RESPONSE TO MICHAEL DAVIS: THE COST IS MINIMAL AND WORTH IT

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Davis’ essential claim is that moral theory, however useful to moral theorists and applied ethicists, is of value neither to students in classes in practical and professional ethics nor to practitioners, such as physicians, lawyers, or engineers. For students and practitioners, the benefits of bringing in moral theory are not worth the costs. Davis finds a number of types of cost in my approach. Some of them are the time it takes to present the theory in an adequate manner, the difficulties that non-philosophers might have in presenting moral theory, the less intuitively plausible nature of moral theories (as opposed to his tests), and the fact that theory tends to put off both students in practical ethics and practitioners, primarily because it is supposed to be too far removed from their practical concerns.

Instead of moral theory or even tests derived explicitly from moral theory, Davis maintains that students and practitioners will find it more useful to assess a course of action by means of a series of common-sense questions, whose content I shall mention shortly. The common-sense quality of these tests, Davis maintains, makes them more immediately and intuitively plausible to students and practitioners, so that they need no elaborate defense. He also thinks they will take less time to present and are easier for teachers who are not philosophers to master.

In my paper I did not make a distinction between professional practical ethicists on the one hand and students in applied ethics courses and practitioners on the other. Nevertheless, I believe moral theory has value to these latter groups, so I must answer Davis’ arguments. Before I do this, however, I must say that Davis’ argument prompts me to wonder what reading material he assigns to his students in his courses in practical ethics. Some of these papers appeal to moral theories: RP theory, utilitarianism, virtue theory, natural law and so forth. While I am the first to admit (as I explicitly say in my paper,) that some discussions in practical
ethics can get along quite well without moral theory, some cannot. In a
discussion of exploitation in international business, it may not be neces-
sary to inquire as to why exploitation is wrong. This can be assumed. The
same would ordinarily go for lying, murder, theft, and so on. A paper on
abortion, for example, need not devote space to an argument that murder
is wrong; the question for the practical ethicist is more likely to be
whether abortion is murder. On the other hand, 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
references to moral theory. I shall not pursue this issue, however, in favor
of turning to another of Davis’ arguments.

Davis believes that it takes too much time in a class in practical eth-
ics to present ethical theory. He is entirely correct in pointing out that
what I propose is a far cry from spending three or four weeks on utilitar-
ian theory and an equal amount of time on what I call RP (respect for
persons) theory, as Davis says he does in his moral theory classes. I usu-
ally spend three or four lectures presenting the two “ways of thinking,”
the problem of “incomplete extension,” as I call it, the three tests for util-
itarianism, and the three tests for RP theory. In my class, some additional
time may be spent in the smaller Friday break-out sessions reviewing or
expanding this material. Is this too much time?

Here is another consideration relevant to Davis’ complaint that it
takes too much time to present the moral theories. Davis presents seven
tests for his students to use. He avers, however, that he is willing to add
to the number, including a rights test, a natural law test, a test based on
care theory and a test based on feminist theory. This could lead to a total
of eleven tests. Assuming that a little time is taken to present each of the
tests and some examples of their application, it seems to me that such an
approach would take at least as long to present as the two theories I
advocate. Even if all of the tests are not always presented, I wonder
whether there is much, if any, difference in the time required.

Another disadvantage that Davis sees in my approach is that it is dif-
cult for non-philosophers to present the material. I disagree with this
claim for the following reason. As Davis points out, what is presented in
the textbook (and what I present in class) is two “ways of thinking,”
rather than full-blown versions of two theories. My focus is on the
“genius” of the two theories, the fundamental idea of the nature and pur-
pose of morality that is present in each of the two theories. For utilitari-
anism, the purpose of morality is to promote human well-being.
Utilitarianism has a highly progressive, forward-looking spirit. Part of this
progressive spirit is the expansion of the audience over which utility is calculated. For utilitarians, the audience must include not only women, but also animals that can experience pain and pleasure and future generations of humans (and presumably animals). The major criterion for moral evaluation is, “Will this action (or policy) promote the well-being of humans and sentient creatures?”

RP theory, on the other hand, focuses on the status of human beings as rational moral agents and the importance of protecting moral agents from various kinds of violations of their moral agency. Moral agency includes the ability to make free moral decisions on the basis of moral principle. As opposed to the essentially positive orientation of utilitarianism, RP theory has a negative, protectionist quality. Unlike utilitarianism, its very orientation makes it difficult to enlarge the audience for moral calculation to include non-human creatures, except in an indirect and limited way.

Presenting the “genius” of the two theories does not take much time, and it is difficult for me to understand how non-philosophers could find presenting the fundamental ideas of the two theories difficult or excessively forbidding. The ease of presentation and understanding is facilitated by the fact that both of these theories have deep groundings in common morality and are highly intuitively plausible. It is in fact the highly plausible and profoundly insightful nature of the two theories that makes them so satisfying to present in a moral theory class. I do not think the core of a moral theory class is engaging in the “arms race” between the two theories, although this is a legitimate and important element. Rather, it is conveying the intellectual excitement, suggestiveness, and moral fervor that is immediately evident in the two theories and in the writings (and often in the lives) of their most famous proponents.

