal to moral principle."[15] Accordingly, he espouses a combination of emotivism, which stresses the element of commitment in our moral judgments, and of ideal-observer theory, which by interpreting moral judgments in terms of the reactions of a fully informed and impartial observer captures the elements of impartiality and justifiability.[16]

Harman then turns to the question of how we are to understand the notion of moral law, which is part of our ordinary language and our efforts to resolve moral problems in society. He criticizes Kant's efforts to arrive at a moral law binding on all rational beings as such, a law whose principles are such that the agent can rationally will them to be universally binding. In opposition to this, Harman holds that Kant is unable to show "that there is anything irrational in acting purely from

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[13] C. D. Broad, *Five Types of Ethical Theory* (London: Routledge & Kegan Paul, 1930) xxiv.

[14] Harman 27.   [15] Ibid. 52.

[16] The standard presentations of ideal-observer theory in recent discussions are Roderick Firth, "Ethical Absolutism and the Ideal Observer," *Philosophy and Phenomenological Research* 12 (1952) 317–45, and Richard Brandt, *Ethical Theory* (Englewood Cliffs, N.J.: Prentice-Hall, 1959).

self-interest."[17] He does, however, think that Kant's view of practical reason as dealing with our desires as data to be included in our decisions is more likely to be right than Hume's view of reason as "the slave of the passions" and as an instrument of our desires.[18] In the absence of moral principles binding on all rational agents, such different philosophers as Sartre and Hare have retained Kant's concern with consistency; in Hare's case, this is consistency with principles that one subscribes to for oneself and commends to others.[19] Harman argues that this account of morality in terms of personal principles requires us to give up making moral "ought" judgments about a person who subscribes to different principles, since it is part of his case against Kant that we cannot assume that such a person has reasons for accepting the principles that we appeal to in making our moral judgments.[20] Harman also points out the difficulty that Hare confronts in formulating principles that will be exceptionless and that will actually capture the complexity of the considerations that moral agents respond to in making decisions.[21]

Harman accordingly turns from Hare's excessively "Protestant" approach to moral principles[22] to a social-custom theory of morality, which can maintain that "morality derives from principles that are socially enforced without having to assume that what is socially enforced is always right."[23] Harman admits that such a view would be incompatible with the belief that certain moral restraints hold even in the state of nature. As an example of social-custom theory, he presents Hume's tacit-convention theory of justice; in this view, principles are legislated by oneself and by others, but not by the isolated individual (except as a limiting case).[24] Moralities are conventions of groups; since we can belong to several different groups, they can conflict in such a way that there is no clear moral solution. Thus what a great deal of the Western moral tradition (at least since the *Antigone* of Sophocles) has regarded as the starting point of moral reflection, namely, the conflict between social institutions and individual moral perceptions, has now become a final resting place. Also, the links between morality as a body of human norms and values and the universal human community become problematic.

The moral principles of such a theory serve not as legalistic norms in Hare's fashion but as good reasons for our judgments of obliga-

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[17] Harman 76.

[18] Here Harman relies heavily on the notion of practical reason in Thomas Nagel, *The Possibility of Altruism* (Oxford: Oxford University Press, 1970).

[19] Hare's very influential views are found in *The Language of Morals* (Oxford: Oxford University Press, 1952); see in particular 56–78.

[20] Harman 87–90.   [21] Ibid. 80–81.

[22] It was H. L. A. Hart, the legal philosopher, who first applied this label to Hare's work.

[23] Harman 95.   [24] Ibid. 112–14.

tion.[25] Moral facts then become facts about the relations of reasons to actions and various social conventions.[26] Moral reasons are reasons "based on concern for others and not on self-interest";[27] and they derive from the intrinsic concern for others which is required by certain social conventions. The origin of these conventions lies in our self-interest, which continues and which serves as a limit to the utilitarian conception of universal benevolence and concern for the general welfare.[28]

Harman's book, then, leaves us in a position not very different from Mackie's, where morality is a social device; it shows the continuing influence of Humean conceptions, and also an individualistic distrust of utilitarianism, though Harman's struggles with Kant give his book a quite different tone and character.

