

**The Moral Dimension
of Human
Economic Life**

By

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Ndala

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Preface

In preparing to teach a course in business ethics, I looked at the texts available. They all dealt, certainly, with concrete issues; but what they seemed all to do was to define the moral *issue* clearly, giving various points of view, letting the reader make up his own mind. As one of them said explicitly at the beginning, “There are no right answers in this book.”

If not, then why bother writing one? Who cares if the issue is “clearly defined” if it doesn’t make any difference what conclusion you come to? A person can come to an outrageous conclusion after seeing the issue clearly just as easily as he can without doing so. Presumably, Saddam Hussein didn’t see clearly the consequences of his rape of Kuwait; but now that the war is over, he sees the issues clearly, but it doesn’t seem to have made a dent in the way he treats people when he can get away with it.

If there are no “right answers” in ethics, then Hitler is on the same moral plane as everyone else, as long as he’s “sincere”; and who, for that matter, is to say that it’s *wrong* to be a hypocrite? That way, it seems to me, lies madness, not morality.

So I had to write my own book, where there *are* “right answers,” or at least directions to right answers; where ethics can be treated scientifically, so far as possible.

The idea behind this book originally was, after presenting the general principles of ethics, to get down to problems arising in the field of business, and try to solve them based on the principles enunciated at the beginning.

However, once I got to the applications, I found that it was impossible to get down to cases in business. Every time I raised an

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issue, I discovered that to solve it, I would have to go into either the theory of economics, the theory of society, an extended discussion of rights and personhood, an analysis of the structure of business, and so on.

So what the book amounts to is a kind of survey of the general principles of ethics, and then their applications to human economic life.

Of course, business is an extremely large part of human economic life; but it isn't all there is to it; there's property and inheritance, being a consumer, receiving welfare payments, the very economic system we live under, and so on. All of these have an ethical dimension, as well as business; but they all rest also on an analysis of various aspects of human life and interaction; and we can't simply take for granted that everyone knows or even agrees on what our human reality in these various areas is, let alone what relevance it has to morally right and wrong behavior.

So the book will first outline the general principles of ethics: why it is a serious matter to try to behave in a morally right way, what moral rightness has to do with the agent's human reality, and how to straighten out moral dilemmas.

Once that is done, there follows an extended discussion of rights and what they are based on; when we can claim specific rights and why, when and how we can defend them; what coercion and dehumanization are, and what are alienable and inalienable rights. You can't do much in economics if you don't understand rights and their limits.

Then there is a discussion of the "cooperative" mode of behavior, or society, why its forcing actions is not coercion, why it can punish violations of laws, what authority is and why it exists, what the "common goal" and the "common good" of societies mean, what responsibility is and when people become responsible, and for what;

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and finally, what civil society or “government” is, why the Principle of Subsidiarity and the Principle of Least Demand follow from its nature, and how, based on the notion of rights and that of society, there are different kinds of justice (so that injustice is not always a violation of some right).

Finally, then, against this background of the two basic ways people relate to other people, we will begin considering economic questions with a discussion of ownership; whether it is a human right, what we have a right to own in general; and how we make claims on specific objects in the world; when we lose a right to some of what we own because our ownership dehumanizes someone else, and how to solve this dilemma in practice; whether there is any ethical meaning to “equal distribution of wealth” or “equal opportunity”; and what makes Communism a morally wrong theory of government, but why it could be imposed temporarily as an emergency measure.

Next, the basic economic activity of the “transaction” is explored, first from the point of view of a swap of objects. This involves a discussion of values and necessities and their differences from an economic and ethical point of view. It is here that I make my claim to an important discovery in economic theory, one which, if not put into practice makes it impossible, I think, for any economic system to be just. We also discuss money and the difference between cost and price, and what the government’s role is in all of this.

Then we enter gradually the area of business ethics, first with an examination of what a firm is and why the entrepreneur is not, strictly speaking, its “owner.” We find that the firm has certain purposes irrespective of the intention of the entrepreneur, and why this is, and what follows from it; what the ethical implications of advertising are, what is meant by living up to a contract, and why bankruptcy is not morally wrong; what a service is, why profit is

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legitimate, but why those who provide necessary services may not morally make themselves rich doing so. Finally, we discuss the “market” and, it is hoped, demythologize some of its magic, but also show why and when it should be left alone, and why and when it may morally be interfered with by government.

Next in business, we consider the employer and the employee; what it means to work for another person, as opposed to serving “the public” as the entrepreneur does. Since to work is a necessity, we discuss some of the implications of this: why reverse discrimination, for instance, can be legitimate; how wages must be set, and what the government’s role in this ought to be; why Marx’s analysis of wages and profits misses the point; and finally, what the implications are of the employee’s being under the authority of his employer.

Then we discuss the complex firm, which has employees in it; what the relation is of the employees to the entrepreneur; working conditions; the government’s role in employment in firms; how having employees in a firm changes the nature of the entrepreneur, and why he now deserves profit and what the limits are to this; how the entrepreneur in corporations gradually becomes simply an investor of money, and what that means with respect to his return, and how top management assumes a new role in the modern corporation. Finally, we will treat the complex firm in its relation to the consumer, to the world it uses, and to the society or societies in which it functions.

Last of all, there will be a note on the government as an economic agent, tinkering with the money supply, and so on, according to what is called “macroeconomics”; the idea here is not to give an analysis of what happens, exactly, as to say whether the government has any business doing this sort of thing; and if it has, what are the limits of its getting itself engaged in going into debt, for example, for the sake of stimulating the country’s economy.

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To do a decent job on this would require a good deal more than the little book that follows. I justify this treatment on the grounds of my temperament, and that, if this sketch is clear, it should be easier to fill it out and to solve specific problems than it would be if it attempted to be “concrete” and exhaustive.

Before beginning, then, let me warn you that this book tries to show that six things that are simply taken for granted as “self-evident truths” are in fact myths that, far from being self-evident, are false. I will try to show why when I come to them in the text; but it is as well to put them here at the outset, if only to show what a mess economic theory can get into when it bases itself on them.

The first myth is that “all men are created equal.” This flies in the face of the manifest evidence that we differ so markedly from each other in abilities. If we are “the same,” it is qualitatively, not quantitatively so. And the absurd economic consequences of this myth of equality are, among other things, that of “equal pay for equal work,” which logically results in its being morally wrong to reward hard work and merit.

The second myth is that we are never satisfied. “You have made us for Yourself, O Lord, and our hearts are restless until they rest in You,” says St. Augustine. In other words, people are always seeking more. This, of course, is what has made greed the foundation of economics, so that in economic theory, moral behavior is considered bad economic behavior.

The third myth is that the market price (the equilibrium price) of something reflects its “real value.” Far from reflecting its “real” or “objective” value, it reflects no value at all; and those who hold that it does actually represent what something is “objectively worth” make enormous injustices the economically correct results, and price fixing or tinkering with the markets becomes somehow immoral. But the other side then wants to scrap free enterprise altogether; and the

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result is a system that has demonstrated that it is even worse.

The fourth great myth is that economics is subject to mathematical analysis. It would be, if people were infinitely greedy and always trying to maximize their own interests, and if everyone behaved “rationally” on this basis alone. But who says this is true? And if it isn’t, economics is mob psychology, and is just as mathematically predictable as the behavior of mobs.

The fifth great myth is that a necessity is just something “extremely valuable,” and can be treated like any other value. Thus, people on the one hand say that it’s wrong to hold a gun to a person’s head and threaten him with death unless he pays you the contents of his wallet, and at the same time hold that it’s perfectly okay to tell a heart patient that he can’t have his heart transplant unless he pays you eighty thousand dollars--and if he doesn’t get the transplant, he dies. Ask him if this is a threat or not.

Finally, there is the myth that economics is amoral and not “normative.” But when economists make predictions on what behavior “is done” based on their analysis of, say, the Law of Diminishing Returns, they are in effect saying that anyone who behaves sensibly will not hire a person whose service returns less to the firm than his salary costs the firm. Why not? Because he loses more money than he gains. But that supposes tacitly that he “ought” to be trying to maximize profit and not to make work for other people.

There is something true about all these myths; but they have a lot wrong with them, not only morally but economically too; and until they are recognized for what they are: things unexamined and taken for granted because they “stand to reason,” economics has no hope of being either humane or a non-self-contradictory description of our actual behavior. Economists may allege that they are just “describing” and not “prescribing” behavior; but they are “describing”

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on the basis of these false premises, and so what they “describe” is an unreal world; and it is not surprising that when you apply their “descriptions” you get a world in which injustice is justified.

But let us begin.

PART ONE:
GENERAL PRINCIPLES
OF ETHICS

CHAPTER 1

THE MORAL COMMAND

1.1. A science of ethics? In this book, we are going to attempt to treat ethics scientifically. It was thought for centuries that there was no problem in this; but nowadays, if a person tries it, he is laughed at as some kind of anachronism.

Why is this?

Partly, it is because the progress in physics has led people to think that you can't do science unless you measure things; but actually, the measurement is not what makes physics scientific, but the testability of the theories by experiment.

But you can't test ethical theories, can you? It turns out that you can; and this is what we will be trying to do in this book.

A second difficulty people have with a scientific approach to ethics is where you can find objective data. People have such different notions of goodness and badness, rightness and wrongness, that there seems to be no hope of coming up with anything that everyone would agree on; and if you can't do that, you can't even start,

1.1. A Science of ethics?

scientifically; you have no data to base your conclusions on.

We are going to get round this difficulty by starting from *the fact that people think* certain things about ethical matters. Whether what they think is right or wrong is irrelevant as our starting-point; right or wrong, they think a certain way, and you can observe this just by asking people. It may seem that this isn't a very promising place to begin; but we will see that it can lead us quite a distance if we are careful.

The third difficulty people have is an outgrowth of the other two. Since it is assumed that you can't treat moral matters objectively, then people conclude that morals are a question either of emotions or religion or both—usually both.

But this can't be all there is to morals. Respecting people's rights is one of the major moral issues; and if this is a matter of "emotions" or "religion," then how are people's rights to be guaranteed? That is, if some Muslim felt that I, as a Christian, should be killed for blasphemy, do my rights yield to his religion? Shouldn't he be stopped from killing me?

1.1.1. A Self-contradictory ethical position This indicates one of the reasons for trying to find out whether there is any objectivity to morals. **If there is no objective morality, then there are no such things as rights.** If morals are a "deeply emotional issue," then why should I respect anyone else's rights unless I "feel deeply" about respecting them?

Most people's reaction to this would be, "Well, you had *better* 'feel deeply' about respecting our rights, because we're going to see that you respect them, whether you like it or not." This seems to indicate that people do think that there is something objective about morality; and so it is worth a try to see if the subject can be treated scientifically.

In fact, the notion that morals are not objective leads to a self-contradiction. People who hold that there are no objective moral standards reason in this way:

“There are no objective moral standards that apply to everyone. Therefore, no one has any right to try to impose his moral standards on anyone else.”

Why does this contradict itself? It seems so obviously true. Ask yourself this: what does “No one has any *right* to impose...” mean? It doesn’t mean that no one has the *strength* to do it; it means that it’s *wrong* to try to do it, and should be stopped.

But “It’s wrong for anyone to try to impose his moral standards on anyone else” *is a moral standard that everyone is supposed to adhere to*. So if there are **no** moral standards that apply to everyone, it follows logically that there is **one** moral standard that applies to everyone: let people alone. But that’s impossible, if there are no moral standards.

So it can’t be true that there are no objective moral standards, because if there aren’t, there are. The view that there are no objective moral standards is objectively stupid.

So if someone tells you, “This is a moral issue; you have no right to impose your moral standards on me,” you can retort, “Who are *you* to impose your standard of non-interference on *me*?” A person who *consistently* held that there were no moral standards *would have to let others interfere with him whenever the other people felt morally justified in doing so*. And there’s no one—least of all the “moral relativists”—willing to admit this.

CAUTION: Note that the fact that it is self-contradictory

1.1.1. A Self-contradictory ethical position

to say that we can *never* interfere with others' morals does *not* mean that we can interfere whenever we please. (We will have to discover later when interference is moral and when it isn't.) It only means the following:

CONCLUSION: No one in practice believes that there are no objective moral standards. Everyone, whether he realizes it or not, believes that there are *some* things that *everyone* must do or avoid.

1.2. The basic ethical fact Let us, then, make a try at developing a scientific study of ethics. There are, as it happens, all kinds of ways of approaching the subject, which is to philosophy what engineering is to science. That is, ethics deals with human behavior, but not with a description of what human behavior is, but with how human beings *should* behave.

- **DEFINITION:** *Behavior* is the actions human beings perform, especially those actions which follow from human choices (and therefore which the humans are held "responsible" for).

- **DEFINITION:** *Conduct* is human behavior in relation to some standard for judging whether that behavior is "good" or "bad."

Ethics, then, is about human conduct.

Some of the many questions connected with ethics are whether human "conduct" has any real meaning, in the sense of whether there is any standard by which human behavior can be judged. If there is a standard for human behavior, what is it? Is the standard, if any, one which applies to any human being, or does it only apply to the one who has it, or to the culture in which he exists?

What we know so far is that people *think* there is at least *some*

objective standard for judging right and wrong conduct, because even those who profess to think there isn't one consider interference wrong. Clearly, *that* standard can't be the "objectively correct" one, because it contradicts itself.

But then (a) is this belief that there are objective standards a delusion (and there really aren't any), and (b) if there are, what are the "right" standards, and how are we going to recognize them when we see them? These are questions that we will have to try to answer.

But there is more. Supposing there are standards for human conduct, but a person (even knowingly) doesn't follow them, what then?

One answer is that society will punish him. But suppose he can get away with it; suppose he has such power that society can't touch him? Take Hitler. Few today would think that what he did to the Jews was anything but horribly wrong. But no one in his society did anything to him for it; it was for those who conquered the society to "bring him to justice"—except that he killed himself first. Or take Stalin. No one "brought him to justice;" he died in bed with honor, though he had killed, tortured, and enslaved thousands if not millions of his own people.

So society doesn't always punish people. Does this mean that, if you can get away with it, it may be (in theory) "bad" to do what you are doing, but in practice it's good? That is, if Stalin got pleasure out of killing and torturing people, if he got rich and powerful doing it, and if he won fear and respect from his people because of it—and if these were what he wanted—shouldn't he do these things? Why shouldn't he?

But people don't in fact think that the fact that you're better off for being immoral makes it good to be immoral, or means that you "ought" in any sense do to what is immoral.

1.2. The basic ethical fact

That is, people put moral “badness” in a different *category* from artistic badness, logical badness, and other forms of badness. If you sing off key, and you want to hire an auditorium to give a concert, then no one says you “shouldn’t” do it, as long as no one is forced to attend (which would make it a moral issue). If you want to reason illogically, so what? But if you want to murder people, that’s another story.

- **BASIC ETHICAL FACT:** People are *reluctant* to do what they think is morally wrong; they tend to be *afraid* to do it, even if it is to their advantage.

When people do something they think is wrong, there is the experience of *guilt* afterwards, which—as a psychological experience, now—is more than just, “Oh, I did something people don’t approve of.” We often do things others don’t approve of and experience no guilt, because we think they have no business disapproving of what we have done; then we feel anger or contempt, not guilt.

The experience of guilt involves (a) the knowledge that we have violated the moral standard that we think is the “right” one, and (b) the fear that because we did, something bad is going to happen to us. *The experience of guilt is the expectation of punishment.*

And this implies that the “reluctance” we have to do something we consider morally wrong is actually a kind of fear that if we do it, then something bad will happen to us.

1.3. The question to investigate As I mentioned, there are all sorts of questions to investigate in an examination of ethics; but if you are going to get anywhere, you have to be careful which one you choose.

Most people have tried to investigate ethics by tackling the

question of the ethical standard; but there have been any number of theories generated from these investigations, none of which lead to any testable predictions; and the result has been that ethics (as a study) seems to remain in the realm of speculation, without our being able to decide in favor of one theory over another, as long as each one is internally consistent.

But you can't leave things like this, if there is in fact something bad that happens if you do what is "really" wrong. If Hitler can find an ethical theory to justify what he did to the Jews, does that make it okay? Just because the theory is internally consistent?

So that line of investigation doesn't look productive of the results we need. Hence, we will try to investigate the following question:

Question to be examined: Why do people tend to be afraid of doing what they think is morally wrong?

This is an interesting question particularly in view of the fact that we know that there are people who do what is wrong and get away with it. And each of us has had the experience (probably in some minor matter) of doing something we thought was wrong and yet being better off for it: lying, for instance, to save ourselves from embarrassment.

We felt guilty afterwards for a while, but the person we lied to never found out; and on the whole we were the gainers. But this doesn't teach us that we should lie when in similar circumstances. We still feel that we "lucked out" that time, but you can't count on it. So the fear is still there, even against our own experience. Why is that?

Refinement of the question: Where did this fear associated with immoral conduct come from?

1.3. The question to investigate

That is, what we will be investigating is not precisely where people get their moral standards, but *how the idea of "immoral conduct" got associated with "something bad will happen if you do it."*

Did people get the idea because their parents told them this, and they got "brainwashed" into believing it? Did they get the idea because society disapproves strongly of certain acts, and this makes people around you afraid of doing them, and the fear just communicates itself to you? Did they get it because some God told them he would punish them if they did these things?

These are the main explanations of the origin of this fear attached to immoral conduct that we are going to investigate. All three of them have quite respectable authorities in favor of them: the first is essentially the theory of the psychologist Sigmund Freud, the second of the sociologist William Graham Sumner; and the fourth any number of religious philosophers such as Thomas Aquinas.

●WARNING: DO NOT PREJUDGE THE ISSUE●

You are already inclined to believe one of these views. Be aware of this bias you have, and keep your mind open to the evidence. No one of the views above is a "fact." They are all theories developed to explain a fact.

The theories are only good if in fact they *do* explain the facts they are trying to explain. If they don't, then it doesn't matter whether you would like to "believe" them or not; they are false, and they aren't facts. *We are not trying to develop a theory of morality that you can be "comfortable" with; we are trying to find out the facts, if any, and if we can.*

1.4. Observed characteristics of the fact

1.4. Observed characteristics of the fact If we are going to be investigating these various explanations of why we feel afraid to do what we think is wrong, then we had better first find out all we can about what this fear attached to our notion of immoral conduct is. Just as Galileo discovered important things about falling bodies by measuring how fast they fall (leading to Newton's theory of gravity as their explanation), so if we are to be scientific about ethics, we have to observe our data carefully.

There are six characteristics that we can point to about this fear associated with immoral conduct:

- 1 It is **universal**: Everyone tends to think immoral conduct *must* be avoided; everyone experiences guilt when doing something he thinks is morally wrong.

Even the so-called "pathological" person is not really guilt-free. These people tend not to feel guilt at what normal people feel guilt about (such as murdering people); but they have strange standards that they feel guilty violating. So we can say that everyone associates immoral conduct with some kind of fear.

NOTE: All this characteristic says is that the *fear itself* is "universal." *What people are afraid of* is not (see characteristic 4)

- 2 It is **serious**: People think that immoral conduct *must* be avoided even if you "gain the whole world" by being immoral. That is, people don't think that Stalin should have done what he did, even if he got power, wealth, and honor for it.

- 3 It tends to be associated with a **divine source**: That is, people tend to think that some sort of invisible being will punish them for being bad. Certainly there are enough people who have held this

1.4. Observed characteristics of the fact

through history and who hold it today that we can say that this is a general characteristic of the fear, if not a universal one.

This is not to say that there actually is a god who enforces morality. What we are saying here is that enormous numbers of people *think* there is; and they at least claim that it is their fear of God that makes them avoid being immoral.

The above three characteristics deal with the fact of the fear itself. The following three deal with what it attaches itself to.

- 4 The **definition** of “immoral conduct” **varies** greatly from culture to culture, and is relatively the same within a culture.

Depending on how simple or complex the culture is, you find less or more variation on what “immoral conduct” means. In simple (the so-called “primitive”) cultures there seems to be complete agreement on what is morally “good” and “bad”; in very sophisticated, complex cultures like ours, there is great disagreement—but not as much as there is between cultures.

So the *fact* that a fear attaches itself to some behavior is (as a fact) universal in all cultures; *what* it attaches to is not universal.

- 5 Each person or culture thinks that his or its standards are the “**right**” ones.

This is an interesting fact. If you think something is wrong for you, you automatically think that it’s wrong (“really”) for anyone. You may excuse other people (“because they don’t know any better”), but you don’t really think that if something is *really* wrong for you, then it’s *really* right for anyone else in the same circumstances.

Even, as we saw, those who hold that there are no “real” standards think that therefore it is wrong to interfere with anyone else’s following his conscience. This is the only thing that such people

think is morally wrong—but what is interesting is that they think that this is “really” wrong for *everyone*.

● 6 The standard is basically **negative**. That is, we all recognize some acts to be morally *good*; but we don’t have the same kind of “necessity” connected with them that we feel with respect to the things we consider “bad.”

That is, when we recognize that it is morally good to give to the United Appeal, we also recognize that this is something that we don’t *have* to do; it is a generous act. We only think we *have* to do those things whose omission is the practical equivalent of actually doing something bad. For instance, we think we have to eat enough to stay alive and not harm our health; beyond that, eating the “proper” food is not obligatory. We have to help others only to the extent that refusing our help is the same as doing them harm; beyond that, the act is good, but not obligatory. And so on.

1.4.1. How to use the observed data These characteristics of the fear attached to what people think is morally wrong will give us something to use as a preliminary test of possible explanations of the origin of that fear.

To use some simple examples to show how this testing works, let us consider the following possible explanations:

Hypothesis 1: The fear comes from the fear of punishment attached to violations of laws.

If it did, we know where the laws come from (the legislature) and where the punishment comes from (courts and police). But if this is where the fear of *being immoral* came from, then why would people think that *God* would punish us?

1.4.1. How to use the observed data

Thus, this hypothesis fails to explain the facts. Our fear of being immoral cannot come from our fear of the punishment involved in breaking the law.

That is, our fear of doing what is *illegal* is different from our fear of doing what is *immoral*. And this is confirmed by the fact that people sometimes think that the laws can be unjust and immoral, and that they cannot morally obey these laws (as “conscientious objectors” think, for instance, about the draft laws).

Hypothesis 2: The fear comes from our respect for our parents, who taught us to obey them.

If it did, then those whose parents have died would no longer be afraid to be immoral, since the parents would not be around to enforce their wishes, nor would they perceive any “disrespect” to them. Thus, the fear would not be *universal*. Their wishes might carry over as something that “it is good” to do; but the fear of violating their wishes would no longer be *serious*. Further, if we obeyed morality out of respect for our parents, how did a *divine source* get attached to the fear?

Thus, this hypothesis fails to explain the facts. Our fear of being immoral is not a fear of being punished by our parents.

Parents, then, may be largely responsible for *what our standards are*, but do not seem to be the origin of the *particular fear* of violating the standards.

1.5. Association from early training: “the unconscious” There is a version, however, of the “parental” hypothesis which

1.5. Association from early training: “the unconscious”

deserves serious consideration. This explanation of the fear of being immoral goes this way:

Hypothesis: The fear we have of doing what is immoral comes from our early training, in which we were punished for “bad” acts. The expectation of punishment remains associated psychologically with these acts, even after we reach adulthood.

To expand on this hypothesis, what it says is that when we were very young and were punished for doing something, the punishment (especially as coming from our parents, who we thought loved us) was very frightening. The severer this punishment was, and/or the more often it was repeated, the more ingrained was the association, “If I do this thing, something terrible is going to happen to me.” Thus, we would tend to avoid the act.

The hypothesis says that this *emotion attached to the act* carries over into adulthood, even after we *know* that our parents will no longer punish us. It still *feels as if* they will.

And since there is this feeling “If I do this, Daddy will spank me” with the knowledge that in fact Daddy won’t because he can’t, then the *feeling* acts as if there were an *invisible, all-powerful “Father”* who will “spank” us (i.e. “send us to hell”) if we are bad.

Thus, the “obligation” we feel not to be immoral is really of the nature of a *neurotic compulsion*, and in extreme cases, people actually hear voices commanding them to do things, and when they do something wrong, their guilt becomes so great that their unconscious minds make them “accident prone” until something bad happens that can satisfy this emotional craving for punishment.

Test of the hypothesis against the data

1.5. Association from early training: “the unconscious”

Does this hypothesis explain why:

- 1. **everyone** would have a fear attached to immoral conduct? **Yes**, *because* everyone has been punished when very young.
- 2. people would think morality a **serious** matter? **Yes**, *because* they would not know what the punishment was to be, and it would seem to come from an invisible Being, and would have a “fear of hell” attached to it.
- 3. people would associate the fear with a **divine source**? **Yes**, *because* the emotion would create the *feeling* of an invisible “punisher” (whether there actually was one or not).
- 4. the definition of “immoral” would **vary** as it is observed to? **Yes**, *because* parents in a given culture would tend to punish their children for basically the same things, and in different cultures for different things.
- 5. people would think their standards were the “**right**” ones? **Yes**, *because* people would “just know” what God (the “punisher” of the fourth point) was commanding them, and would know that the command was serious.
- 6. the standard is **negative**? **Yes**, *because* pain is what tends to carry over as an association leading to a neurotic compulsion.

Thus, the theory passes the initial investigation. You would expect the facts about the fear to be what they were observed to be if this were in fact its origin.

Predictions from the theory

There are, however, some things that would also have to be true if this is where we got our fear of being immoral:

Prediction 1: No culture could change its moral standards within a short time.

This was actually a prediction of Freud; he used it to account for why the definition of “immoral” remained constant (as it had, in his time) for generation after generation. Unfortunately, in our own age, we are confronted with the following:

● *Fact: Our culture has experienced several drastic and sudden shifts in moral standards.*

The “sexual revolution,” for instance, occurred within the space of ten or fifteen years, and things practically everyone thought of as immoral and forbidden are now regarded by many people as simply a “different lifestyle,” with no moral overtones.

But this kind of shift is impossible if morality is the result of an association with punishment arising from the way you were brought up. These people were brought up to think that extramarital sex, divorce, contraception, and so on were evil and deserved hell. If this theory were true, this “fear of hell” would still be attached to those acts in these people’s minds—and it clearly isn’t. You can’t get rid of a neurotic compulsion by reasoning about it.

This is evidence against the theory

Prediction 2: We would feel as most seriously immoral those acts we were most severely and/or most often punished for when young.

This prediction follows from the nature of the association of fear with an act; the fear is stronger the worse the punishment or the more often it is repeated. And, of course, the acts we would be more afraid of would be the acts we would think were morally worse.

● *Fact: Children are most often (and most severely) punished for violations of manners rather than morals: for what annoys their parents and makes them angry.*

That is, in fact very few children get punished for killing people. Most often, we get punished for slamming the door, leaving food on the plate, tracking dirt into the kitchen, shouting when Daddy has a

1.5. Association from early training: “the unconscious”

headache, and so on. Based on the frequency of things like this, you would expect people to find such things morally quite serious.

But no one does. Why? This theory has no explanation.

Further, there are things that people were not punished for at all when they were young that they later regard as seriously wrong. I remember reading (some years ago now, because it would now be regarded as “quaint”) an article in a psychological journal seriously puzzled about why boys who had not been taught about sex had this “strange feeling of guilt” when they masturbated and had an orgasm. (The answer is fairly simple, except on this hypothesis. A boy untaught about sex gets aroused in thinking about girls—so he knows that this has something to do with women—and then when the physical and emotional explosion comes from orgasm, he is understandably worried that he has trifled with something terribly important.)

This is evidence against the theory

Prediction 3: We would not be able to distinguish feeling guilty from knowing that we have done something wrong.

The whole point of this theory is that “knowing you have done wrong” *is* feeling guilty about doing something. It would be impossible to do something that you *know* is the right thing and *feel* that you have “sinned.”

● *Fact: We do experience situations where we know clearly that it is morally all right to do what we feel guilty about.*

For instance, people who have been brought up to be sexually modest are very apt to *feel* guilty on their wedding night when they undress in front of their naked partner—precisely because they are doing now what they have been trained from early childhood not to do.

But at the same time, they *know* that this is not only perfectly

morally all right, but that it would be wrong *not* to do it, because now for the first time, they are in a situation where these acts are virtuous, not vicious.

So we have two *different kinds* of guilt-experiences: the guilt of doing what we were trained not to do, and the guilt we have at doing what we think is morally wrong. Very often they coincide (in a person who was trained to be moral), but they sometimes are contrary to each other; and in that case, we regard the feelings as trivial and the knowledge as the guide. (Indeed, in these cases, the guilt feeling adds an extra zest to the act.)

This is very strong evidence against the theory

Taking these three predictions into account, then, we can say the following:

CONCLUSION: Our fear of doing what is morally wrong cannot be due to a carry-over from our early training. Moral guilt has nothing to do with the way you *feel*.

NOTE WELL: This is not to say that the contents of our moral code might not be largely due to what we were taught by our parents; it is just that the fear connected with disobeying it does not come from punishment by them.

1.6. Social pressure

We now have some additional facts about the fear of being immoral:

- 7. A culture's moral standards **can change** even within a single lifetime.
- 8. Cultures can **distinguish manners from morals.**

1.6. Social pressure

Let us now consider a different explanation of why we are afraid to do what we think is morally wrong:

Hypothesis: The fear attached to immoral conduct comes from the fact that the people around you regard the act as bad and not to be done, and are themselves afraid to do it.

This is the “social pressure” theory of morality. It doesn’t deal with what there’s a law against (though there may be laws against the acts), but with the **unwritten “law”** contained in the fact that people regard certain acts with horror. It also doesn’t speculate about *why* people think these acts are horrible. What it says is *the mere fact that people are afraid of these acts communicates itself to you* and makes you also fear to do them without knowing why—and you in turn become another one of the people communicating the fear to still others.

That is, there are two kinds of “expectations” people have about your behavior. The first deals with what is “done” and “not done” in the culture, so that people can be comfortable with others. Thus, people expect others not to pour coffee into the saucer and blow on it before drinking. They tend to despise and shun those who violate these expectations. These are *manners*, or what William Graham Sumner sometimes called “folkways.”

But there are other expectations where, when you try to do something, the reaction, instead of contempt at your ignorance or impoliteness, is, “Oh my God, don’t do *that!*” If you ask why, they say, “Oh, no! That’s a horrible thing to do!” And they act afraid.

Most of the time, the people you ask don’t know why they think the act is horrible, still less what will happen to you if you do it. The reason they think it’s horrible is not necessarily their early training or personal experience, but *the fact that people they know think it’s*

horrible. There are certain attitudes that get into the society somehow, and people adopt them; but once they are adopted, they tend to perpetuate themselves, because we tend to accept what other people believe.

Thus, for example, in our society we take it as “obviously true” that all men are created equal, that slavery is wrong, that discrimination is to be avoided, and so on. In other cultures, such as India, it is taken to be “obviously true” that there are natural classes of people, and that discrimination is the proper way to behave. Reasons can be given in both cases (the Hindu laughs at us and our “equality,” when it is so clear that people have vastly different abilities); and the real reason why we hold these “truths” is often the simple fact that everyone else around us accepts them without question.

What the hypothesis says, then, is that the fact that the people accept without question that certain conduct is *horrible* (as opposed to “not done”) is the source of our fear of doing what we think is morally wrong. The fact that no one knows what is going to happen creates the *illusion* that there is some invisible source of this “law,” and that this super-being will enforce it.

Test of the hypothesis against the data

Does this hypothesis explain why:

- 1. **Everyone** would have a fear attached to immoral conduct? **Yes**, *because* everyone lives in a society, and so is subject to at least some form of social pressure.
- 2. People would think morality a **serious** matter? **Yes**, *because* they would not know what the punishment actually was, and everyone around them acts as if the act is horrible and is afraid of its being done.
- 3. People would associate the fear with a **divine source**? **Yes**,

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because people are not aware of the fear's being just the fact that everyone is afraid, and it would *seem* to come from some invisible "super-being" who will of course presumably punish its violation (whether or not there actually is such a being).

● 4. The definition of "immoral" will **vary** as it is observed to? **Yes**, *because* different cultures would have different social pressures and so different fears. Within a culture, subcultures would have their own special fears; and so as the society becomes complex, individuals belonging to different sets of subcultures would have different moral standards insofar as they reconciled the different social pressures acting on them.

● 5. People would think their own standards were the "**right**" ones? **Yes**, *because* they would have in fact got the standards from observing what "everyone" (i.e. everyone around them) "knows" is immoral.

● 6. The standard is **negative**? **Yes**, *because* again the whole issue is a question of fear, which is the basic negative emotion.

● 7. A culture's standards could **change in a relatively short time**? **Yes**.

But this needs some explaining. According to Sumner, if the life-conditions change, then certain acts which used to be harmful become beneficial to the people. In the beginning, those who do these things are regarded as immoral and evil; but as they prosper, more and more people follow them, and *then* the standards "catch up" to the practice, and what was before regarded as "bad" now becomes looked on as "good."

For example, once The Pill was invented, sexual intercourse could be engaged in in an apparently "natural" way (What is more natural than taking a pill?) without having children connected with the act. But if there are no children to support, why have the commitment of marriage connected with sex? Hence, people began having sex

outside of marriage, and the sexual standards gradually began to dissociate sex and marriage.

Note here that I am not arguing that this reasoning is “correct” (in fact, it is fallacious); what I am saying is that it *seemed* so to many people, and in fact things *happened* this way, and so in our society much that used to be considered immoral about sex is now considered morally acceptable. If this theory is true, this is, of course, all there is to the matter. It used to be *really* immoral to have sex outside of marriage (because “everyone” thought it was), and now it’s *really* all right (because people think it is all right). If the theory stands up, this statement can be taken as factual and valid.

● 8. Can we distinguish **manners** from **morals**? **Yes**, *because* the social pressure connected with manners, no matter how severe it is, is not conduct that the society is *afraid* of, while the moral code of the society deals with what it regards as a *threat* to its existence, for whatever reason.

Thus, the theory fits all the facts we have so far observed, including the data that the Associationist Theory cannot explain.

Predictions from the theory

But there are also some things that must be facts if this theory is really where we get our fear of being immoral.

Prediction 1: The standards of the society can never be “wrong,” nor be thought to be wrong at the time.

The standards may *later* be recognized (after a change) as *having been* wrong; but they cannot be thought in that society to be *now* wrong, because the standards are precisely *what the moral obligation is in that society* at this time; they are precisely what defines “morality” for the society and are the *only* definition of it.

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- **Fact:** *Sometimes people in the society think its standards are wrong.*

This is inconvenient, but it is certainly a fact. There are, for instance, quite large numbers of people in our society who think that the “sexual revolution” is wrong, however practical it might be; there are many many others who think that abortion is wrong, even if there are many who think that it is right.

This might be due, however, to subcultures that are out of step with the feeling of the larger society. Hence,

This fact does not prove anything one way or the other.

Prediction 2: *The culture cannot change its standards on the basis of their present “wrongness.”*

This is a variation on the preceding prediction. If the whole culture changed its standard because it (as a whole) recognized that the present one was somehow “evil,” then it would be judging its own standard by some “higher standard,” and on this theory there can be none. Standards *can* change, on this theory, *if* the change *follows* a change in lifestyle; but they can’t change *for the reason that* the standard is somehow recognized as wrong or evil.

- **Fact:** *Sometimes cultures do change their standards for moral reasons and not for practical ones.*

For instance, the civil rights movement came about, not because it became practical for Blacks to be treated as well as Whites, but because the community as a whole recognized that it was treating Blacks as if they weren’t really human—and human beings must not be treated as if they are not what they are.

This same sort of thing was really what got rid of slavery in this country (Sumner’s bad history to the contrary notwithstanding). It was certainly impractical to free the slaves, in whom so much wealth was invested. The Southerners recognized that it would ruin them economically—which it did. But the fiction that Blacks were “really”

no different from animals (and so could be owned) became impossible to sustain, especially as more masters had children by their Black slaves. But once they were recognized as human beings, they were automatically recognized as something that could not be owned or treated like animals, however “practical” this might be.

Hence, changes in moral codes do not always follow changes in life conditions; sometimes they lead them.

This is evidence against the theory.

Prediction 3: Reformers would be regarded as immoral people.

The reason for this prediction is that the society’s standards on this theory are the *only* real definition of “moral” and “immoral”; and hence any “reformer’s” disagreement with the standards would automatically be a mistake or evil. Appeal to a “higher source” for morality is absurd on this theory; there is nothing that can be appealed to “over” what the people happen to think is right and wrong at any given moment.

● **Fact:** *Societies distinguish between reformers and evil people; they listen to the first, and condemn the others.*

Martin Luther King, for instance, who preached that the treatment of Blacks was inhuman, was regarded as a troublemaker, but not as an evil person. He was not thought of as we today think of drug pushers, who don’t see anything wrong with promoting the use of cocaine or heroin.

And the reason King was regarded as good is that he presented *evidence* to the society that it wasn’t treating Blacks the way it claimed to be treating Blacks: that segregated eating facilities meant that Blacks had bad food and few opportunities to get it; that segregated schools were “separate” but far from “equal”; that segregated toilet facilities meant that Blacks had to walk often for blocks before they could relieve themselves, and so on. The drug

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pusher, on the other hand, cannot present any real evidence that taking drugs is good for the person who takes them—which is what he claims. Quite the contrary.

Reformers, then, seem to present facts to the society which show that it is being inconsistent in doing what it considers “good”: that its actions are fundamentally (even if unwittingly) dishonest. And when the evidence is convincing, the society listens to the reformer, and changes its standards—usually reluctantly, but it changes, once it is convinced.

