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Reason Leads: A Reconciliation in Ethics

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REASON LEADS:
A RECONCILIATION IN ETHICS

by

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Abstract

The use of reason appears to lead to divergent conclusions for what is right and what is good in human action. While reason is a central feature in ethical theory, there is a problem when that central feature does not lead to consistent conclusions about how to act in a given situation. Several philosophers have attempted to combine previous moral theories in order to provide a better template for human action. I contend that the use of reason is of vital import when determining the foundation for moral action and that moral theories, to be consistent with reason, should incorporate aspects of both non-consequentialist and consequentialist ethical theories. I argue that there is a unifying foundation presupposed by the moral theories of both Immanuel Kant and John Stuart Mill. Through the use of reason the theories of Kant and Mill can be reconciled to show that these theories can be combined when understanding the basic foundation that they share.

Every aspect of Western culture needs a new code of ethics - a rational ethics - as a precondition of rebirth.

– Ayn Rand, *The Objectivist*

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Chapter I: Introduction

A Problem of Reasons

> One explanation for this seemingly greater disagreement in ethics is that there is little or nothing that can really be established in ethics. This would explain why so many of the ethical theories that have been proposed in the past continue to have their contemporary defenders. According to this account, ethics simply lacks the resources to defeat any of the contending theories, and so they all remain live options. Obviously, this explanation does not put ethics in a very favorable light.
>
> – James Sterba, *The Triumph of Practice over Theory in Ethics*

There is a problem in moral theory. More to the point, there is a problem with and in moral theorizing. One needs only to open an introduction to philosophy text or a text on basic ethical theory to see that there is a multitude of differing ideas for how and why to act. The most pertinent conflict that needs to be investigated, for me, is differing ideas and interpretations of the right and the good. Perhaps it is the case that the use of reason should not be a central feature of moral theory – or if reason is necessary to moral theory, moral theories may be more consistent and applicable by incorporating elements of other theories. Differing ideas about the right or the good, how to go about defining these concepts, and whether a concept of the good takes precedence over a concept of the right are particularly problematic. Understanding how and why to act in a given situation would not be hard when there is a clear and reasonable course of action, but with a multitude of different ethical theories it is not clear which is the best and reasonable course to choose. It is easy to cast aside a theory that would lead one to act in an irrational manner or that would produce negative consequences for those involved. Unfortunately, it is not an easy task sorting through the multitude of theories that appear to lead

to good outcomes or stem from a sense of duty or right action. With so many differing opinions on what is right and good, it might be that current moral theories, as standalone practices, are incomplete.

It is possible that some moral theorists have focused on the wrong questions when trying to determine how and why one should act in a certain way. By asking the wrong questions and then formulating theories from the answers to these questions, it is probable that some theorists have led themselves in a circle, and thus we have reason to doubt the efficacy of ethics in mapping out a moral path for people to take. This problem is not just about reasons to doubt an ethical theory, or even all ethical theories, but extends to the very nature of reasons and rationality. The use of reason appears to lead to different and incompatible conclusions for how and why one should act when applied to moral theories. Perhaps reason is not a central feature in moral theories, and each theory, to be consistent with reason, should incorporate insights of the others. First, it must be understood that the application of reason has led to the differing conclusions of what is right or good in so many ethical theories. Second, we need to better understand which are the correct and which are the incorrect questions to ask in relation to the understanding and application of moral theory. Third, we can begin to understand how to overlap or combine ethical theories and when divergent conclusions from these theories require reconciliation.

Because human fallibility leads to problems in moral theorizing, it also leads to problems in determining what is ethically justifiable. If moral theory is derived through reason, it is problematic that reason leads to different conclusions regarding the nature of morality. One such

conflict occurs between consequentialist and non-consequentialist ethical theories. It may be possible through the reconciliation of different ethical theories to argue that reason leads to the conclusion that Kantian non-consequentialist ethics ought to incorporate some elements of consequentialist reasoning and that Utilitarian consequentialism ought to incorporate more completely the Kantian concept of duty and the importance of intentions. In doing so we may be able to make the transition from theory to application a more seamless one.

Immanuel Kant argues that the maxim of our actions is dictated by duty, and thus duty determines what is morally right. Kant formulates the categorical imperative as a moral rule of action derived through reason. Duty, for Kant, is the necessity to act out of respect for the moral law.[1] For Kant, the autonomous moral agent acts out of respect for the moral law. This makes the right action intention based. Beyond Kantian thinking, however, reason tells us that both the consequences *and* the intentions matter. One can act in the right way that stems from one's duty, yet fail to provide a good outcome. Others, such as Mill, argue that only the consequences of an action have moral force and import, and good consequences determine what is morally good. Conflict among ethical theories is not new in philosophy nor is the potential for the combination of theories.[2] By combining parts of major ethical theories, people can have a better understanding and mode of applying moral theory -- from the beginning through the end of the decision making process -- of how and why they should act in any given situation. While

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[1] Immanuel Kant, *Grounding for the Metaphysics of Morals [1785].* 3rd ed. trans. James W. Ellington (Cambridge: Hackett Publishing Company, 1993), 70.

[2] Non-consequentialist and consequentialist ethical theories are not wholly at odds with each other. Some, such as J.S. Mill, even indicated that the two are not incompatible. Others like Henry Sidgwick, James Sterba, James Rachels, and Derek Parfit have attempted to combine piecemeal or reconcile the differing approaches to moral theory.

deciding which normative ethical theory is the better theory to apply in one's life remains the

subject of much speculation among ethical theorists, the practical application of a theory is

especially important because it is done as life unfolds. Theory alone is important if one's only

desire is to exist in the hypothetical realm of thought experiments.

We live in a world of interactions with other moral agents that occur in a social setting.

Society is not just the aggregate of individual desires and is not the final word on what is right or

good. While David Hume may have thought that reason is the slave of the passions, desire or

passion alone is not enough to understand morality.[3] Even if one were to rely on the aggregate of

society's desires, we would be right where Mill left off and subject to what Alexis De

Tocqueville and James Madison feared: Tyranny of the majority.[4] Passion and desire must be

tempered with reasoned rational discourse to ensure that the best moral decisions are made.

Society may be a community that expresses the general desire or will of its members. Just

as slavery in the southern U.S. was defended by a large portion of white society, it was hardly a

justifiable state of affairs. This general desire or will of society must be subjected to rules of a

moral theory before it can be used as a foundation for further argument. Understanding how one

"ought" to act is just as important -- if not more important -- than why one acts. That which

compels one to act must be more than a hope that the ends justify the means. Communities are

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[3] David Hume, *A Treatise of Human Nature*, ed David Fate Norton and Mary J. Norton, (New York: Oxford University Press, 2000), 295.

[4] Alexis De Tocqueville, *Democracy in America*, trans. Harvey Mansfield and Delba Winthorp, (Chicago: University of Chicago Press, 2011), chap. 15; James Madison, *The Federalist* no. 10 (New York: Create Space Independent Publishing, 2010) Madison first presents the problem as what the majority may do to the property of the affluent, where De Tocqueville extends the argument as a problem that democracy might not overcome. Mill later weighs in on this issue as a legislative one in *On Liberty*, but does not address it, as such, in his moral theory.

based on certain rules that govern their operation, and understanding these rules or duties is necessary for a more complete and consistent ethical theory. This should not be misinterpreted to mean that since there are different communities of people, that their duties and rules should also be different. Instead, while there are multiple communities, there should be one standard of duty and rules to govern how and why people should act. Morality is to be determined by the logical application of reason. It is only then that through employing reason can a proper method of moral action can be understood.

Reason allows us to derive one or many things from an initial point. In other words, we begin with *A* and through the application of reason, we arrive at *B*. For adults, acting in a given way is based on the reasoned progress through the why (reasons) and ends with a prescribed action. Rationality, then, is the logical linking of these derived points. The simplest way to demonstrate this would be to illustrate that since men are mortal, and I am a man, then I must be mortal. From this conclusion that I am mortal, there can be a multitude of new conclusions derived. Utilizing this *A* to *B* line of thinking, ethical theories appear to have the same goal, that of creating a system to guide human action. One of the largest problems within the field of ethics is that theorists, through the above mentioned line of thinking, continually arrive at different conclusions of how to guide such actions. Both non-consequentialism and consequentialism are trying to arrive at a system that determines how and why to act. While the goal may be the same, in that the goal is to create a system of determining how one ought to act, the conclusion of *how* in both theories is nearly opposite. The issue then is not so much a lacking of rationality on the part of a theorist, but more of a problem with that theorist's reasoning.

While there are differing theories as to what reason and rationality are, and whether or not they play a major part in human decision making, the investigation of those theories is a larger undertaking than is done in the latter portion of this chapter.[5] I am more concerned with the logical process used in what can be called 'reasoning', such as valid arguments stemming from conclusions that have been derived from the premises. One can, in the course of this work simply use the terms 'reason(s)' and 'premise(s)' interchangeably, and this should not be cause for confusion. I feel that it would be correct in saying that being rational or that rationality is the use of premises that relate to the argument and thus produce a conclusion that is also internally consistent and logically valid. In other words, one could argue that if a thing is human, then it is a woman. If it is a woman, then it is a Socrates. Therefore, if it is a human, then it is Socrates. The conclusion follows logically from the premises, but the premises are not necessarily true. This inconsistency just does not fit in connection with how we think.

Alasdair MacIntyre, in his book *Whose Justice? Which Rationality*', argues that reason is utilized in a subjective manner stemming from the influences of society and culture. MacIntyre is primarily concerned with notions of justice, but the differing accounts of justice that are presented are due to the underlying differences in conceptual schemes. [6] MacIntyre refutes the objective form of rationality early in his work when he states "this account of rationality is itself contentious in two related ways: its requirement of disinterestedness in fact covertly presupposes

[5] This does not mean that the argument is unimportant. I believe that with the body of scholarly work on the subject, it is far more important to show that there is an ongoing debate, and that different side of that debate can be utilized for the purposes of better understanding ethical theory. For more on this subject see Stephen Nathanson, *The Ideal of Rationality: A Defense, within Reason*. 2nd ed. (Chicago: Open Court, 1994)

[6] Alasdair MacIntyre, *Whose Justice? Which Rationality?*. (Notre Dame: University of Notre Dame Press, 1989)

one particular partisan type of account of justice, [and] illegitimately ignores the inescapably historically and socially context-bound character which any substantive set of principles of rationality is bound to have."[7] This difference in conceptual schemes, for MacIntyre, leads to different modes of reasoning and thus to different conclusions. He later states that "Such overall views, insofar as they make claims upon our rational allegiance, give expression to traditions of rational enquiry which are at one and the same time traditions embodied in particular types of social relationship."[8] This may help to explain why philosophers may focus on the same end, the morality of an action or why we ought to act one way or the other, but it hardly justifies the exclusion of an entire portion of decision making within ethical theory.