An extended defense and revision of utilitarianism is the central project of *A Theory of the Good and the Right* by Richard Brandt, who is professor of philosophy at the University of Michigan. Brandt here brings together his long-standing interest in empirical psychology with his professional competence in ethical theory. The two fundamental questions that he sets out to answer are: (1) What is it rational for an agent to do and to want? (2) What kind of moral system for his society would it be rational for an agent to support? The answer to the first of these is a theory of the good, which draws very heavily on empirical psychology, especially the theory of motivation, the theory of learning, and the theory of psychotherapy.[29] Brandt is highly critical of reliance on either the analysis of our moral language or the moral intuitions that are shared in our culture, even when these are organized in a coherent system. He wants to make use of the scientific concepts and conclusions of psychology to provide an account of want, pleasure, and action. He then proposes to assess actions for their rationality, given both the actual desires that the agent has and the possession of available relevant information as well as vivid representation of this information. This is only a first approximation of rationality, since the desires themselves may well be irrational,[30] but Brandt uses it to detail a number of the ways in which action can be irrational.

The central move in Brandt's criticism of irrational desires is to confront them with the repeated and vivid presentation of relevant information so as to correct the cognitive mistakes that have led people to form such desires in the first place. This confrontation Brandt terms "cognitive psychotherapy," which he regards as "value-free reflection."[31] Irrational desires are precisely those that would "extinguish" after cog-

[25] Ibid. 118.   [26] Ibid. 132.
[27] Ibid. 151.   [28] Ibid. 161–62.
[29] Richard B. Brandt, *A Theory of the Good and the Right* (Oxford: Clarendon, 1979) 25.
[30] Ibid. 70.   [31] Ibid. 113.

nitive psychotherapy. This ultimately makes the determination of the rationality of desires an empirical process, albeit an idealized one; it goes against both purely formal notions of rationality and views of practical reason which affirm its ability to arrive at ethical norms a priori. It also leaves an element of individual variation and unpredictability, since our answers to the question of precisely what desires would survive cognitive psychotherapy are bound to remain somewhat hypothetical. Rational persons in Brandt's view will normally have benevolent desires; the acquisition of these is accounted for by social-learning theory and by a conditioning theory of empathy and sympathy and is important in both moral justification and motivation.[32] Showing that an action or a desire is rational will constitute a recommendation; and so "rational" will be "both a descriptive term and a recommending term."[33]

From this naturalistic account of the good based on empirical psychology Brandt then moves to take up the question of the moral code that a rational person would choose for a society he would live in. Morality for Brandt is a social system which he conceives mainly in terms of such conative-emotional factors as intrinsic motivations and attitudes of approval and disapproval, not in terms of its formal properties.[34] If it is to be taught and made effective, a moral system will also have to be limited in complexity and motivationally attractive to people. Brandt believes that it is possible to justify the central core of Hobbesian morality, the protections involved in the system of criminal law, even to rational selfish persons; the presence of benevolent desires in persons will incline them to extend the benefits of the moral system to those who can neither benefit nor harm them, e.g., future generations, the mentally defective.[35] There are two important aspects of Brandt's approach to the justification of a moral system that should be mentioned: first, he does not aspire to completeness of acceptance by all members of society or to agreement on all principles; second, he conceives of justification as showing the harmony between the desires of the rational person and the requirements of the system and thus overcoming the problem of alienation from morality. The choice of a moral system comes very close to intelligent agreement on legislation, as when Brandt remarks that the moral code to be chosen "must be suited not only to the intellectual capacities of the average person, but also to his degree of selfishness, impulsiveness, and so on."[36]

[32] Ibid. 138–48.   [33] Ibid. 152.
[34] Ibid. 164–71. Brandt offers a concept of morality that is more useful for empirical investigations in the social sciences and that is at variance with the approach taken by most philosophers in the discussions of the nature of morality in the years from 1965 to 1975. Important articles in the debate over the concept of morality can be found in G. Wallace and A. D. M. Walker, eds., *The Definition of Morality* (London: Methuen, 1970).
[35] Ibid. 221.   [36] Ibid. 291.

