THE USEFULNESS OF MORAL THEORY IN TEACHING PRACTICAL ETHICS: A REPLY TO GERT AND HARRIS

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We now have a three-cornered debate.¹ Gert and Harris agree that my earlier critique of teaching moral theory in practical (or applied) ethics is mistaken while disagreeing about which moral theories are better than my non-theoretical alternative.² Gert argues that his theory is the one to use while Harris argues for a mix of two of the standard theories, utilitarianism and respect for persons (PR). The disagreement between Gert and Harris is a reminder of the mucky bottom just beneath a moral theory’s crystalline surface. Anyone who plans to step in should be prepared to be sucked down. What I offered before was a way around the muck. What I shall offer here are additional reasons to think that my way around is better, especially for classes in business or professional ethics, than any way through.

1. PUTTING GERT’S CLAIMS IN PERSPECTIVE

I regard Gert’s approach to understanding morality as the best now available, but even I have problems with it—which I have described elsewhere.³ For now, it is important to recognize that most moral theorists do not accept Gert’s theory even to the degree I do. Gert’s arguments for his theory have yet to win the day. Of course, Gert is, in this respect, no worse off than other moral theorists from Plato to Rawls. To accept Gert’s approach as the right one, or even the best one, is to take sides in an ancient debate that Gert is no more likely to win than his predecessors. That is one reason not to take Gert’s advice. Another is that taking sides may provoke students who know anything about moral theory to ask hard questions. Every time I teach moral theory, I take a week to explain the errors of utilitarianism (after three weeks explaining what utilitarianism is). Every semester at least a quarter of the class eventually decides that utilitarianism is the best theory going (even
though not perfect). I achieve similar results with virtue theory after an equal effort. Some students find one theory attractive; some, another. This is not irrational so long as we lack decisive reasons to choose one over the others (and the students actually weigh the reasons carefully). Though Gert seems to think he has the best reasons, few of those skilled in moral theory agree. Those not skilled may, then, reasonably decline to adopt his approach even though Gert thinks that it is the best one. Those who use Gert’s theory in class should be prepared to explain why it is better than any alternative.⁴

For these reasons (among others), I think Harris is right to argue for using several moral theories rather than one to analyze moral problems.⁵ If a teacher has time, it’s better to teach several theories than one. Teaching several theories not only eliminates any suggestion that we know what the right theory is; it also helps students to see how theories, even when they lead to the same answer, may offer different insights into the question originally posed.

That, however, is not quite Harris’ point. When we looked at what Harris himself teaches in engineering ethics, we saw that he is not teaching moral theories but “tests” (what Gert calls “slogans”). My criticism of Harris’ approach was that, if you’re going to teach tests, you can do a better job of selecting them and, as a result, not have to teach students as much about how to use them. You can do more in one hour (using my approach) than Harris does in four.⁶ Indeed, you can do much more. Recall that my tests are part of a decision procedure that aims not at a moral judgment (as Gert says his approach does) but at designing a course of action both sensible and morally justified. I have no problem teaching the entire procedure in one hour, not just the tests.⁷ (For the full procedure, see Appendix at end of this article. Doubtless, there are many other similar procedures that would work as well.)

Gert claims that “[it] is in these situations [when we need to persuade others] that a comprehensive moral theory, one that provides an explicit description of our common morality… is far more helpful and reliable than any of these tests.”⁸ Gert is right in principle—if, but only if, the comprehensive moral theory in question is sound. Its soundness would vouch for its reliability. But that is not the question I thought under discussion in a journal called Teaching Ethics. The question, I thought, is whether the comprehensive moral theory in question (or any other available) is as helpful and reliable in practice as the tests Gert dismisses with that one sentence. We must consider what will happen to any comprehensive theory in the hands of the students or practitioners
we are actually likely to have before us. Gert does not cite any empirical
evidence for the claim that the tests that I (or Harris) suggest are less
helpful or reliable in practice than his moral theory. He does not even say,
as I could, that he has tried the alternatives and did not find them as
helpful. Yet, the question of helpfulness or reliability is empirical—a
question to be settled by what actually happens, not by what should
happen. For now, all that it is safe to conclude is that Gert has no
evidence for the empirical claim.9