But this could not happen if the society was in fact the one that defined “right” and “wrong.” It implies that there is a standard against which society itself and its standards are to be judged—and the society recognizes this.

This is evidence against the theory.

***Prediction 4:** The standards of any culture would simply be the set of acts the people regard with horror, and would not be a rational conclusion from a basic standard.*

This is clear from the nature of what social pressure is. Why the people fear doing something is not what creates social pressure (and therefore the fear in the individuals); it is simply the fact that they do fear this act. This is another of Sumner’s predictions.

● ***Fact:** The moral standard of any society, and in fact any moral standard of any person is always some version of this proposition: **You must never deliberately do what is inhuman.***

If this is so (and in the next section I will give some examples showing that it is), then this means that people and societies consider themselves subject to the “command” to act consistently with what they really are, irrespective of what others *think* they really are.

This “command” (if it is one) is the same in every society; and hence, it doesn’t come *from* society, because the society itself is

subject *to* it.

1.6.1. Examples of “immoral = inhuman” Before we get into the implications of what this means, let us try to see if in fact a society’s view of what is immoral coincides with its notion of what acts are inhuman (or are inconsistent with the reality of the person acting).

Cannibals eat people, and don’t see anything wrong with it, don’t they? No, not really. Anthropologists were surprised to find that when these tribes referred to those of other tribes as “dogs” or “pigs,” they meant this literally: that those of other tribes were animals, not people. Cannibals only eat (a) already dead bodies, or (b) members of other tribes (which aren’t “people”).

The slave traders also justified their trade on the grounds that Black people weren’t people but animals; they were thought (by the scientists, mind you) that Blacks were the result of the rape of women by orang-outans. Those who advocate abortion today consider that “science” shows that fetuses aren’t human beings, but are “blobs of tissue.” Eskimos, who had the custom of giving their wives to visitors for the night, also had the view that women weren’t “really” human beings.

Orientalists used to hold that suicide was moral to “save face,” which meant to avoid bringing disgrace on the family or group to which the individual belonged. But these same Orientalists considered that the *individual* life was the “animal” life, and the “human” aspect of a person’s life consisted in his belonging to the family or group (which is where he differs from animals). Thus, the physical life could be sacrificed in order to preserve the “human” aspect. The same went for what was behind dueling in the West. A person’s “good name” (or his relation of “honor” to others) was where he differed from the beasts; and therefore, to protect his “honor” (his

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human dignity, or essence *as* human), he had to put his physical life at risk on the “field of honor” (i.e. under certain rigid conditions).

Karl Marx considered that the respect in which humans were different from beasts lay in the fact that humans use tools to transform nature (whereas beasts adapt themselves to nature). Hence, when one human uses another as a tool (when one hires another to work for him), then the first is dehumanizing the other, because the other’s essence as human now belongs to someone else, and this is slavery. Therefore, Capitalism, which as a system involves the capitalists’ not doing any work (and so not acting humanly) and hiring others to work (and so enslaving them) is an essentially inhuman system and must be destroyed. And from this comes Communism’s “command” to work for the “classless” society, where no one will “own” anyone else’s work.

Many contemporary thinkers hold that there is no such thing as “human nature”; humans are free to do what they want with themselves. And this is why in our society, *interference* with another’s choice is for practical purposes the only “really bad” thing; because if we are in fact free to make of ourselves anything we want, then nothing is inconsistent with our reality except interfering with a person’s doing this.

I am not here trying to judge the objective correctness of any of these views; I will do some of this later on. The point here is simply to show that the moral code of any society or any individual always depends on what that person *thinks* it really means to be “human”: acts that are consistent with his definition of “true humanity” are (to him) all right; and acts inconsistent with this definition are morally wrong.

But this means the following:

CONCLUSION: Society’s standards do not in fact determine the

moral code for any person, nor does fear of social disapproval constitute the particular fear that is the fear connected with doing what is immoral.

Note, however, that society's standards may have a strong influence on the *contents* of a person's moral code, simply because if everyone else around you thinks that a given act is perfectly human, you will be inclined to accept that without question.

But society's standards do not **determine** the person's moral code, because this code depends on the person's *own* view of what is in fact inhuman behavior, whatever the people around might think. Individuals may adopt others' views without question; but they can also think things through for themselves.

Nor does social disapproval constitute the fear connected with being *immoral*, because we sometimes have to brave social disapproval in order to *avoid* being immoral (when our view of "human" differs from society's). People who tried to free slaves faced a lot of hatred and fear from those who owned slaves; people today who are against abortion face the same thing. Conscientious objectors face hatred from those who consider that they are shirking their obligation to their country; and so on.

So if we consider that we *must* avoid immorality, then the grounds for this cannot be (a) early training, or (b) society's disapproval. *We think that, somehow, in the long run, it is not worth it to do what is inhuman.*

And why is that?

This is what we must investigate in the next chapter.

Summary of Chapter 1

Ethics can be treated scientifically if we can find some data and test

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ethical theories against the data. The data will deal with the way people think about ethical issues.

There must be something objective to ethics, because the position that there are no objective moral standards contradicts itself, in that this position will not allow for interference with a person's actions; but not allowing interference is an objective standard (which allows interference with those who are interfering). So everyone in practice believes that there is some kind of objective moral standard (even if they don't agree on what it is).

The **basic ethical fact** that starts our investigation is that people are afraid to do what they think is immoral, even if they gain by it.

The **question** to be examined is the origin of this fear of doing what a person thinks is immoral.

The observed **characteristics of the fear** are that it is universal, serious, associated with a god, attaches to different definitions of "immoral" depending on cultures, attaches to what a person thinks is the "objectively right" definition, and is basically negative.

These characteristics are used to test theories explaining the origin of the fear; it must explain all aspects of it.

The fear cannot come from legal punishments, because then we would not think a God will punish us; nor can it come from respect for parents, because then it would not be universal, serious, or be attached to a divine source.

The "**early training**" or "unconscious" theory: The fear might seem to come from early training and the habitual association of punished acts with the expectation of punishment, because this fear can carry into adulthood without our remembering the actual punishment. It might seem to come from these because this explanation would account for why the fear is universal, serious, and all the other observed facts about the fear.

But it cannot actually be the origin of the fear we have of being immoral, because then no culture could change its standards in a short time, and they do; we would feel as seriously immoral things that in fact we think are trivial; we would not be able to distinguish feeling guilty from knowing we have been immoral, and we do make this distinction.

The "**social pressure**" theory: The fear might also seem to come from social pressure, which is the fact that if people around you are afraid of doing something, the fear communicates itself to you. This would seem plausible because this explanation also accounts for all of the observable facts about the fear as actually experienced, plus the two that it would

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allow for (some) change in moral standards and the ability to distinguish manners from morals.

But it cannot actually be the origin of the fear we have of being immoral, because then the culture could never change its standards on the basis of perceived “wrongness” of the standards, and it sometimes does; because reformers would always be regarded as evil people, when in fact they aren’t; and because the standards of a culture would be haphazard, when in fact they follow from the culture’s definition of an “inhuman” act.

Exercises and questions for discussion

1. If it’s self-contradictory to say that you can’t *ever* interfere with someone else’s morals, when do you think it is legitimate to interfere, and when isn’t it?
2. If the fear of doing wrong doesn’t come from the laws, how do you account for so many people changing their moral views on abortion once the Supreme Court permitted it?
3. How do you suppose that people who hold that morality comes from God account for the different and often opposite views on what is moral in different cultures?
4. Perhaps we give ourselves the moral obligation, the way people give themselves New Years Resolutions. Test this hypothesis.
5. Suppose somebody violates the moral obligation (whatever it really is) without realizing it. Should he be punished?
6. But doesn’t morality simply consist in “Don’t do any harm to anyone else?” If you want to harm yourself, so what? *Hint*: How could you motivate anyone not to harm others?

1.6. Social pressure

CHAPTER 2

THE REAL ISSUE

2.1. The true moral norm Even though our investigation in the preceding chapter was focused on the origin of the fear of being immoral, we discovered along the way that everyone is really afraid of doing what is (as far as he knows) inhuman; and so we stumbled upon what seems to be the basis of the moral norm that everyone holds.

One of the reasons why this had to be “discovered” and was not explicitly known by everyone is that from time immemorial, the study of ethics has focused on the question “What is it to be good?” When we investigate goodness later, we will see that, because of human freedom, there is really no objective answer to this question. Different people consider different things to be “fulfilling”; different people have different ideals.

But when you are talking about what is “bad,” you aren’t relating the act in question to some ideal, you’re relating it to the actual person who is now doing the act; and the kind of person he is is objectively (to some extent) discoverable; and so it is possible to find out objectively whether his act contradicts his reality or not.

This simply illustrates the fact that progress in a scientific investigation very often depends more on asking the proper question. Unanswerable questions generate apparently “profound” answers that are nothing more than speculation.

But let us take advantage of our discovery.

- **DEFINITION:** A *norm* is a standard against which something can be judged.

The *norm* for judging moral *badness* is the *concrete humanity* of the person performing the action.

When I say *concrete humanity* what I mean is the actual reality of the person with all of its aspects and relationships. Some of these aspects (such as the fact that the person is alive) may be obvious, some may not be obvious (such as the fact that the person is part of an international community). Some may be part of the person's reality as determined genetically (such as life or sex), some may be due to choices in the past (such as being a doctor or having made a promise). But insofar as these are *real characteristics* of the person, then they form the norm for judging whether his acts are or are not consistent with his reality.

- **DEFINITION:** An act is *morally wrong* if it in fact *contradicts any aspect* of the person who is acting.

NOTE: The act is morally wrong if it contradicts *either* (a) the “genetically given” human limitations we have, or (b) *modifications* of our humanity we have made through promises and so on.

For example a person who marries (and promises to be faithful to his partner) has changed his reality from a single person to a married person; and he now can perform acts (sexual intercourse with his wife) which used to be wrong, and cannot any longer perform acts (like dating women) which used to be morally legitimate.

- **DEFINITION:** An act is *morally right* if it is *consistent with all*

2.1. The true moral norm

aspects of the person who is acting.

The act may be perfectly consistent many aspects of the person, but if it *contradicts* any aspect, then it is inconsistent with the nature of the agent. For instance, the statement you make when telling a lie is perfectly consistent with the nature of your vocal cords as sound-makers; but the lie is telling *as* a fact something that you think *is not* a fact; and this is inconsistent with the *act* of factual communication. So it doesn't matter if the lie "fulfills" any other aspect of you; it contradicts you as a communicator of facts.

Now of course, it is probable that a given person won't know all of the aspects of his reality, and even if he knows them he may not be aware of how these aspects can be contradicted by his actions. We will investigate the implications of this later.

But the fact that *you don't know* that some act is inconsistent with your reality *doesn't make it consistent*. And if you perform that act, what you have done is *objectively wrong*, even though you didn't realize it.

For instance, it was *not* right for the Whites in the South to own Black slaves. Some of them *thought* that Blacks were not really human beings, and so could be owned; but that idea of theirs didn't change the facts. Blacks, as human, cannot really be owned; and it is objectively wrong to act as if they could be.

Many people who have abortions today do not realize that they are dismembering their own children; but that in fact is what they are doing. The question is *not* one of "opinion" or "consensus." Even if everyone agreed that fetuses weren't human beings, this agreement wouldn't change the facts, any more than the earth was flat when the consensus was that it was flat. Fetuses are either human beings or they aren't; this is a *factual* question, not a matter of opinion. It turns out (as we will see much later) that the evidence indicates that they are; and so women who have abortions are pulling their children

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apart limb from limb, whether they realize it or not.

● NOTE WELL ●

Moral rightness and wrongness are not a matter of personal opinion, still less of personal choice. *They are simply what the facts actually are, whether anyone knows them or not.* They depend on whether the act in question is in fact consistent with the reality of the agent or not.

Does this mean that every woman who has had an abortion is a murderess?

No, not if you define “murder” as a “deliberate attempt to kill someone,” because most of these women didn’t know that they were killing a human being (let us assume). Murder implies that a person deliberately chooses to kill someone, knowing what he is doing. Abortion is always *homicide* (killing a human being), and as such is always *morally wrong*, but it’s not *murder* unless the person knows what she is doing. That is, it’s always the kind of act you may not deliberately *choose* to do; but whether you choose to do it or not depends (among other things) on whether you know what kind of act it is.

So we must now make a distinction:

- **DEFINITION:** A *choice* is *immoral* if a person chooses to do what he has reason to believe is morally wrong.
- **DEFINITION:** A *choice* is *moral* if a person chooses to do what he knows is morally right.

● NOTE WELL ●

From now on in this book *acts* are to be referred to as

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morally right or wrong and *choices as moral or immoral*.
There are no “immoral” acts or “morally wrong” choices.

Moral rightness and wrongness, as we saw, depend on the actual relation of the act to the actual reality of the agent. They are *completely objective* facts about an act, and have nothing to do with whether anyone knows these facts or not. When I assert later in this book that certain acts are right and others are wrong, what I am saying is that, based on the evidence I have, this is the objective status of the act (just as when a scientist says that the sun is 93 million miles away from the earth, he is stating what he *thinks* the fact is, based on the evidence he has). I can be mistaken, of course, but that does not alter what the fact *is*, any more than the actual distance from the earth to the sun is changed if it should be discovered that the astronomers made an error in measuring it.

Morality and immorality, since they deal with the choice the person makes, *depend on the person's knowledge* of the moral rightness or wrongness of his acts. Morality and immorality are not exactly subjective, since they depend on knowledge of what the facts are; but since you may not know what the facts are, you can *do* something morally wrong, but be *mistaken* rather than immoral. That is, each person's morality or immorality with respect to a given act is analogous to the scientist's knowledge of the distance from the earth to the sun. It is based on the *evidence* you have about the actual moral status (the rightness or wrongness) of the act.

We will have to spell this out in considerable detail later; but for now, let us concentrate upon the fact that we have found *the objective component* in moral matters: the reality of the agent, and its relation to his acts.

As long as we have made these two distinctions, let us make another:

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● **DEFINITION:** An *act* is regarded as *morally bad* if it falls short of our expectations of what it “ought” to be, morally speaking. A *person* is considered *morally bad* if he does not do what we think he “ought” to do, morally speaking.

● **DEFINITION:** An *act* is regarded as *morally good* if it is the kind of act we think a person “ought” to do as a human being; a *person* is considered *morally good* if he does what we think a human being “ought” to do.

What’s the difference between morally good and bad and right and wrong and moral and immoral? Morally good and bad depend on *our subjective standards* that we for whatever reason set up for *evaluating* moral conduct. If the act (or the person) matches the standard, then it or he is “good”; if not, then bad.

Goodness and badness always depend on *subjectively created standards* and though the act in question “objectively” matches or does not match the standard, the standard itself is *made up* by the person using it, and is not objective.

Very often goodness and badness are confused with rightness and wrongness. Rightness and wrongness simply deal with the objective fact that the act in question is or is not consistent with the person acting; there is *no evaluation* connected with them—no implication that we “ought” not to be doing morally wrong acts.

Moral and immoral deal with the fact that we deliberately chose to do what was right or wrong, and again in themselves don’t imply the evaluation that we “ought” not to choose what is wrong.

Only goodness and badness have this “ought” connected with them, because only goodness and badness assume that the “correct”

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situation is the one that doesn't exist and *expects* the facts to "live up to" this "correct" state of affairs. But obviously, this standard of what the "correct" situation ought to be can't be discovered from the facts "out there," because they precisely don't live up to the standard. Ideals *have* to be made up; they can't be found. If the distinctions above are not made clear and held consistently, all sorts of confusion can occur in speaking about ethical matters. A person saying that something is morally wrong, for instance, might be taken to imply that (according to his subjective standards) this act ought not to be done—when in fact all he is saying is that the act in question is objectively inconsistent with the agent.

Now what the preceding chapter was saying in the facts we started investigating is that *people think that what is morally wrong is morally bad*. That is, as soon as you show something that a given act is "inhuman" (contradicts being human somehow or other), the person automatically thinks that it ought not to be done (is morally bad). We expect people (at a minimum) to act consistently with themselves, whether they "live up to their fullest potential" or not.

But this does not alter the fact that moral rightness and wrongness do not *mean* the same thing as moral goodness and badness—nor the same thing as morality and immorality.

2.1.1. A note on "natural-law" ethics I have been presenting here is a version of what is called "natural-law ethics." The reason why it is called this can be seen from the following definition:

● **DEFINITION:** The *nature* of a being is its reality as related to (or revealed in) its actions.

Thus, it is "the nature" of hydrogen to have a certain spectrum

when excited and to combine with oxygen to form water; it is “the nature” of a dog to hate cats; it is “human nature” to wonder about life, and so on. Obviously, then, for a human being to do something inhuman is for his act to violate his nature.

There are three difficulties with this, however. In the first place, “nature” is used in the sense of what is not “artificial.” It is “natural” to be naked, and “artificial” to wear clothes; it is “natural” to talk, and “artificial” to communicate (as I am doing) by typing into a computer and having it print out things.

This sense of “natural” is *not* the sense that is ethically relevant. It is *consistent* with a human being as human to cover himself and protect himself against the elements (and against sexual temptations—yes, they can happen if everyone you see is naked); and because of the latter reason, it might be morally wrong not to cover oneself. It is consistent with communication to do it by means of a machine, as long as one is not telling lies. “Nature” in that sense refers to “the condition we were born in,” not what is consistent with our reality as thinking animals.

Secondly, there is a sense of “nature” that means “what is normal,” in the sense of what people usually do. In this sense, it is “natural” to lie to save yourself from embarrassment, because most people tend to do this. But this does not make it *consistent* to lie, because the lie communicates as a fact something known not to be a fact. Hence, what most people do may or may not reveal the “nature” in the moral sense, because people often violate their natures.

Thirdly—and this is where my theory differs from traditional natural-law ethics—there is the sense of “nature” as a *tendency* toward certain acts as its fulfillment.

Traditional natural-law ethics takes “nature” in this *positive* sense and tries to derive the moral obligation from it. But this confuses what is (morally) “good” with what is morally “bad” and runs into

2.1.1. A note on “natural-law” ethics

the difficulty connected with freedom that we mentioned above. Thus, for instance, since we have a tendency by nature to know things, it is assumed that the “good” is knowing more and more. But where do you go from there? Does this mean that it’s *bad* for a person who can study philosophy to decide not to and spend his time becoming, say, a professional athlete?

As traditional natural-law ethics worked itself out in practice, it wound up with commands that in fact boiled down to what we said above: “Never fulfill any aspect of your nature if the fulfillment involves violating any other aspect”—which, of course, is actually negative, not positive. So the *results* of natural-law ethics were actually prohibitions; but it tried to *derive* these from the positive tendencies of the nature; and you can’t logically do this.

So we are not really “natural-law ethicists” here in the traditional sense. But from what we discovered at the end of the last chapter and just above, we can say this:

Every moral theory is actually a negative “natural-law” theory.

As I tried to show, every view of what is *forbidden* (or what is morally bad) rests on the person’s notion of actions that *contradict* his view of the way we are built: his view of the limits, if you will, of our nature. This is simply an empirically testable proposition. Ethical theories are all over the place when it comes to talking about what is “good”; but every single ethical theory derives what it considers “bad” from the theoretician’s view of what human reality (a.k.a. human “nature”) is. Even those views that say that there is no such thing as human “nature” say that it is “bad” to interfere with others (because it assumes that there is a “nature” when—according to these people—there isn’t one; which, of course, is a violation of the way things are: the “non-nature” of the person. “Non-nature” here is, of course, our sense of “nature.”)

2.1.1. A note on “natural-law” ethics

The thing to take away from this discussion, then, is that, in saying that the moral norm is human reality or human nature, we are not really “imposing” a view on other ethical positions. When we are at this general level (i.e. until you begin spelling out what the nature actually is and how actions can violate it), then *differences among ethical theories are only terminological*. All ethical theories agree that it’s morally wrong to act as if you weren’t what you really are.

2.1.2. The moral command That, then, is the moral norm. We started out this book with the fact that people think that there is some kind of *command* attached to violating the moral norm (at least as they understand it) because they are in some sense afraid of what will happen to them if they act immorally (i.e. if they choose to violate what they think is the moral norm).

This is not quite the same as saying that what is wrong is bad; it is even more than that. It seems to imply that what is morally wrong “ought” not to be done in a stronger sense than singing off key is “bad singing”: it seems to mean that *if you do what is morally wrong you will (or should) suffer for it*. That is, it implies that you will be better off for doing what is right than for doing what is wrong—and so in that sense it is not just “bad” to do what is wrong, but “you had better not” do what is wrong.

● NOTE WELL ●

We have not yet found out whether there actually is a moral command, still less whether a person is “really” excused if he doesn’t know what it is. This is still on the level of what people *think* with relation to morality.

But *if* there really is a moral command, then, as I mentioned in the discussion on social pressure, it would seem to be this:

2.1.2. The moral command

- **MORAL COMMAND (*first formulation*):** You must never *be willing* to act in an inhuman way.

In most people's minds, you are held excused from violating the command if you are *sincerely* mistaken or ignorant of what it is. The idea is that if you don't know there's anything wrong with the act, you're not *willing* to do wrong when you do it. If you knew it was wrong, then you wouldn't do it (or if you did, of course, you'd be willing to do wrong). Those women, for instance, who have abortions and have no idea that they are murdering their children are not held *morally* guilty of murdering their children.

We will shortly resume our investigation of how people come to think in this way; and it will turn out, once we have got through it, that in a sense there *is* a moral "command," and that people who violate it without suspecting that they are doing so are not actually guilty. But again, do not prejudge the issue; wait for the evidence.

To put this another way, the moral obligation works in this fashion in conjunction with the norm of moral badness:

- **MORAL COMMAND (*second formulation*):** You must never deliberately try to fulfill any aspect of yourself at the expense of contradicting any other aspect.

This simply spells out what we said above, that the norm is the set of real characteristics we have, none of which may be violated.

But it is possible to reformulate the moral command in still another way, if we take into account the following:

Choices which are immoral are always choices which are *fundamentally dishonest*. That is, they are a *deliberate pretense* that things aren't the way you know they are. When you act immorally (as opposed to mistakenly doing something that is morally wrong), then

you know what you are doing; you know that the act is inconsistent with you as an agent; and yet you do it anyway, as if it were consistent.

The thief acts *as if* taking something could really make it his to do what he wants with; the murderer acts *as if* he had the right to decide when someone else was to stop living; the adulterer acts *as if* he weren't married to the person he is married to; the woman who has an abortion acts *as if* her child were a mere lump of tissue or "part of her body"; and so on. Insofar as these people know what the facts are, they are not being honest with what the facts are; they are pretending that things are the way they want them to be, not as (they know) they really are.

● **MORAL COMMAND (*third formulation*): You must never act in a way that is fundamentally dishonest.**

Acting in this way is, of course, *hypocrisy*, and so what the moral command in this formulation says is "**Don't be a hypocrite.**" Don't pretend (by your actions) that you are something that you aren't.

But then why not, if you get what you want from being a hypocrite? And this brings up again the issue of whether there really *is* a command connected with morality.

2.2. The real issue We have finally cleared out enough of the underbrush so that we can see the real issue that is involved in morality:

Is honesty really the best policy? Are you really better off if you act consistently with the way you and the things around you are, or are you better off if you pretend that things are the way you want them to be?

2.2. The real issue

There it is.

When all is said and done, there is the moral issue. What society thinks, what your parents think, is irrelevant. The question is whether it makes sense for you to act honestly or not.

Another way of putting this is, “Is it always bad to do what is wrong?” This uses a slightly different sense of “good and bad”:

● **DEFINITION:** Something is *good* if it leads to a goal you want to achieve. It is *bad* if it hinders you from achieving the goal.

The point is that you set up these goals yourself, and if you aren’t particularly interested in being consistent with yourself in all respects, but you really want to be a millionaire, then it would certainly seem that stealing in order to be a millionaire (if you can get away with it) would be good for you.

● **DEFINITION:** *Values* are *means* toward freely-chosen goals.
 ● **DEFINITION:** *Disvalues* are what *lead one away* from a goal he has chosen.

Values, then, aren’t what’s “good” without qualification (that would be the goal itself), but what’s “good” in the sense of what’s “good-*for*” the particular goal they lead to. In the case above, for instance, stealing would be a *value* for you because it would get you where you want to go. Values, then, are *not* the same as what is morally right and wrong, because they depend on the subjectively created picture we make of ourselves as “the person I intend to be,” and this “ideal self” that we set up to achieve may or may not have any basis in reality.

So the moral issue now becomes “Is it in fact the case that being

immoral (choosing what is wrong) is always a disvalue, no matter what your goals are?” If it isn’t, then why shouldn’t you choose what is wrong?

● NOTE WELL ●

Morality is *not* really a question of *values* but of whether what we choose is in fact consistent with what we are or not.

It is one of the main errors of our age to confuse morality with values. Values deal with the kind of person you want to be. Morality deals with the basic humanity you are given and build on by values. Morality says that your values and goals do not allow you to contradict your basic humanity to achieve them.

2.2.1. The problem But when you think about it, it would seem that it is obviously better to do what is morally right; because, after all, that only means acting realistically. How could there be any percentage in pretending that things aren’t the way they really are, especially if you *act* as if they weren’t?

This seems to be reinforced by the following:

Whenever we make a *choice* to do something, this sets up a *goal* that we intend to achieve.

What do I mean by this? A choice to do something means that you consider your action and the situation *resulting* from it. You choose between various alternatives in view of the results you foresee from the various actions open to you.

When you pick one of these alternatives out, *that result now becomes the “reason” for the choice of this action; it is the “goal” of the*

2.2.1. The problem

action, its “end” or “purpose.”

Thus, human choices by their very nature have purposes: new states of affairs that the actions chosen *are to bring about*. The purpose is what determines which choice you make. Even if you choose to postpone choosing, this choice has as its purpose to give you more time to make up your mind. Every choice has a purpose you intend to achieve by that choice.

An *immoral* choice, by its very nature, has a goal that in some respect cannot be achieved.

Why is this? Because the choice can't be immoral unless you see that you are *violating* some aspect of your reality to achieve your goal. So you want to fulfill yourself; but *this* kind of fulfillment involves the violation of yourself in some other respect. Hence, immoral (or dishonest) behavior *is always, in some respect, self-defeating or frustrating*.

● **DEFINITION:** *Frustration* is having as a goal something that cannot be achieved.

Immoral conduct is therefore by its very nature self-frustrating.

From this it would seem to follow that honesty is the best policy. If you act dishonestly, this doesn't mean that you “make a mistake”; it means (since you are pretending that things aren't the way they really are) that you have a goal that you can't really reach as you intend to reach it. So you are deliberately trying to frustrate yourself.

And how can you be better off by frustrating yourself?

Thus, the thief wants to own what he has taken (because he wants to use it as if it is his, knowing that it isn't—and so has to be careful that no one finds out that it isn't really his). The murderer wants to

be able to kill other people but doesn't want other people to be able to kill him if they can get away with it. The adulterer doesn't want to be married to the person he's married to—or doesn't want to have promised what he promised when he married her. The woman who has an abortion wants not to be a mother (at least of this child); but she is his mother now; it's too late not to be; even if she kills him, she's his mother. And so on.

BUT

If it were only that simple. True, every immoral choice is *in some respect* self-defeating. But the alternative can be far more frustrating.

Take the woman who (even knowingly) has an abortion. What is the alternative? Having the baby. But this can mean disgrace, losing her job, sickness, years of anguish, being beaten up daily by her husband who wants her to have the abortion, and on and on. To say, "She can always give him up for adoption" is wildly simplistic in some cases. Sometimes the alternative is not bad; but sometimes it's really horrible.

On the other hand, if she has the abortion, no one will yell at her; her husband will praise her even; she keeps her job, and so on. Sure, she's killed her child; but once it's done, he's not around to torture her. If she doesn't, he and her husband and everyone else will be there.

Is it worth it *now* to be honest?

Take the adulterer. Sure, he's being dishonest with the promise he made; but after all, he really loves this woman and he doesn't have any affection for his wife any more. If she doesn't find out, who's to say he's worse off?

The thief. If he steals the television set, it isn't his, but it will still work if he turns it on. If he doesn't steal it, he can't watch television. Is he worse off not being able to watch television or watching it on a set that isn't really his?

The murderer. The fact is that the person who was a burden to

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his life isn't around any more; and in fact other people aren't more likely to kill him than they were before he committed the murder (unless they find out, of course).

So it's not all that obvious now that a person is necessarily worse off for doing what is morally wrong. Maybe some of you think that, on the whole, in each of these cases, the effects of morally wrong actions are worse than the right ones; but you can see that there's room for disagreement. It isn't absolutely clear-cut.

Now suppose this: You and your family have been captured and told to kill another person or you and your family will be tortured to death.

It is clearly inconsistent to kill another person. But if you don't, then you won't be around to enjoy the thrill of being consistent. How can you be *better* off in these circumstances for doing what is morally right?

After all, the end doesn't justify the means. That's what morality is all about. The goal you want to achieve doesn't make it okay to act inconsistently to get there.

So if you can save yourself from twenty-five years in prison by lying, it's still inconsistent to lie; it's still morally wrong. Is it worth it?

- ***Fact:*** There are ways of being frustrated that do not involve *choosing* the frustration. We can be frustrated by circumstances over which we have no control.
- ***Fact:*** It can happen (and often does) that the frustration involved in an immoral choice is *less* (sometimes much less) than the frustration involved in *not* making the immoral choice.

CONCLUSION: It would therefore seem that *it is often to a per-*

son's advantage to make an immoral choice.

And of course everyone with his eyes open really recognizes this. Why else would so many people do what is wrong? They aren't stupid; far from it. It's the calculating people, the "men of the world," the "practical" people who are the ones who do what is morally wrong.

And they seem to do very well, thank you. I mentioned Stalin at the beginning of this book. Why should he do what is moral, if in doing it he would have to give up riches, prestige, power, and even the love of the fools he was oppressing?

But you don't have to look that far. Look at the people around you. Nice guys finish last. Honest people struggle through life; it's the smart people (who know when to be dishonest, and how to be dishonest and appear honest) who get ahead. Isn't it? Be realistic now.

2.2.2. The reason people are afraid of immorality Then why don't people act intelligently? Why don't they look to their advantage, and weigh the probable benefits against the frustrations, and act morally when it is to their advantage, and immorally when it isn't?

Some do. But even they are afraid.

That was what we started with, remember. People are afraid to act immorally. Why? If they can get away with it.

HYPOTHESIS: People are afraid to act immorally because they are afraid that life might not end with death, and after they die they might be worse off for being immoral.

The hypothesis was expressed by the character Cephalus at the

2.2.2. The reason people are afraid of immorality

beginning of Plato's *Republic* (which, by the way, is about honesty):

“You see, Socrates, when you get near the time when you know the end is coming, fears and worries you never had before haunt you. The stories you used to laugh at about the Land of the Dead, and how bad people get their punishment there, torture your soul now with the thought that they might be true.

“Maybe it's weakness from age, or maybe it's because you're nearer now and can see better; but whatever it is, you get full of doubts and anxiety, and start trying to figure out if you have ever been dishonest to anyone. And if you find a lot of dishonesty in the records of your life, you begin waking up terrified in the middle of the night all the time like a child, and your life becomes just waiting for disaster.”

(His position, interestingly enough, is that being wealthy is handy for being honest, because having all that you want removes a strong temptation to lie and cheat.)

But to return to the hypothesis itself, what it says is that people have two types of experience that tends to give them this notion of a life after death where things are made “fair.”

First of all, people are aware of being treated unjustly by others or by “fate.” That is, they try to achieve some perfectly legitimate goal, and find themselves thwarted either by the morally wrong behavior of others, or by circumstances of their lives that are no fault of any person. At the same time, they see apparently (even obviously) immoral people getting ahead by doing what is morally wrong.

This leads them to reason that, though their lives *seem* to be in their control because of their choices, their lives *really* are out of their control and are in the control of “luck.” But you can't *give up* trying to control your life, because you can't avoid making choices (even to choose not to choose is a choice). So we seem to be in a situation where we have to *pretend* that we have control over our lives, but we

2.2.2. The reason people are afraid of immorality

actually don't.

Having to make choices, then, makes no sense unless life continues after this one, where what happens to you depends on your choice and not on "luck" or "fate."

In the second place, people see immoral people getting ahead by doing what is wrong and self-contradictory. The best way to circumvent "luck" is to see what the effects of your act are likely to be, and to trade off small *deliberate* frustrations for larger ones that are imposed by circumstances.

But this means that there is a fundamental inconsistency in human actions: the way to avoid frustrating yourself (a lot) is to deliberately try to frustrate yourself (a little). The intelligent way to behave is to behave inconsistently with the way things are—which is unintelligent. The realistic way to behave is to be unrealistic and pretend that things are as you want them to be, not as you know they really are. The advantageous way to behave is to do what is disadvantageous. The human (because reasonable) way to behave is to do what is inhuman. Being "really" honest means recognizing the situation for what it is (which involves this trade-off) and acting dishonestly.

But this is absurd. Therefore, people conclude that human conduct can't make any sense unless life continues after death in such a way that behaving honestly is rewarded and behaving dishonestly is punished somehow.

These are such natural ways of reasoning, and they reveal that life's ending with death makes life (as Albert Camus, who held this said) absurd and self-contradictory. The result is bound to be that anyone who considers that things can't really be nonsense at least suspects that some sort of reasoning like this *might* be valid.

And, of course, if it *is* valid, then we have what Shakespeare has Hamlet say:

To die—to sleep.

2.2.2. The reason people are afraid of immortality

No more: and by a 'sleep' to say we end
 the heartache, and the thousand natural shocks
 that flesh is heir to. 'Tis a consummation
 devoutly to be wished. To die; to sleep—
 to sleep, perchance to dream. Ay, there's the rub;
 for in that sleep of death what dreams may come
 when we have shuffled off this mortal coil
 must give us pause.

Let us for the moment not consider whether this reasoning is valid or not, but examine whether a reasoning process such as this could be where *in fact* the fear of being immoral actually originates in people's minds all over the world. We saw in the previous chapter that it can't come from parental training or society's views. Could it then be the result of the kind of thinking involved in this hypothesis?

Test of the hypothesis against the data

In short, does this hypothesis explain why:

- 1. **everyone** would have a fear attached to immoral conduct? **Yes**, *because* everyone has been thwarted to some extent by "fate" from achieving his goals, and everyone has realized the inconsistency in getting ahead by violating your nature.

It is also the case that *human beings cannot accept contradictions as facts*. This is the fundamental law of all thought: contradictions don't actually occur. Hence, if life is contradictory unless it continues after death, reasonable people would say, "well, then, it must continue."

- 2. people would think morality a **serious** matter? **Yes**, *because* if things are made "fair" after death, then *no* advantage here and now will make you better off for being immoral.

2.2.2. The reason people are afraid of immorality

- 3. people would associate the fear with a **divine** source? **Yes**, *because* if there is a life after death where your *choices* are to have their proper effects, then people would reason that there must be some Being “running” the place, a Being who could know our secret thoughts and reward or punish us accordingly: who could know when we made a mistake or when we deliberately chose to violate our natures.
- 4. the definition of “immoral” would **vary** as it is observed to? **Yes**, *because* the definition depends on what a person thinks “inhuman” means; and we get this idea from our parents and those around us.
- 5. people would think their standards were the “**right**” ones? **Yes**, *because* people who think they have found out the facts about self-contradictory behavior would automatically recognize that this behavior is really part of what is forbidden.

Of course, insofar as they were not sure of the facts, they would tend to let others make up their own minds on the subject. And this is just the behavior we observe.

- 6. the standard is **negative**? **Yes**, if the deals with the limits of our nature and self-contradictory behavior, and leaves us alone as far as what we do within those limits is concerned.
- 7. a culture could **change its standards** in a short time? **Yes**, if it discovers new *facts* about what it means to act in an inhuman way.

The culture’s standards could change if conditions changed making people think that the new conditions allow some act that was inconsistent under the former conditions, or forbid some act that was consistent formerly. This happens in the individual case, for instance, when a person marries. The new conditions permit acts (sexual intercourse) that were before inconsistent, and now forbid acts (dating) that before were consistent. This sort of thing can happen in society also.

But the standards can *also* change if the culture discovers a fact

2.2.2. The reason people are afraid of immorality

that makes it understand that it had *mistakenly* thought of an act as consistent when in fact it was self-contradictory—even with no change of life-conditions.

● 8. we can distinguish **manners from morals**? **Yes**, *because* manners are the acts that people expect for the sake of social harmony and being able to predict other's actions, while morals are not really the acts that society is afraid of so much as they are essentially the acts that the people think are self-contradictory. That is, contrary to the social-pressure theory, the fear is not what *constitutes* the “wrongness” of the act, but is a *consequence* of the recognition that it is wrong, coupled with the reasoning that forms the basis of this hypothesis.

● 9. the culture can recognize that its moral code is **wrong**? **Yes**, *because* the uncovering of new facts can reveal that the culture's view of “inhuman” is incomplete or mistaken.

● 10. the culture can accept **reformers** as good? **Yes**, *because* the reformer can convince the culture that he has the objective facts of the matter.

CONCLUSION: This theory explains all of the originally observed data about the fear people have of being immoral, and also explains all the facts that the other two theories could not explain.

Therefore, it is most reasonable to say that the fear actually comes from the notion that it might actually be true that there is a life after death in which morality is rewarded and immorality is punished.

