IS MORAL THEORY USEFUL IN PRACTICAL ETHICS?

C.E. Harris  
Texas A&M

Many applied or practical ethicists hold that ethical theories have little value in practical ethics. The theories such critics have in mind are probably most often utilitarianism and a Kantian ethics of respect for persons, which I shall refer to as RP theory. This criticism applies to both practical ethics done in the classroom and in other venues, such as professional publication. The critics of ethical theories maintain that the standard theories distort ethical analysis and contribute little to the resolution of complex ethical issues. This belief is probably based on the following paradigm of how the theories are used in ethical analysis. We subject an ethical problem to analysis in terms of one theory, such as utilitarianism, and then subject the same problem to analysis in terms of another theory, such as RP theory; then we find that the two theories give different and incompatible conclusions. This state of affairs not only leaves the problem unresolved, but suggests that one conclusion is as good as another, thus paving the way to ethical skepticism.

This paradigm is both frustrating and unhelpful. While it may be true, as ethical theorists themselves have often suggested, that some ethical controversies are unresolvable, the idea that alternative ethical frameworks usually lead to different results and that the alternative frameworks are equally justifiable is not the final word which we want to leave either with students or with others who look to philosophical ethics for guidance. I believe this paradigm is seriously flawed. It expects both too much and too little of ethical theories. It expects too much because it appears to assume that each of the major ethical theories provides an equally adequate purchase on all of the considerations relevant to a complete ethical analysis and that the theories should always converge on the same conclusion. It expects too little because, when the use of the theories provides incompatible answers, the assumption is that the theories are of no use whatever. The truth, in my opinion, is somewhere between these two positions. Ethical theories may in fact sometimes converge on the same conclusion, but when they do not, all is not lost. This is because they may
still provide important insight into ethical controversies and because they can set the stage for a more satisfactory resolution of these controversies, using other considerations and techniques.

We can begin with several comments and definitions that are important in the following account. First, my focus is primarily on the use of ethical theories in teaching practical ethics and in the analysis of practical ethical issues. I am not interested here in theoretical debates for their own sake, and my citations of these debates will be brief and neither elaborated nor defended in much detail. Second, by “theory,” I mean what could more correctly be referred to as high-level moral theory, already identified primarily with RP theory and utilitarianism. While it is perfectly legitimate to call philosophers, such as W.D. Ross and Bernard Gert, who work with ethical principles that have a somewhat lower level of generality, moral theorists, my focus is not primarily on these writers. Third, I have in mind theories of the rule-governed type, and I shall have nothing to say about virtue ethics, even though I have come increasingly to believe that it also has considerable usefulness in some regions of practical ethics. Fourth, my examples will be primarily from engineering ethics, because this is the area of practical ethics with which I am most familiar. Fifth, my focus is primarily on moral reasoning about actions, not evaluations of persons. I shall, however, have something to say about intention in actions.

Finally, I shall be using the term “common morality” to refer to that body of moral beliefs that most people, at least in our culture, embrace. Alan Donagan divides common morality into two parts: first-order and second-order beliefs. First-order beliefs cover beliefs about duties to ourselves and to others. They have to do with beliefs about what is permissible, impermissible, obligatory and supererogatory, or (roughly) above and beyond the call of duty. Examples of first-order beliefs include beliefs that murder, lying and theft are wrong. Second-order beliefs have to do with moral blame or the absence of blame, that is, culpability and inculpability. This aspect of common morality concerns the place of voluntariness, intention, and similar concepts in moral evaluation. Moral agents are not usually held responsible for actions that they did not intend and could not avoid. I shall attempt to show later that common morality has more content than Donagan indicates.
FOUR LEVELS OF MORAL REASONING

It is useful to distinguish four levels or categories of moral reasoning about actions. First, there are moral judgments about particular acts. Examples are: “Mrs. Jones should (or should not) get an abortion,” “Engineer Mike should not have specified bolts from a firm in which he has a vested interest,” and “James should have used more environmentally friendly materials in his design.” Moral judgments about actions can classify actions as permissible, obligatory, impermissible, or supererогatory, that is, not obligatory, but praiseworthy if done.

