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Common sense ethics

Do theories clarify or distort our ethical outlook?

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What is the relationship between our common sense ethics and philosophical theories of ethics? Does a common sense ethic rely on a philosophical theory? If so, which one? If not, do philosophical theories improve or distort our common sense ethical views? These are questions I discuss in this article. I defend the view that the big philosophical theories get some things right and some things wrong and that common sense itself is a better guide to doing what's good and avoiding what's bad.

In ordinary life, we can feel the effects of two philosophical theories. One says: Outcomes are all that matter. The other says: Motive is all that matters. (Clearly, they contradict each other!) I shall examine each to see what part of common sense it gets right and what part it gets wrong. We will then be in a position to appreciate the key elements in our common sense ethical outlook – and to clarify the method it employs.

In the case of each theory, I shall set out the theory's claim, explain it in detail and then evaluate the theory itself. In the case of common sense ethics, I shall set out its main claim, explain that claim in more detail - this will take longer than in the case of each of the two theories, for our common sense ethical outlook is informed by a method of reasoning which is much more sensitive to the complexities of ordinary life than is either of them - and then show how its method accommodates those complexities.

1 The theory that only outcomes matter

Called Utilitarianism or Consequentialism, this theory has five main features: First, it claims that whether an action A is right or wrong all depends on the consequences: indeed, that is its slogan. Second, the consequences which matter are those which make a difference to the "happiness" of those affected by the action or choice. Third, the "happiness" of each person affected by the action or choice, counts equally. That is, no particular person's "happiness" counts as more important than

another's. This is sometimes called the "impartiality" shown by Utilitarianism. Sometimes it is put in another Utilitarian slogan: that we should pursue "the greatest happiness of the greatest number" of people. Fourth, Utilitarianism requires us to do the best thing we can. That is, it argues that the only rational way to act is to maximize the overall balance of good consequences over bad consequences or minimize the balance of bad consequences over good ones. Finally, and most importantly, it says that no kind of action is good or bad prior to thinking through the consequences of doing it or avoiding it. Thus, killing someone can be contemplated as something we might do, and if the consequences of killing are better overall than are the consequences of not killing, then we should kill.

Each of these five features of Utilitarianism is worth a little more attention.

Understanding the theory of Utilitarianism

Consider the claim that 'whether action A is right or wrong all depends on the consequences'. The idea here is that, when we are trying to work out whether to do some action A, we must take into account the consequences to which the action will give rise. It is not good enough just to look at the good consequences. We have to look at both the good consequences and the bad consequences. That way we are being honest about the total effect of the action of people, and not letting ourselves be blinded by just the good outcomes or just the bad outcomes.

Next: consider the claim that the consequences which matter are those which make a difference to the "happiness" of those affected by the action or choice. Which consequences are the good ones and which ones the bad ones? For any action will have more consequences than we can possibly imagine. A consequence is any effect that the action causes. When I close the door, it will cause millions of oxygen molecules in the air to swirl around. Does one have to try to account for all such consequences, when deciding what to do? Clearly not. The consequences that matter are, roughly, those that make a difference to people. Different versions of Utilitarianism speak of different outcomes actions can have when they discuss this matter. Some talk about causing pleasure, some about satisfying desires, some about meeting preferences, some about maximizing considered preferences. However, the basic idea here is fairly straightforward. It is that if a decision has an outcome that will make a difference to someone, we should consider *it* in working out whether to do that action. The difference an action makes could take many forms. The action could cause someone pleasure, or it could frustrate their likelihood of finishing a project that they had invested a great deal of time and effort into, or it could affect a person's reputation. The essential idea is that the outcome is one we have to consider, if it makes some kind of genuine difference to someone. So, for instance, if grandma made you promise on her death bed to wear a particular dress to her funeral, but you really feel embarrassed by wearing this dress, not wearing the dress will not make any difference to grandma, for she is not around to feel anything if you break your promise. Or if a patient is in an irreversible coma and near death, it won't make any difference to her herself whether she dies by fatal injection of potassium chloride, or is allowed to die by natural causes (Of course, such actions may make a difference to others who watch your behaviour, and you would have to take that into account; but it would not make a difference in the relevant sense to grandma or the patient). For sake of ease, let us call the difference made to a person by one's decision the "happiness" he has as an outcome of the decision.

Next: The “happiness” of each person affected by the action or choice counts equally. This separates Utilitarianism from Egoism on one hand, and from Pure Altruism on the other. It separates it from Egoism by saying that the effects of our decisions on the happiness of others are morally important. It separates it from Pure Altruism by saying that the effects of our decisions on ourselves are also important. (The Pure Altruist will say that to be ethical, one should not care about the impact of one’s actions on one’s own interests, at all). In this way, Utilitarianism both takes account of the moral value of one’s own interests, and the moral value of the interests of others. It is as important to consider the impact of one’s decisions on one person as it is to consider it on any other.

Next is the idea that the rational way to act is to maximize the overall balance of good consequences. We have said that, according to Utilitarianism, in order to decide what to do, we have to consider both the good and the bad consequences, for everyone affected by the decision. So, in choosing we have to compare the total of bad consequences with the total of good consequences. Utilitarianism argues that the right thing to do is that action which maximises the overall balance of good consequences over bad ones, or, if all one’s options have a balance of bad consequences over good, we should choose that which has the least overall balance of bad over good consequences. That is, we have to maximise the good outcomes of our choices. So, when deciding, for example, whether to give a donation to charity rather than buy another pair of shoes, and if so, how much, my options include: (a) buying the shoes; (b) giving \$10; (c) giving \$50; and (d) giving \$100. Buying the shoes will only bring any joy to me, and maybe someone near to me. Clearly option (d) yields the greatest balance of good over bad consequences overall, as the sacrifice it represents to me is well and truly outweighed by the good the \$100 can achieve for the poor and hungry. So, the only right thing to do, the only maximally socially beneficial thing to do, is to give the \$100.