The other two theories took account of the fact that we seem to fear a hell after death, but tried to explain this away as a kind of superstition, either arising from the emotions based on early training

or the peculiarities of collective experience. We saw that both of these explanations don't work.

What we have discovered here is that the fear is probably not the result of superstition, but of a *plausible reasoning process*, in which life doesn't seem to make sense on any other supposition but that of its continuation beyond death.

This means that our scientific investigation into the grounds for the *experience* of fear of being immoral has revealed that it is the result of a *view of what the facts are* on the part of the people. That is, we have uncovered a *pre-scientific reasoning process* that could actually be valid.

The next step in our investigation into ethics, therefore, should be to consider this reasoning process itself. Is it actually valid? Is there really a continuation of life beyond death, such that those who make immoral choices face a disadvantage that would outweigh any advantage in this life from such a choice, and such that those who make moral choices could somehow fulfill them?

NEW HYPOTHESIS: There is in fact a life after death which (a) makes it always disadvantageous to make an immoral choice, and (b) fulfills moral choices.

But how could we test such a hypothesis? Where would be our data?

Basically, the data come from the results of an investigation of living bodies, particularly focusing on human life. To go into detail in such an investigation is beyond the scope of a book such as this. Those interested in this sort of thing can find it in my book *Living Bodies*.

But since a philosophical investigation of human beings as living does not necessarily draw out the implications for ethics of the con-

2.2.2. The reason people are afraid of immortality

clusions it comes to, I am going to summarize the findings in the next chapter, show how they corroborate the rough-and-ready reasoning that gives people the fear of being immoral, and draw out some refinements dealing with what we can know of what this after-life must be like, based on the data that allow us to conclude that there is on.

In the next chapter, I also want to relate these conclusions to what is taught in Christianity, for two reasons: First, to distinguish Christianity from philosophy, and especially ethics; it has often been misinterpreted as a kind of “extrapolation” from ethics, when in fact it is utterly different from an ethical theory. Secondly, to point up that Christianity, if a fact (and I am not going to try to prove that it is a fact), allows for a “reestablishing” of a life that has been deliberately messed up. Our conclusion from the observable data will be that life can make sense on the level of science and reason, but only if we never make an immoral choice. Once we do so, there is no natural way to restore the damage that has been done and start over.

Since I believe that Christianity is a fact, I would not like to leave the impression that the prospects for anyone who has been immoral (and that’s all of us, isn’t it?) is eternally dismal. There is hope for sinners. But since this is a book of philosophy, not Theology, I am just going to sketch what that hope is, and leave it to the Theologians to go into detail about its nature.

Let me say this, however, before getting into the next chapter:

● **WARNING: DO NOT PREJUDGE THE ISSUE** ●

The fact that we are going to be talking about a life after death does *not* mean that we are entering the realm of religion. The hypothesis is that it is *scientifically* possible to establish that there is a life after death and to say something of its nature.

It is pure prejudice that you are talking “religion” as soon as you mention God or a life after death. Religion *assumes* that there is a God who has told us something, and bases itself on what God has allegedly said. Science bases itself on the observable data we have before us, and may *conclude* that there must be a God or a life after death. For the scientist, whether there is a God, what His nature is, whether there is a life after death, are all *theories* which attempt to account for certain sets of observable data; and these theories are only as good as (a) the factuality of the data they are supposed to be accounting for, (b) how well they account for them, and (c) whether there is an alternative theory that can account for the data as well without using a God or a life after death as the explanation. Scientific theories concluding to such things also are subject to revision if new evidence comes to light, or if flaws are discovered in the reasoning process. Religion is not subject to these restrictions.

● PRACTICAL CONSIDERATION ●

To the extent that a culture relegates belief in a life after death to silly superstition with no basis in fact, or believes in a life after death in which there is no punishment for wrongdoing, to that extent one can predict a moral decline in the culture.

Why is this? Simply because nothing in this life provides a motivating force anywhere near strong enough to make it unreasonable in many cases to avoid immorality. People will admire the right thing, but when it comes to the crunch, do the wrong thing, because it becomes silly to do the right thing and suffer for it.

And have we not seen this in our own culture? Why has cheating become so prevalent? Because people see that they can cheat and get away with it, and if they *don't* cheat, others who do get the better of

2.2.2. The reason people are afraid of immorality

them. If you tell them, “But if you cheat, you’ll go to hell,” they simply smile at you. “How quaint,” they think. Even believers in God nowadays think, “God loves me too much to send me to hell for a little mistake,” not realizing that it was the gentle Jesus who introduced the concept of hell into the Judaeo-Christian consciousness.

Summary of Chapter 2

The **norm** for judging the moral badness of an act is the *concrete humanity* of the person acting. This concrete humanity is the person’s actual reality, containing all of the real characteristics the person has at the time he acts, whether these characteristics are innate or acquired.

An **act** is **morally wrong** if it contradicts any aspect of the person, whether the act fulfills any other aspect or not, and whether the aspect contradicted is known or not. Moral rightness and wrongness do not depend on knowledge or choice, but on the reality of the person acting.

Acts are morally right or wrong insofar as they agree with the reality of the person acting. **Choices** are **moral or immoral** insofar as they depend on the person’s knowledge of the facts about whether his acts are right or wrong.

Acts or persons are considered morally **good or bad** insofar as they agree with our subjectively created ideals of the way we think an act or person “ought” to be. Something is also “good” if it leads to a goal we want, and “bad” if it hinders us from achieving it. **Values** are means toward achieving one’s goal, which is the subjectively created ideal of oneself that one intends shall exist. Moral rightness and wrongness and morality and immorality are not questions of moral values or goodness or badness.

Human nature is human reality as related to its acts; therefore morally wrong behavior is a violation of human nature. But “natural” in this context does not mean “what is not artificial,” nor does it mean “what is not usual.” Further, traditional natural-law ethics tries to derive the moral command from the positive tendencies of the nature, and since these lead to free goals, this cannot actually be done.

But in the negative sense, every moral theory is a “natural law” theory because moral badness always involves a violation of what the theoretician thinks human reality (nature) is.

2.2.2. The reason people are afraid of immorality

The **moral command** has at least three basic formulations: (1) You must never be willing to act in an inhuman way; (2) You must never deliberately try to fulfill any aspect of yourself at the expense of contradicting any other aspect; (3) You must never act in a way that is fundamentally dishonest. That is, you must not be a hypocrite.

The real issue in ethics is whether honesty is the best policy, meaning whether it is to your advantage to act consistently with the way things are.

Since choices set up goals, then immoral choices by their nature set up goals that are in part unrealizable, because in some respect they are self-contradictory. Therefore, immoral choices always involve frustration (having as a goal something that cannot be achieved).

But the fact is that there are ways of being frustrated that do not involve choosing the frustration; and it can occur that the frustration involved in an immoral choice is less than the frustration involved in not making such a choice. In these cases, it is to a person's advantage to be immoral.

But the reason people are afraid to be immoral is that they suspect that life might not end with death, and if it continues, the afterlife might be such as to make it disadvantageous to be immoral.

The reasoning behind this is twofold: (a) we see that our choices are supposed to be what controls our life; but in practice, our lives are really controlled more by circumstances than choice; and (b) the trade-off of a deliberately chosen frustration (immoral conduct) to avoid greater frustration means that the realistic thing to do is act unrealistically, the honest thing to do is act dishonestly, which is absurd.

This fits the data about the fear as actually experienced, including all of the facts that the other two theories could not explain. Therefore, it probably explains why people are afraid to be immoral.

The question then is whether this reasoning is valid, and the hypothesis to be investigated in the rest of the book is that it is: life goes on after death in such a way that immoral choices receive an effect worse than any advantage in being moral, and moral choices are fulfilled.

Exercises and questions for discussion

1. What about the view that holds that what is moral is "the greatest good (i.e. the greatest amount of satisfaction) for the greatest number?" (This is called "utilitarianism.") Can this theory make it consistent to avoid immorality?
2. Does it make sense to study ethics if you can't be immoral unless you know that an act is wrong? Wouldn't it be better not to find out?
3. Suppose somebody does something which is in fact wrong without realizing

2.2.2. The reason people are afraid of immorality

it, and then later finds out that it was wrong. What is the moral status of that person?

4. If you must never fulfill yourself at the expense of some other aspect of yourself, and if frustration means having a goal that can't be achieved, then the moral obligation says you mustn't frustrate any aspect of yourself. But doesn't this mean that it's morally commanded to do all kinds of things that have been regarded as morally wrong (like having sex whenever it's frustrating not to)?

5. If being morally good simply means acting consistently with what you really are, isn't it possible to be morally good without all this business of a life after death and some kind of heaven and hell?

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CHAPTER 3

THE CONSEQUENCES

3.1. Can this theory be scientific? Scientists are apt to laugh at a theory that tries to establish as factual that there is a life after death, especially a life that could serve as some sort of a heaven and a hell; and so we had better consider whether they have any grounds for this, or if it is pure bias on their part.

The reason why this would occur is that the current dogma of science is that science deals only with what is (a) observable and (b) measurable, and that what science does not deal with is not “objectively factual.” Obviously, the life after death is not observable (at least until you get there, in which case it’s too late), and it’s certainly not measurable. Therefore, according to current scientific thinking, it is not worth serious consideration as “factual.”

This dogma of science, however, actually contradicts what science is doing. It is absurd to say that it is not scientifically established that there is such a thing as an “unconscious mind,” which is responsible for some phases of our (observable) behavior. But the unconscious drives and so on are neither observable (or they wouldn’t be unconscious) nor measurable. It is absurd to say that it is not scientifically established that dinosaurs once roamed the earth; but all that has been observed are the bones; no one has ever observed an actual animal like a dinosaur, let alone measured one. Furthermore, *mea-*

surement of the dinosaurs' bones is really not relevant; these bones are so obviously unlike those of any known animal that, even without measurement, they establish the fact that animals different from any present kind once existed. Measurement can come in when attempts are made to describe what those animals must have been like.

But the point is that, though the *data science starts from* is always observable, the *conclusions science reaches* do not always deal with what is observable—even observable in principle, as Heisenberg's "uncertainty" principle in physics establishes.

Scientific conclusions, when dealing with what is not observable, are based on the fact that if this unobservable entity or property does not exist, the original data are contradicted.

Thus, the scientist says that there *has* to be something unconscious that accounts for certain uncontrolled behaviors, or these behaviors contradict themselves. There *have* to have been dinosaurs, or these bones couldn't exist; and the dinosaurs *have* to have had certain characteristics (such as being carnivorous or herbivorous) or their teeth would have been different, and so on.

But then it follows that if it can be established that human life contradicts itself unless life goes on after death, it is a scientifically valid conclusion that life in fact goes on after death.

Thus, the scientific attitude toward life after death (that it is just a superstition) is scientifically groundless, given evidence that our life on earth (which is observable) is a contradiction unless life goes on after death.

3.1. Can this theory be scientific?

This is not to say that we have in fact presented such evidence by the reasoning given in the preceding chapter. But it is at least scientifically suggestive; and so scientists should be sitting up and taking notice, not simply dismissing it.

3.2. Evidence dealing with life after death As I said at the end of the last chapter, however, a detailed discussion of the evidence dealing with this question is beyond the scope of this book, and belongs in the area of Philosophy of Human Nature (sometimes called “Philosophical Psychology,” “Philosophical Anthropology” or “Philosophy of Man.”). Let me here merely make a summary of the evidence.

- **A. Human consciousness**, as aware of itself (and so containing itself within itself) is an act that “does itself” twice without being more than one single act. Such an act cannot be a form of energy, because energy, having a quantity, is limited to being only a certain *amount* of activity, and therefore cannot double itself. An act that is not energy is called a “spiritual act.”

But if consciousness is spiritual and not energy, then it does not depend on the body and its energy, and can be active without a body. Therefore, human consciousness can continue existing beyond death.

Furthermore, consciousness, as a spiritual act, cannot deteriorate or in fact change in any way, except as the spiritual “dimension” of a body which is organized in a basically spiritual way (as the human body is). Hence, after death, there can be no further dying or going out of existence.

This indicates that there can be a conscious life after death, and that this life is an eternal life.

3.2. Evidence dealing with life after death

But it is at least conceivable that, since the spiritual “dimension” of the human being is a dimension of a bodily being, this might go out of existence at death even though it could survive on its own.

- B. Nevertheless, a study of **life** and living bodies shows that all the acts of the body as living tend toward *continued existence* of the being or (as in reproduction) of the form of life. A study of these bodies confirms also that as you go up the scale of living things, there is less and less dependence on the quantitative dimension of the being’s reality.

Thus, if human consciousness ceased with death, this ceasing would be *directly contrary* to the thrust of all acts of life; it would contradict the act as a *living* act. Therefore, it would be self-contradictory for conscious life to cease with death.

This indicates that human conscious does in fact continue after death.

- C. Human life, unlike all lower forms of life, has no genetically determined “mature state.” The only thing that the genes determine is a *range* of possible “states of life.” The person himself must pick from this range (by choosing) the state of life that is “his.” Thus, it is human **choice** which specifies which life a human being is going to live, and not something built into the human from the beginning.

But if choice determines the life, it is contradictory for the choice not to be able to achieve its goals; because then the determiner of life cannot determine life.

But if life ends with death, then (a) those goals not achieved before death are necessarily unfulfilled; and (b) those achieved before death must be given up, which contradicts the fact that once a person achieves success in any area of life, he immediately has the goal of staying that way.

This indicates that life must continue after death in such a way that choices can be fulfilled, or the essence of the human as self-determining is contradicted.

This is actually the structural foundation of the first of the arguments that formed the hypothesis in the preceding chapter; it is corroborated by all the evidence that we have to try to control our lives, and in the last analysis it is “luck” and circumstances that have the real control—unless life goes on after death.

Since the goals are conceived in consciousness, it is at least possible that a conscious life after death could be such that the goals could be achieved.

● D. Finally, there is the **moral** argument, which formed the second prong of the rough-and-ready argument stated in the preceding chapter.

If life ends with death, then deliberate seeking of frustration is often more fulfilling than trying to avoid deliberate frustration and being frustrated by circumstances.

Since most people are the oppressed rather than the oppressors, what this means is that most people will have no chance to live any meaningful kind of human life, because they will be prevented from doing so by the greed and malice of those who have power over their lives. This makes it a mockery to try to live consistently with human nature.

But if consciousness survives death, and if immoral choices mean setting up as goals “goals” that are known to be impossible (because self-contradictory), then this might imply that the frustration in immorality (striving for an impossible goal) continues eternally; while the temporary frustration in this life (because not deliberately chosen) would cease, since it is not contained in the conscious act.

This would make sense of morality, and be consistent with the

3.2. Evidence dealing with life after death

other evidence.

CONCLUSION: Conscious life must continue after death, and is such as to make it possible to fulfill choices and be to one's advantage to be moral.

3.3. Nature of the life after death Is there more, based on evidence that we have available to us here, that we can say about what this life after death must be like? It turns out that there is.

First of all, since our consciousness now depends on our brain to select which act we are to be conscious of (it is a kind of spiritual “dimension” of the nerve-energy in the brain), then on the assumption that consciousness continues after death, it continues without a brain to select among the various acts of consciousness we could be having.

Therefore, consciousness after death must consist of every act of consciousness we have ever had during our life as a body, including all our choices with their consciously-set goals—all “rolled up” into one single, extremely complex act of consciousness.

Essentially, what our brain allows us to do now is to *forget* or put *out* of consciousness things that we don't happen to find useful to think about at the moment. But this means that consciousness without a brain would have to be an all-or-nothing thing: either no consciousness at all, or no possibility of being *unconscious* of anything. Since we have concluded that consciousness survives death, the second alternative must be true.

FIRST MORAL IMPLICATION: All of the immoral choices made during life will be eternally present to the person, along with the knowledge that their goals are impossible to obtain; and hence, the frustration implied in immoral choices will be eternal.

Thus, the moral command *is* the most serious obligation we have, if this is true. Any frustration we would have as a result of being moral would be something that happens in our physical life, not our consciousness, and would be temporary, ceasing with death.

But any frustration deliberately sought (by an immoral choice) is *ipso facto* an eternal frustration if every act of consciousness is part of our eternal consciousness.

Since even a small frustration which never ends is greater on balance than the most horrible frustration which ends, it follows that *it is always to a person's objective advantage to make only moral choices*. Honesty *is* the best policy, after all—not in this life, but taking this life and the eternal one after it into account.

NOTE that it is *according to the person's own standards* that he will be frustrated, because he himself set the goals that he wants but knows he must try for without being able to achieve.

So even though standards are subjective, the punishment of not being able to achieve your goals makes it always to your disadvantage to be immoral.

Hence, we need not assume that there is an angry god who is going to slap us around for doing what he doesn't like. (Which is fortunate, since it can be proved that that kind of a god doesn't exist.) All this theory states is that if you want to choose your own

3.3. Nature of the life after death

frustration, then, since your consciousness doesn't stop, you choose eternal frustration.

SECOND MORAL IMPLICATION: Moral choices made during this life will find their fulfillment somehow after death.

The reason for this is that if it doesn't occur, then the totally moral person (one who made only moral choices during life) would not have fulfilled all his goals before he died (as we saw in Argument C above). But if consciousness goes on after death, the consciousness of having unfulfilled goals would also go on after death; and since no change is possible once death occurs, this consciousness of having unfulfilled goals would be eternal. But that means that the moral person would be frustrated eternally also. The essential state of the moral person and the immoral person would be the same.

Actually, this would put the moral person in a *worse* position than the immoral one, because the immoral person chose his frustration because—in this life at least—on balance he was better off, while the moral person made his moral choices in spite of disadvantages in this life—in the hope that he would be better off after death.

Hence, if moral goals are not fulfilled after death, then it is objectively advantageous for a human being to act inhumanly, or to seek his own disadvantage, and so on, and moral and rational activity is contradicted, as we saw in Argument D above.

It also follows that it is impossible to achieve goals (whether moral or immoral), and so Argument C is also contradicted.

Hence, if a moral person cannot achieve his goals after death, this knocks the props out from the best evidence that there *is* a life after death in the first place; not to mention that human life as such makes no sense.

3.3. Nature of the life after death

CONCLUSION: after you die, you will eternally be and be conscious of yourself as, everything you have chosen to be; no more than that, but no less either—unless you have chosen to be something impossible, in which case you will be eternally frustrated in that aspect of yourself.

Note that this second clause, the eternal frustration, means also that you will eternally be what you have chosen to be, because, knowing that the goal was impossible, you chose to have it as a goal anyhow; and therefore *what you chose to be was frustrated*.

And this makes sense out of life. What more could we ask than to be just what we ask to be? You can be whatever you want (so long as it is in principle possible for you); and you will eternally be just this: you will not be forced to be any greater, and you will not be compelled to be any less.

3.3.1. Relation of this theory to others

This is not a book whose purpose is to go through the history of philosophy and give and critique all views of ethics; it is supposed to be building a view based on the best objective evidence available.

Still, I should mention where my view stands in relation to the major theories of ethics. We have already seen that I think that the **emotivist** theory of ethics is false: that is, that what is morally right is a matter of your “deep-set feelings” about things. The problem with this view is twofold: (a) we can feel fine about doing something we *know* is inconsistent with ourselves (and vice versa); and (b) in the last analysis, it doesn’t matter how you feel about something; what’s wrong is still wrong—so it can be tremendously to your advantage to get your satisfaction by stepping all over other people’s rights.

Secondly, **deontological** theories of ethics stress that there is a *command* to avoid what is wrong; but the most famous of them

3.3.1. Relation of this theory to others

(Immanuel Kant's) doesn't tie this "categorical obligation" to any reward or punishment. But then *in practice* all this means is that if you choose what is wrong, you're being immoral. Big deal. If that's all that happens to you, and what you gain by it is fame and fortune, why bother?

Thirdly, **consequentialist** theories define what is right and wrong in terms of the results. For instance, Utilitarianism says that what is "good" (i.e. morally right) is what "brings about the greatest happiness of the greatest number." But (a) this implies that if you violate someone's rights (and so act inconsistently), you might be bringing about fifty people's happiness—and so this theory makes "the end justifies the means" into a recipe for doing *good*, of all things. Also (b) why should *I* care about "the greatest number's" happiness if I have to suffer for it?—unless there's something in it to motivate *me* to do what I have to do. So this view not only gives a silly definition of what's right and wrong, it provides no practical motivation for doing what even it calls the right thing.

The point is that, as the "deontological" theories stress, there has to be a command that makes you do what is consistent with what you are; but at the same time, there have to be consequences making it always to your disadvantage to act in any other way. Without **both** of these, all the discussions of morals are a waste of time; and I submit that the "natural-law" theory as I have outlined it, coupled with an afterlife of reward and punishment, is the **only** theory that can make sense out of why it is necessary always to avoid what is morally wrong.

3.3.2. Happiness and enjoyment Things are not quite as rosy as they might seem, however. There are several "hidden variables" in this equation that we must take into account. First of all:

3.3.2. Happiness and enjoyment

The condition of our afterlife does not depend on what we would like to be, but on what we choose to be.

Thus, if a person enjoys, say, fixing automobiles, and instead of becoming a mechanic chooses to go to college and get a degree and become a business manager, *he has rejected as his goal in life the thing that he enjoys doing*. Therefore, he will not, in his life after death, be “fulfilled” in the auto-fixing aspect of his life, because he had the chance to choose this as a goal and explicitly chose not to do it but to do something else. He will eternally be the manager he has *chosen* to be and not the mechanic he would *like* to be.

- **DEFINITION:** *Success* is doing all the things you have chosen to do.
- **DEFINITION:** *Happiness* is the knowledge that you have achieved success.
- **DEFINITION:** *Enjoyment* is doing something that is emotionally satisfying.

The relation between happiness and enjoyment is this: In the first place, *enjoyment* deals with the fact that because of our body’s particular genetic structure (as, some people are muscular, others not), our early training, and habits we have acquired, certain acts are easy to us and pleasant, and others difficult and unpleasant.

Our body, in other words, has an *inclination* to certain types of activity rather than others; and performing these acts results in emotional satisfaction.

These acts to which we are inclined by our bodily structure and habits, however, may not even be acts that we can *morally* choose. It does not follow that if an act “fulfills” some *one* aspect of yourself that it does not *contradict* some other one; and **if it does so, then**

3.3.2. Happiness and enjoyment

to choose to enjoy yourself in this way is to make an immoral choice, and therefore to be eternally frustrated.

Obviously, in this case, to choose to enjoy yourself brings the very opposite of happiness, because it sets up as a goal in life something you know you can't really achieve.

And since we are free, we do not *have* to choose to perform these acts. If we choose not to perform them, then they are not part of our goal in life—and therefore, the enjoyment implied in doing them is not part of our goal in life. We may *like* doing what is enjoyable, but if we choose not to do it, we do not *want* to do it.

Essentially, when you choose to do something other than what is enjoyable, what you are doing is saying that, taking all the effects of your acts into account, the sum total of the effects is “more yourself” in doing the non-enjoyable set of acts than in doing the enjoyable one. Thus, the person who chooses to be the business manager rather than the mechanic considers that he would rather have the higher status and salary that he thinks will result from the business career than the enjoyment in fixing cars.

And this is precisely what human freedom implies. We are not bound to choose what is more enjoyable; we can choose anything at all as a goal; and if that goal is in principle fulfillable (i.e. not self-contradictory), then that goal becomes part of our happiness when we achieve it, whether or not it is part of what our “built-in” inclinations headed us towards.

But this means that if we enjoy some activity, we had better choose it as a goal here in this life, because it will not occur after death unless we do so.

Now of course, this does not mean that the act has to be one of the main goals in your life; you can choose it as a hobby or avoca-

tion. Our businessman, for instance, can tinker with cars in his spare time, and so being a mechanic is *part* of his life, if not (now) the major part. The point is that if he *rejects* this as part of his life here on earth, he cannot expect to find it waiting for him after he dies.

3.3.3. No forgiveness The second hidden implication in this theory of morality and its relation to the life after death is rather horrible to contemplate. This theory makes sense out of life, because we get just exactly what we ask for, including frustration, if that is what we choose.

But once you have chosen a self-frustrating goal, there is no way you can remove the choice and its consequent frustration; it is from then on part of your eternal consciousness.

Well, suppose you realize what you have done afterwards, and then repent. What does that do?

First of all, notice that “realizing what you have done” does not mean that you *made a mistake* when you made the immoral choice; it simply means that you didn’t (a) *experience* the effects that you foresaw, and/or (b) foresee *all* of the consequences of the act you chose to do.

But you can’t be *immoral* in your choice if you don’t realize that there’s *something* self-contradictory about it. If the choice was the result of a total mistake (so that you didn’t suspect that there was anything wrong with it), then you didn’t in fact set up self-contradictory *goals* for yourself, and so there is no frustration in your *consciousness* which would carry over to the next life. Hence, an immoral choice is *always* a *deliberate* attempt to frustrate yourself at least to some extent.

3.3.3. No forgiveness

With that said, then, all that *repentance* does is set up *as a goal* not *having made the choice which you actually made*. But this does *not erase* the previous choice; it merely *adds* the choice “I choose not to have done this.” But that choice, of course, is itself self-contradictory, because you *did* do it. As Lady Macbeth said, “What’s done cannot be undone.”

Hence, the person who repents of an immoral choice is actually doubly at cross-purposes with himself: he has the self-frustrating purpose implied in the immoral choice, and he has as a purpose not to have this purpose which he has. Repentance does you no good.

But this does not mean that, once you have been immoral, it makes sense to say, “Well, as long as I’m damned anyway, I might as well enjoy myself,” and to continue to make more immoral choices.

The reason for this is that there are *degrees of frustration*, depending on *how important* the goals are in your life. One immoral choice in your whole life sets up an unfulfillable goal as a goal in your life; but if this is the only one you have, then it probably doesn’t figure very heavily in your definition of your “true self,” and so wouldn’t bring much frustration along with it.

But if you choose this goal again and again, or choose many self-contradictory goals, then these goals become increasingly important to you, your definition of “the true self” turns more and more around these acts (and consequently depends on the impossible “fulfillment” of these goals); and therefore more and more of you remains unfulfilled (because unfulfillable) eternally.

3.3.4. The afterlife and God There are those who would react to this in this way: “But God loves us too much to leave us frustrated forever, especially if we repent of what we have done. He’ll forgive us for offending him.”

Unfortunately, this conclusion simply doesn’t follow either from the evidence dealing with morality or the evidence dealing with what

God is.

The evidence that there is a God at all (which I am not going to go into but which you can find, for example, in my *The Finite and the Infinite*.) indicates that God is totally incapable of being affected by anything that happens in the world; so our immoral choices do not “bother” him in any way; and so for him there is nothing to forgive.

God’s “love” for us consists, not in some “affection” for us, which is “saddened” if we ruin ourselves, but in the fact that when he does something for us, *he* gets nothing personal out of it. Fundamentally, God’s love for a free creature means *an infinite respect for that creature’s reality*. If, then, the creature deliberately chooses to mess up his life, then it would be *contrary* to God’s love to save him from the consequences of his choice—because it would be to *take control over his life from the creature*.

But this would again contradict Argument C above, because ultimate control over our lives would then only *apparently* be in our hands, but would actually be due to God, or “luck.” A person who didn’t *want* to be happy would then be *forced* to be happy in spite of himself because of “God’s love.” Furthermore, if God’s “love” is such that the immoral person is actually going to be made happy eventually, then again it makes sense to be immoral and be forgiven than to be moral and suffer—which contradicts Argument D, and therefore contradicts the evidence that there is an afterlife at all.

Granted, the immoral choice, as an attempt to be “independent” of God (and be one’s own creator totally, as if one had no limits), is objectively an “offense” against God (who set the limits), and as an “offense” against the Infinite, can be called an “infinite offense,” this still does not mean that God is *offended*, let alone infinitely, by our silliness. So the “offense” in this sense does not need to “satisfy” the offended party, because he isn’t offended (in the psychological sense).

3.3.4. The afterlife and God

In any case, the statement, “God loves me too much to let me be frustrated eternally” contradicts the evidence for saying that there is a God at all, as well as the evidence for saying that there is a life after death.

Remember, eternal frustration for immorality doesn’t mean that you have made God angry, and he’s going to get even by punishing you. All it means is that if you want to frustrate yourself, you get what you want. Your choices don’t bother God; and if that’s what you want, why should he do anything about it?

So a belief in a God is no way out of the mess you get into by making an immoral choice. And if you believe in a God that will save you in spite of yourself, then you believe in a God that doesn’t exist, because that kind of God can’t exist.

3.3.4.1. Theological note on salvation This is as far as philosophy goes. It turns out, however, that the actual truth goes beyond this in an important way; and I would not like to leave readers with a false impression, simply because in a book on philosophy one has to stop at what can be proved based on observable data.

Hence, in this section, I am going to be talking about what I believe is true and factual; but the evidence is not the data about life, but the Bible (specifically, the New Testament) and Christian tradition. There is evidence for saying that the New Testament is reporting facts; but I am not going to go into that. Suffice it that what I will be saying here is outside the realm of philosophy or science, but that this does not mean that (a) it is unreasonable, or (b) that there is *no* evidence in its favor.

There *is* scientific, philosophical evidence that our nature is “fallen”; as embodied spirits, (a) we ought not to have to die, because our spirit is by nature one that organizes a body, and if it is deathless, so should our body be—which makes a purely conscious eternal life

a paradox, since for practical purposes the whole of our lives is spent being only part of ourselves. Further (b) as embodied spirits, our consciousness ought to be in complete control over itself; but our emotions can sometimes take over control of our actions in spite of our choices—in which case our own mind in its emotional dimension is at war with itself in its reasonable dimension, which is absurd, since it is the same mind.

How we got this way, philosophy cannot say; but the Adam legend sheds light on the subject. I am not going to pursue this here, however. The fact is that we *are* this way; and what is important for my purpose here is that this means that *when we make a choice, our whole personality is not wrapped up in that choice*, because (a) we do not necessarily have all the information dealing with that choice available to us (we can forget relevant facts), and (b) the conflict with our emotions makes the choice to be immoral less “totally ours” than if every aspect of our mind was completely dominated by the choice.

Furthermore, *since our lives are now spread out in time, with only one small aspect actualized at any moment*, it is therefore *possible, while we live as bodies, for a choice to be erased without destroying the whole person*. For a pure spirit, like an angel, an immoral choice can’t be erased without annihilating the whole angel, because the choice isn’t a “part” of him, but a dimension that permeates and “colors” the whole—just as you can’t “remove” the mass of a body without annihilating the whole body, so with a pure spirit, any “act” of consciousness is not part of a system of acts, but simply a way of looking at the act as a whole.

But this is not how it is with our consciousness, since it spreads itself out in time, and especially since it is in conflict with itself. It is not (in this life) totally present to itself. Hence, there is no contradiction in (a) our repenting of a choice we have previously made, or (b) in that choice’s being erased while leaving us in some sense the same person.

3.3.4.1. Theological note on salvation

There are three *difficulties* with this, however. First of all, as I mentioned, repentance of itself cannot erase the previous choice, but only adds the choice not to have done what we have done. In fact, since the only thing we can do by ourselves is *forget* (which does not mean erase, but simply file out of the conscious area temporarily), then there is nothing at all we can do to erase an immoral choice we repent of. *Hence, if any erasing of our choices is done, this must be by a miraculous intervention of God.*

Secondly, there is no *reason* why God would do a thing like this. When we made the original choice, we knew what we were doing, and the repentance afterward does not change that. So to leave a person with a repented immoral choice is not unjust, unfair, unmerciful, or unloving of God.

Nevertheless, since the original choice was not something we were totally committed to, then there is *no reason why God would not* erase such a choice if we repented of it. It is not that *he* cares, one way or the other; and so there is no reason why he should do one rather than the other. But this means that a loving God *might* indeed do the act of erasing our sins for us.

But, thirdly, it is still true that *each choice forms a dimension of our eternal lives*, and that we create our personality bit by bit by the choices we make through time. Hence *if a previous choice is erased, this means that in a real sense we will be from that moment a different person.*

That is, a person who wants to give up a previous choice he made can't simply give it up the way he can take off a coat he is wearing. That choice has infected his whole being; *everything* about him is different (in some way) because of it; and hence if it is removed *everything* about him is *going to be different* in some unknown way.

Therefore, a person who repents and wants his sin erased must be willing to reject himself, to give up the person he is and become someone else. Who? Not just "the same one without the sin." In

fact, the person whose sin is erased *is given, in addition to the newly-formed personality, the life and thought of God himself; he becomes YHWH, or the man who is YHWH embodied, Jesus.*

It is impossible to be saved and to remain the same person. He who wishes to be saved must be willing to give up his self and become a new creation—to live the life Jesus lives in addition to a transformed life of his own.

That’s just the way things are. God could have arranged things differently, so that we would simply live a transformed human life after the erasure of our sins. But he chose to lift us in addition totally beyond the finite and to make us live his own life—which is something totally beyond human desires or goals (in fact, to choose to be God would be immoral for a human being, as contradicting his finiteness; this divine life must be a gift, not a goal).

If you don’t want to accept this condition upon salvation, that’s fine with God. It’s there if you want it. He became man and died the horrible death he died, not to show us how horrible to him our sins are, but to show us graphically that he didn’t care about himself and to prove that the fantastic gift is real. That is, *he* gave himself up to death as an example that we *can*, if aided by him (if we take up our cross and follow him) die to ourselves; that his love extends far beyond what is “necessary” or “merely sufficient,” and that by giving his life *for* us it is reasonable to believe that he gives his life *to* us; that failure does not matter, because after death there is resurrection; that the body we lose will not, in fact (as philosophy would seem to imply) be lost forever, but by a miracle will be restored glorious—and to show a thousand other things that make life not only make sense once again for the sinner but make it beautiful beyond our wildest dreams. “No eye has seen, nor has ear heard, nor has it entered the

3.3.4.1. Theological note on salvation

mind of man to conceive what is in store for us.”

All this is true, if in fact Jesus came back to life after he died. This is what his Emissaries, who were there, swore happened. If it didn't, then the whole thing is a noble, beautiful, wonderful fairy-tale, and a dream, and philosophy is the whole truth, and there is an afterlife, and we are eternally cursed with our sins.

3.4. The meaning of life But with that said, let us return to philosophy and what it can tell us about our lives. Given the conclusions we have reached, what does the nature of the afterlife tell us about what life (this life plus the one afterwards) is all about?

Since we are self-determining, our life in itself does not have purpose or meaning; we *give* it its meaning and purpose by our choices.

What this amounts to is that it is impossible to *discover* what your life is “all about” or “really means,” because the constitution of the human person is such that he *has no* built-in purpose, but gives his own life directions toward goals of his own choosing.

And there is nothing about us that means that we *have* to select this goal rather than that one. The moral obligation simply says “Do not try to select self-contradictory goals”; but a self-contradictory goal is not a real goal, simply because it is the opposite of itself. So there is nothing in morality that says one real goal is to be chosen rather than another; what you want to make of yourself is up to you, and is not imposed on you by (a) your nature or (b) God.

So to ask God, “What is your plan for me?” as if you could find out from him what your particular goal in life was (what he wanted you to be) contradicts the fact that he created you self-determining. His plan for you is the life you choose for yourself; there is nothing

he “wants” you to be other than exactly what *you* choose to be. Even if you choose to be eternally frustrated, that is his plan for you: because he created you to be the master of your own eternal destiny. *You* make God’s plan for you; it is not the other way round.

Many people would actually like things not to be this way; they would like to be like animals, which are not self-determining, and whose mature state is built-in from the beginning. Animals are not responsible for what they become; they can’t help themselves. But we are, and we can. What we *can’t* do, if this theory of life is correct, is *avoid* “helping ourselves,” and being *totally* responsible for the eternal selves we will be.

What you will be for eternity depends solely on your free choices; you cannot “blame” the environment, luck, God, fate, parents or anything else, because even though these things affect the life before death, they do not force us to choose.

Thus, the eternal future state you will be in is the sum of the goals you have chosen. And this is the whole meaning and purpose of your life. It has no other.

3.4.1. God as the “real” goal of life? There are many Christian philosophers who have tried to amalgamate their Christian belief into their philosophical systems, and have called God the “ultimate goal” of any human being’s life, and so the standard of and objective kind of moral “goodness.”

The reasoning goes this way: The human will desires the possession of the good; but since it desires this in the abstract, it cannot be satisfied with the possession of any finite good; but possessing an infinite good could satisfy it, and therefore, the will desires the pos-

3.4.1. God as the “real” goal of life?

session of God, and hence God is objectively the goal of our choices or our “final end and good.”

There are several difficulties with this. First, it assumes that, if I *could* “want to possess” more, then I *will*, and won’t be satisfied with the way I am. But this is not so. The goal is simply an imagined “self” that we set up as something to try to reach; and if it *could* be greater, this does not imply that we *want* it to be greater. You *could* enjoy listening to Beethoven’s symphonies rather than Jethro Tull or Madonna; and this is an objectively higher (because more complex) type of musical experience. But it doesn’t follow that you “secretly want to.” Beethoven isn’t *better* music than the Beatles, objectively; his music is *more complex, more varied, more intricate*, etc., but it is “better” only for the person who considers listening to complex music the ideal, rather than in being easily entertained by interesting sounds.

Secondly, for the “possession of God” to be a goal which would satisfy all *possible* “desire,” I would have to want to possess God *infinitely*, because to possess him as I now do, knowing little about him and caring not that much for him is hardly the ultimate in “satisfaction.” But this makes *being God* a goal for a creature—which, as I said earlier, is immoral, because it contradicts the finiteness of one’s nature.

