

PROBLEMS OF MORAL PHILOSOPHY

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KAI Nielsen's provocative "On the Doing of Moral Philosophy" deals with some problems that face the moral philosopher. It is an interesting introduction to some important concerns of moral philosophy. On a number of important points, Nielsen is correct. But on a number of other, equally important points, he is in error. My comments on his essay are accordingly both positive and negative.

I. POSITIVE

A. Perhaps most importantly, Nielsen is to be commended for his engaging introduction to the problem of ethical relativism. In this age of scepticism and nihilism the issue of relativism versus absolutism is both theoretically and practically exciting. This issue concerns the following questions. Are ethical assertions true or false or merely subjective? Can ethical disputes be rationally resolved? Does ethics have a basis? Are ethical principles invariant in spite of wide *de facto* variance from culture to culture? On the answers to such questions depend the rationale for seriously doing moral philosophy at all, as Nielsen notes. Therein lies their importance.

B. Against the above background Nielsen briefly sketches a first step toward a refutation of relativism. He maintains that if the answers to ethical questions are "purely personal"—i.e. mere expressions of "how one happens to feel"—then there can be neither right nor wrong answers. Ethical questions would therefore not be "genuine questions at all" (p. 73). Moral philosophy would thus lose its point (pp. 70-74).

Such an argument is only partly correct. Nielsen is partly wrong for there are genuine questions with "purely personal" answers that are neither right nor wrong. An example here is the

question "Do you want catsup on your hamburger?" That the answer to this question is purely personal does not preclude the question itself from being genuine. Nielsen should, rather, have said that questions with purely personal answers, although perhaps genuine questions, cannot be *ethical* questions; for the answers to ethical questions must be valid for all mankind, either right or wrong, and not purely personal.

But Nielsen's basic insight in this argument is correct. Purely personal answers cannot be answers to ethical questions. This insight can be strengthened further to provide a strong refutation of relativism. The question "Do all moral questions have purely personal answers?" is itself a moral question. The sceptics and relativists answer that indeed all moral questions do have purely personal answers. But this answer to a moral question must itself be purely personal. It is therefore neither right nor wrong but merely an expression of how the sceptic or relativist happens to feel. There is therefore no *reason* why anyone else should accept the relativists' admittedly purely personal answer.

This conclusively shows that ethical relativism is unreasonable and constitutes a powerful refutation of this position.

C. Nielsen correctly maintains that moral philosophy has (at least) three tasks.

The first (pp. 74, 81-82) is what recent moral philosophers would call meta-ethics. There are general moral questions such as "What, if anything, is really worthwhile, good, or obligatory?" (p. 75). To answer such questions we must first understand them. But to understand them we must figure out, as Nielsen notes (p. 75), what 'worthwhile', 'good', and 'obligatory' *mean*. And to do this is to do meta-ethics. Meta-ethics is therefore indispensable to moral philosophy.

Moral philosophy's second task, according to Nielsen, is to criticize society and to refute both the absurd aspects of the *status quo* as well as the nonsensical political fantasies of political commentators (pp. 76-79). To do this is to do part of what has traditionally been called *ethics*. In spite of Nielsen's reservations (pp. 76, 79)—which I do not fully understand—this is a proper task of moral philosophy. Indeed, the moral philosopher

is well-suited to perform this task. He alone, in my opinion, has, as Nielsen notes, "the tools for the analysis of ideology and the critique of social knowledge and its use" (p. 78).

Moral philosophy's third task, according to Nielsen, is the criticism of our most fundamental moral categories such as "good and evil, right and wrong, justice and injustice, duty and obligation, and freedom and responsibility" (p. 79). Such criticism presupposes the meta-ethical analysis and clarification described earlier. But it also involves, as Nielsen correctly notes, assessment of these fundamental categories in light of our knowledge of man and the world (p. 80). Whether these categories form a consistent whole and whether they are replaceable by better alternatives are further legitimate concerns here. This task too has traditionally been called ethics. It is refreshing to have Nielsen underscore this task of *abstract* assessment for moral philosophy. It is a task seldom mentioned by Anglo-American philosophers, who focus exclusively on the task of clarification (meta-ethics), as well as the many other philosophers (e.g. the Marxists), who focus exclusively on the task of social criticism.

