



## ABOUT ETHICS

THIS book is about practical ethics, that is, the application of ethics or morality – I shall use the words interchangeably – to practical issues like the treatment of ethnic minorities, equality for women, the use of animals for food and research, the preservation of the natural environment, abortion, euthanasia, and the obligation of the wealthy to help the poor. No doubt the reader will want to get on to these issues without delay; but there are some preliminaries that must be dealt with at the start. In order to have a useful discussion within ethics, it is necessary to say a little *about* ethics, so that we have a clear understanding of what we are doing when we discuss ethical questions. This first chapter therefore sets the stage for the remainder of the book. In order to prevent it from growing into an entire volume itself, I have kept it brief. If at times it is dogmatic, that is because I cannot take the space properly to consider all the different conceptions of ethics that might be opposed to the one I shall defend; but this chapter will at least serve to reveal the assumptions on which the remainder of the book is based.

## WHAT ETHICS IS NOT

Some people think that morality is now out of date. They regard morality as a system of nasty puritanical prohibitions, mainly designed to stop people having fun. Traditional moralists claim to be the defenders of morality in general, but they are really defending a particular moral code. They have been allowed to

preempt the field to such an extent that when a newspaper headline reads BISHOP ATTACKS DECLINING MORAL STANDARDS, we expect to read yet again about promiscuity, homosexuality, pornography, and so on, and not about the puny amounts we give as overseas aid to poorer nations, or our reckless indifference to the natural environment of our planet.

So the first thing to say about ethics is that it is not a set of prohibitions particularly concerned with sex. Even in the era of AIDS, sex raises no unique moral issues at all. Decisions about sex may involve considerations of honesty, concern for others, prudence, and so on, but there is nothing special about sex in this respect, for the same could be said of decisions about driving a car. (In fact, the moral issues raised by driving a car, both from an environmental and from a safety point of view, are much more serious than those raised by sex.) Accordingly, this book contains no discussion of sexual morality. There are more important ethical issues to be considered.

Second, ethics is not an ideal system that is noble in theory but no good in practice. The reverse of this is closer to the truth: an ethical judgment that is no good in practice must suffer from a theoretical defect as well, for the whole point of ethical judgments is to guide practice.

Some people think that ethics is inapplicable to the real world because they regard it as a system of short and simple rules like 'Do not lie', 'Do not steal', and 'Do not kill'. It is not surprising that those who hold this view of ethics should also believe that ethics is not suited to life's complexities. In unusual situations, simple rules conflict; and even when they do not, following a rule can lead to disaster. It may normally be wrong to lie, but if you were living in Nazi Germany and the Gestapo came to your door looking for Jews, it would surely be right to deny the existence of the Jewish family hiding in your attic.

Like the failure of a restrictive sexual morality, the failure of an ethic of simple rules must not be taken as a failure of ethics as a whole. It is only a failure of one view of ethics, and not

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even an irremediable failure of that view. The deontologists – those who think that ethics is a system of rules – can rescue their position by finding more complicated and more specific rules that do not conflict with each other, or by ranking the rules in some hierarchical structure to resolve conflicts between them. Moreover, there is a long-standing approach to ethics that is quite untouched by the complexities that make simple rules difficult to apply. This is the consequentialist view. Consequentialists start not with moral rules but with goals. They assess actions by the extent to which they further these goals. The best-known, though not the only, consequentialist theory is utilitarianism. The classical utilitarian regards an action as right if it produces as much or more of an increase in the happiness of all affected by it than any alternative action, and wrong if it does not.

The consequences of an action vary according to the circumstances in which it is performed. Hence a utilitarian can never properly be accused of a lack of realism, or of a rigid adherence to ideals in defiance of practical experience. The utilitarian will judge lying bad in some circumstances and good in others, depending on its consequences.

Third, ethics is not something intelligible only in the context of religion. I shall treat ethics as entirely independent of religion.

Some theists say that ethics cannot do without religion because the very meaning of 'good' is nothing other than 'what God approves'. Plato refuted a similar claim more than two thousand years ago by arguing that if the gods approve of some actions it must be because those actions are good, in which case it cannot be the gods' approval that makes them good. The alternative view makes divine approval entirely arbitrary: if the gods had happened to approve of torture and disapprove of helping our neighbours, torture would have been good and helping our neighbours bad. Some modern theists have attempted to extricate themselves from this type of dilemma by maintaining that God is good and so could not possibly approve

of torture; but these theists are caught in a trap of their own making, for what can they possibly mean by the assertion that God is good? That God is approved of by God?

Traditionally, the more important link between religion and ethics was that religion was thought to provide a reason for doing what is right, the reason being that those who are virtuous will be rewarded by an eternity of bliss while the rest roast in hell. Not all religious thinkers have accepted this argument: Immanuel Kant, a most pious Christian, scorned anything that smacked of a self-interested motive for obeying the moral law. We must obey it, he said, for its own sake. Nor do we have to be Kantians to dispense with the motivation offered by traditional religion. There is a long line of thought that finds the source of ethics in the attitudes of benevolence and sympathy for others that most people have. This is, however, a complex topic, and since it is the subject of the final chapter of this book I shall not pursue it here. It is enough to say that our everyday observation of our fellow human beings clearly shows that ethical behaviour does not require belief in heaven and hell.