The moral code that rational agents will prefer for their society will be a pluralistic welfare-maximizing system.[37] It will be a moral code with distinct and potentially conflicting principles, unlike such monistic systems as egoism and act-utilitarianism, which Brandt regards as excessively difficult to apply and uncertain in their results. The ideal code will aim at maximizing welfare, which is understood as the enjoyment of happiness rather than as the satisfaction of desires; Brandt argues that we can make the comparative personal and interpersonal judgments about what things bring happiness that we need in order to choose social policies and features of moral systems. In reply to those moral philosophers who have argued that utilitarianism overlooks the problem of just distribution, Brandt replies that the prima-facie distributive principles of a welfare-maximizing moral system will be egalitarian, with the addition of supplements to meet needs and to provide incentives.[38] Applied to American society, this might yield equalizing reforms comparable to those resulting from application of Rawls's difference principle.[39]

Brandt's work is important, not only because it is a sustained and impressive argument for his form of utilitarianism but also because it should encourage normative theorists, both philosophical and theological, to think more seriously and more carefully about human beings as moral agents. There is a certain dualistic tendency in our talk of "moral agents" as a result of which we lose sight of the physiological and psychological constraints under which we carry on the processes of moral learning, moral argument, and moral decision. We can too readily conceive the embodied character of human beings and the limitations this brings with it simply as an obstacle to be overcome en route to achieving moral righteousness; Brandt's work is valuable in reminding us of factors that we tend to dismiss and in providing a philosophically sophisticated interpretation of the results of relevant psychological research. His work should be illuminating for accounts of moral education; it is regrettable that he does not discuss the work of Piaget and Kohlberg in this area. His sense of the complexities and uncertainties involved in devising a moral code should also be useful for those working on shaping ethical codes for the conduct of government and corporate policy in a society with conflicting motivations. The discipline of working through the arguments and analyses Brandt offers should be instructive even for

[37] Ibid. 289–300. [38] Ibid. 310.

[39] For the difference principle, see John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University, 1971) 60–62, 75–80. Where Rawls allows inequalities to be justified only when they are to the advantage of the least well off, Brandt speaks of departures from equality as justified by need and as incentives. Brandt's line of argument is simpler and less speculative than Rawls's.

those who are uncomfortable with the reductionist, materialist, and determinist tendencies in his work.

II

We now come to two "high" expositions of Kantian moral theory, both written by professors at the University of Chicago. Unlike Brandt, who proposes to found a moral code for society on an empirical account of human agents and the rationality of their desires and actions, Alan Gewirth rests his fundamental moral principle, the Principle of Generic Consistency, on an account of the normative structure of action. The PGC (as he refers to it) is addressed to every agent and says: "Act in accord with the generic rights of your recipients as well as of yourself."[40] Nearly everything in Gewirth's book revolves around this principle, its justification, and its direct and indirect applications. In contrast to most recent moral philosophers in the Anglo-American tradition, Gewirth thinks that the rational justification of moral principles is both possible and necessary. He aims to justify his fundamental moral principle by "the dialectically necessary method" which proceeds by establishing propositions on the basis of "the conceptual analysis of action and of the agent's necessary beliefs."[41] There is, I would suggest, a certain affinity between Gewirth's project and Bernard Lonergan's *Insight* with its effort to explicitate the necessary structure of understanding.

Gewirth begins by arguing that the agent necessarily regards as good both the particular purpose of his action and the generic features of his activity, especially their voluntary and free character and those basic goods which are "the general necessary preconditions of action."[42] On a prudential basis, he claims these things as his generic rights as an agent; this is a prescriptive claim addressed to others and requiring their noninterference.[43] It is prior to the existence of particular institutions and to the agent's choice of particular projects; it is justified on the basis of the individual's status as a prospective agent and cannot be restricted to some favored class of agents.[44] But the agent does not pursue his purposes in splendid isolation; rather, he is involved in transactions with what Gewirth terms his "recipients." These transactions are to be regulated by the Principle of Generic Consistency, which takes precedence over all other moral or practical principles and of which acceptable moral principles are specifications. It is itself a moral principle, since it takes "favorable account of the interests or well-being of at least some persons