Finally: No kind of action is good or bad prior to thinking through the consequences. This is an important point in understanding Utilitarianism. Since, according to Utilitarianism, what is right and wrong all depends on the consequences, whether an act of killing is wrong depends on the outcomes it has. There is no sense to the idea that killing someone is wrong anyway, before we think about the consequences of killing. A way of putting this is that, according to Utilitarianism, actions are not good or bad inherently or intrinsically. The value or disvalue of an action resides “outside” the action, in its outcomes, its consequences, not “in” the action itself. Thus, lying is not wrong because it is lying; if it is wrong, it is wrong because of the bad consequences it has. Killing is not wrong because it is an act of killing; if it is wrong, it is wrong because it has bad outcomes. This in turn means that in working out what my options are when I have to make a decision, I may consider certain things which we might otherwise not consider because we think of them as wrong anyway. So, I might be confronted by a situation where I have to work out whom to care for first at a road accident. Say there are three people, one I can save and in some pain, the second is in enormous pain but my chances of saving her are worse but not impossible, and the third I cannot save, because of her injuries, and she too is in enormous pain. Let’s also assume that I have no morphine in my bag but I have some potassium chloride. Normally, I would think in terms of trying to make the second and third people comfortable, as far as one can, while I attend to the one I know I can save. Killing the third one to help with her pain would not even enter my head. However, the Utilitarian cannot rule this out as a valid option to think about. I might not end up doing that, because there may be better options when I think about it. But it is one of the things I can do, and, since it is not wrong in itself, there is no reason not to think about it as something worth considering doing.

Evaluating the theory of Utilitarianism

Taken together, and taken abstractly, these ideas can seem very appealing. For instance, they point out that, in a situation where one's own interests are in conflict with other people's, one's own interests only count for one vote, as it were. Imagine that you find a bankroll of notes, say \$500,000, which you know belongs to a charity which does great work for the homeless: feeding them, clothing them, keeping them as well as possible. Many people's welfare is affected by the money used by the charity. But, having found this wad of notes, you could have a great time for yourself: pay off the house, buy the nice car, go on a holiday, etc. Moreover, let's assume that you could easily get away with keeping the money, because, no one knows where it was lost, who found it, the bills are unmarked, etc. In working out what you should do, Utilitarianism implies that you should examine not only the consequences for you of your keeping the money, but also the consequences for the others of your keeping the money. So, Utilitarianism looks like a sensible compromise between only thinking of your own interests and only thinking of other people's interests. Both your interests and other people's interests matter according to Utilitarianism.

Further, Utilitarianism can seem an ethically challenging and noble doctrine for the same reason. For, as in this example, it seems clear that the good you would gain from keeping the money is vastly outweighed by the good done for others, by returning the money. So, Utilitarianism would argue, you should sacrifice your own interests for the sake of causing the greater good done for others in this case. Thus, far from being an egoistic doctrine, Utilitarianism can seem to be a challenging and noble moral outlook.

But to leave it there is to think lazily about Utilitarianism.

Firstly, other moral outlooks besides Utilitarianism, imply the same about this case, that is, that you should return this money because it does so much good for others worse off than yourself.

Secondly, when you examine other things that Utilitarianism implies, it is not so clear that it is a noble doctrine. To begin, think about the example we just looked at. The fifth feature of Utilitarianism above suggested that no kind of action is itself wrong or right. It is right only if its net consequences are overall the best and wrong only if its net consequences are overall less than the best. That means that when we are thinking about what options between which we have to choose in a situation, there are no limits about what we might consider doing. No limits except those of "practicality". Thus, in this example, we may think seriously of keeping the money, even though it is a large amount of money, we know whose it is, and we have no right to it at all. Seriously considering keeping the money, even if we do not finally decide to keep it, is ethically alright according to Utilitarianism.

However, this is ethically questionable from a common sense point of view. That is, from a common sense point of view, if someone were even to think about keeping such an amount of money, knowing whose it really is, and the good it does, etc., we would think less of such a person ethically - even if they eventually decide to hand it over! Some kinds of action we consider unthinkable - some kinds of action we consider it wrong even to consider doing. So, considering murder as a valid option in a situation, to achieve some great good, is not really an honourable way to think -

even if we go on to decide not to perform the murder. Considering making a move on your best friend's 'significant other' is itself a kind of betrayal and a mark of one's untrustworthiness - even if one does not actually go on to do it. Some kinds of action we consider not to be options: they are unthinkable themselves, whatever consequences they might have. This is not to say that in common sense morality, consequences do not matter. They clearly do. The only question is "in what way do they matter".

I want to suggest that according to common sense, the following is true: *Bad enough consequences can make an otherwise good thing the wrong thing to do.* The Utilitarian can say this, but so too can common sense.

The Utilitarian goes further, however, for she says this: *Good enough consequences can make an otherwise bad thing the right thing to do.* This is not generally true, however. Take killing a human being as an example. In general, we think of killing as something wrong. Imagine a situation in a hospital where in one room there is a healthy 25 year old male, who has just had a minor surgery done and who will normally be leaving in the morning. In the next few rooms there is one person who needs a heart transplant, two who need a kidney each, another who needs a lung and a couple of others needing corneas. Assume that the 25 year old male is unemployed and spends most of his time surfing, but only at a mediocre level of ability. Assume that he has no family and has no dependants. So no one will miss him if he dies. Assume too, that the people needing the transplants are important members of society who do great good for others in their work. Here's the rub. There is nothing in Utilitarianism which rules out that we can think of killing this young man to farm his tissues to heal these other patients. The consequences of doing so would be enormously good. Now, jokes aside, we simply think it is a horrid thought to consider killing this young man no matter how much good doing so will achieve. One could multiply examples like this in great number. The claim that *'Good enough consequences can make an otherwise bad thing the right thing to do'* simply is false. Yet it is the distinctive claim of Utilitarianism.

What this shows is that there is a germ of truth in Utilitarianism: consequences matter in moral thinking. But they are not the only thing. Many other things matter too. It does not all depend on the consequences; it only *partly* depends on the consequences.

Part 2 The theory that only the motive matters

Called Deontology (from the Greek '*deon*' meaning 'duty'), this theory derives from the thinking of Immanuel Kant. According to Kant, it does not depend on the consequences at all. It all depends on your motive.

To appreciate Kant's thought, it is useful to note that, in the generation which preceded him, the dominating ethical idea came from the Scottish philosopher David Hume. Hume had argued that reason was impotent to motivate people to act: they had to desire something, then reason could help desire work out how to satisfy itself. Reason did not cause people to act, desire did, and reason was just an instrument of desire. (This is known as 'Instrumentalism': reason is just the instrument of desire.) Indeed Hume argued that, since reason is an instrument or slave of desire, desires themselves could not be rationally criticized. People just desire what they desire, and there is no

way we can say that some desires are irrational, silly, wicked, nor indeed rational. The only thing we can do is point out that two desires are not compatible, or that the means we have used to obtain two desires will not work out consistently. But reason has no competence to criticize basic desires. We just have to accept people as they are: their nature and upbringing causes them to desire what they desire, and we cannot do much about that.