I should note by way of an aside that another and perhaps more common type of moral judgment about actions involves applying descriptive evaluative terms to actions, as in “James was cruel when he said that,” or “The actions of Company X amounted to exploitation,” or “Sally’s statement was simply a lie.” However, if we add additional premises, such as “Lying is wrong” or “Cruelty is wrong” or “Exploitation is wrong,” these statements reduce to statements that the actions in question are wrong or impermissible. So I shall consider moral judgments of this more descriptive type to be a subset of the category of moral judgments about particular actions.

Second, there are general moral judgments about classes of actions. Examples are: “Abortion is never permissible,” “A professional should not engage in undisclosed conflicts of interest,” and “Whenever possible, engineers should specify environmentally friendly materials in their designs.” General moral judgments also categorize classes of actions as permissible, impermissible, obligatory, or supererogatory.

The third category is intermediate moral principles. W. D. Ross’ prima facie duties of fidelity (including keeping promises), of reparations for wrongs done, of gratitude, of justice, of beneficence, of self-improvement, and of non-maleficence are examples of intermediate moral principles. Bernard Gert’s variously formulated “moral rules” are also examples of intermediate moral principles: “Don’t kill,” “Don’t cause pain,” “Don’t disable,” “Don’t deprive of freedom of opportunity,” “Don’t deprive of pleasure,” “Don’t deceive,” “Keep your promise,” “Don’t cheat,” “Obey the law,” “Do your duty.”

The fourth category is high-level moral principles, or moral standards, such as those associated with utilitarianism (“Those actions are right that maximize utility”) or what I have called RP theory (“Those actions are right that respect the moral agency of individuals”). An important part of both of these theories is a set of tests or methods for
determining whether the utilitarian and RP principles have been satisfied. For utilitarianism, these tests include various ways of determining which courses of action maximize utility, such as act utilitarianism, rule utilitarianism, and cost/benefit analysis. For RP theory, tests include the Golden Rule and methods for determining whether rights have been violated or infringed in an unacceptable way. These RP tests are ways of determining whether people have been equally respected as moral agents.

COMMON MORALITY, TRADITIONAL MORALITY, AND REFLECTIVE EQUILIBRIUM

On which level does common morality reside? Both Gert and Ross appear to agree that it resides on the third level, the level of intermediate moral principles. Most people in our culture, and in fact in most cultures, would probably accept the intermediate moral principles proposed by Ross and Gert. Yet there are many general moral judgments on the second level that have commanded such widespread assent and have been so influential in the moral lives of people that it is tempting to include them in the body of common morality. We can think of the commandments to honor one’s parents or the approval given to such virtues as courage, honesty or compassion. However, it is also true that many general moral judgments on this level have changed. Abortion has traditionally been condemned in Christian cultures, but is now accepted by many. The practice of taking interest on money (usury) was condemned for the first fifteen centuries of the Christian era, but this prohibition has been abandoned. Contraception was condemned by most Christian groups until the twentieth century. Judicial torture was widely accepted in Europe until the seventeenth century. Slavery was accepted in the Christian era until the eighteenth century and the subjection of women until the nineteenth.

It seems best, therefore, to hold with Ross and Gert that common morality resides primarily on the third level. Donagan also appears to agree. General moral judgments are better seen as “specifications” of the intermediate principles of common morality, which depend in part on beliefs and historical circumstances that are subject to change. Another look at the examples given above confirms the importance of the influence of historical circumstances on general moral judgments. The decline of judicial torture has been attributed to a modification of the law of proof in the seventeenth century, when either the testimony of two eyewitnesses or a confession was required for conviction. Since two
eyewitnesses could rarely be obtained, torture was used to get the required confession.\textsuperscript{5} The change in the moral evaluation of usury has been attributed to a change in economic circumstances. According to Jonsen and Toulmin, the paradigmatic loan in earlier times was making a loan to someone in times of distress. This was equivalent to theft or at least exploitation. In a commercial society, where loans are sought in order to make a profit, this paradigm is inappropriate.\textsuperscript{6} Finally, according to one historian of slavery, the rejection of slavery by Quakers, the first Christian group to oppose slavery, can be attributed both to the abandonment of the Augustinian view that slavery is a punishment for sin and to emerging principles of human rights.\textsuperscript{7} In the light of these examples and others that could be offered, it is better to say that general moral judgments are a part of traditional morality rather than common morality.

