

MORAL RULES AND THE  
DEONTOLOGICAL-TELEOLOGICAL  
CONTROVERSY

by 1050 710

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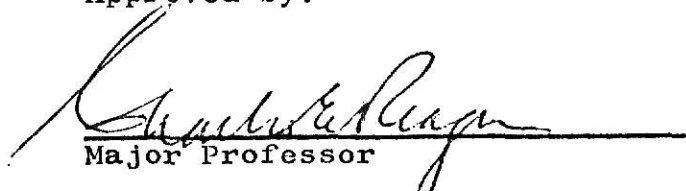
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## CHAPTER 1

### INTRODUCTION

All through history people have made moral judgements of one sort or another. Consider such assertions as "you ought not to have broken your promise" or "you ought not defile your body with strong drink or with drugs." When such moral judgements are made, reasons must be given for their validity. Our reasons given in support of our moral claims come under the heading (whether it be formally or informally) of ethical theory. When we formulate a specific system of reasons for determining which actions are moral or immoral, we call this system a normative ethical theory.

There are numerous ways in which moral judgements have been defended. Some people might say, for example, that one ought to perform certain acts because it is the will of God. Others might say that certain actions should be performed because they will benefit the majority of the people. For some specific examples of the justifications of moral claims let us consider the following two cases. First, suppose that one claims that it is wrong to lie. When asked why it is wrong he replies, "well, how could one

want communication between people to be possible and at the same time accept lying as permissible?" Suppose that in another case one says that it is wrong to sell products at an abnormally high price when such products are a scarcity. When he is asked why this would be wrong he replies, "because to do so would be harmful to the economy." In these two cases we can see two specific kinds of justifications. In the former the appeal is primarily to the act itself, while in the latter the appeal is primarily to the consequences of the act. The first sort of defense is the kind which would be employed in a deontological theory while the second is of the sort which would occur in a teleological theory.

These two kinds of theories have been the two predominant types of normative ethical theories. Moral philosophers have historically categorized moral theories into one or the other of the two.

Richard Brandt in his work Ethical Theory<sup>1</sup> describes these two kinds of theories as the two major types of normative ethical theories. Roughly the deontologists hold that the moral worth of an action is determined by the kind of action performed, i.e., it is determined to be morally worthy if it conforms to certain moral rules. An action, according to the deontologists, can be determined morally worthy (or

morally reprehensible) regardless of the consequences of the action. For example, if we take the act of helping the poor to be morally worthy, we would make it a rule to help the poor when the possibility arises. If we conform to our rule, in this case, our act can be said to be morally good even if the consequences might turn out bad on occasion, e.g., in a case where perhaps the recipient uses our aid to buy a gun and rob a store. On the other hand the teleologists believe that the moral worth of an act is determined not by the act itself but by the state of affairs brought into being by the act. More specifically, an act is morally worthy if it tends to increase the amount of good in the world. If, for example, one saves a drowning man we can say that his action is morally worthy because it has good results, i.e. a man's life is saved.

The different criteria for determining the moral worthiness of an action employed by the deontologists and the teleologists, has lead philosophers to believe that the two kinds of theories are mutually exclusive. Moralists have thus considered it necessary to reject one type of theory in order to accept the other. It is my contention that the controversy between these two kinds of theories rests on the mistake of misunderstanding the kinds of rules which can be moral in nature. I will attempt to prove that

once the kinds of rules which can be involved in ethics are clearly understood, we will see that these two types of theories are not incompatible.

William Frankena, in his text book Ethics<sup>2</sup> provides an explanation of the two positions. He says that the deontologists hold that the standard of right and wrong consists of one or more rules. He says that these rules may be fairly concrete such as "We ought always tell the truth" or that they may be very abstract. As an example of the latter he uses Henry Sidgwick's "Principle of Justice" which states "It cannot be right for A to treat B in a manner in which it would be wrong for B to treat A, merely on the ground that they are two different individuals, and without there being any difference between the natures or circumstances of the two which can be stated as a reasonable ground for difference of treatment." Frankena says that deontologists claim that these rules are valid independently of whether or not they promote good. He uses the example of Socrates in the Crito to illustrate the two theories. He says that if Socrates had based his answer to the question of whether or not he should escape, on the relative amount of good his action would bring about he would have been a kind of utilitarian (teleologist). As it was, he simply appealed to certain rules. This makes him a rule-deontologist.

Frankena says that the teleologists hold that the basis or ultimate criterion or standard of what is a morally worthy act (or reprehensible act as the case may be) is the nonmoral value which is brought into being by the act. The moral value of an act must be determined by the comparative amount of good produced, or more explicitly, the relative amount of good over evil. An act is right if and only if it or the rules under which it falls produces at least as great a balance of good over evil as any possible alternative. Conversely an act is wrong if it or the rule under which it falls produces more evil than good.

Another statement of the difference between the two theories comes again from Richard Brandt in his work Ethical Theory<sup>3</sup>. Brandt says that deontological theories (which he calls formalist theories) by definition are opposed to act-utilitarianism. He says further that the deontologists claim that an act cannot be determined right or wrong solely according to the relative amount of good it produces. He does say that the deontologists might agree the amount of good produced by an act might be relevant to determining it right or wrong but that they claim this is not enough.

One further statement of the controversy between the two theories comes from Henry Sidgwick's Methods of Ethics<sup>4</sup>. He says that the Kantian (deontological) maxim that whatever

is right for one individual must be right for all persons in similar circumstances seemed fundamental to morality. He goes on to say, however, that this principle is inadequate for the construction of a system of duties. Sidgwick says that he had rejected Mill in favor of Kant only to find that Kant could not solve the problem of duty, i.e., specific duties. The important point of the issue raised by Sidgwick, in so far as this essay is concerned, is of course the fact that he considers it necessary to reject Mill (a teleologist) in order to accept Kant (a deontologist). We can see from this that Sidgwick, like Brandt and Frankena, sees these two types of theories as incompatible.

Among contemporary deontologists are George Singer and W. D. Ross; while John Rawls and J. J. C. Smart are among the most distinguished teleologists. They, like the other philosophers I have must mentioned, regard the two types of theories as opposites.

In his book An Introduction to Ethics<sup>5</sup> J. D. Mabbott claims that there are two kinds of moral rules. He says there are those which define a practice (these he calls constitutive rules) and those which regulate behavior within an institution or practice (called regulative rules). In this essay I will characterize three types of moral rules). The first two types I will characterize, I call 'constitutive'

and 'regulative' rules. These are similar to, but not identical with, the rules laid out by Mabbott. I will add a third kind of rule which I call rules of 'propriety'. These are rules which might well (and usually are) found in any given society. When these rules are understood the controversy between the deontologist and the teleologist should be resolved.

I will explain these rules in Chapter Two. In Chapter Three I will discuss the moral theories of Immanuel Kant and John Stuart Mill, whose theories I will use as models of deontological and teleological theories respectively. In conclusion I will attempt to prove that the deontologists and the teleologists base their arguments on different types of rules among the three I will characterize, and I shall show that because of this the two kinds of theories are not incompatible.