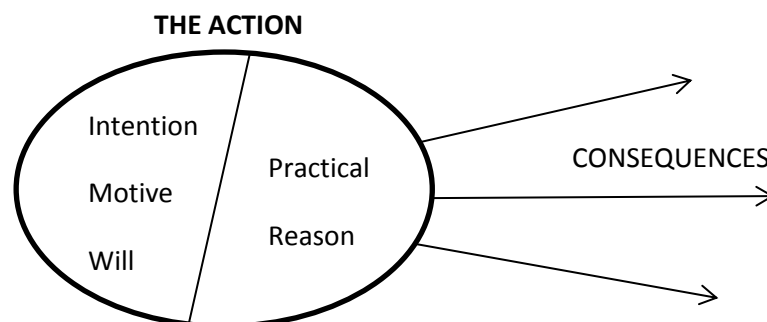
Kant rejects this view. He argues that reason can motivate even against the contradictory inclinations of desire. Moreover, he argues that desires, wishes and wants are rationally criticizable by reason. Some desires - such as the desire to torture the neighbour's cat - are irrational and should be weeded out of a reasonable life.

Understanding the theory of Deontology

The main theses to which Kant is committed are as follows: (a) If there is anything intrinsically and unconditionally good in the world, it is the Good Will. (b) If there is such a thing as the Good Will, then it exists in respect for duty (*Achtung der Gesetz*); that is, there can be Good Will only if it is to be found in the compelling attention rationally demanded by moral duty. (c) There can be respect for duty only if the form of duty (what all duties have in common that makes them all duties) is a Categorical Imperative (ie a practical, unconditional and necessary rational command which compels rational attention). (d) The Categorical Imperative is real only if rational nature is an end in itself. (e) Rational nature (persons, whether human persons or angelic persons) are ends in themselves only if they are capable of autonomy (rational self-determination). (f) Human beings are capable of autonomy (ie freedom) only if they are capable of freedom. (g) In another work, Kant goes on to argue that human beings are capable of freedom only if they are capable of the Good Will, the *Achtung der Gesetz*.

As a theorist of the nature of moral duty, a deontologist, Kant thinks that the basic notions of morality are not those of the virtues, or of good outcomes, but the notions of duty, obligation, ought, and the like. He defines ethical goodness (in contrast to other kinds of goodness like athletic goodness, or economic goodness) in terms of moral duty. The concept of duty is the basic ethical concept.

This idea has certain implications that are worth stressing. Since according to Kant goodness has to be defined in terms of duty, we cannot then turn around and define our duty in terms of what good outcomes there are. This means that the moral value of an action is not to be found in its consequences or outcomes, but in the action itself.



But if we look at an action like the above picture, this gives rise to certain commitments:

We think of the intrinsic aspects of an action as the agent's psychology. Thus, if what our duties are is something that pure reason knows via the Categorical Imperative, then the only variable psychological factor that is intrinsic to action is the agent's motive or intentions, the state of her will. Thus, if we are to avoid evaluating actions in terms of consequences and we want to evaluate actions in terms of what they are intrinsically, and moral beliefs are invariant from person to person because reason is invariant, intention and motive will be the only thing that will help. So, deontology of Kant's kind has to argue that whether an action is ethically good or not depends on whether its motive is ethically good or not. So, good motive is enough for good action. There is nothing else to which a deontologist can appeal.

Further, the consequences of an action will have to be irrelevant. For if the goodness or badness of the consequences of an action are morally relevant in determining whether one's duty is to do that act, we will be defining duty in terms of good, not the other way around as Kant requires.

The Kantian moral motto is: It does not depend on the consequences at all. It all depends on your motive. Kant argues that only one kind of motive is morally good: *Achtung der Gesetz* the compelling attention rationally demanded by the moral law. (This is known as Rigorism.) It means that any other motive is only acceptable insofar as it can be thought of as one's duty to act from that motive. So, acting from self-interest just because something advantages oneself is ethically wrong according to Kant. Whereas, acting from self-interest if one has a duty to so act is ethically okay. Likewise with other motives like love, affection, interest, the love of truth, the sense of beauty, etc.

Kant's morally ideal person is someone in whom the motive of duty is most clearly the cause of their action. (Since a virtuous person takes a certain joy or satisfaction in the good they do, Kant thinks the virtuous person is motivated by pleasure or natural inclination. In Kant's eyes, this rules the virtuous person out as someone in whom the sense of duty clearly motivates their action.) For someone to exemplify clearly the dignity of the motive of duty, Kant argues that the agent must really be disinclined to do the right thing, but do it nevertheless, even though it is hard for them, or even if they are not very good at actually achieving anything. So, whereas common sense says that the morally ideal person is the virtuous person for whom her duty is her pleasure, for Kant the morally ideal person is someone who has to struggle with temptation but whose will to do the right thing prevails against counter-moral inclination.

Evaluating the theory of Deontology

There are several objections to Kant's approach to ethics. The most popular is the Sick Bed Objection. If Kant were right, the morally ideal person is one who is not really pleased by doing what ethics requires of him but who has to struggle with temptation and counter-moral inclination. Imagine someone who visits his friend who is sick in hospital even though he does not want to, has no pleasure in seeing his friend at all, who, once he gets there is keen to be gone but who, nevertheless, stays, is miserable and visits because it is 'his duty'. This person would be a paradigm of the ethically-impressive visitor. However, this visitor seems to be far from an ideal for the moral life. Generally, we would find such a sick bed visitor pretty unappealing and may rather wish that he

did not visit if he was going to be there under sufferance! Something seems wrong with Kant's account of ethics.

Another objection is that Kant is wrong about the range of ethically acceptable motives. His view seems to be that, at the end of the day, the only really acceptable ethical motive is that of the duty. If other motives are ethically any good, it is only insofar as they can be made to fall under this motive. But is this correct? Consider Kant's own example of the green grocer. This person will be motivated by the desire to make a profit. So, his policy of fair pricing is based on his desire to make a profit. So as to make a profit, he needs to keep the goodwill of his customers and so, in order to keep that goodwill, his charges fair prices to all comers. Kant's criticism of this is that he is not motivated by the sense of the compelling attention demanded by the moral law. However, it is hard to see what is wrong with this motive. It is a legitimate motive in this life to keep body and soul together without any further reason why one should, and a profit makes sense for that kind of reason. Why is any further reason needed? Moreover, a business person could be motivated by the desire to make a profit as well as the desire to be fair to his customers and not price gouge. Why are the two exclusive? And why is any further reason for this needed? Again, Kant's Rigidist tendencies seem unreasonable.

