

Foreword and Summary

This study offers a new analysis of ethical obligation. Some of the ideas this analysis relies on are almost as old as philosophy itself; in fact, I considered using the title "Thales's Lectures on Ethics." The ideas I have borrowed from philosophical tradition have not before been used as I use them here. Still, I will argue that the result of using them in this new philosophical way conforms exactly to our prephilosophic experience and understanding of obligation.

Why is a new analysis to obligation needed? Because as far as I can judge, none of the existing ethical theories succeeds in conforming to our prephilosophic experience and understanding of obligation. They do not tell us, for example, why unfairness is wrong, or what it means for unfairness to be wrong.

However, the approach taken here is a positive one. This study argues for the new analysis directly and does not offer an explicit critique of alternative ethical theories. Some basic assumptions on which other theories are implicitly or explicitly based are directly criticized. Hopefully, those criticisms together with the positive arguments make a detailed discussion of the alternatives unnecessary; for the alternatives are well known, and their differences from this approach will be obvious.

The most common alternatives, of course, are utilitarianism in its various forms and related theories known by such names as "consequentialism" and "proportionalism." Since utilitarianism is the view most widely understood by the potential readers of this book, and since many of them will not share the belief that a new approach to obligation is necessary, some words about utilitarianism are appropriate here. My purpose is not to give a thorough critique but to highlight a few things that deserve more emphasis than they get elsewhere. These remarks will allow me to give a summary statement of the central idea put forward in the text. And since this is not a formal critique of utilitarianism, I will allow some slack in my descriptions for the sake of brevity and to prevent details from distracting from the points to be emphasized.

First, cogent objections to utilitarianism and related theories have appeared in the recent past. In particular, one strong objection argues that utilitarianism cannot really give us a way of deciding between conflicting courses of action. (For references, see Finnis, 1983, .) It is worth noting the similarity between this criticism of utilitarianism and recent criticisms of empiricism. Empiricism's reason for existence is to tell us how we rationally decide between conflicting hypotheses. But as it turns out, empiricist assumptions make it very difficult to see how such decisions can have a rational basis. Likewise, the appeal of utilitarianism is that its description of the criteria for decisions seems to be the only possible one. But if so, it becomes very difficult to see how we can make any decisions concerning what we should or should not do.

Another aspect of utilitarianism, one that will be admitted by utilitarians, deserves more attention than it ordinarily gets. The assumptions on which utilitarianism is based leave room for only one motivation for being moral, enlightened selfishness. Utilitarianism does not define morality in terms of an individual's happiness as opposed to the maximum happiness for humankind. But an individual's reason for being moral can only be that of achieving her own happiness conceived of as the object she consciously aims at. For if we are not seeking happiness in every act, the maximizing of happiness cannot provide a standard for judging right and wrong.

For example, why for example, do we treat other people as having rights that make a claim on us? The reason is not that rights are properties people possess intrinsically, but just that it is a good idea for people to treat each other as having rights. But why is it a good idea? It is a good idea for me to give others rights because it is the best and perhaps the only way to ensure that they will give me rights, and I want them to give me rights because rights are a normally necessary means for me to achieve happiness. In other words, the rights I give others are the fourth step in a series whose first three steps are my desire for my own happiness, my recognition that my happiness depends on others giving me rights, and my recognition that others are more likely to give me rights if I do the same for them. And of course, others give me rights as the fourth step in a similar series.

But this is a way of saying that the value of one person for another can be no more than that of a means to the ends of the other. Another person has value for us only because we give it to her in view of our own ends. Her value is her utility, because all value is measured by utility. For instance, the question of a fetus's right to life is irrelevant to the issue of abortion, for instance. If we allow parents to kill their fetuses, there is little danger -- it appears -- for them to lose their rights if they do not give the fetus rights. Yes, there is a remote danger to all of us in the weakening of respect for human life in general. But all rational persons must weigh that remote danger to their happiness against the very proximate danger to happiness of the responsibilities of raising a child. Therefore, utilitarian thing to do is to give each other the right to kill our offspring.

Abortion aside, many people, this writer included, do not like to think of their value as merely instrumental for the ends of others, especially others who themselves do not possess intrinsic value. We all count our usefulness to others as part of our dignity. But many of us like to think that our value as persons goes beyond being means to the ends of others; we like to think that what we are makes us deserving to be valued as ends. In practice, this means that we think of ourselves as having rights intrinsically, that is, as properties of our nature; we think that our rights are more than things other people grant us because it suits their purposes to do so. When someone is unfair, more is at stake than his taking the risk that others will fail to respect his rights in return. If we punish him for his unfairness, the reason is not merely that our self-interest lies in enforcing the principle that people should treat one another as having rights. The reason is our perception that the unfair person deserves punishment, that she deserves to have her rights infringed to the degree that she has infringed the rights of others.