Our rationality may be bound by our socialization, but that does not remove the burden of rationality. We must employ a systematic use of rationality to analyze the reasons for a particular end. Professor Stephen Nathanson argues that reason is a necessary function in the lives of humanity and takes a different view from that of MacIntyre. While MacIntyre is concerned with why and how one reasons, Nathanson defends these differing accounts of rationality by exploring how and why one can be rational or irrational.[9] Nathanson says that "two factors seem to be involved in the overall rationality of a person: the extent to which she engages in deliberation and the quality of her reasoning. How rational a person is depends on how much and how well she deliberates about matters of belief and action."[10] If we then take into account MacIntyre's arguments about socially bound rationalities and Nathanson's definition of being

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[7] Alasdair MacIntyre, *Whose Justice? Which Rationality?*. (Notre Dame: University of Notre Dame Press, 1989), 3-4.
[8] Alasdair MacIntyre, *Whose Justice? Which Rationality?*. (Notre Dame: University of Notre Dame Press, 1989), 389.
[9] Stephen Nathanson, *The Ideal of Rationality: A Defense, within Reason*. 2nd ed. (Chicago: Open Court, 1994)
[10] Stephen Nathanson, *The Ideal of Rationality: A Defense, within Reason*. 2nd ed. (Chicago: Open Court, 1994), 43.

rational, there is still a problem with utilizing non-consequentialist ethical theories over

consequentialist theories and vice versa. The problem is not with reason or with the rational

means employed in deriving theory, but with incomplete ethical systems that do not provide

prescription for action from beginning to end.

I contend that while individuals utilize reason in various ways due to subjective

experience, there remains the ability to derive universal moral rules and therefore definite

prescriptions for moral action via reason. The ability to derive moral rules for action indicates

that morality exists external to the *individual* human, rather than as some subjective

interpretation of interactions. The existence of a more complete understanding of ethics begins in

one's duty and ends when the consequences of our actions have been experienced. Since it is

impossible for people to know fully the outcome of their actions, the intent of the actor should be

an important consideration of any moral theory. Consequentialist and non-consequentialist

theories are parts of a broad set of ethical principles.[11] The unique parts of each theory require

separation in order to explain relevant points as well as showing that they are intent on arriving

at the same end: that of the best course of human action and interaction. No theory is complete

without a conception of why one is acting and to what end, while giving considerable attention to

the effects that action may have.

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[11] We have no access to crystal balls or any other medium that allows us to know the future with certainty. While we may know the outcome within varying degrees of certainty, ambiguity still remains. Focusing solely on the intent of the actor is just as problematic, as it can ignore the outcomes completely. These weaknesses point to the incompleteness in both theories and thus relegate the theories to parts of a larger whole. While both theories are necessary, they are not sufficient as guides for moral action.

Chapter II: Non-Consequentialism

Do Your Duty

Kant is sometimes considered to be an advocate of reason…He emphasized the importance of rational consistency in ethics. He posited regulative principles of reason to guide our thinking…The fundamental question of reason is its relationship to reality. Is reason capable of knowing reality - or is it not? Is our rational faculty a cognitive function, taking its material from reality, understanding the significance of that material, and using that understanding to guide our actions in reality - or is it not? This is the question that divides philosophers…

– Stephen Hicks, *Explaining Postmodernism*

The intention to do 'good' seems, on the surface, to be admirable. Yet, there is merit to the old cliché that says the road to Hell is paved with good intentions. The question remains how one can justify the supposed morality of an action merely by the intentions of the actor. One should instantly call the conclusion that intentions or duty is the only measure of morality into question. Intent leaves one wondering whether there is a measure for the outcome of one's actions. The end result or the consequences of our actions cannot be irrelevant. Yet, the German philosopher Immanuel Kant argued that the ends were irrelevant when determining the moral import of a person's actions. Kant's theory holds that the key to understanding morality exists in the motivation of the action, rather than the product of the action itself. Deontological ethical

theory is that of duty and thus the morally right action is out of respect for the moral law.[12] For

the purposes of this work, I base my use and mention of non-consequentialism on the model of

Kant's ethical theory with emphasis on the first and second formulations of the Categorical

Imperative (CI). The CI is stated in the first and second formulations as 1: "Act only according to

that maxim whereby you can, at the same time, will that it should become a universal law" and 2:

"Act in such a way that you treat humanity, whether in your own person or in the person of any

other, never merely as a means to an end, but always at the same time as an end."[13]

It is important to point out that Kant, like many philosophers, places a great deal of

emphasis on the rational capacity of people. The ability to understand Kant's theory of morality

is directly related to the individual's ability to reason. Kant argued for the existence of a set of

universal and natural laws and this would become the foundation for his moral theory. In his

work, *The Critique of Pure Reason*, Kant set out to distinguish what it is to understand, what

knowledge is, what is truth, and to explain the ability of people to interpret concepts. Some of

these concepts exist *a priori* and for Kant this formed the basis of how reason can be utilized.

There exists a difference between *pure* knowledge and *empirical* knowledge for Kant. He

establishes this by pointing out the fundamental nature of *a priori* principles and by stating that

"whatever contradicts these rules is false, because the understanding is then in conflict with its

own universal laws of thought, and hence with itself."[14] This is what leads Kant to deduce that

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[12] Immanuel Kant, trans. James W. Ellington *Grounding for the Metaphysics of Morals [1785].* 3rd ed. (Cambridge: Hackett Publishing Company, 1993), 18.
[13] Immanuel Kant, trans. James W. Ellington *Grounding for the Metaphysics of Morals [1785].* 3rd ed. (Cambridge: Hackett Publishing Company, 1993), 20.
[14] Immanuel Kant, *The Critique of Pure Reason*. Trans. Normal Kemp Smith. 2nd ed. (Palgrave Macmillan, 2003), 84.

any moral system based on the ends of actions cannot be a complete system. He states that "the whole of moral philosophy is based entirely on the part of it [knowledge] that is non-empirical i.e., pure" and that "the ground of obligation must be here sought, not in the nature of human beings or the facts about the way the word is, but solely *a priori* in concepts of pure reason."[15] Therefore, deriving a moral theory based on the subjective interpretation of the effects of a given action is a highly dubious affair. This is not to say that reason is flawed – not here at least – but that it ought to be employed in the understanding of moral laws, thus compelling the individual to act in accordance with them.

It is important to understand the process of reasoning, not only the process by which the founder of a theory used it, but the process that others who are looking from the outside in might use it to understand a theory. The emphasis is not so much on the particular process, but that the process can be considered a rational use of the information at hand. One can hardly argue that Kant was not rational in his approach to ethical theory, but the questions about the efficacy of his theory are still hotly debated. For me, the largest problem with Kant's ethics is not with the employment of reason, but the lack of association with the effects of one's actions.

For Kant, people are morally obligated to act out of respect for moral laws, thus one's duties are determined by the maxims that are the result of applying the Categorical Imperative. These maxims, as described in the first and second formulations referenced above, will be referred to as 'universalizability' and 'means to an end' for the purposes of ease throughout this

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[15] Immanuel Kant, *Grounding for the Metaphysics of Morals [1785].* 3rd ed. trans. James W. Ellington (Cambridge: Hackett Publishing Company, 1993), 4.

thesis.[16] It is also important to point out that, like knowledge, there are imperatives that can be

understood via experience. Hypothetical imperatives are not 'good in themselves' but are good

because of the ends achieved. Hypothetical imperatives are not absolute and universally binding

like the CI, and therefore a hypothetical imperative merely says that the action is good for some

purpose that one could have or that one actually does have.[17] In the Kantian framework, one

ought to act according to the requirements of the categorical imperative. Consequences,

therefore, are not of primary importance in the determination of morally right action. With the

import of an action not being on the end, Kant's theory is then incompatible to outcome based

theories. What is interesting is that outcome based theories are not incompatible with Kantian

deontology.[18]

The lack of association with the consequences of a moral requirement or obligation is a

significant omission in Kantian ethics. This is obviously not the case for Kant, as it is not an

omission but simply not his concern. There is an often used scenario in philosophy that better

illuminates this issue. Kant would argue that lying is immoral because it violates the

universalizability component in the CI. As an example, let's assume we are currently living in

Nazi Germany during the late 1930s and that we are sheltering a Jewish family in our home. If

the Gestapo came to our door and asked if we were hiding Jews in our home, it would be

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[16] Immanuel Kant, *Grounding for the Metaphysics of Morals [1785].* 3rd ed. trans. James W. Ellington (Cambridge: Hackett Publishing Company, 1993), 20.
In the first formulation of the CI, Kant states "Act only according to that maxim whereby you can, at the same time, will that it should become a universal law." In the second formulation of the CI, Kant states "Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end."

[17] Immanuel Kant, *Grounding for the Metaphysics of Morals [1785].* 3rd ed. trans. James W. Ellington (Cambridge: Hackett Publishing Company, 1993), 21, 58.

[18] This point is discussed further in Chapter 3 and Chapter 4 of this work.

immoral to lie them, under a Kantian ethical system. How can we say that we are acting morally, knowing full well that this family is now in danger because of our actions? There is no easy answer, because if we lie, then we are not acting out of respect for the moral law. We have failed in our duty. The larger problem is that by acting morally, under Kantian Deontology, we have *potentially* failed to protect another human being from harm. Kant, in his essay "On a Supposed Right to Lie from Philanthropy" defends the position of truth telling in all situations.[19] Perhaps Kant would argue that we have done our moral duty, but now the burden is on the Nazi Soldiers to act morally as well. This simple thought experience brings out the least palatable part of intention based ethical theory.

Others have argued that lying to the Nazi's in the above example is not a direct violation of the CI, and is permissible in a Kantian framework. One such philosopher, Michael Cholbi, extends the arguments supporting a right to lie in his essay "The Murderer at the Door: What Kant Should Have Said." Cholbi argues that by linking the universality in Kantian ethics with the duty that one has to preserve his or her self, lying to the Nazi's would not only be permissible, but is *required*.[20] While we do have the duty to protect ourselves, it does not seem to follow that the universality in Kantian ethics extends to a necessitation to act for others. This would seem to be inconsistent with the means to an end formulation and a violation of the other person's autonomy. Cholbi acknowledges this apparent inconsistency and accounts for it with what he calls the *Deontic Symmetry Thesis* and moves actions into three categories of morally obligatory,

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[19] Immanuel Kant, ''On a Supposed Right to Lie from Philanthropy,'' trans. M.J. Gregor. (Cambridge Edition of the Works of Immanuel Kant)

[20] Michael Cholbi, "The Murderer at the Door: What Kant Should Have Said," *Philosophy and Phenomenological Research* 1 (July 2009): 1, 3.

morally permissible, and morally prohibitory.[21] Even argued as a defense of lying through a

Kantian framework, this does not seem to hold on the grounds of violating universality, and

acting in a way that potentially violates the autonomy of another. Cholbi offers a solution that

helps to solve the problem, but not by first warping Kant's argument in order to solve that

problem.

There is different debate among philosophers as to whether one lacks responsibility for

one's actions within a Kantian ethical framework, thus escaping the issue in the previous Nazi

example.[22] Benjamin Vilhauer takes the position that Kant creates a determinist position. If Kant

is incorrect in arguing for free will, it is possible, through determinism, to argue that we are not

responsible for anything. A determinist standpoint negates the existence of ethics, since our lives

are not ours to control but simply parts that we play. For Vilhauer, and like the above example,

lying to the Gestapo would be immoral. The consequences of that action are no longer in the

person's hands as it has now passed to the soldiers to act in accordance with their duty out of

respect for the moral law. This lack of connection with the consequences of an action bolsters the

rightness of that action, but degrades the efficacy of Kant's ethical theory.

