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APPRAISING DOING THE THING DONE *

THE controversy about morality and convention has emerged again in an interesting form. In his survey of recent philosophical ethics Frankena points out that one of the most promising approaches to philosophical ethics to appear in our period emphasizes the social nature of morality and recognizes that in reasoning about what to do there is an "impersonal 'moral point of view' " to which we must in reason appeal.[1] Falk thinks this current emphasis is leading us down the garden path; he is unhappy with any analysis that sees morality as a doing of the thing done, that treats as quintessential to morality the agent's acting in accordance with a complicated network of accepted social practices and bound by externally imposed rules of social conduct. With care and sophistication Falk has restated what he calls the classical view that there are "natural obligations" and "natural moral commitments" which have their ground in "the nature of the case" and in our very human nature.[2] He defends the point of view that we have "the right to speak of commitments antecedent to those created by the demands of the social order." I have not always been able to follow Falk's arguments and where I do follow them I would often not put the matter as he does; but I do agree with many of his contentions, though, as Falk would put it, I am urging a non-formalist approach. Rather than picking away at Falk's formulations, or requesting clarification here and amplification there, I shall develop the topic in relative independence of Falk.

I will, however, make a brief contrast between Falk's views and mine. If taken in a straightforward manner it seems to me plainly

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[1] W. K. Frankena, "Ethics," *Philosophy in the Mid-Century*, Vol. III, R. Klibansky ed. (Firenze: 1958), pp. 67–68.

[2] I refer not only to Falk's remarks in the present symposium paper but to his "Morality and Nature," *The Australasian Journal of Philosophy*, Vol. XXVIII (September, 1950), pp. 69–92, and "Moral Perplexity," *Ethics*, Vol. LXVI (January, 1956), pp. 123–131.

false to say, as Falk seems to, that no ultimate moral principle need be valid for anyone but the agent himself. Falk's view, like Hare's, is much too Protestant to do justice to the nature of moral reasoning.[3] If a rational egoist expresses the reasoned conviction that he ought to consider his own good and *only* consider the good of others when considering their good would be likely to further his own, he is saying something that could count as a moral principle only by the most *radical* extension of our moral talk; such a remark as I have just made applies not only to what Falk calls "primary morality" but to "mature morality" as well. It seems to me that morality is primarily social and that its principal function is to regulate the social order. I shall argue (1) that morality has certain distinctive material procedural rules that limit what could count as a moral principle or commitment, and (2) that these rules have a rationale which arises out of the needs of social living, and without these human needs morality would not have that rationale. While I agree with Falk that "their obligating authority owes nothing to . . . coercive moral pressures," it remains the case that the needs of human beings in the social order set limits on what counts as 'a moral claim' and these limits are not so equivocal as to allow an individual, while acting as a moral agent, to pursue his own interests in total disregard of others.

I

In challenging conventionalism we must show that there could be some sound moral judgments concerning the social order; that is, we must show how it is possible to assert correctly and objectively that certain social practices either are or are not just; and in a like manner we must show how it is possible correctly to assert that the whole existing social order is or is not just. It must be possible to show, if conventionalism is to be falsified, how it can be correctly asserted that certain social practices and even whole social orders are better than others. We need to show how a morality can have a rational basis, where 'rational' does not simply mean 'in accord with the moral rules and practices of one's own community' or have some other purely moralistic use.[4] It seems to me that it can be shown that such moral claims are possible and that conventionalism in any straightforward sense is not a view that is necessitated by the very nature of moral reasoning.

[3] See H. L. A. Hart's remarks about this in his "Legal and Moral Obligation," *Essays in Moral Philosophy* (A. I. Melden ed.), p. 100.

[4] In this context see J. J. C. Smart's remarks in his "Reason and Conduct," *Philosophy*, Vol. 25 (1950), pp. 209–224.