## Chapter 2

### MORAL RULES

In this chapter I will discuss the three kinds of rules mentioned in the introduction. I want to make it clear that I do not claim that these are the only kinds of rules which can be moral in nature but that they must be taken into account if we are to understand the reason for the confusion between the deontologists and the teleologists. Further, I do not mean to say that any particular rule I will discuss must fall neatly into one of the three categories. I do think, however, that despite borderline cases occurring among the three, we can see at least some overall differences.

The three sorts of rules I want to characterize are:

- (1) those rules which define a practice (in this case the fundamental institutions of a society);
- (2) those rules which deal with proper conduct within a practice, and;
- (3) rules of strategy or propriety.

As I have stated, I do not deny that there are borderline cases between the first and the second or the second and third such that it might be difficult to decide into which category a particular rule should be placed, but I think that we can make

general distinctions nonetheless. In order to make these distinctions clear, I will use football as an analogy.

Let us look then at the first sort of rules. These define a practice or antecedent fundamental institutions.

In the game of football these rules would be those which determine the proportions of the field, what is to count as a score, how many points are to be given for a score, the number of players on a team and so forth. These are rules which by their nature cannot be broken once participants have chosen to play the game, for if they were broken the participants would simply not be playing the game of football. Though rules of this sort might be altered by some official decision, individual players or teams cannot alter or violate them once they are accepted. These are the sort of rules which must be agreed upon before the game begins. In a sandlot game, for example, these rules might be quite different from the rules of professional or college football, nonetheless they must be agreed upon before the game can commence and once play has begun individual players cannot violate them without ruining or changing the game. Even in the case of an official decision (whether the decision be from an organized athletic body or in the case of sandlot, from an agreement of the participants), if the

rules are altered drastically the game would become something other than football. Thus we can see that once the fundamental rules of the game have been laid out, even those who are in a position to alter them are held within certain bounds.

Rules of this sort might be called "constitutive." Let us consider what sort of questions one might ask about them, i.e., would it be appropriate to ask whether or not one might violate these rules? Consider the following question: "May my team use fifteen players?" In the case of organized football, could any sense be made of such a question? If the question were asked by someone who was ignorant of the rules and who wanted a clarification of them, certainly it would make sense. One who was aware of the structure of the game of football could not ask such a question, however, for to use more than the allotted number of players would involve not merely a violation of the rules of the game but a fundamental change in the game itself. Coaches, however dishonest, could not try to break constitutive rules in order to gain an unfair advantage over their opponents. Likewise rules regarding scoring, boundaries, the number of people to play on the line, etc. are not rules which might be violated because of the fact that such rules must be accepted before the game can be played and adhered to by both teams if the

game is to go on. Thus we can say that in so far as the constitutive rules of the game of football are concerned, one need only know what they are in order to know what should be done in a given situation. These kinds of rules are also a part of non-organized (sandlot) football. In this case they may be altered to fit the needs of the participants but even in this case they must be agreed upon and obeyed without exception if it is to be possible for the game to go on. It is not logical to want to play the game and at the same time violate its constitutive rules even in sandlot football.

In a society we have constitutive rules which are analagous to the rules of football. These are rules which define certain institutions or practices such as private property, promising and the like. Without constitutive rules it should be obvious that a society could not exist, just as there can be no game without such rules. Where constitutive rules of society are involved, just as in the case of football, one cannot want to see the institution or practice that govern exist and at the same time want to see the rules ignored.

In discourse among the well-informed, the question of whether or not this sort of rule might rightfully be violated would not make sense. Consider the question, "Ought I observe the rules governing our behavior with regard to private

property?" What could be made of such a question? We would very likely think that the questioner did not understand the "rules" of private property. We might explain them to him. In this case an explanation should be all that is necessary, for once one understands these rules and what they entail he cannot ask whether or not they ought to be obeyed. For example, stealing is a violation of private property rules; we need not ask whether stealing is wrong for the fact that stealing is wrong is contained within the concept of the term private property. If the individual persists in his questioning (if, for example, he wants to know why stealing is wrong even after he claims to understand the concept of private property), we will likely be at a loss to say anything.

If we look at the practice of promising for another example, we can see that we have a rule which cannot be questioned by the individual. If one understands what making a promise entails he cannot question whether or not he should keep his promise except under certain circumstances. E.g., if one has promised to meet a friend for lunch and if before the engagement his son is injured and sent to the hospital, certainly he can rightfully break his promise. However, breaking a promise in such a case in no way is contrary to the practice of promising, but is rather an

accepted part of the practice. When a promise is made, certain priorities such as this one must be taken into account. Another example of a case in which a promise need not be kept is one in which the promisor finds it physically impossible to keep the promise he has made. Certainly it would be absurd to expect one to keep a promise in such a case. It must be understood, however, that though the practice of promising must admit of certain legitimate exceptions to the rule, the rule is no less binding where these exceptions do not occur. Thus, just as in the case of private property, when one asks whether or not he should keep his promises, an explanation of the concept of promising should be all that is necessary to answer his question. It is contained within the concept of the term that when one makes a promise, he places himself under the obligation to keep it.

If an explanation of the concept of promising does not satisfy our questioner, we can reply that if he wants to see the practice of promising continue to exist, he has no choice but to abide by its rules. If we raise Kant's question "Could we will that the breaking of promises be a universal norm?" our answer must be, "no." It would be logically impossible to maintain the practice of promising and at the same time ignore its rules. That is to say simply that if its rules are ignored, the practice will not exist.

We may say, then, that when institutional rules are understood and the institution accepted, one cannot deliberate about whether or not he should abide by them.

The second kind of rule I want to discuss can be called "regulative." These are rules which govern proper conduct within an institution. In the game of football one case of a regulative rule is the rule which prohibits a "personal foul." The criterion for determining that a personal foul has been committed are not exact. There is for example, a thin line between rough, though legal, play and unnecessary roughness. More important, one might violate this sort of rule and still be playing the game. It is the game which makes the violation of such a rule possible. Thus, within the framework of the institution of football, it is not logically impossible to consider whether or not one should break this kind of rule.

An individual player might legitimately ask the question, "Ought I kick, slug or bite?", without being ignorant of the rules. He need not be asking for an explanation of the rules; he could have a full understanding of the game and still wonder whether or not he should abide by these particular rules. Of course, we might give the answer that since such actions are illegal they ought not be performed. From the point of view of legality our answer would certainly be right although our answer would very likely not have much

influence on the questioner, given what we suspect about his motives. We must take into account the fact that he probably is not concerned whether or not such actions are legal but whether such violations might be justified.

Consider the following hypothetical defense which he might offer as a justification. "Whether we like it or not, the important factor in football, as we know it, is winning. The opposing team will no doubt use the same sort of tactics and there is, in fact, a tacit agreement among rival teams that such rough play will be accepted provided that it is not carried to extremes. The fans expect it--you know they like to see blood--and after all do I not owe them something? The coach advocates this sort of play and my first obligation is to him and my teammates, so I should use any device I can to gain an advantage over the opponents."