Hence, the possession of God is not the goal of our lives; our lives only have the goals *we set* for them; and the sum of these goals is *the only purpose we have*, and this is what *being good* is for us. But this varies from person to person.

Well, what of the purpose God had in creating us? Isn’t that God? The *reason* God created us was himself, in that he recognized that his power was such as to be able to do this, and he had no need of us. But all that means is that he created us because he could; not because he “wanted” something from us. But we fulfill that “purpose” simply by existing, not by having him somehow as a goal *toward which* we

3.4.1. God as the “real” goal of life?

are supposed to work.

Therefore, we give our life its purpose, which means we create the ideal which is to be our “true self,” and this ideal will be eternally realized, as long as it does not involve any contradictions; and hence the life after death will be the “good life” for each of us; but in each case, the “good life” will be different.

It is now our task to look into our choices more closely, to see their relation to the actual facts, the facts we know, our emotions, and the various aspects of ourselves.

Summary of Chapter 3

Even though this theory concludes to a life after death, it can be scientific, because scientific theories, starting from what is observable, often conclude to what is unobservable, if this is the only way to save the observable data from contradicting itself.

The *evidence* that life continues after death is (a) that human consciousness doubles itself in one single act, which means that it is spiritual, not energy, and therefore can exist without a body; if it does so, it does so unchangingly, immortally, and eternally; (b) as an act of life, it partakes in the nature of life, which is to continue indefinitely, and so would not cease at the death of the body if it could go on; (c) if consciousness ended with death, this would mean that human goals could not be reached, which contradicts the fact that humans by nature cannot avoid determining themselves by setting goals, since human life has no built-in goal; and (d) if consciousness stopped at death, it would be reasonable to act immorally, which, as setting unrealistic goals, is the unreasonable thing to do—which is absurd.

Since forgetting depends on keeping energy out of certain areas of the brain, then the conscious life after death cannot forget, and so is the sum total of all experiences we have ever had, including all our choices, present together eternally and unchangingly.

Therefore, any immoral choice, which intends to achieve a goal which cannot be achieved, necessarily involves eternal frustration, which, even if small, is always greater than any advantage which ends with death; thus it is worth it to be moral, even if one suffers for it in this life.

Moral choices have possible goals; and since the moral person with

3.4.1. God as the “real” goal of life?

eternally unfulfilled goals would be worse off than an immoral person, it follows that all goals will be eternally fulfilled after death (except the immoral—self-contradictory—ones). This makes it worth while to be moral.

So this theory is not an “emotivist” theory, since we saw that how you feel about things has no relation to whether your act is right or wrong. It is not just a “deontological” theory (stressing the command), since those theories don’t give any practical advantage in doing what is commanded; and it is not just a “consequentialist” theory, since what is right or wrong is not defined by the consequences of the act, and it is only the consequences in the life after death that make it advantageous to do what is right.

Success is the fulfillment of goals; **happiness** is the knowledge that one has fulfilled goals. **Frustration** consists in not being able to achieve your goals. The afterlife is a happy one for the moral person. **Enjoyment** is doing what is emotionally satisfying; and the moral person will only enjoy his eternity if he chooses as a goal something he finds enjoyable. If what he finds enjoyable involves a self-contradiction of some other aspect of himself, this will be eternally frustrating.

Once an immoral choice has been made, there is no way a person can erase it. Repentance merely sets as a goal the self-contradiction of intending not to have made a choice which one has made, but does not erase the previous choice. Thus, any immoral choice inescapably results in eternal frustration; to make more immoral choices merely means that the frustration will be worse eternally. Since God is not really offended by the immorality, then God cannot “forgive” the insult to him.

(God can erase an immoral choice, however; and Christianity believes that he does do this if the person repents and is willing to give up his reality and become Jesus in love. But this erasure of immoral choices is miraculous, and there is no scientific evidence that it happens.)

Our self-determination means that we create by our choices the meaning and purpose of our life; in itself it has no purpose. There is nothing we can blame but ourselves for our eternal life, because our choices are under our control.

The possession of God cannot be the “real” goal of life, because it is possible to be unsatisfied when possessing God unless one possesses God infinitely, which means being God—and to have this as a goal is immoral for a creature. In fact, our purpose is the set of finite goals that we have chosen during life, and this defines what the “true self” is to be.

3.4.1. God as the “real” goal of life?

Exercises and questions for discussion

1. But the fact that God is really forgiving vitiates the whole argument, doesn't it? Because it means that if you deliberately do what is wrong, you can repent and everything will be OK. So the immoral person wins again.

2. It doesn't seem fair that a person who, to be moral, has given up much of what he'd enjoy doing, can't be doing those things after he dies. Isn't he worse off than the immoral person, who after all did do them for a while?

3. If there is no forgiveness for any immoral choice, isn't that cruel on the part of God, given how weak we are?

4. If there is no built-in purpose or meaning to our lives, does this imply that the life after death is a meaningless, purposeless life?

5. Suppose a person gets murdered, and as he dies he makes a purpose of his life letting people know he's been murdered. Could this allow for the possibility of ghosts?

6. If one of your goals in life is actually doing some good on earth after you die, does this mean that dead people can really change the world?

3.4.1. God as the "real" goal of life?

CHAPTER 4

FREEDOM AND RESPONSIBILITY

4.1. The choice as free The theory that morality makes sense because life goes on after death seems to hang together, so far at least. It supposes, of course, that there is a difference between our acts and their consequences here on earth and our choices and their eternality. It also supposes that these choices are always under our control; because if they aren't, then (a) self-determination and eternally being what you chose to be is nonsense, because you had no control over the choice; and (b) eternal frustration for immoral choices over which you had no control would be self-contradictory and unjust. In other words, if our choices are not free (whatever may be said about our acts), then life is once again nonsense; the whole theory collapses, and so does any attempt to make sense out of life and morality.

This in itself constitutes a proof that our choices are free—at least in the sense that they are under our control. There is, however, other evidence that leads to the same conclusion; but this evidence, like that for immortality, is the proper subject of the Philosophy of Human Nature, and so will not be treated here (once again I refer you to *Living Bodies* for a more extended discussion).

Let me just sketch the evidence for those who simply want to see an overview of what it is.

- (A) The choice, which is conscious of itself, is a spiritual act, containing the whole of itself within itself (e.g. whenever you choose, the choice includes the choice to choose now—and not postpone it—the choice chooses itself). Such an act, as directly within itself, cannot be deceived about itself (because there is nothing “between” it and itself to fool it); and since it recognizes itself as in control, then this must be true.
- (B) If the choice were not free, then our idea that we could have chosen differently must be a delusion based on ignorance of what is making us choose. If this were the case, then those who have unconscious things directing them would have to feel freer than those who know what is influencing them. But neurotics do not know what is making them do things, and yet feel *unfree*.
- (c) People feel unfree in the situation in which they *choose* to do something and then find that they can’t carry out the choice. But if the choice is forced, then what forces the choice would also force the act; it would be contradictory for the act to be forced in the opposite direction.

Hence, the evidence confirms what we need for our theory: that our choices are free, even when our acts aren’t.

4.1.1. Characteristics of free choice

Obviously, we are not free in every sense of the term. I just got through saying that our *acts* are not always under our control. Also, when someone threatens us, even though we *can* choose to do what he threatens us not to do, we aren’t *as* free as we were. So let me list the characteristics of the kind of “freedom” that is relevant to our present discussion:

- **1. Our choices are *always under our control*.**

That is, it is always *possible* to choose *any* of the *known* alternatives (and always possible to choose not to choose now), whether those

4.1.1. Characteristics of free choice

alternatives are reasonable or realistic or not.

- **2. Nothing unconscious can directly affect a choice. Our choices can be *influenced*, but *only* by *facts we know* at the time we make the choice.**

The first part of this point says that options we are not consciously aware of cannot be chosen. If you don't realize (at the time you make the choice) that you can, say, leave the room, you can't at that time choose to leave the room. Further, you can't use as a motive (a "reason") for your choice some information you have forgotten at the time you make it. If you decide to buy a car and you choose to buy a less expensive one because you don't think you have the money for the down payment—and the next day your tax refund comes—the fact that the information about it was "filed" in your unconscious didn't affect the choice.

And this brings us to the second part. These facts are the *reasons* for which we make the choice, or its *motives*. We do *not* choose based on emotions we have, *except insofar as the fact that we have the emotion figures as a reason for choosing*.

Be very clear on this. When we choose to do something because we like it or it feels good, it isn't the feeling that influences the choice, but our *knowledge* of the *fact* that the act we choose will make us feel good. Similarly, if we choose to avoid some act because we are afraid, it is not the fear itself but the fact that we have the fear that is what influences the choice.

This is a very subtle little distinction, but very important.

- **3. The choice has *control* over *how much* each known fact is going to influence it.**

That is, we choose not only the act we perform, but *we choose the reasons for which we perform it, and we choose how important those*

reasons are for the choice.

We are *not* at the mercy of the “objective weight” of the motivations for the choice; we *make* the weight and importance of these motivators by *choosing* which is to be important, which is to be insignificant, and which is not to figure at all in the choice.

So, for instance, when you are wondering whether to buy an expensive suit or a stereo system instead, you weigh the fact that the suit will let you “dress for success” for your job interviews, that it will make you look nice, that it will be the envy of others, etc., against the fact that the stereo will allow you to hear Starship without distortion (?), that you can invite others to your house without shame for parties, etc. You then put these facts in an order of importance which *depends on you*, not on some “objective goodness.” (This is where the subjectivity of goodness comes in.) You may recognize that objectively, it is more to your long-term advantage to buy the suit, but you *choose* to make, say, the looks of the stereo in your room the most important consideration, and buy the stereo *for that main reason*. You choose to ignore what your parents will say.

● **4. Feelings, habits, instincts, and drives affect choices *only indirectly*, by (a) making us *unaware* of facts we might have known if we were calm, or (b) creating *illusions* that we take to be facts.**

Feelings, then, *affect* choices (indirectly, not directly) by creating *misinformation*. We then use this misinformation as the reasons on which we base our choices, thinking that we are basing them on facts. Either that, or the emotions *conceal* information; and we base our choices on *fewer* facts than would otherwise be available to us.

Thus, a person who is in love simply cannot understand what someone else is talking about when the other person says that his beloved is, say, selfish; his emotion prevents him from being aware

4.1.1. Characteristics of free choice

of this. Similarly, he sees his beloved as more beautiful than she really is, because his emotions are “enhancing” his perceptions.

Note that the choices in this case are still free, and the emotions did not “force” them. It is just that they are *more ignorant* than they would have been if the emotion hadn’t blinded the person.

- **5. Our *acts* are never free. They are ordinarily forced by our choices, but may be forced by emotions or habits in spite of the choice.**

We often choose to get into habits, in fact, because we don’t want to be bothered deliberating and choosing about the minor affairs of our lives. The habit amounts to a “programming” of the brain so that a given response is automatic upon a certain stimulus; as, for example, when you get into the bathroom in the morning, you reach for the toothpaste and brush.

Sometimes these habits (and emotions) can be so strong that they operate even when we choose to stop them. Then the person feels out of control. His *choice* is still under his control; but his *act* is not, because it is not under the control of his choice.

- ***Note on terminology:***

This is something else that belongs in the Philosophy of Human Nature, but has a certain relevance here.

Acts can be called *analogously free* when they are the acts we choose to do (because the choice is free). Thus, when I choose to type at this computer, the act of typing is a “free” act, because I could have chosen to do something else (and presumably would be doing it). Actually, the act is *forced* by the (free) choice.

Choices can be called “less free” or “not free” insofar as they are *made under a threat*. The choice is still *free* (choices are always free)

in that it is *possible* to choose to act in spite of the threat; but the threat (the warning that some harm will come if you make a certain choice) makes such a choice positively *unreasonable*. That is, no reasonable person would (or morally could) deliberately choose harm to himself; and so threats give a person only one *reasonable and/or moral* option. The freedom to act unreasonably is not a realistic freedom. It is in this sense that the victim says to the robber, “You leave me no choice.” *Freedom from threats is sometimes called liberty.*

There are other senses of “free” and “not free,” but these are the ones that are apt to cause difficulties in ethical investigations if one is not aware that there are these different meanings.

4.2. The general moral rule I think it now can be seen why it is the choice that is moral and immoral and has eternal implications; only choices are always under our control. Our acts (morally right or wrong) may or may not be, and in any case, the moral rightness or wrongness of the act may not be known to us.

Let me refresh your mind with the first statement of the moral command:

● **GENERAL RULE OF MORALITY: You must never *be willing* to do what is morally wrong (i.e. what is inhuman in some respect).**

There is a lot hidden in this rule. What it says is that “to be willing” to do something wrong is the same as to *choose* to do what is wrong. That is, **your choice is immoral even if you don’t precisely *want* the wrongness in what you choose, as long as you see that it’s there, and you’re willing to put up with it.**

So, the thief doesn’t precisely want the self-contradictory situation of pretending he owns what he really doesn’t; he just wants to be able to watch “The Cosby Show” on the set he stole, and he’s *will-*

4.2. The general moral rule

ing to pretend he owns the set in order to do it. He'd *rather*, perhaps, watch it on his own set, but he chooses to watch it on this one. That choice to steal the set is *immoral*, even if the pretense is not his goal.

Now of course, you can't be willing (or choose) to do something you don't know about (as we saw above); so **this willingness depends on your factual knowledge.**

But this is quite a complicated subject, as it works itself out in practice; and so let us start with something fairly simple: the relation of emotions and how you feel to the morality of your choices.

4.3. Morality and emotions Since morality depends on the choice, which in turn depends only on our awareness of facts, not on how we feel, then it would seem that emotions, habits, feelings, and drives are completely irrelevant. Unfortunately, this isn't quite true, because emotions, habits, and so on can affect information you have, and can also take over control of your actions in spite of your choice.

Since this is so, then based on the general rule above, we can make this application:

• **RULE: We must never be willing to *let* emotions force us into doing what is morally wrong.**

Let us unpack this rule. First of all, what it says is that the excuse, "Well, if I go over to her house, I'll be so blind with desire that I won't know what I'm doing and so I won't be making an immoral choice" is fundamentally dishonest. Granted, *at that time* you might be out of control of yourself, and so your choice *at that time* (because of misinformation or the emotion's controlling your act in spite of a moral choice) might not be immoral.

But since you *now* foresee that this might happen, then your

choice now to get into that situation means that *you are now willing to have it happen*; and so your choice *now* is immoral. You are actually willing to do whatever you might wind up doing when out of control.

We must *choose to avoid* situations where we have reason to believe that emotions or habits will blind us or take over control and lead us to do what is morally wrong.

Note first that you have to have *reason to believe* that this will happen; actual evidence (facts) that indicate that this result is probable. The fact that your emotions *might* take over control (“Things like that can always happen”) is *no* evidence that they *will* take over. A man who dances with a woman he is attracted to *might* become so sexually aroused that he would take her out and rape her; but this possibility is not a realistic one except in the case where a person knows this has happened before to him. People in general can dance without becoming that sexually aroused; and so, even if you have never danced before, you have no reason to think that you are going to go blind with desire—and so it would not be immoral to choose to dance with someone you are attracted to.

Secondly, note that the emotions may be operating at the beginning of the situation, so that you may already be out of control to some extent.

The alcoholic, for instance, can’t control himself in the presence of liquor, and he knows this. In general, then, he has to choose not to go to bars. It doesn’t follow, however, that if he *goes* to a bar, he has (a) chosen to do so; because his need for a drink is already so strong that he might not be able to prevent his going even if he chooses not to go; or (b) he has chosen to go to the bar knowing what he is doing; because the need for a drink may be so strong as to

4.3. Morality and emotions

blind him into thinking that he is just going there to meet a friend (and that's the only reason he *chooses* to go).

So it is a fallacy for someone observing such a person to say, "Well, if he can't control himself when he gets there, he can at least choose not to go there; and so he's to blame anyway." This might be the case and it might not; just as it might be the case that this time he can control himself when he gets there. No outsider can judge the effect emotions are having on a person's acts (so that he doesn't act the way he chooses to act) or information (so that he doesn't at this moment know fully what he is doing).

Note thirdly that very often the person himself afterwards does not know to what extent emotions took over control of the act or blinded him to information he *now* is clearly aware of. It is always *theoretically* possible to control your acts by choosing; it just doesn't work that way in practice; and so you can always say to yourself afterwards, "If only I'd tried a little harder, I could have prevented that"; and this might be true, and it might not. Or you can say, "Well, I knew that I shouldn't have done that" because you *now* know that you shouldn't have, when in fact at the time, you were so overwhelmed with the emotion that you couldn't think straight.

What to do when in this situation? Don't worry about it. First, if philosophy is the whole truth, the immoral choice was either made or it wasn't, and nothing you can do now can change that; so there's no sense fretting about it. Secondly, if something like Christianity is true, then the Lord will erase any sin involved in the choice, if there was one; and so you confess to him your repentance of whatever you might have chosen (or to a priest, if that's what you believe), and stop worrying about it.

The point is that you are not *deliberately* let yourself get out of control; but if you *are* out of control, to that extent you have no moral problem.

4.3. Morality and emotions

4.3.1. Morality and emotional problems

Thus, we can distinguish moral from psychological problems. They do not necessarily go together, nor are they necessarily mutually exclusive. You can have both a moral and a psychological difficulty at the same time; you can be immoral and have no psychological problem, or you can have a psychological problem and not be immoral.

● **DEFINITION:** *Psychological or emotional problems occur when a person, because of emotions or habits, is out of control.*

That is, *whenever* a person does what he chooses not to do or does not do what he chooses to do, then this is a psychological problem. It used to be called a “neurosis” when this is a constant problem. This may have no moral overtones whatever. A person may not be able to go into a dark room, for instance, because he has a neurotic fear of the dark. There is nothing morally wrong with staying out of dark rooms; and so he is out of control, but this particular neurosis does not have any moral implications.

A psychological problem that makes a person do a morally wrong act involves immorality when the person *is willing* to do the acts.

What this means is this: If the person doesn’t care that he is doing something that he knows is wrong, the fact that he is doing this because he’s neurotic (and couldn’t help himself) is irrelevant; he is *willing* to do it, and so the choice is *immoral*.

So you can’t use a neurosis as an excuse for doing something morally wrong.

If, however, the person *chooses* to avoid the acts and his neurosis forces them on him, he has *only* a psychological problem and not a

4.3.1. Morality and emotional problems

moral one. Here, he is *unwilling* to do what his emotional problem makes him do.

If a person *recognizes* that he has an emotional problem that is leading to morally wrong acts, *and he has information that a cure is reasonably possible and takes no steps to be cured, then he is willing to have the problem and so to do the acts.*

That is, to *refuse* to be cured when you are in this situation (supposing it to be realistic that the cure would work), is the same as letting yourself be out of control when you could control yourself; and then you are obviously willing to do the acts.

However, to the extent that the cure is not a realistic possibility, or involves bad effects that make it worse than the problem itself, a person can *choose not to have it* in order to avoid these bad effects, and still not be willing to perform the acts the neurosis forces upon him. (This is an application of the Principle of the Double Effect, which we will see later.)

For instance, alcoholism can lead to drunkenness and other morally wrong behavior. If an alcoholic has tried to stop and even got help in stopping (say, going to Alcoholics Anonymous), and it hasn't worked—it often doesn't—he doesn't have to try every new gimmick that comes down the pike. He has to do *enough to assure himself that he is unwilling to be in this condition*, but he doesn't have to “be determined to lick it at all costs.” It is then a psychological problem, not a moral one—and some psychological problems can't be cured and have to be lived with, just as blindness or lameness or physical problems that can't be cured have to be lived with.

Of course, the alcoholic can't say, “I've tried and failed; so now I can enjoy myself,” because then he's willing to do the act. What I'm talking about is that he can say, “Well, there's nothing I can do about it, so I'm not going to worry about it as if I were a sinner, even though I'm not happy about it. After I die it'll be straightened out.”

4.3.1. Morality and emotional problems

Hence, there are psychological problems that have no moral dimension at all (if they don't deal with wrong acts), and psychological problems with a moral dimension which involve no immorality (if the person is unwilling to have the problem but can't do anything about it); there are psychological problems which are also moral problems (when the person doesn't care that he is doing something wrong); and finally, there are moral problems that have no psychological difficulty connected with them (when a person is in control of his emotions or what they lead to).

Psychological problems, then, do not provide an "out" for the general rule of not being willing to do what is wrong; but neither do they trap a person into immorality in spite of himself. The question is whether you are satisfied with your condition or not; whether you would stop if you could.

4.3.2. Habits: virtues and vices

Habits can also take over control of our acts, as I mentioned; and in fact psychological problems are usually a combination of emotions and habits; and psychological problems are usually cured (when they can be cured) by some kind of acquisition of a new habit.

But this belongs in the domain of psychology, not ethics. For our purposes, what we can note is that *habits are acquired by repeated actions of the same type*. As opposed to the "built-in program" of the brain, which is our instinct, which appears in consciousness as the various emotions we have, we can program our brain ourselves, by repeating responses to a certain stimulus. Depending on how often and strongly we do this, the tendency to produce the response (without choosing to do so) upon presentation of the stimulus becomes stronger.

Habits do not in themselves have any emotional overtone connected with them; but insofar as the stimulus-response pattern originally had some emotional overtone (as when you get into the habit

4.3.2. Habits: virtues and vices

of eating six meals a day because you originally felt hungry), the emotion tends to grow stronger as the habit grows—until a certain point is reached, at which the emotion more or less ceases, and we do the act even without the emotional kick.

Because emotions tend to lead us to action, some habits are acquired without realizing that we are doing so. Many alcoholics become so simply by having a drink at a certain time of the day, not realizing that they're getting into a habit, and are becoming dependent on the drink.

Other habits, however, are deliberately acquired. Originally, we must choose to do the act each time, taking pains to remember to do it; and gradually, we need pay less and less attention, until finally the act automatically occurs. Getting into the habit of brushing your teeth in the morning and evening is an example of such a thing.

Morally speaking, once the habit is acquired, it functions in the same way as an emotional problem: if the person is satisfied with the automatic behavior, he is willing to do it; and if he does it in spite of a choice to the contrary, he is unwilling to do it. In either case, it is the choice which counts morally.

Not all habits are bad habits, of course. Hence, to acquire a habit of doing what is morally right is one that you *ought* to be satisfied with. For instance, if you get into the habit of honesty, so that if you were to see a wallet on the street, you would pick it up, look inside to find the owner's name, and return it intact to him with no thought that you could take anything in it for yourself, then the fact that you *aren't trying to stop yourself* from doing this would be equivalently a *morally good choice*. So even though the act is automatic, it has moral overtones, insofar as you realize what is going on and are

unwilling to prevent it.

It would be immoral to let oneself acquire a bad habit if (a) one realized he was getting into a morally bad habit, and (b) made no effort to prevent it.

This is the same as getting yourself into a situation where you foresee that your emotions will take over and lead you into a morally wrong act. In this case, of course, many morally wrong acts are involved (because it's a habit), and so the situation is more serious. It doesn't follow, of course, that you will in fact be able to prevent the habit from being formed; you may already be out of control. But insofar as you are in control, to let yourself get into the habit is *to be willing to do all the wrong acts you might do when the habit gets entrenched*.

Some terminology:

- **DEFINITION: A *virtue* is a good habit.**
- **DEFINITION: A *vice* is a bad habit.**
- **DEFINITION: A *moral virtue or vice* is a habit of doing something morally right or wrong.**

Not all virtues are moral virtues: studiousness is an intellectual virtue; cleanliness is a physical virtue. The following are, however, like moral virtues:

- **DEFINITION: The *Theological virtues* of faith, hope, and charity are habits that are given to us by God because of the new life he gives us. They cannot be acquired by repetition, but can be strengthened by practice.**

4.3.2. Habits: virtues and vices

It is outside the scope of this book to talk of the Theological virtues; I put them here to distinguish them from moral ones.

● **DEFINITION:** The *cardinal virtues* are the four moral virtues on which all others “hinge,” all of which are present in any moral virtue. They are *good judgment* (“prudence”), *honesty* (“justice”), *courage* (“fortitude”) and *moderation* (“temperance”).

The reason these are “cardinal” virtues (from “*cardo*,” meaning “hinge”) can be seen from a description of what they are as habits:

● **Good judgment (also called “common sense”)** (“*prudentia*” in Latin) is the habit of being aware of all the circumstances surrounding the act you are to perform and adjusting the act to agree with the reality of all the circumstances. Obviously, without this habit, a person is apt to act unrealistically, and his action is apt to be self-defeating, even though his intentions may be of the best.

The vice which is the opposite of this virtue is **rashness**. Here, a person knows what he wants to accomplish, and has the habit of simply doing something that he thinks will lead to the goal he wants, without considering whether, given the circumstances, his action will actually do what he wants it to do.

● **Honesty** (“*justitia*” in Latin) is the habit of considering the *persons* involved in the action, and adjusting the act to suit their nature. It has two branches. When the virtue adjusts the act to suit the nature of the *agent* (oneself), then this “being true to yourself” is the same as *morality itself*; when it suits the act to the nature of the *person(s) acted on*, then it is *justice*. Thus, a person who does not lie is being honest with his own nature as a communicator; and insofar as he does not *deceive* the other person, he is being just also.

The vice, of course, is **dishonesty**. This too has two branches. It is immorality when it is the “fundamental dishonesty” we spoke of

earlier (pretending that you aren't what you are); it is **injustice** when the habit pretends that the one who is acted on is different from what he really is.

There are various kinds of justice, which we will see later, when talking of rights and society. Not every just act is either "fair" or "equal."

- **Courage** ("*fortitudo*" in Latin) is the virtue of **getting control over negative emotions**, mainly fear, so that they do not take over and either blind us to reasons for doing something or prevent us from doing what is reasonable. Notice that courageous acts *are not rash ones*. A person who has courage without good judgment has a *vice, not a virtue*. Such people are the people who run risks "on a dare" just to show how brave they are, without considering whether it makes sense (or even is morally right) to run such a risk. The courageous person will be able to run a risk, even a great one, when it is reasonable to do so; but he will not do so if it is unreasonable.

The vice opposite to courage is **cowardice**. Here, the person lets fear determine whether he will act, in spite of what is reasonable.

- Finally, **moderation** ("*temperantia*" in Latin) is the habit of **controlling attractive emotions** so that the attraction will not either lead one to do what is unreasonable, or blind one to the reasons for not doing the act.

All of the cardinal virtues have to be operating in order for any one of them (or any other virtue, for that matter) to be a virtue; if either of the two types of emotions are deliberately let get out of control, then no act is able to be virtuous; if there is deliberate disregard for either the persons involved or the physical circumstances of the act, then there is no assurance that the act will be morally right.

4.3.2. Habits: virtues and vices

Other moral virtues

Here is a partial list of some other habits of doing morally right acts that you can get into. These various virtues “fit under” one or another of the cardinal virtues. We could go into a study of them, but it seems to me that this would be of purely academic interest; so I will just list them.

Generosity, open-mindedness, trustworthiness, truthfulness, respectfulness, patience, leniency, kindness, humility, tolerance, sympathy, mercy, obedience, helpfulness.

This, as anyone who puts his mind to it can see, is by no means a complete list; it is here simply to suggest that there are various good habits with moral overtones that you can get yourself into by practicing the corresponding acts.

Obviously, the opposites of these virtues are vices; and the vices involve acts to be avoided.

Not every philosopher agrees on what habits are virtues and what are vices; and this is because a virtue is a *good* habit, and what is “good” depends on the ideal one has for what a human being “ought” to be doing. For instance, Christians regard humility (“self-forgetfulness”) as a virtue; and Aristotle considers it a vice; for him pride (i.e. recognizing one’s real superiority to others—if it exists) is a virtue, while for the Christian, this is a vice.

4.4. Responsibility Because habits and emotions tend to take over control of our acts, then we can say in a sense that they aren’t “ours”; we could even have tried to prevent them and failed; it is almost as if someone else had done them. This brings up the question of “responsibility,” which anticipates to some extent what we are going to say about conscience, but perhaps goes better here than anywhere else in a general consideration of morality and our choice.

● **DEFINITION:** *Responsibility* is the attribution of an act (and its consequences) to the person whose *choice* could have made it different from what it was. It is also called *accountability*.

That is, the act “belongs” to the one on whose *choice* it depends. Machines and animals do things, but they are not responsible (i.e. “answerable”) for what they do, because, given the stimulus, the act could not have been any different from what it was—and so it doesn’t really “belong” to the machine or animal.

But persons are free, and so the acts they do as persons could be different; and therefore, the acts are in a special sense “theirs”; just as they possess their being, so they also possess their acts. Karol Wojtyła (Pope John Paul II), in fact, wrote a whole book analyzing the concept of person from this distinction between acts someone “does” and acts that, as it were, “happen to” something.

Note that humans perform all kinds of acts that “happen to” them and that they are not responsible for (such as heartbeat, falling down when the floor collapses beneath you, feeling anger when slapped in the face—and in general all that we don’t have control over); and these are not acts that we really “do” as persons.

Basically, a person is *responsible* for *whatever he had control over*; i.e., what he could have *prevented or altered* by his choice.

● **DEFINITION:** A person is *morally responsible* for an act and its consequences if (a) he understood what it was he was doing and foresaw the consequences, and (b) that he could *morally* have chosen to prevent it.

● **DEFINITION:** A person is *physically responsible* for *any* act that he could have chosen to prevent (whether the choice would

4.4. Responsibility

have been moral or not, and whether he understood what he was choosing or not.

● **DEFINITION:** A person is *legally responsible* for an act that a *normal person* would have been morally responsible for.

What do these definitions mean? Physical responsibility is the broadest category. Any act at all that could have been different had you chosen differently *for whatever reason* is one you are physically responsible for.

The idea here is that it is “your” act because it didn’t have to be this way; if you had made a different choice, it would have been different.

Moral responsibility means that you could have chosen differently *and* that the choice was an *informed* one, *and* that this different choice would not have been an immoral one. Since making an immoral choice means bringing eternal frustration on yourself, then you can never be expected to make an immoral choice; and so there is a real sense in which you “couldn’t” prevent an act when to do so would mean making an immoral choice. Further, since bringing eternal frustration on yourself means knowing that you are doing so (at least in some minimal sense, such as knowing that you are going to do what is wrong), then if you don’t have the information conscious, you are not in fact choosing what the act actually implies.

Hence, the act is not *morally* “yours” in the sense of something you could have prevented; in the first case, it would be immoral (and eternally frustrating) to do so; and in the second place, you would have no reason for doing so (because you don’t know there’s anything wrong with it). And so, morally speaking, it becomes like your heartbeat, which “happens to” you. You are not morally responsible for it.

Legal responsibility comes from the fact that an outside observer

can't get into a person's mind and know what his knowledge is at the time he makes the choice. Hence, society can't tell, if a person violates a law, whether he deliberately chose to do so, or whether he forgot and wasn't aware that he was violating the law.

Hence, society goes on the assumption that, if the person didn't realize what he was doing, he "ought" to have realized it, because a normal person in his circumstances would have realized it; and so it, as it were, makes him responsible for his lack of knowledge, and therefore for his act.

If there weren't this concept of legal responsibility, there would be no way for society to enforce its laws without extremely gross injustice. That is, a person would be punished for something it was obvious no one in his circumstances could have helped doing (such as accidentally harming someone because of circumstances over which he couldn't have had control); or he would be allowed to escape punishment on the bare claim that he hadn't actually thought that he was doing something wrong—which makes punishment a farce.

Hence, in order to protect its ability to punish violations, society *imputes* legal responsibility to a person who may or may not be morally responsible for what he does, as long as he would be *reasonably expected* to be morally responsible. In some cases, this imputation is unjust, because the person actually wasn't morally responsible; but the injustice is an unchosen side-effect of the act by which society protects its right to punish violators.

Points to note on responsibility:

● **1. Responsibility is *not* the same as *duty*.**

When lists of "responsibilities" are drawn up for a certain job or position in society, these are the *duties* connected with that position. They are called "responsibilities" *because if they are not done, the*

4.4. Responsibility

person with this job is the one responsible for this. Hence, duties are “responsibilities” in an analogous sense, the way comfortable shoes are “comfortable” because they make *you* comfortable; or as a morally wrong act is “immoral” because *if* you choose to do it and know what you are doing, the *choice* is immoral.

The point, however, is that *strictly speaking*, duties are *duties*, not responsibilities. Remember, “responsibility” as we are using the term is the equivalent of “accountability.” You aren’t *accountable* for what you haven’t done yet; and so you aren’t responsible for it either.

● **2. you *have* responsibility whether you like it or not; you don’t get it by *accepting* it.**

That is, you may “accept” responsibility, which means that you *recognize* that you are responsible for some act of yours—or on the other hand, you may “refuse to accept” responsibility. But in either case, you have it, provided you *could have prevented the act by choosing not to do it*.

Similarly, if you “accept” responsibility for an act you had no control over, *this acceptance does not give you responsibility for the act*. A person, for example, who “accepts” responsibility for an act his employee did against his orders and secretly (so that the employer couldn’t have known he was doing it) is not responsible for what his employee did because the employer did everything anyone could reasonably do to *prevent* it.

● **3. A person can only really be responsible for what actually happens.**

The reason is that an act that didn’t happen (but could have) isn’t something that can be attributed to a person. Nevertheless, since foreseen consequences enter a person’s choice (whether they happen or not), they can make the choice moral or immoral, and thus can

affect moral *guilt*.

4.4.1. Responsibility and guilt

This brings up a distinction that it is important to make. We are apt to use “guilty” and “responsible for” interchangeably; but if you look at the definitions above, you can see that we can be responsible for all sorts of *good* things, and no one is guilty of doing good. And I just said that you can be (morally) guilty even when you haven’t actually *done* anything (because morality deals with the choice, whether you carry it out or not). Hence, we should define guilt.

- **DEFINITION:** A person is *guilty* when he has *chosen* to do what is wrong or illegal.
- **DEFINITION:** A person is *morally guilty* when he has *chosen* to do what he knows or suspects is a *morally wrong act*.
- **DEFINITION:** A person is *legally guilty* when he is *legally responsible* for an act *violating a law*.

For **legal** guilt, you actually have to *do* something, and not only do it, but be (at least) *legally responsible* for it. It also has to be something *legally wrong*: that is, something that there is a law against. Thus, a person who *chooses* to murder the President of the United States, but gets sick and can’t do anything about his choice, is not legally guilty of assassination or attempted assassination of the President. If he raises a gun to shoot the President and his arm is deflected and he misses, he is legally guilty of violating the law against *attempted* assassination (because he did actually do something in the attempt), but not of violating the law against assassination.

Interestingly, in legal guilt, you don’t actually *have* to have made the choice in question, because of the peculiar nature of legal responsibility. If in fact you didn’t make the choice (because you forgot

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some circumstance and thought you were choosing something else) and a “normal person” would have realized this circumstance and known what he was doing, the law *assumes* that you actually *did* make the choice in question—because it can’t get into your mind to tell whether you made it and are now lying, or didn’t make it and are now telling the truth. There are, however, loopholes in this; but the burden, as it were, is upon you. If you can show that you were insane at the time, you are freed from legal responsibility. Also, you can plead “no contest,” which essentially is taken to be an admission, “Yes, I did it, but at the time I didn’t realize that what I was doing was illegal.” In this last case, however, you are still legally guilty.

In any case, *legal* guilt *always* includes *responsibility for some act actually done*.

But *moral* guilt does not, because the “law” dealing with morality commands the *choice itself*, and the act is morally relevant *only insofar as it conforms the fact that the choice was an actual choice and not simply a daydream*. That is, if you “think about” killing the President because you’re writing a novel about it and you want to “get under the skin” of a killer, but you have *no intention of actually doing the act*, then you have not *chosen* to kill the President, and you are not morally guilty of it.

But if you *choose* to kill the President, and you get sick or your aim gets deflected, then *your goal was that he die by your act*, and this is what the moral command forbids. Hence, you are *morally guilty* of the wrong act whether your choice gets carried out or not.

However, you are not *morally responsible* for killing the President if you intended to do so and you got sick and couldn’t actually do it. Why? Because you didn’t kill him; and you can’t be responsible for something if it didn’t occur.

(Note that if you *prevent* something, you are responsible for its *non-occurrence*; but if you choose to do something and it doesn’t get done through no “fault” of yours, you aren’t responsible for it,

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because there is no “it” to be responsible for. You are only *responsible* for what *happens*, as was said above.)

Summary of Chapter 4

We know that human choices are free, because, as spiritual, they contain themselves and cannot be mistaken when they think they are free (as they do) and because neurotic behavior becomes nonsense if choices are not free.

The **characteristics** of freedom of choice are (1) that the choice is always under our control; (2) nothing unconscious can affect the choice; it is influenced only by facts we know at the time; (3) the choice has control over how much a known fact influences it; (4) feelings and habits affect choices only indirectly, by creating misinformation; (5) our acts are never free; they are forced either by choices or emotions/habits or both. Acts are **analogously free** when they are the ones we choose to do; choices are sometimes called “not free” when made under a threat, but this is an analogous sense of “freedom” called “liberty.”

The **general rule of morality** is that you must never *be willing* to do what is morally wrong.

Since emotions can force acts or create misinformation, we must never be willing to let emotions force us into doing what is morally wrong. We must choose to avoid situations where we have reason to believe emotions will take over control and force us to do what is wrong. If we have no evidence that this will happen, or if we are already out of control, there is no moral problem; it is merely that we must not deliberately let ourselves get out of control.