The fourth, and last, claim about ethics that I shall deny in this opening chapter is that ethics is relative or subjective. At least, I shall deny these claims in some of the senses in which they are often made. This point requires a more extended discussion than the other three.

Let us take first the oft-asserted idea that ethics is relative to the society one happens to live in. This is true in one sense and false in another. It is true that, as we have already seen in discussing consequentialism, actions that are right in one situation because of their good consequences may be wrong in another situation because of their bad consequences. Thus casual sexual intercourse may be wrong when it leads to the existence of children who cannot be adequately cared for, and not wrong when, because of the existence of effective contraception, it does not lead to reproduction at all. But this is only a superficial form of relativism. While it suggests that the applicability

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of a specific principle like 'Casual sex is wrong' may be relative to time and place, it says nothing against such a principle being objectively valid in specific circumstances, or against the universal applicability of a more general principle like 'Do what increases happiness and reduces suffering.'

The more fundamental form of relativism became popular in the nineteenth century when data on the moral beliefs and practices of far-flung societies began pouring in. To the strict reign of Victorian prudery the knowledge that there were places where sexual relations between unmarried people were regarded as perfectly wholesome brought the seeds of a revolution in sexual attitudes. It is not surprising that to some the new knowledge suggested, not merely that the moral code of nineteenth-century Europe was not objectively valid, but that no moral judgment can do more than reflect the customs of the society in which it is made.

Marxists adapted this form of relativism to their own theories. The ruling ideas of each period, they said, are the ideas of its ruling class, and so the morality of a society is relative to its dominant economic class, and thus indirectly relative to its economic basis. So they triumphantly refuted the claims of feudal and bourgeois morality to objective, universal validity. But this raises a problem: if all morality is relative, what is so special about communism? Why side with the proletariat rather than the bourgeoisie?

Engels dealt with this problem in the only way possible, by abandoning relativism in favour of the more limited claim that the morality of a society divided into classes will always be relative to the ruling class, although the morality of a society without class antagonisms could be a 'really human' morality. This is no longer relativism at all. Nevertheless, Marxism, in a confused sort of way, still provides the impetus for a lot of woolly relativist ideas.

The problem that led Engels to abandon relativism defeats ordinary ethical relativism as well. Anyone who has thought

through a difficult ethical decision knows that being told what our society thinks we ought to do does not settle the quandary. We have to reach our own decision. The beliefs and customs we were brought up with may exercise great influence on us, but once we start to reflect upon them we can decide whether to act in accordance with them, or to go against them.

The opposite view – that ethics is always relative to a particular society – has most implausible consequences. If our society disapproves of slavery, while another society approves of it, we have no basis to choose between these conflicting views. Indeed, on a relativist analysis there is really no conflict – when I say slavery is wrong I am really only saying that my society disapproves of slavery, and when the slaveowners from the other society say that slavery is right, they are only saying that their society approves of it. Why argue? Obviously we could both be speaking the truth.

Worse still, the relativist cannot satisfactorily account for the nonconformist. If 'slavery is wrong' means 'my society disapproves of slavery', then someone who lives in a society that does not disapprove of slavery is, in claiming that slavery is wrong, making a simple factual error. An opinion poll could demonstrate the error of an ethical judgment. Would-be reformers are therefore in a parlous situation: when they set out to change the ethical views of their fellow-citizens they are *necessarily* mistaken; it is only when they succeed in winning most of the society over to their own views that those views become right.

These difficulties are enough to sink ethical relativism; ethical subjectivism at least avoids making nonsense of the valiant efforts of would-be moral reformers, for it makes ethical judgments depend on the approval or disapproval of the person making the judgment, rather than that person's society. There are other difficulties, though, that at least some forms of ethical subjectivism cannot overcome.

If those who say that ethics is subjective mean by this that

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when I say that cruelty to animals is wrong I am really only saying that I disapprove of cruelty to animals, they are faced with an aggravated form of one of the difficulties of relativism: the inability to account for ethical disagreement. What was true for the relativist of disagreement between people from different societies is for the subjectivist true of disagreement between any two people. I say cruelty to animals is wrong: someone else says it is not wrong. If this means that I disapprove of cruelty to animals and someone else does not, both statements may be true and so there is nothing to argue about.

Other theories often described as 'subjectivist' are not open to this objection. Suppose someone maintains that ethical judgments are neither true nor false because they do not describe anything – neither objective moral facts, nor one's own subjective states of mind. This theory might hold that, as C. L. Stevenson suggested, ethical judgments express attitudes, rather than describe them, and we disagree about ethics because we try, by expressing our own attitude, to bring our listeners to a similar attitude. Or it might be, as R. M. Hare has urged, that ethical judgments are prescriptions and therefore more closely related to commands than to statements of fact. On this view we disagree because we care about what people do. Those features of ethical argument that imply the existence of objective moral standards can be explained away by maintaining that this is some kind of error – perhaps the legacy of the belief that ethics is a God-given system of law, or perhaps just another example of our tendency to objectify our personal wants and preferences. J. L. Mackie has defended this view.