This still leaves open the question of the full content of common morality. We have said that, in addition to intermediate moral principles, common morality also contains beliefs about the importance of intention in moral evaluation and a classification of actions as permissible, impermissible, obligatory, or supererogatory. Later, we shall hold that common morality gives a special place to our own projects, as opposed to those of others. Several writers have recognized this wider content of common morality. Gert distinguishes between moral theory, which he identifies with “an attempt to make explicit, explain, and, if possible, justify morality” and the moral system, which he identifies primarily with the moral rules.\textsuperscript{8} So it is clear that common morality must include more than intermediate moral principles. Let us call this set of additional concepts in common morality auxiliary concepts. This set includes those ideas, only incompletely specified here, that are necessary to allow the intermediate moral principles of common morality to function effectively in ethical discourse.

Finally, it is also useful to distinguish the subsequent analysis from Rawls’ notion of reflective equilibrium. In reflective equilibrium, general moral judgments are tested against a consensus of opinion in our culture. Rawls gives as examples of “provisional fixed points” in reflective equilibrium the acceptance of religious toleration and the rejection of slavery. He holds that nowadays nobody is willing to defend views contrary to these ideas, so that they comprise a “shared fund of implicitly recognized basic ideas and principles.”\textsuperscript{9} The method employed here differs in two ways from Rawls’ method of reflective equilibrium. First, in reflective equilibrium, the “fixed points” are on the level of general moral judgments, whereas in the method employed here, the points of reference are on the level of intermediate moral judgments. Second, the points of ref-
ference for Rawls are only “provisional,” and all advocates of reflective equilibrium recognize that the judgments of what I have called traditional morality are themselves subject to change, so that there is no absolute foundation against which judgments, principles, and theories can be tested. In contrast to reflective equilibrium as generally understood, I shall not question the content of common morality in evaluating the two moral theories.

**ON WHAT LEVEL DOES “MORAL THEORY” RESIDE?**

Before proceeding to the main argument, one more question remains to be answered: What reasons are there for believing that moral theory in the fullest sense should be associated with the fourth category or level? One way of answering this question is to consider three functions performed by moral theories. First, there is the *unitive function*: the ability to unify a large number of moral judgments under a single idea, or a very limited number of ideas. Second, there is the *insight function*: the ability to provide insight into the nature or purpose of morality itself. Third, there is the *rational function*: the ability to provide a useful and suggestive basis for moral analysis and for resolving moral issues. These three functions are similar to the functions performed by theories in any area. For example, the theory of evolution unifies a wide variety of biological phenomena by showing their evolutionary origin. It also provides insight into the nature of biological phenomena by exhibiting their place in the evolutionary scheme of things. Finally, it satisfies the rational function by providing a suggestive basis for further scientific research and analysis.

Given this account of the functions of a moral theory, it is evident that what counts as moral theory is a matter of degree. Judgments on the first level do not qualify as moral theory at all, because particular moral judgments do not perform any of the three functions mentioned earlier. Particular moral judgments do not serve a unitive function, because they cover only one act. Because of their specificity, they do not give any significant insight into morality, nor do they provide general guidelines for moral thinking—again because of their specificity.

On the second level, general moral judgments fulfill the theoretical functions only minimally. While they unite a number of particular moral judgments, they cover only a relatively small set of these moral judgments. Their focus on relatively specific areas of morality also means they give only limited insight into morality generally. Finally, their relative
specificity gives them little ability to provide a basis for resolving moral issues.

Intermediate moral principles on the third level, by contrast, can lay considerably greater claim to the status of moral theory. Theorists on this level claim that the body of principles they advocate extends—or, with proper modification, could extend—over the entire range of common morality. Ross appears to believe that additional principles might be necessary. Gert, who, as we have seen, distinguishes between the “moral system” (the corpus of moral principles that covers common morality) and “moral theory” (ancillary ideas, including the attempt to justify morality) appears to believe that his moral system extends over all of common morality, although his account of the moral system has changed. While Ross does not devote much attention to the nature of morality, Gert, in his account of moral theory, holds that an important function is to protect people from one another. Finally, when combined with some auxiliary concepts, such as asking what other rational people would do in similar situations and considering how we might balance moral considerations when they conflict, both theorists claim they can provide guidelines for the resolution of moral problems.

