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A Refutation of Ordinary Morality*

Peter Singer

The jacket of this book announces that it is the first volume in the Oxford Ethics Series edited by Derek Parfit and states that the aim of the series is "to make undeniable progress" in philosophical argument about morality or rationality. That is aiming high: almost all claims to progress in philosophy are deniable. Nevertheless *The Limits of Morality* comes close to the mark. Because it is a long and complex book, my primary goal in this review will be to display the structure of the argument and give an idea of its substance.

The problem that drives *The Limits of Morality* is the claim that any utilitarian or consequentialist ethic is too demanding to be taken seriously. Critics of consequentialism point out that it seems to make even the most harmless activities wrong; if the time or money I spent going to the movies could have done more good had I spent it differently—and in a world like ours that usually seems true—I did wrong when I went to the movies. Ordinary morality, the morality that we intuitively accept, denies that we are morally required always to do what has the best overall consequences. It allows for an area of human life in which we have options—we may, but we are not required to, do the act that has best consequences. From this perspective, the consequentialist appears to be an extremist, and this is the term Kagan uses to describe those who take the view that we should always do what has the best overall consequences. The term is not intended to be pejorative, for Kagan rejects (correctly, in my view) the popular idea that the role of moral theory is to account for or come to an equilibrium with our moral intuitions. So a position may appear extreme, judged by our intuitions, yet still be right.

Ordinary morality does require us to make some sacrifices, usually when the sacrifice is modest and the gain great. Kagan's illustration is a case in which a child is drowning in front of me, and I can save her, at no risk or cost to myself other than getting my clothes wet. Ordinary morality says that I should save the child.¹ Another possible position—minimalism—refuses to go even this far in the direction of consequentialism. Minimalists deny that we are required to sacrifice

* A review of Shelly Kagan, *The Limits of Morality* (Oxford: Clarendon Press, 1989), pp. 403; references to this book will appear parenthetically in the text.

1. Scholarship appears not to be one of Kagan's strong points. Although this example occurs first on p. 3, recurs throughout *The Limits of Morality*, and plays an important role in the book's argument, I was a little irked to find that neither in a footnote, nor in the short list of references at the back of the book, is there any mention of the article in which it appeared, and was used for a very similar purpose: Peter Singer, "Famine, Affluence and Morality," *Philosophy and Public Affairs* 1 (1972): 229–43.

our own interests in order to aid another. Kagan is not really interested in grappling with the minimalist; his strategy is to show that the moderate who tries to defend ordinary morality against minimalism will be carried by the logic of any such defense into the arms of the extremist. The objective is to uphold extremism; minimalism is dealt with only briefly and inconclusively, near the end of the book. Such a strategy is reminiscent of those adopted by both Thomas Nagel and Derek Parfit in their critiques of the view that we are rationally required to be prudent, but not to be altruistic.² Just as they show that prudence sits uncomfortably between a purely Humean view of rationality that bids me follow my present desires, and a view on which any preference of any being constitutes a reason for me to act, so Kagan hopes to show that there is no viable ground to be occupied between minimalism and extremism. (Those who catch this echo of Nagel and Parfit will not be surprised to learn that *The Limits of Morality* began as a dissertation under Nagel's supervision and has benefited from Parfit's comments.)

Though a defense of the strenuousness of morality is what drives the book forward, its significance is broader. Like Austria in 1914, wanting only to punish Serbia but willing to take on Russia in order to do so, Kagan's route to his goal first confronts the whole notion of a morality based on constraints; that is, a morality that includes or consists of moral rules or restrictions arising from prohibitions, rights, promises, family or professional duties, and so on, that sometimes forbid us from doing what would have the best consequences overall. Thus if Kagan's arguments cannot be met, we may say farewell to ordinary morality and also to the theories of ethics defended by most nonconsequentialist philosophers, Kant, Ross, and Rawls among them.

