Chapter One

Moral Arguments and Morality

> **I like parties. I don't think there's anything wrong with that at all. And if people think that's glamorous, fine. But if people think that's something bad, I'd like some reasons for it.**
>
> **Simon Le Bon of Duran Duran**

1. Moral Discussions. What Simon said was simple and entirely in order. A demand for reasons is the natural and predictable reaction of anyone on the receiving end of criticism. If we enjoy hamburgers and some moralizing vegetarian tells us that eating meat is "something bad," the first thing we are likely to do is to ask for his or her reasons. No one is going to be moved to vegetarianism by the mere claim that there is something "bad" about eating meat. What, we will inevitably ask, is bad about it? In fact, anyone who moralizes about anything to a skeptical audience can expect to be asked for some reasons.

Tom Regan, a contemporary moral philosopher, has described the convention we seem to share: "When people say that something is morally right or wrong, it is always appropriate to ask them to give reasons to justify their judgment, reasons for accepting their judgment as *correct*." (Regan [2], 8) Well maybe not *always*—we don't interrupt sermons, and politeness sometimes dictates forbearance. Nevertheless, the convention Regan mentions does seem to govern our day-to-day conversations. Another philosopher goes even further. James Rachels claims that when someone

says that you should do something, you may ask why, and “if no good reason can be given, you may reject the advice as arbitrary and unfounded.” (Rachels and Rachels, *The Elements of Moral Philosophy*, (2007), p. 12)

The word ‘rational’ can be understood in different ways, but however it is finally explained, it is likely to turn out that a rational creature is one whose beliefs and actions are based on reasons and reasoning. The idea that we have (or should have) reasons for our actions and beliefs influences the conventions that govern the ways we talk, and it opens the way for discussion, persuasion, debate, compromise, and sophistry. It is the belief that rational beings need reasons to support their *moral* judgments that leads Regan, Rachels, Simon Le Bon, and the rest of us to ask our fellow rational beings for their reasons when they make moral demands on us or pronounce moral judgments about what we have done. As we shall see, the real problems with this arise not from the fact that it is so hard to find reasons to defend our actions and our moral judgments, but from the fact that it is so easy to do so.

The demand for reasons is the first defense against moral criticism, so when we accuse someone of a moral fault, we will almost certainly be asked for reasons and, knowing this, we will be ready to meet those demands with principles, argument-fragments, slogans, and facts to support our criticism. If, on the other hand, it is we who are being criticized, we will usually have no problem generating reasons that justify, or at least excuse, our alleged immorality. We are all so good at generating these reasons because we have been doing it all our lives and because the reasons we produce do not have to be super-reasons, powerful enough to convince any rational being. Almost

anything not obviously false or irrelevant will do for a start. If we associate with people who share our moral beliefs, and pay attention to what they say, we will develop an arsenal of arguments and replies that will see us through most challenges.

Hunters and trappers now appeal to ecology and even genetics to answer their critics, and some of their points are weighty enough to deserve more attention than they usually get from those whose support for “animal rights” owes much to emotion. But your ordinary hunter need not study ecology or genetics to support the sport. When the critic says that what is bad about hunting is the pain caused to the animal, there are plenty of well-worn replies—some of which have been collected by Cleveland Amory in his book, *Man Kind?* There Amory quotes from “Trapline Ramblings,” by trapper-reverend Roy Johnson of Hammond, New York, who argued that there is no question of a trapped animal feeling pain, and said:

> If a man beats his wife every day, she suffers because she has an immortal soul. But if he beats his hound-dog, it may yelp some but it won’t suffer because it has no soul and no consciousness. (Amory, 219)

From this we are apparently supposed to conclude that since dogs and trapped animals have no soul or consciousness they are incapable of suffering. This is not merely the opinion of some grizzled woodsman, it was apparently Descartes’ as well, who thought that non-human animals, being without souls, were machines and could no more feel pain than a watch. It is difficult to believe that anyone who has actually seen a dog could think this, but when it is a matter of protecting some cherished philosophical position or some favorite activity like hunting, trapping, or hound-beating we will find

people saying things that are so strange it is difficult to believe that they really believe what they are saying.