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[40] Alan Gewirth, *Reason and Morality* (Chicago: University of Chicago, 1978) 135.
[41] Ibid. 46–47.   [42] Ibid. 54.
[43] Ibid. 95.   [44] Ibid. 111.

or recipients other than the agent or speaker."[45] It cannot be rejected by the agent without self-contradiction, since his own rights and the rights of others are justified on the same basis, namely, their status as prospective agents. It is itself the basis of an egalitarian and universalist moral community. It proceeds from within the conative and practical standpoint of the agent and so, unlike a purely external requirement or definitional stipulation, elicits his rational consent.[46] Its truth lies in its correspondence with the concept of a rational agent[47] and it belongs to a realm of necessity prior to ideals or reflective preferences. It is, however, only implicitly an analytic truth and so can be informative with regard to action in a way that a tautology could not be.[48]

The Principle of Generic Consistency as Gewirth presents it is a complex principle; it is both formal and material, and it requires respect for equality of rights both in interpersonal transactions and in the direction of social policy in a way that the Principle of Utility does not.[49] Gewirth considers both direct and indirect applications of the PGC; the indirect applications are those where the PGC is "applied to the actions of individual persons through the mediation of social rules."[50] Among the direct applications are the obligations of the agent not to harm others with regard to basic and other types of goods, the duty of rescue, respect for the self-esteem of others, equality of opportunity, duties with regard to freedom, the prevention of self-harm, and justifications for coercion and violence. Most of these Gewirth treats in a fairly conservative manner, displaying throughout a double concern to distinguish his approach from utilitarianism and to show the logical dependence of his positions on the PGC.

In his final chapter on indirect applications of the PGC, Gewirth puts great stress on the place of social institutions, which he divides into functional (e.g., promise-keeping) and organizational (e.g., schools, churches); the latter include structured groupings of persons in addition to standardized activities and their rules.[51] Organizational institutions are the source of justified inequalities that depart from the equality of agent-recipient interactions. Institutional rules in general can justify actions that diverge from direct applications of the PGC, such as punishment for the guilty; but the rules themselves must be in conformity with the PGC.[52] Gewirth then lays out justifications for the social rules involved in voluntary associations, the minimal state, the democratic process in political life, and the supportive state (which goes beyond the enforcement of criminal law characteristic of the minimal state to achieve an

[45] Ibid. 145.
[46] Ibid. 160–61.
[47] Ibid. 175.
[48] Ibid. 179.
[49] Ibid. 201.
[50] Ibid. 200.
[51] Ibid. 275.
[52] Ibid. 277.

equality of effective rights to well-being).[53] The state is the object of rational consent and not merely of an optional, empirical consent, since it is justified as a logical consequence of PGC.[54] Gewirth finally proposes a set of criteria for the resolution of conflicts of duties that arise from the PGC and its various applications. These criteria, which have been employed earlier in the text, are (1) the prevention or removal of inconsistency, (2) the degrees of necessity of different goods as conditions for action, (3) institutional requirements.[55] The social stance that Gewirth recommends will be a reformist stance of intelligent activism, mutuality, and concern for both freedom and equality.

Gewirth's book is a massive and careful piece of argumentation that aims at exhibiting morality as a systematic whole binding on rational agents. His position provides a congenial home for a comprehensive theory of human rights, and Gewirth himself proposes to deal with the sociopolitical issues raised by indirect applications of the PGC in a further volume. The first half of his book is a reformulation of rationalism in ethics in response to the difficulties advanced by emotivists (Ayer, Stevenson) and prescriptivists (Hare). In the second half of the book Gewirth applies the basic principle of his rationalist approach to the elaboration of a moral code in a way that contrasts with the experimental eclecticism that seems to be the characteristic attitude of Mackie and Brandt in approaching specific moral questions. He also relies on the Principle of Generic Consistency for the justification of the state in a way that is at variance with the contractarian approach of Rawls and Nozick.[56] His substantive conclusions in regard to egalitarianism and the proper role of the state are much closer to Rawls than to Nozick, but his method of justification is profoundly different from both.