Why does a discussion of the strenuousness of morality take up the issue of moral constraints? Kagan's exploration of the connection is one of the highlights of this book. It is done in the following way. Ordinary morality, as we have seen, has no general requirement that we promote the overall good, but it does require us to promote the good under some circumstances, as in the drowning child example. The best way to account for such particular judgments, Kagan argues, is by attributing to ordinary morality the view that there is a *pro tanto* reason to promote the good. (A *pro tanto* reason is what moral philosophers since Ross have known as a "prima facie" reason; a reason that provides some grounds for acting in a certain way but can be overridden by other reasons. Because the fact that a reason is overridden does not mean that it only appeared to be a reason—as the term "prima facie" suggests—*pro tanto* is a more accurate expression for the kind of reason with which we are here concerned.)

So ordinary morality recognizes a *pro tanto* reason to promote the good, yet promoting the good is optional. How can this be? The most plausible explanation is that sometimes the cost to the agent of promoting the good is too high for such conduct to be required. For instance, if my Uncle Bruno tells me that he wants to leave me his fortune, ordinary morality would say that I am not required to tell him that the money would do more good if donated to famine relief. The cost to me of giving such advice is too high.

2. See Thomas Nagel, *The Possibility of Altruism* (Oxford: Oxford University Press, 1970), and *The View from Nowhere* (Oxford: Oxford University Press, 1986); Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984).

But cost to the agent cannot be the only reason why ordinary morality does not generally require us to promote the good. For consider a situation in which by murdering my Uncle Arthur, I gain his fortune. The cost to me of refraining from killing Uncle Arthur is identical to the cost of telling Uncle Bruno to give his fortune to famine relief. Yet ordinary morality requires me to refrain from killing Uncle Arthur; it does not require me to talk to Uncle Bruno about famine relief. Why? The obvious answer is that there is a rule against killing innocent people, while there is no such constraint against keeping silent. Thus the defense of options by an appeal to the cost to the agent requires the defense of constraints.

From this point Kagan develops an attack on constraints, taking as his example the rule against killing, or more generally, harming another. (Although Kagan talks about a constraint against harming, some of his examples and arguments would be more effective if deployed against a more specific constraint against killing the innocent. Why, for instance, should Kagan assume (as he does on p. 106) that to disconnect the respirator of a comatose and deteriorating patient is to violate a constraint against harming the patient? To kill is not necessarily to harm.) The focus of the attack is the distinction between harming and not harming. Obviously, the defender of a rule against harming must be able to draw a line between cases in which I harm another and cases in which I do not. If I kill Uncle Arthur in order to inherit his money, ordinary morality says that I have harmed him. If I fail to tell Uncle Bruno that his money could save the lives of a thousand malnourished children, and the children subsequently die, ordinary morality does not say that I have harmed the children.

Kagan devotes a substantial chapter to each of the two most plausible ways of drawing this line. The first tries to mark off doing something from merely allowing something to happen. The second distinguishes what I intend from what I merely foresee. These are well-plowed fields, and one may doubt whether Kagan can make them yield anything new.³ Such doubts are only strengthened by the discussion in chapter 3 of removing life support from a comatose patient. Why do we say that the doctor who withdraws life support is merely allowing the patient to die, while the impatient nephew waiting to inherit the patient's fortune, who sneaks in and turns off the machine, is killing the patient? Here Kagan's conclusion is that our judgments about killing and letting die are based, not so much on what is actually done or not done, as on an implicit set of norms about what is or is not acceptable conduct. This conclusion has been previously reached by others and on the basis of a more thorough examination of the literature surrounding such cases (e.g., Helga Kuhse in the work just cited). Nevertheless, Kagan does manage to enhance the arsenal of those attacking the distinction, sharpening some old arguments and perhaps adding one or two new ones.