Theories on the fourth level satisfy the requirements of moral theory to an even greater degree. Utilitarianism and RP theorists generally appear to believe that their theories extend over the entire range of common morality, understood as third-level principles and auxiliary principles. Furthermore, the theorists claim to provide fundamental insight into the nature and purpose of morality. For utilitarianism, the purpose of morality is to promote human well-being, and moral principles and judgments should be evaluated in terms of their effectiveness in accomplishing this aim. For RP theory, the purpose of morality is to protect persons from violations of their moral agency. Finally, as we shall see, the theories claim to provide useful guidelines for moral analysis and evaluation.

CAN A SINGLE THEORY EXPLAIN ALL OF COMMON MORALITY?

Now let us return to the claim about the unitive function. Contrary to the assertions of many utilitarian and RP theorists, there are reasons to believe that neither high-level theory can completely satisfy the unitive function. If the long debates between utilitarians and RP theorists show anything, it is that there are some aspects of common morality that each theory has difficulty accounting for in a wholly satisfactory manner.
These problem areas are well documented in the controversies between utilitarians and RP theorists, and I shall only briefly allude to a few of them.

First, consider utilitarianism. In common morality, the auxiliary concept of intent is crucial in moral evaluation. Whether an action is punished as murder or manslaughter is largely a matter of the intention of the perpetrator. RP theorists can explain the importance of moral judgments having to do with intent rather easily, because intention determines (or partially determines) the extent to which moral agency is involved in action. Utilitarians have a harder time. Only consequences for utility have intrinsic value; intention has only instrumental value, at best. In response, utilitarians can maintain that evil intent makes it more likely that actions with bad consequences will be performed, but (1) this is a factual claim which may or may not be true, and (2) this account does not seem to be as congruent with the motivations of common morality as the RP account.

Another commonly-cited problem for utilitarian theory is giving a proper moral foundation for the intermediate moral principle requiring us to act justly. RP theorists can explain the need for justice in terms of the equal status of moral agents, but since unjust actions can sometimes maximize utility, utilitarians can have more difficulties.

Still another problem is in giving an account of the general moral principle that we should give special weight to our personal projects and goals. If these projects and goals do not appear to maximize utility, utilitarians may find it difficult to justify them. RP theorists, by contrast, can explain these obligations in terms of the special duty we owe ourselves as moral agents, for we must refrain from treating ourselves as mere means or from subordinating our lives to larger utilitarian goals.

Finally, utilitarianism is often thought to have difficulties in accounting for supererogatory actions. If an action maximizes utility, it would seem to be obligatory, even if it imposes great sacrifice on the agent. Thus, there appears to be no place in the utilitarian scheme for the category of supererogatory actions; an action is required if it maximizes utility, impermissible if it produces less utility than an alternative action, and permissible if it produces equal utility with other actions that are as good as any available. This, however, may make morality more demanding than common morality appears to warrant. For RP theorists, by contrast, we must be careful about demanding highly sacrificial acts by making them morally obligatory. This comes too close to treating ourselves as mere means to certain aims, even if they are noble aims. Thus, we need the cat-
category of supererogatory action to properly take account of these moral considerations.10

RP morality also has shortcomings with respect to the unitive function. Most of the deficiencies having to do with RP theory’s tendency to disallow actions that common morality might well permit. For example, RP theory seems to be unable to justify killing the innocent, even when greater overall good—including the protection of other innocents—can thereby be achieved. For example, there are the classic problems with hydro-cephalic fetuses, where failure to crush the head of the fetus will result in the deaths of both mother and fetus. Or again, if one believes using the atom bomb in Japan was justified, the justification probably has to be utilitarian.

Another way of highlighting the counter-intuitive implications of RP morality with regard to harming the innocent when a greater good is involved is by considering the implications of the Golden Rule, often thought to be a part of RP morality. One interpretation of the Golden Rule is to specify that when several people are potentially affected by an action, everyone affected must consent to the action in order for it to be morally permissible. Suppose Susan is designing a fertilizer plant for a developing country. The plant as presently designed will emit some carcinogenic agents that will increase the chance of cancer in a small percentage of the population surrounding the plant. Yet eliminating the carcinogenic agent will make the fertilizer so expensive that the farmers cannot afford to buy it, resulting in many more deaths. If we apply the Golden Rule, it might well be that some affected by the carcinogenic emissions would consent to the fertilizer plant’s being built and some would not. If universal consent is required, building the plant would be impermissible.