What are the procedural rules definitive of that human activity we call 'morality'? In speaking of procedural rules, I mean nothing more esoteric than the rules which define a practice; and by 'a practice' I mean any form of social activity containing a system of rules which specify rights and duties, permissible and impermissible steps. Games and ceremonies are good examples of such practices. In a marriage ceremony a girl who understands the practice may wonder exactly what she should wear, how rapidly to walk down the aisle, how loudly to say 'I do'; but, if she intends to go through a normal ceremony, she cannot wonder if she is to say 'I do,' have a witness or exchange a ring. Similarly, if I know how to play baseball and if I hit a pitched ball into center field I cannot wonder if I really need to go to first before I go to second but I can deliberate about whether to hold up at first or try for second. In marriage ceremonies and baseball there are rules of procedure which define these practices by limiting the kinds of behavior allowable. The "moral game" has similar though not so strictly codified defining rules. (We must use " " for ' "moral game" ' for we don't and can't choose to play morality as we choose to play baseball or chess. It is "a game" we cannot help playing. We were introduced to it willy-nilly at an early age; it was not just thought up; and it isn't something we simply adopt. So morality is not really a game; but the analogy is important, for it brings out how morality, like games, is a rule-governed activity directing us to act in one way rather than another.)

The conventionalist is perfectly right in pointing out that in discovering the morality of a culture we would have to look for the social practices, and the rules defining those practices, that governed the social behavior of the persons in the community in question. The appropriate objects of a moral response are the voluntary actions of rational men and the attitudes or recipes for action of these persons. Such considerations give us a clue to the nature of moral discourse. It serves to guide conduct and alter and mold behavior and attitudes toward behavior.

As we now understand 'morality,' we could not have morality without rules. These rules define the appropriate action-guiding practices. Promising is one such practice. Like Rawls, I am *not* saying that rules describe how those engaging in the practice actually behave; rather they define or specify what it is to engage in the practice in question.[5] To learn the practice is to learn to

[5] John Rawls, "Two Concepts of Rules," *The Philosophical Review,* Vol. LXIV (January, 1955), p. 24.

act in accordance with certain rules. It is essential that these rules be quite public and yield a coherent practice. It is possible to engage in a given practice only if the rules definitive of the practice are followed. There could be no centering or punting on fourth down if there did not exist the practice, football. We might see a ball passed from the ground to another person or kicked high in the air, but such events could not be intelligently described as centering to a quarterback or punting on fourth down if they were not part of the game of football. Only if there is such a practice can there be anything to count as 'centering' or 'punting.' The same must be said for 'promising.' 'I promise' is a performative expression and to be intelligible it must have in its contextual background the social practice of promise-keeping with its defining rules. Without the actual practice there can be no separate acts of promising, any more than there can be a betrothal or the giving of an engagement ring without the practice of marriage.

If there exists a practice of promise-keeping and I accept this practice, then, if I have promised to meet a friend, it is not open to me to excuse my failure to meet him simply on the grounds that I had subsequently thought it through and decided that slightly more good would be served by my not meeting him. If I did offer such an excuse I would show by that very argument that I did not accept the practice as it stands but was seeking to modify the practice itself; and it is indeed true that I might try to alter the very practice of promise-keeping itself, but *if* I accept the practice as it is, it is not open to me to so excuse myself in a particular case where the excuse is not sanctioned by the practice. If I accept the practice, then I must, in consistency, act in accordance with the practice. The only leeway open to me is to see whether in my present situation one of the exceptions allowed by the rules of *the practice itself* holds. But it is essential to keep in mind that these qualifications are built into the very practice. The qualifications are sometimes subtle and it takes a genuine grasp of the practice to catch them, but it is still the practice itself that determines whether in this case I must fulfill my promise. If my action falls under an existing practice which I *accept* and if my action does not also fall under a conflicting practice which I *accept,* I must try to do it. If conflicting practices are involved, then I must see if there are any principles, which I would be willing to accept, that give some order of priority to one or another of the practices. If this cannot be done, I must then try to calculate which consequences would be the least disastrous to the people involved. I am not suggesting that morality is so tightly codified that moral reasoning simply consists in discovering which rule my action is to

be subsumed under. The toughest and most interesting cases of moral deliberation are those where no rule applies or where none clearly applies, as when old Karenin deliberates, as he talks with Oblonsky, about whether he should divorce Anna.[6] But 'moral discourse,' as we have come to understand it, is still a rule-governed discourse, and without social practices like promising, punishing, truth-telling, admonishing, advising, and the like there would be no morality; and, where an act is clearly in accordance with a rule defining an accepted practice, and there are no exceptions authorized by that practice or (what in effect amounts to the same thing) by the set of moral practices as a whole, then if we have accepted the practice we are morally obligated to act in accordance with it.

That morality is rule-governed in this way is not just an arbitrary carry over from "primal tribal morality," for without such rules we would be more frequently at a loss over what to do than we are now. Often we must act quickly with no chance to make a judgment about consequences. It is of the greatest utility that we have such practices.

