
ETHICS IN A PERMISSIVE SOCIETY: THE CONTROVERSY REGARDING THE OBJECTIVITY OF MORAL VALUES

Otto Bird

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Morality and society

Mackie remarks that his approach to ethics may well seem entirely wide of the mark to those in the Aristotelian tradition. But the reason that he alleges is not the only one—namely, whether human nature provides an adequate basis for ethical choice. An even more basic issue concerns the primary purpose of morality and hence too of moral philosophy. Is it the determination of the human good, and how the individual can achieve that; or is it rather a question of how men can live together and enjoy the benefits of society?

On this issue, as we have already seen, Mackie opts for the second position. Following Hobbes and Hume, he adopts a contractual view of human society and holds that morality is the conventional cement that holds it together. This view is of especial importance for him in that he claims that it provides a nonarbitrary basis for morality. Although Galston makes no mention of Mackie's work, he does argue explicitly against the social and moral theories of Hobbes and Hume. In doing so, he makes telling arguments against the subjectivist case as it is presented by Mackie.

Since Galston's argument here is somewhat complex, it may be helpful at the start to indicate its salient points. First, there is the question whether the political community is entirely produced by choice and agreement among human beings in the way that a contract is made. This raises the question whether agreement is the basic and only justification for that association. Third, is scarcity of goods and resources the primary motivation for morality? And finally, does social need provide a nonarbitrary basis for morality?

The answers given to these questions depend upon the understanding that one has of the relation that holds between the individual and the political community. On all of them Galston presents arguments that seriously undercut the force of the subjectivist case.

Political association has always contained a conventional element arising from human institution and agreement. This is no less true of the ancient city-state than it is of the modern technological nation with its enormous complexities of man-made components. The question is whether convention constitutes the only basis of ethics and whether the convention should be conceived as the kind of agreement found in a business contract.

To do that is seriously to misconstrue, Galston argues, the relation between the individual and the state, and this remains so whether the contract is viewed as a theoretical construction, historical happening, or a practical requirement. "Contract theories," Galston writes,

see free, independent, fully formed individuals deliberating about the kinds of mutual connections and limitations to which they should severally agree. Each individual, considering personal interest in the context of a general understanding of the empirical requirements of physical and material security, comes to regard as advantageous the sort of society we call *political*. But if these empirical requirements happen to be different, there is no reason to agree to enter into the political community.

Such theories are defective in that they misunderstand the nature of both man and the state and the relation between them. Galston agrees with Aristotle that there is a natural component to the state. The political association is needed for the actuation of human development. Also, human beings as separate existences are related in important ways to one another even before they engage using their minds to construct a common life through consciously entering the political community. In short, contract does not provide a good model of political society.

Nor is it true that agreement willed by men is the only way of justifying basic principles. As Galston notes, "we do not seek answers to mathematical puzzles by asking what various individuals would assent to. Rather, the independently determined answer serves as the criterion of rational assent." So too, principles of justice are agreed to because they are seen to establish what is just and are not as such established by that agreement. Indeed, "many kinds of moral principles rest on noncontractarian grounds" inasmuch as

they are seen to be constitutive of, or ancillary to the achievement of, the human good.

The contractarian theory of Hume, to which Mackie also subscribes, rests on the assumption that principles of justice are required only in a situation of scarcity where the selfishness of men has to be obviated in order to prevent the disruption of society. Mackie extends this argument beyond justice to include all of morality.

According to Hume, with respect to questions of justice there are three different cases that must be distinguished: first, that of such abundance that every member of the society is able to obtain the goods that he desires; second, the situation at the other extreme where the scarcity of goods is so great that some must die and all be miserable; third, the case in between these two in which goods are sufficient to enable some, but not all, to obtain what they want. Given the difference between these three situations Hume then goes on to claim that any question about justice disappears whenever the first or second condition prevails. The rules of justice are not needed if abundance provides all that everyone wants, or if the scarcity is so extreme that every individual seeks his own self-preservation before anything else.