Psychological or emotional problems occur when a person is out of control, particularly in a constant way; they have moral relevance only when the person is willing to do the (morally wrong) acts he can't help doing. If he thinks he can be cured and takes no reasonable steps to be cured, then he is willing to have the problem, and this is immoral. But only reasonable steps with reasonable hope of cure need be taken.

Habits are automatic behavior-patterns acquired by repetitions of acts; they function morally like emotional problems, since the person is out of control. It is immoral to let yourself acquire a morally bad habit if you see that it is beginning to happen and you do nothing to prevent it, since then you are willing to do all the acts the habit will later force on you.

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Good habits are **virtues**, bad habits are **vices**; the three **Theological virtues** are faith, hope, and charity; they are given and cannot be acquired, but can be increased by repetition of acts. **Moral virtues** and vices are habits of doing what is morally right or wrong. The **cardinal virtues** are the four moral virtues that are presupposed in any virtuous acts: (a) good judgment, (b) honesty, (c) courage, and (d) moderation; they are habits of (a) suiting the act to the circumstances, (b) suiting the act to the people involved, (c) not letting negative or (d) positive emotions lead one astray.

Responsibility (accountability) is the attribution of an act and its consequences to the person whose choice could have made it different. A person is responsible for what he has control over. He is **morally responsible** for what he could morally have prevented; **physically responsible** for anything he could have prevented by a choice; and **legally responsible** for what the normal person would have chosen to prevent.

Moral responsibility implies that a person knows what he is doing and does not think he is morally forbidden to do the act. Legal responsibility occurs because we cannot know what another's thoughts are; and so we impute a kind of "moral" responsibility if the person normally would be expected to know what he is doing and realize that the act is not wrong.

Responsibility is not the same as "duty"; it deals with acts that have been done, not possible acts; it is something that a person has, whether he "accepts" it or not, and "accepting" responsibility for what you have no control over does not give you responsibility. You have responsibility only for what actually occurs.

A person is **guilty** when he has chosen to do what is wrong or illegal. **Legal guilt** implies legal responsibility for actually doing something that violates some law. **Moral guilt** occurs when a person chooses to do what is wrong, whether he actually does it (and so is responsible for it) or not.

Exercises and questions for discussion

1. If our choices are always free from determination, doesn't this prove that "brainwashing" won't work, and the people who claim to have been brainwashed into doing something are really lying?
2. If an alcoholic plans how he is going to get out to get a secret drink, doesn't this prove that he was free when he made the plans and so he isn't really out of control?
3. If you drive to a bar, knowing that you'll be driving home, isn't this being

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willing to take the consequences of drunk driving?

4. Suppose a homosexual doesn't like being homosexual, and he's heard that some psychologists hold that homosexual orientation is curable. Is he morally bound to seek counseling at \$100.00 and up an hour?

5. Is it better to be virtuous and not actually to make a moral choice because you're just in the habit of doing the act, or not to be virtuous and be making conscious moral choices to do the act?

6. Are you morally responsible for doing something stupid (but not morally wrong) if you are commanded to do it by someone who has legitimate authority over you (i.e. has the right to command you to do things)?

4.4.1. Responsibility and guilt

CHAPTER 5

MORALITY AND KNOWLEDGE

5.1. Morality and knowledge: The material of the preceding chapter dealt, really, with the easy part about making moral choices. Basically, with emotions and habits, you can't deliberately let them take over and lead you into doing wrong acts; but insofar as you're not deliberately letting this happen, you can forget about them.

But our choices depend directly on the facts we know at the time we make the choice; and hence, our knowledge of the facts has direct moral relevance.

● **DEFINITION:** *Conscience* is the factual information a person has about whether a given act of his is morally right or wrong.

This is an important definition. It isn't what we ordinarily think conscience is; and so pay attention to all of it.

First, conscience is *factual information*. It is *not* the way we *feel* about the act we are to perform (Guilt feelings are not qualms of conscience, because you can feel guilty about doing something you *know* is right). Feelings have nothing to do with conscience; *conscience is your evidence that the act is right or wrong*.

Secondly, conscience is the information *you* have; it is not necessarily all the information there is to know. As I said, you can only

base your choice on the facts you are conscious of at the time you make the choice; and “conscience” is the name given to these facts insofar as they deal with morality. Conscience is a set of facts: the facts available to you here and now.

● NOTE WELL ●

Conscience is *not* your *opinion* of the moral rightness or wrongness of something. It is the *information* on which you base *knowledge*.

Your *opinion* is the conclusion you come to based either on *insufficient* information (for knowledge) or on *conflicting* information. *When information is conflicting, basing a choice on your opinion is immoral, because your conscience is not clear* (as we will see shortly).

What is called “subsequent conscience” is the information you now have about an act you *already* performed, whatever your knowledge might have been at the time you actually made the choice.

Subsequent conscience is no necessary indication of the morality or immorality of a previous choice.

The reason for this is that (because of a calm emotional state you now have, or because you might have found out some new facts), your *present* knowledge of the rightness or wrongness of your act might not be the same as the knowledge you had when you made the choice; *but the morality or immorality of the choice depends on the knowledge you have when you actually make the choice.*

Therefore, “conscience” in the morally relevant sense means *only* the factual information you *actually* have *at the time you make the choice*.

5.1. Morality and knowledge: conscience

It follows from this that “examinations of conscience” tend to be counterproductive. Mulling over past choices can’t change them, nor can regretting them change them. Further, thinking over what you did in the past is apt to give you the impression that, because now you have information that the act is wrong, then you “must” have known it then; or it can make you think you were in control when you weren’t (because theoretically you always can choose not to do something).

In a religious context, an examination of past choices done to be aware of them, admit one’s sinfulness (insofar as one knows it) before the Lord, and recognize the situations to be avoided if possible in the future, can be a beneficial act. But insofar as this leads to anguish, it is not Christian; God is a God of peace, not a computer who needs the proper input or he won’t forgive you.

There is a psychological problem called a “*scrupulous conscience*,” which consists in a *fear* that you have been immoral or might be going to be immoral, without real evidence to back up the fear.

Remember, the Lord is not a spider waiting for you to step on his web so he can pounce. You are only morally guilty of something if you are *willing* to do it even if it is wrong; and to be willing, you have to have *evidence* (a real reason to believe) that in fact it *is* wrong.

The fact that it *could be* wrong based on evidence you *don’t* know is obviously *not* evidence that it *is* wrong. You don’t have to be concerned with such hypothetical possibilities.

Thirdly, conscience deals with a *definite act*, and is not knowledge about acts in general. It is the information on which you base the answer to the question, “Can I morally choose to do this here and now?”

Thus, the discussions about ethical issues in the second half of this book are not conscience, though that information can *become* part of your conscience if you use it to find out whether you can do some

definite thing without being immoral. But this general knowledge can never be *all* of a person's conscience, because the conscience will also contain the specific information about the circumstances in which the act occurs.

For instance, the discussion later on abortion may help some woman answer whether she can morally choose to have an abortion. Her conscience will contain this information, plus the information about whether if she doesn't have it, both she and the baby will die, and so on. Her choice will be based on *all* the information she has *at that time*.

Fourthly, conscience deals *only with moral rightness and wrongness*. Information about other aspects of the act (such as whether it is silly or polite) are not part of a person's conscience.

So conscience is not the same as "consciousness." It is ONLY that aspect of consciousness that is (a) factual, and that deals with (b) the moral rightness or wrongness of (c) a given act that (d) you are thinking of doing.

● **RULE:** The morality or immorality of a choice *always* depends on the *conscience* of the person who makes the choice.

Conscience is, as they say, the "supreme court" in moral matters.

5.1.1. Clear and unclear conscience

Given that this is what conscience is, how does it operate on the morality of the choice? It is not perfectly straightforward, and so we have to make some distinctions:

● **DEFINITION:** A *clear* conscience means that the person has *no* information that there is anything wrong with the act he is

5.1.1. Clear and unclear conscience

about to perform.

You may *feel* terribly guilty about doing something (such as informing on a drug pusher), and still have a *clear conscience* that this is the right thing to do. All the information you possess indicates that this is right, and you know of no *facts* to indicate that it is wrong.

• **RULE:** When a person acts with a clear conscience, his choice is *always moral*, irrespective of the actual rightness or wrongness of the act.

A clear conscience is sometimes called a “morally certain” conscience. (Except that you can be morally certain that the act is *wrong*, in which case obviously your conscience is not *clear* in the sense above. A Clear conscience is *moral certainty that the act is not wrong*.)

The difference between “moral certainty” and other kinds of certainty is that you *don't* have to be able to *prove* that you are correct in your opinion. You don't have to have facts to back up your position, in other words; all that is needed is a *lack* of information *against* your position—and by information, I mean “facts you know.”

Obviously, if you are morally certain that the act is *wrong*, it will be immoral to choose it. But it turns out that if you have information on *both* sides (so that you're not even morally certain of either), then you can't count on the fact that the act might be all right; your conscience is not clear.

Hence, “moral certainty,” while a valid concept, introduces a complication that can be avoided by considering whether the conscience is clear or not.

I will take it that if you are morally certain that the act is *wrong*,

your conscience is unclear. Usually, an “unclear conscience” means that you don’t know whether in fact the act is right or wrong (you have some evidence on both sides). But it would be strange to say “I acted with a clear conscience” when you are *certain* that you did something *wrong*.

For our purposes, following the general usage of language, we will say that your conscience is *clear* only when you know that the act is *morally right* and have no evidence to the contrary. When you have evidence that the act is or might be in fact wrong (whether this evidence is conclusive or not), your conscience is *unclear*.

Another distinction that is legitimate but irrelevant is that between a “correct” and “erroneous” conscience. A correct conscience simply means that the information is accurate: you think that the act is all right and it is in fact morally right; or you think it is wrong and it is in fact wrong. When your conscience is erroneous you think the act wrong when it is in fact right, or you think it is right when it is wrong.

But since the choice is based on your information about the facts and not on the facts themselves, then *what the facts actually are* is irrelevant to the morality of the *choice*. Hence, as long as your conscience is *clear*, it doesn’t matter whether it is correct or in error.

Some might say, “Well yes, but if you know that you don’t have information and you refuse to find it, then this refusal is morally significant.

This is true; but the only way you would *realize* that there was morally relevant information to be had would be *if you had some information* that further investigation *would be likely to indicate* that the act is wrong. But this is the same as *having information that there*

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is or might be something wrong with the act, which means that *your conscience is not clear*. (A clear conscience, remember, means that you *don't* have any information that there is anything wrong with the act.)

The only time you have to find out additional information is (a) when you want to do the act in question, and when you *have information* indicating (b) that the information you have is inadequate, and (c) the further information might show that the act in question is wrong.

A woman, for instance, who thinks that it is all right to breast feed her child does not have to read a book on the moral benefits of breast feeding. The only time she would have to read up on the subject would be if she saw something indicating that there might be a danger to the child from breast feeding (there isn't one; I use this as an example).

A third distinction that is valid but both irrelevant and confusing is that between “vincible” and “invincible” ignorance. “Invincible” ignorance is ignorance that can't *in practice* be overcome, because you don't realize that you're ignorant. This is the same as having no information to the contrary, and so having a clear conscience or being “morally certain.” “Vincible” ignorance, however, is “insincere” ignorance, where you refuse to find out the facts. Obviously, here you have to be in the situation above, where you have information that makes your conscience not clear.

The reason this is confusing is that the usual interpretation is that “invincible” ignorance excuses a person from immorality. This is true if you are “invincibly” ignorant *that the act is wrong*. But if you happen to be “invincibly” ignorant *that it is right* (i.e. morally certain that it is wrong), then your “invincible ignorance” will damn you.

With that said, forget about vincible and invincible ignorance. Your conscience's clarity or unclarity depends on the information you have, not information you *could* have.

5.1.2. Clearing an unclear conscience Now let us look at an unclear conscience more closely. Your conscience is *unclear*, as I said, if you have *any* information that your act *is or might* be in fact morally wrong. The problematic situation, of course, is that where there's a doubt in your mind as to whether it's wrong or not. You may have a lot of evidence that says that it's perfectly all right, but there is at least one fact you know that indicates (directly or indirectly) that the act might really be wrong.

For instance, someone you know who's not a fanatic and who generally knows what he's talking about thinks that the act is wrong. This fact (that a knowledgeable person thinks the act is wrong) is an indication that *he* knows a fact you are ignorant of indicating that the act *is* wrong. This would be an indirect indication that the act is in fact wrong.

● **RULE:** It is *always immoral* to choose to perform an act when your conscience is unclear.

Why is this? It follows immediately from the general rule of morality. If your conscience is unclear, you have *information* that the act you are about to perform *might* be wrong. To *choose* the act under these conditions is *to be willing to do it if indeed it should in fact be wrong*. You don't know that it isn't; and so you have to accept that you might be doing a wrong act. And, you will remember, the general moral rule is that you must never be willing to do what is wrong.

So your choice is immoral even if it is *much more likely*

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that there is nothing wrong with the act.

No matter how much more likely it is that the act is all right, if you have *real information* (i.e. facts) that indicate that it might be wrong, you don't *know* that it's not wrong; and this means that you would have to be willing to do wrong if you do the act.

How to acquire a clear conscience

Obviously, when your conscience is unclear, something must be done. How do you get from this state to having a clear conscience? It must always be possible to have a clear conscience, or morality makes no sense, because then you could be trapped into damning yourself no matter what you chose (as when it was unclear whether it was wrong to act, and also unclear whether it was wrong not to act).

● I. DIRECT METHOD

● A. *Find out the facts.*

If you want to perform the act (if it is all right to do so); or if you are in a dilemma where *not* performing the act might be wrong, what do you do?

For instance, a woman might think that it might be wrong to have an abortion; but she might think that it might be wrong *not* to have an abortion and give birth to a deformed child. Obviously, she's got to do one or the other.

The *first* thing that *must* be done in a case like this (if at all possible) is to find out what the facts are, so that the conscience can be cleared up.

The general rule of thumb here is to act the same way you act when you have a medical difficulty. In simple, straightforward cases you treat it yourself; in complicated ones, you seek the advice of a doctor, who has devoted his life to medical problems, and so who is likely to know what the facts are.

In the next section, on the act and the situation, I will give guidelines on how you can discover facts and clarify your conscience in reasonably ordinary situations. If this works, and you *know* you have found the real facts, then everything is fine; your conscience is now clear. (Remember, however, that this is not just coming to a conclusion which “in your opinion” is right, but that you *know* that there isn’t any *evidence* against your conclusion. Ethical matters can often be very complicated indeed, and your own investigations can leave you wondering whether you have evaluated the facts properly. *If this happens, your conscience is still unclear, and you must do the following:*

● 1. *Ask an expert.*

In practice, when you can’t honestly assure yourself that you know which course of action is in fact right, then what you do is rely on someone who has made a study of ethical matters; because that person will know what the facts are: that’s his business.

Here, you *don’t* have to know the expert’s *reasons*. If he says that the act is all right, *this is enough to clear your conscience*, except in the unlikely case that you have *actual information* that he is (a) lying, (b) biased, or © misinformed about the situation. It’s always *possible* that the expert could be misinformed or be lying to you; but this abstract possibility doesn’t leave you with an unclear conscience; you have to have *facts to indicate* that he’s actually doing this in order not

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to have a clear conscience.

So once the expert tells you that the act is all right, you now know that it is not immoral to choose it. Any mistake that might be made *is the expert's problem*, not yours.

● **2. Points to note on consulting an expert:**

● **a.** Who an “expert” is will be based on the information available to you at the time you are looking.

● **b.** It would be immoral to *go looking* for someone you thought would tell you what you wanted to hear. You don't necessarily have to go looking in the other direction, of course; but if you actively *try* to find someone who will tell you that it is all right to do what you want to do, your *intention* is to do the act *whether it is in fact right or not*, and you simply want an expert's advice as an *excuse* to back you up. But then you are willing to do the act even if it is really wrong (or why not seek advice from some other expert?); and *that* choice to go looking for expert reinforcement is *immoral*, even if the expert's advice should happen to be correct. This is like a person who wants a doctor to tell him he has a “heart condition” and to prescribe nitroglycerine. Such a person isn't *honestly* trying to find out the facts about himself.

● **c.** It would be immoral *deliberately to seek advice from a less qualified expert* in favor of someone who was more likely to know what the facts are, other things being equal. The idea in seeking expert advice is that you want to find out what the facts really are, not just get an expert to talk; and so you would seek the best advice available to you if you really wanted to know.

There might be reasons for seeking a less qualified expert, of course. If the matter is trivial, and the less qualified person is qualified (as far as you know) *enough* to be likely to know the facts, then

you don't have to go out of your way to find the best advice. Or if consulting the best expert you know of would involve inordinate amounts of time and expense and so on, then only an extremely serious matter would necessitate going to the trouble.

- **d.** If you know that recognized experts disagree on whether the type of act in question is wrong or not, then you may choose the *most lenient* view (i.e. the one that allows the most leeway), *provided* it has good authority behind it.

This is sometimes called “probabilism” or the “doubtful law.” The point here is not whether *your act* is right or wrong, but whether *a whole class of acts is right or wrong*. If even experts can't figure out whether this kind of thing is right or wrong, then this indicates that the matter is so complex that no one can straighten it out. But any lawgiver who wants to be obeyed must make it *possible* for his subjects to know what he wants done; if he doesn't do that, he can't expect anyone to obey him. Thus, if the matter is so obscure that even experts can't figure out whether the acts in question are wrong or not, then this is the Divine Lawgiver's problem (or nature's, if you prefer); and so you can act as if there really is no obligation here, *and be morally sure that it is all right to do so*.

The view is called “probabilism” because in the case where the existence of an obligation is objectively unclear, *any* solidly probable opinion (no one can have knowledge in such a case) can be followed, for the reason given above.

- **NOTE:** This is a bit of a dangerous rule to put into practice, however. There are all kinds of crazy people who set themselves up as ethical “experts”; and I would venture to say that if you considered any issue, you would find someone who presumably had qualifications saying that just about any act you wanted to name was all right.

So it might seem that any type of action would fall under the “doubtful law,” and you could do anything. For instance, there were

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experts who defended slavery; there are experts today who defend abortions.

I think that before a person could legitimately feel secure in applying this rule, he would have to know the *general orientation* of the “expert” who says that it is all right to do some controversial act. If the expert seems to be rather strict or “orthodox” in his view of what human nature is, and he says it is all right to do some particular act, then he probably has valid reasons on his side. If, on the other hand, he is “compassionate” and just “doesn’t want to burden people,” then he probably is not reasoning but telling people what they want to hear—and he may be sincere in this; but the likelihood that he is stating the facts about what we really are is that much less.

There are those nowadays whose view is that being moral ought not to be difficult. They are “redefining” human nature into infinite “flexibility,” and are simply not being realistic. Let their consciences save them; but follow them not.

This finding out the facts is, as the title of these guidelines said, usually called the *direct method* of clarifying your conscience. It is called “direct,” not because you necessarily find out the facts directly (using expert advice and especially the “doubtful law” is certainly indirect), but because *what you know* is that *the act you are to perform is all right*. That is, using, say, the “doubtful law” you realize that it is all right to use legal tax “loopholes” and pay no income tax.

● II INDIRECT METHOD

● A. *It is, of course, always moral to choose some alternative course of action that your conscience is clear about.*

That is, if you don’t want to be bothered investigating the issue, you don’t have to (as was implied above), as long as you avoid doing the act. A person who isn’t sure whether abortions are wrong or not doesn’t have to investigate the issue, as long as she has no intention

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of having an abortion.

Suppose, however, this fails. Either you can't find an expert (either at all, or in time before you have to act), or having consulted one, you still think that he didn't understand the situation, and you went to someone else who still didn't seem to realize the real issue—and you're still in doubt as to whether the act is right or not.

● **NOTE** that “*being in doubt*” here *does not mean being worried about the act; it means knowing information that it might be wrong*. “Doubt” is an *intellectual*, not an emotional thing in this case. Emotional doubt is irrelevant.

● **B. *If and only if there is (a) no certainly right way to act and (b) there is no way to find the actual facts, then***

● **1. *Choose the course of action that seems morally safest.***

That is, choose the act that seems *least* likely to be wrong or to involve the *least* wrongness. It has to be what “seems” least wrong, because you don't know it *isn't* wrong and you can't find out. If you do this, your conscience will be clear in this sense: you will *know that you are trying to avoid what is wrong*, and this is what moral choices are: unwillingness to do what is wrong.

In this case, anything you do might be wrong; and so you choose *away from* what (to you at the moment) is *more* likely to be wrong or from what seems *worse*, and you have assured yourself that your choice, even though you might be doing wrong is your best attempt to avoid doing wrong under the circumstances. Your choice is explicitly *away* from wrongness; you are *unwilling* to do what is wrong.

This is different from acting with an unclear conscience, because then you are willing to do what might be wrong (and you could avoid it). Here, there is no way you can avoid what *might* be wrong;

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and so you choose *away* from what is more likely to be wrong with the intention of avoiding wrongness.

This method of clarifying one's conscience is called the "*indirect method*," because you don't know whether in fact the *act* you chose was the one that in this situation was the morally right one. All you know is *that you have the proper orientation of your will*. All that is *really* necessary, of course, in morality, is to be *unwilling* to do what is wrong; which in this case you know, because, not knowing *any* action to be certainly right, you are choosing *away* from what is *most likely* wrong.

But, as should be obvious, this last step only works *if there is no certainly right alternative and you have already tried the direct method and it has failed*. The reason is that if you "take the lesser of the two evils" without trying to find out the facts, then you might be able to *know* what is *in fact* the right course of action; and if so, not to find out is *to be willing to accept the possible wrongness* in what you choose, even though it is the "lesser evil." But when you *can't* find the facts, then the choice of the "lesser evil" is not immoral, because you know you are doing the only thing that can avoid immorality.

●Be very clear on this●

You must *never* choose *any* wrongness. When confronted with two "evils," it is *not* moral to *choose* the lesser one just because the other is greater. And sometimes, if you know what the facts are, you have to choose a course of action (indirectly) involving greater wrong in order to avoid choosing wrong.

We will see this later. If the small wrong is the *only means* to avoid having tremendous wrong happen, *you cannot choose it*, and must *unwillingly permit* the greater harm.

But that applies when you know what the facts are. Let me now an example of not knowing. A woman is grabbed by a rapist, who holds a knife to her neck and says, “Lie still and let me rape you, or I’ll kill you.” If she lies still, she’s choosing to let him rape her and is having sex with him; if she struggles, she’s choosing to let him kill her. Both seem wrong to her, and obviously she can’t consult anyone.

She chooses not to struggle, on the grounds that it’s worse to die. She knows that she doesn’t *want* to have sex with that man, and so she isn’t choosing to have it; she just can’t avoid it if she wants not to die. It would be absurd to say that the woman is choosing sex with the rapist, under these circumstances.

(Actually, if she knew the facts, she would know that this course of action is morally all right and that she is not in fact committing adultery. But we are supposing here that she doesn’t know; all she knows is that she was trying to *avoid* doing what is bad. Her conscience is clear, even though she might not know what “a person” should do in similar circumstances, or why.)

● **2.** *In the unlikely event that all options seem equally wrong, then any one may be chosen with the intention of avoiding the wrongness of the others.*

The reasoning is the same. You are choosing away from wrongness; and in this particular case, the choice does not involve *choosing* the possible wrongness of the alternative.

5.2. Act and situation I promised just above that I would give guidelines how you could find out for yourself what the facts are about the moral rightness or wrongness of a given act in most cases, so that you can usually clear up your own conscience. The key to doing so very often involves *recognition of what is included within a*

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choice

The choice to perform an act is a choice to perform a *concrete act*: that is, an act in a certain *situation*. The situation is what *relates* the act to the *agent's humanity*.

Obviously, if the situation relates the act to your humanity, then the situation can make the act *inconsistent* with what you are (and so morally wrong) or consistent and so morally right.

Sometimes the situation doesn't affect the *moral* character of the act at all. Studying in the library or in your dorm room doesn't make any moral difference; the point, however, is that various aspects of the situation *can* make the act consistent or inconsistent with you as its agent; and so certain acts cannot be morally chosen in certain situations, but can be chosen in others.

For instance, ordinarily it is not immoral to refuse to give a person fifty dollars. But if you have just bought something worth fifty dollars from him, then it would be immoral to refuse to pay him. "Well of course," you say. But this just illustrates that the situation can change the moral character of an act you are thinking of doing.

● **RULE: An act is *not morally right* unless *every aspect* of the situation makes it consistent with the nature of the agent; it is *wrong* if even *one part* of the situation makes it *contradict any aspect* of the agent in that situation.**

To relate this to what we said about conscience above, *you would have to have evidence that there might be some inconsistent aspect of the situation* in order for you to have an unclear conscience. Most of the time, (as in paying what you owe someone) the aspect of the situation will shout at you; but there can be cases where you don't know;

and these would be the times when you would have to consult an expert.

Note that the act itself (the physical act, independently of the situation) is *always morally neutral*; i.e. neither right nor wrong.

Before you leap to accuse me of being a “situation ethicist,” hear me out. Why is this? Because the act is an act performed by a human being—and so is an act a human being can perform. If a human being could not perform it consistently in *any* situation, then it would be physically impossible for him to do it.

Some might object that, since we are creatures of God in every situation, an act of contempt of God like the statement, “God, you are a stupid fool” is an *act* that we could never perform in any situation. But of course I just wrote that statement in a situation in which there is nothing morally wrong with writing it: as an example of a blasphemous statement. I couldn’t write this *and mean what I was writing*; but that is part of the situation. The same would apply to any act.

Note that when ethicists define some acts, such as “murder” or “abortion” or “lying” as “wrong in themselves,” the *act they are talking about* is a *morally defined act, which includes part of the situation in its definition*. For instance, killing a person in self-defense is not “murder”; removing a diseased uterus in which there is a fetus is not “abortion”; saying what is false in circumstances where what you intend to convey is a forceful presentation of the truth, (e.g. “What beautiful weather!” in a rainstorm) is not a lie—and so on.

I would not deny that “acts” like murder or abortion or blasphemy or lying and so on are “wrong in themselves,” when they are defined in this ethical way. But I think that it makes for confusion

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when you say that “murder” is wrong and then say that deliberately executing a criminal is all right; because people think of murder either as “killing” or as “deliberately killing”; and this is not what the “act” called “murder” technically is, as defined by such people: they define it as deliberate *unjust* killing; and for various reasons say that capital punishment is not unjust.

But then I see no point in making a distinction between the “act” and the “circumstances,” (which is what they call the situation), when you are including *some* of the circumstances in the “act” and excluding others. For instance, a killing is “unjust” when the one you kill has a right to life; but this is a circumstance (the person acted on).

Therefore, it seems to me to make more sense to define the *act* as *the actual physical or mental act you perform* irrespective of the circumstances. This is *what is related* to your humanity; and so in itself it is neither right nor wrong, until it *gets* related by some aspect of the situation.

The problem, really, with “situation ethics” is that it supposes, really, that you don’t have any “given” humanity, and that the situation *creates* the moral status of the act, basically depending on how “lovingly” you act in that situation. Acts like lying (in which you contradict factual communication in the act of factual communication) are all right, according to them, when the “situation” makes it “better” (because it has good effects) to lie rather than tell the truth. *If you take this view anything can be justified, and so there is no real morality. It then becomes “the right thing” to violate your own reality.* Thus, “situation ethics,” under the guise of being “loving,” makes a mockery of morality and stands morality on its head.

But this should not blind us to the fact that it is the situation which *connects* the act to the humanity you have at the time you perform it; and hence the situation *enters into*, though it *does not define* the moral status of the act.

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Now then, with that said, let me show how *any* aspect of the situation *can* change the moral character of the act. I will simply mention some aspects, but pay special attention (and give special subsections) to others.

- **Who** performs the act. You, the agent. If you have promised to pay someone fifty dollars, then you have changed your nature into a “payer,” and it is inconsistent with you to refuse to pay; while if you haven’t promised and someone asks you for fifty dollars, there would be nothing wrong with refusing.
- **Whom** you act on. When you promised to pay Jones fifty dollars, then you can’t satisfy your nature as a “payer of fifty dollars” by paying Smith the money.
- **Where** you do the act. It is all right to play your stereo in your dorm room; it can be morally wrong to play it under a hospital window.
- **When** you do the act. Playing your stereo loudly at two in the afternoon in your dorm room is (probably) not morally wrong. Playing it at the same volume at two in the morning probably is.
- **How** (i.e. in what manner) you do the act. Playing your stereo at two in the morning in your dorm room is all right if you use ear-phones or play it softly enough so no one else can hear you.

5.2.1. The motive There are, as I said, some aspects of the situation that merit special attention and emphasis. The first of these is the *motive* for the act.

● NOTE WELL ●

The terms *motive, purpose, intention, goal, reason, and end* all refer to the same thing; they are *the effect for which the act was chosen*. They are what you are *trying to accomplish* by the act you choose.

5.2.1. The motive

- **RULE:** A *wrong* motive makes the choice *immoral*; but a *good* motive (or good intention) does *not* necessarily make the choice moral.

This is another way of saying that good intentions are *necessary* for morality, but they are *not sufficient*. You can't *save* an otherwise immoral choice by having a good intention; but of course you can *vitiate or ruin* an otherwise perfectly innocent act if you do it with an *evil* motive.

(There is another sense of "intention" that you might find in ethics textbooks, which is the equivalent of the *whole content of the choice*, on the grounds that the choice "tends into" the whole concrete act it chooses. But this is an archaic sense, which is no longer used. For this book, the "intention" just means the effect you want the act to produce.)

So, for example, terrorists cannot excuse bombing bystanders on the grounds that "this will wake the country up and the terrible oppression of my people will cease." The intention is good—stopping oppression—but you are still *choosing* to kill people in order to achieve your good purpose; and the choice has eternal repercussions for you.

And on the other side, volunteering for overtime work on your company's computer is fine, but if you do it because you want to break into their payroll program and give yourself an unauthorized boost in salary, you have chosen to steal (This kind of stealing is called "embezzlement," of course).

5.2.2. The means Another of the aspects of the situation that affects the choice is that of the *means* you use to bring about the purpose you have.

5.2.2. The means

- **RULE: A *morally wrong* means may *never be chosen* to achieve *any* purpose, however good.**

This is what the old saw, “The end never justifies the means” says. The fact that you have a good intention or purpose, as we just saw, does not save a wrong means from being wrong, and the choice of a wrong means from being immoral.

Actually, *if this were not true, then there would never be anything immoral*. It can be said in general that what we want to accomplish in anything is something good: our development, our happiness, whatever. If the means to this good end either “became good” because of your good intention or were “ignorable” because of your good intention, then there would never be anything immoral. And in general, for those who try to justify acts by their good intentions, the more horrible the act, the better the intention.

Note, therefore, that even if the purpose is *avoiding* terrible wrong or harm, it is still *immoral* to choose a *morally wrong means* to do so—even if the wrongness in the means is insignificant in comparison.

This is the place where what I said earlier about the “lesser of the two evils” applies. Suppose you know a secret, and you are captured by the Evil Enemy, and you realize that by telling a little lie, you can save the world from nuclear war. Either you lie and the world is saved, or you refuse to speak and the whole world gets blown to smithereens. Can you lie to save the world?

No.

And, in fact, if you *do* lie, you have chosen what is *in fact the greater* of the two evils. Why? Because you have chosen your eternal frustration: one that will never, never end; while the destruction of

the world, though horrible, is finite. Eventually, the “quantity” of suffering you undergo will surpass the suffering the world undergoes in the days of its destruction.

When I was talking about choosing the morally safer course of action, I was supposing that you *don't know* the facts and *can't discover them*, and *all* courses of action seem bad to you. Then and only then do you know that what you are trying to do is *avoid* wrong. In the case where you choose a wrong means (even a “little tiny” one) for a good purpose, you *know you are choosing what is wrong*. There's the difference. You can't be avoiding wrong *by choosing wrong*.

5.2.3. Side effects Another aspect of the situation that can lead to complications is effects of the act which you *foresee will happen*, but which you don't *want* to happen. They happen as side-effects of some act that has *another* effect that is your purpose. Are these part of your choice, or can you ignore them?

On the face of it, it would seem that you can't. It would be a rare person who would say that it was morally all right to excavate your back yard for a swimming pool if this would undermine the house on top of the hill behind you, and you knew this. The fact that your purpose was to build a swimming pool doesn't free you from responsibility for the destruction of your neighbor's house.

● **RULE: In general, if you choose an act, you are also choosing ALL of its known effects, even if they are effects that are not part of the purpose of your choice. Hence, if any side-effect is wrong, the choice is generally immoral.**

Notice that I very carefully put “in general” there. This is one of the aspects of the situation that has a sort of “escape clause” in it, because the effect is not *in* the act itself as part of it (the way the

place, time, and manner are), but is often divorced from the act in time, and may possibly not even occur, though the act occurs. Thus, for instance, your excavations might not in fact do any damage to the house above you, though you had reason to believe they would.

Before we get to how to use this “escape clause,” notice that in general, you would still be *willing*, in the case above, to wreck the house, because you foresaw that it *might* happen and went ahead with doing what could bring it about. So even if the bad side-effect doesn’t actually happen, *in general*, if you foresee that it *might* happen (i.e. not that you’re “afraid” that it might happen, but you have *actual facts* leading you to think that it *would*), then you are willing to have it happen.

So, for instance, based on the Surgeon General’s evidence, you know that smoking more than a pack of cigarettes a day is likely to give you lung cancer. If you *choose* to smoke this much (supposing you to be in control, now, not addicted to nicotine already), then you have to be *willing* to get lung cancer, even if you’re not *trying* to and even if you never get it.

BUT

There are times when a side-effect of an act you *chose* can be *against* your will.

Take the case we saw before of the woman who is being raped. She is told, “Lie still and be quiet, or I’ll kill you.” If she lies still, she has sex with the rapist. If she screams or struggles, she dies. Both of these are effects of the act she chooses. Now if she chooses to lie still, *one* effect is that she saves her life, and the *other* is that the rapist has sex with her. Has she *chosen* the sex?

In this situation, no. Here, *all* she chose was to save her life; the other effect of the same act was an *unchosen* side-effect of the act which could not be avoided if she was to save her life; and to choose to scream (and so to die) would be worse.

We looked at this earlier as an example of the “choosing away

5.2.3. Side effects

from wrong”; and this in some circumstances can be what it is. It is traditionally called, however, the Principle of the Double Effect, and it is legitimized on the grounds that the effect is not actually part of the act, and in this special situation (rules for which we will give below) it can be kept out of the choice.

5.2.4. The Principle of the Double Effect

This principle is perhaps the most useful tool in ethics. It is not, as I said above, really a set of rules for the indirect method for clarifying your conscience (i.e. knowing you have chosen away from wrongness), because with this set of rules, *you know which act is the correct act to choose when in a dilemma*. In the indirect method, you don’t know which act is actually the right one; you just know what you are trying to do. Here, you can tell which is morally right.

● **RULE: An act *indirectly* involving wrongness may morally be chosen if the following five conditions are met:**

● **1. The wrongness involved must be in an *effect* of the act, not in any other part of the situation.**

If the wrongness is in some other part of the situation, then it is there modifying the *act* you choose (as the time or manner would); and since you choose the act, you could not then keep the wrongness out of the choice. The effect is *separate* from the act itself, and hence can be separated from it mentally without “fictionalizing” the situation.

● **2. There must be *at least one known right (good) effect in addition to the wrong one*.**

The idea is that you choose the act as causing the *right* effect, merely *permitting* the wrong one; your motive is the right one. If all

the known effects were wrong, then why would you do it except for a wrong reason?

Of course, the reason why this is called the *double* effect principle is that you lump all the good effects together as one complex effect, and all the bad ones as one bad effect.

● **3. The *right* effect must *not depend* on any of the *wrong* effects.**

Both the right and the wrong effects depend on the *act*, of course; but the point is that if the right effect depends on the wrong one, then the wrong one becomes a *means* for the right one (your motive), and you would *have* to choose it, as we saw when discussing the means.

So the two effects have to be *independent* of each other.

Note that this does *not* mean that there has to be a chance that the wrong effect might *not* actually happen. You might be morally certain that it will happen; but you still don't *have* to choose it if it isn't a means to the good effect and the other conditions are also met.

● **4. The *wrong* effect must *not be a motive*.**

Obviously, if the wrong effect is one of the effects you *want* to accomplish, then you have *chosen* it. The point here is that you can't use a dilemma as an *excuse* for doing what is wrong; as the woman being raped can't *want* to have sex with the rapist, and think, "Well, it's rape, so that makes it all right." You have to be *unwilling* for the wrong effect to happen, except that it's inescapable under the circumstances.

● **5. The *sum total* of the wrong effects must *not be worse* than what would happen if the act were *not* chosen.**

That is, you have the alternative of choosing this act with its bad

5.2.4. The Principle of the Double Effect

side-effects, or of not choosing it. Suppose you didn't choose it, what would happen? If the effects of *not* choosing it are *as bad or worse*, then you can choose it (always supposing the other four conditions are met, of course). If, on the other hand, it would be *less bad* if you didn't choose the act, then *you are choosing something which is worse than the alternative, and this is immoral*.

This is usually phrased as “the good effects must equal or outweigh the bad ones.” The trouble with this is that you can't measure “goods” as “better” than “non-bads.” Not only are goodness and badness subjective in the last analysis, but the two are *incommensurate*. That is, a certain “amount” of goodness cannot “compensate” for some amount of badness. For instance, a thousand dollars (or even a million) does not really “equal” the loss of, say, a leg. There's no comparison, any more than a certain loudness of E-flat “equals” a certain shade of blue.