Provided they are carefully distinguished from the crude form of subjectivism that sees ethical judgments as descriptions of the speaker's attitudes, these are plausible accounts of ethics. In their denial of a realm of ethical facts that is part of the real world, existing quite independently of us, they are no doubt correct; but does it follow from this that ethical judgments are immune from criticism, that there is no role for reason or ar-



gument in ethics, and that, from the standpoint of reason, any ethical judgment is as good as any other? I do not think it does, and none of the three philosophers referred to in the previous paragraph denies reason and argument a role in ethics, though they disagree as to the significance of this role.

This issue of the role that reason can play in ethics is the crucial point raised by the claim that ethics is subjective. The non-existence of a mysterious realm of objective ethical facts does not imply the non-existence of ethical reasoning. It may even help, since if we could arrive at ethical judgments only by intuiting these strange ethical facts, ethical argument would be more difficult still. So what has to be shown to put practical ethics on a sound basis is that ethical reasoning is possible. Here the temptation is to say simply that the proof of the pudding lies in the eating, and the proof that reasoning is possible in ethics is to be found in the remaining chapters of this book; but this is not entirely satisfactory. From a theoretical point of view it is unsatisfactory because we might find ourselves reasoning about ethics without really understanding how this can happen; and from a practical point of view it is unsatisfactory because our reasoning is more likely to go astray if we lack a grasp of its foundations. I shall therefore attempt to say something about how we can reason in ethics.

#### WHAT ETHICS IS: ONE VIEW

What follows is a sketch of a view of ethics that allows reason an important role in ethical decisions. It is not the only possible view of ethics, but it is a plausible view. Once again, however, I shall have to pass over qualifications and objections worth a chapter to themselves. To those who think these undiscussed objections defeat the position I am advancing, I can only say, again, that this whole chapter may be treated as no more than a statement of the assumptions on which this book is based. In

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that way it will at least assist in giving a clear view of what I take ethics to be.

What is it to make a moral judgment, or to argue about an ethical issue, or to live according to ethical standards? How do moral judgments differ from other practical judgments? Why do we regard a woman's decision to have an abortion as raising an ethical issue, but not her decision to change her job? What is the difference between a person who lives by ethical standards and one who doesn't?

All these questions are related, so we only need to consider one of them; but to do this we need to say something about the nature of ethics. Suppose that we have studied the lives of a number of different people, and we know a lot about what they do, what they believe, and so on. Can we then decide which of them are living by ethical standards and which are not?

We might think that the way to proceed here is to find out who believes it wrong to lie, cheat, steal, and so on and does not do any of these things, and who has no such beliefs, and shows no such restraint in their actions. Then those in the first group would be living according to ethical standards and those in the second group would not be. But this procedure mistakenly assimilates two distinctions: the first is the distinction between living according to (what we judge to be) the right ethical standards and living according to (what we judge to be) mistaken ethical standards; the second is the distinction between living according to some ethical standards, and living according to no ethical standards at all. Those who lie and cheat, but do not believe what they are doing to be wrong, may be living according to ethical standards. They may believe, for any of a number of possible reasons, that it is right to lie, cheat, steal, and so on. They are not living according to conventional ethical standards, but they may be living according to some other ethical standards.

This first attempt to distinguish the ethical from the non-

ethical was mistaken, but we can learn from our mistakes. We found that we must concede that those who hold unconventional ethical beliefs are still living according to ethical standards, *if they believe, for any reason, that it is right to do as they are doing*. The italicised condition gives us a clue to the answer we are seeking. The notion of living according to ethical standards is tied up with the notion of defending the way one is living, of giving a reason for it, of justifying it. Thus people may do all kinds of things we regard as wrong, yet still be living according to ethical standards, if they are prepared to defend and justify what they do. We may find the justification inadequate, and may hold that the actions are wrong, but the attempt at justification, whether successful or not, is sufficient to bring the person's conduct within the domain of the ethical as opposed to the non-ethical. When, on the other hand, people cannot put forward any justification for what they do, we may reject their claim to be living according to ethical standards, even if what they do is in accordance with conventional moral principles.

We can go further. If we are to accept that a person is living according to ethical standards, the justification must be of a certain kind. For instance, a justification in terms of self-interest alone will not do. When Macbeth, contemplating the murder of Duncan, admits that only 'vaulting ambition' drives him to do it, he is admitting that the act cannot be justified ethically. 'So that I can be king in his place' is not a weak attempt at an ethical justification for assassination; it is not the sort of reason that counts as an ethical justification at all. Self-interested acts must be shown to be compatible with more broadly based ethical principles if they are to be ethically defensible, for the notion of ethics carries with it the idea of something bigger than the individual. If I am to defend my conduct on ethical grounds, I cannot point only to the benefits it brings me. I must address myself to a larger audience.