D. Less central, though still positive, refreshing, and illuminating is Nielsen's concern with the rotten state of affairs in the Universities. His remarks here are worth quoting:

What . . . is the use of patience and reason . . . when . . . the prevalence of phonies and yes—men in Academia—along with entrepreneurial types—make blatantly evident the fake quality of much of the traditional appeal to reason and intelligence . . . (p. 77).

Bravo ! But, the prevalence of phonies and yes-men in Academia also strikes me as an exciting challenge to be met and overcome. The legitimate professor needs all his character, energy, and force to meet and defeat this assault upon the very heart of University education.

II. NEGATIVE

A. Nielsen's discussion of the moral problems involved with nuclear warfare is interesting (pp. 80-81). He maintains that there are two alternatives to the cold war: either (a) there is a

nuclear holocaust or (b) Russia takes over the West. His discussion of the conceptual problems involved here is illuminating. What counts as enhancing freedom? When is one evil less than another? How does one rank goods or evils? When is an evil necessary? Is freedom an instrumental or an intrinsic good? Is life without freedom really preferable to death? The error in Nielsen's analysis, apart from his neglect of Communist China, is that there are more than two alternatives. Along with many liberal westerners, he presents these two alternatives as if they exhausted the situation. They do not. There is a third alternative: the West takes over Russia. It therefore would be interesting—in the interest of balance—to rethink, *mutatis mutandis*, Nielsen's discussion (pp. 80-81) from the viewpoint of a Russian faced with the alternatives of either (a) a nuclear holocaust or (b) a takeover by the West. Such an exercise would illuminate further fundamental conceptual issues involved in the cold war.

B. Nielsen is too sympathetic to scepticism and relativism.

In presenting the sceptical challenge (p.83), he claims that it may well be that

(1) There is no moral (ethical) knowledge.

This sceptical challenge, however, is demonstrably untenable. The sceptical moral philosopher's position, (1), itself claims to be moral knowledge. If (1) does give us knowledge of the true position in moral philosophy, the true position as to morals, we would therefore have it itself as an example of moral knowledge. Thus, by its very statement, it would be false. Hence it cannot be true. In short, assuming that it give us knowledge and is thereby true, we can deduce that it is false. It is, therefore, untenable.

A reply might be to reassess the status of (1). If (1) itself were not an example of moral knowledge, the self-refuting problem would not arise. Assume therefore that (1) is non-moral knowledge. The status of (1) itself would then be different from what (1) talks about. The result is that moral scepticism of the sort expressed by (1) ceases to be a position in *moral* philosophy; ceases to an option of *ethics*. This is clearly absurd. In addition it gives rise to an unjustified dualism. Why, and for what

reasons, is knowledge possible when talking about ethics, but not when doing ethics itself? Why can we get knowledge in the one case but not in the other? What is the difference between these two domains that makes this so? Sceptics who adhere to (1) would, to avoid the self-refuting problem, *have to* maintain that their own view of ethics does give knowledge. That is, they would have to hold

(2) There is meta-ethical knowledge.

Assume they instead held that their own view, (1), was not itself knowledge and was, therefore, as with ethics, a matter where knowledge was impossible. Then they would have to hold that their own view of ethics is no more correct than traditional (e.g. Plato, Aristotle, Aquinas, etc.) "absolutist" views. This, however, no sceptic would wish to do. Sceptics believe traditional, "absolutist" views of ethics to be defective and in error. And they believe their own view to be correct and to remedy the objective excesses of traditional absolutism. The dualism, therefore, remains. Meta-ethics gives knowledge. Ethics does not. And the reason is not apparent. Nor do Nielsen's remarks (pp. 82-83) justify why there should be such an epistemological difference between these two domains. The dualism that would result is unjustified.¹

C. Nielsen claims

"... that what constitutes the misery of all living things upon the whole is something extremely difficult if not impossible to assess. Indeed it is not something which is independent of the distinctive social structures and of the other moral conceptions of different human groups (p. 87).

Clearly, this is false. That different peoples have different beliefs as to the nature of misery proves nothing except that some are mistaken. Real misery, whatever its true conceptual definition, is independent of belief. The miseries and atrocities inflicted upon human beings under Hitler and Stalin remain what they are regardless of the beliefs of either Hitler or Stalin.