My conclusion regarding the unitive function can appeal to a wider body of evidence than what has been presented here. Nevertheless, I shall conclude that neither theory can adequately explain all of the judgments of common morality. I shall refer to this deficiency as the Problem of Incomplete Extension. That is, neither theory can satisfactorily extend over the whole content of common morality. One response to this problem is to look for a better theory, but the prospects of finding such a theory are dim. Another response is to conclude that the inability of a single theory to fully and adequately account for common morality suggests that there are at least two conflicting conceptual strains within common morality itself, one having to do with promoting human well-being and the other with protecting the moral agency of individuals. Neither strain,
followed consistently, can yield all of the content of common morality. I shall adopt this explanation.

**IMPLICATIONS OF INCOMPLETE EXTENSION**

Given the inability of either theory to satisfactorily extend over the entire range of common morality, it is often desirable to subject moral dilemmas to analysis by both theories, using as appropriate various tests mentioned earlier for determining whether each theory has been satisfied. For utilitarianism, it is sometimes useful to look at the consequences for utility of a given action (act utilitarianism), while at other times, examining the consequences of a practice under which a particular action falls is more appropriate (rule utilitarianism). Sometimes cost-benefit analysis is useful. For RP theory, the Golden Rule or an analysis of a situation in terms of the protection or violation of rights is appropriate.

In applying these tests, two results are possible. Analysis may converge on the same conclusion. In this case, a high degree of confidence in the conclusion is warranted. At other times, however, the utilitarian and RP analyses diverge. In this case, it is sometimes possible to find what I have called elsewhere a “creative middle way” solution. That is, we can find a way of honoring the competing moral demands represented by the divergent conclusions. This assumes that the competing obligations have considerable moral force, as is usually the case if one conclusion follows from the utilitarian analysis and another from the RP analysis. While it is usually not possible to honor the competing demands fully, they can sometimes be satisfied to the extent that a workable solution to the dilemma can be crafted. I shall suggest some typical creative middle way solutions in subsequent sections.

On some occasions, the use of rules of thumb is helpful. One useful rule is that, if a course of action requires extensive violations of fundamental rights such as the right to life, the course of action should probably be rejected. This is especially the case in modern Western culture, where individual rights are accorded such high priority. Another rule of thumb is that in some situations utilitarian considerations may be accorded higher priority, or even a dominant status. One situation is where the rights violated are of less than primary significance. For example, the right to own property is less important than the right to life. Property rights might be legitimately overridden if utilitarian considerations are sufficiently powerful. The relative importance of utilitarian considerations is also augmented if the rights involved are only infringed
(that is, limited to some extent) rather than violated (that is, completely overridden). For example, the right to life is infringed if a plant emits a pollutant that increases the probability that the surrounding population will get cancer, and the right to own property is infringed if a governmental agency condemns private property and takes it (even at fair market value) against the wishes of the owner.

Moral theories, then, are often useful in resolving moral dilemmas because they converge on the same conclusion. They can also be useful, however, even when their conclusions disagree. On still other occasions, moral theories may not be useful or necessary at all. In the next section I want to consider situations in which moral theories may not be necessary. In the section following that, I shall consider in more detail how moral theories can be useful in cases of non-convergence.

**When Theories Are Not Necessary**

Consider the following situation. Engineer James has been employed by Company A for five years. While at Company A, he developed a computer program for managing assembly lines that speeds production, improves quality, and reduces accidents. Company A did not try to copyright the program, but has attempted to keep it secret. Now James has a new job with Company B, and he is asked to develop a program for managing the assembly line for his new employer. James realizes that the program would be very close to the one he developed for Company A. Should he use his knowledge of this program to come up with a very similar program for company B?

In this case, appeal to high-level moral theory does not seem to be necessary to resolve the case and in fact may even hinder its resolution. The method of casuistry or what I have called elsewhere “line drawing,” probably provides a surer way to resolution. Using this method, the practical ethicist identifies characteristics that are useful in determining whether the action is permissible, impermissible, obligatory, or supererogatory. The main consideration is whether the action could be considered theft, but there are also larger questions of whether the action would do harm to his former employer, whether the program James developed at Company A includes a considerable amount of “generic” information, what standard practices in the industry are, and so forth. The moral relevance of these considerations could be demonstrated by appeal to general moral principles such as “Employees should be loyal to their employers” and intermediate moral principles, such as “Do not steal.”
However, such demonstration is probably not necessary in most situations.