From ancient times, philosophers and moralists have ex-

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pressed the idea that ethical conduct is acceptable from a point of view that is somehow universal. The 'Golden Rule' attributed to Moses, to be found in the book of Leviticus and subsequently repeated by Jesus, tells us to go beyond our own personal interests and 'love thy neighbour as thyself' – in other words, give the same weight to the interests of others as one gives to one's own interests. The same idea of putting oneself in the position of another is involved in the other Christian formulation of the commandment, that we do to others as we would have them do to us. The Stoics held that ethics derives from a universal natural law. Kant developed this idea into his famous formula: 'Act only on that maxim through which you can at the same time will that it should become a universal law.' Kant's theory has itself been modified and developed by R. M. Hare, who sees universalisability as a logical feature of moral judgments. The eighteenth-century British philosophers Hutcheson, Hume, and Adam Smith appealed to an imaginary 'impartial spectator' as the test of a moral judgment, and this theory has its modern version in the Ideal Observer theory. Utilitarians, from Jeremy Bentham to J. J. C. Smart, take it as axiomatic that in deciding moral issues 'each counts for one and none for more than one'; while John Rawls, a leading contemporary critic of utilitarianism, incorporates essentially the same axiom into his own theory by deriving basic ethical principles from an imaginary choice in which those choosing do not know whether they will be the ones who gain or lose by the principles they select. Even Continental European philosophers like the existentialist Jean -Paul Sartre and the critical theorist Jürgen Habermas, who differ in many ways from their English-speaking colleagues – and from each other – agree that ethics is in some sense universal.

One could argue endlessly about the merits of each of these characterisations of the ethical; but what they have in common is more important than their differences. They agree that an ethical principle cannot be justified in relation to any partial or sectional group. Ethics takes a universal point of view. This does

not mean that a particular ethical judgment must be universally applicable. Circumstances alter causes, as we have seen. What it does mean is that in making ethical judgments we go beyond our own likes and dislikes. From an ethical point of view, the fact that it is I who benefit from, say, a more equal distribution of income and you who lose by it, is irrelevant. Ethics requires us to go beyond 'I' and 'you' to the universal law, the universalisable judgment, the standpoint of the impartial spectator or ideal observer, or whatever we choose to call it.

Can we use this universal aspect of ethics to derive an ethical theory that will give us guidance about right and wrong? Philosophers from the Stoics to Hare and Rawls have attempted this. No attempt has met with general acceptance. The problem is that if we describe the universal aspect of ethics in bare, formal terms, a wide range of ethical theories, including quite irreconcilable ones, are compatible with this notion of universality; if, on the other hand, we build up our description of the universal aspect of ethics so that it leads us ineluctably to one particular ethical theory, we shall be accused of smuggling our own ethical beliefs into our definition of the ethical – and this definition was supposed to be broad enough, and neutral enough, to encompass all serious candidates for the status of 'ethical theory'. Since so many others have failed to overcome this obstacle to deducing an ethical theory from the universal aspect of ethics, it would be foolhardy to attempt to do so in a brief introduction to a work with a quite different aim. Nevertheless I shall propose something only a little less ambitious. The universal aspect of ethics, I suggest, does provide a persuasive, although not conclusive, reason for taking a broadly utilitarian position.

My reason for suggesting this is as follows. In accepting that ethical judgments must be made from a universal point of view, I am accepting that my own interests cannot, simply because they are my interests, count more than the interests of anyone else. Thus my very natural concern that my own interests be

looked after must, when I think ethically, be extended to the interests of others. Now, imagine that I am trying to decide between two possible courses of action – perhaps whether to eat all the fruits I have collected myself, or to share them with others. Imagine, too, that I am deciding in a complete ethical vacuum, that I know nothing of any ethical considerations – I am, we might say, in a pre-ethical stage of thinking. How would I make up my mind? One thing that would be still relevant would be how the possible courses of action will affect my interests. Indeed, if we define ‘interests’ broadly enough, so that we count anything people desire as in their interests (unless it is incompatible with another desire or desires), then it would seem that at this pre-ethical stage, *only* one’s own interests can be relevant to the decision.

Suppose I then begin to think ethically, to the extent of recognising that my own interests cannot count for more, simply because they are my own, than the interests of others. In place of my own interests, I now have to take into account the interests of all those affected by my decision. This requires me to weigh up all these interests and adopt the course of action most likely to maximise the interests of those affected. Thus at least at some level in my moral reasoning I must choose the course of action that has the best consequences, on balance, for all affected. (I say ‘at some level in my moral reasoning’ because, as we shall see later, there are utilitarian reasons for believing that we ought not to try to calculate these consequences for every ethical decision we make in our daily lives, but only in very unusual circumstances, or perhaps when we are reflecting on our choice of general principles to guide us in future. In other words, in the specific example given, at first glance one might think it obvious that sharing the fruit that I have gathered has better consequences for all affected than not sharing them. This may in the end also be the best general principle for us all to adopt, but before we can have grounds for believing this to be the case, we must also consider whether the effect of a general

practice of sharing gathered fruits will benefit all those affected, by bringing about a more equal distribution, or whether it will reduce the amount of food gathered, because some will cease to gather anything if they know that they will get sufficient from their share of what others gather.)

