

A Romp Through Ethics for Complete Beginners

Session Two:

Freedom, knowledge and society: the preconditions of ethical reasoning

**Marianne Talbot
Department for Continuing Education
University of Oxford
7th February 2011**

Last week we considered whether...

...rules are essential to moral reasoning by looking at a moral dilemma...

...we considered whether moral beliefs are true or false....

...absolutely or only in relation to something...

...and we wondered what might *make* them true or false

Today we are going to:

- **Reflect on free will and determinism**
- **Consider whether we have moral knowledge**
- **Compare the moral law with the law of the land**
- **Consider whether and why we are obliged to obey either law**

For a person to be legally and/or morally responsible for his behaviour the person must have:

(a) freely chosen the behaviour

(b) know the difference between right and wrong

Let's look at each of these conditions in this order

We usually think of ourselves...

...as having freely chosen our behaviour

...when the behaviour was *intentional*...

So what is it to act *intentionally*?

We act intentionally when we act....

...because we *want* something...

....and believe we will achieve that thing...

...by performing this action..

We perform the action *intending* to achieve that end

One who trips over a carpet is not acting intentionally...

...something has *happened to him*...

...but one who *pretends* to trip over a carpet...

..*is* acting intentionally

But imagine that Tom, in reaching for his pen...

... knocks over his Mum's mug, spilling her coffee...

...he might defend himself by saying he didn't do it intentionally...

But Tom's action *was* intentional...

... but only under a certain description...

**...it was intentional under the description
'trying to get the pen'...**

**...but not under the description 'trying to knock
over Mum's mug'**

So we might hold Tom responsible for carelessness...

...if it should have been obvious to him than in reaching for the pen as he did...

...he would knock over his Mum's mug and spill her coffee...

...but he didn't *intentionally* spill her coffee...

...because he didn't act with the intention of achieving *that* end

Actions are intentional only under descriptions...

...we are morally and legally responsible for the action only...

... under the description on which we acted intentionally...

This is why someone is guilty only of manslaughter...

...if an intentional action of theirs caused the death of someone...

...but they didn't *intend* the action to have that consequence

So there are behaviours:

- 1. that are not intentional under *any* description
(tripping over a carpet)**
- 2. that are intentional under *some* description
(pretending to trip over the carpet)**

Only the latter are believed by us to be freely chosen

**Of the behaviours that are intentional under
some description...**

**...all will be describable in many different
ways...**

...as having many different effects...

...many of which might *not* have been intended

But some people deny that even our intentional actions are freely chosen by us...

...believing that *all* our behaviours are causally determined...

...by the laws of nature, the situation in which we find ourselves, and our upbringing

These people are called ‘determinists’, and they come in two varieties:

(a) hard determinists

(b) soft determinists

Hard determinists believe that all our behaviours are causally determined...

...so none of them is free...

...the idea we have free will is simply an illusion

Soft determinists believe that even if all our behaviours are causally determined...

...it is still the case that they can be freely chosen...

...soft determinists are also called 'compatibilists'...

...because they believe that free will is compatible with determinism...

The libertarians believe that some of our actions are freely chosen...

...and that these actions are *not* causally determined

So hard determinists and libertarians agree that free will and causal determinism are incompatible

Soft determinists and libertarians agree that we have free will

Hard determinists and soft determinists believe all our behaviours are causally determined

Where do you stand on this?

It is always tempting to be a soft determinist...

...because then we can adopt the view we believe to be scientific...

...*and* we can maintain our belief that we are free

But can an action....

...a *token* action....

...be *both* causally determined

...*and* freely chosen?

If we do not have free will...

... then the question of whether we are morally responsible...

... for any of our actions becomes a very big question...

The second condition for being...

... morally and/or legally responsible for our actions is...

...that we should be able to distinguish between right and wrong...

...(think of Adam and Eve)...

...we are morally culpable for an action...

...only if we freely choose to perform it ...

...knowing that we are doing something wrong

We do not start life as moral agents subject to the laws of the land...

...because we do not start life with...

... the ability to distinguish between right and wrong

In order to become morally responsible for our actions...

... we must acquire an understanding of...

... when an action is right...

... and when an action is wrong

You might think this is a requirement too far...

...can we *really* claim to have moral knowledge...

...and if so how do we justify such claims?

Last week we considered whether or not there are moral facts...

...the question of whether we can *know* these facts is a different question...

...the former is a matter of metaphysics...

... the latter a matter of epistemology

***Moral epistemology* is concerned with how we justify our beliefs about right and wrong and whether they count as knowledge.**

***Moral metaphysics* is concerned with the nature of moral values and whether they really exist.**

Can you sort the following questions into epistemological questions, and metaphysical questions?

- 1) How do we know whether an action is right or wrong?**
- 2) What justifies us in believing that lying is wrong?**
- 3) Are moral judgements right or wrong?**
- 4) Can we ever be certain about the truth of a moral claim?**
- 5) If moral values really exist what is their nature?**
- 6) How can we be sure that it is always and everywhere wrong to kill?**
- 7) Do moral values really exist?**

Think back to last week and our discussion of Moral Particularism and Moral Generalism...

....to which one, do you think, does the idea of moral *knowledge* come more easily?

You might think that the Generalists are more likely to make this claim...

...but do we *always* know what falls under a rule?

And if we consider the higher order rules...

...it seems easy to be completely ignorant of whether or not an action falls under a rule

Particularists might not know in advance whether an action will be right or wrong...

... simply because it has (or lacks) a certain property...