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[21] Michael Cholbi, "The Murderer at the Door: What Kant Should Have Said," *Philosophy and Phenomenological Research* 1 (July 2009): 18
Deontic Symmetry Thesis (DST): All other things equal, any act with deontic valence V performed by agent A in which A is also the act's patient will have the same valence V if another agent B is the patient of A's act instead, and vice versa.
[22] Benjamin Vilhauer, "Can We Interpret Kant as a Compatibilist about Determinism and Moral Responsibility?" *British Journal for the History of Philosophy* 12.4 (2004): 719-730; Benjamin Vilhauer, "The Scope of Responsibility in Kant's Theory of Free Will." *British Journal for the History of Philosophy* 18.1 (2010): 45-71; Stephen Darwall, *The Second-Person Standpoint, Morality, Respect, and Accountability*. (Cambridge: Harvard University Press. 2009)
Vilhauer argues in his papers that Kant has not established that individuals are in fact responsible. Darwall takes the opposite position of Vilhauer, in that Kant does indeed establish that one is responsible for his/her actions and the consequences.

Stephen Darwall, takes an opposing position to that of Vilhauer, and defends his argument using the same foundation as that of Cholbi. Darwall argues that Kant does establish that one is responsible for his or her actions, through a second-person standpoint, because moral obligation is about accountability. The second-person standpoint, for Darwall and like Kant, is about the importance of the dignity of an autonomous moral agent.[23] Where Darwall seems to differ from Kant is in the claim that people "hold themselves responsible by self-addressed demands from a perspective that we and they share" and therefore dignity allows for a certain authority over others.[24] This apparent authority that Darwall finds does appear to link one with a responsibility for his or her actions, but it does not come from a Kantian perspective. Darwall admits, at the end of his work, that his link presupposes a certain contractualist prose to Kant's moral argument.[25]

While the position of Darwall does not affect the decision to be made, in accordance with the CI, it does add another problem to be debated. The existence of this debate further illustrates the problem inherent in focusing too intently on the intentions, rather than intent and outcome, in order to determine the right course or action. This is not to say that solely being responsible for one's actions solves the problem that is created by not factoring the outcome of an action into the morality of that action. Knowing potential consequences and trying to correct one's action to better affect a positive outcome is the first step in being responsible for one's actions.

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[23] Stephen Darwall, *The Second-Person Standpoint, Morality, Respect, and Accountability*. (Cambridge: Harvard University Press. 2009), 13.

[24] Stephen Darwall, *The Second-Person Standpoint, Morality, Respect, and Accountability*. (Cambridge: Harvard University Press. 2009), 122.

[25] Stephen Darwall, *The Second-Person Standpoint, Morality, Respect, and Accountability*. (Cambridge: Harvard University Press. 2009), 307.

Responsibility is not merely an acceptance or an understanding of the effects, after the fact, nor is it a solution for determining why the consequences ought to matter. Responsibility is simply an active relationship with both the intent and the consequences of one's actions. It seems inconsistent in that a right act, having a negative outcome, could still be seen as the correct action. This is an instance that is contradictory, perhaps not to Kant's theory, but in the sense that it is inconsistent with the way humans interact. Cholbi, Darwall, and Villauer provide insight to the strengths and weaknesses in Kant's ethical theory, but only seem to do so in light of other moral theories that they utilize to aid their critiques.

Attempts to argue from only one theory among many ethical traditions can lead to contradictions or to a lack of a clear direction for moral action. This is why a sufficient foundation for moral theorizing must be grounded in the duty *and* the potential consequences of an act. It is entirely plausible that one could act in a manner that is consistent with deontological theory -- in that right action comes from a duty that has been determined by reason -- and still fail in bringing about what some would call a 'good' or 'pleasing' result. While it does not appear to be a major problem *for* Kant, it is a major issue *in* Kant's theory. This disparity between right action and potentially negative consequences points to a flaw that must be understood in a larger scope than a single theory provides. This potential contradiction, where an action can be right but produce negative consequences, also shows the necessity of consequences being factored into the formulation of action that stems from a duty.

One could argue that we could answer that we are in fact hiding Jews, but that we do not have to indicate where they are. This seems like an answer that only delays the inevitable

immoral act of lying. The right action is the course that has us tell the truth, but there is more at

stake than the violation of a moral law. Perhaps a hypothetical moral prison is our destination for

lying to the Gestapo in order to protect the lives of other human beings. Those same beings that

Kant argues have an innate dignity and must be treated as ends rather than means.[26] Telling the

truth to the Gestapo would then be using the cloistered Jews as a means to our own continued

safety. The harm to these hypothetical people is far more of an issue than the lie that was told to

protect them. Another problem then arises where we have used ourselves merely as a means to

the end of protecting these people. One could universalize a duty to protect or help others, as

Darwall would probably support, but the point of contention would still be there same. There

would be a subjective interpretation, not an objective knowing, of where or when our duty stops

and respect for our own person begins.

The obvious strengths in Kant's ethical theory help to clearly define rules for the right

action. The problem with outlining the right action is that the considerations of the good are left

by the wayside. If Kant truly is the advocate of reason and rational consistency, then we must

either question his rational consistency or the efficacy of his moral theory. Questioning a theory

does not mean abandoning the theory or arguments. It means turning a critical eye to those things

that are inconsistent with the way life unfolds. I do not believe that Kant ignored the

consequences of our actions in order to formulate the CI. It is far more likely that, for Kant, the

consequences of an act were not certain like a practical law, they were hypothetical and therefore

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[26] Immanuel Kant, *Grounding for the Metaphysics of Morals [1785].* 3rd ed. trans. James W. Ellington (Cambridge: Hackett Publishing Company, 1993), 58.
"Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end."

not something that could be objectively argued for. The burden of proof remains, then, on demonstrating that the consequences of any action done out of respect for the moral law cannot have an equal effect on people. It is easy to argue that murder is wrong, the first formulation of the CI demonstrates this, but it is something else entirely to say that the murder of one's child would have an equal effect on all involved. The loss is greater in the eyes of the parents, but the occurrence is no less a tragedy. There is some continuity to the consequences of actions, and this continuity can be measured objectively. Our actions do not occur in a vacuum. They affect others and they always have consequences.

Chapter III: Consequentialism

There are Consequences

> Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure.* It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it.
> – Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*

Consequentialism holds that morality is properly understood in the effects of one's actions. One's moral actions should necessarily lead to an increase of in the happiness of the greatest number of people and is therefore the desired outcome. In establishing the Principle of Utility, Jeremy Bentham stated that "the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency it appears to have to augment or diminish the happiness of the party whose interest is in question."[27] In establishing this principle, Bentham put forth a system in which people are able to determine the moral acceptability of their actions based upon the consequences of those actions. Bentham was,

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[27] Jeremy Bentham, *An Introduction to the Principles and Morals of Legislation* (Historical Prints. London: British Library, 2011), chap. 1. Sec. 1.3

however, not the first to put forth the idea of utility and how it pertained to people's actions. Nearly fifty years earlier the Scottish philosopher David Hume stated that ,"In all determinations of morality, this circumstance of public utility is ever principally in view; and wherever disputes arise…the question cannot, by any means, be decided with greater certainty, than by ascertaining, on any side, the true interests of mankind."[28] While it may be that utility is understood in subjective terms, the real issue arises when one attempts to find the best solution that would affect multiple people, using only his or her subjective view.

Consequentialist ethical theorists argue that it is the outcome of one's actions that determine moral import. Bentham, in promoting the Principle of Utility, measured the outcome of an action performed with the *Felicific Calculus* or the hedonistic calculus.[29] In using this calculus one must measure the utility or 'utiles' produced by one's actions. These utiles are used as a direct measure of the pain (negative utile) or the pleasure (positive utile) that is the result of an action or intended decision. One need only add up the number of positive and negative utiles in order to determine the acceptability of an action. If there exists a positive calculation, then a course of action is in keeping with the Principle of Utility and therefore it is morally acceptable.

Bentham's attribution of a numeric value to pain and pleasure is a strict measure of the outcome produced by an action, yet his calculus was severely flawed. Human interaction and experience are entirely too complex to break down into a simple point system that adds pleasure and pain together like an accountant would create a balance sheet. Some actions produce more or

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[28] David Hume, *An Enquiry Concerning the Principles of* Morals. (Echo Library, 2007), pt. 2. sec. 17
[29]Jeremy Bentham, *An Introduction to the Principles and Morals of Legislation* (Historical Prints. London: British Library, 2011), chap. 4.

less pleasure, depending on the person and the situation. When building a bridge or a dam, relying on 1+1=2 as a foundation for further formulations is a sound practice. Pleasure and pain do not fit neatly into the little boxes that Bentham would like, and thus are not so easy to stack by adding and subtracting. Bentham may have seen these flaws as minor, and simply weighted the positives and negatives and found his theory workable despite the drawbacks, but it was John Stuart Mill who saw the limitations in early conceptions of Utilitarianism, and determined that they were too great to ignore. Mill adapted the formulations of the Principle of Utility with which Jeremy Bentham started in order to better allow for theory to become practice.[30]

Bentham failed to see that his moral theory, while better qualified than Hume's remarks on the nature of utility, would still allow for atrocities to be committed by the many against the few. Take, for example, a room of one hundred people. If seventy of the one hundred people decided that they could increase their pleasure by enslaving the remaining thirty, then by Bentham's calculus the action would be permitted. One need only add up the seventy positive utiles and then subtract the remaining thirty negative utiles and the result would still be positive. This, of course, is a crude metaphor for showing the weakness of early Utilitarianism, but it does show potential negative aspects of people's character, such as greed and lust for power, that Bentham either found unnecessary or simply left out. Without fully addressing this limitation in his moral theory, Bentham legitimized the abuse of power.

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[30] John Stuart Mill, *Utilitarianism*. (New York: Createspace, 2010), chap. 2.
Mill remarks that mere quantity of pleasurable things would be an absurd measure of the goodness of an action. There must also be a measure in the quality of the pleasure. In theory more pleasure than pain is the right way to go, but in practice these things are measured differently. Some would prefer a beer and a football match to a cup of tea and a game of chess. One allows the person to simply enter a state of ignorant bliss, while the other has secondary effects such as strategy and camaraderie. The former is passive and the latter is active. Surely these two examples cannot be viewed as producing the same pleasure.

The early arguments made by Bentham in respect to utilitarianism are very pragmatic in nature. Bentham argued that the interest of the community is the sum of the interest of those that comprise it. He furthered that statement by saying that it is vain to talk about the interests of the community without understanding that of the individual.[31] The problems of such circular arguments can leave one wondering where to begin or end, but what is more, it does not provide a clear direction for people to take.[32] What is important to understand is the difficulty in determining whether the aggregate pleasure or happiness that a community can experience will be the same as that of a single individual, early utilitarianism was an attempt to create a moral system that provided a possibility to do so.