Against this argument Galston maintains that the dependence of justice upon scarcity falls, since it can be shown that rules of justice still hold even in the two extreme situations. Take the case of abundance. Hume assumes that justice is concerned only with external goods that, at least potentially, are transferable from one person to another. But, Galston points out, such an assumption is contrary to the facts. Cases arise in which injustice is done even though no individual is deprived of the good in question and when that good cannot be transferred to another. Such is the case of a teacher who conscientiously grades all but one of his students impartially and, with that one exception, gives each the grade he earned except for his favorite to whom he awards a higher one.

Further, there are some goods which are intrinsically scarce, so that even in a time of abundance of material goods, questions of justice may arise with regard to the possession of political power, positions of authority, and the priority among ends to be pursued: "whether we *ought* to do something that we have the power to do." So too in the case of extreme necessity, one course of action may be better, more just, than another even though one member may have to sacrifice himself. Galston cites the case of two men on a raft that can support only one, when one is healthy and the other

terminally ill, or one is eighty and the other twenty—situations in which “the appropriate outcome is at least inclined in a particular direction.” If there is no relevant difference, then it is just to determine the outcome by lot or chance. It would “be right to use force only to enforce the correct outcome if the other party resists.”

From such counter-examples as these, Galston thinks it is clear that even in situations of extreme abundance or of need, principles of justice hold and are needed, even though their application may differ from that made in times of relative sufficiency.

We come now to the fourth question on the issue regarding the relation between morality and society: whether the need of society for morality is sufficient to provide a nonarbitrary basis for morality. An affirmative answer is essential for Mackie’s position, since otherwise his morality becomes completely permissive and he loses even that “eternal and immutable fragment of morality” that promises should be kept. To make morality entirely a function of society is to divorce it from any concern for the individual human good and thus leaves the latter without any other basis than individual preference. But even with respect to the political community itself, the principle seems a highly dubious one for reasons that are both factual and moral.

On the factual side there is plenty of evidence that societies continue to survive even when there is widespread disregard for truthfulness and the keeping of promises. The moral argument is even more telling. If morality consists entirely of rules imposed by society for its preservation, there is no ground for judging the society itself to be good or bad. But, as Galston remarks, “one can hardly maintain that the continued existence of every institution, or political regime, or form of life is preferable to its collapse.” The argument fails in that it mistakes the direction of the relation between society and the moral good: it is not the needs of society that determines the moral good, but rather the moral good that determines the needs of society and how they should be satisfied. If personal integrity is a good, that is so not because it is indispensable for the existence of society but “because it is essential for a desirable way of life in which individuals can by and large count on each other to act sincerely and to take their commitments seriously.”

Conclusion

Disagreements are disagreeable, and one of the ways out of the disagreeability frequently is to try to show that there is no real

ground for disagreement, that what seems to be a cause for it is just a mistake. Such would appear to be the ploy of those who attempt to dismiss the controversy over the objectivity of moral values as a mistake. In recent years it has been something of the fad of the therapeutic school of philosophers to attempt to solve philosophical problems by dissolving them. Something of a royal predecessor for such a procedure is supplied by Kant's dismissal of metaphysics. Kant got rid of a disagreeable problem, namely that of metaphysical questions over which there had long been serious disagreement, not by claiming that the issues were false and not genuine, but by asserting that they were not solvable by human reason which, he claimed, was incapable of transcending the limits of experience. And just as Kant's attempt at dismissing metaphysics has proved to be a mistake, so too has the attempt to get rid of the question of the objectivity of values. Metaphysical controversy has continued long after Kant thought he had got rid of it; the question about objectivity likewise continues to excite real and solid philosophical dispute. In fact, all the evidence that is needed to show that the dispute is founded on a genuine issue is supplied by the differences we have found over the other three questions at issue we have identified in the controversy. These differences are real enough and, indeed, at least in the case of one of them so serious that it is difficult to see how they are resolvable. On the other two, all the weight of the argument would seem to be clearly on the side of the objectivist case. The difficult, perhaps even the unresolvable question, concerns the nature of first principles and how they are grasped.