Amory also cites *Animals and Men—Past, Present, and Future,* a publication sponsored by the fur industry and full of remarks that can be used to defend hunting and killing animals.

> I have the impression, based on field observation, that many
> shot animals do not especially show feelings or pain.
> There are no 'rights' in the natural world—to the victor
> belongs the spoils.
> It is hard to know what people mean by 'cruel' or
> 'inhumane' . . . . (Amory, 244)

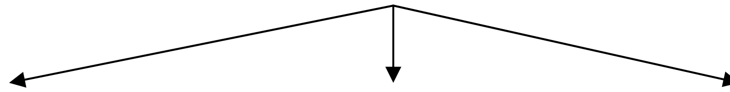
If someone says that it is "cruel" or "inhumane" to use steel traps, we can ask for a definition of 'cruel' or 'inhumane', and then attack the definition. If someone talks about the rights of animals, we can insist that only humans have rights and that in the "natural world" it is every beast for itself. It is easy to think of replies to these moves, but it is almost as easy to come up with replies to those replies. The remarks Amory quotes may seem like desperate sophisms based on zoological ignorance, but similar claims can be found whenever people argue about who or what it is morally permissible to injure or kill.

My example had to do with the treatment of animals, but we could have chosen any moral issue—terrorism, war, capital punishment, sexual morality, abortion, political or personal duplicity, the treatment of the environment, or any of the problems

associated with attempts to distribute the benefits and burdens of society. Each of these topics has generated a web of disputation, assembled from slogans, hidden assumptions, loaded interpretations, and subtle arguments. Many of the slogans are insulting in their simplicity, and many of the arguments are rhetorical displays, but the slogans sink in, and the arguments match the standard patterns of rational debate. So even if no one is ever logically compelled to admit defeat or error, we all feel that by engaging in this “argument dance,” this ritualistic tossing of “reasons” in each others’ direction, we have satisfied the minimal demands made upon those who wish to hold a moral position. We have not been unreasonable because very bad reasons are still reasons.

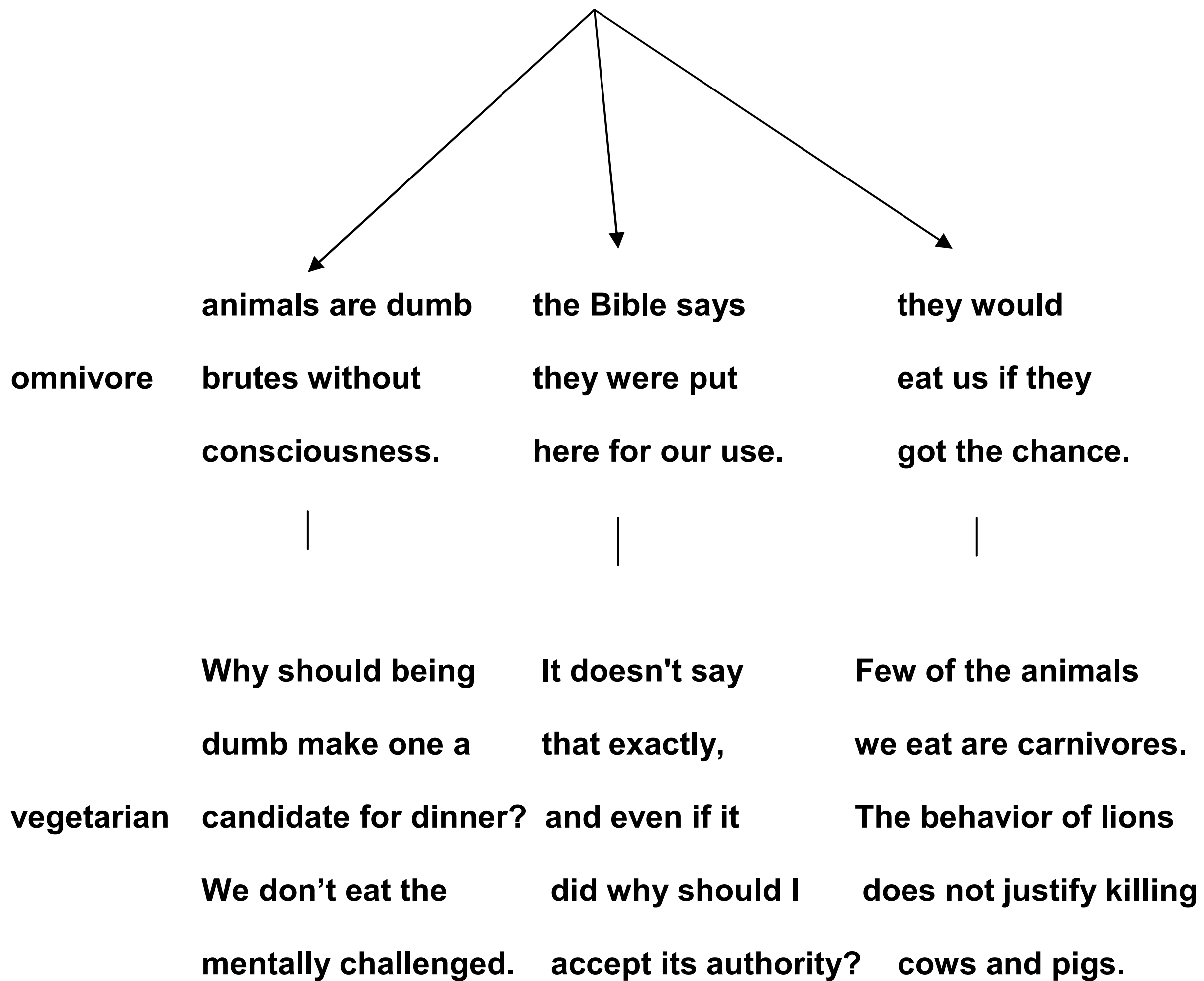
We can illustrate how this works by returning to the debate between the vegetarian and the meat-eater, here called the “omnivore.” The vegetarian says it is wrong to eat animals, and then supports this claim with a reason. There are many reasons available but, as the following
diagram suggests, a dedicated omnivore will be able to find some way to reply to each of them:

It is wrong to eat animals because



vegetarian	**the meat industry is responsible for terrible suffering.**	**animals have the right to live out their lives.**	**it is wrong to kill.**
omnivore	**My eating or not eating meat won't change that.**	**What do you mean by 'right'?** **And I have the right to eat what I need to stay alive and healthy.**	**It is not always wrong to kill. There are many exceptions.**

If, on the other hand, the omnivore supplies the arguments, the vegetarian can, with little trouble, find an apt response:



These arguments can be continued, but usually after a few moves, the dispute will mutate or lose focus, and the antagonists can turn their attention elsewhere with no fear of being thought irrational, arbitrary, or dogmatic.

Arguments about moral issues can expand in many ways. Some degenerate into theological disputes. Others come to an impasse over some difficult or abstract philosophical problem (What is the nature of goodness? What is a person?). Some moral arguments evolve into disputes about the meanings of words (the meaning of ‘life’, or ‘rights’, or ‘humane’), and often they come to a standstill over some factual claim that neither side can prove or disprove (Does capital punishment decrease the number of offenses or only the number of offenders?).

When we move from the question of whether it is wrong to eat animals to the question of what a person is, or from the question of whether abortion is wrong to the question of when human life begins, we have replaced a difficult moral question with a certifiably unanswerable philosophical one. This does not bring the argument closer to a resolution. Usually our theory of human life, or of personhood, takes the shape it must to bolster our more personal and practical beliefs about diet and abortion. This shift to more “basic,” more philosophical, questions actually guarantees that our argument will arrive at an impasse—the natural end-state of a philosophical dispute.

Of course those caught up in disputes about values and related philosophical questions are not trying to arrive at an impasse—they are trying to win an argument. Our values matter to us, so when a cool and objective approach fails to move our opponent, we sometimes resort to other methods. We give new meanings to words, or

say that our moral principles need no defense or that they are true by definition, or we acknowledge only principles and facts that support our conclusion. In our eagerness to win, or to be seen as having won, we imply that anyone would have to be stupid or evil to disagree with us. When those who are arguing are unevenly matched in skill, experience, energy, information, or eloquence, it is usual for the apparent loser to feel that the apparent winner has capitalized on an unfair advantage. It is rare for a person who has been defeated in an argument to admit that his or her position is mistaken. The ritualistic, rhetorical, and emotional nature of our arguments about morality helps to explain the fact that after discussing an issue like abortion for hours, the only change in the minds of the antagonists may be in their estimation of the intelligence or the sincerity of the opposition.