None of this, however, should bother the thoughtful utilitarian. The question is not whether we like to think of persons as having intrinsic value but whether it is metaphysically possible for the value of anything to be intrinsic. To be a value is to be a value for something; it is to have a relation of fulfillment to the dispositions, inclinations, or faculties of something (perhaps of oneself). It is possible for another person to have the status of an end for me in the way that the survival of its offspring is an end for an altruistic animal. An animal may sacrifice its life to save its young; that does not imply that the young have "intrinsic" worth in the sense that persons are supposed to have it. All that is implied is that a desire for their survival exists in the parent. As existing in the parent, the desire for the survival of the young is something entirely extrinsic to those

young. And to say that the survival of the young is a value for the parent is to say no more than that the parent has that desire which is extrinsic to the young themselves.

Hume was invoking the same fact about value when he criticized the idea that reason can dictate to passion. Reason cannot determine what is good or evil except by reference to some inclination or disposition relative to which things are counted good or evil. My analysis of obligation agrees with this fact about value. But this fact must be reconciled with another fact about reason and value: human beings accept reason as the standard by which we determine the rightness or wrongness of decisions. For example, we accept the rationally known fact that we are adult (that is, sufficiently developed to be capable of making decisions based on rational knowledge) members of the same species as answering the question whether the interests of other humans are equal to our own. Abortionists appeal to the rationally known fact that fetuses have not developed the ability to make decisions to answer the question whether the interests of the fetus are equal to our own. Anti-abortionists answer that question on the basis of the rationally known fact that the fetus is a member of the same species. Utilitarians accept the rationally known fact that, all other things being equal, the interests of the group constitutes a greater quantity of interests than the interests of the individual as the reason why the individual should subordinate her interests to the interests of the group. And "all other things being equal" means "equal as far as reason can determine." How can our reliance on reason in ethical argument be reconciled with the fact reason can only determine good or evil by reference to some desire distinguishable from reason?

The utilitarian will want to answer that ethical reasoning is really about means to a presupposed end. But what is this end and why should we seek it? For ethical arguments appeal to reason's knowledge to determine what we should or should not do. If the ultimate end is the greatest amount of good for the greatest number of humans, why should this be my end? It could be responded that to prefer my individual good to the greater good of others would be to have an unfair preference for myself. But why should I desire to be fair? If it is responded that this must be what "should" means because there can be nothing else for "should" to mean, I will respond that the claim that there is nothing else for "should" to mean would be, if true, a piece of rational knowledge, and so we would be appealing to rational knowledge to determine ends, not just means. Actually, the appeal to the unfairness of preferring my good to the greater good of mankind implies a recognition that the rationally known fact of our equal standing as oriented to making our own decision imposes an obligation to be fair. Fairness is not just a means to the end of the greatest good for the greatest number.

But what alternative can there be to the utilitarian analysis? how can rational knowledge determine obligation except by presupposing desire? In fact, this question answers itself and in so doing explains how value can be intrinsic.

When we praise a decision as being ethically correct or criticize it for being ethically incorrect, we imply a standard by reference to which the decision is to be judged. A standard expresses a goal, a finality, to be achieved by whatever is being judged in light of the standard. If the goal is achieved, the thing is good; if not, the thing is bad. Hence in judging an ethical decision to be good or bad, we are judging it by whether or not it achieves some goal.

But decisions, like any acts, result from prior dispositions to action on the part of an agent. An agent acts this way as opposed to that because a disposition existing prior to the action is sufficient to enable the agent to act this way as opposed to that. Such a prior disposition is itself a relation to a goal, the goal being, at least, the act to which the agent is disposed. Therefore, when we judge an action by its relation to a goal, the goal we invoke is either consistent or not consistent with the relation to goal constituted by the disposition that enabled the agent to act. If it is not consistent, our application of the goal by which we judged the act is unfair; we are judging the act by a goal the agent could not achieve and has no reason to achieve. Since we do not believe we are being unfair when we judge decisions by ethical standards, we believe that the agent's dispositions to act relate the agent to goals that are consistent with the goals by which we judge the act. To believe this is to believe something about the dispositions we exercise when we make ethical decisions.