Let me finish off this chapter by illustrating with a couple of examples, showing how you would go about applying the rules.

Situation: You are trapped on the 80th floor of the World Trade Center as it burns. Elevator shafts and stairways are on fire. The window is open, but there is no safety net below, and you will surely die when you hit the ground.

The alternatives are (a) jumping out the window and dying on the pavement, or (b) staying in the room and burning to death.

Take the first alternative. 1. The *act* is jumping out the window, which has nothing wrong with it except what will happen when you hit the ground (fulfilled). 2. The act has a good effect: you escape burning to death (fulfilled). 3. The escape from the flames does not depend on your *death* (the wrong effect), because it occurs *before* you die (fulfilled). 4. You are not trying to kill yourself, but to *avoid* burning to death (fulfilled). 5. It is at least as bad not to jump and to burn to death (fulfilled).

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Take the other alternative. 1. The act (of staying where you are) has nothing wrong with it except what happens when the fire reaches you (fulfilled). 2. The act has a good effect: you don't die by hitting the pavement (fulfilled). 3. The avoidance of dying on the pavement doesn't depend on your *death* (because if the fire went out you would still achieve the good effect) (fulfilled). 4. You aren't trying to burn to death; you want to avoid dying on the pavement (fulfilled). 5. It is at least as bad to die by hitting the pavement as it is to stay in the room and die (fulfilled).

So in this case, since the two alternatives are about equal, you can choose either way.

We could add an alternative here which shows how the third rule works.

Situation: You try to get out the window and can't squeeze through. You search the room and find a pistol. You figure, "If I shoot myself, it'll be quick and less painful, and if I burn to death, it'll be slow and agonizing." Can you shoot yourself?

1. The act of pulling the trigger on a gun aimed at your head has nothing wrong with it except its effect (if there isn't a bullet in the gun, nothing bad happens) (fulfilled). 2. The act has a good effect: you don't die slowly and in agony (fulfilled). 3. Your *death* is what allows you to escape the agony of burning to death (not fulfilled).

So even though it would be *worse* to die by the fire, you can't shoot yourself to escape it, because then you would have to *choose* to die.

Let me now give an illustration of why you have to take the fifth rule in the sense I have mentioned it, rather than "weighing the good effects against the bad ones." No respectable ethicist I know of would disagree with the conclusion I am going to reach in this illustration; but I think that logically, using "good vs. bad," you wouldn't have to come to this conclusion.

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Situation: You are offered twenty million dollars if you will play a game of Russian Roulette just once: put a single bullet into a six-shooter, spin the chamber, point the gun at your head, and pull the trigger.

Alternatives: Take the bet, with a five-out of six chance of winning \$20 million, and a one-in-six chance of dying. Refuse the bet, and be sure of not getting \$20 million but also of staying alive.

Take the first alternative. 1. The act of taking the bet, and even the act of pulling the trigger on the gun has nothing wrong with it in itself (as we saw above in the burning building's third alternative); the only thing wrong is the effect if the bullet is in the wrong chamber (fulfilled). 2. The act has a good effect: you have a five-in-six chance of getting \$20 million (fulfilled). 3. The good effect doesn't depend on your death—obviously; if you die, you don't get it (fulfilled). 4. You don't want to die; you want to live and collect the money (fulfilled). 5. But it is *worse* to have a one-in-six chance of dying than to be the way you are now.

You see, the comparison isn't between the likelihood of living with \$20 million and the likelihood of dying; you might argue that with a five-in-six chance of living (which are pretty good odds) and that "reward" for it, it would be on balance worth the risk.

But the real comparison is between how *bad* it is if you *take this alternative*, as opposed to how *bad* it will be if you take the other one. Nothing *bad* is going to happen to you if you refuse the bet (you don't *lose* \$20 million, because you don't have it now); you're no worse off than you are now if you refuse the bet. That is, you might just as well say that if you keep on the way you are, you "won't get" 20 *billion* dollars, or 20 trillion, or any sum you want to name. But this "not having" money doesn't mean you're actually *losing* anything. Not gaining (missing a possibility) is not the same as a loss.

Hence, since if you take the bet, you are putting your life in

danger, and there is no harm coming to you in the alternative, you can't take the bet, *even if you think the money is worth the risk.*

I rest my case for my formulation of the fifth rule.

Important note on the fifth rule

Since "good" and "bad" are basically subjective, evaluating which alternative is "worse" will also be somewhat subjective. There is no problem with this if *you alone* are involved; since there are no "objective degrees" by which you can *measure* "badness," then you may avoid whichever *seems* worse to you, based on the data you have (i.e. avoiding false comparisons like the "loss" above of what you don't have to begin with).

But when *harm to someone else* is involved in the "bad" effect, then *you must take what is generally regarded as worse in the society you are in as your view of the harm to the other person*, and not impose *your* evaluation of what is "bad" on the other person.

That is, *you* might consider it "worse" to lose ten thousand dollars than to lose an eye (so that you would refuse an operation to save your eye if it cost that much); but you have to realize that *another person* could legitimately reason the other way; so that if you had ten thousand dollars and your son (who depended on you) needed an eye operation, *you would have to pay it and let him have the operation.*

Which is "really worse" in this case? The point here is that there is no *truly objective* answer to that question. You can make some kind of assessment by this procedure: "What acts *can I not do* if I didn't have the ten thousand that I can do if I have it? What acts can I not do with only one eye that I can now do with two eyes?" This will tell you what you are being *deprived* of in the two cases. But it is not simply the *number* of acts not able to be performed that constitutes the deprivation, it is the *quality or importance* of those acts in your

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life. But the *importance* depends on what your goals are, and how these acts reflect your goals; and your goals depend on your free choice, not on something objective.

So even though you can make an assessment of what is bad and what is worse, that assessment has an *inescapable subjective component*, and therefore must not be imposed upon another.

This means, of course, that absolute, cut-and-dried answers that apply to everyone are not possible in ethics.

I think it is well to be aware of this fact, and be honest about it. It does not mean that ethics is “subjective”; just that there are situations in which the subjectivity of “good” and “bad” enters, and where different people of good will will come to different conclusions.

But this does not really matter, because morality depends on the choice; and even though the choice depends on the facts you know, the real fact you have to know is that you are doing your best to avoid what is inconsistent with your reality here and now. God is not a spider who is sitting at the edge of a web of complexities waiting to pounce as soon as you make a mistake. The whole moral issue is whether you deliberately want to frustrate yourself or not; if you do, you can’t use anything said here to get around the consequences of your choice—because the choice *is* its eternal consequences. If you don’t, your attempt not to saves you from setting up a self-contradictory goal.

So even though ethical questions may be very complex and intricate, *there is never anything to worry about*. If you are trying honestly to do what is objectively right as far as you can see it, your mistakes will count in your favor.

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This ends the general considerations of ethics.

Summary of Chapter 5

Conscience is the factual information you have about whether the act you are thinking of doing is morally right or wrong. It is evidence, not opinion or feelings. The morality of a choice always depends on the conscience of the one who makes the choice.

Conscience is **clear** when there is no information that there is anything wrong about the act in question. When a person acts with a clear conscience, his choice is always moral, even if he is mistaken. Conscience is **unclear** if there are any facts which indicate that the act is or might be wrong, even if it is more likely that the act is morally right. It is always immoral to choose to perform an act which your conscience is unclear about, because then you are willing to do it even if it really is wrong, and this is to be willing to do wrong, which is immoral.

To acquire a clear conscience, the **direct method** is used if you want to perform the act that you are unclear about. In this case, you must first find out whether in fact the act is morally right. If you cannot do this by yourself, then you must ask an expert and follow his advice. An "expert" is one you have information is in fact an expert. It is immoral to try to find an expert who will tell you what you want to hear; your intention must be to find out the facts. It would be immoral to seek less qualified experts when more qualified ones are available, other things being equal. If recognized experts disagree on whether something is wrong or not, then you may take the most lenient view that has good authority behind it, always remembering that not everyone who calls himself an "expert" really is one. This is called the direct method of clearing your conscience, because if one of the above indicates that the act is all right, you know that it is something you can morally choose.

If you cannot discover the facts, the **indirect method** applies. It is always, of course, moral to choose an alternative that your conscience is clear about. But if there is no course of action that seems to be certainly right, then you may clear your conscience by taking the morally safest course of action: the one that seems least wrong or least likely to be wrong. If all alternatives seem equally bad, any one may be chosen with

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the intention of avoiding the wrongness of the others. This is called the "indirect method" of clearing your conscience, because you don't know whether you chose a morally right act, but you know that your will is directed away from wrongness. *It is only applicable when the direct method has been tried and has failed.* Choosing "the lesser" wrong when you are not in this situation would involve actually choosing wrong, and would be immoral.

To find out the facts for yourself, recognize that the choice is a choice to perform an act in a **situation**; and the situation relates the act to your nature. The act in itself is morally neutral, but any aspect of the situation is capable of changing its moral character by making it inconsistent with your nature. Important aspects of the situation are the **motive** (which is the same as the purpose, intention, goal, reason, or end for which you choose); if it is wrong, the choice is immoral; but if it is good, other aspects of the situation can still make the choice immoral. The **means** toward the purpose must not be wrong, because it must be chosen if the act is chosen for the purpose on which it depends. Even if the wrong means is less wrong than the purpose (which can be the avoiding of a great wrong), it must not be chosen if the purpose depends on it. **Side-effects** of an act (effects foreseen which are not the purpose) are ordinarily chosen along with the act, even though they are actually separate from the act itself.

The **Principle of the Double Effect**, however, is a way of keeping a wrong side-effect out of the choice of the act that produces it. It contains five rules: 1. The wrongness must be in an effect of the act, not in any other part of the situation. 2. There must be at least one known right effect in addition to the wrong ones. 3. The right effect must not depend on any of the wrong ones. 4. None of the wrong effects may be a motive (even a secondary motive). 5. The sum total of the wrong effects must not be worse than what would happen if the act were not chosen.

Since the last rule involves evaluating "degrees" of badness, it will have some subjectivity in it. There is no problem in this, except when the bad effect involves harm to someone else. Then a person must take the "worst case" interpretation, and not impose his own degrees of badness on another person.

This implies that absolute and objective answers to ethical problems cannot always be arrived at; but this does not really matter, because by following all the rules in this chapter, a person has cleared his conscience, and knows that his choice is not self-frustrating; and so has not brought eternal frustration on himself.

5.2.4. The Principle of the Double Effect

Exercises and questions for discussion

1. The Pope says you can't use contraceptives, and a Catholic says, "Well, I don't agree." Since each person has to follow his own conscience, does this mean that the person can use contraceptives?
2. A person has an abortion, thinking at the time that there is nothing wrong with this. Afterwards she sees the film *The Silent Scream* and realizes what she has done, and has to go into psychotherapy to deal with her guilt. Does she have a guilty conscience?
3. If conscience is knowledge, then obviously if you don't know something is wrong your conscience is clear. Wouldn't it help you to have a clear conscience, then, if you quit the course at this point, given that you might find out a lot about what you can't morally do?
4. If you're "clearing your conscience" by taking the morally safest course, knowing that even this course of action *might* be wrong, aren't you still willing to do what is wrong, and so still acting with an unclear conscience?
5. Doesn't taking the morally safest course in clearing your conscience mean that it's all right to do something that's a little wrong in order to avoid something that's very wrong? And doesn't this contradict the whole of morality, since we never do wrong unless we expect that by not doing it we will be worse off?
6. If *any* aspect of the act makes it inconsistent with your reality, then won't *every* act be wrong in some respect—since at the very least it uses up energy and causes wear and tear on the body, and this is harmful to the organism?
7. If you kill someone in defense of your own life, isn't his death the means toward your staying alive—and so doesn't this violate the third rule of the Double Effect?

5.2.4. The Principle of the Double Effect

PART TWO:
APPLICATIONS TO
ECONOMIC LIFE
AND BUSINESS

CHAPTER 6

MYTHS AT THE FOUNDATION OF ECONOMICS

6.1. How ethics is applied The moral obligation, then, which is either a total waste of time or by far the most serious obligation we have, tells us that we must not deliberately act inconsistently with what we know or suspect we really are. And if we refuse to find out what we are, then we guarantee that we are being immoral.

It follows that it is a good idea to find out what our reality in fact is, so that we will be acting consistently with it. I should point out that it is really a good idea in this life as well as the next one, because if you are inadvertently acting inconsistently with your actual reality, then (even though you won't be eternally frustrated for your mistake) you are in fact at cross-purposes with yourself, trying to do something that your own reality will not allow you to do as you intend.

Reality has a habit of catching up with us, in other words. If you

6.1. How ethics is applied

simply dump your waste into the river, then the river gets polluted; if you mortgage your house to the hilt at the peak of a housing boom, then you lose everything when property values plummet in the coming depression. If you contract to become a surrogate mother, you discover halfway through the pregnancy that this child is yours, not that of the wife of the man who impregnated you, and you can't give him up, and yet you have to according to your contract. And so on.

The reason for saying that there is a life after death is that (a) reality doesn't always catch up with us like this. Many people do things that ought to blow up in their faces and luck out. People do sometimes play Russian roulette and win. Also (b) we can be acting at cross-purposes with ourselves without the slightest hint that we are doing so; and we can be suffering reverses from what we think of as luck when in fact if we knew what will not be known until three hundred years from now, we would have realized that it was our own ignorant behavior that was doing it. But life doesn't make sense if we have to suffer for something that we couldn't have prevented.

Still, it is obviously better to know as much as we can about what we are, so that we can avoid the pitfalls of acting inconsistently with ourselves. And it is necessary for our eternal life not to try to avoid knowing what is relevant to our conduct on the grounds that "we're comfortable with our opinion."

So what we're going to do here is take a look at human reality in its economic dimension. There are a lot of other aspects of human reality that should be examined; but this is one important phase of human life, which affects a great many other aspects of human existence, and in which it is quite easy to be at cross-purposes with your own intentions.

This is why this is not really a book of just business ethics. Business is one small aspect of human economic life; and even in busi-

6.1. How ethics is applied

ness, it turns out that answers to moral dilemmas (to the extent that they exist) involve much more fundamental aspects of human economic reality, which apply to all sorts of things besides business. Rights in the workplace are obviously one application of the morality of rights in general; and if you don't have a clear notion of what rights are based on, then you'll mess up your conclusions about what workplace rights entail. What Government should be doing about economic problems rests on what the function of government (civil society) is and what kind of relationship it implies that we have with one another when we form a society—and so on.

We will discuss business, but we are going to approach it slowly, taking the more general aspects of human life which are relevant to economic activity and social activity first, and then getting into things like ownership, transactions, value, service, entrepreneurship, employment, and finally the complex firm. That way, when intricate questions come up, we will have under our belts the more general principles which will allow us to thread our way to a solution.

6.2. The Seven Great Myths But before beginning let me warn you that this book tries to show that seven things that are simply taken for granted as “self-evident truths” are in fact myths that, far from being self-evident, are false. I will try to show why when I come to them in the text; but it is as well to put them here at the outset, if only to show what a mess economic theory can get into when it bases itself on them.

It is not widely known that Adam Smith, the founder of modern economics, was really a philosopher—and a moral philosopher at that. He built his ethics on the foundation David Hume had laid: that of Moral Sentiments, which was basically the idea that reason couldn't get you anywhere in morality (because the will wasn't motivated by reasons); and so the only thing that you could base motiva-

6.2. The Seven Great Myths

tion on was how you felt about things.

Needless to say, I think this view of his was false. It turns out that a number of other of the views his economic theory rested on were also false; and even though his theory (which of course doesn't work as he expounded it) has been superseded, the subsequent theories have taken for granted many of the things that he held as obviously true, with the result that those theories are also on very shaky ground.

I am, as I say, going to discuss these truisms that turn out to be false as I try to show what our human reality in its economic dimension is really like based on the evidence at our disposal today. But I think it would be good to put them here together at the outset, because you doubtless also think that they are obviously facts, and it would be good to bring them out into the open right away so that you'll be able at least to look at them and consider them and not simply be shocked into not giving what I say later a hearing.

6.2.1. First myth: we are autonomous The First Great Myth, then, is that we have one basic way of relating to each other: as autonomous individuals. I respect your autonomy and freedom, and I expect you to respect mine. I don't, in other words, violate your rights; and if I want you to do something for me, I recognize that I have to compensate you for your loss of time and effort. And since we are both autonomous, I expect you to do the same for me.

Now I have no problem saying that we *do* have this kind of relationship with each other; in fact, it is the economic relationship, whose negative side is that of rights, and whose positive side is compensation for services rendered.

But we use that relationship as if it were what explained social interactions, like what goes on in a family or a team or a country; and it simply won't work. If children did not get *un*compensated service

from their parents, they would die. That is, parents can't count on having their children do as much for them when they get old as they're doing for the kids when they're young, because (a) the kids didn't enter into the contract in the first place, (b) the kids were after all caused by the parents, and in that sense are the consequences of the parents own actions, and (c) no one knows how much service the parents will require when they get old. And if the parents need enormous service (if they get sick, for instance), can their children then say, "Well, I've paid you back what you gave me; now you're on your own"?

So the way we relate to others when we are in a family or on a team (which loses if each player is putting out only what he will get back) is an entirely different kind of way from the way we relate in the economic realm; instead of compensation for services rendered, we get threats of punishment if we don't do what is expected of us as members, and instead of respecting of rights, we have the satisfaction of knowing that we as a team are doing something that the individuals, and even the sum of the individuals can't do.

Needless to say, there are all sorts of economic implications of this. If, for instance, a marriage is looked on as an economic arrangement ("I'll do such-and-so for you if you do this-or-that for me), then its essence is falsified, and it will fail. If your participation in society is looked on as an economic arrangement, then you will not be able to cooperate correctly with others for the preservation of the rights of everyone, and the society will fall apart—with the result that people's rights, including your own, will be violated.

So we will have to examine how these two ways of relating to others differ from each other, how they complement each other, and how they interact in our complete life.

6.2.1. First myth: we are autonomous

6.2.2. Second myth: we are all equal The Second Great Myth is that “all men are created equal.” This flies in the face of the manifest evidence that we differ so markedly from each other in abilities. If we are “the same,” it is qualitatively, not quantitatively so. Just think about this for a minute: In what sense could we be considered “equal”? By what measure? Is a person lying in a coma, who can do nothing but breathe and take in nourishment intravenously, *human to the same degree* as an Olympic athlete or as an Einstein?

If you say he’s “just as much human” as the athlete or the genius, aren’t you saying that you’re either human or you aren’t, and there’s no such thing as degrees of humanity. But that’s qualitative sameness, not equality. In *that* sense, heat of a hundred degrees is “just as much heat” as heat of two degrees, because both of them are heat and nothing but heat. But that doesn’t mean they’re *equal* as heat.

The problem is that we want to base rights on equality, and we don’t want any human being to be claiming any more rights than any other one. But clearly some human beings can do a lot more human things than other human beings, and if that isn’t inequality, then what is? We only know what a human being is by what he can do, after all. Granted, all that any of us ever does is a human act; but some have command over a great many more human acts than others have, and no amount of “equality of opportunity” is going to change that, because we don’t have the same human talent.

And the absurd economic consequences of this myth of equality are, among other things, that of “equal pay for equal work,” which logically results in its being morally wrong to pay someone more because he’s worked at the job twice as many years as the newcomer, not to mention that it would also be wrong to reward hard work and merit.

So we are going to have to investigate the basis of rights, and find out why we can make rights claims, even when we are not the equal

of those we claim rights against.

6.2.3. Third myth: we are never satisfied The Third Great Myth is that we are never satisfied. “You have made us for Yourself, O Lord, and our hearts are restless until they rest in You,” says St. Augustine. In other words, people are always seeking more. This, of course, is what has made greed the foundation of economics, so that in economic theory, moral behavior is considered bad economic behavior.

This myth originally had a Theological origin. St. Augustine’s idea was that the possession of God is the purpose of human life; and our wills, which are automatically attracted to what is good, depend on the intellect with its abstract knowledge; and so what attracts the will is “the good” in the abstract, and consequently the possession of a finite good cannot satisfy it. Only absolute, unlimited goodness (God) can satisfy the will. Hence, we covertly desire the possession of God whenever we desire the possession of anything, and so nothing in this world can satisfy us.

I discussed this view in Section 3.4.1. when we were talking about the life after death, and tried to show briefly where it is fallacious.

There is also the notion that we are congenitally desiring more and more because of our biological nature, because “life is growth, and constant striving after what is greater.” But, as I showed in *Living Bodies*, life is essentially equilibrium (activity that is stable and unchanging), not growth, after the initial period where we reach our mature condition. So there is not in fact and drive within us to become greater and greater, or to have more and more.

In fact, as free, self-determining beings, we choose our own goals in life, making these the only real goal that our life has; and these goals, in general, are finite and often quite modest.

Hence, it is not the case that economic activity is “the allocation

6.2.3. Third myth: we are never satisfied

of scarce resources to meet unlimited needs.” It is quite possible that we will have enough resources to allow everyone to fulfill his goal. Allocating resources to achieve your goals is actually *practical* activity, not economic activity, no matter what the economics textbooks tell you. Economic activity is a kind of *relationship between people*, where transactions are involved (each party giving up something and getting something else in return).

Needless to say, this myth that no matter what we do, we will always be unsatisfied has all kinds of economic and public-policy implications (such as that the rich are “stealing from the poor” by the mere fact of being rich); and if it isn’t true, then neither are the conclusions that are drawn from it.

6.2.4. Fourth myth: The Fourth Great Myth is that the market **price reflects value** price (the equilibrium price) of something reflects its “real value.”

We will discuss this at considerable length in what is to come. But if “value” means “utility,” as the economists say (and they are right, at least in part), then what that means is that something is valuable insofar as it is a means to a goal. But if each of us *freely chooses* his goals, then obviously this means that what is valuable to you might have no value whatever to me, because it leads to a goal that I simply am not interested in. If I don’t have as part of my image of the “real true me” listening to Wagnerian opera, then not only won’t I pay any money for a ticket to *Die Walküre*, you couldn’t drag me into the theater.

Then what does the price of the ticket represent? We will see that, far from reflecting its “real” or “objective” value, it reflects no value at all; and those who hold that it does actually represent what something is “objectively worth” make enormous injustices the economically correct results, and price fixing or tinkering with the markets

6.2.4. Fourth myth: price reflects value

becomes somehow immoral. But the other side then wants to scrap free enterprise altogether; and the result is a system that has demonstrated that it is even worse.

6.2.5. Fifth myth: economics is mathematical The Fifth Great Myth is that economics is susceptible of mathematical analysis. This myth is actually a corollary of two of the myths above: that people are in fact infinitely greedy, and that the value of something is objective.

If people are never satisfied, then obviously no matter how much you have, you want more, and so the goal of economic activity is supposed to be the “maximization of one’s own interests.” And if value is something objective (and not just what it means toward the goal you happen to have chosen), then of course, you can, if you’re clever enough, figure out what the “true” value of things are. If it is further assumed (as it is in economics) that people are rational, then they will choose what seems to them most economically advantageous (what gives them the most return on their investment); and so you can predict economic behavior based on these premises.

The dismal record of economics professors in predicting economic trends should tell people that there’s something wrong with these assumptions; but it doesn’t. What it tells them is that the variables are so many that, like predicting the weather, we don’t know all of them, and so can only do a fair job most of the time. But let’s face it; weather forecasters are a lot better at predicting than economic forecasters.

Why? Because, first of all, people’s goals are not infinitely great, and so it doesn’t follow that, faced with a choice of doing something which gives a greater return, they’ll take that option. In fact, when people are more or less at their goals, what motivates them mainly is avoiding trouble, not advancing into a land beyond their own terri-

6.2.5. Fifth myth: economics is mathematical

tory.

[Note here that you can't weasel out of what I just said by claiming that "avoiding trouble" becomes a greater value than other things, and hence, you're "maximizing satisfaction" by taking the less profitable but easier road. That means, of course, that you make more "profit" by making less profit, because it costs too much to make more. You're reasoning in a circle when you do this, holding on to the dogma that we always do what we think is best for us because we can't do anything else, and we're just deluded. You've just *invented* something that you *call* a "greater value" so that your theory will look as if it's intact. But this whole approach supposes that we're not free, and as I showed earlier and in *Living Bodies*, we are. The fact is, we *aren't* always looking to our own advantage, and can even act against what we know to be our advantage; it's called "sin" or "immorality." As I said, unless we can do this, studying ethics is a waste of time.]

The second reason this doesn't work is that there isn't any "real" value for anything; what "the market" is willing to pay for something is just a summation of subjective judgments based on subjective choices of goals, and ten tons of subjectivity doesn't amount to an ounce of objectivity, no matter how many numbers you can put on it.

And because these goals are freely chosen, they can be given up, either rationally or capriciously. So we have fads in which some object, like Cabbage Patch Dolls, becomes enormously popular and then suddenly no one wants one. This is also true in the adult world. A given vacation resort can charge high prices one year and has to turn away people, and the next year all the hotels are empty—for no discernible reason except that it's not "in" any more.

The third reason mathematical analysis doesn't work in economics is that, as I said in the fourth chapter of the first part of this book,

6.2.5. Fifth myth: economics is mathematical

people's behavior is caused by emotion as well as reason. Emotion, however, does not base itself on the self-interest of the person as a whole, but is interested in gratifying only one aspect of the person, even to the detriment of the whole. And this is as true of economic choices as it is of any other aspect of life.

To give you an example, a man I know told me he was pricing sports cars, and had just about settled on a Mitsubishi Eclipse; but when he priced it with all the turbochargers and other bells and whistles he wanted, he found that it was just a couple thousand dollars cheaper than the base version of the Mitsubishi 3000, the super-duper sports car of the Mitsubishi line. So he decided he'd get the more expensive car. But then he found that the base model was "vaporware," existing only on paper; and in order to get an actual car, you had to spend four or five thousand more.

"So I told myself," he said, "'Am I going to spend seven thousand dollars more just to get a car that's really no better than the Eclipse? Of course not!' So—I bought it."

Economic analysis is actually mob psychology; and the ones that are good at it (the Gettys and the Perots and their ilk) are the ones who can read crowd behavior well—as Ross Perot showed in his bid for the Presidency, where he had, before he withdrew, a third of the electorate wanting him to be President without his saying Word One about what he was going to do about the problems that allegedly he had identified (which were, of course, the problems that everybody had been complaining about for years).

6.2.6. Sixth myth: necessities are very valuable The Sixth Great Myth is something I have uncovered, and its unmasking is, I think, one of my major contributions to economic theory: it is that a necessity is just something "extremely valuable," and can be treated like any other value. Thus, people on the one hand say that it's

6.2.6. Sixth myth: necessities are very valuable

wrong to hold a gun to a person's head and threaten him with death unless he pays you the contents of his wallet, and at the same time hold that it's perfectly okay to tell a heart patient that he can't have his heart transplant unless he pays you eighty thousand dollars—and if he doesn't get the transplant, he dies. Ask him if this is a threat or not.

We will discuss this at some length later also, but just consider it this way: Goals are freely chosen and can be freely given up without doing any damage to the person you are at the moment. But if I cut off your arm, then I have lessened, not what you *will* be, but what you *now* are. Since we are given our basic human nature, and we have a moral obligation not to act contrary to our given nature, then obviously we can't, as we saw in the first part, do any harm to any aspect of ourselves in order to fulfill any goal that we might have; the end never justifies the means.

Hence, not having something necessary for the functioning of some part of ourselves (such as breathable air or drinkable water) means that we cannot morally refuse to get it, no matter how many valuable things (that lead to free goals) we have to give up in the process.

This is at least a *prima facie* case that values don't behave economically the same way necessities do; and we will see the implications of this as the analysis goes on.

6.2.7. Seventh myth: economics is not normative Finally, there is the myth that economics is amoral and not “normative.” The idea is that economists are supposed to be just analyzing what people actually *do* in their economic activity, and not prescribing what people *ought* to do (which, they say, involves other considerations than just economic ones).

The trouble with this is that, when they make their economic

6.2.7. Seventh myth: economics is not normative

analysis of things, they are assuming, as I said above, that (a) a person engaged in “pure” economic activity (that is, without the other considerations like morality) is trying to maximize his own interests, and (b) that he will act rationally to do so.

But you see, what this does is make any action that deviates from rationally attempting to maximize your own interests *bad economic practice*. However good it may be morally, that’s what it is economically. That is, a person who gives away his money may, say these people, be a good *person*, but economically what he’s doing is silly.

Now people *do* give away their money (because in fact we aren’t infinitely greedy); and so this “descriptive” economics is not in fact describing what people actually do; it is describing what people *would* be doing if they were engaging in “pure” economic activity.

“Pure” economic activity, then, is an *ideal*, not a description of the real world; and as an ideal, (a) it doesn’t exist, and (b) it is a model which is presumably useful in the real world. Useful for what? For “describing” real economic behavior, presumably. But this is circular reasoning; because economic behavior is “true” on this showing insofar as it actually illustrates the predictions based on the theory.

Let me give you an example. An employer hires an employee for, say, \$100.00 a day. The employee goes to work, and profits go up \$150.00 per day. Obviously, it makes economic sense to hire that employee. The employer hires another at the same wage, and his profit goes up another \$125.00 per day. Still a good idea, economically. The third employee, however, costs another \$100.00 per day and the profits only go up \$100.00. It now becomes (according to traditional economic analysis) a tossup whether you hire him or not, because “the point of diminishing returns” has been reached.

The next employee hired costs \$100.00 a day, and profits go up only \$75.00 a day. Economic analysis tells you that it is economic

6.2.7. Seventh myth: economics is not normative

folly to hire him.

But consider. Suppose the profits you're making are bringing in so much money that you've achieved all your goals (you have all you want) and all that extra money is going to be doing for you is to be put in the bank or in bonds—and bring you in extra money. What do you want the extra money for? And if you hire the person, you give him a job, and enable him to achieve his goals. True, your profits are *less* than they would have been if you didn't hire him; but how are you suffering economically if your profits are greater than enough to enable you to achieve your goals?

What I am saying is that it doesn't automatically follow that hiring workers beyond the point of diminishing returns is *bad economics*. It is only bad economic practice *if* the only goal of any business is making the most profit possible for the entrepreneur.

But when economics say, "Well that's what the goal of business is," then what do they do with all the people who start little businesses like bookstores because they love books and are simply interested in making a decent living, not a killing, at it? What they're doing is establishing what "true economic practice" is, and so setting up a norm for what "sensible" or "good" economic practice is—and so their supposed "description" of what we are doing is actually normative for what *ought* to be done if the practice is to make sense economically.

Since this "good economic practice" is based on the six earlier myths, all of which are false to one degree or another, the hidden normativeness of contemporary economic theory is turning out people from business schools who, in the name of "good economic practice" are doing things that not only are immoral, but which contradict the very foundations on which economic activity is based. In the name of "good economic practice" they are doing nonsense economic practice.

6.2.7. Seventh myth: economics is not normative

And that is why the rest of this book can't simply be case studies in business ethics. What is going on in business is an *economic* mess because the economists themselves are telling people to do things that are at cross-purposes with the foundations of economics; and the result is on the one hand capitalism that expresses itself in heartless greed, and on the other communism that redistributes poverty to everybody.

So we have to look at what we are as persons and how we relate to others economically before we can find out what actions are or are not consistent with the economic dimension of our lives; and it will turn out that if we act morally, we will also be acting sensibly in economic terms.

Capitalism as practiced consistently with its foundations, is not a cloak for infinite greed; it has already a human face. The problem is that a mask has been put on it by economists who were poor philosophers. It is time to take the mask off.

Summary of Chapter 6

The moral obligation tells us not to choose to act inconsistently with what we really are. We must therefore find out what we really are in order to avoid inconsistencies; and since acting inconsistently means being at cross-purposes with yourself, this can be useful in this life as well as the next one.

What we will be doing will be analyzing various aspects of our reality in its economic dimension, not solely in "business," because there is more to economic life than business, and business ethics presupposes the more fundamental economic ethics.

There are Seven Great Myths about economic activity: things taken for granted as obviously true, but which in fact are false. Economic conclusions based on these are therefore fallacious.

First, we do not simply relate to others only in economic terms of respecting rights and expecting compensation for services rendered. The social relationship involves doing things for which there is no compensation; and there is no injustice in this.

6.2.7. Seventh myth: economics is not normative

Second, we are not all “created equal.” Human beings are all qualitatively the same, but no human being is the equal of any other. Rights are not based on equality, but on personhood.

Third, we do not, in fact, always want more and more. We have finite goals for ourselves, and are satisfied when we achieve them. So economic activity is not the allocation of scarce resources to meet unlimited needs.

Fourth, it is not true that the market price of something has any relation to what it is really worth; in fact, there is no objective meaning to what something is worth, because an object’s value depends on its being a means to a freely chosen goal.

Fifth, because goals are subjective and freely chosen, and because people aren’t infinitely greedy, and also because people act from emotions as well as reason, economic activity is not really susceptible of meaningful mathematical analysis. The economic activity of large numbers of people is actually analogous to mob psychology.

Sixth, necessities are not, as is universally held, very valuable. Necessities keep us from being harmed; values lead to freely chosen goals; and so they do not behave the same way economically.

Seventh, there is no such thing, actually, as “descriptive” economics (as opposed to “normative” economics). Since economics doesn’t describe what people are actually doing (since presumably they act for other than merely economic motives) it sets up an ideal of what “pure” economic activity is (i.e. what economic activity ought to be as such) and therefore actual practices are judged in relation to this ideal. But the ideal in economic theory suffers from these seven myths; and so it in fact is prescribing things as ideal which in fact are not only bad morals but inconsistent economic behavior.

Exercises and questions for discussion

1. How can anyone say what “human nature” really is? It is one thing to give general norms (don’t choose to act inconsistently); but each person has to decide for himself what his reality is, doesn’t he? And if that’s the case, how can a book prescribe what specifically is right and wrong?
2. How arrogant can a philosopher be, if he stands up against people with Ph.D.’s in economics and tells them that their theories are just false, and that people should be following the philosopher’s theories? Don’t economists know more about economics than philosophers?
3. If we’re not actually equal, then what are rights based on? Do some people

6.2.7. Seventh myth: economics is not normative

have more rights than others? *Hint:* Do you have a driver's license?

4. Granted that we might not want an infinite amount of stuff, isn't it still true that if *I* am going to act, then *I* have to have a motive for acting (why should I be doing this?) and won't that motive always be my own self-interest? Why else should I do anything, if I don't gain by it?

5. If values aren't the same as necessities, why do we pay finite amounts of money for necessities, such as health care? Doesn't the fact that we reach a point where we won't pay for a given procedure say that we value the procedure less than the other use we put the money to?

6. What would true descriptive economics be? A branch of sociology?

6.2.7. Seventh myth: economics is not normative

CHAPTER 7

SELF-DETERMINATION AND RIGHTS

7.1. The foundation of economics As is obvious from the remarks in the preceding chapter, you will not find the analysis of economic activity I am giving here in economic textbooks, whether they stem from a Keynesian, a classic, a Marxist, or an Austrian approach. Each of those views involves one or another (sometimes all) of the Great Myths; and all rest on what I consider a faulty version of what it is to be a human being. Because of this, each in its own way has implications which in the name of development and prosperity lead to misery and wretchedness—not surprising if they violate the facts about what we are.

But we are not here students of the foundations of economics, and so this will be a flying summary of a very complex subject. It will necessarily, therefore, be an oversimplification; but it will do to form guidelines on how to act consistently as an economic agent.

7.1.1. Ways people relate to others Economics is primarily not a relationship with things, but with other people; the basis of economic activity is the transaction, which is an exchange of a service

7.1.1. Ways people relate to others

or property for another service, property, or money.

Now there are basically two ways people can relate to other people: as independent individuals confronting other independent individuals, or as *interdependent* members of a community cooperating with other interdependent members of the community. These two relationships could be called the *economic* and the *social* relationships respectively.

We will have to examine both of them, not only because both play a role in economics and business, but because economic and business theories tend toward a kind of reductionism of one to another: capitalistic theories tend to say that if everything were reduced to economic relationships (i.e. if we were really left alone by society and could just act as really free individuals), the world would be a fine place; and communistic theories tend to say that if we could get rid of the economic relationship altogether and have it taken over by society, utopia would dawn.

Neither seems to work; but both sides claim that that's because neither has been tried in its pure form. The Communists say that until Capitalism is erased from the whole world, there are always individual transactions that are messing things up; and the Capitalists say that we never have had a truly free market, because ever since the beginning, the government has been meddling in one way or another.

This is certainly true. And I think the reason that it's true is that human nature is such that you can't really escape both types of human relationship—since we *are* basically self-determining beings; but we can only determine ourselves in the context of having others around us (among other things so that we can know from observation what our possibilities are for self-determination). So we depend even for our self-determination on others. Hence, one of the theses of this book is that “pure” laissez-faire capitalism or “pure” commu-

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nism, even if it could work, would be dehumanizing, because it would deny a real aspect of what we are.

Of course, these two ways of relating imply that we behave to others in two manners: (a) as people who can interfere with our self-development or who can aid it, and whose self-development we can aid—or in ordinary terms, as “equals”; and (b) as members of a “team,” in which the concern is not the individual development of each member, but in the task the team as such has to do, toward which each member contributes as he is able.

In both cases, we want to count on or be able to predict the behavior of other people toward us. We want in the first case to be sure that they don’t interfere with our self-development, and that they will help us in it when we want them to; in the second case, we want to be sure that they will do their part in the task before us, whatever it is.