2. Moral Philosophy. It is at this point that the philosopher steps in and says: "Now wait a minute—of course people cheat when they argue—*if they can get away with it*. But we are here to see that they don't get away with it. We sort out good arguments from bad ones and legitimate moves from fallacious ones." And the philosopher is right, in a way, because philosophers have helped us to understand the difference between good arguments and bad ones. Thanks to that work, fewer people are likely to be convinced by bad arguments and fallacies. But this does not seem to have improved our ability to resolve our moral disputes. Even within the bounds of what philosophers would call rational deliberation, if two people who disagree about some moral question can stay cool, avoid gross errors, and keep talking, both can be declared rational and unrefuted. Moral philosophers have no argument or device powerful

enough to compel rational beings to accept their evaluations and principles. The most philosophers can do is to show their opponents that, given the facts and their own moral assumptions, consistency requires them to accept this or that moral belief.

We can further exhibit the problem with traditional arguments about morality by considering the following abstract, but revealing, point about asking for and giving reasons. Suppose you argue that **A** is true, and offer **a** as your reason.

a → A.

If I don't want to accept **A**, I can deny that **a** is true, deny that **a** implies **A**, or claim that you have not given an argument for **a**. If I ask you for your argument for **a** and you give it, then I can start all over again. If, instead, I deny that **a** is true, then you can ask me for my argument. If I give **b** as my reason for denying that **a** is true

. **b → not-a.**

then *you* can deny that **b** is true, deny that **b** implies **not-a**, or claim that I have not given an argument for **b**. This explosive set of options alone is enough to guarantee that *if we want to*, we can argue till the cows come home, and then some. Add to this the fact that either of us can question the meaning of the other's basic terms, or the truth of some subsidiary assumptions, and we can see that unless some parameters are taken for granted, nobody can be forced (rationally) to accept any conclusion. Since those who feel strongly about some difficult moral issue like abortion or the death penalty will almost certainly be unwilling to accept any parameter that undermines their sincerely held moral beliefs, the outlook for cool, rational debate about moral issues is not promising.

Some moral philosophers, sensitive to the unsatisfying nature of moral arguments, decided that since the concepts of morality are so confused and confusing, our time is better spent clarifying moral notions than trying to discover or defend moral truths. They said that if we are not clear about what 'good' and 'right' mean, or how they are used, we will never discover what things are good and what actions right. Or they said that we must investigate the nature of moral argumentation, so that when the time comes to support our own moral judgments (or to attack those of our opponents) we will be ready. By saying this, even the clarifiers seemed to believe that we might eventually find correct answers to some of the moral questions of the day.

In the last half of the 20th Century, moral philosophers specialized in this "analytic" approach to morality, which has come to be called "metaethics." Disinclined to moralize, they turned to questions about the meaning and the use of moral language, and about the nature of moral disagreements and arguments. Some may have hoped that these digressions would be useful when they returned to actual moral issues, but eventually it became clear that there is no limit to the available digressions. A study of the meaning of 'good' leads to a study of the meaning of 'meaning', and eventually to questions about the relation between language, thought, and reality. By the end of the sixties, students of morality and moral philosophers had become impatient with analysis and with questions about meaning; and by the mid-seventies, this analytic or "theoretical" approach to the study of ethics was being replaced by what has come to be called "practical" or "applied" ethics. When we work in the area of applied ethics we begin with specific moral questions (such as "Is torture ever morally justifiable?"), and

we appeal to general moral principles, which we do not critically assess, to arrive at answers to those questions.