Thus we might give him the obvious, and reasonable, reply that simply because such actions are illegal they should not (by definition) be practiced. But how would we handle a situation in which the questioner is not concerned with legality? If he plays in this manner, although he is playing illegally, we cannot say that he is not playing the game.

Furthermore, if we asked the player whether he would like to see this rule violated by all those who play the

game, he could certainly say that he would. He might welcome the opportunity to have a go with a rough opponent. If this sort of rule were violated on a large scale, the game of football would be a very rugged sport but the institution need not be destroyed or even altered to a significant degree. One certainly might argue that in this case the game would in fact be drastically altered. Though he might be proved right if he so argues, the only way we could know this for sure would be to allow the game to be played this way and check the results. Unlike constitutive rules, whose effect can be determined without observation, regulative rules often must be judged empirically.

Society also has its regulative rules analogous to the rules of football. These are rules which could be violated (even on a wide scale) without altering the basic structure of society. As examples of these rules I will use those which govern (1) population control, (2) gambling and (3) drugs.

Let us suppose that the population of a nation has reached such a level that food supplies are becoming strained. Now Congressman X suggests that persons reaching the age of sixty years should be put to death as a sacrifice for the rest of the population. In order to be consistent he is willing to see his own parents sacrificed and to make the

sacrifice himself when his sixtieth birthday comes. He cannot then be accused of willing a practice which he would not want to see become a universal norm, nor would the practice necessitate a change in the constitutive rules of a society. Of course, we would call murder a violation of a constitutive law but the action he is willing should not be called murder but rather an act of preserving society.

A better example of a regulative rule of society could be one which would regulate gambling. If we take our own society as a paradigm we have a case in which most forms of gambling (except in the state of Nevada) are illegal. Suppose, however, someone wonders whether or not he should violate this rule. Could he will that everyone violate it? Certainly he could. He might defend his act of violating the rule on the grounds that it would be beneficial if taken up on a large scale by members of society, because if such were the case the rule might well be dropped. He would then have no difficulty in arguing his case without fear of inconsistency.

If one were to oppose the practice of gambling he could not argue that its advocate could not will that it become a universal norm. He could not point to constitutive rules of society and prove that one cannot advocate the existence of the society and at the same time want to see

its rules ignored, for one can want to see laws of gambling ignored or dropped without being logically inconsistent. Nor will a mere stating of the rules of the "game" be sufficient to prove that one ought not to gamble. His only recourse would be to argue that gambling is harmful to society or to its members. Thus in order to make his case, he must point to the consequences of the act.

Now let us consider the case of rules regarding drugs. Just as in the case of gambling one can consider whether or not he should violate the rules. A mere knowledge of what the rules are does not make it conceptually impossible for one to want to violate them. Also one can want to see the rules broken on a large scale, that is he can will that his maxim become a universal norm. As in the case of the gambler, he might believe that if the rules against drugs were broken by a large segment of society the rules would be discontinued. A good example of this sort of thing occurred during prohibition. Laws against alcohol were flagrantly and widely violated. The results of this violation resulted, not in a fundamental change in society, but only in the repealing of this particular law. Of course major social changes can and often do come about when regulative laws are changed. None the less it is not logically necessary for such major changes to occur and we

usually cannot be sure whether drastic changes will come about until we actually see the results of the change in regulative rules.

The rules forbidding the use of drugs are not constitutive. If they are violated they will not necessarily bring about a fundamental change in the constitution of a society. One could argue against the advocate of drugs only by citing the consequences of their use. Thus I believe that it has been shown that in the case of regulative rules a mere clarification of the rules is not enough--at least in a logical sense--to give an adequate reason why one should abide by them. One can certainly will that this type of rule be violated on a large scale without at the same time being faced with the necessity of willing the destruction of fundamental rules of society. He can simply say that he does not want them to exist or that he does not care if such rules be violated. In order to convince him that he should obey them one must point out that their consequences are beneficial to him or to society as a whole. Thus we have a case of a rule whose worth is to be determined by its consequences. We cannot say that one who violates this sort of rule is not "playing the game."

There is now a third sort of rule. I call them rules of "strategy" or "propriety," i.e., they are rules

which make it possible for an individual to be successful within a society. In the game of football there are rules of strategy as well.

In a football game these are unwritten rules. To violate them is not to be liable for an official penalty but to be open to the criticism of other coaches, players, fans, etc. One rule of strategy is the rule which requires (from the standpoint of sensible play) a team to punt when they have a small lead, it is fourth down and ten on their own twenty. If a coach or quarterback violated this rule the referee would not assess a penalty. The refusal to punt would simply be poor strategy. The coach who ordered the play might well be highly criticized by the supporters of the team or perhaps he might even be fired. If the quarterback calls the play he would very possibly be removed from the game by his coach. Despite this, however, there would be no violation of the rules of football involved.

One characteristic of this sort of rule is that it is by no means absolutely binding. One must determine what strategy he will use according to the situation. If a team is trailing by three points and there is only a minute left in the game, on a fourth and ten situation on its own twenty certainly a punt would not be called for.

A major characteristic of this sort of rule is that it is very often (though not exclusively) determined to be valuable empirically. Through the years those who have observed the game of football have been able to determine that certain moves are strategically sound while others are not.

In a society this type of rule is the kind which might enable a person to get along in the society. These are not often moral in nature though they sometimes are. Rules of etiquette very often fall into this category. If one violates a rule of etiquette he is not often deserving of any sort of moral censure (though in some cases he might be). For example if one invites his boss to his home for dinner certain rules of etiquette are in effect. If the host insults his boss or his wife his actions are strategically unsound. His career will likely suffer, but whether or not he is deserving of any moral censure is uncertain. Of course the sort of insults he directs at his guests will be important in determining whether or not we would call him immoral. Once again then, this third type of rule may or may not be moral in nature.

Rules of conducting one's business or financial affairs fall into this category. If one employs foolish business practices we cannot call him immoral but we can call him

unwise. Provided that he is not dishonest, if one carries out his financial affairs foolishly he will not be guilty of being immoral, but he will suffer financial loss. As in the case of football, rules of strategy within a society are guides for success. They enable an individual to get along well and help him achieve his goals. These rules are primarily unwritten and, as in the game of football, they are often derived from observation. They could be broken by every member of a society at all times without necessarily bringing about a fundamental change in society. Of course if they are ignored by all the members of a society a fundamental change might come about, but (as in the case of the second type of rule) this cannot be known until one can observe the effects of the violation of these rules. For example, if they are flagrantly ignored on a large scale, the society might not be able to function well and this might lead to a major change within the society. Even so, one can certainly question whether or not these rules should be obeyed and can give reasons why they should or should not be obeyed.

To restate the distinction, there are at least three sorts of rules which can be moral in nature (though the third kind usually are not). The first type of rule is that which defines a practice or an institution, the second type are those which enforce proper conduct, and the third type are

those which help an individual be successful within an institution. The major difference between the first type of rule and the second type is that to demonstrate why one should obey the first sort all we need do is explain the concept of the rule, whereas with the second type we can point to the effect of obeying them as our reason. With the first kind of rule one cannot want to see the institution continue to exist and at the same time advocate ignoring the rule.