To believe it is fair to apply a certain standard to a decision is to believe that the dispositions we are exercising give the decision a finality, a relation to a goal or goals, such that the decision is itself successful or defective according to whether it accomplishes that finality. Since the decision exists as an exercise of dispositions that cause us to act because they aim at achieving a goal, the decision itself has that finality and cannot avoid being good or bad according to whether it fulfills that finality. Similarly, a belief cannot avoid being either good or bad according to whether it achieves the goal of truth, for the finality of attaining truth belongs to the nature of belief. Its relation to the goal of truth is one of the things distinguishing belief from other conscious states.

What, then, is the goal our dispositions for making decisions impose on those decisions. That question is answered by the fact that we appeal to rational knowledge to determine whether decisions are good or bad. That question is also answered by the reason cannot settle questions of good or bad without presupposing an orientation to some goal as given. Our decision making abilities have the goal of deciding according to reason's knowledge of what things are. That is the standard we hold decisions to when we judge them ethically, the standard of valuing things according to what we know them to be. In holding decisions to this standard we imply the opinion that decisions have this finality, as belief has the finality of attaining truth, and therefore that the dispositions we exercise in making decisions give decisions this finality. Because the dispositions by which we make decisions orient us to the goal of valuing things according to reason's knowledge, reason determines whether decisions for ends are good or bad even though doing so presupposes an orientation to ends, that of our decision-making abilities, that is not identical with reason itself.

But what can it mean for our decisions to have the goal of valuing things according to reason's knowledge of them, and how can this goal determine which decisions are good or bad? In other words, how could a goal thus described provide a content for our decisions, since anything whatsoever can be an object of reason's knowledge? In several ways, as I will argue in the text. One example will do for now. Assume we are disposed to desire X. If two things are equal as having X but we do not desire them equally as having X, our desire for at least one of these things is defective with respect to our orientation to desire X. In fact, we are often disappointed to find that we have misjudged things in this way. For instance, we may reject a

job offer we would otherwise have chosen because we felt it was not equal to another offer with respect to opportunities for advancement. When we later find that the two offers were equal in this way, we consider our preference for the job we took to have been a bad preference.

Now what if the X to which we are oriented is the making of decisions that value things according to what we rationally know of them? Consider the case of you and I deciding to seek a goal whose achievement requires us to compete against each other. If I decide to cheat to attain this goal, you correctly judge my decision bad by the standard of its denying you an opportunity equal to mine to pursue your chosen goal. I am not valuing your interests equally to mine. Hence you rightly criticize my decision for not achieving the end of giving you a place in my values equal to the place I give myself. But the equality in question is equality in a specific respect, equality with respect to being someone in pursuit of her own rationally chosen goals. For the decision to cheat only occurred because our pursuit of rationally chosen goals came into conflict, and the issue of my treating you unequally only arises because of our decisions to pursue the same unshareable goal. Therefore, your criticism of my decision is criticism of it for not treating us equally with respect to X, that is, with respect to the end to which our decision-making ability orients us.

We are equal to the extent that we both have the ability to make decisions based on rational knowledge. "Based on" does not mean the same as "according to," when I say that our decisions have the finality of valuing things according to what we rationally know of them. "Based on" simply means that we make decisions using our rational knowledge; we make decisions in the rational consciousness of what things are, and we cannot avoid being rationally aware of what things are when we make decisions. It is the fact that our decisions cannot avoid being made in the presence of rational knowledge that gives our decisions the finality of valuing things according to our rational knowledge. But the fact that our decisions are made in the presence of rational knowledge is not the same as the fact that our decisions have that finality. For the former fact is the cause of the latter fact, and cause and effect are not the same. But in not treating us as being equal to the extent that we pursue goals based on rational knowledge, my decision to cheat violates the finality of valuing things according to what they are known to be, because I know we are equal to that extent and because I am denying you equal opportunity to be a pursuer of rationally chosen goals. My decision is therefore defective by the standard of the finality our decision making ability cannot avoid having.

But why is equality in this respect what determines the goodness or badness of a decision when we are unequal in so many other respects that reason is aware of? For example, our powers of rational knowledge are not equal, and so our rational awareness of what things are, the awareness on which our decisions are based, is not equal. Let rational knowledge mean the ability to know not-directly-sensible aspects of things that have a causal relation to their sensible aspects. For example, we know that the only reasonable belief is that other humans have conscious states like our own; they are also capable of being aware of not-directly-sensible causal facts like the fact that others are capable of being aware of not-directly-sensible causal facts. Therefore, humans are equal to the extent of having some rational knowledge. But our powers of rational knowledge are not equal. Why

is reason's awareness of our equality in the first sense rather than its awareness of our inequality in the second sense what determines whether my decision to cheat is or is not in accord with rational knowledge?