The two key issues that arise from these differences are whether it is possible to exhibit morality, both personal and political, as a single deductive whole and whether our moral obligations ultimately depend on our choices, as most of Gewirth's adversaries would contend in various ways, or whether they are objects of a rational and nonoptional consent, as Gewirth holds. Gewirth's position both in its justification and in its content has strong fundamental similarities to natural-law theories (though not without important differences). Gewirth does not raise the question of a transcendent ground of obligation or the possibility of a religious interpretation of the ethical system he defends. Mackie, who is himself an atheist, argues at several points that the only way to maintain

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[53] Ibid. 312.   [54] Ibid. 320.

[55] Ibid. 342–44.

[56] For a brief general account of the contractarian political theories of John Rawls and Robert Nozick, see my "Rawls, Nozick, and the Search for Social Justice," in *TS* 38 (1977) 346–58.

an order of values which is both objective and prescriptive is by recourse to a God who both understands what is in fact good and obligatory for human beings and then prescribes this to them.[57] This is a superfluous move in Gewirth's approach, which relies simply on the power of practical reason; but it is not excluded by his approach.

Gewirth's colleague at the University of Chicago, Alan Donagan, covers many of the same issues as Gewirth in a way that affirms many traditional views and that also shows the central inspiration of Kant. But Donagan's discussion of issues is more historical in character and usually more concrete. Of all the books under review, Donagan's is the one most readily available to the Christian moral theologian, though some competence in logic and contemporary analytic metaphysics is required to understand some sections of the work.

Donagan's procedure in his book is the reverse of Gewirth's; that is, he starts by laying out the common morality as a system of first- and second-order precepts with their presuppositions, then considers the application of these precepts to hard cases, and only raises the problem of justification at the end. This reflects his conviction that "the middle part of moral theory...is far better understood than either its application to highly specific cases or the establishment of its fundamental principles."[58] The theory of morality, as Donagan conceives it, is "a theory of a system of laws or precepts, binding upon rational creatures as such, the content of which is ascertainable by human reason."[59] He takes as his guide to the content of this theory the Hebrew-Christian tradition of morality; the parts of this tradition that are of interest to secular morality do not presuppose belief in the existence of God.[60] In contrast to the Hindu tradition, the Hebrew-Christian moral tradition regards human beings as rational animals in a world that is a natural system governed by morally neutral laws.[61] It also supposes that human actions are a class of events caused by agents and not by other events,[62] a point which leads Donagan into a fairly technical account of the relation of action and consequences which aims at preserving the distinction between causal consequence and foreseeable outcome.[63] The first-order precepts of common morality are expressed as universal statements about the moral permissibility or impermissibility of actions of a certain kind.[64] These rest on the primary principle, which Donagan considers in formulations by Aquinas and Kant, that "humanity is to be loved for its own sake."[65] The crucial problem in

[57] Mackie 230–32.
[58] Alan Donagan, *The Theory of Morality* (Chicago: University of Chicago, 1977) xv.
[59] Ibid. 7.   [60] Ibid. 27–28.
[61] Ibid. 34–36.   [62] Ibid. 45.
[63] Ibid. 51.   [64] Ibid. 54.
[65] Ibid. 64.

constructing the common morality as a deductive system is to produce premises specifying the kinds of actions which fail to respect a human creature. Donagan wants to construct these premises in such a way that they include traditional exceptions, e.g., killing in self-defense, and that they do not include any escape clause about drastic consequences.[66]

Donagan's treatment of first-order precepts covers many of the familiar topics of the tradition such as the taking of life, contracts, property, and the family. His positions are usually more permissive than the Catholic form of the tradition would allow, e.g., on suicide, on extramarital sex. His use of the Catholic tradition is both respectful and intelligent, and his permissiveness on some issues is not the result of either utilitarian calculation or antinomian individualism. Rather, it results from the fact that he is looking at the issues in philosophical, not theological, terms, and from the structure of his theory, which requires him to build the exceptions into the rules. Donagan also makes use of the notion of tacit conditions in handling difficult cases from traditional casuistry, e.g., about promising.[67] Here and elsewhere in the book he makes use of two general principles that seem to serve on a level between the primary principle of respect or love for humanity and the specific precepts. These are, for duties to oneself, the principle of culture, which requires that every human being "adopt some coherent plan of life according to which, by morally permissible actions, his mental and physical powers may be developed";[68] and for duties to others, the principle of beneficence, which lays it down that "it is impermissible not to promote the well-being of others by actions in themselves permissible, inasmuch as one can do so without proportionate inconvenience."[69]