The third sort of rule differs from one and two primarily because they are rules which serve only as guidelines for the individual's well-being in a society. Like the second type and unlike the first, their value is often determined empirically.

Granted there is overlap between the first and second order rules as well as between second and third. For example, it might be difficult to determine whether the violation of the rules against non-payment of taxes is a violation of the first or second type of rule or it might be difficult to determine whether rules against certain forms of harassment of people are of the second type or the third. Despite this overlap, however, I believe I have demonstrated that a distinction among the three types of rules can be made.

## Chapter 3

### KANT AND MILL

In this chapter I will discuss the moral theories of Immanuel Kant and of John Stuart Mill. As I have stated in my introduction, I am using the ethics of Kant as my paradigm of a deontological theory while I will use Mill as a paradigm of a teleological theory. I will begin with Kant.

It is not my intention in this paper to go into the Foundations of the Metaphysics of Morals in any great detail. My concern is with the "Categorical Imperative" and with the essential details of the deontological theory stated by Kant. The metaphysical side of his work is not important to the present issue.

For Kant, no action has moral worth unless it is done from duty. Included in the notion of duty is the "good will". For Kant the "good will" is the only intrinsic good. All other goods--intelligence, wit, judgment, etc.--are said to be good only as means to ends. For example, intelligence is certainly desirable for the individual, but by the diabolical person it can be used for the most undesirable or evil ends. The "good will" is good regardless of its ends.

Kant tries to prove this point by saying that we assume as an axiom that each organ of a body will serve only the purpose it is best adapted to fulfill. He says that if its own happiness is the end of a being which possesses the capacity of reason, then nature would have made a poor choice in using reason as the agent for achieving this end. All action which a creature must perform in order to achieve its happiness or preservation and welfare, he says, can best be guided by instinct.

Kant claims that, further, the more a cultivated reason devotes itself to the enjoyment of life and happiness, the less contentment a man will find. Because of this, he says, many people develop a certain hatred of reason. Men who are well schooled in the use of reason will often envy those men of a lower intellectual level, because this lower group has far less difficulty in finding contentment.

Kant thus believes that he has proved that the purpose of reason cannot be to achieve happiness. He says, however, that reason is given to us as a practical faculty or, as he explains, one which has influence on the will. Nature has created faculties with a capacity to perform specific functions; so this, he says, must be the case with reason. He says that the proper function of reason must then be to produce a will good in itself. This will must be the highest

good. It cannot be merely a means to an end but must be an end in itself.<sup>6</sup> Kant, however, does not make it clear why reason must strive for the "good will" nor does he make it clear why this good will must be the highest possible good. This problem, however, is not important to the issue at stake in this essay.

Kant sets three requirements for an action to have moral worth. The first, which I have already mentioned, is that for an act to have moral worth, it must be done from duty. The second is that "an action performed from duty does not have its moral worth in the purpose which is to be achieved through it but in the maxim by which it is determined."<sup>7</sup> The third is "Duty is the necessity of acting from respect for the law."<sup>8</sup>

Kant demonstrates the second requirement by referring to a shop owner. The owner in this case does not take advantage of his customers. He charges a fair price for all his goods and does not raise his price for those who are ignorant of what a fair price should be (children, for example). His act can be said to be in accordance with duty (honesty being a duty), but his act is not necessarily performed from duty. He might well be acting merely from expediency, if he thinks that fair business practices will bring him greater profits in the long run. Should this be

the case his action has no moral worth. Thus one acts from duty only if he acts, not from some personal inclination, but from respect for the law.

This brings us to Kant's third requirement for an act to have moral worth. Kant claims that this requirement is a consequence of the first two. The law to which one must conform in order to act from duty is not some particular law but is rather conformity to law in general. If a man seeks some particular gain from his action, this is not necessarily wrong in itself. A moral act, however, must not be performed in order to bring about some desired end. It must be good in and of itself and thus must be performed from respect for the law. This leads us, then, to the most important feature of Kant's ethics, and the point which is the concern of this paper, that is, the "Categorical Imperative".

Kant says there are two kinds of imperatives. They are hypothetical imperatives and categorical imperatives. A hypothetical imperative is one which serves as a guideline for a desired end. If one seeks a certain end, he must discover the means to this end. The necessary means to this end is then a hypothetical imperative. Let us assume that a child seeks to become an accomplished musician. He learns that the only way to achieve his goal is by long hours of practice. If he wants to achieve his goal he must be willing

to take the time to practice. This imperative which commands him, however, is hypothetical because it commands only as a means to an end, i.e., the imperative--practice your music, the end--artistry.

This kind of imperative has no worth in itself, it is a practical rule. If someone does not abide by a hypothetical imperative, he might very likely not achieve his purpose (in this case good health) but he cannot be said to be immoral for this reason.

Now let us look at what Kant says about the Categorical Imperative.

Finally, there is one imperative which directly commands a certain conduct without making its condition some purpose to be reached by it. This imperative is categorical. It concerns not the material of an action and its intended result but form and the principle from which it results. What is essentially good in it consists in the intention, the result being what it may. This imperative may be called the imperative of morality . . . the categorical imperative . . . as absolutely, though practically, necessary it can be called a command in the strict sense . . . .<sup>9</sup>

Kant, then, as we can see, maintains that the categorical imperative is the only imperative which commands absolutely. When one acts from the categorical imperative, his action has intrinsic value. The action is good regardless of its effects.

Now let us look at exactly what Kant meant by this categorical imperative. He formulates it in two ways. First, "Act only according to that maxim by which you can at the same time will that it should become a universal law."<sup>10</sup> Second, "Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only."<sup>11</sup> Kant refers to the second formulation as a practical imperative.

The first formulation is of primary importance to my argument. I will go into it in some detail and then take a critical look at some of the examples Kant uses to support it. This formulation of the categorical imperative is more than a simple universalization of one's moral principles. It involves the following: It is logically impossible to will that an institution exist and at the same time will the violation of its rules. If we look at one of Kant's own examples we will have a good illustration of his position.

In this particular example, Kant takes the case of a man who is in need of borrowing money. He knows that he will not be able to repay the money he must borrow. He also knows, however, that if he does not promise to repay it at a certain time, no one will lend it to him. He wants to make the promise despite the fact that he cannot possibly keep it, but his conscience forces him to ask himself whether it is

contrary to his duty to do so. Kant says that if the man does go ahead and make the false promise his maxim of action must be formulated in the following way: "When I believe myself to be in need of money, I will borrow money and promise to repay it, although I know I shall never do so."