II

It might be thought that this emphasis on practices is simply more fuel for the conventionalist's fire and helps vindicate Falk's claim that primary morality lingers on in a confusing way in mature morality. But this is not so. Moral reasoning is not exhausted by this appeal to rules defining social practices. In addition to reasoning in accordance with certain accepted social practices, when we are justifying actions specified by the practice, there is moral reasoning about the practices and rules themselves.

There is indeed, along the lines Burke argued, a presumptive case for accepting the social practices of one's community, but it is only presumptive. As Rawls well says, we can be as radical as we like and still accept the above conception of morality and practices, for, as reflective moral agents, it is always open to us to question, modify, or reject the social practices of our society when there is some positive reason for doing so.[7] It is indeed ridiculous to have Cartesian doubts about all our practices, but there is nothing in *any one* practice which makes it so sacrosanct that it could not be questioned by moral agents when this practice was party to some particular tension in our social life.

There are also procedural rules for appraising practices, and if

[6] Leo Tolstoy, *Anna Karenina,* Part IV, Chapter 22.

[7] John Rawls, "Two Concepts of Rules," *The Philosophical Review,* Vol. LXIV (January, 1955), p. 32.

a person is not willing to so examine the practices of his society he is not yet aware of what it is to be a mature moral agent. For, as morality split off from taboo and those customs not now called 'moral customs,' it became clear that morality was concerned with the reasoned pursuit of what is in everyone's best interest. Vague as this is, it serves as a touchstone for the appraisal of our practices.

What of a more definite nature can be said about our ability to size up social practices in a rational manner? I shall argue that a whole battery of objective tests for social practices are built into the very use of moral discourse, and that if we do not avail ourselves of them we can hardly be said to understand what morality is all about, any more than we would if we didn't understand the concept of promising or truth-telling.

When we are talking about the best interests of everyone, we are talking about their most extensive welfare and well-being. In appraising practices we are asking what kind of practices are in the general welfare or generally serve human well-being.

There is a tendency for philosophers to think 'human welfare' and 'well-being' are too vague to have any very definite use. We are tempted to say that everyone is for human welfare or well-being as they are against sin, since, of course, they are commendatory labels, but no one agrees on the criteria of application for them. This is wrong, for while they are vague they are not that vague.

In fact, it seems to me that Findlay only slightly exaggerates when he says that there are views of well-being that can be shown to be "utterly invalid and that we have in fact a very narrow range of liberty in determining the content of well-being." [8] There are certain mundane matters that are part of everyone's conception of 'human welfare' or 'well-being.' Social practices could not be for our welfare or well-being if they drastically frustrated our need for sleep, food, sex, drink, elimination, and the like; a community whose practices pointlessly diminished self-esteem, the appreciation and concern of others, creative employment, play and diversion could not be a community where the social practices served human welfare or well-being. Beyond this, Findlay points out that there are certain states of mind that can unambiguously be said to be higher goods and that these higher goods are clearly a part of human welfare or well-being; they are part of any distinctively human flourishing. Personal affection, integrity, conscientiousness, knowledge, and the contemplation of beautiful things are universally admired by reflective persons. They, as well as our more mundane needs, are a part of human well-being; they *help* define for us what constitutes the 'best interests of everyone.'

[8] J. H. Findlay, "Morality by Convention," *Mind* (1944), p. 164.

If we have two sets of practices and if the first set makes possible a greater realization of the things and states of mind just listed than the second, then we can say that the first set of practices ought to be followed rather than the second.

It will be countered (1) that our list or any more extensive list of prized or admired things is, and always will be, incomplete; (2) that there is no definite agreement on an order of priority among these prized and admired things even though normal human beings regard such things as desirable or admirable; and (3) that there are many other things regarded as equally desirable and admirable (sometimes even more so) that are not so universally desired or admired. As Peters points out, "Some condemn mystical trance-states and ascetic practices; others extol them as the summit of human blessedness. Some approve of scientific research or artistic creation; for others a thinking man is a depraved animal and artistic creation a neurotic exercise."[9] Peter's examples could easily be multiplied. How in the face of all this can we say there is a common conception of human welfare or well-being?