This principle of beneficence, however, Donagan does not conceive of on utilitarian lines.[70] In fact, he devotes most of a later chapter to handling those cases of necessity and the political pleas for beneficial but impermissible activity which have both been advanced as arguments for consequentialism against the common morality. The consequences of an action commanded by traditional morality may be tragic but will not be catastrophic.[71] Donagan criticizes utilitarianism on the grounds that the knowledge of consequences that it requires in order to determine right-

[66] Ibid. 67–68, 72–73, 143, 206.

[67] Ibid. 93, 188–89.   [68] Ibid. 80.

[69] Ibid. 85.   [70] Ibid. 209.

[71] Ibid. 206–7. It is unfortunate that Donagan does not discuss the important article by Donald Evans, "Paul Ramsey on Exceptionless Moral Rules," in James T. Johnson and David H. Smith, eds., *Love and Society* (Missoula, Montana: Scholars, 1974) 19–46. Evans is one of the few writers in contemporary ethics who can rival Donagan's combination of intelligent sympathy with traditional religious morality and professional grasp of the complexities of the analytic tradition.

ness of action is unobtainable, that it cannot assign definite utilities to co-operative action, and that it does not clearly prescribe act-utilitarianism or an ideal utilitarian code for an agent in any actual society, once one allows that other codes may have greater acceptance utility.[72] More generally, he holds that it is not possible to construct a coherent and internally stable form of consequentialism.[73]

One of Donagan's main concerns is to show the consistency of the common morality, though he admits that this is not possible by either formal procedures or by a simple appeal to experience.[74] Following Aquinas, he wants to hold that common morality does not confront the agent with cases of perplexity *simpliciter*, that is, with situations in which one "can only escape doing one wrong by doing another."[75] He offers a telling criticism of the commonplace view that a moral system with more than one exceptionless principle is bound to produce perplexity; here one should recall that Donagan's principle of beneficence calls for aid to others only by morally permissible means, so that harm done to others by morally required actions will not violate the principle. The Pauline principle that evil is not to be done that good may come of it (Rom 3:8) preserves the consistency of a deontological system which at the same time has a regard for consequences.[76] Donagan also contends that suitable formulation of prohibitory precepts with excepting considerations renders the principle of double effect superfluous as a means for preserving the consistency of common morality.[77] Another source of difficulty that Donagan handles nicely is the confusion of first-order questions about the rightness of action and second-order questions about the culpability of agents, especially in cases of erroneous conscience.[78]

Donagan himself rejects the view that conscience is a power distinct from reason and that it enjoys a special insight or immunity from error or contradiction.[79] This accords both with his rejection of intuitionism, which he regards as the ethical parallel to a discredited Cartesian epistemology,[80] and with his claim that reason is to be conceived of as practical, that is, as prescribing "that actions of certain kinds are or are not to be done."[81] Practical reason is teleological, but the teleology of human action includes both a teleology of purpose, which relates means to ends and specific ends to the comprehensive end of a happy human life, and a teleology of ends-for-the-sake-of-which or ends in themselves.[82] Human beings stand as ends in themselves capable of rational delibera-

[72] Ibid. 192–205.   [73] Ibid. 191.
[74] Ibid. 144.   [75] Ibid. 145.
[76] Ibid. 155–57.   [77] Ibid. 163.
[78] Ibid. 134–38.   [79] Ibid. 132–33.
[80] Ibid. 24.   [81] Ibid. 210.
[82] Ibid. 228.