Kant says that such a maxim might well meet the needs of the man in this particular case, but that he could not make his maxim of action a universal law. If such were the case, the practice of promising would cease to exist, for it is logically impossible to have such a practice if the rules of it are ignored. He says moreover that if his maxim became a universal law of nature, in cases in which one made a promise, no one would believe him.<sup>12</sup>

What Kant has attempted to show here, as we can see, is that it is logically impossible for the practice of promising to exist when its constitutive rules are not adhered to. Thus it is impossible to will that any institution continue to exist and at the same time will that its constitutive rules be ignored. If the rules of promising are not binding, it will not merely follow that we have a practice whose rules are ignored, but it must follow that the practice can not exist. As in the football analogy I used earlier, we cannot have the institution of a game whose constitutive rules are ignored, for if such rules are ignored, the game simply ceases to exist.

Regarding the practice of promising I find only one major problem with Kant. He ignores certain cases in which a promise might be legitimately broken. An example of such a case, as I mentioned in Chapter Two, could be that of a physician who has promised to meet a friend for lunch but is in the meantime met with an emergency case; in such a case he can be expected to break the promise to his friend. Such a case, however, does not violate the institution of promising but rather is contained within the institution. I do not want to go into the question of accepted exceptions to the rules of promising in any great detail because it is certainly a philosophical issue in itself. Numerous philosophers hold varying views on the problem.<sup>13</sup> Though there is disagreement on what promising entails, I think we must all agree that certainly the rules of promising must admit of some exceptions. In the case I mentioned of the doctor, no one would likely expect the physician to keep a dinner engagement at the expense of a patient. Furthermore, I think it must be agreed that no one is obliged to keep a promise where it is physically impossible to do so. I think we all surely realize that when a promise is made to us (in most cases) there is at least a tacit understanding that the promisor may have certain obligations which could take precedence over the promise he has made, e.g., a man's obligations to his family.

Thus I think it will be agreed that the practice of promising contains within it certain exceptions to its rules, or better stated, these cases in which a promise need not be binding are a part of the rules. Never the less, these exceptions make the rules no less binding where the reasonable exceptions do not occur.

I do not think that the preceding case need create a major problem for Kant--perhaps it is merely a case of oversight. Whatever the case may be, I think that his reasoning on the matter of promising is basically sound but that his treatment of examples is poor. The problem with his example of promising is that he has employed a teleological defense of the practice of promising. In the exposition I gave of Kant's argument for the obligation of promises, he first stated that one could not will that the practice exist and at the same time will that its rules be ignored, because such a maxim would contradict itself. This claim is in keeping with his deontological position. He goes on to say, however, that if promises were flagrantly ignored the ends to which promising is a means could not be met, i.e., a promise would become meaningless and no one would take the promisor seriously. This certainly seems to be a teleological defense of the practice. I will discuss this apparent inconsistency in more detail later in the chapter, for I believe that it is a major flaw in Kant's argument.

I would like now to look at two more examples Kant uses to make his case. These I believe are weaker than the preceding ones.

In the first of these examples, Kant considers a man who is considering suicide because of the great difficulties which have come his way. He asks himself whether his maxim of action could become a universal law of nature. Kant says that this maxim must be formulated in the following way: "For love of myself, I make it my principle to shorten my life when by a longer duration it threatens more evil than satisfaction." Such a maxim, Kant says, would be contrary to man's duty to himself. The action would be an act of self-love, yet the special office--in his words--of self love is to impel the improvement of life. Thus it is contradictory to act from a principle whose purpose nature has made to improve life, in order to destroy life.<sup>14</sup>

Kant's claim here that one who is contemplating suicide could not want to see his maxim of self destruction become a universal law of nature is weak. By "law of nature" Kant means that nature has created each part of the being to perform a specific function (he includes instinct, the will, etc. in this category). It would seem that in a case in which life produces more pain than it does pleasure that one could want to see self destruction be a universal law in such a case. Furthermore Kant's example here is too

broad. Just as in the case of promising, in which he did not take account of legitimate exceptions to the rule, so in the case of suicide he has not considered cases in which one might be justified in taking his own life. If, for example, one is completely alone in the world and will leave no needy family behind, perhaps he might rightfully take his own life.

Another problem with the suicide example is that Kant employs the questionable notion of duties to oneself. In his Metaphysics of Morals he says very little about this notion. He does talk about it briefly in his "Lectures on Ethics".<sup>15</sup> In the latter work he says roughly that one's duty to himself regards the proper use of "freedom". Man is the only animal who is free to determine his own actions. Man is an end in himself and must be treated as such. Thus he has a duty to himself to treat himself as an end and never as a means. For Kant the act of suicide involves one in using himself other than as an end. Kant does not make this argument clear and is unconvincing. One might say that when a man finds himself in a hopeless situation and his death would harm no one else that suicide would not be a breach of any duty to himself.

Let us look now at a problem which is often pointed out by Kant's critics, i.e., his lack of concern for detail.

His rules have laid down a broad outline for action but he gives us little help in determining what specific actions should be. Certainly in many cases extenuating circumstances might create great problems in determining which maxims should be universalized. As Mill points out (in the work I will discuss next), it is possible to will horribly immoral practices without one's finding himself in a logical contradiction. One might want, for example, to see a world in which no law or rule prohibits people from killing or injuring each other at will. If he is willing to take the risk which would come with such a world himself, he could not be said to be logically inconsistent.

The main problem with the suicide example is, once again, that there seems to be no reason why one could not will that men try to make life as desirable as possible but be willing to allow one whose life has become miserable to commit suicide provided that his death will not harm anyone else.

Another example of Kant's claim is one in which a man whose life is going well sees others (whom he could help) whose lives are filled with hardships; the man wants to handle only his own affairs and let others deal with their fate as it comes. He does not want to do any harm to others, he simply does not want to help when they are in need. Kant says that if a maxim to live one's own life in such a way

were a universal law, the human race could certainly survive. Kant says, however, that though such a universal law could exist, it is impossible to will that such a law exist. He says that a man might find himself in need of aid and to will that no aid be given in such a case would rob him of the help he needs. Thus his will would conflict with itself.<sup>16</sup>

It appears that in this example Kant has shifted from a rule of logic to a pragmatic rule. Unlike the rule of promising one can, at least in so far as logical consistency is concerned, will that abstaining from helping the needy be a universal law. To do so might lead to undesirable consequences but will not lead to a situation which is logically impossible.

Thus Kant's three examples (promising, suicide, and helping the needy) do not seem to be of the same nature. The categorical imperative holds very well where the practice of promising is concerned (provided that necessary exceptions are taken into account); it does not, however, apply where the other two examples occur.

Despite the weakness of the two examples I mentioned, Kant has made a strong case for one particular type of rule, i.e., the constitutive rule. It is quite true that one cannot will that an institution exist and at the same time will that the very rules which constitute the institution be

ignored without being guilty of a logical contradiction. It makes no sense to say "I want to see a certain practice exist but I do not expect anyone to abide by its rules."

A problem I mentioned earlier with Kant is that though he is a deontologist, he often uses teleological arguments for his position. This is in part the case with his example of promising but the criticism applies even to a greater degree to the passage on helping others in need. If we refer to this particular passage we see the reason why one should not will that helping those in need be a universal law because he might not then be able to hope for help should he find himself in need. This seems to me to be clearly a teleological defense. Surely it could fall within the realm of the utilitarian principle with no difficulty. From this we must conclude that the one determining his maxim is looking more to the results of his action than to the act itself.