One newly sharpened argument against constraints worth notice is the argument from risk. If I must not kill an innocent human being, may I perform an action that carries a 90 percent chance of killing an innocent human being? What if the risk is only 49 percent? Or if it is 2 percent? Any cut-off point is

3. See the essays in B. Steinbock, ed., *Killing and Letting Die* (Englewood Cliffs, N.J.: Prentice-Hall, 1980); or the detailed discussion in Helga Kuhse, *The Sanctity of Life Doctrine in Medicine: A Critique* (Oxford: Oxford University Press, 1987), chaps. 2 and 3, and the references therein.

difficult to defend, especially for those who maintain that the prohibition on killing an innocent human being is not to be overridden no matter how great the good that would be attained by killing. If I may not kill one person in order to save ten million, then it would seem reasonable to believe that I may not take even a one in ten million chance of killing one in order to save (with certainty) another. But if taking that kind of risk is unjustifiable even when it enables me to save a life, the presumably more mundane goals—like going to see a movie—cannot justify taking any finite risk at all with the lives of innocent human beings. So going to the movies is, after all, morally problematic because, careful driver as I am, I do take a small but finite risk with the lives of others when I go to the movies.

At this point the defender of constraints may switch ground, saying that the rule is not against killing, but against murder, and when I go to the movies I have no intention of killing anyone. Thus the reader is led to consider the second possible way of marking off acts that violate the constraint from acts that do not: the view that it is not what we do that violates the constraint, but what we intend.

The distinction between what we directly intend and what we merely foresee as a consequence of our act is of course central to the much-discussed doctrine of double effect. Here too Kagan's persistence in following through the argument, and his ingenuity in devising apt, if sometimes grotesque, examples, enables him to add something fresh. By probing once more at the margins of the constraint, he finds weaknesses that threaten the heart of the doctrine. Does the prohibition on intentionally harming another mean that I cannot use my antitank gun on a tank with an innocent hostage strapped to the front? Is there a difference between firing my gun so that the missile passes through the hostage and into the tank (where it is perhaps still just possible to say that I do not intend to harm the hostage) and aiming at the hostage in order to spatter his blood over the windscreen of the tank, thus unsuspecting the driver and giving me the chance to escape? I expect these examples to enter the literature alongside caves blocked by fat men and runaway trains on branching tracks.

Kagan's discussion of the doctrine of double effect soon turns to the requirement of due proportion. If we frame the rule against harming so that it prohibits only harms that are directly intended, the rule will fail to forbid some cases that we all think should be prohibited: for example, the behavior of the chemical manufacturer who increases his profits by polluting a river, foreseeing, but not directly intending, the deaths that will result when villagers downstream drink the water. The traditional doctrine of double effect finds such acts wrong because there is a lack of due proportion between the good achieved and the harm foreseen, but this introduces an element of consequentialist reasoning that, as Kagan is able to show, leads to the elimination of options and so makes morality strenuous.

With this and several other arguments, Kagan reaches the conclusion that the constraint against harming—whether construed in terms of doing harm or in terms of intending harm—faces serious objections, not only if it is to be justified but also if it is to be satisfactorily described. Moreover, the problems are general ones that face all constraints, not only the constraint against harming. Kagan has made a powerful case against any rule-based ethic.

Setting out the arguments to this stage takes Kagan to the mid-point of his book. With a nice sense of symmetry, he now moves to a new investigation. Suppose, he says, that the arguments against constraints fail to move the advocates

of ordinary morality; they cling stubbornly to their intuitive beliefs in constraints. We will then be unable to use the argument outlined so far as a means of convincing them that morality is strenuous; for we cannot defeat the appeal to costs by showing that it also justifies inflicting harm where to refrain from inflicting harm carries a high cost for the agent. Can we nevertheless grant the existence of constraints and find another way of convincing the advocates of ordinary morality that morality is indeed strenuous?

Kagan now puts forward, and knocks down, several different arguments for the view that morality allows for an area of human life in which we have options—we may do what has the best consequences, but we are not required to do so. Some of these derive from writers like Samuel Scheffler, Michael Slote, and Bernard Williams;⁴ others are the result of Kagan's own imaginative efforts to find arguments for a position that has often been assumed but rarely defended. So Kagan discusses defenses based on rights, moral autonomy, and the desirability of protecting either the agent's projects or, more generally, the agent's interests.