Challenges to morality itself and questions about its ultimate foundations became less welcome as applied ethics was moved to the front burner. Moral philosophers would acknowledge the existence and the concerns of skeptics, subjectivists, nihilists, relativists, and amoralists, but then they would quickly and gracefully brush aside the challenges of these characters. In his 1983 textbook, *Ethics and its Applications*, Baruch Brody admitted that “the moral dimension of human life” presupposes that there is an objectively knowable and important difference between what is right and what is wrong, he identified challenges to this presupposition by the **nihilist**, the **subjectivist**, the **skeptic**, and the **determinist**, and then he declared his intention to ignore all of these challenges:

> Theoretical ethics is concerned with critically evaluating the foregoing presuppositions of the moral dimension of human existence in light of these theories which challenge those presuppositions. This book, however, is not about theoretical ethics. Therefore, we will accept the presuppositions of the moral sphere of life and go on to deal with the ethical problems described in the next section. (Brody [2], 6)

Moralists who want to take a stand on some actual moral issue find themselves in an uncomfortable position. The conventions at work in our society allow us to ask each other to support the moral judgments we make, and we can all begin to meet this

demand, but only so far. Since we will never be able to prove our basic assumptions, our moral judgments will only be justifiable relative to judgments we can not justify. If that isn't trouble enough, there remain all of those "theoretical" worries that Brody bypassed. The viability of applied ethics depends on a conspiracy to keep the lid on theoretical ethics by assuming that the challenges and objections of the skeptics and the nihilists are not lethal. But if the critics of morality are correct, this assumption is fatally mistaken and the moralists are skating on thin air.

3. The Burden of Proof. Sometimes moral philosophers see themselves as called to keep people from traveling down the path to skepticism, relativism, or nihilism. The obvious way to block that path is to produce the credentials of morality. If moralists believe that morality is objective and not subjective, that moral rules inescapably bind those capable of understanding them, that moral judgments, principles or ways of life can be rationally justified, let them come forth with explanations of what they mean, and with convincing reasons why we should believe what they say. For reasons that have already begun to emerge, this is not likely to happen.

What, then, is a moralist to do? One time-tested method is to try to get the skeptics, relativists, and nihilists to put forward arguments to refute those who believe that there are moral facts, or truths, or properties. If a critic of morality can be talked into coming up with an argument, then the moralist is in business. Any student of philosophy knows how easy it is to find a flaw or uncover an unproved assumption in any argument aimed at proving anything controversial. Getting your opponent to admit that it is his or her job to provide the first argument is called "placing the burden of proof

on your opponent." Anyone who can do that is more than half-way to victory because it is always more difficult to prove something than it is to criticize someone else who has tried to prove the opposite. In our legal system, for example, the state has the burden of proving guilt—we are "innocent till proven guilty." So the burden of proof is really a burden. But how do we decide who has that burden in any particular discussion? In simple cases the burden falls to the person making a claim or a demand, but not all cases are simple.

Since moralists are the ones making demands and judging others, it would seem that they must accept that burden when asked to do so. A moralist who objects to something we have decided or done can (and as we have seen, will) be met with a demand for "some reasons." When the discussion is more abstract, as it is when the moralist and the critic of morality clash, then it is less clear where the burden of proof lies. But even at the "theoretical" level there is no need for the critic of morality to offer any arguments until someone ventures a moral judgment or a general moral theory such as utilitarianism. Unless it is just for the fun of arguing, it would be rhetorically reckless for the *critic* of morality to open a debate by asserting that moral judgments are all false or that they can never be justified. Anyone starting in that way would be stuck not only with the job of proving that sweeping negative generalization, but also with the task of defining more clearly the nature of the thing that allegedly can't be done. It is not the critic's job to construct all possible forms of morality and then show that each is wrong, or to consider all the ways morality might be given a justification and then show that and why every one of them fails. Since moralists believe in morality, and believe

that moral judgments are defensible, it may well be up to them to explain and defend the moral rules and values they wish to impose upon themselves and others.

4. Moral, Amoral, and Immoral. Before we explore the main options for one who wants to deal with the apparent failures of morality, we need to attend to some of the words we will be using. So much depends on how we say things that is surprising (if not tragic) that people spend so little care getting clear about what they themselves and others mean by the terms used in stating their dearest beliefs. This will be a constant theme throughout the book, so now we will just spend a few words on some uses of the words 'moral' and 'ethical'. We sometimes use these words interchangeably, as when we speak of an ethical (or moral) code, and of ethical (or moral) principles. We make moral (or ethical) judgments and criticize people and actions for being immoral (or unethical), but here a difference begins to emerge. Immoral actions seem worse than unethical ones. A merchant who overcharges, or a used car salesman who turns back the odometer, is unethical, but it would be absurd to describe a terrorist, a rapist, or a sadistic torturer in that way. If you have been charged with unethical conduct I will think of your profession, but if you have been charged with immoral conduct I will expect to hear about a different sort of misbehavior.