I take it as a maxim of practical ethics that only lower-level principles or considerations should be employed if they are sufficient to satisfactorily deal with the issue at hand. If we can show that James’ use of the program at Company B is theft, this may be sufficient to provide a resolution, since few people believe that theft is morally justified, especially in a case such as this. If it is not theft, some of the other considerations may be sufficient to show that James should not use the program at Company B. It may be, of course, that analysis will show that using the program at Company B is permissible. In any event, appeal to high-level theories is probably not necessary.

**USING MORAL THEORIES IN CASES OF NON-CONVERGENCE**

Now consider four types of situations in which high-level theories can be helpful in moral deliberation, even when there is not convergence.

First, high-level moral theories enhance our ability to recognize the nature of fundamental conflicts in moral controversies. Consider the following case, based on a real event. James must decide whether to use cadavers in testing cars for safety. Many members of the public believe that respecting the moral agency of individuals prohibits mutilating the bodies of deceased moral agents, as RP theory might suggest. However, certain kinds of tests can be conducted much more effectively with the use of cadavers, so that tests using cadavers will prevent more fatalities and injuries, thereby promoting overall well-being. Here the conclusions of the two theories diverge. A creative middle way solution is possible, however, in terms of which the use of cadavers is allowed when certain conditions are met. These conditions include showing that the use of cadavers produces significant benefits that cannot be obtained in any other way, and that prior consent of the deceased or (in some cases) consent of the family has been given. The more immediate point here, however, is that understanding the divergence of the two theories enables James to recognize a familiar type of ethical dilemma and appreciate its significance. Moreover, recognizing the nature of the divergence actually facilitates resolution of the dilemma.

A second way in which high-level moral theories can be useful is in anticipating the character of moral controversies, even before they arise. In evaluating the risks associated with a technology such as nuclear power, engineers and risk experts are inclined to come to public debates
armed with their arguments for the acceptability of the risks based on utilitarian considerations. The arguments often purport to show that the risk is outweighed by the benefits. From the utilitarian standpoint, a risk is acceptable if it produces more utility than disutility. To the dismay of engineers and risk experts, the public is often inclined to point out that these calculations do not sufficiently take into account other important moral considerations, such as whether the risks are justly distributed and whether those members of the public exposed to the risk have given their free and informed consent to it. In fact, while engineers may be more attracted to utilitarian ways of thinking, which are more susceptible to quantification, the public is often more impressed with RP arguments, which are more qualitative in nature. At any rate, if the engineers and risk experts had known their moral theory as well as they knew their engineering calculations, they might not have come to the public hearings so unprepared. Relying exclusively on one way of thinking and omitting the other is an unwise policy. As for resolving the problem, a creative middle way may again be possible, or it may be possible to show that the rights violations or infringements either are or are not as significant as considerations of utility.

Here is another example. Suppose one wants to anticipate the configuration of the public debate (and legal controversy) having to do with the protection of intellectual property. Knowing the utilitarian and RP ways of thinking, one can predict the kinds of arguments that will most likely be offered. From the perspective of the moral agency of the creator of such property, the state may be obligated to protect the creation of intellectual property. The creator of intellectual property has a right to profit from its sale, because his moral agency has been involved in its creation. From a utilitarian perspective, arguments can be made on both sides, depending on one’s assessment of the facts. On the one hand, it can be argued that protecting the right of the creator of intellectual property to profit from its sale provides the best incentive to create new intellectual property of social value. In this case, strong protections of intellectual property can be justified. On the other hand, it can be argued that allowing the free use of intellectual property best promotes innovation and hence social well-being. In this case, weak protections of intellectual property are in order. Thus, from the utilitarian perspective, whether intellectual property should be strongly or weakly protected depends on the factual question of which policy most effectively promotes innovation and hence social utility. The more important point is that an ability to appreciate the two conceptual trends within common
morality enables one to anticipate and construct many of the most important and relevant moral arguments in the debate.

The rules of thumb or creative middle ways may well supply the basis of a solution to this conflict, whether we are addressing a particular situation or attempting to establish guidelines for social policy on this issue. My more immediate point, however, is that RP and utilitarian theory facilitate an understanding of the deep moral roots of the conflict and even enable one to predict the general form of the debate.