Two other problems with Kant's ethics are pointed out by W. D. Ross in his work Kant's Ethical Theory. One of these problems involves the possibility of a conflict of interest. Suppose, Ross says, that A has promised B to keep a secret but that A has also promised C never to keep any secrets from him; he is in a situation where in order to keep one promise, he must necessarily break the other. According to Kant's reasoning there would be no way out of this dilemma.

The other problem has to do with the universalizability of maxims. Ross says that on the surface Kant's claim, that an action can be said to be right if and only if it is possible to will that all people perform it, appears to be right. The problem, however, is that any individual act is a member of a class of actions which itself is a member of an even larger class of actions. If we take the act of lying as a particular act, we might well find cases in which it would be beneficial, e.g., to protect another individual from a potential murderer. The person who lies in this case might well be willing to universalize his maxim (lie to prevent murder). There are other cases, however, certainly where lying is harmful. Ross says then that this situation leaves us at an impasse for we can will lying in some cases though not in others.<sup>17</sup>

The major problem with Kant is that he has not accounted for particular situations. Jonathan Harrison points out that a hangman who is also a murderer would very likely not want to will that everyone should make it a rule to hang murderers. This, he says, would not show that such a rule is wrong even though it might be wrong for some other reasons.<sup>18</sup> That is to say that often the ability to will or not to will that one's maxim be adopted as a universal law is sometimes not enough to determine the moral worth of an action.

Mill uses this problem as his point of departure in his defense of Utilitarianism. I will discuss Mill next and I think that when we see his theory next to that of Kant it will be clear that the controversy between the two is ill-founded. Rather than contradicting Kant, Mill is simply concerned with a different sort of rule.

Mill was aware that Kant had given us an introduction to a moral system but he believed that Kant had fallen short of giving us a sufficient system for determining what our duties are in specific situations. We can see this in the following passage.

This remarkable man [Kant], whose system of thought will long remain one of the landmarks in the history of philosophical speculation, does, in the treatise in question (The Metaphysics of Morals), lay down a universal first principle as the origin and ground of moral obligation; it is this: 'So act that the rule on which thou actest would admit of being adopted as a law by all rational beings.' But when he begins to deduce from this precept any of the actual duties of morality, he fails, almost grotesquely, to show that there would be any contradiction, any logical (not to say physical) impossibility, in the adoption by all rational beings of the most outrageously immoral rules of conduct. All he shows is that the consequences of their universal adoption would be such that no one would choose to incur.<sup>19</sup>

We can see from this passage that Mill believed that Kant was actually concerned with the results of actions, i.e.,

the results of immoral actions would be undesirable. I do not believe--judging from this passage--that Mill had taken into account the sort of situations where Kant's moral rules might hold. I will return to this point later.

From looking at Kant and Mill together, I think (once again) it will become clear that the two theories are compatible. Before looking at Mill himself, let us look at the theory of Utilitarianism as it has been historically presented.

The major premise or statement of Utilitarianism is that a "right act" is that action which promotes the greatest good for the greatest number. The problem with this statement which arises immediately is the ambiguity of the word "good". Mill sees the good as that which promotes happiness. According to Mill, we determine what promotes happiness by determining what people desire. When we determine what is desired, we can say that that which is desired is desirable, i.e., we learn what is desirable by learning what it actually is that people desire. He claims that by observation we learn that people desire that which promotes pleasure and minimizes pain and thus it is pleasure which promotes happiness. Mill has been criticized on this point by G. E. Moore who says that he has committed a fallacy (which Moore calls the "Naturalistic Fallacy"). This fallacy according to Moore consists in the attempt to define

'good'.<sup>20</sup> Though this has been a major point of concern in ethics, it is of no great importance insofar as this paper is concerned. The major point of concern is that from the proposition "Act so as to promote the greatest good for the greatest number" we can see the teleological nature of the theory, that is, it is a theory which considers the ends of actions as the most important feature of morality.

According to Mill, we need not stop to calculate the possible effects that certain actions have had historically. Here, then, we can see the pragmatic nature of Utilitarianism. If it has been observed that certain actions have had good effects in the past, we can assume that the effects of that action will have good effects in the future. Likewise if a particular action has had bad effects in the past we can assume the effects will be bad in the future. This knowledge provides us with a guideline for which actions ought or ought not be performed.

Mill claims that motive is not important to judging the moral worth of an action. He does admit that an action performed from good intentions might benefit the performer of the action, but only the effects of actions count when the moral worthiness of an act is at stake.

In his work "Utilitarianism", he says that utilitarians affirm that motive has nothing to do with the morality

of an action although it has a great deal to do with the worth of the agent of an action. For example, if one saves another individual from drowning his action is morally worthy regardless of what his motives might be. Whether he is acting from duty or from hope of reward the results of the action are good and thus can be said to be moral. On the other hand, if one betrays a friend, he has acted immorally even if his reason for doing so is to help another friend. Mill says, furthermore, that it is a misapprehension of the utilitarian mode of thought to accept something so general as duty to the moral law to be the sole criterion for determining the moral worth of an action. The majority of actions, he says are intended for the benefit of individuals rather than for the society as a whole, thus one seldom needs to contemplate the possible effects of his actions on the society as a whole except to make certain that his action which benefits one individual does not infringe on the rights of other people. He says that the general principle of Utilitarianism (act so as to promote the greatest good for the greatest number) is seldom involved in the moral decision of an individual. Where this principle is at stake, the individual must employ it, of course.<sup>21</sup>

We can see two elements in the preceding exposition: (1) that though motive is not important where the moral worth

of an action is concerned, it is still a factor in determining the worth of the agent and (2) most actions affect only small groups or individuals rather than society as a whole and that an action can be performed if it does not infringe on the rights of other people. Thus, where Kant is content to consider only motive with no regard to the effects of an action, Mill does not deny a "good will" would be valuable to the agent of an action but believes that moral judgments must be made according to the effects of the action. Of course, in Mill's case a moral judgment must have an empirical basis for we can only know the effects of an action after we have observed them.

I think that it should be clear that Mill's claim--that a moral judgment must have an empirical basis--is too strong. No one would likely deny that facts are relevant to a moral judgment, but I do not believe that all moral judgments must be based on observation. For example, do we need to do an empirical investigation of the effects of keeping our promises to determine that such fidelity is valuable? Is it necessary to investigate the effects of stealing to determine that theft is wrong? Certainly it is not and it is here that we can see that Mill has--at least to a great extent--ignored institutional rules, or to put it more accurately, has failed to notice the distinction between different types of rules.

Before going into the latter any further, I would like to look at the following passage.