D. Nielsen claims that there are no non-tautologous, non-analytic, exceptionless moral rules which are also definite,

clear-cut action-guides that tell us specifically what to do (pp. 84, 87-88). But Nielsen's claim here is itself analytic and tautologous, and uninteresting at that. It follows in virtue of his construal of moral rules as "fairly generalized action-guides" (p. 89). Clearly, action guides that are fairly generalized cannot also be definite, clear-cut and "tell us specifically what to do" (p. 88); for what is specific is not general, and conversely. The claim that there are no moral rules which are specific action-guides thus becomes an uninteresting tautology. And from this tautology the equally tautologous claim that there are no non-tautologous, non-analytic, exceptionless, moral rules which are specific action-guides" analytically follows. If there are no round squares it analytically follows that there are no non-tautologous, non-analytic, exceptionless round squares.

Nielsen's claims about moral rules are thus trivially true. This vitiates his entire discussion of moral rules, moral invariance, and cultural relativism (pp. 82-91).

E. Consider next Nielsen's discussion of killing and murder (pp. 84-85). He considers the moral rules

(3) Killing is wrong;

and

(4) Murder is wrong.

He claims that (3), though not a tautology, has exceptions and that (4), though exceptionless, is a tautology. His analysis is incorrect.

First, it is well to note that (3) is critically ambiguous. (3) could mean either

(5) Killing is always *prima facie* wrong;

or

(6) Killing is always actually wrong.

The distinction between *prima facie* wrongs (i.e. *prima facie* obligations to not do) and actual wrongs (i.e. actual obligations to not do) is well-known. It stems from W. D. Ross, has recently been elaborated by J. Hintikka, and applied to moral philosophy by me.² Actual (i.e. overall, absolute, etc.) wrongs are what turn out to be wrong in practice, wrong in light of all relevant factual and moral (e.g. any other moral rules applicable to the situation)

considerations, wrong, all things considered. *Prima facie* wrongs are merely wrong making considerations that are always to be taken into account. In moral conflicts of the sort described by Nielsen (pp. 83-86), however, one *prima facie* wrong might well be overruled or outweighed by the others. Only in the absence of overriding considerations do *prima facie* wrongs become actual wrongs. Such conflicts are cases of "necessary evil" and occur when we have to choose between "the lesser of two evils". That X is always *prima facie* wrong does not imply that X is always *actually* wrong; e.g. X may be the lesser of two wrongs. We can therefore admit that X is not actually wrong (is not wrong all things considered) and still consistently maintain that it is *prima facie* wrong.³

Nielsen claims that (3), which says killing is always wrong, though not a tautolog, has exceptions. But (3) could mean either (5) or (6). Assume (3) means (5). Nielsen's claim would then be correct insofar as (5) is not a tautology. But his claim would also be incorrect insofar as (5) does not have exceptions—and this is the really important point. None of Nielsen's examples—e.g. the desirability of killing Hitler case—produce a counter example to the truth of (5). His examples (e.g. breaking promises, lying, killing, etc. pp. 83-86) show merely that one *prima facie* wrong might well be overridden by other wrongs. His examples—explicitly or implicitly—include overriding considerations which force us to choose between "the lesser of two evils". And the lesser of two evils remains, by definition, an evil; killing Hitler, though necessary, remains an evil. Indeed, by presenting overriding considerations Nielsen implicitly assumes the truth of (5); i.e. he implicitly assumes that there *is* a moral consideration which must be overridden; and this is (5). Nielsen's "hit" Hitler example shows that (5) may be the lesser of two wrongs, that killing, though *prima facie* wrong, sometimes may not be actually wrong. And this falsifies (6), but not (5).

Let's summarize. Nielsen's (3) could mean either (5) or (6). If (6), then Nielsen is indeed correct; for (6) is neither a tautology nor exceptionless. If (5); however, then Nielsen is wrong; for (5), though not a tautology, is exceptionless.

Next consider Nielsen's discussion of murder. He claims that (4) is a tautology.

Nielsen is incorrect for (4) is not a tautology. Define murder as the killing of an innocent person. Then to say murder is wrong is to say that the killing of an innocent person is wrong. This, as far as I can see, is not a tautology. Nielsen claims that it would not have been wrong to murder Hitler and that, therefore, (4) has an exception. He is correct given the definition of murder that he considers (pp. 84-85). But this shows merely that this definition is wrong, not that (4) has an exception. (4) remains exceptionless given my definition of murder. Killing Hitler would not have been murder, for by no stretch of the imagination could he be said to have been an innocent person! Thus, even if killing Hitler was not wrong, this does not provide us with an example of an act of murder which is not wrong.