The way of thinking I have outlined is a form of utilitarianism. It differs from classical utilitarianism in that 'best consequences' is understood as meaning what, on balance, furthers the interests of those affected, rather than merely what increases pleasure and reduces pain. (It has, however, been suggested that classical utilitarians like Bentham and John Stuart Mill used 'pleasure' and 'pain' in a broad sense that allowed them to include achieving what one desired as a 'pleasure' and the reverse as a 'pain'. If this interpretation is correct, the difference between classical utilitarianism and utilitarianism based on interests disappears.)

What does this show? It does not show that utilitarianism can be deduced from the universal aspect of ethics. There are other ethical ideals – like individual rights, the sanctity of life, justice, purity, and so on – that are universal in the required sense, and are, at least in some versions, incompatible with utilitarianism. It does show that we very swiftly arrive at an initially utilitarian position once we apply the universal aspect of ethics to simple, pre-ethical decision making. This, I believe, places the onus of proof on those who seek to go beyond utilitarianism. The utilitarian position is a minimal one, a first base that we reach by universalising self-interested decision making. We cannot, if we are to think ethically, refuse to take this step. If we are to be persuaded that we should go beyond utilitarianism and accept non-utilitarian moral rules or ideals, we need to be provided with good reasons for taking this further step. Until such reasons are produced, we have some grounds for remaining utilitarians.

This tentative argument for utilitarianism corresponds to the way in which I shall discuss practical issues in this book. I am inclined to hold a utilitarian position, and to some extent the

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book may be taken as an attempt to indicate how a consistent utilitarianism would deal with a number of controversial problems. But I shall not take utilitarianism as the only ethical position worth considering. I shall try to show the bearing of other views, of theories of rights, of justice, of the sanctity of life, and so on, on the problems discussed. In this way readers will be able to come to their own conclusions about the relative merits of utilitarian and non-utilitarian approaches, and about the whole issue of the role of reason and argument in ethics.





## EQUALITY AND ITS IMPLICATIONS

### THE BASIS OF EQUALITY

THE present century has seen dramatic changes in moral attitudes. Most of these changes are still controversial. Abortion, almost everywhere prohibited thirty years ago, is now legal in many countries (though it is still opposed by substantial and respected sections of the population). The same is true of changes in attitudes to sex outside marriage, homosexuality, pornography, euthanasia, and suicide. Great as the changes have been, no new consensus has been reached. The issues remain controversial and it is possible to defend either side without jeopardising one's intellectual or social standing.

Equality seems to be different. The change in attitudes to inequality – especially racial inequality – has been no less sudden and dramatic than the change in attitudes to sex, but it has been more complete. Racist assumptions shared by most Europeans at the turn of the century are now totally unacceptable, at least in public life. A poet could not now write of 'lesser breeds without the law', and retain – indeed enhance – his reputation, as Rudyard Kipling did in 1897. This does not mean that there are no longer any racists, but only that they must disguise their racism if their views and policies are to have any chance of general acceptance. Even South Africa has abandoned apartheid. The principle that all humans are equal is now part of the prevailing political and ethical orthodoxy. But what, exactly, does it mean and why do we accept it?

Once we go beyond the agreement that blatant forms of racial

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discrimination are wrong, once we question the basis of the principle that all humans are equal and seek to apply this principle to particular cases, the consensus starts to weaken. One sign of this was the furor that occurred during the 1970s over the claims made by Arthur Jensen, professor of educational psychology at the University of California, Berkeley, and H. J. Eysenck, professor of psychology at the University of London, about genetically based variations in intelligence between different races. Many of the most forceful opponents of Jensen and Eysenck assume that these claims, if sound, would justify racial discrimination. Are they right? Similar questions can be asked about research into differences between males and females.

Another issue requiring us to think about the principle of equality is 'affirmative action'. Some philosophers and lawyers have argued that the principle of equality requires that when allocating jobs or university places we should favour members of disadvantaged minorities. Others have contended that the same principle of equality rules out any discrimination on racial grounds, whether for or against the worst-off members of society.

We can only answer these questions if we are clear about what it is we intend to say, and can justifiably say, when we assert that all humans are equal – hence the need for an inquiry into the ethical foundations of the principle of equality.

When we say that all humans are equal, irrespective of race or sex, what exactly are we claiming? Racists, sexists, and other opponents of equality have often pointed out that, by whatever test we choose, it simply is not true that all humans are equal. Some are tall, some are short; some are good at mathematics, others are poor at it; some can run 100 metres in ten seconds, some take fifteen or twenty; some would never intentionally hurt another being, others would kill a stranger for \$100 if they could get away with it; some have emotional lives that touch the heights of ecstasy and the depths of despair, while others

live on a more even plane, relatively untouched by what goes on around them. And so we could go on. The plain fact is that humans differ, and the differences apply to so many characteristics that the search for a factual basis on which to erect the principle of equality seems hopeless.