Finally, Kant's insistence on correct motive and on the requirement not to do what is not one's duty, can combine to produce silly results, from an ethical point of view. For it can give rise to the idea that, if something is not one's duty, it ought to be avoided.¹

Summing up the two theories

So far, we've looked at Utilitarianism and learned that consequences matter to the evaluation of what we do. However, I have argued that they do not matter in the way Utilitarianism claims. Yes, bad consequences can make an otherwise good act the wrong thing to do. But it is not generally true, as Utilitarianism implies, that good consequences make an otherwise bad act the right thing to do. A similar lesson can be learnt from thinking about Kant's moral theory. His focus is on motives. According to Kant, having the morally correct motive is sufficient to make an act morally admirable. In our terms, what this comes to is the claim that a morally good motive makes an otherwise bad act the right thing to do. This does not seem to be correct in general. Having a good motive and doing

¹ The argument for this takes more space than I have here. The basic problem is that we have to decide whether passing the test of the Categorical Imperative is a necessary or a sufficient condition for being permissible. There are several examples of the test in Kant's writings, where failure to pass the test implies one ought not act on the maxim in question. However, what if a maxim passes the test, that is, the Categorical Imperative test does not show that acting on this maxim cannot be willed as a universal law governing the behaviour of rational agents in a community of people who are all rational etc? Does this show that the action is one's duty? Or merely that it is not one's duty not to do it? The problem is that if it has only shown that it is not one's duty not to do the maxim of the action, the action might be one which is permissible only under certain circumstances but not in others. Since the deontologist cannot appeal to any considerations of the goodness of the circumstances or of the consequences they give rise to, she can only appeal to considerations of duties. Thus, the thought would have to be that, in those circumstances where the action of the maxim is not wrong, it is not because the circumstances are good ones for the action, but that somehow, it is one's duty to do it, the reasons behind it are 'deontic' ones. To avoid saying it is a duty in those circumstances where it is bad to do the maxim's action, one would have to say that it is either a prima facie duty which can be defeated by other duties or that it is a duty not to do it ever. Either way, the results are pretty strange. What we had originally argued was permissible now becomes either a duty or forbidden, in order to avoid defining duty in terms of other ethical terms such as good, or in terms of consequences or situations.

something bad is better than having a bad motive and doing that bad thing. But it is not enough to make what you do right. On the other hand, having a bad motive can make doing even something that is otherwise a good thing, the wrong thing to do. So Kant's emphasis on motives has some germ of truth in it. But this germ of truth does not generalise to the whole of morality so as to explain morality. Motives matter, like consequences, to what is right and what is wrong, but not in the way Kantian moral philosophy claims.

What about some more common-sensical approach to questions of ethics (and indeed of bioethics) rather than these kinds of moral theory? After all, if I am right, each philosophical moral theory, Utilitarianism and Kantian Deontology, is vulnerable to serious objections. Is there another way to deal with questions of ethics without being hostage to philosophical moral theory? Yes, there is. In the next section, I describe an approach which tries to learn from philosophical moral theories but also does not fall into the traps that those theories do.

Part 3 Common sense ethics... and the method it employs

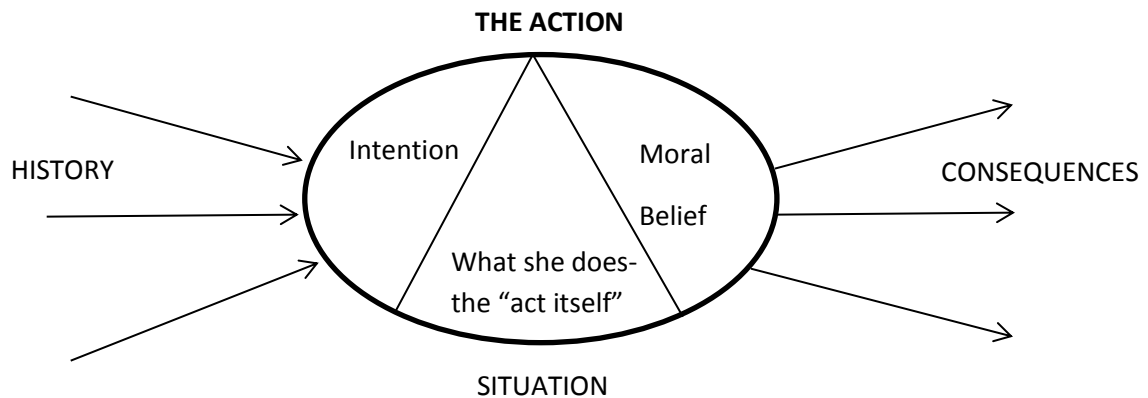
We have seen that the appeal of Utilitarianism comes partly from common sense. For with common sense ethics, Utilitarianism says this: *Bad enough consequences can make an otherwise good act, the wrong thing to do.* Where Utilitarianism goes too far is in its distinctive claim: *Good enough consequences can make an otherwise bad thing, the right thing to do.* The appeal of Kant's version of Deontology partly comes from this idea that he shares with common sense ethics: A bad motive can make an otherwise good thing, the wrong thing to do. Where Kant's Deontology goes too far is in its distinctive thesis: *Good intention/motive can make an otherwise bad thing, the right thing to do (or to have done).*

However, if we think about it, the consequences of action and the motive or intention with which action is done, are not the only ethically important features of actions when we are assessing them, or assessing whether to do them. Common sense ethics tells us that we have to be sure that we look at all the morally-relevant features of an act and that we should make sure that we do not miss anything and that we are honest about what we are really up to. That raises the following question: What other features can count in our judgement whether someone acted well, or whether we should do something?

In order to ensure that we are attentive to all the features which can count in moral evaluation, we can usefully recall the very ancient approach this question which summarises the 'morally relevant features of an action'. Its label is the 'Method of Object, End and Circumstance' (MOEC).²

It can be captured in the following diagram.