tion and choice and thus autonomous; they are not ends to be produced but ends to be respected. Donagan admits that this view of human beings is at variance with deterministic and physicalist interpretations of action, but not with modern science as such.[83] He believes that rational considerations can indicate the truth of the primary moral principle that rational creatures must be unconditionally respected; he is not confident that its truth can be demonstrated, though he is sympathetic to the efforts of Nagel and Gewirth to do this.[84] He also records his agreement with Ronald Dworkin's interpretation of Rawls's "deeper theory" as a Kantian theory of rights designed to ensure equal respect for persons.[85] For Donagan, human beings, even the unrighteous and the imprudent, are worthy of respect, a respect of which every rational nature is intrinsically worthy.[86]

Donagan's work is an impressive example of how to combine the methods of analytic philosophy with traditional positions and values in religious ethics. It should help to make clear to both secularist philosophers and religious activists that the principal ethical claims of the Western religious traditions are logically defensible and that the task of arguing for them can and should be carried on in an intellectually rigorous fashion. While Donagan's positions are akin to Gewirth's in many ways and while both share the ambition of exhibiting a Kantian form of the common morality as a consistent deductive system, it would be fair to say that various elements in Donagan's work are more easily singled out for critical appraisal and for either acceptance or rejection, while Gewirth's particular positions are less easily detached from the systematic whole that he presents. Gewirth's work is more like a central fortress from which one controls the landscape of ethical argument; Donagan's is more like a defensive perimeter enclosing much of the same territory.

III

As I mentioned earlier, there is a basic difference among the authors reviewed here in the sense of what morality is. Is morality, as Gewirth and Donagan believe, a system of precepts and rights which are to be discovered and applied by human intelligence but which rests fundamentally on a law which binds us, not by reason of our choice but by reason of our nature as rational beings? Or is morality an instrument of society which is to be developed and inculcated in order to prevent human beings from doing certain kinds of harm to one another and to assist them to

[83] Ibid. 231-33.   [84] Ibid. 237-38.
[85] Ibid. 224. See Ronald Dworkin, *Taking Rights Seriously* (Cambridge, Mass.: Harvard University, 1977) chap. 6, "Justice and Rights."
[86] Ibid. 240-42.

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achieve the happiness that they desire? To borrow and to extend a metaphor from Kant, is morality more like the starry heavens to be contemplated with awe, or is it more like the spaceship taking us to where we want to go? Those moral theorists who have been sympathetic to emotivism would probably be content to say that one can choose whichever style of morality one finds attractive or useful, and they might well count this as further evidence in support of their position. Other philosophers might suggest a phenomenological account of moral experience as a means of settling the matter. I suspect that most religious persons (as well as many nonreligious persons) will feel that the experience of being under obligation (whether this be interpreted in terms of a divine command or natural law or the categorical imperative) is a fundamental moral experience which accounts of morality as the object of intelligent personal or social choice fail to capture. But I would suggest that both views of morality need to be taken seriously by religious people. For one thing, they should remember that there has been a recurrent tendency in the religious tradition to make use of appeals to long-range self-interest which have treated moral behavior or conformity to moral rules as a means to attain happiness and to avoid punishment. Second, they have to recognize that the view of morality as a social instrument and not as the specification of a transcendent obligation is an important aspect of contemporary culture. It may be a manifestation of human sinfulness or pride, but it has to be taken seriously as a characteristic feature of secular society. Third, religious people should not ascribe a lack of moral seriousness or integrity to those who have an instrumentalist view of morality. Such judgments are always offensive and are very often mistaken. Fourth, they should not exaggerate the significance of the gulf between these two conceptions of morality; for the task of shaping public policy in the light of ethical concerns and beliefs in a pluralistic setting involves an exchange of views across the divide I have mentioned and at the same time reveals important similarities between the specification of a moral obligation prior to our choices and the selection of principles to achieve social objectives.

Now the difference between views of morality as fundamental human obligation and morality as a social instrument is not merely a difference between two answers to the question of what morality is. It is also a difference in expectations about what may be regarded as a correct or satisfactory account of morality. For one may surmise that a proponent of either of these views of morality would find the other view not merely mistaken but also unacceptable. Defenders of the social-instrument view are likely to find talk of an obligation or series of obligations which must be respected by all to be an unintelligible relic of the religious or

metaphysical past or at least a result beyond reason. Defenders of the contrary view are likely to feel that the instrumental view leaves morality without a sound foundation[87] and that it fails to satisfy their sense of moral seriousness and of the worth of human persons.