John Rawls has suggested, in his influential book *A Theory of Justice*, that equality can be founded on the natural characteristics of human beings, provided we select what he calls a 'range property'. Suppose we draw a circle on a piece of paper. Then all points within the circle – this is the 'range' – have the property of being within the circle, and they have this property equally. Some points may be closer to the centre and others nearer the edge, but all are, equally, points inside the circle. Similarly, Rawls suggests, the property of 'moral personality' is a property that virtually all humans possess, and all humans who possess this property possess it equally. By 'moral personality' Rawls does not mean 'morally good personality'; he is using 'moral' in contrast to 'amoral'. A moral person, Rawls says, must have a sense of justice. More broadly, one might say that to be a moral person is to be the kind of person to whom one can make moral appeals, with some prospect that the appeal will be heeded.

Rawls maintains that moral personality is the basis of human equality, a view that derives from his 'contract' approach to justice. The contract tradition sees ethics as a kind of mutually beneficial agreement – roughly, 'Don't hit me and I won't hit you.' Hence only those capable of appreciating that they are not being hit, and of restraining their own hitting accordingly, are within the sphere of ethics.

There are problems with using moral personality as the basis of equality. One objection is that having a moral personality is a matter of degree. Some people are highly sensitive to issues of justice and ethics generally; others, for a variety of reasons, have only a limited awareness of such principles. The suggestion that being a moral person is the minimum necessary for coming

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within the scope of the principle of equality still leaves it open just where this minimal line is to be drawn. Nor is it intuitively obvious why, if moral personality is so important, we should not have grades of moral status, with rights and duties corresponding to the degree of refinement of one's sense of justice.

Still more serious is the objection that it is not true that all humans are moral persons, even in the most minimal sense. Infants and small children, along with some intellectually disabled humans, lack the required sense of justice. Shall we then say that all humans are equal, except for very young or intellectually disabled ones? This is certainly not what we ordinarily understand by the principle of equality. If this revised principle implies that we may disregard the interests of very young or intellectually disabled humans in ways that would be wrong if they were older or more intelligent, we would need far stronger arguments to induce us to accept it. (Rawls deals with infants and children by including *potential* moral persons along with actual ones within the scope of the principle of equality. But this is an ad hoc device, confessedly designed to square his theory with our ordinary moral intuitions, rather than something for which independent arguments can be produced. Moreover although Rawls admits that those with irreparable intellectual disabilities 'may present a difficulty' he offers no suggestions towards the solution of this difficulty.)

So the possession of 'moral personality' does not provide a satisfactory basis for the principle that all humans are equal. I doubt that any natural characteristic, whether a 'range property' or not, can fulfil this function, for I doubt that there is any morally significant property that all humans possess equally.

There is another possible line of defence for the belief that there is a factual basis for a principle of equality that prohibits racism and sexism. We can admit that humans differ as individuals, and yet insist that there are no morally significant differences between the races and sexes. Knowing that someone is of African or European descent, female or male, does not

enable us to draw conclusions about her or his intelligence, sense of justice, depth of feelings, or anything else that would entitle us to treat her or him as less than equal. The racist claim that people of European descent are superior to those of other races in these capacities is in this sense false. The differences between individuals in these respects are not captured by racial boundaries. The same is true of the sexist stereotype that sees women as emotionally deeper and more caring, but also less rational, less aggressive, and less enterprising than men. Obviously this is not true of women as a whole. Some women are emotionally shallower, less caring, and more rational, more aggressive and, more enterprising than some men.

The fact that humans differ as individuals, not as races or sexes, is important, and we shall return to it when we come to discuss the implications of the claims made by Jensen, Eysenck, and others; yet it provides neither a satisfactory principle of equality nor an adequate defence against a more sophisticated opponent of equality than the blatant racist or sexist. Suppose that someone proposes that people should be given intelligence tests and then classified into higher or lower status categories on the basis of the results. Perhaps those who scored above 125 would be a slave-owning class; those scoring between 100 and 125 would be free citizens but lack the right to own slaves; while those scoring below 100 would be made the slaves of those who had scored above 125. A hierarchical society of this sort seems as abhorrent as one based on race or sex; but if we base our support for equality on the factual claim that differences between individuals cut across racial and sexual boundaries, we have no grounds for opposing this kind of inequalities. For this hierarchical society would be based on real differences between people.

We can reject this 'hierarchy of intelligence' and similar fantastic schemes only if we are clear that the claim to equality does not rest on the possession of intelligence, moral personality, rationality, or similar matters of fact. There is no logically com-

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elling reason for assuming that a difference in ability between two people justifies any difference in the amount of consideration we give to their interests. Equality is a basic ethical principle, not an assertion of fact. We can see this if we return to our earlier discussion of the universal aspect of ethical judgments.

We saw in the previous chapter that when I make an ethical judgment I must go beyond a personal or sectional point of view and take into account the interests of all those affected. This means that we weigh up interests, considered simply as interests and not as my interests, or the interests of Australians, or of people of European descent. This provides us with a basic principle of equality: the principle of equal consideration of interests.