² The idea goes back to Aristotle, but in its explicit, 'summarised', form, it is found in the Stoics. Scholars of St Thomas Aquinas call it the "Method of Object, End and Circumstance". I will retain this label for convenience. It is a technical label, relying on knowledge of certain terms in Medieval Aristotelian philosophy. But we will not examine why the label fits. We will ignore the Medieval technical terms.



We have already considered the motives and the consequences of action. Let me explain the other labels in the diagram.

The circle labelled "the action" is what we might call "the action itself as contrasted with its consequences". If a person shoots at someone, and if this is all we know, the action is the act of shooting, and any legal action against the shooter is a consequence of the act. The act will have been done with certain motives (eg the shooter may have wanted to get attention) and certain moral beliefs (eg about whether shooting at people is wrong or not). These are intrinsic to the act, they are a "part of" the act itself, in the sense that they are not among the consequences of the act. The same kind of act, eg a shooting at a person, can be done with different motives or intentions. One person might shoot at another in order to scare them from one's property. Another might shoot at a person in order to kill them. Another might shoot at a person to revenge a previous injustice. Likewise, the same kind of action can be done with different moral beliefs. Most of us will take a blood transfusion to save our life, thinking that doing so is perfectly okay ethically. Others might take the blood transfusion desperate to live, but believing that they do the wrong thing in doing so.

There is another part of the circle, the bit labelled "what she does ... the act itself". This is "part of" the action. But let us set it aside for the moment.

The action takes place in some situation. For instance, the shooting may have taken place at a shooting range, or at the scene of a crime in progress. The same kind of act can take place in different situations.

Finally, the action occurs against the background of a history. For instance, the background to the shooting may have been that the shooter was a former lover of the person shot at, and they had had an acrimonious ending of the relationship. Or, the shooter may be a professional killer who has previously failed to kill the person she is now shooting at. Or the shooter may have been testing a rebore of the barrel of the gun, already had several shots, when the person shot at suddenly appeared out of nowhere completely unexpectedly. The same kind of action - a shooting at a person - can occur against the background of different histories.

Understanding the method in common sense ethics

Sometimes, of course, the situation does not make a difference. For instance, if one is stealing another person's pushbike, it does not matter whether one is stealing it from outside the mall or the bike is at the person's home. One should not be stealing the bike. Similarly, whether one is

motivated by the desire to feed the poor or to buy another pair of shoes, one still should not steal a person's pay-packet. So, sometimes the motive with which one acts does not make an ethical difference. When assessing an action ethically, one should not try to find "the difference made" by each features of the action. For, in a particular case, a given feature might not make a difference to whether that action should have been done, or should be done. However, the point is, that in advance of knowing the details of a particular case, we cannot know whether a given feature of the action will be ethically important or not. We have to examine the feature in each case, given the details of the case.

So the first thing the agent has to do in making an ethical judgement is to examine the decision she has to make, and ask about details of the decision: What is the situation? What is the relevant history leading up to the situation? What consequences are there? What moral beliefs does the agent have about the ethics of doing this kind of action? And how is the agent motivated in doing this? One has to examine all of these. One or another of them might not matter ethically, but it could, and one would be remiss not to think its relevance through.

We are now in a position to think through some general questions about the ethical relevance of these various features of action as we have already done for the consequences and the motives.

The relevance of moral beliefs

Consider the following claim: *'If someone S thinks that x is wrong, it would be wrong of S to do x.'* This seems plausible. People generally ought not be expected to do things that they believe are wrong, or are against their conscience.

But what about the following claim: *'If someone S thinks that x is right or okay to do, it would be right or okay for S to do x.'* As a general principle about action, this seems much less plausible. Thinking that something is right does not make it the right thing to do. Many people think it is perfectly acceptable to pick on people of different skin colour or ethnicity. This does not make it right for them to do it.

However this is what the philosophical ethical theory of Relativism in effect asserts: that 'If someone S thinks that x is right or okay to do, it would be right or okay for S to do x.' It tells us we should not judge others' actions to be wrong. Rather, according to Relativism, we should tolerate them all. If the moral motto of Utilitarianism is 'It all depends on the consequences (and on nothing else)', and the moral motto of Deontology is 'It all depends on the motive (and on nothing else)', the moral motto of Relativism is 'It all depends on what you think (and on nothing else)'. Thus, according to Relativism, if someone S thinks it is ethically alright to pick on blacks or whites, then it is ... for them, of course. The problem is that what it means to say 'it is right ... for them' is very unclear. It might mean "they think it is okay". But that does not advance this discussion. We knew that. Generally, Relativists seem to mean little more than that we should not criticise others when we disagree with their values or their sense of what is right and wrong. But this cannot be a good general rule of life. One does not have to abuse a person or demolish their sense of self-esteem in order to criticise them. Indeed, it would generally be wrong to abuse a person with whom we had disagreements about right and wrong.

But this does not mean we have no right to criticise their views. There is a difference between criticising a view and a person. We can respect a person while finding their ideas mistaken, wrong, or just plain wicked. While this matter is itself a whole topic, we have said enough to appreciate that the general injunction of Relativism, not criticise the ethical views of others when they are badly argued or ethically indefensible, is not acceptable. Indeed, there are some very evil ideas about what behaviour is acceptable, which we do the wrong thing not to criticise. So, let us pass on from Relativism.

The relevance of situation

Now let us consider the situation in which the action is done. Consider the claim: A bad situation can make an otherwise good thing to do, the wrong thing to do. This is not implausible. It is a good thing to practice one's musical instrument. However, practicing one's instrument while dad is sleeping for his night shift is very inconsiderate and not the right thing to do. Again, making love to one's spouse is a good thing to do. But doing so in broad daylight in front of a school full of children crossing the road is not the right thing to do. The wrong situation for doing something can mean that, even though it is a good thing to do in general, one should not do it in that situation.

What about: *A good situation, or the right situation, will make an otherwise bad thing, the right thing to do.* This is the distinctive claim of an ethical theory of the 1960s called 'Situationalism'. The examples given were like this. Imagine a woman in a concentration camp under an oppressive regime. She wants to ensure that her children are not going to be killed in one of the camp's regular mass murders of people of her race; and she wants to ensure they get a reasonable food ration rather than miss out in the rush when the guards feed the prisoners. Her husband is not interned with them. She does not know where he is but she knows he is alive because he escaped a few days before they were taken to the camp, trying to set up their escape to safety. She has worked out which guards are the powerful ones. She also has studied them enough to know that a couple of the powerful ones are susceptible to female flattery and the offer of sexual favours. So she decides to flirt with them and invite them to have sexual relations with her in return for the favours to her children. That is, she decides in effect to prostitute herself in order to ensure that her children are safe and fed. Situationalist moralists argued that this kind of situation was the right kind for this kind of action, that the situation made it right.

