I teach a course in professional ethics. For most of my students, this is their first, and perhaps last, course in ethics. I want this course to rest on solid philosophical ground, but I’ve never been satisfied with the standard philosophical approach — a brief survey of leading philosophical theories of morality, along with efforts to fit the moral landscape of the professions into those theories. The surveys are typically superficial and the fit is bad. Bernard Gert’s *Common Morality* offers a promising alternative.

*Common Morality* is succinct, sensible, rigorous, and clearly written. It begins with *us*, not just *me*. This is especially appropriate for a course in professional ethics, which is about an *us*, not just a *me*. Gert’s *us* includes philosophers and non-philosophers alike, and on the same initial footing. The book is about the shared moral ground of *thoughtful* people. It invites its readers to reflect on something that is at least implicitly operative in their lives. In short, it starts in the right place.

The idea of *rationality* is fundamental in Gert’s account of our common morality, but it has a more modest role to play than some might wish. It is rational to be moral, but it is not necessarily irrational to be immoral. David Hume’s *sensible knave* makes this clear. Although fully aware of the advantages to all of the common rules of morality, the sensible knave has a further thought:¹

And though it is allowed that, without a regard to property, no society could subsist; yet according to the imperfect way in which human affairs are conducted, a sensible knave, in particular incidents, may think that an act of iniquity or infidelity will make a considerable addition to his fortune, without causing any considerable breach in the social union and confederacy. That honesty is the best policy, may be a good general rule, but
is liable to many exceptions; and he, it may perhaps be thought, conducts himself with most wisdom, who observes the general rule, and takes advantage of all the exceptions.

As Hume characterizes him, the sensible knave apparently is aware of the immorality of what he is contemplating doing. He is a knave. But he is also sensible, not irrational. Although Gert does not talk specifically about Hume's sensible knave, the clear implication of his account of rationality is that Hume is right in not depicting the sensible knave as irrational. However, the passage may leave readers wondering about the rationality of those who resist the knave's attitude. Does wisdom lie on the side of the knave?

Hume points out that it may be difficult for the knave to avoid his own eventual undoing, but he doesn't rule out the possibility that he could succeed. At this point Hume appeals to conscience and the difficulty those of us who are not knaves would have “bearing our own survey.” We may worry that here our rationality gives way to “feeling” — that our rationality is silenced, if not compromised. A strength of Gert’s Common Morality is that it neither silences nor compromises our rationality in the moral realm. Instead, it offers a depiction of common morality that illuminates its rationality — but without denying that knavery can be rational, too.

In short, although common morality can lay claim to practical rationality, it does not exhaust it. Common morality may do battle with other forms of practical rationality, but it cannot claim rational superiority over them. The rational appeal of common morality is its reasonableness, which is essentially social, not individual. Common morality is for Gert a public system, and this is something that Hume's sensible knave does not fully embrace, even while recognizing its value.

Hume invites his readers to morally rebuke the sensible knave by appealing to their moral sentiments. Gert explains the rational grounds for this rebuke — grounds that thoughtful people at least implicitly understand and morally serious people accept. So, in an important sense, thoughtful readers are well equipped to undertake Gert’s inquiry with him — possibly even to challenge it at some points. Although led by a philosopher, this is not an inquiry for philosophers only. I should think that this would appeal to students in their first course in ethics (here, professional ethics).

Common morality, Gert says, is based on universal features of human nature such as our fallibility, rationality, and vulnerability. He points out that common morality is not a system derived from his, or any
other, moral theory. Common morality comes first. Its existence does not depend on the theorizing of moral philosophers. In fact, Gert says that common morality is accepted in all philosophical theories of morality. Given this, a preliminary task is to try to determine how common morality functions in the lives of thoughtful people who may never attempt to construct a philosophical theory of morality.

Gert’s account of common morality provides ample room for unresolved disagreement among well-informed reasonable persons. He rejects the idea that, for every moral question, there must be one and only one rationally supportable answer. Nevertheless, Gert holds, common morality provides us with a structure within which we must operate if we are to be moral, and it is sufficiently detailed and restrictive to enable those who agree on the relevant facts to come to moral agreement in the overwhelming majority of cases.