Moral philosophers speak of applied ethics and of nursing, medical, and engineering ethics, but not of applied morality, or of nursing, medical, or engineering morality. This may be because 'morality' suggests non-conventionality or universality, while 'ethics' suggests a kind of relativity. This difference carries over into the

distinction between a moralist, who believes in and promotes morality, and an ethicist, who studies it.

In *Ethics and the Limits of Philosophy*, Bernard Williams offered us a helpful way of understanding the distinction between ethics and morality. He identified the “ethical” as a vague area that includes, among other things, ideals, virtues, and obligations that arise from agreements and from one’s position. We have all inherited, developed, and modified our methods of relating to others. Some of us return favors, some have a policy of honesty, some believe in revenge. When we talk about our rules, habits, attitudes, and ways of relating, we are talking about our ethics. This assortment of conscious and unconscious motivations is constantly changing in this or that detail, and to the extent that it is open to our awareness it can be explained, questioned, criticized, or modified. Those who feel the need to defend their personal values or ethical practices usually do so by appealing to something stronger and more authoritative than mere habits and policies, and something more “worthy” of respect than self-interest. Our inherited or evolved ethical codes, they say, need to be brought into line with morality itself. It is at this point that we begin to hear of moral obligations, objective duties, divine commands, natural laws, moral rights, and intrinsic values.

The difference between ethics and morality can be illustrated by the fact that it is the moralist who claims that there are objective and binding moral reasons for acting in certain ways, that when we are morally required we are *really* required. If we merely rank things, if we merely recommend, discourage, and require behavior, we are not thinking as moralists. But when we support our rules, rankings, and recommendations

with allegedly objective moral principles, or claim that we have measured some actions or individuals by standards that are more than human conventions, we have crossed the line and become moralists. Moralists have beliefs about what people ought to do and about how they ought to be, beliefs about what is "intrinsically valuable" or "objectively right," beliefs about virtue, vice, wickedness, and worth. Like Stout, who was mentioned in the Introduction, they think that certain ways of acting are "wrong, impermissible, unjust." Even if we have not explicitly embraced (or even understood) these beliefs, we qualify as moralists if our (sincerely expressed) words make sense only on the assumption that we do accept them.

I am here using the word 'moralist' to stand for someone who holds certain beliefs about what is right, wrong, good, and bad. Some moralists keep their opinions to themselves, but others are officious, meddlesome, sanctimonious, and annoying. There is a pejorative sense of the word 'moralist' that can be applied to those who make moral judgments about trivial matters, or about matters that do not concern them. Any criticisms that apply to moralism in the neutral sense of that term also apply to the more obnoxious forms; but often critics of "moralism" concentrate on the obnoxious forms, not realizing that even the most agreeable expression of a belief in objective values suffers the same philosophical shortcomings as its more offensive brethren. When I speak of someone who "rejects moralism" or "rejects morality," then, I will be speaking of someone who calls *all* moral beliefs into question, not just someone who opposes excesses and rudeness in their expression.

What, then, shall we call someone who rejects even the mildest and most widely accepted moral beliefs? It would be easy if we could just say that such a person is an **amoralist,** and that is what I shall do until we have been able to develop more useful terminology. An atheist will deny the theist's claims about the objective existence of a god, and an amoralist will deny the moralist's claims about the objective existence of moral rules, prohibitions, virtues, vices, values, rights, and duties.

Unfortunately, amoralists (in the sense just introduced) do not always refer to themselves as "amoralists," and if we aren't careful, fluctuating terminology will leave us not knowing who we are talking about. I apologize for going into the different terms for the positions I want to discuss, but the variety here offers a good example of what happens when people argue. The lessons to be learned are that we can and do use the same name for different views, and different names for the same view. If we don't pay attention to this complication, we won't know who is on our side and who is against us. Because of this looseness we will often be criticized for things we do not believe by those who (willfully or through inattention) do not really understand what we are saying. Words are helpful labels, but only when we are clear about the items being labeled. With this in mind, let us try to sort out some of the terminology that often infects the discussion of moralism and that can make progress difficult and discussion futile.