Take the question regarding the evidence for objectivity of moral values and the kind of test that would show that it is so or not. The case for subjectivism as encountered in the review of it here seems to rest on the claim that nothing is objective unless it is observable, or at least capable of being observable if one had the sight to perceive it (e.g., of the micro-particle, the proton). It sounds as though values could be accounted as objective, or as having an objective basis, only if they were shown to be something like dogs or men or, even, protons. Yet such a demand is to make a huge assumption of great epistemological and indeed metaphysical consequences. It is to assume that the only valid knowledge that we have is of the kind that experimental science has with its ultimate dependence upon sensible observation, and also that the only kind of truth that there is consists in descriptive statements characterizing the contents of the physical world.

As Aristotle pointed out long ago, we would be mistaken to expect to find that all kinds of truth are the same, or that all kinds have the

same degree of exactness. Moral matters cannot be as precise or as exact in the knowledge of which we can have of them as can mathematics, nor is the truth of either of these disciplines dependent ultimately upon experimental and observational evidence. Mathematical truths have practical applications, but then so do moral truths, and both of them can have practical consequences that can be observable. But neither of them in their principles rest upon observables such as chairs, dogs, or men, or even upon protons, if indeed these are observables.

Mathematics depends upon such a principle as the notion of number, which is not an observable; metaphysics depends upon the notion of being, and that x cannot both be and not be at the same time and in the same respect; morality depends upon the notion of the good. None of these is observable as a singular physical entity that we encounter in our walk down the street. Yet, this is no reason for claiming that they are not objective, but only desires, or wishes, or postulates of our own making that have no kind of independence from an individual's human contrivance. Granted that, on the foundations of mathematics and metaphysics as well as of morals, there are fundamental differences and profound disagreements. None of these can operate at all without allowing something more than the mere observables of the physical world.

In short, to claim that the only test of objectivity of moral values is observability is to mistake the nature of the thing being investigated, to cast a net either too small or too big for the kind of fish we seek.

Suppose we agree, however, that observability in the sense just discussed is mistaken, there still remains a serious question. This concerns the status of first principles and how they are grasped. Suppose we claim that the first principles of the moral as well as of the metaphysical order are self-evident, i.e., as soon as one comes to the understanding of the terms in which they are expressed, one will "see" that they are true. As soon as we say this, a subjectivist like Mackie will jump upon that "see" and claim that we are having recourse to an "intuition," which he claims at once drops us into the subjectivist camp. For the truth of the proposition depends upon our "seeing" its truth. And that he can claim is because we will, wish, or want it to be so.

With regard to such first principles then, one side asserts that they are evidences that can be seen; the other, denying this, claims that they are postulates that we freely accept for one reason or another. What kind of resolution is there when one reaches such an im-

passee? Aristotle met it with Heraclitus: everything changes, nothing remains, everything both is and is not; so what can one do? Speech becomes impossible, Aristotle reported, though one might hold up his finger. But speech nevertheless continues, though fingers may not be up—which brings us to our next point at issue.

The case for the objectivity of moral values rests also upon the claim that it is possible to identify the components of what constitutes the real good for all men at all times. Or, to qualify this formulation of it, that there are goods that are really good for all men as satisfying their natural needs in order to become all that they are capable of becoming. It is also claimed that this is a factual matter. And such it does appear to be. Indeed, it is hard to see why, in general (and in moral philosophy as here we remain at a very general level), such things as life, health, pleasure, friends and loved ones, freedom of action, knowledge, skill, and aesthetic satisfaction are not real goods that do contribute to making a good human life. It also seems on the face of it that such things were goods for the ancient Greeks and Barbarians as they are still for all human beings on the earth today. What then do the subjectivists mean when they claim that human nature is so changeable that the nature itself provides no basis for making moral judgments? Since these are goods as satisfying needs as matters of fact, they must mean that they can be satisfied in different ways. But so what? For health, one needs a nutritious diet, and there are many different foods that provide an equally nutritious diet. No objectivist need claim that everybody must eat Post Toasties or pasta or steak and potatoes in order to be healthy; he claims only that health is necessary for a good human life and that nutritious food is needed for this purpose, not that one is a complete failure if he does not become and remain a healthy person.