A central feature of Gert’s account of common morality is a list of 10 moral rules and 10 moral ideals. Acknowledging that it is likely that his presentation still has unclarities, or even mistakes, he says he is confident that his description comes close to adequately capturing what common morality is. Professional philosophers will undoubtedly find something about which to quarrel. Others will, too. However, a real strength of his account is that it directs our attention to common morality as a fundamental moral resource available to all thoughtful people, not just philosophers.

Each of Gert’s rules and ideals captures something of central moral importance, and collectively they are intended to be comprehensive. They are a rational reconstruction of basic features of our moral lives — albeit, a reconstruction that attempts to represent faithfully something implicit in our lives rather than to reform or otherwise alter what is there.

Gert’s first five rules are:

- Do not kill.
- Do not cause pain.
- Do not disable.
- Do not deprive of freedom.
- Do not deprive of pleasure.

None of these rules is “absolute,” in the sense of having no exceptions; there are occasions when they conflict with one another, the second set of five moral rules, or the moral ideals. However, violations of these rules require a justification that can be accepted by all rational, moral agents.

The second five rules are:
• Do not deceive.
• Keep your promises.
• Do not cheat.
• Obey the law.
• Do your duty.

Again, none of these rules is “absolute,” but violations require a justification. That there can be justified departures from a moral rule is a central feature of common morality, which, although providing a framework for making moral decisions, also allows, within limits, “divergent answers to most controversial questions.”

All moral agents, says Gert, agree that killing, causing others pain or disability, or depriving others of freedom or pleasure is morally wrong without some justification. This is in contrast to, for example, taking a walk or not taking a walk, neither of which normally requires any justification. Likewise, all moral agents agree that deceiving, breaking promises, cheating, breaking the law, and neglecting duties are in need of moral justification. Gert concludes:

The claim that there are moral rules prohibiting such actions as killing and deceiving means only that these kinds of actions are immoral unless they can be justified. Given this understanding, all moral agents agree that there are moral rules prohibiting such actions as killing and deceiving.

However, since common morality is only implicit in the lives of most moral agents, it should not be supposed that ordinary moral agents would, if asked, produce Gert’s specific list of moral rules. Instead, what should be expected is that ordinary moral agents are sensitive to the immorality of, as he puts it, certain kinds of actions. The moral rules are offered as articulations of those kinds of actions.

Gert allows for the possibility that other formulations of moral rules might also do this, “but the present formulation is both natural and has less serious problems than other commonly proposed formulations.” Some alternatives are too broad to capture important distinctions. Gert acknowledges that “Do not cause harm” could include all of the first five rules, but it fails to differentiate basic kinds of harm. “Do not violate trust” could include all of the second five, but promising-breaking, cheating, deceiving, disobeying the law, and failing to do one’s duty are importantly different ways of violating trust.

In any case, Gert says, “It is more important that every immoral act be covered by some moral rule than it is to determine which particular
rule is violated.” This is reasonable. Furthermore, if common morality is only implicit in the lives of ordinary moral agents, including professionals, we should be able to begin the task of describing it without relying explicitly on the precise list of moral rules and ideals that are central to his account. We could, instead, begin with, say, the virtues and vices that Gert says go along with his moral rules. The question of whether his ten moral rules, or some modification or emendation of his list, best depicts common morality as a system can be left open here.

Gert compares learning a moral system with learning a grammatical system:

People don’t explicitly use the moral system when making their moral decisions and judgments. People also do not explicitly use a grammatical system when speaking and when interpreting the speech of others. Children learn to make the right moral decisions and judgments by listening to and watching adults do this, and they learn from being praised and corrected. Assuming this goes well, eventually they can be expected to develop moral virtues.

Although these moral virtues are distinct from Gert’s moral rules, there are connections, especially with the second five rules. Because there is no special moral credit for not violating the first five rules, Gert says, there are no moral virtues corresponding to them, only a moral vice, cruelty. However, each of the rules in Gert’s second set of five has a corresponding virtue and vice: truthfulness and deceitfulness go with “do not deceive”; dependability and undependability go with “keep your promises”; fairness and unfairness go with “do not cheat”; honesty and dishonesty go with “obey the law”; and conscientiousness and neglectfulness go with “do your duty”. Again, we might fuss over some of the details, for example, objecting that dependability and undependability seem to go as much with “do your duty” as conscientiousness and neglectfulness. Or we might wonder why honesty and dishonesty are associated only with “obey the law” rather than, say, making and keeping promises.