The essence of the principle of equal consideration of interests is that we give equal weight in our moral deliberations to the like interests of all those affected by our actions. This means that if only X and Y would be affected by a possible act, and if X stands to lose more than Y stands to gain, it is better not to do the act. We cannot, if we accept the principle of equal consideration of interests, say that doing the act is better, despite the facts described, because we are more concerned about Y than we are about X. What the principle really amounts to is this: an interest is an interest, whoever's interest it may be.

We can make this more concrete by considering a particular interest, say the interest we have in the relief of pain. Then the principle says that the ultimate moral reason for relieving pain is simply the undesirability of pain as such, and not the undesirability of X's pain, which might be different from the undesirability of Y's pain. Of course, X's pain might be more undesirable than Y's pain because it is more painful, and then the principle of equal consideration would give greater weight to the relief of X's pain. Again, even where the pains are equal, other factors might be relevant, especially if others are affected. If there has been an earthquake we might give priority to the relief of a doctor's pain so she can treat other victims. But the

doctor's pain itself counts only once, and with no added weighting. The principle of equal consideration of interests acts like a pair of scales, weighing interests impartially. True scales favour the side where the interest is stronger or where several interests combine to outweigh a smaller number of similar interests; but they take no account of whose interests they are weighing.

From this point of view race is irrelevant to the consideration of interests; for all that counts are the interests themselves. To give less consideration to a specified amount of pain because that pain was experienced by a member of a particular race would be to make an arbitrary distinction. Why pick on race? Why not on whether a person was born in a leap year? Or whether there is more than one vowel in her surname? All these characteristics are equally irrelevant to the undesirability of pain from the universal point of view. Hence the principle of equal consideration of interests shows straightforwardly why the most blatant forms of racism, like that of the Nazis, are wrong. For the Nazis were concerned only for the welfare of members of the 'Aryan' race, and the sufferings of Jews, Gypsies, and Slavs were of no concern to them.

The principle of equal consideration of interests is sometimes thought to be a purely formal principle, lacking in substance and too weak to exclude any inegalitarian practice. We have already seen, however, that it does exclude racism and sexism, at least in their most blatant forms. If we look at the impact of the principle on the imaginary hierarchical society based on intelligence tests we can see that it is strong enough to provide a basis for rejecting this more sophisticated form of inegalitarianism, too.

The principle of equal consideration of interests prohibits making our readiness to consider the interests of others depend on their abilities or other characteristics, apart from the characteristic of having interests. It is true that we cannot know where equal consideration of interests will lead us until we know what interests people have, and this may vary according

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to their abilities or other characteristics. Consideration of the interests of mathematically gifted children may lead us to teach them advanced mathematics at an early age, which for different children might be entirely pointless or positively harmful. But the basic element, the taking into account of the person's interests, whatever they may be, must apply to everyone, irrespective of race, sex, or scores on an intelligence test. Enslaving those who score below a certain line on an intelligence test would not – barring extraordinary and implausible beliefs about human nature – be compatible with equal consideration. Intelligence has nothing to do with many important interests that humans have, like the interest in avoiding pain, in developing one's abilities, in satisfying basic needs for food and shelter, in enjoying friendly and loving relations with others, and in being free to pursue one's projects without unnecessary interference from others. Slavery prevents the slaves from satisfying these interests as they would want to; and the benefits it confers on the slave-owners are hardly comparable in importance to the harm it does to the slaves.

So the principle of equal consideration of interests is strong enough to rule out an intelligence-based slave society as well as cruder forms of racism and sexism. It also rules out discrimination on the grounds of disability, whether intellectual or physical, in so far as the disability is not relevant to the interests under consideration (as, for example, severe intellectual disability might be if we are considering a person's interest in voting in an election). The principle of equal consideration of interests therefore may be a defensible form of the principle that all humans are equal, a form that we can use in discussing more controversial issues about equality. Before we go on to these topics, however, it will be useful to say a little more about the nature of the principle.

Equal consideration of interests is a minimal principle of equality in the sense that it does not dictate equal treatment. Take a relatively straightforward example of an interest, the



interest in having physical pain relieved. Imagine that after an earthquake I come across two victims, one with a crushed leg, in agony, and one with a gashed thigh, in slight pain. I have only two shots of morphine left. Equal treatment would suggest that I give one to each injured person, but one shot would not do much to relieve the pain of the person with the crushed leg. She would still be in much more pain than the other victim, and even after I have given her one shot, giving her the second shot would bring greater relief than giving a shot to the person in slight pain. Hence equal consideration of interests in this situation leads to what some may consider an egalitarian result: two shots of morphine for one person, and none for the other.