That there are real goods answering to natural needs is a factual matter. About them, mistakes may therefore occur, and even among objectivists, disagreements may arise regarding whether a given item is in fact a real good. For example, John Finnis, in his book *Natural Law and Natural Rights*, offers a list of basic goods for all human beings that includes religion along with life, play, aesthetic experience, sociability, practical reasonableness, and knowledge. Yet neither Adler nor Galston, as far as I can find, make any mention of religion, at least as a practice, although they would readily accept the others as real goods. But disagreement over real goods in particular cases does not thereby destroy the case for the objectivity of moral values. For the fact remains that there are many goods that clearly and unmistakably satisfy natural needs.

Part of the disagreement in the overall controversy concerning the objectivity of values undoubtedly concerns the malleability of human beings, not only in extent, but also in desirability. The subjectivist sometimes talks as though there were no limits at all to the extent to which human beings can be molded and remade, and as if the lack of such limits is all to the good. The objectivist not only sees grave dangers in attempting such remolding but is also much more dubious of the extent to which it is even possible.


The final issue that we have considered in the controversy over the objectivity of moral values concerns the relation between morality and society. On this point it looks as though the disagreement turns about morals and mores: the subjectivist tends to reduce all morals to the condition of mores that are relative in that they vary from one culture and from one time to another, whereas the objectivist claims that at bottom there are certain moral standards not subject to such variation. The mores in the sense of the customs, habits, traditions, conventional ways of behavior undoubtedly depend upon agreement and the ways and customs that have come to be accepted within a given community; and these do indeed differ from one community to another. But the objectivist maintains that underlying all of such societies one will still find that there are common ideas of what is good and what ought to be done: that killing one another at random is not good; that murder is therefore wrong, though there may well be differences about what constitutes a murder; that sexual practices, especially as they result in offspring, need some regulation; that, at least within one's own community, one ought to render to each his own. With changes in conditions and circumstances, it is not such principles that change; it is their application. Patriotism, for example, does not cease to be a virtue, an admirable excellence of character; what changes is the conception of one's country—for Socrates, Athens; for the man of the twenty-first century, perhaps the world.

In summary, we can conclude as follows. Within the context of the four leading questions we have identified as being at the center of the controversy:

The issue concerning the objectivity of moral values is a real and genuine issue. It is not a false issue founded on a question that would make no difference in the answer that is given to it; to claim that there is an objective basis to moral judgments finally *is* different from claiming that the basis is merely subjective.

On two of the remaining three points at issue, the arguments of the

objectivist clearly outweigh those of the subjectivist. First, with regard to the relevance of human nature, it is possible to identify goods that are in fact good for satisfying natural human needs and that to this extent are indeed good for all human beings. Second, the human good is determinative of morality and not the needs of society, since, at the simplest level, a society can be judged as good or bad according to the extent to which it achieves the good of its members as well as of the whole society.

This leaves as the fourth question at issue, that of prescriptivity, the source of the *ought*. Is it only a postulate, willed by men, taken for their purposes, whatever they are, whether to preserve society or for some men's conception of the human good. Or is it self-evident, such that its truth is open to anyone to see? With this we do reach an impasse: indeed, the most impassable of all the four issues. But this is scarcely surprising, since with this issue we come to the question of first principles. 

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Professor Dr. Otto Bird was a long time friend and colleague of Mortimer Adler. For more about him, search Google.

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