2. WHY MORAL THEORY IS NOT NECESSARILY IMPORTANT IN
PRACTICE

At this point, it may help to distinguish three functions of moral
theory: 1) to provide an understanding of morality (for example, to help us
see the rationality of acting morally); 2) to help us choose the morally right
course of action; and 3) to help us convince others that we have chosen
correctly (or that they need to revise their choice).10 My chief concern
here is teaching business and professional ethics, that is, helping students
to choose the morally right course of action in the context of business or
a profession. My thesis is that teaching moral theory in a course in
business or professional ethics is not worth the trouble (given the
purpose of such a course). Using moral theory in a course in business or
professional ethics is like calculating logarithms from scratch when you
have a reliable table available (and are not good at mathematics). You will
take more time doing the calculation, have more errors (because of the
complexity of the calculations), and (if, but only if, all goes well) end up
with much the same result as if you had used the table.

Harris seems to agree that this is sometimes true but argues that it is
far from always true, offering the following evidence: “a discussion of the
morality of homosexuality is almost inconceivable without reference to
natural law, and inquiries into social justice are hard to imagine without
reference to moral theory.”11 This evidence is irrelevant for at least three
reasons:

First, the morality of homosexuality is not a topic likely to come up
in a course in business or professional ethics. It’s primarily a topic for
Social Problems or a similar course. Despite the title of this article (and
its predecessor), my primary concern is not moral theory in that part of
practical ethics.

Second, when the morality of homosexuality is a topic, it could be a
topic without reference to natural law—unless the readings include
Aquinas or one of his followers. Typically, students fall back on religious arguments (when they regard homosexuality as immoral at all—which few of my students do anymore). Students (or, at least, my students) seldom appeal to natural law on their own.

Third, if a natural-law argument were made, training in utilitarianism and PR theory would not prepare students for dealing with it. Natural law is another large tradition—requiring one or more additional preparatory lectures, for example, on the concept of “natural function”. Much the same is true of social justice—except that its home is not moral theory but political philosophy, another large field.

Since Harris’ two counter-examples do not seem to serve his defense of teaching utilitarianism and RP theory at all, I am inclined to think Harris has implicitly accepted my thesis. He has come up with counter-examples outside of business and professional ethics because he could not find any clear ones inside. That these examples failed even for a course in Social Problems is a reminder that the theory (or moral slogans) relevant in one field of practical ethics may be different from those relevant in another.

Given that even his examples from Social Problems failed, we must wonder why Harris went so far afield. Why did Harris, who is widely known for his course in engineering ethics, not seek his counter-examples there? My answer is that Harris appreciates that codes of ethics are important in both business and professional ethics in a way they are not in social ethics. Any plausible moral theory must recognize the special moral obligations arising from membership in a profession or employment in a company with a code of ethics. That recognition must accord the code a moral authority much like that of a promise, an authority more or less the same in every (plausible) moral theory. Even act—utilitarians try to find a basis for the moral obligation to keep promises, avoid cheating, and the like. They must because otherwise their theory is open to what most people would consider devastating counter-examples. Who would accept a moral theory that said a promise cannot change our moral obligations? Or that we are entitled to cheat whenever doing so would add, however minimally, to the net happiness or well-being of sentient creation?

The moral authority of codes of ethics in business and professional ethics means that moral theory does not in general perform its normal function of guiding conduct directly. Instead, it is, or at least should be, used to help interpret the relevant code much as moral theory might help a lawyer interpret a statute or constitution. Philosophy of law has a
special place, a small place, for the problems of using moral theory in this way. Neither Harris nor Gert seems to wonder why that might be—or what that fact signifies for their project of using moral theory in business or professional ethics.

Harris seems to admit the general usefulness of my tests in business and professional ethics, though only when pointing to their limit: “they [my last three tests] are not going to be helpful when critiquing the provisions of a code of ethics”. I agree. Tests relying on (intelligent acceptance of) a code of ethics are not likely to be useful in critiquing the code. But this limit on the usefulness of the last three tests is largely irrelevant here for at least three reasons. First, my first five tests are relevant to critiquing the provisions of a code (for example, does the code violate any human rights?). The list of tests is not a menu from which one is to choose one or two items. The tests are supposed to be used together. Any evaluation of the tests must evaluate them that way, not merely one by one. Second, critiquing provisions of a code is a conceptually secondary activity. Typically, we do critique a code unless we suppose that, but for the critique, the code would at least seem to make a moral claim on us or others. Critics must learn how to interpret a code if they are going to make an intelligent critique of it (or offer intelligent amendments). Third, a course in business or professional ethics would be far from useless even if students did not learn to critique a code of ethics.

