Chapter 3 – Nonconsequentialist Theories of Morality and Virtue Ethics

General Overview
The objectives of this chapter are to describe and analyze nonconsequentialist theories of ethics as well as virtue ethics. This includes distinguishing act and rule versions of nonconsequentialism such as Intuitionism, Divine Command Theory, Kant’s Duty Ethics, Ross’ Prima Facie Duties and John Rawls’ Theory of Justice as well as Aristotelian and neo-Aristotelian models of virtue ethics.

Class suggestions
Students will probably be confused by the diverse range of perspectives in this chapter so structuring the material very carefully is at a premium. I recommend drawing a table on the board to indicate the similarities and differences among these theories. Kant, Ross and Rawls can be profitably treated together although Ross should also of course be placed under intuitionism. Divine command theory can be linked to previous discussions of natural law and a discussion of Aristotle and Macintyre, making sure that the distinction between act/rule theories and character-based theories is clearly indicated.

There are a range of activities that an instructor might use to help students learn and engage with this material in this chapter. Getting students to practice universalizing actions in relation to situations or examples – especially topics in the news – really helps them to see both the strengths and weaknesses of Kant’s and Ross’ ethics. I recommend group work at this stage that enables students to work with non-consequentialist and consequentialist approaches in order both to consolidate previous work on consequentialism and develop critical comparisons. Rawls’ ‘veil of ignorance’ scenario can be simulated by a variety of means. The main objective is to get students to think about the rules they would like to live by when they don’t know how they might be (dis) advantaged by them. The section on Aristotle raises the question of an end or purpose to life. This obviously has great potential for philosophical discussions and, again, there are a variety of exercises you might use to get students thinking about it. Here is a simple but very effective exercise involving the whole class: get students to each write their names at the top of a blank piece of paper. Below that they should write “I attend college in order to…” and they should complete the sentence by thinking about their reason for attending college. Students then pass their piece of paper to the person on the left. Each student should now take the end of the previous sentence and use it begin a new sentence. If one attends college “to get a good job”, the next sentence would begin ‘I want to get a good job in order to…” When the second sentence has been completed, students should fold over the first sentence, so that only the second sentence is visible, and once again pass it to their left. Try six or seven rounds or until they run out of reasons. Get students to return the papers back to the person whose name is at the top and ask students to read out what’s written on their sheet of paper. Be prepared for comedy. In a feedback session the instructor might raise the issues of whether all actions have a purpose, whether there is an ultimate end to all of our actions, i.e., happiness, pleasure, etc., and whether morality should or should not serve those ends. This is usually where comedy yields to tragedy.
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Chapter Summary
Nonconsequentialist theories claim that consequences should not enter into our moral judgments. Actions are to be judged right or good in accordance with other criteria (intuitions, divine command, etc.).

Act Nonconsequentialist Theories (anc).
Only individual acts and situations count morally. Cannot generalize from rules or principles since every situation is different. Appeal to ‘intuition’ and ‘emotions’ to arrive at moral conclusions.

Intuitionism
In support:
1. Immediate sense of right and wrong
2. Humans had moral ideas before the existence of philosophers. These ideas were intuitions.
3. Reasoning in morals is only used to confirm our intuitions.
4. Reasoning on its own too often goes awry. Fall back on what ‘feels right’.

Arguments against:
1. Intuitions are wild guesses
2. No proof that we have innate moral sense
3. Intuitions can’t be critiqued
4. Absence of intuitions in some suggests either lack of morals or morals based on other grounds

Criticisms of Act Nonconsequentialism
1. If we all have different intuitions then there is no way to resolve conflicts.
2. How do we know that our intuitions are good moral guides?
3. How can we know when we have sufficient evidence to support our intuitions?
4. How can our intuitions be good for all?
5. How do we justify our intuitions?
6. Are our momentary intuitions all we have to make moral decisions?

More generally:
1. Are all acts completely unalike?
2. Is one individual’s intuition sufficient?

Rule Nonconsequentialist Theories (rnc)
Rnc’s believe that there are or can be rules to guide our moral judgments independently of their consequences. How these theories differ is in terms of how they establish the rules to be followed.

Divine Command
Must follow the commands (rules) of an all good being
Criticisms
1. Lack of rational foundation
2. Even if we could show that the rules were morally valid we could not justify them in a satisfactory way.
3. How do we interpret the rules correctly? Wide divergence of interpretation amongst religious believers.

Kant’s Duty Ethics
Another prominent rnc is Immanuel Kant (1724-1804).

The Good Will
Only the good will acts in accordance with rules regardless of consequences

Morality by Reasoning Alone
Moral rules for Kant are established by reasoning alone, not God, according to
1. Logical consistency
2. Universalizability

Kant thought that one could deduce moral absolutes, in accordance with the above, through the Categorical Imperative.

The Categorical Imperative (CI)
An act is immoral if the maxim (rule to follow) cannot be universalized.
Kant thought that the CI only authorized absolute rules with no exceptions.

Practical Imperative
Another version of CI says that one must never treat another as a means to an end. Individuals are ‘ends in themselves’.