The latter defenses are the most interesting, both because they appeal powerfully to our intuitions and because they have had influential advocates. Kagan considers the argument (loosely drawn from Scheffler and traceable back to Hume) that it is part of human nature that we care more about our particular wants than we do about the overall good. Therefore, it can be urged, morality ought to reflect this aspect of our nature; and a system of morality that makes it optional for us to promote the good reflects this better than one that is unrealistically strenuous.

Kagan handles this line of argument by drawing a distinction between an adequate and a full reflection of human nature in a system of morality. (Kagan actually talks of "the nature of persons" rather than of "human nature"; I am not sure why, since the point made seems to be contingently true of humans rather than conceptually true of persons; if angels existed, e.g., they would be persons, but presumably would take an impartial perspective. I shall translate the arguments into what seems to me the better formulation.) He then argues that while a system of morality containing options to do or not to do what has the best consequences may fully reflect human nature, one that does not contain options nevertheless reflects that nature adequately. Those who deny this may base their position on an acceptance of internalism, the view that a moral requirement must be backed by reasons capable of moving the agent to whom it is addressed to action. Kagan's response is to grant this motivational condition and then argue, following Nagel in *The Possibility of Altruism* and Parfit in *Reasons and Persons*, that if an adequate reflection of human nature is incompatible with a requirement to promote the overall good, then it must also be incompatible with the requirement to act prudently (i.e., to have equal regard for all one's present and future interests) because people tend to care more for their present interests than for their future interests. Yet we do consider imprudent behavior unreasonable. How can this be reconciled with human nature?

4. See Samuel Scheffler, *The Rejection of Consequentialism* (Oxford: Oxford University Press, 1982); Michael Slote, *Common-Sense Morality and Consequentialism* (New York: Routledge & Kegan Paul, 1985); Bernard Williams, "A Critique of Utilitarianism," in J. J. C. Smart and Bernard Williams, *Utilitarianism For and Against* (Cambridge: Cambridge University Press, 1973); and Bernard Williams, "Persons, Character and Morality," in *Moral Luck* (Cambridge: Cambridge University Press, 1981).

The answer Kagan offers to this question is similar to that offered by R. B. Brandt in *A Theory of the Right and the Good*. It asserts that if our beliefs about our future interests are sufficiently vivid, we are able to overcome the bias in favor of our present interests, and even where we have difficulty in making these beliefs vivid, we can recognize that we would be moved by them if they were vivid. This recognition can itself provide us with a motivating reason to act as we would act if the beliefs were vivid.

The next step in the argument comes as no surprise: what vivid belief can do for my own future interests, it can also do for the interests of others. If all my beliefs about the interests of others were well informed and vivid, I would have an equal regard for the interests of all individuals (where the interests are similar). My knowledge of this now gives me a reason for acting with equal regard for those interests.

This is an important but controversial claim because (like R. M. Hare's position in *Moral Thinking* but on different grounds) it amounts to a derivation of a form of preference utilitarianism (or interest utilitarianism) from a combination of reasoning and empathetic imagination. Admittedly, Kagan does not think that the argument just given is sufficient to establish utilitarianism, because he thinks that equal regard for the interests of others may still be subject to constraints, but if we combine the arguments given here with his earlier argument against constraints, we have a complete argument for utilitarianism.

To make out his argument, Kagan must overcome two objections. The first is that a mere hypothetical (*if* my beliefs about what this is like for others were vivid, *then* I would act thus . . .) is not a sufficient motivating requirement, given that the antecedent condition of the hypothesis does not hold (my beliefs are not now vivid, and perhaps it is not even possible for me to have equally vivid beliefs about all the effects of my actions on others). The second objection is that the hypothetical claim is false. Many people could have vivid beliefs about the effects of their actions on others without being motivated to act with equal concern for the interests of others.