To see why, consider another example. Someone kills another person and then kills herself. Can it be said that she is not guilty of treating her victim unequally, since she didn't do anything to the victim that she didn't do to herself? No. Although the murderer is pursuing her own chosen end, she is not allowing the victim to pursue his end. Therefore, she is not treating him equally from the point of view of a goal to which our ability to make decisions orients us, the goal of making decisions by which we direct ourselves to our own ends. In making such decisions, we use rational knowledge, and it maybe that the victim's powers of rational knowledge are less than the murderer's. But what is at issue in the finality of our decision-making abilities is not the degree of our rational knowledge, but the use of whatever rational knowledge we have to direct ourselves toward ends by means of our own decisions. Both the murderer and the victim have decision making abilities that are alike in this respect. But the murderer does not value the victim as if he were like her in this respect, that is, with respect to a necessary goal of her dispositions for making decisions.

And it is not simply a matter of each of our decisions and our ends being our own that is at issue. What is at issue is that we each have an ability to make our own decisions for our own ends based on some rational knowledge, at least sufficient rational knowledge to recognize our likeness in this respect -- in other words, sufficient rational knowledge to recognize "other minds." Two dogs make their own decisions and are equal to that extent. But dogs do not have an awareness of their equality in this respect. If they did, the dogs would be obligated to treat each others as equals, because their ability to make decisions would have that finality. When dogs mistreat themselves or us, we don't criticize them ethically because we would not say, "They should have known better." But we do criticize humans ethically by saying that they should have known better.

To say that our decision making abilities have the finality of valuing things according to reasons knowledge is to say that they have the finality of valuing things according to what they are as known by reason, for the object of reason is what things are. Hence, when you criticize my decision to cheat against you, you are criticizing it for treating me as if I were not what I am, since what I am is equal to what you are in the respect to the finality of our decision making ability but you are not treating me as if what I am were equal to what you are in this respect. Any decision treats something as if it is or is not what it is, just as a belief relates to something as if it is or is not what it is. And just as a belief that something is not what it is is defective by the standard of belief's unavoidable goal of truth, a decision relating to something as if it were not what it is known to be is defective by the standard of a goal a decision cannot avoid having.

At any rate, the preceding is the core of my analysis of ethical obligation. Not only do we impose the standards we do on decisions because we believe our dispositions for making decisions have the finality I have described, but it is also true that our dispositions for making decisions have this finality. It is with reference to this finality that we rightly think of ourselves as having intrinsic value and rights. Rights are what are "due" me, where "due" means what fulfills this the inality of a rational being's decision-making abilities in dealing with me. This definition appears to make

rights extrinsic, since the rational being in question may be other than myself. But the finality of that other being's decisions is to value me according to what I am. Pace Plato, what I am is not extrinsic to me. And it is because another person knows what I am that I am due something from her. In fact, the first thing I am due from her is the place, in her values, of a being independent of her who has ends independent of hers and whose pursuit of ends is independent of her pursuit of ends.

How does my relation to the finality of another person's decision-making powers differ from a baby animal's relation to the finality its mother fulfills when she sacrifices herself for it? In several ways, but I need only mention one now. An animal's knowledge grasps only certain sensible aspects of what her offspring is. For example, some birds will blithely stuff food down the open throats of statues made to look like the birds' chicks. The finality the mother is accomplishing when she sacrifices herself for her young, therefore, is that of valuing something with certain sensible characteristics. Rational knowledge, on the other hand, is open to what things are in toto. While we never achieve complete knowledge of what anything is, the basis of another person's evaluation of me is the other person's openness to what I am in toto. Specifically, the basis of our evaluations of other humans is our reflexive knowledge of ourselves as rational knowers and deciders and our awareness of other humans as having minds like our own. So in fulfilling the finality of my decision-making ability, I am valuing them as rationally conscious beings who direct themselves to their own ends. The sensible characteristics an animal values can be said to have intrinsic worth for the animal, since it is what these characteristics are that the animal values. But those characteristics do not include anything's having dispositions to direct itself to its own ends, since rational knowledge is required to recognize that. It is my status as a self-aware being rationally conscious of and self-directed toward my own ends that has (or should have) intrinsic worth for another human being.

That is the intrinsic worth that we like to consider to belong to us as persons. And that is the intrinsic worth that utilitarianism cannot accommodate. For if we recognize that intrinsic worth, we recognize a finality that provides a standard by which our decisions are rendered right or wrong, not because of their consequences, but because they are what they are.

But we are equal at least to the extent of being able to judge that each of us is "another mind."

If what I have said above is correct, we judge ethical decisions by their conformity with reason's knowledge. For example, we judge unfair