As part of his case against my eight tests, Harris devotes much of two paragraphs to critiquing codes. Though representing a common view among moral theorists, Harris’ critique is, I believe, mistaken for reasons I have offered elsewhere. Among the mistakes Harris makes about codes are 1) that “rules are an appropriate vehicle for expressing the negative and preventive aspects of professional ethics… [but] not as appropriate for formulating the more positive aspects of professional life, such as…respect for the environment in engineering” and 2) that [engineering] codes have evolved from the time when the primary obligation of engineers was to employers. In fact, codes are capable of stating positive standards quite as well as negative ones—as shown by the current engineering codes that provide for protecting the environment; and a careful reading of the first engineering codes will, I believe, reveal that the obligation to the employer was not primary (but only primary after certain preconditions were met, such as the honor of the engineer or the reputation of the employer, rough proxies of the public interest). Harris here unintentionally illustrates the importance of learning to interpret codes of ethics before learning to critique them.
3. MERITS OF THE TESTS

My eight tests were developed with practical considerations in mind. So, for example, I think Harris is wrong to criticize my first test—“does this option do less harm than any alternative?”—because, unlike utilitarianism, it says nothing about benefits. The tests are designed to bring out significant considerations that might otherwise be overlooked (each bringing out something different). The benefits of the action in question are, in my experience, generally much clearer to student and practitioner than the harms. That is one reason I don’t mention benefits in the tests. Another is that part of what makes utilitarianism hard to work with, and to make it unattractive to many, is the problem of combining harms with benefits to obtain an overall result. My test stays clear of that problem. Indeed, it does not even require the summing of all harms, only a listing of them and a comparing of one list to another. Generally, what students try to do once they have a list of harms is to modify the option they identified to eliminate as many of the harms as they can while still solving the problem in a way satisfying the other tests. Their reasoning, though consequentialist in this respect, is not utilitarian. Since I am not a utilitarian, that strategy seems good to me. More importantly, even the utilitarians among my students (and I do have them in business or professional ethics) seem to think that the harm test recognizes what attracts them to utilitarianism—a concern (as Gert would say) to avoid inflicting death, pain, loss of property, or other bad consequences on others. I would make a similar point concerning a test that Gert rejects while criticizing Harris. The reversibility test—would I still think the choice of this option good if I were one of those adversely affected by it?—is, Gert says, “not a reliable way to determine what is the morally correct way to act.” I agree. But that agreement does not impugn my use of that test. I do not expect students to use any one test to “determine” the right way to act. I expect them to use each to bring out aspects of a particular option they should consider and might otherwise overlook. If an option passes all the tests, it’s probably a good choice; if it fails many, it is probably a bad choice. We should look for a better. The question Gert should have addressed, and did not, is the reliability of all the tests together—their reliability in bringing out relevant considerations, their usefulness in leading students to a good resolution of the problem before them, not simply their reliability in saying “right” or “wrong”.
Gert goes on to say that “[as] a practical matter, in most cases we do not need these tests, for our common morality is so much a part of us that our moral intuitions are generally a quite reliable guide.” Again, I agree. But, of course, a course in practical ethics is not (or at least should not be) about “most cases”. The cases discussed in such a course are generally “hard”, that is, problems chosen because ordinary moral intuition gives no clear answer (or gives several competing answers). In business and professional ethics, our common moral intuitions face an additional problem. The codes of ethics that dominate business and professional ethics set standards that go beyond what law, market, morality, and public opinion would otherwise require. Insofar as they do, our ordinary moral intuitions will be wrong. We will therefore need to think before we act, using methods different from that ordinary morality provides. A course in business or professional ethics is not (as Gert suggests) simply a study of arguments that we can use on people who disagree with us; it is also about how to think through hard cases until we have reached a satisfactory course of action. Neither business nor professional ethics is a domain for which moral theory was designed—or is particularly well suited.
APPENDIX

A Format for Ethical Decision Making

1. **State problem** (e.g. “Do I have a conflict of interest?” or even “This makes me uncomfortable”)

2. **Check facts** (some problems disappear upon closer examination of situation; others change radically).

3. **State specifications** (limits and objectives)—laws, professional code, and corporate rules to be satisfied, cost constraints (e.g. under $200), children to feed, place in life plan (e.g. save company).