Ian Hinckfuss, for example, was speaking of *ethics* when he referred to "the ways in which some individual person would like everybody, including herself or himself, to behave." He distinguished this from *morality*, which he considered to be a myth. "There are no moral obligations to be known," he said, "and, even if there were, we are not

possessed of the intuitive apparatus needed to apprehend them." (*The Moral Society, its Structure and Effects*, p. 1) I would happily call Hinckfuss an amoralist, but his own term for his view was *moral nihilism*. He proposed using the expression 'moral nihilist' to mean "one who believes that all moral statements . . . are false." (p. 4) After distinguishing between "objective values" and "subjective values," he added that "by 'moral nihilism' I shall therefore mean the belief that there are no objective moral values." (p. 8) Incidentally, "There are no objective values" are the opening words of John Mackie's important defense of his version of amoralism, which he called "moral skepticism" and others call an "error theory."

To complicate matters further (or, better, to illustrate how complicated they can get), we can note that Hinckfuss had a different use for the words 'amoral' and 'amoralist'. For him, an amoral person "has no wish to satisfy any moral obligations." This led him to distinguish between amoralists who believe in moral obligations but ignore them, and amoralists who do not believe there are any moral obligations. Hinckfuss was not alone in this usage. In his article "Externalist Moral Realism," David Brink distinguished between the moral skeptic, who is "skeptical about the existence of moral facts," and the amoralist, who "recognizes the existence of moral considerations and remains unmoved." (Spindel, 1985, p. 31) When Michael Smith characterized Brink's amoralist, he called the view "another traditional kind of skepticism," and like Brink, referred to it as "amoralism." Brink and Smith characterized this "skeptic" as accepting the existence of moral facts and failing to see any reason "why we should care about these facts." (Smith, p. 66)

I will not be using the word ‘amoralism’ to refer to a view that begins by *accepting* the “existence of moral facts,” and I shall stick with my provisional use of the word ‘amoralist’ to stand for someone who denies the basic assumptions of the moralist, not someone who believes in moral facts but ignores them. I would call the latter person a *moralist*, but one who is just not motivated to do what he or she believes to be right. My amoralist, who *really* rejects morality, has also been called an error theorist (someone who believes moral judgments are all false), a moral anti-realist (someone who rejects the moral realist’s belief that there are objective moral facts and values), a moral nihilist (by Hinckfuss), and a moral skeptic (by Mackie, which, as we shall see, is misleading).

My amoralist rejects morality and with it all moral beliefs, but there are other, similarly-expressed, beliefs that no amoralist need reject. Words like ‘good’, ‘bad’, ‘better’ and ‘worse’ and concepts of obligation and duty are available in many technical and conventional contexts. Any amoralist can say that some people play the piano better than others, or that some people, because of their roles or goals, ought to do this or that. Amoralists can admit that some habits are good for us, or that some policies are bad for society. But for the amoralist, all goodness and obligation is of this relative and dependent kind. Nothing is “good in itself.” The amoralist believes that the idea that some people have more “intrinsic worth” than others (the philosophical basis for racism, sexism, and aristocracy) is ridiculous. We value things because they meet our needs and satisfy our interests, or because we have been taught to value them.

I use the term ‘ethics’ to cover the rules and policies we live by, and the values we have come to hold. The moralist believes these can be judged at the higher court of

morality, but the amoralist thinks that there is no such court. People who do not follow the moral requirements of the society to which they belong can be called *immoral* (at least by the moralists in their society), but an amoralist is someone who rejects the moralists' claims about those requirements, no matter how he or she behaves. The moral standards we accept (if any) determine who (if anyone) we will call immoral, but everyone should call an amoralist an amoralist. The amoralist "rejects" morality by coming straight out and saying that its claims are false, but, as we are about to see, there is more than one way to question the beliefs of the moralists, and several options for someone who does.