Duty rather than Inclination
One should obey absolute rules out of a sense of duty not inclination. Someone who is only inclined to be generous –rather than generous out of duty- is not fully moral.

Summary and Illustration
Absolute moral rules are established with certainty by reason and one should obey these rules out of a sense of duty. All persons are ends in themselves. Illustrate this with Kant’s example of a suicide.

Criticisms of Kant’s Duty Ethics.
1. Conflicting duties – how to choose?
2. Many questionable values can be universalized without contradiction or inconsistency.
3. Reversibility criterion (in relation to 2 above, Kant would ‘reverse’ the question and ask would you want it done to you?) may be implicitly consequentialist. I.e. would you want someone to help you in need because the consequences are better than someone not helping you when you need help?
4. Qualifying a rule versus making exceptions to it. One may object to exceptions to the rule but qualifying the rule may still be consistent with CI.
5. Duties versus inclinations. If duties and inclinations coincide, what is the difference morally?

Ross’s Prima Facie Duties
Sir William David Ross (1877-1940) agreed with Kant’s rnc but not with the absolutism that Kant derived from it.

Prima Facie Duties
Prima facie duties literally are duties ‘at first glance’. They are those duties all human beings must obey unless other considerations enter the picture. Such considerations may outweigh our otherwise prima facie duties. With this Ross thought Kant’s absolutism and thereby conflicting duties could be avoided.

Criticisms
1. Intuitionist: what criteria determine prima facie duties?
2. When is one duty ‘stronger’ than another?
General Criticisms of Nonconsequentialist Theories
1. Why follow rules if consequences are bad?
2. If rules are absolute how do we avoid conflict?
3. Can a rule be exceptionless?
4. Is it possible to avoid consideration of consequences in all moral judgments?

Virtue Ethics
Aristotle is regarded as main virtue ethicist. Virtue ethics focuses on ‘character’ and developing this character in accordance with the virtues.

Definitions
Virtue – that state that enables a thing to perform its function well.

Aristotle
Ethics is teleological and aims at some end. For Aristotle that end is happiness. To achieve happiness for Aristotle one must live in accordance with reason, which prescribes a virtuous life.

Goodness of Character
Natural ethical tendencies in human beings. Following these tendencies with consistency and proportion will lead to goodness of character and aid in living the ethical life.

Development of the Good
Goodness of character must be developed by practice and habit. Practicing telling the truth, for example, will make us truthful.

Virtue and Vice
Virtue is mean between the extremes of vice – excess and deficiency.

How to determine the mean
The mean is determined as ‘relative to us’: too little courage is cowardice, too much is foolhardy.

Contemporary versions of virtue ethics
Alasdair Macintyre is the best-known proponent of contemporary virtue ethics. Human beings must know what they are doing when they judge and act virtuously, and they should do what is virtuous because it is so.

Advantages
1. Attempts to create good human beings rather than good acts or rules
2. Virtue ethics unifies reason and emotion. Anc and Kant separate reason/emotion
3. Emphasizes moderation and situatedness rather than absolutes or grossly relativistic principles

Disadvantages
1. Do humans have a telos, an end or purpose?
2. Are morals naturally implanted?
3. What is virtue and what constitutes the virtues?

Who is the ideal virtuous person?
We all have our favorite but there is no agreement of ideal traits. Virtue ethics seems to suggest that we merely educate the virtues creating virtuous people and moral problems are solved.

John Rawls and the Theory of Justice
John Rawls (1921-2002) is another prominent nonconsequentialist, especially his ‘Theory of Justice’.

Natural rights versus rights of a just society
In the tradition from Locke to Nozick, human rights have been seen as natural rights. American Declaration of Independence founded on this principle. Where do these natural rights come from?
For Rawls rights are given through a ‘just society’. A ‘just society’ is founded on those principles that we would agree to from behind a ‘veil of ignorance’.

Two basic principles according to Rawls would be adopted:
1. Equality principle – equal rights to maximum liberty;
2. Difference principle - inequality is acceptable if everyone benefits and has equal opportunity to receive such benefits.

These principles together would create a just society for Rawls and ought to be accepted given that no one will know in advance how the principles will work out for them.

**Difference between Rawls and Nozick**

Rawls is liberal, Nozick is libertarian. For Nozick, liberty is the good that society ought to protect. For Rawls, society needs to protect a range of goods. For Rawls, ultimately wealth belongs to society for Nozick, it belongs to individuals.

**Advantages and disadvantages of Rawls**

1. Fits with ideals of liberal capitalism: individual freedoms, equitable distribution of wealth.
2. Is a ‘veil of ignorance’ possible?
3. Is Rawls’ theory any better than its competitors?

**Conclusion**

Nonconsequentialist theories of morality have advantages and disadvantages overall:

**Advantages:**
1. Do not have to compute consequences
2. Provide strong guidance in rules
3. Ground systems on something other than consequences and avoid cost-benefit analysis

**Disadvantages:**
1. Ignores consequences of acts or rules
2. Divided over which rules are best to follow and why
3. Unclear how to resolve conflict between rules
4. Seems to close down moral discussion
5. Virtue ethics seems to assume that humans have a purpose, that morality is innate and that the virtues are clearly recognizable.