4. **Develop list of at least five options** (be imaginative, try to avoid “dilemma”—not “yes” or “no” but who to go to, what to say).

5. **Test options**, using such tests as the following:
   - **Harm test**—does this option do less harm than any alternative?
   - **Publicity test**—would I want my choice of this option published in the newspaper?
   - **Reversibility test**—would I still think the choice of this option good if I were one of those adversely affected by it?
   - **Rights test**—would I be violating someone’s human rights?
   - **Virtue test**—what would I become if I choose this option often?
   - **Professional test**—what might my profession’s ethics committee say about this option?
   - **Colleague test**—what do my colleagues say when I describe my problem and suggest this option as my solution?
   - **Organization test**—what does the organization’s ethics officer or legal counsel say about this?

6. **Make a tentative choice based on steps 1-5**. Did you solve the problem with which you began?

7. **Make final choice (after reviewing steps 1-6)**, act, and then ask:
   - What could make it less likely you would have to make such a decision again?
   - **What precautions can you take as individual** (announce policy on question, change job, etc.)?
   - **What can you do to have more support next time** (e.g., seek future allies on this issue)?
   - **What can you do to change organization** (e.g., suggest policy change at next dept. meeting)?
   - **What can you do to change larger society** (e.g. work for new statute or EPA regulation)?
Endnotes


4 Gert, 26, raises the following objection to this use of admittedly inadequate theories: “No teacher of engineering would teach his students to use an engineering theory that he knew to be inadequate, nor would he use such a theory himself when trying to solve some engineering problem.” Actually, teachers of engineering seem to do exactly this, for example, teaching Newtonian mechanics even though it is inadequate in a number of ways, for example, in its description of the behavior of small particles (quanta). Engineers use the theory most helpful for the work they are doing, however scientifically inadequate.

5 For the full argument, see C.E. Harris, “Is Moral Theory Useful in Practical Ethics?” *Teaching Ethics* 10 (Fall 2009): 51-68.

6 Harris, 80: “I usually spend three to four lectures on the two ‘ways of thinking’, some additional time may be spent in the smaller Friday break-out sessions reviewing or expanding this material.”

7 Compare Charles E. Harris, Michael S. Pritchard, and Michael J. Rabins, *Engineering Ethics: Cases and Concept*, 4th Edition (Wadsworth: Belmont, CA, 2009). While pp. 47-70 (Chapter 3) is largely devoted to moral theory (“Framing the Problem”), pp.71-89 (Chapter 4) is devoted to helping students solve problems. Since the entire text has ten chapters, it seems that Harris devotes about one-fifth of his semester to what I do in one hour.

8 Gert, 37.

9 I am not claiming that Gert’s theory won’t work with students or practitioners. I have seen Gert use his theory with practitioners trying to resolve a problem of medical ethics. I have no doubt that (unlike some moral theories) it does work in practice. What I am claiming is that there is now no reason to believe it is superior in practice to my method.

10 These are, of course, not the only functions of moral theory. Among the others, the most important are helping us to revise “positive morality” (what people think morality is) and helping us to teach morality.

11 Harris, 80.
12 Harris, 84.

13 For more on these claims, see Michael Davis: “Professional Responsibility: Just Following the Rules?” *Business and Professional Ethics Journal* 18 (Spring 1999): 65-87; and “Three Myths about Codes of Engineering Ethics”, *IEEE Technology and Society Magazine* 20 (Fall 2001): 8-14 & 22.

14 Harris, 84.

15 Harris, 82-83.

16 The problem of combining harms and benefits is, I think, best dealt with during a discussion of cost-benefit analysis. In part, that is because the moral theory tends to come so early in most courses that, by the time the class reaches cost-benefit analysis, most of the class has forgotten what was wrong with utilitarianism. But, in part too, cost-benefit analysis has problems of its own—some independent of its utilitarianism (for example, finding ways to deal with “priceless” objects or lives).

17 Gert, 36-37.

18 Gert, 37.

19 Compare Gert, 37: “we sometimes need to persuade others to support the moral decision that we are taking or defend our moral decision or judgment to someone who disagrees with it. It is in these situations that a comprehensive moral theory, one that provides an explicit description of our common morality, including the two-step procedure needed when considering the violation of a moral rule is far more helpful and reliable than any of these tests.”