Alternatively, one could define murder as killing in the absence of overriding moral considerations, in the absence of moral obligations which override our *prima facie* duty not to kill. (Contrary to Nielsen (p. 85), this is, I think, what is usually intended when murder is defined as unjustified killing.) To say that murder is always actually wrong, on this definition, is not a tautology. Its truth follows from (5) and our above account of *prima facie* wrongs as yielding actual wrongs in the absence of overriding considerations. Thus, to say that murder is always actually wrong is not a tautology; for it depends on (5) (or (3)); and (5) (or (3)), even Nielsen would admit (p. 84), is not a tautology. Nor does the "let's hit Hitler" case provide a counter-example. To kill Hitler would not have been wrong. But neither would it have been murder; for there *were* present other overriding moral considerations.

F. Nielsen claims that Aquinas'⁴ well-known moral rule,

(7) Do good and avoid evil,

though "self-evidently true" is "empty" and "devoid of substance" (p. 85). (7) is neither empty nor avoid of substance in the perfectly good sense that it is neither analytic nor a tautology. That is, the negation of (7),

(8) Don't do good and/or don't avoid evil,

is a command which it is possible to fulfill. (8) is perfectly understandable, is not a logical contradiction, and is not logically

incoherent. But, logic tells us that if a statement or command, e.g. (8), is not a contradiction, then its negation, e.g. (7), is neither analytic nor a tautology. Hence, (7), the negation of (8), is neither analytic nor a tautology. Thus, in this sense, it is not empty. Further, (7) is a general principle. Thus—not surprisingly—it is indeed devoid of *specific* substance, as are all general principles. But, it is not devoid of general substance; for it is neither analytic nor a tautology. Aquinas calls (7) the first principle of practical reason and claims that all other moral principles are based upon it.⁵ Being the first and most general of moral principles it is thus not at all surprising that it would have general, instead of specific, “substance”.

G. Nielsen considers the following example:

Nazi doctors in a concentration camp performed ‘medical experiments’ on live human beings transferring male sexual organs to females and *vice-versa* without the use of anaesthesia and to no known scientific purpose (p. 88).

Nielsen says that such actions were “quite definitely”, “categorically and unequivocally wrong” (p. 88). But, he goes on to say that:

That recognition that these actions are quite unequivocally and categorically wrong is not the same thing as the recognition that there are substantive moral rules which we should invariably follow no matter what the circumstances (pp. 88-89).

This is false. That such actions are categorically and unequivocally wrong implies that something like the following rule is categorically and unequivocally true,

- (9) Doctors ought not to perform ‘medical experiments’ on innocent, live human beings transferring male sexual organs to females and *vice-versa* without the use of any anaesthesia and to no known scientific purpose.

Nielsen is therefore wrong. (9) *is* a “substantive moral rule which we should invariably follow no matter what the circumstances”. Nor is (9) “so detailed and so specific” that it simply recounts in “rule-form the situation in question” (p. 89). Contrary to Nielsen, (9) *does* function as a fairly generalized

action-guide and moral rule (p. 89). The exact example used by Nielsen is not so specific that it could never occur again. And this holds even more so for (9) which is a bit more general than Nielsen's example. (9) is, moreover, clearly relevant to contemporary issues in what is called "medical ethics".

H. Nielsen claims

... we still do not know from any rule, rules or principles *what* we are actually to do in any living situation. Where we get certainty, we get emptiness. Where we have some content—some substance—and a normal generality to our moral rules, we do *not* get certainty (p. 91).

Clearly, this is false. He claimed that the example of the Nazi doctors could be morally described with certainty. And I characterized this situation in terms of a moral rule, (9), which is both substantive and certain. Nielsen is therefore wrong.

I. Next, let's consider Nielsen's account of three types of "ethical absolutism" (pp. 91-98).

The first is the view "that there are moral rules or principles of conduct which are substantive and yet admit of no exceptions" (p. 91). Nielsen claims that "such a form of ethical absolutism is mistaken" (p. 91). From what I have said above in sections E-H it should by now be clear that Nielsen is incorrect. This form of ethical absolutism is indeed correct.