The next formulation of utilitarianism comes from John Stuart Mill, who was one of Bentham's students. Today, utilitarianism as a theory and the name J.S. Mill are nearly synonymous when referring to consequentialism in ethics. J.S. Mill took the Principle of Utility, later called the Greatest Happiness Principle, and attempted to correct some of the limitations that he saw in the original formulation. According to Mill, humans experience higher and lower pleasures and that these higher and lower pleasures are still consistent with the Principle of Utility. In addressing this, Mill states that "It is quite compatible with the principle of utility to recognize the fact, that some kinds of pleasure are more desirable and more valuable than others."[33] This means that for Utilitarians, at least of the sort that J.S. Mill envisioned, one

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[31] Jeremy Bentham, *An Introduction to the Principles and Morals of Legislation* (Historical Prints. London: British Library, 2011), chap. 1. sec. 4.

[32] The lack of stated premises does not indicate that assumptions have not been made. Bentham is clearly making an argument by stating a conclusion. The vanity of not understanding the individual is both a conclusion and a contradiction.

[33] John Stuart Mill, *Utilitarianism*. (New York: Createspace, 2010), chap. 2. pt. 1

should act in a way that creates the greatest happiness for the greatest number of people.[34] The new version of the Greatest Happiness Principle does not completely solve the circular reasoning problem from which Bentham suffers, but in adding the separation of higher and lower pleasures, Mill is able to account for more of the complexity in human experience than Bentham could have. In other words, when relating back to the previous example of the seventy people enslaving the thirty, there is a psychological component that is factored in. The displeasure felt on an intellectual and emotional level would outweigh the pleasure experienced on the physical level, under Mill's calculation. This is still a crude example, but it illuminates a fundamental improvement in the work of Mill over that of Bentham.

Thus it is the work of John Stuart Mill's, in regards to *Utilitarianism* that is the larger focus of utilitarianism as a moral theory in this thesis. Unlike Kant, who originated his own moral theory to work within his metaphysics, Mill recast the utilitarian theory of his mentor in order to have a more usable theory. John Stuart Mill is far from the final word on Utilitarianism as a theory of consequence based ethics, but he is generally thought of as the major – if not main – theorist of this type of theory. Nearly every introduction to ethical theory course or book devotes a large portion of the discussion to Mill's moral treatise, *Utilitarianism*. Mill is also used more often as the foundation for other work in consequentialist ethics or as a starting point for a critique and improvement of the theory. Mill might very well approve of this as he not only defended utilitarianism but worked to improve it. Utilitarianism, in my view is, not just a theory

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[34] John Stuart Mill, *Utilitarianism*. (New York: Createspace, 2010), chap. 2. pt. 1
Mill's "greatest happiness principle holds that actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness. By happiness it is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure."

to be debated but a pragmatic approach to life and society. Utilitarianism is not just a moral

theory, it is a larger pragmatic philosophical doctrine. In his books *On Liberty* and *The

Subjection of Women*, Mill moved from theory to application and provided a blueprint of how

society should conform.

It is necessary for careful examination of Mill's conception of utilitarianism to take into

account Mill's near contemporary, 19th century ethicist Henry Sidgwick's interpretations of and

additions to the theory.[35] John Rawls says it best when commenting on Sidgwick, stating that his

The Methods of Ethics "is the clearest and most accessible formulation" of utilitarianism, when it

comes to understanding and applying the theory.[36] Sidgwick has taken the theory farther than

Mill, just as Mill did with Bentham's earlier ideas. In doing so, Sidgwick refined the work of

Mill and made it clearer for people to utilize. Mill was attempting to make utilitarianism a more

pragmatic approach to moral theory. In Mill's other works we can see the move from the 'ought'

to the 'can', yet much is still left to be desired. It is my belief that it is Sidgwick who makes the

application of the theory far clearer and easier to apply than his predecessors did.

For both of these philosophers, the aggregate effects of one's actions on the community

are the most important moral considerations. Sidgwick, as I understand him, argues for a

contractualist version of utilitarianism in that agreements made by society are morally acceptable

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[35] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 57-62. Sidgwick argues for a view of rule consequentialism that is rooted in the same arguments that Kant uses for deriving duty. Sidgwick also makes claim that Kant has contractualist leanings when he argues for the CI and thus links Kant to rule consequentialism through these arguments.

[36] John Rawls, foreword to the 7th ed. Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981)

because the majority understands the potential outcome.[37] For Sidgwick it is not just pain and

pleasure but the agreeable and the disagreeable of consciousness that acts as the litmus test for

the Greatest Happiness Principle. Where Mill sees the higher and lower pleasures, Sidgwick goes

further in arguing that consequentialism implies a certain duty, in that, in order to determine the

import of an action, one must act. Whereas Kant is concerned with the 'rightness' of an action,

Sidgwick states that 'right' presupposes a desired end.[38] For Sidgwick it appears that

formulating utilitarianism as a rule, rather than an act, is where he views the potential for

reconciliation between consequentialism and non-consequentialism.[39] This difference is that in

act utilitarianism, there is no universality considered with the act. The rule that is established by

the interpretations made by rule utilitarians presupposes a fundamental universality to the action.

Sidgwick, however, is not the only one of the aforementioned theorists to allude to

Kantian deontology and consequentialist ethics as working together. Mill stated that there are

differences between first and second order principles, arguing that the Greatest Happiness

Principle was of the first order and that other theories could be second order, thus allowing many

potential overlaps.[40] While not speaking directly about principles, Sidgwick mirrors Mill when

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[37] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 5.
"Men never ask, 'Why should I believe what I see to be true?' but they frequently ask, 'Why should I do what I see to be right?'" He goes on to explain that it is society as a whole that determines and enforces the right, and has a very Lockean connotation to it. In other words society obeys rules by a tacit acceptance of the *rules* that should be followed, because these rules bring about the desirable end.

[38] Henry Sidgwick, *The Methods of Ethics. 7th ed. (Cambridge: Hackett Publishing Company, 1981),* 26

[39] Act Utilitarianism - being a singular act that does not serve as precedent for other acts, nor relies on previous acts, in order to bring about the greatest happiness for the greatest number, which is the Greatest Happiness Principle. Rule Utilitarianism - being a rule that is followed which is determined by the 'goodness' of the consequences derived and is another interpretation of the Greatest Happiness Principle, but with a caveat of establishing that one should always act according to the precedent of the rule.

[40] John Stuart Mill, *Utilitarianism*. (New York: Createspace, 2010), chap. 2.

he states that "so far as two methods conflict, one or the other of them must be modified or rejected."[41] Bentham also made statements, more in line with Sidgwick's views of rules, that designated actions as 'oughts' or that the intent must be in line with the Principle of Utility.[42] This would indicate that while intent based non-consequentialist and outcome based consequentialist theories are not incompatible, the originators of consequentialist based theory saw that non-consequentialism was subordinate to their own theory. In other words, only after one has measured the consequences of an action, can that action be used as a template for a rule. This new rule, formed by applying the Greatest Happiness Principle, would then act as what Kant would call a moral law.

This conception of moral laws, to be issued as rules in utilitarianism, is such that the moral law must be determined after the fact, and is nothing more than a reactionary state of mind. It does not seem to be the case that theorists advocating for a way of acting would be advocating a system that is reactive rather than active in nature. This would further presuppose that Kant's calculus for moral theory is either flawed in the view of Bentham, Mill, and Sidgwick or there is no objective moral law to base the rule on and it must come after the consequences have been measured. Without an objective measure, rule utilitarianism fails much in the same way as the initial and the alternate conceptions of the utilitarian ethical theory.

The most serious problem with act utilitarianism, as I see it, is that the calculus for it appears highly subjective and at times could simply be arbitrary. If one is faced with an unknown

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[41] Henry Sidgwick, *The Methods of Ethics. 7th ed. (Cambridge: Hackett Publishing Company, 1981),* 6.
[42] Jeremy Bentham, *An Introduction to the Principles and Morals of Legislation* (Historical Prints. London: British Library, 2011), chap. 1 sec. 10.
Bentham uses the Principle of Utility here, before he changes it to the Greatest Happiness Principle.

situation, then it would be reasonable to make what is 'potentially' the best choice. The issue

with what seems potentially good is not much more than best guess and a leap of faith, which is

hardly the most rational course of action. Guessing should not be a part of moral theory. When

faced with an unknown, the act utilitarian appears to be left stranded in some cases. This lack of

direction or weakness in the theory is another reason that it must be supplemented by something

else at those times when it cannot be relied upon to guide one's actions. As Sidgwick and

Bentham have shown, there is a need to establish or at least rely on certain principles beyond the

Greatest Happiness Principle in order to ensure that utilitarians can indeed act. These second

order principles have been argued for by Mill, called 'oughts' by Bentham, and backed up by

Sidgwick. Rule utilitarianism lays out a blueprint for what guidelines should be followed. Just

like Kant, there is a universalizability to the rule that is being established. In other words, the

intention is to produce the greatest happiness for the greatest number, provided one follows this

rule. This places rule utilitarianism into a category that is far more in line with a Kantian

perspective. So it appears that for rule utilitarianism to remain internally consistent there must be

an acknowledgment of an objective set of rules or at the very least an objective constant to which

the Greatest Happiness Principle must adhere.

Another of the major drawbacks of consequentialist theories is in not giving the intent of

the actor sufficient consideration in determining whether a person acted morally. It is possible

that a person could want to act in a bad way, but if that act were to produce a good outcome, then

it would be said the act was indeed good. In other words, consequentialism can conceivably

allow one to be "accidentally" moral. If one can be accidentally moral, it appears that morality is

not even rooted in the individual, but in an obscure or arbitrary measure of the outcomes of human actions. Yet this is exactly that for which early utilitarian thinkers, like Jeremy Bentham, argued: a simple calculation for determining the good.[43] If this is the case morality might as well be left up to chance occurrences and the debate could stop where it stands. It does not seem intuitively to hold that an accident is vicious or benign, since both vice and virtue implies intent, and therefore it is even less likely that one can be accidentally moral.

Fortunately, the debate over ethical theory has not stopped, and continues to progress and develop. Henry Sidgwick did help to make utilitarianism clearer and easier to utilize. His arguments for utilitarianism are given more scrutiny in later sections of this thesis. While the drawbacks of Sidgwick's rule utilitarianism have been mentioned, it is important to note that his attempted combination of Kantian and Millian ethical theories are important to future attempts at reconciliation of the two ethical theories. Sidgwick's arguments give perspective on utilitarianism that Mill could not, and help pave the way for philosophers like Derek Parfit to begin the debate again. While Parfit claims that Sidgwick had two masters, Kant and Mill, he says that he himself had two masters, Kant and Sidgwick. Parfit's work on reconciling non-consequentialism and consequentialism by combining parts of the major theories is the most important work to date.

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[43] Jeremy Bentham, *An Introduction to the Principles and Morals of Legislation* (Historical Prints. London: British Library, 2011), chap. 4.
Bentham's Felicitas Calculus

Chapter IV: Combining Theories

Philosophical Semantics

I don't think there's anything in the compromise that means that there's a clash of ethics. More often there's a compromise between ethics and expediency.