We may well be able to understand why a mother would do something like this. However, though her desperation and fears for her children are so understandable, it does not seem to follow necessarily that prostituting oneself for the sake of one's children in circumstances like this has to be the right thing to do. Surely, one could understand her feeling disgust at herself for doing something like this, even if we are not prepared to condemn her. But her feeling this disgust is indicative that she has not done something right. One reasonably feels disgust or remorse or guilt only for things that one considers wrong. And while, in a sense, one might have had no choice and might have had to do it, this does not mean that it was right. In any case, it is not at all obvious that the right kind of situation can make an otherwise wrong action the right thing to do.

Situations which might be right for one kind of action might not be right for another. For instance, the kitchen at the beginning of the day with the whole family present is a good place for eating one's breakfast but it is not the best situation for spending intimate time for personal conversation with someone one loves and needs to talk things over with. The Situationist's idea of a situation which is 'a good situation' or a 'right situation', in abstraction from the kind of action we are talking about, is an odd one.

The relevance of history

Now let us consider the history leading up to a decision. Consider the following claim: *Considerations of a bad history can make an otherwise good thing, the wrong thing to do.* This seems like a plausible general claim.

For instance, it is a good thing to give flowers and chocolates on Valentine's Day to someone of whom one is fond. On the other hand, if a man gives a woman this gift shortly after he has initiated divorce proceedings against her, in order to marry another woman, but he had recently been getting cold feet about marrying that other woman, it would not be a very sensitive thing to do even if it did not cause the ex-wife any pain (she may have already 'cried herself out' and come to see herself better off without him); and indeed, it could simply be insulting even if he did not mean it that way. It is the wrong kind of history for this kind of thing.

What about: *Considerations of historical conditions will make an otherwise bad thing the right thing to do.* Imagine a man who wants to swindle a widow out of her wealth. He woos her with the intention of getting her money and fleeing the relationship. She is very taken by his attentions. He is a very effective confidence trickster. Clearly, this is a bad piece of behaviour. Now, let us imagine that the man's grandfather was conned out of his wealth and property by this woman's former husband's grandfather. She has wealth which he believes would have been his, had her husband's grandfather not done what he did to his grandfather. Do such historical considerations make it acceptable for this man to swindle the widow out of her wealth by breaking her heart? This hardly seems right.

The relevance of the 'Moral Kind'

We now need to talk about the final element in the diagram above: "what she does ... the moral kind" of the action. What does this mean? To begin, the general characterisation of this item is this. Put simply it is how the action falls under expressions that we use to categorise things people do. Thus, our ethical vocabulary includes such terms as "murder", "theft", "stealing", "lying", "rape", "invading another's privacy", "keeping a promise", "paying one's bills", "telling the truth", "owning up", "cheating", "adultery", "torturing an animal", etc. These terms are words which, if they apply to an action, tell us what kind of action it is: it is a theft, it is paying one's bills, it is telling the truth, etc. If a particular action falls under the term "theft", it is a theft. And so on.

However, it is not quite that simple. The moral kind to which the action belongs has implications for the way we divide up what belongs to the other features of the act. And there are cases in which, even though we know all the relevant details about the situation, the motives, the consequences, etc, it remains genuinely difficult to work out what kind of action the action belongs to, from an ethical point of view.

For instance, let us go back to the example of shooting at a person. When we first discussed this example, we pointed out that the act itself was an instance of shooting at a person and any legal actions pressed against the shooter was a consequence. Let us imagine, however, that the shooting was deliberately aimed at the victim and intended as a way of killing him. Let us also assume that the bullet hit its mark and the person died. Now, if we say that the act itself is the act of shooting at a person, the death of the victim is a consequence of this act. However, if we say that the act itself is a murder, then the death of the victim is not a consequence of the act, it is part of the act: one cannot murder another person if he does not die. Of all the things related to the shooting, which is part of the act, which is among the consequences, which are part of the situation and which part of the history, are strongly dependent on what kind of act we describe the act to be.

So, we have to be very careful to be able to justify the way we describe actions for the purposes of ethical assessment. For instance, if one deliberately kills a person, that is murder. If one describes the act as murder, the fact that the victim is one's brother is a part of the situation, and maybe part of the history too. But if we describe the act as an act of parricide, the fact that the victim is one's brother is partially constitutive of the act, and it is not part of the situation. If the victim is also the prime minister and you have been paid to murder him, the act is one of assassination. Understood as assassination, the fact that the victim is the prime minister is not accidental to the act, it is not part of the situation. It is part of the act itself.

Another example. Think about the electronic surveillance of employees in a call centre. If we describe this as invading the employees' privacy at work, it is not a part of the situation that the invading of the privacy is at work. If we describe the action as tracking the employees' use of work resources, it is part of the situation that the resources in question are at work, rather than, say, being used at home or at a client's office. Clearly, the way we describe the kind to which the action belongs makes a difference to the way we assign the elements of the action to different features of the action.

Why distinguish 'moral kind' from intention?

Why do we separate out the moral kind of the action (in the diagram above) from the intention/motive and from the moral beliefs? After all, one's killing another person cannot be murder unless one meant it. Again, one cannot pay one's bills unless one intends to and thinks one had better do it. Surely the psychology of the agent is relevant in working out what moral kind an action belongs to? This is usually true. The relevance of psychology to the description of the moral kind of the action is typically very important. Once we find out that the person shooting at the other person did not realise they were there in the way of the bullets, we cannot truthfully say that they

were attempting to murder anyone. (Maybe they should have been more careful but that is another matter.)