The second type of ethical absolutism is vague and obscure, at least as Nielsen presents it (pp. 91-92). Nielsen says it is the view that "there is a set of moral norms valid for all mankind" (p. 91). But then he goes on to say that this does *not* imply that "there are any substantive moral rules which are exceptionless and should always be acted on no matter what the circumstances" (p. 92). This strikes me as a blatant contradiction. What else could the phrase 'valid for all mankind' mean except 'exceptionless'? And, if it does mean exceptionless, then the implication holds, contrary to Nielsen. Perhaps, Nielsen is hinting at the distinction between *prima facie* and actual moral principles that I discussed above (section E). Then this second type of ethical absolutism would read as follows: there is a set of *prima facie* moral principles valid for all mankind which do

not always, in every circumstance, give rise to actual (overall) moral principles. If this is what Nielsen intends, then he is correct. But it is not clear (cf. pp. 91-92) that this is what he intends.

The third type of ethical absolutism dealt with by Nielsen stems from Wittgenstein. According to Nielsen, it is the view that there are "judgments of absolute value . . . which are 'absolutely binding and certain actions are ruled out as impossible, unthinkable, out of the question, never to be done whatever the circumstances'" (p. 94). As far as I can see, there is no difference between this third view and the first, except that the third view stems from Wittgenstein—a dubious distinction to say the least. I therefore find it inconsistent of Nielsen to be sympathetic to this third type of ethical absolutism (pp. 95-96) when he so adamantly denied the first.

Indeed, in apparent support of this third type of ethical absolutism, Nielsen produces three value judgements which he seems to accept as substantive and certain (p. 95):

- (10) The innocent must be protected.
- (11) It is evil to treat a person simply as a means.
- (12) Allowing people to starve in a world of plenty is vile.

But (10)-(12) can easily be transformed into moral rules, likewise substantive and certain:

- (13) The innocent ought to be protected.
- (14) No person ought to be treated simply as a means.
- (15) People ought not to be allowed to starve in a world of plenty.

That (13)-(15) are substantive and certain supports the first type of ethical absolutism. And this is incompatible with Nielsen's denial of the first type of ethical absolutism. It is also incompatible with his earlier claim that there are no substantive and certain moral rules (p. 91).

J. Nielsen claims that absolute judgements of value like (10)-(12) take us to bed-rock or rock bottom (p. 96). Nothing else can presumably justify them. The problem is that Nielsen reaches bed-rock too quickly. Ethical Naturalism, ala Plato (*Republic*),

Aristotle (*Nicomachean Ethics*), Aquinas⁶ and recently Veatch,⁷ would justify these judgements in virtue of the fulfillment or thwarting of man's nature (essence, function, purpose, etc.). By so doing they would render plausible the view that "judgements of absolute value" are true or false in virtue of an underlying reality, viz. man's nature. And "what it is for judgements of absolute value to be true or false" is precisely what puzzles Nielsen (p. 97). Ethical Naturalism resolves this puzzle.

¹ For further criticism of ethical relativism see: Henry B. Veatch, *Rational Man* (Bloomington: Indiana University Press, 1962), Chap. 1; and Carl R. Kordig, "Without Appeal to Conscience," *The Journal of Value Inquiry*, forthcoming; and "Another Ethical Paradox," *Mind*, 78(1969), pp. 598-599.

² Cf.: W. D. Ross, *The Right and the Good*, (Oxford: Clarendon Press, 1930 ff.), pp. 19-20, 46; J. Hintikka, "Deontic Logic and Its Philosophical Morals" in *Models for Modalities* (Dordrecht-Holland: D. Reidel, 1969), pp. 199-206; Carl R. Kordig, "Structural Similarities Between Utilitarianism and Deontology," *The Journal of Value Inquiry*, 8 (1974), pp. 52-56; "Without Appeal to Conscience," *op. cit.*

³ Hintikka's account (*op. cit.*, pp. 185-188, 203-208) of the notion of *prima facie* duty, the only developed account of this notion known to me, could be used to rigorously demonstrate this point.

⁴ St. Thomas Aquinas, *Summa Theologica*, Question 94, Second Article.

⁵ *Ibid.*

⁶ St. Thomas Aquinas, *Summa Theologica*, Questions 90-97.

⁷ *Op. Cit.*