One very important issue that is affected by this divergence in views and expectations must be mentioned because of its great practical as well as theoretical importance. This is the scope of the moral community to which one ultimately belongs. In the neo-Kantian view offered by Gewirth and Donagan, this is clearly the community of all human agents. In the social-instrument view of morality found in Mackie, Harman, and Brandt, the answer is less clear. Harman explicitly envisages the possibility of moral conflicts arising because of our membership in different communities with different moralities. But he declines to offer an overarching morality to resolve these conflicts.[88] There is a certain tendency to write as if the bounds of political community and of moral community will coincide. This view has certain attractions. It offers a leg up, so to speak, in efforts to arrive at feasible agreements on norms, since the members of a political community have some experience in living and negotiating together and may well have a certain homogeneity of culture and values. The development of morality in such a community is akin to the process of making laws. But it is also clear that many pressing issues of international and intercultural conflict which arise in our present situation of limited resources impel us toward the notion of a universal morality, the obligations of which are incumbent on all human beings, regardless of the communities or movements to which they belong. Such a universal morality obviously does not have the close links to educational processes, to systems of motivation, and to institutional structures that Brandt sees as characteristic of a moral code,[89] but the idea of such a universal morality is implicit in some, at least, of the appeals which groups and individuals make to one another across cultural and national divisions. This is not to claim that there is clear agreement on the obligations and rights to be included in such a universal morality; but it is to say that such a notion is important for our moral life in both practical and theoretical terms.

Taken together, these books show the continuing turn away from the metaethical and epistemological issues that preoccupied moral philosophers during the period from 1940 to 1970 and an increasing interest in morality as a normative system. This shift is particularly clear in Brandt, Gewirth, and Donagan. This is not to say that the metaethical issues are

[87] Donagan 242.   [88] Harman 113.
[89] It should, however, be pointed out that there is no fundamental obstacle in Brandt's scheme to the consideration of a moral code for all humanity. See Brandt 326 for a cursory treatment of the question of equality of income for all persons.

dead, since the cognitive status of moral judgments must remain a continuing concern for philosophy and in fact is explicitly considered by all the philosophers mentioned. But it is to point out that these issues no longer provide the central and determining agenda for the field. This shift in itself and the renewal of interest in normative theory takes moral philosophy away from concerns that are peculiar to it and into topics that are common to political theory and religious ethics, though the resources and ranges of relevant considerations for these other disciplines remain distinct. This shift involves a considerable decline in the importance of the analysis of moral language; thus Brandt observes that he does not "think that any important distinction ought to turn on mere ability to render distinctions made by ordinary speech."[90] But the shift does not greatly affect the continuing interest of moral philosophers in utilitarianism, whether this is regarded as a viable monistic system which lends itself to increasingly sophisticated qualifications or whether it is regarded as the counterposition whose defects need to be pointed out or remedied by the addition of further principles.

Mackie's book can be taken as at least a temporary closing of accounts on emotivism and the conception of philosophical ethics as the analysis of moral language. Harman's offers some fresh variations on metaethical themes. The important new contributions come from Brandt, Gewirth, and Donagan. Of these, Donagan's is the most secure, since he provides a trenchant restatement of the secular import of Hebrew-Christian morality in a form that will almost certainly serve as a reference point even for those who disagree with him. Gewirth's contribution will be more controversial, precisely because his challenge to the axioms of recent moral philosophy is so comprehensive and systematic. It may also be neglected, because of the ponderous and somewhat idiosyncratic manner in which Gewirth approaches issues; but that would be a pity, since a great deal can be learned from him both about Kantianism in ethics and about the systematic interconnection of issues in both metaethics and normative ethics. Brandt's work may well be the most fruitful for research on the psychological basis of morality; his form of ideal-code utilitarianism may also be influential on the way in which philosophers move from ethical theory to proposals for public policy. The last three books should provoke lively and intelligent criticism for some time to come.

[90] Ibid. 198.