Here is Kagan's reply to the first objection: "We do seem capable of being moved by a recognition of our shortcomings. More specifically, it does seem easier to act on the interests of others if we believe that the natural tendency to fail to do so persists because of a failure to vividly appreciate their needs. More should be said about how it is that an agent's recognition of his own failure to feel the compelling nature of a consideration increases his ability to act on that consideration—but that this is so seems borne out by experience" (p. 307). If a Humean account of reasons for action is still tenable, this will not do. For then we can only have a reason for action here if we have a desire to act as we would act if we had vivid beliefs. Maybe most of us do have such a desire. That would explain why it is that our recognition of our own failure to feel the compelling nature of a consideration may often increase our ability to act on that consideration. For many of us, however, this desire to act as we would act if we had vivid beliefs may be less powerful than our desires to eat at fine restaurants or enjoy luxurious holidays. That would explain why our recognition of our own failure to feel the compelling nature of a consideration may increase our ability to act on that consideration but often will not suffice to lead us to act on the consideration that we fail to feel in a compelling way. Worse still, some of us may have no desire at all to act as we would act if we had more vivid beliefs. After all, on a Humean view of reasons for action, the existence of such a desire is a contingent fact and presumably one that does not apply to everyone.

Kagan may believe that the long reign of the Humean view of reasons for action is over—ended, perhaps, by Nagel's argument in *The Possibility of Altruism*. But Hume may yet prove resilient. If so, here is one point at which Kagan's argument appears vulnerable. It is not easy to see how we would meet a challenge that takes as its starting point the view that chains of practical reasoning lead ultimately to basic desires that are simply brute facts about our nature. At the very least, as Kagan says, here is one place where more work could prove fruitful.

In replying to the second objection, Kagan raises some deep issues. Must a moral requirement be a requirement applicable to all moral agents? (Increasing the vividness of the beliefs of sadists, e.g., may not move them to have equal regard for the interests of others.) More generally, would increased vividness, coupled with other conditions such as full information and the absence of prejudice, lead to the elimination of the natural bias in favor of one's own interests? In the end the issue on which the objection turns, however, is whether positive reasons can be given in defense of maintaining a bias in favor of one's own interests.

Kagan lists five positive reasons for the bias and finds them, at best, inconclusive. For example, he considers Susan Wolf's argument that if we all took an objective standpoint we would have to do without much that makes life interesting: opera, gourmet cooking, elegant clothes, and professional sport, for a start.⁵ Moreover, the kind of life that a purely objective standpoint leads us to see as good will, because of its single-minded pursuit of the overall good, be lacking that broad diversity of interests and activities that, on a less demanding view, can be part of our ideal of a good life.

To this Kagan responds forcefully that what might be an ideally good life in a world of plenty without avoidable suffering is not necessarily the right kind of life to lead in a world of scarce resources in which buying luxuries for oneself means accepting the continued avoidable suffering of some other people.

Next Kagan turns to an objection suggested by Bernard Williams: if we are always ready to take every chance of improving the world that may come our way, we will lack commitment to any projects of our own; and such commitment is part of what we consider valuable and important about being a person. Kagan presents this objection in varying ways but fails to find in it more than a question-begging assumption that such commitment to an end is indeed valuable, rather than merely obsessive or fanatical.

What of the claim that taking the objective standpoint is at odds with the subjective attitudes required by personal relationships like love and friendship? Can we love without giving the interests of those we love preference over the interests of strangers? Kagan denies that such favoring is an essential part of love and friendship. Loving relationships, he says, can be based on pleasure in each other's company, in sharing experiences, and in mutual intimacy. Perhaps if we envisage a life in which every moment is dedicated to pursuing the good, there will be little room for such relationship; but there is no reason to think them incompatible with a life that aims at pursuing the good at a more measured—and in the long run, probably more effective—pace. So this objection also fails.

Thus the defender of ordinary morality is unable to make a convincing case against the view that morality requires us to take the objective standpoint. The more ruthless minimalists, freed of the need to acknowledge even a *pro tanto* reason for promoting the good, might do better. To make out his case for

5. Susan Wolf, "Moral Saints," *Journal of Philosophy* 79 (1982): 419–39.

extremism against the minimalist, Kagan acknowledges that he would have to complete and defend the argument sketched earlier: that under certain ideal conditions, such as vividness of belief, agents would promote the good and that this in itself provides us with a reason to promote the good even when we are not acting under the given ideal conditions. As we have seen, the minimalists can call on the Humean view of reasons for actions to ground their objections to this argument.