– Peter Singer, *nthposition*

Combining or attempting to reconcile disparate ethical theories in order provide a better understanding of morality is not a new concept. In *The Elements of Moral Philosophy*, James Rachels argues for "multiple strategies utilitarianism" as the basis for moral action. In *The Triumph of Practice over Theory in Ethics*, James Sterba claims that philosophers have been too "warlike" in positioning ethical theory.[44] Rather than try to find a solution to the question of how and why one should act, Sterba claims that contemporary philosophers have been too focused on what their colleagues have gotten wrong instead of what they have gotten right.[45] Sterba argues

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[44] James Sterba, *The Triumph of Practice over Theory in Ethics,* (New York: Oxford University Press, 2005), 45

[45] James Sterba, *The Triumph of Practice over Theory in Ethics,* (New York: Oxford University Press, 2005), 44

that a "peacemaking" way of analyzing ethical theory allows us to establish common ground between multiple theories.[46] Establishing common ground between theories creates a pragmatic approach to ethics. This pragmatic approach allows us to utilize what works and to do away with what does not.

Sterba's peacemaking way of viewing ethical theory as well as Rachels' attempts lack a clearly defined way to prescribe what action to take or to predict what action will be taken under certain conditions. Like Mill, Rachels and Sterba suffer from a fundamental problem of subjectivism that introduces another new confusing element, such as which theory to combine with which and under what conditions. Rachels and Sterba are two theorists, among many, who attempt reconciling and/or combining ethical theories, but end up replacing one unclear position with another. While not solving the particular problems that I feel exist within ethics, Rachels and Sterba have contributed to combing current theories in two important ways. The first is that Rachels has shown the continued flexibility of outcomes based in consequentialist ethical theory. The second comes from Sterba in pointing out that the debate on and within ethics has been far too antagonistic.

Two works regarding reconciliation of non-consequentialist and consequentialist ethics are Henry Sidgwick's *The Methods of Ethics* and Derek Parfit's *On What Matters*. Parfit and Sidgwick take roughly the same approach in attempting to fix inconsistencies or inadequacies in consequentialism and non-consequentialism. They utilize a particular theory as a foundation for their respective works, and through an examination of other theories, they establish common

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[46] James Sterba, *The Triumph of Practice over Theory in Ethics,* (New York: Oxford University Press, 2005), 45

links that help to address the shortcomings of the original ethical theory. Their works are incredibly important to the study of ethical theory, and I believe that they have helped to create a more complete conception of ethical theory that has practical utility. I believe, however, that there are limitations and even some contradictions within the arguments of Parfit and Sidgwick that limit the efficacy of their ideas on the subject. In using the arguments and concepts from the ethical theories of Mill and Kant, both Parfit and Sidgwick have furthered the study of ethical theory but fail to hit their intended marks. Combination of the sort that Parfit and Sidgwick attempts show that using an established theory as the foundation of a new one leaves the new theory incomplete. Either the new theory suffers from the same drawbacks as the original, or with the piecemeal combination of other theories, the new theory becomes internally inconsistent. I argue that this is just such the case with the arguments made by both Parfit and Sidgwick.

While the works of Derek Parfit and Henry Sidgwick do not fully satisfy the conditions that each philosopher set out meet, they are extremely important in attempting to further understand Kantian and Millian ethical theory. Sidgwick denies that Mill and Kant have created competing and incompatible theories of moral action when he states that "abstract moral principles as we can admit to be really self-evident are not only not incompatible with a Utilitarian moral system, but even seem required to furnish a rational basis for such a system."[47] Mill stated that Kantian deontology does not conflict with utilitarianism, but Sidgwick argued that utilitarianism could be improved by deontology. In a similar manner of reasoning, Parfit

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[47] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 496

furthers the work of Sidgwick by arguing for the importance of utilizing consequentialist

reasoning in a deontological theory. Sidgwick and Parfit both argue for a connection of Kantian

deontology and consequentialism, and they do so through contractarian thought.[48]

For Parfit, as well as for Mill and Sidgwick, Kantian deontology and utilitarianism are

not wholly incompatible. Mill states that "to all those *a priori* moralists who deem it necessary to

argue at all, utilitarian arguments are indispensable."[49] Sidgwick argues that the principles that

define the treatment of the 'right', 'wrong', the 'good', and 'bad' are not dissimilar and are a part

of the same whole in ethics.[50] Parfit takes a much more expansive view of how Kantian thought

and consequentialist thought are not incompatible. In *On What Matters*, Parfit breaks apart

differing interpretations of consequentialism to show potential weaknesses, and that they

presuppose certain intent based notions.[51]

Even if deontology and utilitarianism are not incompatible, that fact alone does not

necessitate combining them into a different, single theory. What may lead one to wish to

combine them, however, are their limitations. For example, the deontologist is not concerned

with the consequences of actions and the utilitarian may be led to permit the tyranny of the

majority for the purpose of creating the greatest happiness for the greatest number. Sidgwick did

not create a new ethical system by combining Kant and Mill. What he did, instead, was defend

utilitarianism using Kantian means. He did this through rule-based utilitarianism that appears to

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[48] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 378; Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 303
[49] John Stuart Mill, *Utilitarianism*. (New York: Createspace, 2010), 5
[50] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 2-6
[51] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 371-376

be a deontological argument semantically related to utilitarianism when he states "I suppose no Intuitionist would maintain that carefulness in conforming to accepted moral rules has not, on the whole, a tendency to promote happiness."[52] While Sidgwick keeps the same goal as the early utilitarians, that of the Greatest Happiness Principle, the rule utilitarianism he argues for relies on the same arguments that Kant makes in the first formulation of the CI.[53] Kant's first and second formulations of the CI are not completely used by Sidgwick in creating the rules that should be followed. Instead, Sidgwick utilizes the pragmatic nature of Kant's universalizability in order to support the forming of a rule which will determine future actions. The rule that one must follow in order to achieve the greatest happiness for the greatest number is followed by virtue of it being universalized for all 'like' situations.

Parfit argues that the compatibility of Utilitarianism and deontology does not necessitate their combination. In *On What Matters*, he argues that ethical theories are converging on the same ideal, that of universal laws that guide human behavior.[54] Parfit goes on to argue that due to this "convergence," ethical theories can and should be combined.[55] I, however, do not agree with Parfit's analysis. I do not believe that the major ethical theories are convergent in the way that Parfit indicates. This presupposes that ethical theories begin at different points to converge on an end point, and I maintain that ethical theories begin at the same place and reach different

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[52] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 428
[53] Immanuel Kant, *Grounding for the Metaphysics of Morals [1785].* 3rd ed. trans. James W. Ellington (Cambridge: Hackett Publishing Company, 1993),
In the first formulation of the CI, Kant states "Act only according to that maxim whereby you can, at the same time, will that it should become a universal law."
[54] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 412
[55] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 413

conclusions. I also do not agree that a potential convergence on the same end considered by multiple ethical theories necessitates combination of theory. Parfit's attempt to combine the major theories into a usable system is comprehensive and complex, but it also suffers from the drawbacks of subjective interpretation.

Climbing the Mountain

In his magnum opus, *On What Matters*, Derek Parfit covers all aspects of philosophy in a two volume set containing over one thousand pages of arguments and critiques. Parfit examines ethical theory and determines that the philosophers before him were primarily aimed at the same goal: to understand and guide human actions and interactions. This seems to be obvious in that the goal of moral theorizing is to understand and help guide human actions and interactions, and yet like Sterba, he feels the need to point this out. Parfit hinges many of his ethical arguments upon proofs in various places throughout the two volume work. While comprehensive in its coverage of philosophy, *On What Matters* is more than an argument for a new understanding of moral theory. It is a critique on all aspects of philosophy and a complete guide to understanding the epistemology, metaphysics, and overall cosmology of Derek Parfit.[56] Due to the expansive nature of the work, it is difficult to fully separate any single theory from the various proofs that Parfit utilizes to make his arguments. In sections on ethical theory in volumes one and two, Parfit lays out his sketch of ethical theories and then selects one that he finds most important.[57] While

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[56] It should be noted that Parfit spent nearly three decades researching, lecturing on, and writing *On What Matters.* To fully understand the nature of the work, as well as critiquing it, would cover far more material than is necessary in this thesis. That being said, certain assumptions that Parfit attempts proofs for have been accepted to better utilize the ethical theory that Parfit forwards in the work.

[57] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 130 - 317

Parfit assembles his theory by using arguments from many philosophers, it is clear that Kantian

deontology forms the foundation for his arguments as he states that outcomes are important

"since some acts are in themselves good; and some things may be worth doing only for their own

sake."[58] Parfit indicates that Kant and Sidgwick were his masters in explaining how he came to

understand moral theory, but in the course of *On What Matters,* it is Kant to whom Parfit always

returns.[59]

Like Henry Sidgwick, Parfit builds his own moral theory that is a combination of non-

consequentialism and consequentialism with aspects of virtue theory and contractarian thought.

However, unlike Sidgwick, Parfit utilizes the work of Immanuel Kant for his foundation, rather

than the theories of Mill and Bentham as Sidgwick did. Parfit also goes further than Sidgwick

does when arguing for his own theory. Where Sidgwick fails to make a final statement on the

nature of Egoistic or Universal Hedonism as being the best theory to utilize, Parfit is not so

hesitant.[60] Parfit is peculiar in the way in which he states that his interpretation is the one to

follow. He will show, via proofs, that other theories fail to meet their burden of proof or that they

are internally inconsistent. While utilizing Kantian universality, Parfit has a tendency to rewrite

the work of others in order to better craft his own arguments, such as when he states that

"Whether our acts are right or wrong, Kant claims, depends on our *maxims*, by which Kant

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[58] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 130
[59] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), xxxiii
"While describing how he came to write his great, drab book *The Methods of Ethics,* Sidgwick remarks that he had 'two masters': Kant and Mill. My two masters are Sidgwick and Kant."
[60] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 499; Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 130; Sidgwick dances around the nature of the greatest good when dealing with the Egoist or the Universal. Parfit flat out says that outcomes are not the only good worth achieving.

usually means our policies and their underlying aims."[61] Parfit then tempers his final analysis

with 'if we accept…' and other such non-committal phrases in order to refrain from absolutes,

which gives the reader what appears to be no other choice than to accept his conclusions.[62] From

here Parfit begins to lay out his own formulae for how the major ethical theories are convergent

and thus how his Triple Theory is the best for determining moral action.[63]

Parfit's Triple Theory makes the claim that an act is wrong if it is disallowed by a

principle contained in the theory. In crafting the theory, Parfit uses the phrase "if and only if"

and the disjunctive phrase "or just when" to denote the potential violation of one of the aspects

of the theory.[64] Parfit is rather vague in that the act is wrong if it is not allowed by some

principle, a principle which must pass the test of the Triple Theory. The first part of the Triple

Theory is that of a principle that is a universal law that would make things go best. This principle

appears to act with Kantian universality in mind, but requires the subjective measure of 'best' to

be left to the consequences. It is problematic then, because one needs another calculus, one that

Parfit fails to provide, in order to determine the best outcome and for whom. The second

principle is one that is a universal law that everyone could rationally will. Again, we see that

Parfit retains his Kantian foundations. This is probably the most important of the three aspects of

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[61] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 275
[62] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 414
"If we accept this Triple Theory, we should admit that, in explaining why many kinds of acts are wrong, we should not need to claim that such acts are disallowed by some triply supported principle."
[63] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 131-146, 413; Derek Parfit, *On What Matters*. Vol. 2. (London: Oxford University Press. 2011) 244-258
An act is wrong if and only if, or just when, such acts are disallowed by some principle that is
1. one of the principles whose being universal laws would make things go best,
2. one of the only principles whose being universal laws everyone could rationally will....
3. a principle that no one could reasonably reject.
[64] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 413

Parfit's Triple Theory. This tenet seems to take into account the aspects of rationality that both MacIntyre and Nathanson argue for by using the term 'could.' In a perfect world, all people could reason in the same manner, so this aspect of Parfit's theory seems sound. The third and final part of the Triple Theory is a principle that no one could reasonably reject. Even if people were to be operating with only the Triple Theory in mind, it seems highly unlikely that what would be considered reasonable would be held by all, equally. Yet, this is exactly what Parfit assumes when creating the Triple Theory from his argument on the convergence of ethical theory.