However, there are plenty of examples where this is not the case. Consider this case. Imagine a business of a group of very well trained, professional, high-achieving female nurses who run a nursing agency. The women who founded the company are independent-minded women with strong views about the right of women to work in the business world and about their ability to do it well. The partner who usually does the bookwork has gone on holiday for a fortnight: so too has her replacement. The only person they can get to do the books for them is a retired accountant, an 'unreconstructed', old fashioned man. His sincere view is that women are not well suited to being business people and those who try, while they might survive, will not do the work very well. Women, according to his view of the world, are naturally gifted nurturers whose forte is the having of babies, care of children, and decorating of the home. His mother and sisters tried to run a business for a number of years, but he had to keep bailing them out and eventually, for the sake of everyone's sanity, he helped them sell up. He intends to help out 'these girls', as he thinks of it. His intentions are only good. He does not want to offend anyone, he does not want to cause anyone any trouble, but he thinks that "the girls" will be having trouble with running the business, that he will have to give them good advice, suggest some males to get in to help them out more regularly, and so on. He believes that insulting people is wrong, that patronising people is wrong. When he gets to the office, he notices that the books are surprisingly well-kept and that the profits are in much better shape than he had expected. He keeps referring to the women as 'you ladies', trying to be kindly. He offers business advice uninvited. His tone is always kindly, but it is as if he is speaking to someone who won't understand what he is trying to explain.

You can imagine how this behaviour will be for the women who own the business. The accountant has no idea that his words and attitudes are having the effects they are. He cannot see that his demeanour and words are condescending. After all, he thinks, how else does a man speak to a 'girl' who is trying to do things she cannot. He is being nice isn't he, he thinks. However, he is just plain wrong about that. Certainly, his intentions are good, and he is not doing anything his conscience tells him he shouldn't. He thinks that speaking to women in the business world more or less as though they were children is appropriate.

If this account of this case is correct, it shows that an action can fall under a moral kind even though there is nothing in the agent's psychology that would, of itself, invite describing it as belonging to that kind. He only wants to do the right thing by the women. So it is not because of his intentions that his behaviour is bad. Still, it is bad behaviour. It is bad simply because speaking to women as if they cannot be taken seriously in business, and as if they are like children in the business world, is itself insulting, whether it is meant to be or not. So, an action can belong to a moral kind independently of the ethical quality of the intentions and conscience of the agent. Thus, it is a separate element to take account of in the assessment of an action.

Hiding the moral kind

How then, is one to work out what moral kind an action belongs to? There is not a general answer to this question. Sometimes we know enough to work it out if we know only the situation, motives, history, consequences etc. But sometimes we need to think harder.

For it is easy to hide the real moral kind to which an action belongs by obscuring certain details of the case. For instance, a man who is taking another's money in order to give it to a homeless person for a meal, when challenged by the question "What are you doing?" might say "I am feeding a homeless person." Of course, that is not untrue, but it is not honest either. For he is taking someone else's money without asking their permission to do so. He is hiding the moral kind of what he is doing behind the results it will produce. This is called 'moral elision'. It is a form of over-describing the action by pretending that the only relevant factor for working out the moral kind of one's action is its outcomes: we hide what we are really doing by going straight to the intended consequences of what we are doing.

We can also under-describe our actions. For instance, imagine a mining company which is cleaning effluent from its mining site out of the tailings dam. Imagine also that, when they drain the dam, it is obvious that the waters from it flow into the local river from which the indigenous people fish their food supply. If challenged to give an account of what they are doing, the company might say, 'We are only draining the tailings from the tailings dam. We have to do that to make room for more in the mining process.' They are hiding the fact that they are destroying the local people's food supply by ignoring the foreseeable consequences of their actions, and focussing only on a narrow aspect of what they are doing. Certainly, they are draining the tailings dam, but in doing so, they are destroying the local people's food supply. What they are really doing, from the point of view of ethically assessing their action, is destroying the locals' food supply. So, the company is under-describing their action.

And there are other ways people can misleadingly, dishonestly, or otherwise wrongly, describe what they are doing. When they do, they generally hide something which, from the ethical point of view matters in the situation; they are hiding what they are really doing, by focussing on some narrow aspect of the situation as if that is all that matters, when it isn't all that matters. This shows that we have to be careful not to miss things that matter in a situation when we are assessing it ethically.³

Difficulties in determining the moral kind

In addition, there are cases when, even though we know all the relevant details about the situation, the intentions, the consequences etc, it remains genuinely difficult to get right what kind of action the action belongs to, from the ethical point of view. For instance, take electronic surveillance of workers in the workplace, at a call centre. Most employers who do this do it routinely without any thought whether it is an invasion of privacy. When we talk about invasion of privacy, we usually have things like this in mind: mum reading your mail, your mate looking in your diary without your permission, your boyfriend reading an ex-boyfriend's old letters to you. But, at first blush, these kinds of action do not resemble electronic monitoring of workers in a call centre at all. Why think of it as invasion of privacy?

Again, consider IVF by donor. This involves mixing one's wife's ovum with the semen of another man. Is this adultery? The Catholic Church and some others think so. Why? When we normally think

³ The MOEC suggests a set of features to look for to try to make sure we do not miss anything and are honest about what we are really up to.

of adultery, we imagine one's wife having torrid sex with some other man. This seems a far remove from her egg being mixed with another man's semen in a petri dish. Why think of this as adultery?

Finally, consider the case of active euthanasia: that is, killing a terminally ill person upon their request using potassium chloride to cause the heart directly to stop. It is well known that there are disputes about this. Some insist that this is murder; others insist that this is just "emotive language".

Clearly, we can know about all the kinds of factors that are ethically relevant, but there could still be disagreement how to classify the action ethically: Do we have here IVF by donor or do we have here a case of adultery? Do we have here electronic monitoring of the use of company resources or do we have invasion of privacy? Do we have a kindly act of relieving pain and suffering or do we have a case of murder? These are questions of a general kind.⁴

It is now time to make and emphasise a very important point. Generally speaking, we have good reasons to describe a particular action as belonging to some moral kind (or another, though perhaps more than one). This then enables us to take account of the consequences, the intention of the agent, the relevant history and the situation etc.⁵ But we need to have reasonable confidence that the action has been correctly described for ethical purposes. So, we need to be confident whether using one's brother's sperm to fertilise one's wife would be a case of adultery or not. For instance, it might feel a whole lot like adultery if your wife had once been a lover of your brother and you and he were not all that close, but she still wanted to be fertilised with his sperm. One could understand a man not being too comfortable about that! It could well feel like adultery to him. Again, consider a mother who is prepared to have her egg fertilised with her son's sperm and to carry the baby because he is too busy to find a woman his own age, due to his work commitments. This sounds a lot like incest to many people even though there is not the slightest hint of sexual congress between the mother and her son. Once we feel confident about how to understand the action for ethical purposes, we can take account of consequences, motive/intention, history, situation, etc.