Again it is a question of degree. The concept of human welfare or well-being is vague, moral bewilderment is not uncommon, and many practices are conflicting and supported by wishful thinking; but there are also many systems of social practices both imaginable and actual (the Nazis, the Dobuans, the Aztecs) that can be judged objectively and unequivocally to be morally inferior to others, even when we use the less than precise conceptual tools that we have available. There is no reason to assume that mature moral thinking, following methods generally recognized as sound, cannot further diminish conflicts over both the priority and the extent of things and states of mind that are taken to be desirable and admirable. We think of the hard cases and neglect the cases over which there is a vast amount of agreement. We generalize philosophically with the most difficult cases in mind—for, after all, it is these to which moral pathos is attached,—and consequently we end up with a distorted conception of our ability to weigh practices. We think only of cases like Sartre's case about the boy trying to decide whether or not to join the Free French and forget the many cases in which thinking in accordance with standard procedural rules will help us to a solution.

We must also keep in mind, as Popper and Toulmin have stressed, that we have a negative check on practices; over this check there is a good deal more agreement than there is over the positive checks. If one practice or system of practices causes more

[9] R. S. Peters, "Nature and Convention in Morality," *Aristotelian Society Proceedings,* Vol. LI (1950–1), p. 239.

suffering than a comparable practice or system of practices, then the former practice (system of practices) is a worse practice (system of practices) than the latter. 'Suffering' is also sometimes unclear, but there is a great deal more agreement on what constitutes suffering than over what constitutes well-being or happiness. Pain, for example, causes suffering. No one disputes this. Even masochists do not seek pain for its own sake but only as a means to sexual gratification. Everything else being equal, the practice which causes greater pain than a comparable practice is the worse practice. The 'everything else being equal' indicates an area of vagueness but not an unmanageable vagueness.

III

There is another procedural rule definitive of "the moral game" which is of the greatest moment. Social practices are judged according to whether they, rather than some alternative practices, best achieve what there is reason to believe is for the welfare or the best interests of *everyone* involved. Note, we are not simply concerned with the greatest good or maximum satisfaction of interest that can be achieved; we are concerned that the best interests of *all* be realized. There is a concern not just with the maximum good but that everyone have his just or fair share in the most extensive good obtainable. Quite independently of what we judge human welfare or well-being to be, these distinctively human goods must, from a moral point of view, be distributed as equitably as possible. If I decide I have a right to do x, I must be willing to grant that others like me in the relevant respects and similarly situated have a right to do x as well. If I do not reason this way, I have simply failed to reason morally. I cannot morally debate or deliberate whether I ought to so reason.

IV

There are further considerations which tell against the belief that morality is simply a matter of "doing the thing done," of simply accepting the extant social practices because they are the society's *de facto* prescriptions.

Even in difficult or obscure cases, where it is not clear what is in everyone's best interest, we still have a *method* of moral appraisal that gives us an additional way of sizing up our own moral beliefs. In such cases, as in all moral deliberation, both the moral agent and the moral critic are logically required to assume the viewpoint of an impartial but sympathetic observer. If I make a moral judgment, whatever the content of that judgment, ideally I should make it in such an impartial manner. Not all moral judg-

ments are made in this manner, but still it is not a matter of moral dispute whether they should be so made.

Moral judgments are also judgments ideally made after due reflection. In saying this, I am saying that they are ideally made in the light of full knowledge of the relevant facts; and that they *must* be made in the light of the facts it is reasonable to expect the moral agent to have in his possession when he must render judgment.

Yet it is not enough simply to know the relevant facts; we must think of them or review them in a certain way. We must—as Falk likes to put it—take them to heart. We should aim to make our moral judgments in the light of the most extensive knowledge of the circumstances, of the foreseeable consequences of the proposed action, of the persons involved in it, of the means employed to achieve it, and the like; but we should also *vividly imagine* and *emphatically rehearse and review* what we know. In thinking of or reviewing what we already know about a situation that gives rise to a moral problem, we must try to enter without reserve into the feelings and attitudes of the persons involved in the action. We should strive clearly, vividly, and sympathetically to understand their innermost responses, their deepest wishes and hidden anxieties.[10] Failure in moral insight repeatedly results from the failure of one person to see the situation as it presents itself to another. But if we vividly, without reserve, and in detail, imagine how other people involved would feel, and *then* try to appraise the situation as an impartial, sympathetic spectator, we shall have an additional way of appraising conventional moral responses. And, while it is indeed hard to be both impartial and sympathetic, it is by no means impossible.