In short, I believe the two theories are as close to our moral common sense as the tests derived from them—perhaps even closer. I do suggest presenting a mini-version of what Davis calls the “arms race” and what I call the problem of incomplete extension. If non-philosophers find this too forbidding or uninteresting, they could omit it, although not without a considerable loss.

I want to turn now to some of the benefits of using moral theory. In my paper I listed four advantages: the ability to recognize the nature of fundamental conflicts in moral controversies, the ability to predict the course that many moral conflicts will take, an understanding of the underpinnings of familiar concepts and techniques used in ethical analysis, and an enhanced ability to criticize moral beliefs. I believe these
advantages apply to students and practitioners as well as professionals and practical ethicists. Students and practitioners can also find value and reassurance in the understanding that the conflicts they encounter between respecting individuals and promoting the general welfare (such as in the dispute over the use of cadavers in crash testing) are conflicts that reach deeply into the nature of common morality itself. As a result of this understanding, they should not be surprised to find these conflicts playing out in practical ethical problems. They can also find value in being able to predict that these conflicts will often play out in public debates (such as the debate over determining acceptable risk). They can also find value in the deeper insight that theory provides into the foundation of the moral tests that both Davis and I discuss. Finally, they can benefit from using the theories in evaluating moral issues, in the way I discussed in my paper.

Rather than discuss all of these claims, however, I want to focus on the question of the benefits that accrue from understanding the moral basis of the various tests that both Davis and I use in teaching practical ethics—the third advantage listed above. Many of the issues that Davis discusses are related in one way or the other to this third advantage.

Davis proposes several questions that students and practitioners ask in considering moral issues: (1) whether the option produces less harm than an alternative, (2) whether I would want my choice published in the newspaper, (3) whether I could defend my choice before some public body or my parents, (4) whether I would still adhere to my choice if I were one of those adversely affected by it, (5) what I would become if I chose this option often, (6) what my profession’s ethics committee might say about my choice, (7) what my colleagues say when I describe my choice to them, and (8) what my professional organization’s ethics officer or legal counsel say about the situation.

Davis concedes that many of these questions are related to the two moral theories I consider to be of special importance, although some are related to other theories and positions in moral philosophy. (1) is generally utilitarian, although without any mention of benefit. (2)-(4) are, according to Davis, related to RP theory. (5) is related to virtue ethics. Davis believes (6)-(8) are related to moral relativism, presumably because they do not presuppose any objective moral truth and could differ with the organizations and individuals to which one appeals.

Now let’s look at these tests in more detail, together with some others suggested by my approach. In doing so, I believe we can see some further advantages of my approach. The first, or harm test, is utilitarian,
but without any reference to benefit. Using a more robust version of utilitarianism has several advantages. One advantage, of course, is the encouragement to consider benefits as well as harms. Engineers, for example, consider benefits as well as harms when evaluating an engineering project. Another advantage of the more robust utilitarian approach is that it provides the basis for more effectively relating moral considerations to cost-benefit analysis. Engineers and others often think of cost-benefit analysis as a non-moral or morally neutral technique. It is not. It is simply a form of utilitarianism which interprets costs and benefits monetarily. While often of great value, it has both the traditional weaknesses of utilitarianism and the limitations of interpreting costs and benefits solely in economic terms. Relating the test explicitly to utilitarianism would draw out these issues.

Two other points about the harm-benefit issue deserve mention. First, another advantage of explicit references to utilitarianism is that it would encourage consideration of the distinction between act and rule utilitarianism. Whether rule utilitarianism can be reduced to act utilitarianism is a theoretical question, but the distinction has value in practical ethics. The important difference between the two is that act utilitarianism focuses on the harms and benefits of particular actions, whereas rule utilitarianism focuses on the harms and benefits of general policies and on laws. It is one thing to consider whether Jones & Jones engineering firm should advertise in a certain way and another thing to ask whether advertising is a good thing for the public, all things considered. Second, I agree with Davis that our textbook and my teaching should devote more attention to how harms and benefits can be measured and assessed. This could be an important addition to the thinking of those who “do” ethics in a practical context.

According to Davis, (2)-(4) are related to RP theory. I suppose the argument would be that the publicity test that seems to be implicit in (2) and (3) is related to universalization, which in turn is related to the idea that all moral agents should be treated equally. Be that as it may, the reversibility test in (4) is clearly related to the Golden Rule. Both are embodiments of the moral intuition, deeply grounded in our common morality, that everyone deserves equal respect as a moral agent. Davis is even willing to add a test about rights to his list, and I think he should. “Rights talk” is almost a universal vocabulary for ethics. It is important in considering international as well as domestic issues. I cannot imagine discussing the effects of pollution or the rights and wrongs of abortion without a reference to rights. The difference between Davis and me is
our willingness to bring up moral theory as an explanation of the foundation of these tests.