Parfit argues that the major ethical theories are convergent, and therefore can and should be combined. This argument is troublesome in that it relies upon the end result of the different theories' positions, and this seems to be opposed to the Kantian idea of morality originating in duty that Parfit uses as a foundation. While I, too, utilize parts of Kant's deontology, Parfit goes farther and creates a potential contradiction as support for his conclusions, in that one should have an objective measure for the intent and yet a subjective analysis of the consequences.[65] In other words, Parfit is making the claim that objective moral rules are necessary, but so too are the subjective responses to the consequences of following those rules. The issue remains unsettled as to whether the negative consequences stemming from a rule are enough to amend an objective moral rule. In going further, Parfit also claims in Volume 1 of *On What Matters* that "subjective theories are built on sand," and at best should not be viewed as solid or stable. [66] If

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[65] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 131-146; Derek Parfit, *On What Matters*. Vol. 2. (London: Oxford University Press. 2011), 244-258.
Refer back to the Triple Theory.
[66] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 91

this is truly the case, as I would also agree, Parfit's theory suffers from the same subjective

shortcoming. Perhaps Parfit, in the end, creates less a new ethical theory or mode of applying

ethical theory, and instead leaves us with a seemingly inconsistent or incomplete test of theories.

Making Rules

Henry Sidgwick, in *The Methods of Ethics*, acknowledges that utilitarianism has come to

be viewed in two hedonistic ways, Universal Hedonism and Egoistic Hedonism.[67] He is quite

careful to point out that utilitarianism, or Universal Hedonism as he calls it, is not to be

associated with a psychological egoist theory.[68] Sidgwick argues that the distinction between the

universal and the egoistic should be obvious, yet for some reason the two have become confused.

The former provides for a distinction of 'all' while the latter is merely concerned with the 'self'.

He goes on to say that there is no necessary connection between the psychological proposition

that maximizing personal pleasure is the ultimate end and that of egoism maximizing personal

pleasure as the right end.[69] Sidgwick is very careful when crafting utilitarianism, in his view, so

that it remains the clearest representation of Bentham's Greatest Happiness Principle. In a

footnote, Sidgwick claims that Mill has aided the confusion and not clarified as he claimed to do

in *Utilitarianism*.[70] John Rawls, and Sidgwick, may have felt that *The Methods of Ethics* is not

mired with the same lack of clarity from which Mill suffered. I feel that it fails to provide any

clearer system than Mill created. Sidgwick may have improved utilitarianism by the

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[67] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 119
[68] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 411
[69] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 41
[70] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 412, n1

incorporation of rules, but those rules still suffer from the same subjective interpretations from which Mill's theory suffers. Like Mill, Sidgwick requires the outcome of an action to be measured before that outcome can become a rule. The application of Sidgwick's rules makes utilitarianism easier to implement, but does nothing to rectify the issues of subjective interpretation of the consequences.

While Mill and Sidgwick both rely on Bentham as a foundation, Sidgwick removes a great deal of the individualism that is apparent in both Mill and Bentham. Mill has a way of stratifying people, much in the same way that Plato does in *The Republic*, where those who are more intelligent are seen as more capable.[71] Sidgwick makes his feelings quite clear on the subject when he states that "Happiness as an ultimate end categorically prescribed, – only it is now General Happiness and not the happiness of the private individual. And this is the view that I myself take of the Utilitarian principle."[72] In stating his view in this manner, Sidgwick still does not escape the same issue that Mill has when dealing with the majority over the minority. What happens is that Sidgwick creates a more universalized way of viewing utilitarianism, one that can rely on hard rules to govern every human's action regardless of their capabilities. This begins to sound more like a Kantian means for determining how a utilitarian should go about achieving the desired ends. In fact, Sidgwick, like Kant, also sees the value in striving towards excellence or perfection. Sidgwick claims that "the only two ends which have a strongly and widely supported

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[71] John Stuart Mill, *Utilitarianism*. (New York: Createspace, 2010), chap. 2; Plato, *The Republic* trans. Benjamin Jowett, (Ann Arbor: Borders Classics, 2004)

[72] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 8

claim to be regarded as rational ultimate ends are the two just mentioned, Happiness and

Perfection or Excellence of human nature."[73]

Henry Sidgwick argues that he is returning to the core values of Bentham's view of

utility and the Greatest Happiness Principle, but in doing so seems to presuppose a certain duty

to others. This duty comes in following rules that will bring about the greatest happiness for the

greatest number, but are only determined after the consequences have been measured. What is

interesting is that in claiming to return to what utilitarianism truly is – as well as trying to create

a clear method for implementation of utilitarian morality – Sidgwick is utilizing a form of

Kantian methodology. This is the case in that Kant claimed that we are autonomous, rational

agents who are free to make our own choices while, ironically, being "determined" by reason.

Sidgwick continues down the same Kantian path when he admits that disinterested action

towards what may be personally pleasurable is not only rational but instinctive in humans.[74] In

other words, Sidgwick, while maintaining the Greatest Happiness Principle, is saying that people

do not always seek personal pleasure first and to be rational is to employ some measure of

objectivity. Therefore it is almost as if Sidgwick, speaking for utilitarians, is using a

deontological calculus for determining what action will produce the most good, in that

sometimes people must look beyond their pleasures, objectively, to work for the greater good.

His major failing is that his view of utilitarianism is still confounded by the same problem of

subjectivity.[75] The Rules that Sidgwick would have us follow are still determined by

[73] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 9
[74] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 57
[75] The issues with subjectivity in ethics were discussed in Chapter 3.

interpretations of consequences as experienced by people. If one were to use the calculus of

Bentham, how can we be sure that it is a measure that one or all would agree upon? Sidgwick

never fully answers this question in his *The Methods of Ethics*. What Sidgwick does is to argue

for a relation of common sense to utilitarianism as well as some reference to a rational

exploration of virtue theory that should, if employed by people, would lead them to agree on a

general definition for right action.[76] This general definition appears to act, for Sidgwick, as what

Kant would call an objective measure rather than a subjective interpretation of the right. This just

does not seem to address sufficiently the issue of subjectivity and lack of clarity that hinders

utilitarian moral theory.

    The Methods of Ethics does lay out a far clearer path than that of the earlier works on

utilitarianism by Jeremy Bentham and J.S. Mill. To be able to map out a clear path to moral

action in utilitarianism, Sidgwick filled in the gaps with arguments and concepts from virtue

ethics, contractarianism, and deontology. Throughout the section on "Laws and Promises,"

Sidgwick argues that duty is inherently a promise, which can thus be seen as a contract.[77] The act

of not breaking promises is a part of having a good character, but it is also conducive to a better

society. The very nature of establishing rules that then lead to fulfilling the Greatest Happiness

Principle is very Kantian with the necessity of 'universalizing' a rule. Sidgwick clearly defines

his methods for implementing utilitarianism, in that reasons or intent for acting includes more

than simply action toward ends that are considered ultimate ends by traditional utilitarians. While

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[76] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 422-426
[77] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 295-311

he remains a strict utilitarian, Sidgwick's reasons are to simplify the decision making process in order to better adhere to the Greatest Happiness Principle. Sidgwick's arguments make utilitarianism easier to implement, in that once the rule has been established, the rule acts as a heuristic. This is where Sidgwick's contributions are most prevalent because there is no more contemplation of the ends because one can rely on a rule to bring about those desired ends which conform to the Greatest Happiness Principle.

The arguments made by Sidgwick help to make utilitarianism easier to implement and do remove a great deal of the time that is necessary in deciding on how to act in a given situation, but do not address the larger problems identified with utilitarianism. One can simply follow a given rule, because that rule has already been vetted against the consequences of a previous similar situation and we already know that the consequences will provide for the greatest happiness for the greatest number of those involved. This simplicity on the part of Sidgwick is also where his view of utilitarianism still falls short due to the weaknesses inherent in outcomes based consequentialism. In the end, Sidgwick's methods fail to overcome the subjective nature of utilitarianism. With so many forms of Hedonistic moral theory, it is difficult to measure how any one of the universalized rules of Rule Utilitarianism was formed.[78] In other words, whose definition of pleasure and pain was presupposed in order to measure whether or not the greatest number received the greatest happiness? The goal was to simplify the methods of utilitarianism, but it seems that ease is turned on its top when considering alternate measures of pleasure and pain. Sidgwick even admits that utilitarianism in the end, or Universal Hedonism as he calls it, is

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[78] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 124-125

not easily distinguished from Egoistic Hedonism, or the desire for pleasing the self above others, when trying to convince the latter to operate as the former.[79]

In chapter 1 I argued that reason leads to different conclusions about morality, but even this does not show that understanding morality is an individually subjective event, nor does it compel us to combine existing theory. If we are not compelled to combine, reconcile, or create a new system for determining moral action then it might be as Susan Wolf states "that Parfit's Triple Theory may be the best candidate for the job."[80] This, however, does not seem consistent with reality, as the very nature of incomplete or inadequate systems compels us to address deficiencies. We see that Parfit's system contains an element of contradiction, so we are compelled to continually work to improve our understanding of moral theory.

One cannot accidentally be moral, because, morality is an active and rational engagement with other beings and the larger world in which we live. While experience is subjective, how one interprets an experience is a product of what one has experienced.[81] This experiential circle is necessary in order to better understand the world, but it creates problems in understanding fully the position from which another person is arguing. I do not mean that reason is subjective, but that humans through reason subjectively interpret the world due to incomplete knowledge. As shown by MacIntyre in the first chapter of this thesis, we simply have different influences on our ability to reason due to our culture and socialization. It is because of this problem with subjectivity and incomplete knowledge that individuals must have rational reasons for arriving at

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[79] Henry Sidgwick, *The Methods of Ethics*. 7th ed. (Cambridge: Hackett Publishing Company, 1981), 11-12, 497-499
[80] Derek Parfit, *On What Matters*. Vol. 2. (London: Oxford University Press. 2011), 51
[81] Alasdair MacIntyre, *Whose Justice? Which Rationality?*. (Notre Dame: University of Notre Dame Press, 1989)

a decision, where the decision is the product of considerations stemming from both non-consequentialist and consequentialist positions.