It is often affirmed that utilitarianism renders men cold and unsympathizing; that it chills their moral feelings towards individuals; that it makes them regard only the dry and hard consideration of the consequences of action, not taking into their moral estimate the qualities from which these actions emanate. If the assertion means that the rightness or wrongness of an action to be influenced by their opinion of the qualities of the person who does it, this is a complaint not against utilitarianism, but against having any standard of morality at all; for certainly no known ethical standard decides an action to be good or bad because done by a good or a bad man, still less because done by an amiable, a brave, or a benevolent man, or the contrary. These considerations are relevant, not to the estimation of actions, but of persons; and there is nothing in the utilitarian theory inconsistent with the fact that there are other things which interest us in persons besides the rightness or wrongness of their actions.<sup>22</sup>

In the preceding passage we can see once again that Mill believes that we can hold an individual in high esteem because of his character, etc., though we can only judge the moral worth of an act by its consequences. In light of recent work on action theory, this distinction of motive and action might seem spurious.<sup>23</sup> This is an issue in itself, however, and would require a separate discussion.

To summarize Mill's theory, it should first be noted that there is some controversy as to whether he should be

considered an act or a rule utilitarian.<sup>24</sup> I think that those who claim that he is the former have the stronger case because, though he does employ rules, these rules are merely used as guidelines for actions rather than as absolutely binding edicts. Whether he should be called an act or a rule utilitarian, however, is not important to the present issue.

In summary then, Mill believes that from past experience we learn what acts are beneficial and which are not. From this experience we can derive guidelines for our actions. We need not weigh the consequences of each individual act before we make a moral choice because this experience gives us "rules of thumb" by which to determine which acts are right or wrong. These rules are based on determining which actions will bring about the "greatest good for the greatest number" which of course is that toward which the Utilitarian strives.

He does not want to discount the value of an action performed from good intentions might have on the agent, but the moral worth of an act must be judged according to the relative amount of good it produces. We can see from the last passage I quoted that a person of very low character might perform a highly moral act and we would not--according to Mill--discount the moral worth of his act simply because of his lack of character.

The major problem of Mill's ethics is that he wants to judge all acts by looking to their effects. He ignores those types of moral rules, such as those which concern promising, those prohibiting theft, etc., which do not need empirical proof. For him all moral rules are of one sort, i.e., those whose value is determined empirically.

Another problem arises from his claim that the morality of an act must be determined only by the effect. Let us look at the following hypothetical case. Suppose for the sake of perverse humor, a swimmer pretends to be drowning. A bystander hears his screams and jumps into the water to save him and himself drowns in the process. Surely no good effects can come from this; in fact, the effects are tragic. Can we say, though, that the action of the victim had no moral worth? Mill might answer by saying that the dead man might be called benevolent but it would seem that if he is to be true to his theory, he must say the man's act had no moral worth. He might even be forced to say the act would be immoral since it would produce more evil than good. Such a claim should strike us as quite odd. How could we say that a man who acts to save a potential drowning victim--even though induced by false pretenses--has not performed a moral act.

J. O. Urmson describes a problem similar to the preceding one in his paper "Interpretation of the Moral

Philosophy of Mill".<sup>25</sup> He says that it has been pointed out that one who chooses the inferior of two musical comedies for his evening entertainment has done no moral wrong, though it would seem Mill would have to say he has been immoral since his mistake would produce bad effects, i.e., it would ruin what might have been a good evening.

Another problem with utilitarianism in general is pointed out by W. D. Ross in the following passage.

The essential defect of the 'ideal utilitarian' theory is that it ignores, or at least does not do full justice to, the highly personal character of duty. If the only duty is to produce the maximum of good, the question who is to have the good--whether it is myself, or my benefactor, or a person to whom I have made a promise to confer that good on him, or a mere fellow man to whom I stand in no such special relation--should make no difference to my having a duty to produce that good. But we are all in fact sure that it makes a vast difference.<sup>26</sup>

After looking at the theories of both Kant and Mill together one can see why these two theories seem to be at odds. Kant places emphasis on the individual and his actions. For him the goodness (or badness) of any act lies only in the act itself and not in the effects which follow. He is concerned with setting up rigid rules which must be obeyed at all times or in all cases, e.g., those which constitute the practice of "promising". He has laid

a foundation for a moral system but his lack of concern for the consequences of actions has limited the application of his theory primarily to institutional rules.

Mill, on the other hand, is concerned only with the effects of actions. The good will of the one performing the act is not of concern to him. He claims that the value of moral rules must be determined by observation. In making this claim he neglects those rules which have a prima facie value. Thus he does not recognize the fact that moral rules cannot be based exclusively on the results of empirical study.

In the concluding chapter I will argue that the reason that Mill and Kant seem to be at odds is the result of a misunderstanding of moral rules.

## Chapter 4

### CONCLUSION

In this chapter I will conclude my argument that had the deontologists and teleogists been aware of the different kinds of rules applicable to morality, they would not have constructed mutually exclusive ethical theories.

Let us provide a brief restatement of the two positions. The deontologist says that the moral worth of an act lies in the act itself and not in the consequences of that act. The teleologist says that the moral worth of an act lies only in the results of the act.

As I stated, the reason these two theories have been presented as contraries lies in a misunderstanding of moral rules. In Chapter Two I described three kinds of rules which can be moral in nature. In Chapter Three I examined the moral theories of Kant and Mill whose theories I used as paradigms of deontological and teleological theories. I will now attempt to show that of the three types of rules I characterized, Kant was primarily concerned with one while Mill was concerned, for the most part, with another.

Briefly, these kinds of rules are 1. Constitutive rules which define a practice. These are the basic rules

of society or morals and they cannot be altered to any great extent without a fundamental change in society itself. Examples of these are the rules of private property and of promising. One who accepts society cannot question whether or not they should be violated, for by their nature they cannot be questioned without involving one in a logical contradiction.

2. Regulative rules. These are concerned with what actions should be allowed or disallowed in a society. Quite often the value of these rules is determined by experience. It is characteristic of them that they can be altered without any fundamental change in society. Examples of the second type of rule are those which prohibit gambling and those which prohibit the use of certain drugs. One can accept the society in which these rules exist and still question their value without any irregularity or fault in his logic.

3. Rules of strategy. These are rules which help an individual get along in society. Rules of propriety in general fall within this category. The violation of these rules would not ordinarily warrant any moral censure though in some cases it might.

Let us look now at the sorts of rules with which the deontologists and the teleologists are concerned.

The deontologists, represented by Kant employ primarily institutional rules, i.e., rules of the first sort.

The Categorical Imperative exemplifies this. When one accepts the statement "act such that the maxim from which you act might become a universal law of nature" as his moral premise, he is concerned with an institutional or constitutive rule. Further, Kant says that one cannot will that such an institutional rule exist and at the same time will its violation, for such would be a logical impossibility. If rules of this sort were disobeyed on a large scale, the practice which they govern simply would not exist.