But since in both cases, it can be in itself advantageous for others to do what we don’t want them to, then if this behavior is to be predictable, it must be motivated—i.e. made to their advantage. But how do we do this?

Obviously, by reward and punishment. In the first case, the punishment for someone who tries to interfere with my self-development is that I will defend myself; and the reward is that if you help me, I will give you equal help in your self-development. So the economic relationship is the realm of *rights* and that of *compensation for services rendered*.

Motivation in the social relationship is that if people refuse to cooperate, they are punished by the society; and when they do cooperate, they share in the benefits of the society and have the fellow-feeling of being “together” with others in the task they are doing. So the social relationship is the realm of *laws* and *love*.

Let us, then, first examine the primary aspect of the economic

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relationship: that of rights.

7.2. Rights in general When you have a right to do something, this means that in a certain sense you can do it. But it doesn't necessarily mean that you have the physical power to do it. You have a right to play the oboe, even if you don't have the skill to do it.

It means that you "can" in this sense: (a) that it is not morally wrong for you to do it, and (b) that it is morally wrong for anyone to try to stop you from doing it.

● **DEFINITION:** A *right* is a moral power to do something.

"Moral" power is to be taken in the sense just above.

The right to own something, for instance, means (a) that it is not wrong for you to use it, even to use it up, or even keep it without using it; and (b) it is wrong for anyone else to prevent your having or using it, or to use it himself against your will.

The general basis of all rights is *personhood*.

Not to make a long discussion out of this, the basis of rights is *not* "equality;" it is *the fact that we are persons*. If it should turn out that there are persons essentially superior to ourselves, we would still have rights against them (as we do, for instance, against angels).

But what is a person? For our purposes of this discussion, let the following definition suffice:

● **DEFINITION:** A *person* is a self-determining being in a situation where his self-determination can be interfered with by other persons' self-determining acts.

7.2. Rights in general

The idea here is that if I, as a person, choose to determine myself as an arm-swinger, and my swinging my arm bloodies your nose, my self-determining activity has prevented you from determining yourself as someone whose nose is intact.

But I could only consistently act this way if I were the *only* self-determining being; because I recognize that if the situation were reversed, I would be put in the position of being a self-determining being who could not determine himself because of someone else's self-determining activity (arm-swinging in this case). But that clearly contradicts my reality as self-determining.

Therefore, if I am a person, I must respect everyone else's self-determination. In other words, a person who does not respect the rights of others contradicts his reality as a person.

Three things follow from this:

- First of all, it immediately follows that **no one has a right to do anything that violates any right of anyone else**. As soon as I violate any right of another person, I am contradicting the basis on which I claim rights against others; so I can't have a "right" to do this.
- Secondly, **only persons have rights**. Animals and the non-human (or better, non-self-determining) environment in general have no rights. We may have obligations dealing with animals and the environment, but not because they have any *rights* against us. Why? Because, since they are not self-determining, there can't be reciprocity. They can't control themselves so that they can enter into an agreement that means, "If you let me alone, I'll let you alone." When they interfere with us, they can't help it; and we certainly can't let them determine themselves if they're not self-determining to begin with.

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● **Thirdly, non-existent things have no rights.** We hear much nowadays about the “rights of the children of future generations” when we are talking about polluting the environment. But the children to come are only possibilities, and there is even less of a chance for reciprocity than with animals. Suppose something happens and the children ten generations from now never get born—so there aren’t any. How can they have any rights against us if there isn’t any “they” to have the rights?

Now that doesn’t mean that we don’t have obligations based on the likelihood that others will have to use the world after we get through with it. The point is that these obligations are *not* because of their *right* against us, but have some other foundation. (Actually, they are based on the inconsistency in our being able to foresee what is likely to happen and acting as if what is likely probably won’t happen.)

You might think that if our obligations are the same as if these future people had rights, it doesn’t make any difference what our obligation is based on. But it does. If we can’t be clear about when a person can claim a right against others, then we will be in the situation now, with people claiming all sorts of bizarre rights, and no one able to dismiss them, because no one knows whether they really have them or not.

7.2.1. Claiming a right But it would seem that if rights are based on a person’s self-determination, then we could claim rights to do whatever we pleased. If we are prevented from doing what we please, then our self-determination is being interfered with, and isn’t that what rights are all about?

But this doesn’t work. Remember that what rights are for is to enable us to act; and if it becomes morally wrong to prevent a person from doing whatever he pleases, then the result is that no one will be

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able to do anything.

Why is that? Consider that Johnny and Frankie want to play with the same toy at the same time. Mom tells Johnny to let Frankie play with it now, and then he can have it in half an hour, even if Frankie still wants to play with it then. But if rights mean that you can do what you please, then Mom's act is morally wrong, and she can't tell Johnny to leave the toy alone now; but by the same token, she can't tell it to Frankie either—and so neither of them can play with the toy at all, until one stops wanting to. But Mom's act enables both to play with it. Hence, Mom's interference accomplishes in practice what the right was supposed to accomplish, and insistence on the "right" to do what you please achieves in practice the opposite effect.

Then when *do* we have a right?

A right can be claimed only when a person can show that interference in his action makes him behave in a way contradictory to his actual reality.

That is, if you kill me, then I am a living being who has to stop living; but the thrust of life is to go on indefinitely (a position I am not going to defend here, but which is defensible, and which, as we saw, is an argument for human life's continuing after death). If you prevent me from voting and I am a citizen, then I am a citizen who can't act as a citizen; and so on.

● **DEFINITION:** The *title* to a right is the aspect of the person's reality which would be contradicted by the violation of the right.

So the title which allows me to claim a right has to be some property I *now* possess which is contradicted if I am prevented from doing something. Thus, my present life is my title to the right to go

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on living; my citizenship the title to vote; the title to my car is the title to my right to drive and fix and polish and do other things to this particular car; my driver's license the title to drive (some) automobile in Ohio—and so on. Some titles have documents with them, others are just aspects of ourselves.

You can't claim a right based on something that you could become but aren't at the moment. Thus, you don't have the right to a worker's pay when you're still in training.

● NOTE WELL ●

You do not have a right because you *think* you have a right, however sincerely you may think so.

Be very clear on this. Rights do not depend on your knowledge of your reality (still less your belief or opinion), because they impose obligations on others. Hence, you have a right because some *actual* aspect of your reality would be violated without it, whether you (or anyone else) realizes you have that aspect or not. Thus, it is quite possible that we in fact have rights that no one has discovered yet, because no one has as yet carefully analyzed the particular aspect of human reality that gives us the title.

In spite of all that was said above, however, a person *is* a self-determining being, and so this gives him a kind of title to do what he pleases with himself.

Every person has the generic “right” to do whatever he wants with himself, unless there is a reason for preventing him from doing so.

This “reason” need not be a strict right of someone else, but some act another person wants to do that the first one's act is inter-

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fering with; or it might be some social good. The point is that a person is not arbitrarily to be deprived of doing what he wants with himself. This “generic right,” however, is not the same as a strict right, because strictly speaking a right imposes the moral obligation of non-interference with another person; and you can interfere with someone else’s doing what he *wants* to do if you have an overriding reason for doing so. The only time when you can interfere with someone’s exercising his *right* is, as we will see, when you can use the Double Effect.

7.2.2. Kinds of rights The different sorts of titles are what define the different kinds of rights we have. We don’t need to go deeply into them here; but I will name a few.

- **Human rights** have as their title the fact that we are human beings, and the various properties we have as human. Life is one. The ability to see is another—so that we have a right to see. Many of the so-called “civil rights” that were claimed in the ‘sixties were actually human rights which were being denied by law. Human right must be acknowledged by society; and so all human rights are (or should be) civil rights; but not all civil rights are human rights.
- **Civil rights**, of course, are the rights we have by our title of citizenship in a nation. These depend on the constitution of the nation; so that in our country, voting is a civil right for every citizen (now); but, since the right to vote is not a human right, it need not be—and in fact, was not in our country for its first century of existence.
- **Acquired rights** are those that you do something special to get, such as the right to drive a car, which is granted only after you have passed a test.
- **Contractual rights** are acquired rights that follow from a promise that some person makes to you. In general, they are “put in writing”;

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but since rights are actually moral matters, the document only serves to prove that the contract was made, and the right exists to have the promise fulfilled whether or not anyone signed anything. (This is also true legally, by the way. If you can prove someone promised to do something, even if it wasn't in writing, you can hold him to it.)

- **Implied rights** are rights that follow either from some other right or from some obligation we have. That is, if my exercise of a right or obligation involves some action in addition to the act I have (strictly speaking) a right to do, then I have the implied right to do the other action also; otherwise, I would not be able to do the act I had the right to do.

It is this implied right which is violated by the so-called "Catch-22": E.g. "You have a right to leave the country if you can get a doctor's certificate of health; but all the doctors are outside the country." This actually happened to some Africans Thor Heyerdahl was trying to get to build one of his ancient-type boats.

7.2.3. Against whom the right exists If a right is the power to do something in the sense of making it morally wrong for the action to be prevented, then in one sense we have a right "against" everyone else; that is, no one can prevent us from exercising it.

But there are times when not doing something *for* a person can be the equivalent of preventing him from doing what he has a right to do. And it may be that one person's help would be all he needs to exercise his right, and many people's help would actually be interference. In this case, the person has a right *against* some specific other person. But how do we find out who it is?

A person has a right *against* those people who are in practice preventing or able to prevent him from exercising it.

7.2.3. Against whom the right exists

Thus, my son, until he reached adulthood, had a right against me for support. Since I am the one who is responsible for his beginning to exist, then if I didn't support him, I would in effect be killing him; while if you don't support him, this does not do him any damage.

Similarly, I don't really have any right not to have my privacy invaded by those who live in India, because they can't in practice do it—and to impose an “obligation” on them to respect the privacy of George Blair is silly. But I do have this right against my students (except in the area of my competence as a teacher), against my co-workers, and so on—who might invade my privacy.

7.2.4. Defending a right Rights make it morally wrong for those against whom we have them to interfere with our exercise of our right. But what happens if they don't recognize our claim, or if they don't care whether they're being immoral or not? Does this mean that we can't do what we have a right to do?

If that were the case, then we could kiss rights goodbye as something meaningful. Since morality (as we saw) depends on conscience, then our right not to be interfered with would depend on whether others knew we weren't to be interfered with—and so our rights would be being trampled on all the time, and in practice we wouldn't have any.

But if you use force to defend your right, aren't you violating the violator's right to physical integrity? After all, he has a right not to have a bloody nose or not to get killed. But how else can you defend yourself if your right is being violated?

Some have got out of the dilemma by saying that the attacker forfeits his rights when he violates someone else's right. But this makes his rights (and by extension everyone's) contingent upon virtuous activity. Thus, a person would have a right to life only if he

isn't violating anyone else's rights; but since we can do this unwittingly, then we would only have a right to life if by accident we didn't happen to be violating someone else's right. It also puts the defender in the—to say the least awkward—position of having to ask, “Are you doing this virtuously, or with malice aforethought?” before he can defend himself. Further, does the violator forfeit all rights (so that you can kill him if he prevents you from playing the piano when you have a right to do it), or only some; and if only some, which ones? The one corresponding to yours? Then if he prevents you from playing the piano, you can't hit him or push him, you can only keep him from playing it.

Obviously, that position won't work in practice. We can defend a right whether it is being violated by a person who is “innocent” or “guilty.”

But then how do we avoid putting ourselves in the same position as he is in—violating his right?

The answer is that our action in fact results in the violation of his right, but we do not *choose* the violation; and with the double effect, the act of defense of our right is not immoral.

The reasoning goes this way. You can perform an action *which will block* the action of the violator; and if harm comes to him, then the harm is unchosen.

Note that the “blocking” means an act such that it will stop the act of violation; it is not confined to just putting up a shield. If a person is fighting with you, it might be possible to block his punches without hitting back (if you're an expert at it); but in practice, the only effective way to stop him might be to hit him in the face and break his nose. So you can actually do damage to another person, if the rules below are fulfilled.

7.2.4. Defending a right

● NOTE WELL ●

The Double Effect in defending a right only applies when an actual act violating the right is being performed.

You can't "block" an intention to do you harm, even if you know that the person means it. You can, however, block actual preparations for the harm, because this is an act.

- 1. The **act** you perform is in itself neutral. If you swing your arm and his face isn't there, then no wrong is done. If you pull the trigger and the gun doesn't go off, then there's no wrong done. So the wrong is in the effect of the act you perform, not the act itself.
- 2. The act has a **good effect**; your right is protected. Note here that you have to have some reason to believe that your action *can* have this good effect in order for this rule to be fulfilled. To engage in a fistfight with Muhammad Ali in order "to protect your right" to something he was violating would be insane.
- 3. The bad *effect* does not **bring about** the good one. In this case, it is not the violation of the other's right that does the job (i.e. the damage inflicted), but the act *which* inflicts the damage has two *independent* effects: it stops his violation of your right *and* (incidentally) does him harm. Thus, if he ducks your punch but becomes frightened and runs away, your act achieved the good effect without the bad one; if you pull the trigger and the gun misses, but he "sees that you mean it" and runs away, you achieved the good without the bad. Even if you shoot him, he ordinarily would die considerably after he stopped attacking you—which shows that it isn't the death that stopped the attack. The point is that the good effect does not depend on the harm done to the violator.
- 4. You can't **want or intend** the harm that your act does. That is, you can't use this as an excuse for "getting even." The violator has

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rights, even if he's violating yours; and if you "get even," then that's precisely what you're doing: you're making yourself the same as he is: a violator of rights—and so you "deserve" just what he "deserves." There isn't any question of "deserving" the harm, and you must not intend it.

- 5. If the harm done to the violator is foreseen to be **no greater** than the harm done to you by his violating your right, then you can take the action. If the harm done to him is greater than the harm he is doing, then the act is in effect more wrong than right, and you can't avoid intending to harm him.

Thus, you can't shoot a person for stepping on your toes; but you can shoot him if you think he might kill you.

Of course, you don't necessarily *have* to defend your right; even in the case of inalienable rights, the double effect would allow you to turn the above argument around and choose the protection of the violator instead of your own.

7.2.5. Coercion So it is possible to use force to defend a right. While we are on the subject, let us see if we can straighten out whether there is any other occasion when force can be used against another person, and in what senses a person can be said to be "forced" by another.

The obvious meaning of "force" is physical violence: that is, some act that inflicts physical damage on the victim. This physical damage will sometimes physically stop a person from performing a given act, and (as in defending a right), this is sometimes all that is intended.

Ordinarily, however, even the use of physical violence is intended to have a *moral* effect: that is, it is the *threat* of the violence, or of a repetition of the actual violence, that *is supposed to motivate* the recipient either to do what is desired or to avoid what is undesired.

Hence, what is really meant in most cases by "force" is "a threat":

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that is, something creating *fear of harm*.

But by extension, a person can be said to be “forced” to do something, not by the threat of actual physical violence against his person, but by depriving him of something he values. For instance, the threat to tow an illegally parked car, could be (and is, in fact) considered a way to force people not to park illegally.

But a person can also be “forced” to do something by *withholding something he wants very much or needs*. Thus, the threat to Johnny to send him to bed without supper is interpreted by Johnny to be forcing him to clean up his room; the threat to cut off the heating oil is a way of forcing a delinquent customer to pay his bill, and so on.

What all of these have in common is that they are *ways in which one person can make it likely that another person will do what that other person does not want to do*. They “make” a person “act against his will.”

Now of course, the person does not, technically speaking, act against his will (except in the one case where he is knocked out and can’t do what he intended). The idea is that the threat gives the person a reason which is so much greater than the reasons for acting in the undesired way that “he is left no choice”—no *reasonable* choice.

Obviously, this is an interference with another person’s self-determination. But, as we saw, it does not follow from the fact that a person is self-determining that he has a right never to have his self-determination interfered with; hence, it does not follow that the *only* time force can be used is in defense of a right.

There are two things to note here:

First of all, force has to give the impression that the person is *worse off* for its application, not that he is better off because of it.

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It may take the *form* of withholding something the person wants; but it isn't *force* unless the person somehow considers himself *deprived* by not having it.

That is, "making someone an offer he can't refuse" is not a use of force as long as the person considers himself *better off* for accepting it and not, somehow, in a *deprived* condition if he refuses it. Thus, to offer a person a million dollars to jump off the Brooklyn Bridge is not forcing him to do it—it might be tempting him, but it isn't a use of force, since if he refuses, he's still as well off as before.

Nevertheless, offering a starving person food if he does something you want would be a use of force, because if he doesn't accept it, he is in a less-than-human condition.

The distinction is subtle, but very important.

Secondly, there is nothing in human nature that demands that force be used only in response to force—i.e. that a person never *initiate* force against another.

● **DEFINITION: *coercion* is the use of force in such a way that it violates a right of another person.**

That is, the use of force is coercion if the threat makes it unreasonable for a person to do what he has a right to do, or unreasonable not to do what he has a right to avoid doing.

Thus, if a person is told "If you vote, we're going to burn your house and beat up your wife," then this is coercion; because any reasonable person would believe that it would be grossly disadvantageous for him to exercise his right.

Notice, however, that it is *not* necessarily coercion if a person is told that unless he shaves off his new beard, he will be fired—even if the firing would deprive him of the necessities of life; and the reason

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is that a man has no *right* to grow a beard; he is not dehumanized if he is clean-shaven.

In this case, you might be able to say that the person is being forced to shave; but he is not, in this definition, being coerced to do so, because no right of his is violated. Of course, we have to assume here that there is a reason for denying the person his beard (such as customer relations, or good order), or we run up against that generic right of a self-determining being to do what he pleases with himself.

Note that coercion can also involve withholding from a person something necessary for his life (i.e. something he has a right to have), and is not confined to threats of harm.

Withholding necessities is one form of dehumanization, which we will discuss shortly. But let me now give a fairly controversial example.

Suppose a person is told by his doctor that unless he pays sixty thousand dollars, he will not be able to have the operation necessary to save his life. He is being coerced into paying the sixty thousand. The reason is that if he doesn't, he dies; and so the withholding of the service in this case is the same as the threat to kill the patient.

Of course, this supposes that the patient has the right against doctors to receive treatment; otherwise, he is being forced to pay, but not coerced. Without going into the matter, the right comes from the fact the profession of medicine is that of providing health care; and when a doctor enters the profession, he dedicates himself to this, and thus makes himself the one against whom the unhealthy have a claim to their right not to live dehumanized lives because they are sick.

This does not necessarily mean that doctors have to give free

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health care (because their service gives them a right against the patient to compensation); but the balancing of the two rights is tricky, and is one of the things that conventional economics (whether Capitalistic or Marxist) can't handle. We'll try later.

7.2.6. Dehumanization We spoke a little earlier of "dehumanizing" a person, and said that we would have to clarify this concept.

- **In general, dehumanization is coercion:** either forcing a person to do what he has a human right not to do, or preventing him from doing something he has a human right to do.

But what are the human rights a person has, and how do we know them in practice?

As we said in section 2.1.1., the "nature" of something is its reality as related to or revealed in its actions. What is behind this is that a thing behaves in a certain way because it has certain definite parts organized in a definite way; without these parts and this type of organization, it couldn't behave in the way in question. So we learn what it is to be human ("human nature") by observing human activities, and concluding "humans are the kinds of thing that do X and Y and Z..."

The reason for knowing what the reality is from the acts is that we can't directly observe the act that organizes the body (which is what makes the body human); but it is this act which makes the body capable of doing human acts (as opposed to those of a hummingbird).

A caution should be mentioned here, however. The behavior is a *sufficient* condition for knowing what the nature is, but not a *necessary* one. That is, if something is conversing, you know that it must be human (or at least intellectual); but if a human being is

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asleep and not doing “human” acts, it does not follow that he has lost his humanity. The reason for this is that a living being (with excess energy within it) can express or not express its acts spontaneously; hence, it has the nature when it is *capable* of doing so, whether it is actually doing the act or not. But clearly, if it is doing the act, it is capable of doing it.

It follows from this that

If a given human being cannot do what practically all other human beings can do, he is in a dehumanized condition.

For example, if someone cannot see, he is subject to the following reasoning process. “Human beings can see because they are human (why else do we have eyes?); but he cannot see; therefore, in that respect, he is less than human.” Hence, he is a human being who cannot do what human beings can do as such; and this contradiction is being in a dehumanized condition. We would say in this case that there is something “wrong” with his nature (because we would expect him, as human, to see if he wanted to); or that his nature (because of a defect in the organ itself, not in the fundamental organization of the body) is “defective.”

Note that we say that he *has* a human nature because of all the other respects in which he can act as only human beings can act; and so the defect is rather in the part which is organized than in the organizing activity (which is where his humanity actually lies). Still, *as* a human being, he can do less than human beings can do; and hence he is in that contradictory position of being a “human-being-who-is-not-quite-human.”

That is, when we say that “there’s something wrong with him,” we are saying that *his* nature doesn’t really fit with *human* nature as

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we know it from observing the humans around us; he is *more limited* than we (reasonably) expect human beings to be.

But since our ability to act can be restricted by *others'* forcing us not to do the things we have the natural capacity of doing, then *in practice* they are forcing us into the condition of having human natures that can't express themselves as human—or into a self-contradictory position analogous to having a defective organ.

● **DEFINITION:** *absolute dehumanization* is forcing a person into a condition in which he cannot do what “practically all” people in *any* culture can do.

Since in practice we get the notion of “human nature” from observing what people *do* and arguing that “then this is what human beings *can* do by nature,” it follows that what “practically everyone” can do is what belongs to human nature to be able to do. Thus, if a person is forced into a position of not being able to see or walk, the act he can't do would be regarded as an act belonging to a human being as such by anyone from any culture. Laming someone would be dehumanizing him, because humans in any culture are considered able to walk just because they are human.

● **DEFINITION:** *relative dehumanization* is forcing a person into a condition in which he cannot do what “practically all” humans *in his culture* can do.

But since human nature *is* derived from observation, it also follows that “practically all” in practice will mean “the people around us.” Hence, we will get a notion of “human” that is culturally dependent.

In this case, a person can be dehumanized by being prevented

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from doing what in some other culture would be regarded as a superfluous or even luxurious act. For instance, since in our culture “everyone” has a telephone, for a person to be so poor that he can’t afford to have one would be dehumanizing, while in India, having a telephone would perhaps be considered a luxury.

Note that this does not necessarily mean that in order to be human you have to have a telephone in our culture, because humans are self-determining, and if they don’t want one, they are not obliged to “fulfill” themselves in this way; so if a person freely chooses not to have a phone, we consider him eccentric, not dehumanized. The dehumanization would come in a person’s being coerced into a position of *not being able* to have one if he wanted.

Some sort of qualification is necessary, however, in talking of relative dehumanization in an affluent society. A person might not be able to do what “practically everyone else” can do, and yet this might not really force him below a human existence in a reasonable sense of the term. For instance, if “practically everyone” can afford Adidas jogging shoes and videotape recorders, it still does not mean that the young lad who has to make do with K-Mart joggers and his hundred-dollar ghetto blaster is leading a humanly deprived life.

Just as there is a minimum which is dehumanization in any society, there is a level at which relative dehumanization ceases to be dehumanizing. Where this level is is not easy to define, by any means; but it has something to do with a person’s being able not only to survive, but to set goals for himself and pursue them. When people can do this, even with restrictions, then they are living human lives; it when all their attention must be devoted to staying alive and not to defining themselves in some distinctive way that they are dehumanized.

7.2.7. Inalienable rights It is possible, then, for a person to be coerced

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into doing something he has a right not to do. Can a person freely give up a right he has, or is it the case that, once he has a right, he always has it?

It seems obvious that at least some rights can be given up. If I have a right to do what I please with this computer I own, and I sell it to someone else, I lose the right to do anything with it. If I have a driver's license, I can let it lapse and not renew it, and so lose the right to drive.

- **DEFINITION:** A right is *alienable* if it can be given up.
- **DEFINITION:** A right is *absolutely inalienable* if it cannot be given up.
- **DEFINITION:** A right is *relatively inalienable* if it can be given up, but cannot be taken away by government (i.e. civil society).

Rights implied by some corresponding moral obligation are absolutely inalienable. The reason is that, since we can't get rid of the moral obligation, we can't get rid of the rights to the means to fulfill it. Thus, the right to life is absolutely inalienable, because we have an obligation as living beings not to commit suicide, and so can never choose to let anyone else kill us.

Nevertheless, there are some human rights we have that are not simply the means to fulfill the moral obligation; and these may be given up by us; but they cannot be taken away by civil society.

For instance, our nature as sexual gives us the human right to get married (because only in marriage can we exercise the sexual faculty consistently, and so if we couldn't get married, we would have a faculty which we couldn't exercise: a contradiction). Nevertheless, a

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person doesn't have to get married, because a faculty is a power, not a necessity, and self-determination implies that we don't have to exercise all the powers we have. Hence, a person may even (by a vow of celibacy, for instance) give up his right to get married.

Freely joined organizations can even make such a vow a condition of membership, because a person does not have to join them, and so is not coerced into not marrying.

But a person (as we will see in the next chapter) cannot avoid belonging to civil society; and so if civil society imposes celibacy on him, it is coercing him. Thus, the right to marry is relatively inalienable. The only way civil society could force a person not to marry would be in a situation of protecting the citizens, so that the violation of the right would not be chosen, by means of the Double Effect.

Note that all human rights are at least relatively inalienable.

The reason is that if civil society forces a person to give them up, the situation above obtains; the person would have to act as if he didn't have a right he had, because he can't not belong to civil society. This is why all human rights have to be made into civil rights.

7.2.8. Discrimination There is one thing that is taken for granted as an "inalienable human right," but actually isn't a right at all; and that is the "right" not to be discriminated against.

It sort of stands to reason that a person should not be treated less well than another person just because he has black skin or is a certain age or sex, or whatever. But how is it *dehumanizing* to treat him in this way?

If you take as the basis of rights the "equality" of all human

beings, then obviously discrimination is wrong, because it involves treating people unequally. But be aware of what freight this concept carries with it.

If it is wrong to treat people unequally, because they are all equal and therefore subject to equal treatment, then you can't reward merit, because rewarding good work is treating those who don't do good work unequally; it is wrong to give better treatment to seniority in the job, because this discriminates against the younger workers. It is wrong to reward loyalty, because the disloyal have a right to equal treatment—and so on.

In fact, human beings do not exist at the same *level* of humanity, and therefore have no human right to be treated as if all human beings were at the same level.

That is, if we learn “what it is to be human” from the acts people do, and so “human” means “the power to perform X and Y and Z...,” then it follows that he who is able to do less is less human than a person who is able to do more. And how else do we know what humanity is?

But it does *not* follow from A's having less humanity than B that A has fewer *rights* than B, because a person has human rights not because of what he does or physically can do, but because *he is self-determining and others must not prevent him from doing things*. We have human rights, in other words, *because of the fact that we are human*, not because of the *degree of our humanity*.

Beware of the statement, “Yes, but we're all equally human, then,” as a basis for claiming “equal” rights. This confuses the qualitative with the quantitative, and uses the term “equally” in two incompatible senses. In the first sense, it means, “It is ‘equally true’ that we are all human,” in the sense that the statement “X is human”

7.2.8. Discrimination

applies to each of us—which is, of course, why any of us can claim human rights. In that sense heat of 705 and 7005 are “equally heat”; but they’re clearly not equal cases of heat. So this sense of “equally human” (or “just as much human as”) has nothing to do with our having to be treated *equally*, since in fact we each “possess” this same humanity to a limited degree, some more than others.

Hence, discrimination against a person is morally wrong only when it is a violation of some right he has; in itself there is nothing wrong with it.

That is, a person has *no right as such* not to be discriminated against.

This means that giving someone preferential treatment simply because you like him is perfectly all right, morally speaking— unless it violates a right of someone else. And we have seen in this chapter the basis on which that other person can make a claim to have a right. The point here is that “that’s not fair!” is not a valid claim.

7.2.8.1. Equality of opportunity It follows from this that one of our cherished notions is false: *There is no human right to equality of opportunity*. That is, we not only have nothing about us as human which gives us a title to the “right” to be treated equally, we also have nothing about us which could be a title to *an equal chance* to develop ourselves.

Suppose two people have equal talent. Does this give them an equal right to be able to develop those talents? But a person is not made *less than human* if he can’t develop all his talents; because developing your talents deals with how you *as an individual* differ from those around you, not with what you have as a *minimum that “practically everyone”* has.

7.2.8.1. Equality of opportunity

Thus, if you happen to have the talent of Artur Rubinstein, but have never been able to afford a piano (so that you can't develop it), are you less than human? If you never had a piano, you'd never even be aware of the fact that you were a pianistic genius—and how could you be deprived if as far as you knew you were not only not less than those around you, but happy pursuing the goals you were interested in?

In general, the capacity to do something is discovered only when a person begins to try to use it. So the fact that people happen to have the same capacity for action does not mean that they have to be provided with the means for developing that capacity; because there is no way of knowing, beforehand, whether people have equal native ability.

Let's be honest about this, now. We are so used to starting with the conclusion (what we would *like* to be morally obligatory) and reasoning backward to try to prove the obligation, getting into a morass of inconsistencies in the process, that we balk when we find the logic of our reality leading us to deny things that we fondly cling to. Let's try to develop ethics based on what we *are*, not on what it would be nice to be like if we were constructed differently.

It will, in fact, turn out that discrimination against groups of people as such is often morally wrong—but you will never find out why if you cling to the slogan "Discrimination is Sin!" and close your mind to the facts. That sort of thing is fashion, not morals.

7.2.8.2. A couple of controversial human rights There are, however, some human rights we have that are only recognized by a few people—or which are distorted because people don't have a clear notion of the basis for them.

- **The right to privacy.** A human being, since he has a moral obliga-

7.2.8.2. A couple of controversial human rights

tion not to communicate as a fact what is not a fact (not to lie), has the right not to do so. But in fact all our actions communicate something about our selves (we get the notion of the nature of an individual from his acts); and since people see only *some* of our actions, they can very easily get the wrong impression of what kind of person we are based on this information—*unless* it is known that the information they are receiving is *incomplete* and that therefore they have no business making a judgment of our character from what we have revealed to them.

This obligation of not deceiving others about the kind of person we are, then, cannot be fulfilled in practice if we do not have the right to *conceal* information about ourselves. Hence, we have a right to keep information about ourselves private.

Of course, this right is limited by another person's right to know what is necessary for him to perform his legitimate function. Thus, your right to conceal information from your doctor about your sexual exploits yields to his right to know what he needs to know so that he can treat you. But of course, he has no right to information which is not relevant to his treating you (even if it might, by some stretch of the imagination, be useful).

- **The right to health care** Since unhealth is the inability to do what your genetic potential gives you the fundamental power to do, it follows that a person who is unhealthy is in a self-contradictory or dehumanized condition. Insofar as not providing health care to him forces him into this condition or keeps him in it when he could get out of it, he has a right to health care.

This right is limited by the fact that providers of health care are performing a service, and, as we will see, have a right to compensation for the service. It is also the case sometimes that not providing health care to a person is not the practical equivalent of forcing him

7.2.8.2. A couple of controversial human rights

into an unhealthy state (if, for instance, he could get out of it by himself if he took better care of himself).

What I am trying to say here is merely that there are times when health care *is* a right.

We will see other rights in the course of the rest of this book.

Summary of Chapter 7

This analysis of economic activity is neither Keynesian nor Marxist, because each has serious flaws that affect ethical considerations.

There are two ways people relate to each other: the economic relationship, involving rights and compensation, and the social relationship, involving cooperation and sanctions.

Rights are moral powers to do certain acts; "moral" in the sense that it is not morally wrong to do them, and it is morally wrong for anyone else to prevent one from doing them. The general basis of rights is personhood, not equality. A person is a self-determining being who can have his self-determination interfered with by another person's acts. It is inconsistent with a person to determine himself in such a way that he prevents another person from determining himself. It follows that no one has a right to do anything that violates anyone else's right, that only persons have rights, and that non-existent beings, like future generations, do not have rights. If we have obligations to these beings, they are not because the beings have rights against us.

A specific right can be claimed only when a person can show that interference contradicts his present state, not what he would like to be. The reason is that if we could not be prevented from doing what we wanted to do, then people would not be able to act at all, since their acts would inevitably be keeping others from doing what they wanted—and rights are supposed to make it possible for us to act. The title to a right is the aspect of the person's reality which is contradicted by the violation.

Different titles define the different kinds of rights. Human rights have as their title the humanity we all have; civil rights the fact that we are citizens of a given country. Acquired rights involve doing something to get them; contractual rights are acquired by means of an agreement. Implied rights are those that follow from some obligation we have. We don't have rights because we think we have them; they depend on our reality, not our

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“sincere beliefs.”

We have a right against those persons who in practice can violate it. Defining the person against whom we have the right is most important in the case of rights to be given help in doing something.

Rights can be defended using the Double Effect, not choosing the violator's harm. The theory that the violator “forfeits his right” by his act of violation does not stand up to scrutiny. Hence, the harm to the violator (the violation of his right) must be kept from the choice; and this means that the defense can only be undertaken when some action is done toward the violation (not on a mere threat). The act and intention must be that of blocking the violation, with the damage done to the violator not being the means of protecting the right, the damage not being wanted but an unfortunate side-effect, and the damage done to the violator not greater than that he would be inflicting on the protector.

Force is very often moral force: the threat of harm rather than the harm itself; it implies that the person is worse off than now if the threat is carried out. Promise of a reward is not force. Force can sometimes be morally used if there is no violation of a right on the part of the person forced; force is coercion if it violates some right of the coerced person. Coercion can take the form of withholding something necessary from the person.

In general, coercion is dehumanization. Since human nature is discovered from observing the acts of human beings, then if a person is prevented from doing what “practically all” people (or people in a given culture) can do, he is dehumanized (absolutely or relatively).

Rights are alienable if they can be given up; they are absolutely inalienable if it is immoral to give them up, and relatively inalienable if they can be given up but cannot be taken away by government. Rights implied by the moral obligation are absolutely inalienable. All human rights are at least relatively inalienable.

Since not all human beings exist at the same level of humanity, we are not all equal, and therefore no one of us has a right not to be discriminated against. We have all our human rights because we are (qualitatively) human, not because we are “equally” human. Discrimination is morally wrong only when it violates a right a person has.

It follows from this that we have no right to equality of opportunity either, because we do not have equal talent—and hence giving everyone the same opportunities would prevent some from exercising their (vast) talents and would be useless to those who do not have the capacity to take advantage of the opportunity.

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Since we must not give false impressions of ourselves, we have the right to conceal information from others, so that, knowing this, they will not form false impressions because their information is insufficient. This right is limited when the other person has a right to know information in order to perform his proper task. We also have a right to health care, because being unhealthy is not being able to do what we are genetically capable of doing. We have this right insofar as not providing health care is the equivalent of forcing us into unhealth or keeping us there; but the right is limited by the right the providers have to compensation for their service.

Exercises and questions for discussion

NOTE: These questions are to be answered on moral grounds, not legal ones. We are not interested in what the law is here.

1. Do firms have an obligation not to pollute the environment? If so what is the basis of it? Are rights involved, and if so what are their titles?
2. Does giving someone extra pay for the mere fact that he has worked longer at the job constitute discrimination that violates anyone's right or not?
3. If a person is prevented from getting a job because someone else (qualified, but less qualified) is hired because he is a racial minority, does this "reverse discrimination" violate any right of the person not hired? What would be his title to such a right, if so?
4. Does a person who has already been hired for a job have a right not to be arbitrarily fired just because the employer wants to fire him, or is the contract entered into such that it implies that the employer has to have a reason for firing him? Does this have to be spelled out in the contract beforehand? If he can't be fired, what is his title to this right to keep his job? If the employer can fire him, what is his title to the right to do so?
5. On the assumption that a fetus is a human being and not a "part of the mother's body," does a woman have a right to take a job that would be hazardous to her fetus's health if she becomes pregnant, and does the company have a right not to allow women of child-bearing age to take such a job?

7.2.8.2. A couple of controversial human rights

CHAPTER 8

THE SOCIAL RELATIONSHIP

8.1. Cooperation Since businesses exist in society, and also since firms are themselves societies, then we will have to do some investigating of the social relationship before getting into specifically economic and business activities.

The difference between a set of people and a society is that in a society the people cooperate for a common goal.

This “common goal” is not just a goal that each of them happens to have; it is a goal of the group as a group: that purpose for which the people in the society are cooperating.

● **DEFINITION:** A person *cooperates* with others when he performs actions expected by the group, and it is irrelevant whether he personally benefits from them or not.

8.1. Cooperation

This needs a little explaining, since it is the key to what society is.

What the definition means is that the cooperative act, looked at in itself, advances the goal *of the group*, not of the person who is acting. If it happens to benefit the person acting (or even advance his own purposes), this is purely accidental. Thus, a member of a car pool is expected to drive everyone to work on Mondays, whether he happens to like going around to all the others' houses and picking them up or not. If he enjoys doing it, fine; if he doesn't, he is still expected to do it.

But the definition does *not* mean that the member gets nothing out of *being in the society*; it only refers to the particular *act* which the member is expected to do in his cooperation with the other members toward the goal of the society. The member of the car pool, for instance, is aware that four days out of the five he gets picked up and driven to work; and this is better than driving himself every day.

Note that the cooperative act is *expected* by the group. That is, *what* is to be done, and often the *conditions under which it is to be done* are determined by the *group and not the one who performs the action*. Thus, our member above is assigned to drive on Monday, not any other day, even if he feels more like doing it on Tuesday; and he may be told that he is not to smoke his cigar in the car, that he is to pick up the others in a certain order, being there within five minutes of a certain time, and so forth. There may, of course, be more or fewer conditions put on his actions; but the point is that, insofar as the action is one of cooperation, he is subordinating his will to the will of the group as such.