Reason has led us to divergent conclusions for justifying what is the best action to take in a given situation. Rationality has shown that we have both unique and complementary reasons for choosing either a non-consequentialist or a consequentialist line of thinking when deciding what is the moral thing to do. Ethical theorists have shown that while creating different ways of achieving a certain end, this end is a desirable goal that will help to preserve life and aid in human flourishing. Previous attempts to combine ethical theories, piecemeal, have resulted in the new theory suffering in much the same way as the original theory. While there does exist the debate over the right and the good, this debate is still focused on the same end goal. I propose that each of the previously discussed ethical theories share the same foundation, and that foundation is the preservation of life aimed at human flourishing.

Chapter V: Conclusion

Foundation is Life

When two rival intellectual traditions confront one another, a central feature of the problem of deciding between their claims is characteristically that there is no neutral way of characterizing either the subject matter about which they give rival accounts or the standards by which their claims are to be evaluated. Each standpoint has its own accord of truth and knowledge, its own mode of characterizing the relevant subject matter. And the attempt to discover a neutral, independent set of standards…which is *both* such as must be acceptable to all rational persons

and is sufficient to determine the truth on the matters about which the two traditions are at a variance has generally, and perhaps universally, proved to be a search for a chimera.
<div align="right">– Alasdair MacIntyre, Whose Justice? Which Rationality?</div>

MacIntyre is correct when saying that a search for a neutral standard between two rivaling traditions has been a search for a chimera, at least correct with a caveat. The caveat comes in that those who make arguments in support of a particular theory over another seemingly do so without admitting to similarities among those theories. The same goes when trying to combine ethical theories by using one theory as the base and then piecemeal other theories to fill the gaps. The initial problem that confronts any attempt at reconciling two or more ethical theories is that the proponents of one theory do not agree that there is commonality among their theories and arguments. This problem is also the case when attempting to combine different ethical theories. Non-consequentialist ethical theories heavily rely on a conception of the 'right' and therefore the right action in a given scenario. With consequentialist theories, the right is only understood after there has been a determination of the 'good'. When dealing with outcomes-based ethical theories the right action is that which produces the most good. This is highly problematic, but it does provide an avenue for choosing the correct actions to take. Any attempt at combining ethical theories must, at its foundation, have independent conceptions of the 'right' and the 'good'. What I mean is that the conception of one cannot be causally linked with the conception of the other; such as a case where an action is good because it is determined, partly or in whole, simply because it was right to act in such a way. These independent conceptions of the right and the good can then be linked by arguing that there is a fundamental

connection between the goal of the right and the goal of the good. The goal should be the preservation of life, subordinate to nothing else, since without life there can be nothing else.

I believe there is an underlying argument made by the moral theories that I have examined in this thesis, and that underlying foundation is of the preservation of life. This is found in the basic assumptions and values placed on humanity, human potential, and the value of human life by Kant and Mill. The value that Kant and Mill place on human life is echoed by those who have both critiqued the moral theories of these two philosophers, as well as those who have attempted to improve or reconcile the theories. Kant has argued that there is an inherent dignity in humanity and along with the autonomy of a rational mind this dignity must be respected. This is most evident when Kant argues that people should never be considered solely as a means to an end but as ends in themselves, as he does in formulating the CI. Mill furthers this underlying argument for the preservation of life when he attributes the ability to feel pain or pleasure as that which motivates our actions. The desire to avoid pain and extend pleasure is based in the existence of life and the continuation of it.

For people to exist there must be a continuation of both people and their ability to exist. The Categorical Imperative, as created by Kant, is the litmus test against potential wrong actions. That action which cannot be universalized, because it would lead to the killing of all or the inability to improve one's self, is a wrong action and thus not moral. The same comes from the second formulation of the CI where Kant explicitly explains that using others solely as a means to an end is neither moral nor right. Using another in this manner would not lead to their flourishing nor would it be conducive to the respect that an autonomous person is due. This leads

me to believe that Kant presupposes a certain protection of life in his moral theory. This is not to say that there is a respect for the preservation of life, but that life is paramount. It might be arguable as to whether Kant implies a duty to improve the lives of others, but Kant does argue that people have a duty to improve themselves.[82] For the purposes of this thesis, it is not so important to establish that Kant argued that humans have a duty to improve the lives of all. It is just important to understand that underlying the moral theory of Immanuel Kant, there exists a necessary need to protect and preserve human life.

Hedonistic moral theory relies on an idea that pleasure is better than pain. Pleasure aids people in that seeking those things which are pleasurable are, at least, more conducive for a lengthy life. Burning our hands on a hot stove as a child teaches us to avoid hot objects in order to preserve our flesh and avoid the pain of a damaged limb. What becomes problematic in this argument is that in seeking the pleasure of eating delicious fatty foods, we are gaining pleasure that leads to our own demise by blocked arties and other diseases that obesity makes people susceptible to. I am not arguing that Mill or Sidgwick advocated an uncritical analysis in one's pursuit of pleasure. In chapters 3 and 4 of this thesis it was shown that both Mill and Sidgwick argued for higher and lower forms of pleasure. Their respective arguments showed a critical eye towards the pursuit of those endeavors that might provide for a better quality of life. I feel that in order to have any quality of life or to even pursue a better life one must first take steps to protect

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[82] Immanuel Kant, *Grounding for the Metaphysics of Morals [1785].* 3rd ed. trans. James W. Ellington (Cambridge: Hackett Publishing Company, 1993), 62.

and preserve that life. It would seem then that both Mill and Sidgwick also have presupposed a preservation of life argument that underscores the greatest happiness for the greatest number.

While arguing that the preservation of life underlies the moral arguments of the theorists that have been previously mentioned, there must also be a differentiation between those things that are within the realm of moral arguments and those which are not. While creating a new moral theory is not in the scope of this thesis, obtaining a better conception of what a moral theory should be is. What is important to understand is that reason should not lead to divergent conclusions about what is the moral way to act in a given situation. To have a better understanding of moral theory, we have to understand that for any moral theory to sufficiently guide human action, it must at its core have a foundation rooted in both non-consequentialist and consequentialist ethical theory. It has been shown in the preceding chapters that there are gaps in how and why people should act in certain ways that previous theories and theorists have attempted to fix. The unifying error that these theories and theorists have in common is that there is a lack of consideration for a critical foundational element. This element is that the intent and the consequences of an action deserve equal consideration. I have shown that these theories lack the ability to sufficiently guide human action, and this has been supported by the arguments of other philosophers as shown in the previous chapters. Consequentialist and non-consequentialist ethical theories are necessarily two parts of the same whole, yet by themselves they are not sufficient for determining how and why one should act in a given situation. The reasons for acting in a given way stem from the same basic principle of preserving life, and therefore the intentions as well as the outcomes of actions must fit together.

Layering Theories

J.S. Mill would have us measure the morality of an action by the amount of pleasure that was produced from the outcome of that action. The greatest happiness for the greatest number is the aggregate pleasure produced from a given action.[83] Like Mill, Sidgwick also differentiated between forms of pleasure, in that some pleasures are subordinate to others. Pleasures of the mind are superior to those of the flesh which helped to differentiate utilitarianism from other hedonistic theories. One of the issues that I take with utilitarianism comes from the assumption that pleasure is a significant enough end to derive a conception of the good and thus a moral theory from. Pleasure is subordinate to life, as there would be no pleasure or pain without life. Utilitarianism relies on a basic assumption of preserving life and builds the Greatest Happiness Principle on a secondary conclusion. The primary is that life must be preserved; the secondary conclusion is that a pleasurable life is more desirable than a painful one. Mill and Sidgwick's lack of focus or simple assumptions of the primary foundation in their ethical theories is what leads to the vagueness and limitations of the utilitarian theory. The lack of clarity in Mill's conception of utilitarianism is what led Sidgwick to argue that further revision must be done. Sidgwick still fails to fully articulate how he overcomes the weaknesses that Mill suffers from, and this vagueness compels the combination of consequentialist and non-consequentialist thought.

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[83] John Stuart Mill, *Utilitarianism*. (New York: Createspace, 2010), chap. 2. pt. 1
Mill's "greatest happiness principle holds that actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness. By happiness it is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure."

What Kant would have called a Hypothetical Imperative are those conclusions that Mill and Sidgwick were concerned with. Kant realized that we are not completely connected to the outcomes of our actions and thus the desirable outcome is not a categorical one. Kant does not suffer from the same vagueness or subjective interpretation of theory that Mill and even Sidgwick do. What Kant does fall victim to is a lack of association with the outcome of actions, however positive or negative, that would fall under the Categorical Imperative. Recall the examples of the Nazis who come to the door asking if you are hiding Jews in your home; where is the concern for the lives, or at least the well being of those people? At best it is questionable, within Kant's theory, and at worst it is nonexistent. Derek Parfit attempts to reconcile this issue with his convergence argument for the Triple Theory that he formulates. Parfit argues that the intent based arguments found in Kant do have a place in moral theory, but follows it up with a subjective principle that relies on the same subjective vagueness that plagues Sidgwick and Mill. While Parfit does provide for the will and the rational capabilities of the human intellect, as does Kant, he still relies on the subjective problems that Sidgwick suffers from when he states that a principle would be right as long as "no one could reasonably reject" that principle.[84] Kant would argue that lying is wrong and that we should reject it, but at the same time a reasonable person would say that we should lie to protect the Jewish family we are hiding. Parfit's attempt at layering the arguments of Kant and Mill are far more complex than Sidgwick. Unlike Sidgwick, Parfit does not suffer from a piecemeal attempt at combining theory. Parfit's limitation comes in

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[84] Derek Parfit, *On What Matters*. Vol. 1. (London: Oxford University Press. 2011), 131-146, 413
3. a principle that no one could reasonably reject.

the complexity of the layering the he attempts, as well as inadequately articulating the underlying foundation of preserving life.

As I understand it, the preservation of life is the most important aspect in the theories of both Kant and Mill's, and it is also primary to the arguments made by Sidgwick, Parfit, and many others, but as a foundation is not fully articulated by either thinker. This foundation is only presupposed in the arguments made by each philosopher, yet is the ground that allows for combing the theories. The intent to lie, when lying to the Gestapo, is not the goal, the intent is to protect the life of those people who are in your charge. How then are we left to decide what the act of lying is in the situation in which we are faced in the Nazi example? I argue that we do not have to consider it. We are tasked with the preservation of life, which trumps the potential universalizing of subordinate actions in achieving the primary end. The Gestapo is left no less than they were before being deceived. That they didn't meet their quota or achieve their intended end is subordinate to the safety of the family, and life may continue for another day. Kant takes too much of an atomistic view when concerning the rightness of an action, while Mill leaves us guessing at the rightness of an action.