...but given a token action don't we sometimes – often? – feel *certain* we know it is right (or wrong)?

There are different justifications we might offer for claims to moral knowledge:

- **we might say we have a moral ‘sense’**
- **we might say we know inductively which behaviours are likely to be right/wrong**
- **we might say we have a (tacit) agreement on which behaviours are right/wrong**

But the questions of whether we have moral knowledge ...

and how we have moral knowledge are two more big questions....

...that I'll leave you to ponder

The moral law and the law of the land differ when it comes to knowledge...

...there is a big question about our possession of moral knowledge...

...but the law of the land must be made explicit and made public...

...and ignorance of it is not deemed a defence

That the 'moral law'...

...differs from the law of the land...

...is clear

Can you think of an action that is immoral but not illegal?

Can you think of an action that is illegal but not immoral?

We sometimes think laws are unjust...

...but how can a law be *unjust*...

...if there isn't anything over and above the law of the land...

.... in the light of which it is unjust?

But if the law of the land differs from the moral law...

...what is the relation between them?

John Locke, a famous English philosopher...

... believed that the law of the land...

... must be firmly *based* on the moral law

Locke believed that in the 'state of nature'...

...the state we were in before we became a nation state or society...

...the moral law – he called it 'the law of nature' - already existed...

...we were required to 'preserve as much as possible'

Locke believed that the idea of a law without a sanction is incoherent...

...so he also believed that in the state of nature each of us held...

... the 'executive power of the law of nature'...

...the right to punish violations of the law

So let's imagine that we are here in the state of nature...

...subject to the law of nature...

...and holding the executive power of the law of nature...

...do you think this is great....

...or are there drawbacks?

Locke believed that there would be serious 'inconveniences':

- no impartial judgement**
- no standard punishment**
- force wouldn't necessarily be on the side of the right**

Locke believed it would therefore become rational for us...

... to transfer our individual executive power into the hands of the community...

....and accept majority opinion on who should wield this power

Importantly Locke saw this as a two-stage process:

- (a) Contract with others to accept majority rule and relinquish executive power (body politic formed)**

- (b) Consent to executive as decided by the majority (government formed)**

This ingeniously generates the conditions of justified rebellion:

- (a) when the government fails to execute the law of nature**

- (b) when the government goes further than the law of nature permits**

In either of these cases the government is likely...

... to lose the 'attitudinal consent' of the body politic....

...according to Locke it should now resign...

...and if it doesn't rebellion is justified

For Locke we *never* return to the state of nature....

...even if the government is felled by popular consent...

...we return only to 'the body politic'...

...and the need to decide on a new government

Locke's theory thereby incorporates an account of political obligation...

...of why we should obey the law...

According to Locke our obligation to obey the law...

...rests on the notion of consent...

...together with our pre-existing obligation to obey the moral law...

...a rather shaky resting place you might think

Problems for this account of political obligation:

(a) Consent

- i. Whose consent?**
- ii. When did we consent?**
- iii. Tacit consent**

(b) pre-existing moral obligation

Another question for you to ponder then is...

...whether you agree with Locke that the law of the land...

... must rest on the moral law...

...and if so where the moral law comes from

In recent years 'state of nature' theory...

...has been revolutionised by the philosopher John Rawls..

...who argued that both moral *and* political obligation...

...rest on a hypothetical agreement

According to Rawls you are obliged to obey the laws...

... imposed on you by a government...

...*and* the moral laws of your society...

...if and only if these laws are *fair*...

A big question for Rawls, then...

...is what counts as a law that is *fair*...

Rawls's answer is that a law is fair...

... if that law would have been chosen...

... by rational, self interested people (people like us)...

... in the 'original position'.

To understand this it is necessary to understand:

- (a) The original position**
- (b) The idea of a rational participant**
- (c) The veil of perception**
- (d) The 'thin' theory of good**

Another question for you to ponder is whether you think that...

...Rawls's theory explains both moral *and* political obligation

One difficulty for this – perhaps – is from whence does the apparently pre-existing – notion of *fairness* come from?

So here is the list of questions you are being left to ponder on for this week:

- (a) Do we have free will or are *all* our actions causally determined?**
- (b) do we have moral knowledge and if so how do we acquire it?**
- (c) Is the law of the land just only if it rests on the moral law (if so where does the moral law come from?)**
- (d) Is Rawls's account of political and moral obligation acceptable to you?**

Next week we shall start our examination of four key moral theories...

...starting with virtue ethics...

...in doing so we shall be examining much more closely...

... the ideas we have been galloping through over the last two weeks

If you'd like to check your understanding of this week's lecture ask yourself whether you can:

- **describe the debate between the libertarians, soft and hard determinists;**
- **describe some views on how we acquire moral knowledge;**
- **Explain Locke's view of the relation between the moral law and the law of the land;**
- **Offer some arguments for moral and political obligation.**

Reading for next week is the excerpt from Aristotle's Nichomachean Ethics (pages 667-684 of the set text).

There is a wonderful 'squashed' version of the Nichomachean Ethics here:

<http://www.btinternet.com/~glynhughes/squashed/aristotle.htm>

And/or you might like to look at the following entries in the Stanford Encyclopaedia:

- <http://plato.stanford.edu/search/searcher.py?query=Virtue+ethics>
- <http://plato.stanford.edu/entries/aristotle/>
- <http://plato.stanford.edu/entries/aristotle-ethics/>

And/or you could look at the introduction to, and papers in, part XI of the text book.