Kagan closes with some reflections on the perennial question, Why should I be moral? If being moral is as onerous as Kagan suggests, the demand for an answer is particularly pressing. By way of a partial answer, Kagan points to the harmony that can exist in the lives of those who act in accordance with their moral system. Such a life is one of integrity, especially if the moral system can withstand critical scrutiny. But unless one's most fundamental interest is to promote the good, there will still remain a tension between this harmony and other interests that are incompatible with the goal of promoting the good. By a just distribution of the burdens of promoting the good, and by rewarding optimistic behavior, political and social structures can be arranged to reduce the tension, but they will not succeed in eliminating it. So Kagan leaves us with some speculations about our nature as free beings and our ability to change ourselves so as to acquire interests whose pursuit is in accord with the promotion of the good. He puts forward three claims that he admits he cannot establish: "We have a deep interest in being valuable beings; such value arises not through the mere possession of the freedom to change, but through the exercise of that freedom; and the freedom is genuinely exercised only when we change so as to act in *greater* accord with the objective standpoint" (p. 402, italics in original).

Even without establishing these points, Kagan has achieved much. He has demonstrated how precariously, and indeed in the end untenably, ordinary morality is positioned between minimalism and extremism. He has shown how heavily the rejection of a requirement to promote the good must rely on the existence of moral rules. And he has produced new and significant arguments against moral rules as the basis of a coherent account of how we ought to live.

In the end, though, the conclusion to *The Limits of Morality* is unsatisfying in a way reminiscent of the unsettling anticlimax to another long, tightly argued defense of a morality that implies a universal obligation to promote the good: *The Methods of Ethics*. Henry Sidgwick finishes his book confident that he has shown the superiority of universal benevolence over commonsense morality; but he confesses himself unable to reconcile the self-evident rightness of universal benevolence with the rationality of acting in accordance with one's own interests. The only way out, for Sidgwick, would be through belief in a divine being who will reward those of us who are universally benevolent and punish those who are not, but Sidgwick appears unable to accept such a hypothesis. Hence he finds "a fundamental contradiction" in our system of moral beliefs, and he concludes his book on a gloomy note: "The Cosmos of Duty is thus really reduced to a Chaos: and the prolonged effort of the human intellect to frame a perfect ideal of rational conduct is seen to have been foredoomed to inevitable failure."⁶ Kagan

6. H. Sidgwick, *The Methods of Ethics*, 1st ed. (London: Macmillan, 1874); the passage was deleted for the second and later editions, although, as the preface to the later editions makes clear, Sidgwick did not change his views about the basic problem of the dualism of practical reason. For further discussion, see J. L. Mackie, "Sidgwick's Pessimism," *Philosophical Quarterly* 26 (1976): 317-27; reprinted in *Persons and Values* (Oxford: Clarendon, 1985), pp. 77-90.

appears less prone to despair, but the truth is that at the end of *The Limits of Morality*, our ideal of rational conduct is in no better shape than at the end of *The Methods of Ethics*. Kagan has refuted ordinary morality, but it may well be doubted if the objective standpoint for which he has argued holds much attraction for ordinary people. For many of them, acting in accordance with their own fundamental desires, whatever they might be, will not seem irrational. Here is a major weakness in the book's final position. It may be, as Sidgwick suggests, a weakness that was insuperable from the start; perhaps it stems from the fact that we are not only rational beings but also beings who have resulted from a process of natural selection in which, for countless generations, those who cared more for their own survival and that of their kin tended to leave more relatives in the next generation than those who were universally benevolent.⁷

A weakness that is shared with *The Methods of Ethics* does not disqualify a book from being ranked a significant achievement in moral philosophy. Nevertheless, for those hoping for "undeniable progress" in this area, it is disappointing that, no matter how much progress is made with points of detail, what Sidgwick called the "Dualism of Practical Reason" remains as obstinately unyielding as ever.

7. For more on this theme, see my *The Expanding Circle* (New York: Farrar, Straus & Giroux, 1981).