There is a still more controversial egalitarian implication of the principle of equal consideration of interests. In the case above, although equal consideration of interests leads to unequal treatment, this unequal treatment is an attempt to produce a more egalitarian result. By giving the double dose to the more seriously injured person, we bring about a situation in which there is less difference in the degree of suffering felt by the two victims than there would be if we gave one dose to each. Instead of ending up with one person in considerable pain and one in no pain, we end up with two people in slight pain. This is in line with the principle of declining marginal utility, a principle well-known to economists, which states that for a given individual, a set amount of something is more useful when people have little of it than when they have a lot. If I am struggling to survive on 200 grams of rice a day, and you provide me with an extra fifty grams per day, you have improved my position significantly; but if I already have a kilo of rice per day, I won't care much about the extra fifty grams. When marginal utility is taken into account the principle of equal consideration of interests inclines us towards an equal distribution of income, and to that extent the egalitarian will endorse its conclusions. What is likely to trouble the egalitarian about the principle of

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equal consideration of interests is that there are circumstances in which the principle of declining marginal utility does not hold or is overridden by countervailing factors.

We can vary the example of the earthquake victims to illustrate this point. Let us say, again, that there are two victims, one more severely injured than the other, but this time we shall say that the more severely injured victim, A, has lost a leg and is in danger of losing a toe from her remaining leg; while the less severely injured victim, B, has an injury to her leg, but the limb can be saved. We have medical supplies for only one person. If we use them on the more severely injured victim the most we can do is save her toe, whereas if we use them on the less severely injured victim we can save her leg. In other words, we assume that the situation is as follows: without medical treatment, A loses a leg and a toe, while B loses only a leg; if we give the treatment to A, A loses a leg and B loses a leg; if we give the treatment to B, A loses a leg and a toe, while B loses nothing.

Assuming that it is worse to lose a leg than it is to lose a toe (even when that toe is on one's sole remaining foot) the principle of declining marginal utility does not suffice to give us the right answer in this situation. We will do more to further the interests, impartially considered, of those affected by our actions if we use our limited resources on the less seriously injured victim than on the more seriously injured one. Therefore this is what the principle of equal consideration of interests leads us to do. Thus equal consideration of interests can, in special cases, widen rather than narrow the gap between two people at different levels of welfare. It is for this reason that the principle is a minimal principle of equality, rather than a thoroughgoing egalitarian principle. A more thoroughgoing form of egalitarianism would, however, be difficult to justify, both in general terms and in its application to special cases of the kind just described.

Minimal as it is, the principle of equal consideration of in-

terests can seem too demanding in some cases. Can any of us really give equal consideration to the welfare of our family and the welfare of strangers? This question will be dealt with in Chapter 9, when we consider our obligations to assist those in need in poorer parts of the world. I shall try to show then that it does not force us to abandon the principle, although the principle may force us to abandon some other views we hold. Meanwhile we shall see how the principle assists us in discussing some of the controversial issues raised by demands for equality.

#### EQUALITY AND GENETIC DIVERSITY

In 1969 Arthur Jensen published a long article in the *Harvard Educational Review* entitled 'How Much Can We Boost IQ and Scholastic Achievement?' One short section of the article discussed the probable causes of the undisputed fact that – on average – African Americans do not score as well as most other Americans in standard IQ tests. Jensen summarised the upshot of this section as follows:

All we are left with are various lines of evidence, no one of which is definitive alone, but which, viewed altogether, make it a not unreasonable hypothesis that genetic factors are strongly implicated in the average negro–white intelligence difference. The preponderance of evidence is, in my opinion, less consistent with a strictly environmental hypothesis than with a genetic hypothesis, which, of course, does not exclude the influence of environment or its interaction with genetic factors.

This heavily qualified statement comes in the midst of a detailed review of a complex scientific subject, published in a scholarly journal. It would hardly have been surprising if it passed unnoticed by anyone but scientists working in the area of psychology or genetics. Instead it was widely reported in the popular press as an attempt to defend racism on scientific grounds. Jensen was accused of spreading racist propaganda and likened to Hitler. His lectures were shouted down and stu-

dents demanded that he be dismissed from his university post. H. J. Eysenck, a British professor of psychology who supported Jensen's theories received similar treatment, in Britain and Australia as well as in the United States. Interestingly, Eysenck's argument did not suggest that those of European descent have the highest average intelligence among Americans; instead, he noted some evidence that Americans of Japanese and Chinese descent do better on tests of abstract reasoning (despite coming from backgrounds lower on the socioeconomic scale) than Americans of European descent.

The opposition to genetic explanations of alleged racial differences in intelligence is only one manifestation of a more general opposition to genetic explanations in other socially sensitive areas. It closely parallels, for instance, initial feminist hostility to the idea that there are biological factors behind male dominance. (The second wave of the feminist movement seems to be more willing to entertain the idea that biological differences between the sexes are influential in, for example, greater male aggression and stronger female caring behaviour.) The opposition to genetic explanations also has obvious links with the intensity of feeling aroused by sociobiological approaches to the study of human behaviour. The worry here is that if human social behaviour is seen as deriving from that of other social mammals, we shall come to think of hierarchy, male dominance, and inequality as part of our evolved nature, and as unchangeable. More recently, the commencement of the international scientific project that is designed to map the human genome – that is, to provide a detailed scientific description of the genetic code typical of human beings – has attracted protests because of apprehension over what such a map might reveal about genetic differences between humans, and the use to which such information might be put.

It would be inappropriate for me to attempt to assess the scientific merits of biological explanations of human behaviour in general, or of racial or sexual differences in particular. My