The weakness of the deontological position is that the deontologists take the institutional rule as their model and try to employ it in every possible moral situation. This sort of rule works very well when it is used for a practice like that of promising. The deontologist can point out that if we want to see the practice exist we cannot want to see its rules ignored. As I have already pointed out, this would be a logical absurdity. This sort of rule, however, will not work where certain other moral issues arise. For example, how might the deontologist argue that the use of dangerous drugs should be prohibited? He could not say that one could simply not will that laws against drugs not exist, nor could he say that one could not accept a society and not want to see its rules against dangerous drugs accepted by the general public, without involving himself in a logical contradiction. In short, he would find it very difficult to

argue against the legalization of dangerous drugs, on deontological grounds.

We have then in the constitutive or institutional rule, the primary rule of the deontologist. That is to say, these are fundamental moral rules. In a society these are the rules which define fundamental institutions or practices. If one is a member of a society he cannot legitimately question whether or not he should abide by the constitutive rules of that society. These rules do not come into being (in most cases) as the result of empirical investigation, nor when accepted can one will their violation. When one understands the concept of the rules, he cannot ask whether or not they should be obeyed. Thus institutional rules fall within the dictates of the "Categorical Imperative." It is a mistake, however, to believe these kinds of rules can be expanded to cover all possible moral situations.

Now if we look at the teleologist's view (represented in this paper by Mill), I think we can see that he is concerned primarily with the second and third type of rule. These are the sort whose value often can be determined by empirical observation.

The examples I used in Chapter Two should make this clear. Rules against dangerous drugs are essentially regulative rules. These rules are concerned primarily with the

consequences of the action. The same is true with rules which forbid gambling. The third sort of rule (those of strategy or propriety) often meet the criteria also. One can accept a society and still question these rules. He might disagree for example that rules prohibiting gambling bring about the "greatest good for the greatest number." He can certainly will that such rules be violated. Thus a major feature of these rules is that it is logically possible to call them into question and one can give reasons why they ought to be accepted or rejected. In giving reasons for their value one could point to their effects. He could cite empirical evidence in their defense. For example one might defend rules against dangerous drugs by giving evidence that drugs have proven harmful to society.

The weakness of a teleological theory is that though the sorts of rules it employs as models work well in some situations, they cannot work well in all moral situations. For example, teleological arguments can be very effective in the cases I just mentioned (on the legalization of dangerous drugs), but their methods have been highly questionable where they try to apply their kind of rules to the practice of promising. It has been generally argued that utilitarians (teleologist) must allow the breaking of promises if doing so is beneficial to the majority of people. The utilitarian

would also be forced to say that it is necessary to observe the effects of keeping promises before it could be determined that the practice is valuable. Such empirical proof does not seem to be necessary. Thus the major problem of the teleologist is the same as the problem of the deontologist. That is, the teleologist takes the kinds of rules which work in some moral situations and tries to employ them in all possible moral situations.

Thus if we look at the deontological theories and the teleological theories side by side we can see that the controversy between the two rests on the mistake of misunderstanding the types of moral rules which can be employed. As I mentioned there are at least three kinds of rules which can be moral in nature. The misunderstanding of these rules often comes when one sets one kind of rule as his model and assumes that because it solves certain problems, it can be expanded to cover all moral situations. Kant took a model which works quite well with rules of promising and the like, but he tried to expand his "Categorical Imperative" to cover any situation which might arise. He did not take into account possible situations where his rule might not work. Conversely Mill took those rules whose value can be determined empirically and assumed that all moral rules fall into this category. He did not account for rules which might not necessarily fit into his criteria.

It has been a common mistake in moral philosophy to assume that because one kind of rule applies in one situation that the same sort of rule must be applicable in all situations. It has been the failure to recognize the types of rules which can be moral in nature, which has led moral philosophers to regard teleological theories and deontological theories as opposites.

#### FOOTNOTES

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21. cf. Mill, Op. Cit., pp. 16-17.
22. Ibid., p. 18.
23. cf. White, Alan R., The Philosophy of Action, Oxford Univ. Press, 1968.
24. cf. Urmson, J. O., "The Interpretation of The Moral Philosophy of J. L. Mill", Philosophical Quarterly, III, 1953 and Mandelbaum, Maurice, "Two Moot Issues In Mill's Utilitarianism", Mill, Schneewind, I. B., ed., Doubleday & Co., Inc., Garden City, New York, 1968.
25. Urmson, Op. Cit., p. 182.
26. Ross, W. D., The Right and The Good, Oxford, Clarendon Press, 1930, p. 22.

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MORAL RULES AND THE  
DEONTOLOGICAL-TELEOLOGICAL  
CONTROVERSY

by

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AN ABSTRACT OF A MASTER'S THESIS

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In this essay I have analysed two major types of normative ethical theories in relation to three kinds of moral rules. These two kinds of ethical theories have traditionally been considered to be mutually exclusive. I have attempted to show that this alleged controversy between the two rests on the mistake of not accounting for all the kinds of rules which are moral in nature.

In my introduction I gave a rough description of the two kinds of theories. The deontologists hold that the moral worth of an action can be determined by appealing to certain rules, i.e., if an action conforms to some set of moral rules, it can be said to be a morally worthy action. The claim that an action can be determined to be morally worthy (or reprehensible) without any appeal to the consequences of the action. The teleologists on the other hand say that the moral worth of an action can be determined only by an appeal to its consequences. Thus an act--they say--is morally worthy if it brings good results.

In chapter two I characterized three kinds of rules which can be moral in nature. I have called these rules (1) constitutive rules, (2) regulative rules, and (3) rules of strategy or of propriety. I have used a football analogy to make them clear. The first kind of rules (constitutive)

are those rules which define a practice. In the game of football these are the rules which determine the proportions of the field, what is to count as a score, how many players are on a team, etc. In ethics these are the kinds of rules which define such institutions and practices as private property and promising. One feature of these rules is that if one accepts the practice which they define he cannot advocate violating them without contradicting himself. If rules of this sort are not obeyed the practice will cease to exist.

The second kind of rules regulate behavior within an institution or practice. In football these are rules which prohibit unnecessary roughness and so forth. In a society these are rules which regulate gambling, dangerous drugs and the like. An important feature of these rules is that one can accept the institution which they regulate and still advocate their violation. One can also defend these rules by pointing out the consequences of violating them.

The third type of rules are those which help one to be successful within an institution. In football these are rules of strategy. In a society these are rules of propriety. These rules, like the second kind, can be defended by pointing to their consequences.

In chapter three I have discussed representative deontological and teleological theories. I took as my models the theories of Immanuel Kant and John Stuart Mill. Kant--a deontologist--holds that the moral worth of an action can be determined without looking at the consequences of the act, while Mill--a teleologist--claims that the moral worth of an act can be determined only by its consequences.

In my conclusion I have tried to show that the deontologists have taken the first kind of rule as their model and have tried to use this kind of rule in all moral situations. The kind of rules they employ work well with regard to promising, etc., but they will not work well when the problem of drugs or something of this nature arises.

I have tried to show that the teleologists take the second two kinds of rules as their model and have tried to use these kinds of rules in all moral situations. They have not taken into account those moral questions which can best be handled by the first kind of rule.

Thus, had proponents of each kind of theory taken into account all three kinds of rules, the controversy would not exist.