I acknowledge that just because there have been previous attempts at combining these theories, it does not necessitate their combination. The combination of intent based and outcomes based ethical theories is also not necessitated because each theory is, by itself, lacking in providing a clear guide to human actions. The inability of any ethical theory to adequately prescribe a course for human action is why I believe that these particular theories must be reconciled and combined. What necessitates the primary combination of these two major theories

is that they are focused on the two most important factors of human behavior; the reasons why we act in a certain way, and what we are attempting to produce from those actions. I argue that intent based non-consequentialist ethical theory and outcomes based consequentialist theory are the two main points that form the foundation of a larger moral theory.

Foundation

The foundation of a larger moral theory, I believe, is the preservation of life. The idea that life is valuable and should be improved underscores the arguments in both intent based non-consequentialist and outcomes based consequentialist ethical theories. As it has been shown in previous chapters, the attempt to combine theory without regard to this greater foundation leaves the attempted reconciliation lacking. Non-consequentialism and consequentialism are not singularly sufficient to guide human action, but they are enough to give us a greater understanding of ethical theory when they are properly combined. Mill hinted that Kant might be considered a consequentialist, and Kant argued that the consequences of our actions do not belong to us. While this seems to render any potential reconciliation between these theorists, the attempts by Henry Sidgwick and Derek Parfit have shown otherwise. While important in respect to the potential of combing ethical theory, the work of Sidgwick and Parfit did not give sufficient consideration to the underlying foundation. This lack of consideration is where I believe that Sidgwick and Parfit fell short, and why a greater understanding of moral theory still eludes us.

The foundation that Parfit creates is important because it is an attempt at reconciling major ethical theories, but his attempt shows that there is still more to be investigated with respect to our understanding of morality. What is problematic with Parfit's argument is that he

posits that the major ethical theories are converging on a single conclusion of what is the best

course of action for humans to take without establishing a foundation for the action. If two or

more entities converge, it implies that these entities are beginning or moving from a different

place than where they are coalescing. I have argued that this does not appear to be the case when

considering the current body of work within ethics. It does not appear that consequentialist and

non-consequentialist thinkers started in different places, but instead began reasoning from the

same position, that of attempting to determine what morality is and to answer the how and why

of human action. The foundation of how and why, from Kant to Mill and through Sidgwick as

well as Parfit, appears to be the methods or principles for the preservation of life. This

foundation, however, is not fully explored and is left to be assumed by those who are students of

ethical theory.

Henry Sidgwick titled his seminal work as *The Methods of Ethics*, yet only provides the

methods of a partial view of ethics. The work of Sidgwick, when viewed solely as a work in

utilitarian thought, is probably the most comprehensive on the topic. As shown in previous

chapters, even the rule utilitarianism of Sidgwick is lacking when compared to the scope of

human action. With the subjectivity that exists within utilitarianism it can hardly be adapted,

even as a rule, in all cases at all times. Taken from an absolutist position such as that, it is

highly unlikely that any theory can remain consistent in all cases at all times. What this means is

that no theory can be either intent based or outcomes based. Sidgwick's major shortcoming is

not that he inadequately combines ethical theories, the failing stems from an unequal

distribution of the intent and the outcomes. Sidgwick places to much emphasis on the outcomes,

in order to create the rule that then defines one's intent, in order to understand the morality of an action. For Sidgwick, moral theories are neither convergent nor divergent but circular in nature.

It does not appear to me that non-consequentialist and consequentialist theories are convergent or circular, but remain necessary, while individually not sufficient, parts of the larger whole. As I have come to understand it, and argue for, the 'why' of human actions within intent-based non-consequentialist and outcomes-based consequentialist ethical theories is the preservation and continuation of human life. Without our continued survival and flourishing there will be no arguments within philosophy, no continuation of higher and lower pleasures, and the dignity of a dead species will not matter. The 'how' can simply be regarded as the methods of each individual theory and extends from an understanding and consideration of the reason to act and the effects that stem from that action. The foundation is life and at best it has been only alluded to in the moral theories of Kant, Mill, Sidgwick, and Parfit.

The Greatest Happiness Principle must be a consideration when determining if an act is right when utilizing the maxims that come from applying the CI of Kant. In the analogy of the Gestapo knocking at the door, the Nazi's are in fact being used solely as a means to the end of destroying the Jews. When the act of lying is measured using the CI we see that it is immoral to act in such a way. When measuring the same act of lying using the GHP of Mill, we have not such illusions of immorality in keeping our charges safe. When combining the two seemingly different theories we are left with the question of how to act in this situation. When we move to the larger foundation that both theories stem from, the preservation of life, the path becomes clearer. It is not hard to understand that being dishonest is not a good thing, or even the right

action to take, but lying to preserve the lives of others is the right and good thing to do. The lie, alone produces pain in the form of deceit, but life is not so atomistic. We have the rational capability to derive maxims via the CI, we can also use this rational capacity to understand events in a chain. Just as morality should be viewed from the intent through to the outcomes, we should reason through the lie and why we would be dishonest; to preserve life.

The previous example of lying to the Nazis is not just an easy way of showing the limitations of a single theory, but is also an easy way to show the benefits that comes with combining ethical theories. A harder and more troublesome thought experiment designed by Philippa Foot, called the Trolley Car Dilemma, has given ethicists plenty to debate about, and is an example of the larger complexities in life. We rarely debate the simple solutions, for obvious reasons. It is the difficult scenarios that display the weakness and strengths in our resolve. The Trolley Car Dilemma (TCD) is usually described like this: There is an out of control trolley traveling down the tracks. Ahead, on the tracks, there are several people tied up and unable to get to safety. The actor is standing some distance off in the train yard, next to a lever. If the actor were to pull this lever, the trolley will switch to a different track. Unfortunately, on the track that the trolley would switch to there is a single person walking who would not be able to get away. The actor has two options: (1) Do nothing, and the trolley kills the five people on the main track. (2) The actor pulls the lever, diverting the trolley onto the side track where it will kill one person.[85]

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[85] Philippa Foot, *The Problem of Abortion and the Doctrine of the Double Effect* in *Virtues and Vices* (Oxford: Basil Blackwell, 1978), (originally appeared in the *Oxford Review*, Number 5, 1967.)
Foot's original version was posited that a judge or magistrate is faced with rioters demanding that a culprit be found for a certain crime and threatening otherwise to take their own bloody revenge on a particular section of the community. The real

The first problem that the TCD provides is whether or not the actor is indeed part of the problem if he or she fails to do anything. I argue that by being in the situation, of one's volition or not, the actor indeed is part of the problem. Failing to act when one has the power/ability to act is the same as acting when determining the morality of a given act. The next problem is in deciding whether or not one should pull the lever and kill one person or several. In arguing that the foundation of both previously examined ethical theories lies in the preservation of life, the actor is faced with a decision that will have immediate repercussions unlike the Nazi example. A Millian argument would be to pull the lever and save the many at the expense of the one. The Kantian argument, simplified, would be to not use the one solely as a means to the end of saving others, and that we could not universalize killing even if it is a mercy killing. The latter point of the Kantian argument is debatable, but the problem still stands. The Kantian argument seems to presuppose that the actor is not the focal point in the equation until the actor has chosen to act. By not pulling the lever the actor has not acted wrongly, because there has been no act. I disagree with an analysis of this sort as a human life will end either way and we are compelled to act. Intent and action begin at the time when the actor can effect change or act. By not pulling the lever we have chosen not to act, which is still an action, and is therefore linked with intent and the outcomes.

One of the first objections could come from a position much like the one that Derek Parfit advocates. His Triple Theory would seem to fit this problem and create a solution that would

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culprit being unknown, the judge sees himself as able to prevent the bloodshed only by framing some innocent person and having him executed.

satisfy those theorists in both the non-consequentialist and consequentialist camps.[86] On the

surface the position that I take would seemingly fit with that of Parfit, but I feel that this is just

not the case. Parfit seems to confuse, or at least not fully articulate, the difference between the

instrumental value and the intrinsic value of a human or multiple human lives. The Kantian

formulation of dignity has nothing to do with the instrumental value of the person. The fact that a

person 'is', is the sufficient condition.[87] Where Parfit might claim that no one could reasonably

reject a claim that to kill five prisoners rather than end the life of a doctor is reasonable or

rational, this does cause a problem in the work of Parfit. While it might be reasonable to assume

that a doctor is of more instrumental value than a single or multiple law breakers, it is difficult to

make the same claim for the intrinsic value. If we are to separate, and then valuate, human life

according to instrumental value, then we might as well return to the cold calculus of Jeremy

Bentham.[88] The very nature of instrumental value is also a subjective measure and complicates

the third principle of Parfit's Triple Theory even more. While Parfit may provide a better means

of determining a moral right and/or good than his predecessors, it is arguably true that some

ambiguity still exists within his ethical theory as well.

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[86] Derek Parfit, On What Matters. Vol. 1. (London: Oxford University Press. 2011), 131-146, 413; Derek Parfit, On What Matters. Vol. 2. (London: Oxford University Press. 2011) 244-258
An act is wrong if and only if, or just when, such acts are disallowed by some principle that is
  1.   one of the principles whose being universal laws would make things go best,
  2.   one of the only principles whose being universal laws everyone could rationally will....
  3.   a principle that no one could reasonably reject.
[87] This point could be further analogized with the example of an acorn and a fully matured oak tree. For Kant, that value is the same. The acorn has the potential to become the oak and therefore it is just as valuable. All the use that one could derive from the oak is secondary and only instrumental, not intrinsic.
[88] Jeremy Bentham, *An Introduction to the Principles and Morals of Legislation* (Historical Prints. London: British Library, 2011), chap. 4.

When examining the TCD and what decision should be made from Sidgwick's point of view there is a striking resemblance with my own answer. This might also be the case with the arguments that Parfit makes when analyzing a different moral problem. Coincidence does not imply a lack of originality or progression of newer ideas. I think that the major issue with Sidgwick has not changed and that his argument relies far too heavily on a Millian solution to a problem by using Kant's CI to calculate what rules are the best to bring about the GHP. Just like Parfit, Sidgwick provides important insight into solving moral problems, but in the end still suffers from ambiguity at critical stages of decision making.

The combining of non-consequentialist and consequentialist ethical theories is not necessitated by the shared foundation that is the preservation of life. These ethical theories are part of the larger whole that is situated in the preservation of life. Unfortunately, the actor is left with the duty to pull the lever. By not pulling the lever the actor is actively choosing not to save a life. This choice is not something that could be universalized and the actor could arguably be using either of the parties on the tracks as means to his or her end of avoiding an undesirable action. Given that life will end if either decision is made, the actor must make a decision that takes into account the consequences of the act. In this thought experiment, we, as the actor, must pull the lever. The ability to reason through a problem plagues us with knowing that there is potentially more than one way to analyze any situation, as seen with non-consequentialist ethical theories and consequentialist ethical theories arriving at different conclusions on morality. Life makes things even tougher by giving us a split second in which to act, and sometimes make a critical decision to a very large problem. Applying reason to a situation, while understanding the

intentions of the action and the potential consequences, we are able to better understand the nature of our actions. With the intention of protecting life, and then providing for the outcome that is most conducive to promoting human flourishing can we have a decent foundation from which to begin understanding the next layer(s) that exist with questions in the moral realm.

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