More important, however, is the fact that the virtues operate much as Gert’s moral rules do. In general, one should be honest, but not always. For a basically honest person not to undermine his or her virtue of honesty, it is important to have a justification for acting dishonestly on some occasions. Turning in someone else’s term paper as one’s own detracts from the virtue of honesty, whereas lying in order to save an
innocent person from an assailant does not. So, Gert says, having the appropriate virtue does not mean one never violates the corresponding moral rule. Nevertheless, the virtues:

all require knowing (but do not require being able to articulate) when it is justified to break the moral rule. There are no precise rules for attributing these virtues and vices to a person. Making moral judgments about people, rather than actions, is related to an appraisal of how much the person exceeds or falls below what rational persons would expect of people.

Given this characterization of the virtues, including their centrality in common morality, it can be seen that those who acquire the sorts of virtues associated with Gert’s moral rules and ideals bring a powerful moral resource with them into professional life. Admittedly, there is much about ethics in a given profession that the neophyte must learn (and, all too often, the hard way). But the basic elements of common morality, with its accompanying virtues, should already be in place.

It should be obvious that I am very pleased that Bernard Gert has made a shorter, more succinct version of his account of morality available to philosophers and non-philosophers alike. It should be quite satisfying to both. It consists of two basic parts. Part I describes what he calls the system of common morality. Part II provides the moral theory he thinks underlies common morality. Part I, I believe, is more accessible to non-philosophers. Part II, although clearly written and well-argued, is more challenging. I don’t know if my students will find this accessible enough. I may assign only parts for required reading. But the discussions of impartiality and why one should act morally are especially important to include, I think.

I will close with a problem — at least for me. I believe that Gert is quite correct in holding that there are some controversial issues about which we can expect well-informed, reasonable people to disagree. In this sense, common morality underdetermines moral matters by not providing us with uniquely correct answers to all moral questions. This can be seen as a problem between persons, and it may call for political resolution, interpersonal compromise, mutual respect despite differences, and the like.

However, it seems that there can be a similar problem within a person, especially when one realizes that common morality cannot by itself resolve certain issues. The subtitle of Gert’s book is, Deciding What To Do. What if, from the standpoint of common morality, a particular issue does
not seem resolvable — reasonable people can disagree? I may have already made up my mind about where I stand on the matter; and now I have to determine how to deal with those who differ from me. But what if I haven’t made up my mind yet? I am only at the point of realizing that reasonable people may disagree on this one. I have been listening to others — and to myself. Thus far, I am undecided; but I want to decide — and I want to decide well. Common morality has said its piece, and matters are still up in the air. Armed with good information and the rules of common morality, it may be the case, as Gert claims, that 99 percent of the time common morality will come to the same conclusion for all. But what about that 1 percent — much of which may consist of issues I’m still struggling to resolve for myself. Would it be rational to flip a coin? If not, what moral resources other than common morality might I call upon? 

A possible case in point. A distinction is commonly made between permissible and obligatory whistleblowing. Suppose that you convince me that, from the standpoint of common morality, it would be morally permissible for me to blow the whistle, but that it is not morally obligatory that I do so. Fine, but I’m still trying to decide whether or not to blow the whistle; and this indecision seems to be, for me, a moral matter. If common morality cannot resolve this matter for me, is there no further rational, moral appeal for me?

It is clear that Gert’s moral rules and ideals, or any approximations of them, do not provide us with a system that can be expected to give us algorithmic solutions to problems in practical ethics. No doubt many cases will be straightforwardly analyzable as morally acceptable or unacceptable. However, more challenging cases seem to require the exercise of interpretative and critical skills. Does this take us beyond common morality (but not beyond morality itself)?

NOTES


2 The next 2 ½ pages (12 paragraphs) are adapted from my *Professional Ethics: Thinking Ethically* (Lawrence, KS: University Press of Kansas, 2006), Ch. 2, “Practical Ethics.”

9 Gert does not discuss the possibility of adding another layer to the structure of his system: Having two basic rules — not harming, and not violating trust — with his ten rules serving as corollaries. Perhaps he would say that adding this layer would not aid our practical reasoning, as we would still need to focus on the more specific kinds of harms in any given case.


12 To cruelty we might add indifference, callousness, or other vices that betray a lack of concern for harms caused, even if there is no cruelty.