The 'Dionysian' Principle of this method

The 'method of object, end and circumstance' – MOEC – is an approach to making ethical decisions about particular actions in the details of the case. This approach is an ancient one which really goes back to Aristotle and to Aquinas who more or less developed it systematically in the Western tradition. However, there is one writer whom we will dignify with an important role because he had a great influence on Aquinas. It is the writer of a text called *On the Divine Names*. Traditionally this text was said to have been written by Dionysius the Aeropagyte.⁶

⁴ The questions here are not really within the scope of what the 'MOEC' can help us sort out. For the questions here are of a more general character: Does deliberately causing the death of another person who is terminally ill, in pain and suffering, and who requests to be killed, where we use potassium chloride to ensure that their heart stops, amount to murder? Does having your ova fertilised in a petri dish by the sperm of a man who is not your husband amount to adultery? Does electronic monitoring of the IT resources your workers use amount to invasion of their privacy?

⁵ The 'MOEC' is a theory of how to think about ethical decisions in particular situations: it is not an account of general ethical thinking about what kinds of action are right or wrong. The best use of the MOEC presupposes that generally speaking, we have good reasons to describe a particular action as belonging to some moral kind (or another, though perhaps more than one).

⁶ He is referred to in the Acts of the Apostles. He would have lived during the first century of the Christian period. Since the text cannot have been written before about the fourth or fifth centuries however, this traditional attribution must have been honorific.

What matters to us is a particular summarisation of the MOEC that he formulates. It says this: *To do good and act well, one must have all the relevant kinds of features of an act in good order. Defect in one of them can mean that one's action is wrong.* That is, if our action is good in moral kind, good in intention and motive, good in the situation and history but has awful consequences which are foreseeable, it is wrong to do. If something we are thinking of doing has good or tolerable consequences, is of an acceptable moral kind, well intended and motivated, the situation is good and the history are okay, but one believes it is an evil act to do, one should not do it. If something one is doing has good or tolerable consequences, the situation and history is okay and, as best as one can tell, the action is not of a bad moral kind, but one would be doing it with bad intentions, generally one should not do it.

The hardest cases are where the psychology is somewhat unclear. For instance, where something one is thinking of doing has good or tolerable consequences, one is meaning well by it and the situation seems okay and the history too, and one means well and does not have problems of conscience with it, but the action is one which is objectively wrong because it belongs to a bad moral kind, we have a problem.

This is called the problem of 'Erroneous Conscience': one's sense of right and wrong (one's moral beliefs) and what really is right or wrong, do not match. One should not disobey one's conscience: that is, one should not do what one thinks is wrong. But one also should not do what is wrong. And since one can be mistaken, even very seriously mistaken while being of good will, it is always possible that what one sincerely and conscientiously believes to be the right thing to do, might not be. We therefore have to have a concern for getting it right in our judgements of right and wrong. This is one reason why serious thought and the struggle of moral dilemmas can be so forceful on us. It is a reason why we should discuss difficult moral problems serious and consider rational arguments about the choices we are confronted by, and seek the advice of good people with wisdom in the moral life.

The other kind of problem is where there is something we should do - the situation does not militate against it, the history requires it, belongs to the right moral kind, we have no problems of conscience with it in general, and the consequences are good or tolerable - but if we were to do it, we would do it in a bad spirit or with bad motive or intention: perhaps resentfully, or to spite someone or in the hope that another is hurt by it or the like. Should we do it then? It depends on how serious and important it is that we do the action in fact.

For instance, imagine that you are a doctor who has just been embarrassed by a nurse in the hospital by ordering a drug that was the wrong one for a patient and she prevented it being administered and others saw the mistake you had made. Now, the next day, a massive emergency comes into the Casualty ward where you work. Today you are more on the ball but you still feel peeved because the nurse publically embarrassed you by calling your prescription into question last night. You want to get her back somehow. During the emergency, she is under pressure with the number of patients coming into the Casualty, and you can see that she is faced with a difficult medical problem which she cannot handle as a nurse. Your patient has stabilised but could do with a few more minutes' attention; however, the temptation to 'save the nurse' from the limitations of her skills is strong. She is trying to revive the patient who has passed into an anaphylaxis - a fit - and who could die because of it. You know exactly how to reverse this quickly with a new method you

just read about. Will you give your patient the few extra minutes or will you save the day and show up the nurse's lesser skills? Clearly, your intentions in going to save the nurse's patient would be bad ones, dishonourable ones. The problem, however, is that if you try not to indulge these nasty motives of yours, by not going to 'save the day' and show up the nurse's lesser skills, her patient will die. Clearly, it seems more important to save her patient than for you to avoid doing something 'nastily'. So you should save the patient. So understood, this is a good thing to do. Of course, when done from a bad motive, the heroism of saving the person's life loses its gloss, and that is what the MOEC really shows here. But one does the right thing by saving the patient, not by indulging your wish not to act on bad motives.

In other cases, one should not act if one can only do so from bad motives. For instance, if a person acts romantically towards another person is motivated by a desire to fleece them of their wealth, the romantic attention might be good in that it makes the wealthy person feel good about themselves, but the intention makes this a horrid thing to do to a person. So, one has to be careful applying the Dionysian Principle of the MOEC, but it is a helpful first guide.

Conclusion

The 'method of object, end and circumstance' is an approach to the evaluation of particular actions, not an approach to the evaluation of general ethical principles. It assumes that in general we already know them! It directs us to look for several features of action in order to assess the particular action. The most important of these is the moral kind to which the action belongs: eg, is it a murder, an invasion of privacy, a lie, a theft etc. The other features of the action can feed into making this judgement: if the killing was intentional, the action is a murder; if the person one had sex with was your father, the act was incest; if it was a foreseeable consequence of the act that a person's money would be transferred to your account without their permission, the act was an act of theft. Once the moral kind of the action is settled (and it is important to remember that an action might belong to more than one moral kind), we can assess how the other features of the action bear on whether it was a good action or a bad one, right or wrong etc. We have to look at the consequences (the reasonably foreseeable consequences), the intentions and motives, the agent's conscience, the situation and the history.

The central idea of this method, the so-called 'Dionysian Principle', says that defect in one of these relevant features - moral kind, history, situation, intention and motive, and consequences - can ruin an otherwise good action and typically it will mean it is an action one should not do. To act well and do good, one's actions must be in good order in these respects.

That, surely, is common sense ethics!

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