Davis’ question (5) derives, as he says, from virtue theory. Although I have no objection to using this test, I do not believe that virtue ethics reflects fundamental fissures in common morality in the same way that utilitarianism and RP theory do. One can, of course, derive the virtues from RP or utilitarian theory. Honesty is good because it promotes human well-being if people are honest, or because being dishonest with people deprives them of the ability to act as free and informed moral agents. While I do not find this derivation of the virtues wholly satisfactory, virtue ethics has an important place in practical ethics. For example, the best way to express the more positive and aspirational aspects of practical and professional ethics is by means of the virtues. Rules are an appropriate vehicle for expressing the negative and preventive aspects of professional ethics, such as the prohibitions of violating confidentiality, accepting gifts, or having conflicts of interest. They are not as appropriate for formulating the more positive aspects of professional life, such as compassion in medicine or respect for the environment in engineering.

I have no objection to Davis’ last three tests (6-8), but their limitations must be recognized. They are not going to be helpful when critiquing the provisions of codes of ethics, which are probably at the foundation of the last three tests. The past few decades have seen strong criticisms of medical ethics for insufficiently respecting the autonomy of patients, a criticism deriving from RP considerations. Engineering codes have evolved from the time when the primary obligation of engineers was to employers, to the present situation, in which the primary obligation of engineers is unambiguously ascribed to the public. Engineering codes still make no mention of the rights of engineers to offer dissenting professional opinions in the workplace. The last three tests provide no basis for making these sorts of criticisms, as Davis would no doubt recognize. Thus, the criteria should have primary place.

I can therefore see no reason for believing that the usefulness of moral theory holds only for professional practical ethicists and does not also include students of practical ethics and practitioners as well. Although I have not argued this point extensively, it seems obvious to me that the arguments in my original paper also apply to students and practitioners. The ability to anticipate the form of future moral controversies and the ability to more effectively resolve them is surely of value to members of these groups, as well as to professional practical ethicists. A
deeper understanding of the basis for the tests that Davis and I advocate is likewise of value to anyone.

There is, however, a still more practical argument which concerns Davis, and it concerns me as well. Davis maintains that many students in practical ethics and many practitioners are simply put off by discussions of moral theory. I have also found this to be true of at least some of my students, even given the limited discussion of ethical theory that I propose. This resistance to theory is difficult for me to fully understand. Davis finds that discussions of the tests he offers are well received by students, and yet his tests are very close to mine. As for moral theory, I have argued that the basic ideas of the two theories are highly plausible and close to our moral common sense. What is the source of the resistance? Perhaps it is the exposure that I give students to the limitations of the two theories, but this exposure is minimal. Furthermore, this limited exposure is important, both for understanding why neither theory is comprehensive and for understanding some of the limitations in the tests used. What should be said, then, about the resistance of some students to moral theory?

First, my engineering colleagues complain that students also object to theory in their engineering classes. One colleague gave the example of students’ objecting to his insistence that they learn the mathematics underlying the computer programs they use in his class. Their sentiment was, “We don’t need the theory—we can just use the programs.” He was not impressed and insisted that they should learn some of the theory anyhow. Other engineering colleagues have complained that, if students do not see the immediate and direct relevance of theory to practice, their eyes glaze over. It is simply a characteristic of professionals, who are concerned with practical affairs, that they are going to be impatient with theory, even when it is useful for their own practical work.

Second, students in applied ethics courses often object to more than moral theory. My students in engineering ethics are impatient with anything that involves “judgment.” Everything that does not yield a number in the box at the bottom of the page is “subjective” and thus a matter of opinion, and one subjective opinion is as good as another. This is of course nonsense. My engineering colleagues say that this mentality is an unfortunate result of the way many engineering courses are taught and that it is a far cry from the way real-world engineering is practiced, where judgment that goes beyond what the numbers say is often required. Students will eventually have to learn that not all judgment is the same; there is a difference between rational and responsible judgment and irrational
and irresponsible judgment. My point is that sometimes the attitudes of students cannot be allowed to be the last word.

Third, it is always possible to tell students and practitioners that in their real-world experience there are a few simple guidelines that they should remember. One of these is that they should be aware that, in cases of moral conflict, the issues will often take the form of an opposition between considerations of harm and benefit to the public on the one hand and considerations of the rights of individuals on the other. Both the harms and benefits should always be considered. Another guideline is that the question whether rights have been violated is crucial and should be taken into account. Still another guideline is that the Golden Rule is a very good moral criterion, although not a sufficient one. These guidelines are as simple as anything Davis presents, perhaps simpler. Students and practitioners will probably not find them unduly technical or forbidding. If they do, they shouldn’t.