A final illustration is taken from theories of the justification of whistleblowing. Richard De George has constructed a theory of the justification of whistleblowing which has a strong utilitarian component. For De George, deciding whether whistleblowing is justified is a matter of determining whether blowing the whistle is likely to prevent serious harm to the public and whether it is the only effective means of accomplishing this aim.14 Knowing RP theory, one can anticipate that sooner or later someone will come up with a theory of whistleblowing which adopts a perspective reflecting RP considerations. In fact, Michael Davis has recently argued that the primary reason for blowing the whistle is to protect the whistleblower himself from complicity in wrongdoing, a situation which would compromise his moral integrity.15 Protecting one’s moral integrity is a part of protecting one’s moral agency. As before, creative middle ways or the rules of thumb may provide guidelines for reconciling the competing moral considerations.

A third value of a knowledge of high-level moral theories is that it provides a way of appreciating the moral basis of familiar concepts and techniques used in ethical analysis. One such technique is the Golden Rule. According to the Golden Rule, being willing to be the recipient as well as the initiator of an action is an essential requirement for its moral acceptability. This requirement can be seen as following from the RP idea that all persons should be treated equally as moral agents. Thus, the Golden Rule can be used as one test, though perhaps not a sufficient one, of whether the requirements of RP morality have been met. The importance of rights can also be seen as following from either RP or utilitarian considerations, although I believe the RP account is more satisfactory. From the RP perspective, respecting rights—as such as the right to life, to free and informed consent, to free speech and to property ownership—can be seen as an important aspect of protecting moral agents from unjustified intrusions by others. From the utilitarian perspective, respecting rights can be understood as an important aspect of ensuring that peo-
ple have the conditions necessary to realize their own well-being, however they may define it.

A fourth value of knowing high-level moral theories is that it provides an effective means of criticizing some moral beliefs. Some moral beliefs appear to be based directly on moral standards that are alternatives to utilitarian and RP theories. The moral impermissibility of contraception is an example. Its moral impermissibility can be derived most plausibly from the moral standard that those actions which are “unnatural” are wrong. Another example is the belief that homosexual relationships are wrong. This belief is also most plausibly derived from the moral standard that actions that are “unnatural” are wrong. If it can be shown that these two prohibitions cannot be derived from either RP or utilitarian theory and that these two theories, taken together, are generally adequate to account for common morality, this is a powerful argument that these two traditional prohibitions should be rejected. It is of course possible to maintain that these traditional prohibitions should be upheld and that any theory with contrary implications, such as RP or utilitarian theory, must be rejected. However, the fact that RP and utilitarian theories have, taken together, such wide extension over common morality and yet cannot justify the traditional moral evaluations of contraception and homosexual relationships strongly suggests that the traditional evaluations are themselves incorrect.

CONCLUSION

The work of the practical ethicist is often likened to the work of a carpenter who uses whatever tools are appropriate to the task at hand. Sometimes a hammer is appropriate, sometimes a saw, and sometimes another tool. Like the skilled carpenter, the practical ethicist must know all of the available tools and have the skill and experience to know how and when to use them. A few decades ago, it was commonly thought that RP theory and utilitarianism were the only tools needed. Later, in reaction to this view, it came to be held that the theories were of no use at all. I have advocated a middle position, in terms of which these theories can be useful in some situations, even in those cases when they do not converge on a single conclusion. Paradoxically, appreciating the limitations of these high-level moral theories in arriving at convergence can sometimes make them more useful in practical ethics. In any case, whether by convergence or by divergence, or the help of creative middle ways and the rules of thumb, moral theories can often be useful in resolving moral
dilemmas. Both students and practitioners of practical ethics should be constantly reminded of this, because in practical ethics we need all of the help we can get.

NOTES


4. Donagan, for example, affirms emphatically that slavery is incompatible with common morality. See Donagan, *op. cit.*, p. 83.


10. A two-level utilitarian theory, such as that of R. M. Hare, could claim to provide an answer to this problem: we need the category of supererogatory actions from a utilitarian perspective, because otherwise the extreme nature of the demands of morality would prompt most actors to give up on morality as just too demanding for ordinary mortals. This loss of respect for morality would, in turn, have negative utility. RP theorists could respond, correctly in my opinion, that this is not the right *reason* for having the category of supererogatory actions. We have it because, otherwise, morality infringes too much on the moral agency of the individual.