Even when in extreme doubt as to which course of action or policy would contribute to the well-being of the persons involved in a given situation, if we will engage in such an impartial, imaginative, and sympathetic reconstruction and rehearsal of the situation, many of the actions habitually regarded as right, many of the attitudes we take toward the actions of others, and many of the practices we unthinkingly accept will indeed come into jeopardy.

Most of us most of the time are unable to place ourselves in another person's position with the vividness and sympathy that mature morality requires. For some of us this is possible only after long psychiatric treatment; and I suspect for others it is almost impossible. But when and if we do accomplish this difficult feat of moral reflection, we often do reverse our moral appraisals, just as

[10] Falk, together with Findlay, has most effectively brought to our attention this presently neglected side of our moral thinking.

fuller and more accurate factual knowledge will frequently lead us to such reversals. To be able to do this is to be capable of mature moral thinking; and when we are capable of this, many of the practices of our society will be seen to be far from the epitome of moral achievement.

V

I have tried to show that while morality involves social practices, there remain generally acknowledged ways of appraising them. There are tests for deciding which moral conventions are sound and which are not. This being so, conventionalism cannot be true.

It is open to the conventionalist to claim that all these tests are conventional and that the rationality of the whole moral enterprise is spurious. As it is merely a convention that the Finns have yellow mail boxes and the Americans have red and blue ones, so it is merely a matter of convention whether we accept the requirements of the moral point of view or become non-moral rational egoists. Only our psychological involvement with morality blinds us to this.

But again this conventionalist claim is mistaken. Let us suppose (what is surely not the case) that our society is a society of rational and self-interested persons. Let us further suppose that among them there exists a rough equality of powers and endowments and that there is a similarity of wants and needs, things prized and admired. Even such rational egoists would certainly wish to see the moral point of view prevail, rather than to live in what would amount to a kind of Hobbesian state of nature in which no community life is possible. Along straight Hobbesian lines, it is possible to see the evident value of community life. While it is reasonable for a self-interested man to wish to have the most extensive liberty possible, if he is a rational man he will see that it would be possible to achieve this only in community living. His liberty and well-being depend on the coöperation of others. But rational beings would enter into the fullest degree of coöperation only if similar considerations were extended to them, and any lesser degree of coöperation would to that extent cause an impoverishment of those things that all rational egoists desire. Thus, even for a man devoid of fellow feeling, there is a rational basis for his accepting the moral point of view as the point of view by which people generally have the best reason to govern their lives.[11]

[11] Kurt Baier has ably argued this point in chapter 12 of his *The Moral Point of View*. I have argued for it in "The Functions of Moral Discourse," *The Philosophical Quarterly*, Vol. 7 (July, 1957), pp. 236–248; "Justification and Moral Reasoning," *Methodos*, Vol. 33–34 (1957); and "Bertrand Russell's New Ethic," *Methodos*, Vol. 39 (1958).

It is important to note that in speaking of 'reason' here or in speaking of what it is rational to do or expect, I have used these words in a non-moralistic way. And in this non-moralistic sense of 'rational,' I have tried to indicate how it is possible to show that it is rational for people to take the moral point of view; that, in fact, there are better reasons for people to behave morally than amorally or immorally. But if this is so, then this last claim of conventionalism has also been shown to be false.

Morality no doubt *arises* in the way Falk suggests it does in section three of his essay; but though we may come to claim so and so ought to be done in much the same way as Pavlov's dogs came to salivate, this does not entail that our extant social practices are simply externally imposed restraints without rational authority.[12] I have tried to describe some of the procedural rules that define morality and to indicate their rationale. If what I have said is correct, both conventionalism and the Protestant formalism of Hare and Falk are defective accounts of moral reasoning. There are material procedural rules of the "moral game" and these procedural rules have rational authority.[13]

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THE PROBLEM OF ACTION

THE CONCEPT OF CHOICE

BY V. C. CHAPPELL

What is the difference between the things that people choose to do and the things they don't choose to do, the things they either just do or else have no choice but to do? Also, what is it to choose to do something, wherein does choosing itself consist? One an-

[12] I have discussed the relevance to morality of psychological theories about how we come to make moral claims in my "Speaking of Morals," *The Centennial Review*, Vol. II (Fall, 1958), pp. 414–444.

[13] I am indebted to Kenneth Stern for helping make this essay clearer than it otherwise would be. The obscurities and blunders that remain are, of course, not his but mine.