This relationship, then, is very different from the economic one, whose negative side (rights) we saw in the preceding chapter. There, self-determination is what is emphasized, and others are looked on as possibly interfering with it; and if there is "cooperation," it involves (as we will see) the fact that the person who wants help gets

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it by giving the helper something to advance his (the helper's) self-set goals. There is no notion that "we are doing this together," where what is done is important, not whether it advances a person's individual goals.

For those brought up with the economic mentality—that of "independence" and "self-reliance"—this subordination of personal goals to others' wills and the task at hand may seem, if not positively evil, at least an aberration. To many, however, in the world and throughout history, it is precisely this way of behaving that is the "natural" one, and the economic way is the strange, almost inhuman way to act.

And in fact, cooperative behavior is necessary for human existence, and is the way we all begin life. "Feral children"—those brought up without any human contact—cannot act like human beings after a number of years of this deprivation. But children, of course, really have nothing to offer as compensation for caring for them, and so cannot enter into the economic relationship with their parents or caretakers. But without receiving care, they will die. But this implies that those who care for them must do so with an eye to the task in hand, not to how this act will further their own personal goals.

(It might be remarked here that the many instances of child mistreatment nowadays might very well be traced to an economic sort of attitude toward them on the part of parents: "Every child should be a wanted child"—with the notion of the joy that parenting is supposed to bring *to the parent*. But children, especially less-than-perfect ones, are very often not a joy, and become a "joy" only if one is not interested in one's own satisfaction or fulfillment.)

The other part of this is that children begin their lives in the "cooperative" mode of behavior, where they are expected to do things, not because they get something out of it, but because they

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are told to do it by their parents; it is only gradually that they learn about things like rights and independence. Being totally dependent at first, they experience their reality first as being part of a greater whole.

And the result is that people are by and large willing to cooperate with others. Few are so concerned with their own self-fulfillment that they will look to it at all times, and get no satisfaction whatever from what “the team” does and from their “contribution to the team effort.”

8.1.1. Motivating cooperation Still, human beings *are* self-determining; and it is as unnatural to regard them in the ancient Chinese mode as pure parts of a society as it is to regard them as atoms that just bump into each other.

So even though people are in general predisposed to cooperate with others, they are also self-interested; and it is hard to predict when their generous social impulses will prevail over their own personal goals and self-fulfillment.

But a society has to be able to *count on* the cooperative behavior, or it can't exist. If the car pool could not *predict* that our member would in fact be there on Monday, then it wouldn't be worth it to have one; each other member would be waiting until the last moment for our friend to show up; and if he didn't, would have to drive himself to work, and probably be late.

Therefore, since the non-self-fulfilling acts must be predictable for a society to exist, a motivation must be added to insure cooperation.

The act in itself will not be beneficial to the one acting; but in order to make sure that it is done, then it obviously has to be *made*

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to his advantage. Then, if the general willingness to cooperate fails, and if the member is not motivated by the long-term advantage he has in the group if everyone cooperates, there is this added incentive to make it *now* advantageous to do the act.

● **DEFINITION:** A *sanction* is punishment threatened for doing (or avoiding) some act, with the purpose of motivating the person to perform (or avoid) it.

8.1.1.1. Characteristics of a sanction In order for a sanction to motivate behavior, it has to have three characteristics:

● It must be *sufficient*: that is, the benefit from doing the act must outweigh the benefits from not doing it.

This means that the punishment for not doing the act is greater than the disadvantage in doing it. The point is that the person is objectively better off if he does the act. This characteristic is intended to motivate “the reasonable person,” or a person who is looking to his advantage. You can’t motivate with a threat a person who doesn’t care what happens to him or who is so stupid that he doesn’t see the connection between his act and the punishment. But that’s all right; the sanction is just supposed to help people over those times when they’d be inclined to disobey, and it needs only to work “practically all” the time, not absolutely every time. A society can tolerate a certain amount of lack of obedience.

● Secondly, it must be *appropriate*: that is, the sanction must attach to the expected behavior itself, not some circumstance connected with it.

What this means is that there are no “loopholes,” where you can escape being punished by doing something other than what the

8.1.1.1. Characteristics of a sanction

group wants. For instance, to require cars to get inspection stickers and only to check whether they have them when cars are parked in front of City Hall will only motivate people not to park in front of City Hall, not to get their cars inspected.

• **Thirdly, it must be *inevitable*: that is, whenever the behavior is expected, the sanction must follow.**

Otherwise, if a person knows he won't be punished this time, he won't be motivated to do the act; and to the extent that he knows that a good deal of the time he won't get caught and punished, to that extent he'll "play the odds" and it will be to his advantage not to obey—and thus the sanction becomes insufficient.

Of course, no sanction (except that of the moral obligation) ever fulfills these characteristics perfectly; and to the extent that it doesn't, to that extent the obligation is an imperfect one (because it is more or less advantageous to violate it).

8.1.2. Totalitarianism Sanctions that are excessive violate the right of self-determination of the individual member of society. But do individuals actually have rights against society? Or are they parts of society as cells are parts of a body, which are expendable for the good of the whole?

• **DEFINITION: *Totalitarianism* is the theory of society that says that individuals exist for the good of society, and have no rights except insofar as they fit into the society.**

Individuals would have rights against each other, but not against the society. The society could decide what is "good for" the individuals and itself and force them to act accordingly; and this forcing would never be coercion, because the individual, on this theory of

8.1.2. Totalitarianism

society, has no rights against the society.

Totalitarianism is a morally wrong theory of government, because it supposes that individuals are not self-determining.

It supposes that there is a meaning to “good for” someone which is different from that person’s freely chosen goals, and which can be imposed on him, which makes freedom nonsense (since you are “free” only to obey or be a rebel and take the consequences).

Totalitarianism is a self-contradictory theory of society.

The reasons are (a) it removes from society any sufficient motivation for an individual to choose to belong to the society (because he will be choosing, perhaps, to be put down by the society if it benefits the society to do so), while (b) society can’t function unless people choose to join and choose to cooperate.

● **DEFINITION:** *Utilitarianism* is the ethical theory that says that the moral good is the greatest happiness for the greatest number of people.

Utilitarianism is basically a kind of totalitarian ethics; but it contradicts itself also, in more or less the same way that totalitarianism does. It supposes that an individual’s rights can be violated if this brings about the greatest happiness for the greatest number; but making the greatest happiness of the greatest number the goal implies that the human beings who make up the society are in fact the goal. But if they are, then the society itself isn’t; and if it isn’t, then why is the individual expendable for “the greatest number”? Then if

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the “good” is this greatest happiness for the greatest number, how is this supposed to motivate me if I’m not one of this lucky majority? But then that makes “the good” doing what is in practice bad for me. Then how is it good for me to do it? The theory, when you think it through, is a mess.

No, the view of society that makes sense is that individuals are essentially self-determining, but have as a secondary *but real* aspect of themselves the cooperative relation with others. *Neither* aspect can be *contradicted*; neither yields to the other.

So human beings have all their rights (not *freely* given up when they enter the society); but, because they are really also “in it together” with others, they give tacit permission for society to give them orders and impose sanctions when they don’t obey. The sanctions provide motivation to do those acts which are not in themselves advantageous. This is true even though, as we said at the end of the previous section, the sanctions themselves are never perfect as motivators.

8.1.2.1. Police states But this is not a real problem in society, because, as I said, people are already predisposed to cooperate, and the sanction is supposed to provide *extra* motivation to help people over those difficult times when they are tempted to seek their personal interests at the expense of what the society wants. So even if the sanctions are not perfect, they do the job well enough, given a general attitude of cooperativeness.

In fact, when the laws have to be strictly enforced, and the sanctions have to be severe and swift, this is an indication that the government is trying to force something on the people that goes *against* their willingness to cooperate; and basically what that means is that the government is trying to force the people to do something that they think they have a right not to do.

8.1.2.1. Police states

A police state, then, in which the sole motivation for obeying the laws is the sanctions on them, is a sign that the people think that the laws are violating their rights.

The people, of course, might be mistaken; but when the laws have to have severe sanctions and the police have to keep constant vigilance to ensure that all infractions are caught, then this is the time when the law itself has to be looked at. Since people will by and large tend to obey without much in the way of sanction, their stubbornness in a given case is a sign that the command is in fact unjust.

This works not only in civil society, but in smaller societies such as businesses as well. If there is foot-dragging among the workers; if they have to be told every little thing to do; if they have to be watched to make sure that negligence or even sabotage does not ruin the product; then there may very well be something in the working conditions that violates some right they have. They certainly feel this way; and it is up to management to find out if the feeling is objectively based, and if it is to correct it, and if it is not, to explain the situation to the workers in such a way that they lose their misconception.

8.1.3. Punishment and its justice Because of the first and third characteristics sanctions have, they must for practical purposes always be *punishment*. Imagine what it would take for a society to reward every instance of people parking in the desired locations; clearly, to give a sufficient one would bankrupt the society in an hour; and that is only one law out of thousands.

But does society have the right to punish people? Don't people have a right not to be harmed, and isn't punishment always the infliction of some sort of harm on the violator? After all, what punishment would it be if the person wasn't worse off for getting it?

8.1.3. Punishment and its justice

So the problem with punishment is not just the problem with capital punishment. This is the extreme; but locking up a person deprives him of liberty (which is the second of the “inalienable rights” in the Declaration of Independence, after all—and if we are self-determining, we have a human right to freedom); imposing a fine takes a person’s money away from him against his will (and so is the same as theft), and so on. Anything you do to a person to motivate him to obey will be something he has a right not to have done to him.

Once again, a version of the Double Effect solves the problem. The one who violated the expectations of society still has all his rights; but the society *chooses its protection*, not the violation of the criminal’s rights. Those rights are in fact violated, but the violation is an unchosen side-effect of society’s self-protective act.

Can society do this?

We saw, first of all, that society cannot exist unless it expects cooperative behavior. But it cannot expect cooperative behavior unless it motivates this behavior. But it cannot in practice motivate the behavior without threatening punishment. But if it threatens a punishment and cannot carry it out (and this is known by the potential offender), the threat is not a real threat, and will not motivate.

Therefore, if the society cannot carry out the threat of punishment, it cannot exist.

But since society’s existence is necessary for human existence, people can’t exist without some society. Therefore, if society can’t carry out the threat of punishment (at least sometimes), people can’t exist as human.

Hence, society has a right to carry out the threat of punishment. And therefore, it can choose to protect itself (and the human existence of its members) when it chooses to carry out the threat.

However, the violator has *already* done the damage to society

8.1.3. Punishment and its justice

by his violation. How can society's punishing him *after the fact* protect it from violation of its laws?

Punishment obviously does not protect the society from the violation that already occurred (It was the threat itself—which he ignored—that was supposed to do that). But if the violation is *not* punished, then the threat from this point on becomes meaningless—because it is now known that the threat will not be carried out.

Hence, in order to retain the threat as a meaningful threat for potential violators in the future, this violation must be punished. That is, not to punish this violation puts the threat and the existence of the laws and the society in jeopardy.

Therefore, the motivation for punishing the violator really doesn't have anything to do with "righting the wrong" he has done; it is that if the violation goes unpunished, the "sanctity of the law" (the idea that they carry punishment with them) is in danger.

With that in mind, let us apply the Double Effect.

(1) The act itself is **morally neutral**. Locking a person up, fining him, even sending an electrical current through him or hanging him is neutral *as an act*; all of these things are done in other circumstances in which there is no moral problem. It is the effect of the act on the violator that is the problem.

(2) There is a **good effect**. The law is known to be an effective law; you have proved that "you mean it," and the society can thus function.

(3) The **harm** done to the violator is **not the means** by which the good effect is achieved. If he should die of a heart attack before the sentence could be carried out, then the good effect would still be achieved.

(4) There is **no desire** to harm the violator (even for the sake of "getting even," no matter what terrible thing he has done.)

(5) The harm that comes to the violator **must not be greater**

8.1.3. Punishment and its justice

than the harm that could be predicted to come to the society and its members if the law is not enforced.

Notice that in this last point, the comparison is not between the harm *he* did and the harm that is to be done to him, but between the harm that is to be done to him and *future potential harm to the society* if the law is allowed to go unpunished.

In this sense, carrying out a sanction is not a matter of “justice” at all, in the sense “You did this, and in order to make things fair, we are going to do X to you.” My contention is that that attitude makes it impossible to justify any sort of punishment, because it puts the punisher in the same position as the violator: he is one who is violating the rights of another person. Unless, of course, you want to say that the offender has lost his rights; but then which ones? But we discussed that earlier.

This is really a version of the “deterrence” theory of punishment. The theory is misinterpreted in that it is supposed by its detractors to be punishing the violator “as an example” of what will happen to other people who might be thinking of doing the same thing; and so the harm to him is taken to be the means by which others (who may not exist) are supposed to be frightened into obeying.

But that really isn’t quite it. The idea is that *not* to do the harm that was threatened is in practice *to encourage* others to violate the law, because they then see that they will get away with the violations, and the law is meaningless as a law. So the harm is not a means toward frightening some hypothetical people; it is the only way to avoid telling people, “go ahead and do it.”

It is the threat that deters, in other words, not the actual punishment. But the threat won’t deter if people know that it’s just words and won’t be carried out. But then the society collapses.

8.1.4. Authority Obviously, if actions are to be expected of the

8.1.4. Authority

members of a society, and this means that punishments are going to follow if the actions aren't performed, then the members have a right to know what these expected actions are, and what will happen to them if they don't do them.

That is, if you are in the car pool, and Jack Smith tells you "Put out that cigar," is he speaking for the group as a whole, and saying "Put out that cigar or else," or is he speaking only for himself, and saying, "I wish you would put out that cigar."? It can make a big difference, even in such an informal group as a car pool.

So in any society, there has to be some person or small group of people whom everyone recognizes as spokesmen for the society as such, so that when they tell you to do something, this is the expected behavior of the society, which will carry some sanction on it.

● **DEFINITION:** *Authority* is the position in society (the status) which possesses the right to issue commands for the society and impose sanctions.

● **DEFINITION:** *Leadership* is the trait of character a *person* has by which he can persuade others that they should do what he thinks is best.

● **DEFINITION:** A *command* is a statement that something must be done or a sanction will follow.

● **DEFINITION:** A *law* is a command that applies to many people.

So authority is the *status* in society which carries with it the title to the *right to make laws and enforce them*. In informal societies such as car pools, there isn't usually any defined position of authority in

the society, but the function is performed by the leader.

Every society has either an authority or a leader, simply because it can't exist unless people know when the society is commanding them. The difficulty with societies that have only leaders is that, since the "commands" depend for their force on the persuasive powers of the leader (or how much fear he can strike into others' hearts), it isn't really clear what will happen if someone defies him—nor is it clear, sometimes, who he is, if there happens to be more than one forceful personality in the group. Even in societies with authority, it is sometimes the case that leaders will influence members to defy the authority, and chaos ensues.

Obviously, it is a good thing for the person in authority to be a leader; but it is not necessary. When he issues his commands, the members know that, just because they come from this office, they are what has to be obeyed. Further, when the commands are issued by an authority, they generally spell out what the sanction will be, which makes obedience easier for the members.

8.1.5. Common goal and common good It doesn't follow that a member of a society has to do everything that the authority tells him to, as if he had lost all control over every phase of his life just because he got into a society. For instance, if an authority tells a person to do something morally wrong, the member must disobey the "command." The command actually contradicts itself, because it is supposed to be directed to human beings, but it pretends to make them act as if they weren't human—and so it is a command only in its *form*, but not in its *reality*.

The limits of authority are the society's common goal and the common good of the members. "Commands" that have nothing to do with the common goal, or which go

8.1.5. Common goal and common good

against the common good exceed the authority of the commander, and are commands in name only.

- **DEFINITION:** The *common goal* of a society is the purpose for which the members cooperate as a group. This varies from society to society.
- **DEFINITION:** The *common good* is the rights of the members which were not freely given up when joining the society.

Several things to note: First, there may be more than one common goal; in fact, ordinarily there are several. When this occurs, one goal is not really a means to the others. For instance, in business, providing a service to the consumer is not really a means to making profit (though it may be so *in the mind* of the entrepreneur, but objectively) it is a coordinate end.

Second, the common goal may or may not be the purpose for which a person joins a society, or even the motive for which a person forms a society. When a person forms a society, the common goal is the end for which everyone cooperates—and why the others join in with the one who forms the group enters into the definition of the common goal. Thus, a businessman may hire others and form a firm because he wants to make profit for himself; but it does not follow that the sole reason for which the workers and he are cooperating is profit for him.

Third, it is the different common goals that distinguish the different societies. Each society has common goals; but each society has its own distinctive set of common goals.

Fourth, the common good is not really something positive in itself. It is presumed that members join the society to pursue the common goal together; and this is enough of a benefit for them. The

8.1.5. Common goal and common good

“common good” simply *prevents* the society from doing them *damage* in pursuing its common goal.

That is, the “common good” means that the society must not pursue its goal, however laudable, *at the expense* of the humanity (the rights) of the members. Of course, if the society expects members to give up some of their alienable rights, then it can pursue its goal at the expense of the rights given up; but all other rights remain intact.

8.2. Morality and society Being in a society changes the relation an act has to the person acting. A person who joins a society gives the society tacit permission to command him in the area dealing with the common goal—which is another way of saying that in that area, what he does will not be determined by his own choices, but by the choices of those in authority.

Thus, it is contradictory for a member of society to disobey the commands of the authority (always supposing that they do not exceed the authority).

Therefore, a member has a moral obligation to obey legitimate commands of any society he is in.

That’s the general obligation. But since the commands of the society are laws, which are issued to large numbers of people to fit general situations, it is sometimes possible to disobey the law without actually doing something morally wrong.

For instance, traffic lights are always to be obeyed; but their purpose is obviously to facilitate traffic. If you happen on a red light on some occasion where you can see that no one is coming and there is no danger of obstructing traffic, then it would not be *morally* wrong for you to run the light. In that case, what you would be doing would be consistent with the reason why the law was made,

8.2. Morality and society

and simply recognizing the fact that all the exceptions that would in extraordinary circumstances facilitate traffic flow can't be put into the law. So you're still obeying the "spirit" of the law, even though you've violated the "letter."

The catch here, of course, is that you *did* violate the law; and it has a sanction attached to it. You weren't *immoral* in doing it, but *if you get caught, you can't complain at being punished*. That is, you won't get *eternal* frustration for violating a law of society in circumstances which make it consistent with the spirit of the law to do so; but you will receive the sanction *society* attaches to the law. You knew you were doing something that would be punished if discovered; and it is inconsistent with you to complain that now you are discovered, you are being punished.

8.2.1. Responsibility in a society Once a person joins a society, then, there are certain acts he can't morally keep from doing (because he is commanded to do them, and can't get out of obeying by the "spirit/letter" distinction above). Hence, there is a sense in which he can't be said to be in a position to prevent the act; he is just a tool the society is using.

At this point, it would be a good idea to review section 4.4. and 4.4.1. on responsibility and responsibility and guilt. You are responsible for what you can control by your choices; and you are morally responsible if you are aware of the implications of your choice and if it would not be immoral to make the choice. What I have just been saying, then, about a member in the society when he obeys its commands is that *he* isn't responsible for what he does, since morally speaking he can't prevent the act.

In a society, the member is not morally responsible for the acts he does in obeying orders, except when these orders

8.2.1. Responsibility in a society

exceed the authority of the one who issues them.

The reason for this is that morally speaking, he has to obey, and thus can't morally prevent the act. Hence, he is not morally responsible for it. And since this is true of "the normal person" also, he is not legally responsible for it either. The act "belongs," both morally and legally, to the one who issued the command.

Of course, if the command is to do something *morally wrong*, or in general if it *exceeds the authority* of the commander, then the member either must not obey, or is not obliged to obey; in which case, his act of doing what he is told is *now* his responsibility (since he could morally have chosen not to do it). Thus, Adolph Eichmann could not say that because he was under orders, he was not morally or legally responsible for the murder of the Jews he killed. He is, of course, *also* responsible for *not* doing what he is told, because, as disobeying orders, he is taking over control of what the act is.

The authority is responsible for all the acts of the members which are the result of his commands. He is also responsible for acts that the members do "on their own" which he should have prevented by making commands against them, but did not.

Thus, the authority is responsible for more than his own acts. Since *he* is the one whose choice can prevent what the members do, he is responsible for *everything they do that his choices could prevent*. That's a lot to be responsible for; it's no wonder that executives (authorities) are highly paid.

Note that if the authority commands some morally wrong act and the member obeys, then *both* the authority and the member are *fully responsible* for the act: the authority, because he could have prevented

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it by not issuing the command, and the member, because he should not have obeyed an immoral command (and so “could” morally have prevented it). So more than one person can be morally (or legally) responsible for the same act. This is called **joint responsibility**.

Of course, if the member disobeys the immoral command, the authority is *not* responsible for what he does in disobedience; but he (the authority) is morally *guilty* of whatever morally wrong acts might have been done in obedience to the command.

But, as I said earlier, a person can only really be responsible for what actually happens; because an act that didn’t happen (but could have) isn’t something that can be attributed to a person. Nevertheless, since foreseen consequences enter a person’s choice (whether they happen or not), they can make the choice moral or immoral, and thus can affect moral guilt.

If an *unwise, but not immoral*, command is issued, **it must be obeyed**, because in general the makeup of society is such that cooperative acts (the ones that have sanctions attached) are not for the benefit of the one who has to do them: and so, from his point of view, they will *all* seem unwise. Hence, not to obey them subverts the whole basis of the society.

● NOTE WELL ●

The fact that a command is stupid or counter-productive does *not* absolve you from obeying it. The only time you can morally disobey a command (excepting the letter/spirit distinction above) is if it is immoral or exceeds the commander’s authority.

But the member is not totally helpless when faced with an unwise command. If the member knows that the command is unwise, then he *has an obligation to inform the authority* of that fact, so that the authority can correct its command. If the authority commands the

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act after being informed, then the member must still obey.

If the member refuses to inform the authority, *he then becomes jointly responsible with the authority for any unwise act done* in obedience to the unwise command—because the member could have chosen to prevent it by informing the authority. If he informs the authority and the authority still issues the command, then he is no longer responsible for it.

In society, both the authority and the member are often responsible for the acts *someone else does*; and members are sometimes not (morally or legally) responsible for the acts they themselves do.

There is, however, more. Because a member, when recognizable by others as a member of the society, *in fact* represents that society to people outside it, then his actions *become in a secondary but real sense* the society acting toward the world outside it. The society can only act in the actions of its members; and hence the actions of the members, when known to be members, are also the acts of the society.

It follows from this that actions of the members which would be innocent if the member were acting purely as an individual, can be detrimental to the society; and in this case, *the member is responsible for the harm done to the society*.

For instance, a person who belongs to a business part of whose reputation is that of being dignified (because it serves an upper-class clientele), and who dresses sloppily or who acts coarsely at parties under circumstances when he is known to be an employee of the business, is *responsible* for any bad reputation the business acquires through him.

It was for this reason that Thomas More College reacted quite

8.2.1. Responsibility in a society

severely to a “Pimp and Prostitute” party the students held off campus, because it was known that they *were* Thomas More students; and the College was flooded with phone calls the next day asking what kind of students they were teaching in this supposedly Catholic institution. The students couldn’t absolve themselves by saying that it was “none of the College’s business” what they were doing off campus, since in fact they were bringing disgrace upon the institution.

It is well to keep this in mind. In the name of “taking responsibility for my own acts,” many a person in society has *ignored* his real responsibility and pretended to be “responsible” for what in fact he has no real responsibility for.

8.3. Civil society We need to say a few words specifically about civil society (the “state,” whose authority is colloquially referred to as “government”), because firms exist in civil society, and need to know what their relation is to it in order to behave morally.

● **DEFINITION:** *Civil society* is the society whose common goal is the common good of the members.

That is, civil society is the society whose function it is (whose common goal is) to see to it that no right of any member is trampled on (the common good)—or in other words, that each member has a chance to lead at least a minimally human life.

8.3.1. Its necessity Whenever there are large numbers of people together, it is to be expected that the activities of some will violate the rights of others (even with good will, since some people will not necessarily have enough sophistication to recognize that others have the rights they in fact have).

8.3.1 Its necessity

It is also to be expected that there will be those who will not be able to defend themselves by their own resources.

From this it follows that

In all but the smallest aggregations of people, it is impossible for people to lead a human existence unless they cooperate for the common good.

Therefore, there must exist a society which has this function; and by definition this is civil society. **Hence, civil society is necessary for human existence.**

Secondly,

It is immoral for a person to refuse to belong to civil society.

The reason is that this is a refusal to cooperate to see that the people's rights are not violated; and since a person expects that others are not to violate his rights (and this can't be done without cooperation), he contradicts himself if he excludes himself from the cooperative venture which has this function.

So civil society is a society which people can't morally avoid belonging to, as I said in the preceding chapter.

And of course, it follows from this that a person is bound by the laws of the civil society he belongs to, and is subject to its authority.

● **DEFINITION: *Government* is the authority of civil society.**

That is, when the term "government" is used without qualification (i.e. not "the government of the YMCA"—just "government"), it refers to the group which makes and enforces the laws of

8.3.1. Its necessity

civil society.

8.3.2. The Principle of Subsidiarity But if the function of civil society is the preservation of the members' rights, then since human beings as people have the generic right to do what they please, it follows that for the government to do too much for its citizens would be for it to prevent the citizens from determining themselves; and this would be to violate their right.

Therefore, the welfare state is a morally wrong state, even if the people in it live in prosperity.

The society has exceeded its authority in giving the people more than they need to be minimally human, because it discourages their taking control over their lives, and thus dehumanizes them.

● **DEFINITION:** The *Principle of Subsidiarity* is the principle on which civil society is to function: In supplying the human needs of the citizens, it must not do more than what in practice the citizens cannot do for themselves (either alone or by forming voluntary groups).

That is, if the citizens can supply a need by themselves—in practice—then the government is to keep hands off. The problem, of course, comes in what you mean by “in practice.” People *can* get across the Ohio river in small boats and ferries, or could band together to build bridges; but in practice, this would be so difficult and expensive that it would create hardship to leave it to individuals. Hence, the government can build bridges. But for the government to guarantee an income, say, of the equivalent of ten thousand 1980 dollars to every citizen would not only be to do something that

practically everyone could do for himself, it would create a disincentive to take low-paying jobs (which can lead to higher-paying ones) and would discourage self-development.

In general, the government's function is to step in when it sees that a citizen or group of citizens is actually having his rights violated (either negative ones or by not being allowed—for any reason—to get what he needs to live a human life), and then to take steps to see to it that the right is upheld.

It should try to do this with as little interference with the freedom of other citizens (including paying taxes) as possible.

8.3.3. The Principle of Least Demand Since civil society is a society, then it can pass laws (in this case, for the common good). This means that it can make demands on some citizens for the preservation of the rights of others.

Thus, civil society can restrict by law the freedom of some citizens when their exercise of their freedom deprives some other citizens of some right they have. It can prevent, for instance, people from making pornographic films using children, even if the children are paid.

Civil society can also tax the relatively affluent citizens in order to have money to function and to supply money to those who cannot in practice supply their own needs (i.e. who without help are dehumanized).

In protecting the citizens against violations of their rights, whether by giving what is needed to avoid dehumanization or by restricting activities that harm citizens, the Principle of Least Demand must be followed.

● **DEFINITION:** The *Principle of Least Demand* states that the

8.3.3. The Principle of Least Demand

government's action in protecting citizens' rights must be the one that makes the least demand on the least number of citizens.

That is, even if a certain type of action could be more efficient in correcting an injustice, if that action makes greater demands on the citizenry than necessary, it is not to be taken. The reason is that civil society must leave the citizens as free as is compatible with their cooperation in the common good; otherwise, it goes against the basic self-determination of the persons in society, and is thus self-contradictory.

Civil society, then, is to be “just” rather than “compassionate.” If citizens are *dehumanized*, the government must do something about the matter; but if they are simply *less well off* than other citizens, or even not as well off as they might be or could be with governmental help, the government must keep hands off.

8.4. Justice We think of “justice” nowadays as related to rights; some action is “just” if it respects the rights of others. But it was not always this way. Historically, justice dealt with giving someone what he *deserved* or *earned* by his actions; thus, if a person violated a law, it was “just” to punish him; if he worked for a day, it was “just” to pay him a day’s wage, and so on. We still use the term in this way; except that we think that a person has a “right” to his wages (and there are even those who would say that the criminal has a “right” to be punished—which certainly sounds strange).

● **DEFINITION:** An action is *just* if it is suited to the reality of the person it affects.

I mentioned this in discussing the “cardinal virtues” in section 4.3.2. It is now time to go a little more deeply into this particular

virtue, because it isn't simply connected with rights.

Justice's connection with rights is that if a person has a right, others' actions which respect that right are just actions; and any action which does not respect the right is unjust.

But justice, as I said, goes beyond respecting rights. The criminal, as I implied above, does not have a *right*, really, to be punished. It would be silly to say he can, if he wants, be punished, and no one may morally try to stop him from this (the definition of a right). Nevertheless, he was the one who violated the law; and since he chose to violate the law, he "asked for it," as it were (or he can be presumed, under legal responsibility, to have done so); and hence the punishment, which defends the society, is suited to the reality of the criminal. The punishment is therefore just.

On the other hand, excessive punishment is not just. If it does more than merely keep the law in force by providing a sufficient sanction, it violates the right of the criminal without fulfilling the fifth rule of the Double Effect; and so the violation of the right is chosen, and the act becomes unjust. (It can't be "justified" by the Double Effect.)

● **DEFINITION:** *Commutative justice* is justice which suits the action to the self-determining nature of the person: his rights.

● **DEFINITION:** *Distributive justice* is justice which suits the action to the cooperative nature of a person in society.

● **DEFINITION:** *Retributive justice* is justice which suits the action of punishment to the nature of the violator of the law.

Thus, paying a person a given wage for services rendered, keeping promises, living up to contracts, and so on deal with commutative

8.4. Justice

justice. Fundamentally, all economic relations are relations dealing with commutative justice; and in all of them rights are somehow involved.

But certain acts demanded by society have nothing to do with the rights of the members of society; and this follows from the nature of society itself. Society expects acts from those best suited to performing them for the common goal (whether these are self-fulfilling or not), and often does things for those who contribute least to the common goal (because they need the most help).

This is the area of distributive justice. The needy, for instance, may in some cases have nothing to contribute to civil society; yet they receive welfare benefits, because otherwise they are dehumanized. Society receives no compensation for this. Nor do those who are taxed to provide these benefits. Taxes are taken from them in proportion to their ability to pay (using the Principle of the Least Demand); and what do they get for their contribution to society? It may be, nothing. Is this just?

Yes. Why? Because it is suited to their position in society. They are the ones most capable of performing this cooperative act; it is an act that the society has to perform for its common goal; and therefore, it is suited to their reality as members of the society to make the contribution. Hence, it is just with distributive justice (though from the point of view of commutative justice—self-development—it seems unjust).

Retributive justice takes into account the criminal and what is to be done to him to preserve the law as a true command. It will then adjust the punishment, using the Principle of the Least Demand, to something that does the least damage to him while preserving the threat as a sufficient sanction.

Thus, one person might not get the same punishment as someone else who committed the same offense; and though the punishment

is not equal for the same crime, in each case it is the *minimum which preserves the law as a law*. If it takes more to do this in some cases rather than others, the ones for whom this is true are not being treated unjustly, because *no more than is necessary* is being done to them. The punishment is just, because it is suited to their reality, not because it is the same as someone else's.

● NOTE WELL●

Beware of equating justice with “fairness” in the sense of “equality.”

That is only *one part* of *commutative* justice, which is only one kind of justice. Justice is “fairness” or “equality” only if (a) all human beings are “equal” and (b) this is the only relevant aspect of their reality with respect to the acts of others. But both (a) and (b) are false, as I have stressed so often.

And so, many acts which are not fair are just.

8.5. Note on “Christian civil society” Since many of the people reading this book will probably be Christian, it is a good idea to raise the question (if civil society is to be just *rather than* compassionate) of to what extent civil society can base itself on the Christian principles of turning the other cheek, doing more than what is commanded, and so on. Can civil society be Christian, in fact?

It seems strange to say this, but No, it must not be Christian, in the sense that it is generous and accepting of injustices and so on.

It is all right for an individual (using the Double Effect) to allow others to treat him unjustly and to violate his rights—to offer the other cheek when slapped, to give his shirt to a person who forces him to give his coat, and so on—choosing the benefit to the violator

8.5. Note on “Christian civil society”

rather than the harm to himself. It is also perfectly all right for an individual to do for others more than he strictly has to do, and even to do so much that he himself is deprived, if the Double Effect can justify this (as it often can).

But *civil society* cannot act this way. The reason is that people do not freely choose to be in civil society, and so if, for example, the government decides that it would be “more Christian” not to defend the citizens against an attack, choosing the benefit of the attacking society and merely permitting the violation of the rights of the citizens, *the government would be contradicting the very function of civil society, which is the protection of the rights of the citizens.*

Again, if the government does more than what is *the minimum necessary to avoid (relative) dehumanization* of the less-well-off citizens, then it can only do this by *making demands* on the richer ones. But since the richer cannot avoid being in the society, they are not free to refuse the demands, which puts them in the contradictory position of being forced to do for others more than they have to do for others. Thus, the rights of the rich would be violated by the government’s generosity—and it can’t use the Double Effect to justify this, because by the supposition, it isn’t protecting a *right* of the poor, but just doing what is a good thing to do to the poor.

This is not to say that there can’t be freely-joined organizations *within* civil society whose function is to perform generous acts and act, in general in a Christian way as a group. Various churches and religious orders, in fact, usually exist in societies and have that function. The point is that, just by the nature of civil society, these generous activities cannot be taken over by civil society itself without its contradicting itself.

But this is enough for a general overview of society. We will get into the specific demands of civil society in subsequent chapters. Here it is enough to show that the society has the right to make

8.5. Note on “Christian civil society”

them, and that therefore the people have the obligation to fulfill them.

Summary of Chapter 8

Societies are different from collections of people in that the people in society cooperate for some common goal. Cooperation means performing actions that benefit and are expected by the group, and which are not in themselves beneficial for the agent. This type of acting is not unnatural, because we all received the benefit of uncompensated service when we were young, and so no human being can exist without being on the receiving end of cooperation; and therefore it is inconsistent with a human being never to cooperate with others (i.e. never to do something unless he himself benefits from the act).

But since the cooperative acts of the members have to be counted on, and they are not in themselves beneficial to the people who do them, this type of activity must be motivated by the society with a sanction: a threat of punishment attached to the act. Sanctions must be sufficient (outweigh disadvantages in obeying), appropriate (punish non-performance of precisely the act commanded), and inevitable (be applied at "practically every" infraction); otherwise, they will not motivate.

Totalitarianism, the theory that individuals are "cells" in the body which is the society (i.e. that the society is the true reality, and the individuals only parts) falsifies the nature of humans and their relation to society, and contradicts itself, since it depends on free (self-determining) cooperation. Utilitarianism, the moral theory that what is morally good (and obligatory) is the greatest good ("happiness") of the greatest number is a kind of totalitarian ethics; it also contradicts itself because it tries to motivate the individual to do what is not to his advantage, and why should he do what makes him worse off? Individuals, therefore, are primarily self-determining, but secondarily also have cooperative relations; neither is reducible to the other, and to deny either denies human nature.

Generally speaking, people will be disposed to cooperate; sanctions are really to help people over the times when they would prefer not to. But if laws must be strictly enforced because the people will not cooperate without them, this can be a sign that the people think the laws are unjust.

Punishment can actually be carried out, even though the act of violation has already occurred, using the Double Effect. The act is itself neutral;

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it has a bad effect on the violator. The act has a good effect of keeping the threat intact (and so preserving the society as a society) and not "sending a message" that it is all right to violate the law. The damage done to the violator is not what produces the preservation of the threat, because if by some accident he dies or escapes, the society has still shown it was serious. The society must not want harm to the violator; it must be an unfortunate consequence of preserving the threat. The harm done to the violator must be the least necessary to preserve the threat as a real threat.

Some status in the society (some position in it) must be set up so that the members may know what statements by members are commands of the society as such (carrying sanctions) and what are just wishes of other members. Authority is the status that has the right to issue and enforce commands (statements that something must be done or a sanction will follow). Leadership is the character trait that can persuade people to do what you want. It is good for authorities to be leaders, but not necessary. You must obey the authority just because he is the authority.

The common goal of the society is the purpose for which the people cooperate; this varies from society to society. The common good is negative: the preservation of the rights of the members which were not freely given up when they entered the society. "Commands" that have nothing to do with the common goal or go against the common good exceed the authority of the commander, and are not real commands. They need not or (if they command what is morally wrong) must not be obeyed.

A member has a moral obligation to obey legitimate commands of any society he is in. Sometimes a law may be disobeyed if you are still obeying the "spirit" of the law: i. e. the intent for which the law was passed in the first place. If, however, disobeying the "letter," you get caught, you must be willing to take the punishment.

Since a person may not morally disobey a legitimate law, even if it is foolish, then he is not morally responsible for what he does in obeying it. If the command is to do something morally wrong, or if it exceeds the authority of the lawgiver, then the member is morally responsible for his "obedience." He is always morally responsible for disobeying a law, since he could have prevented the act by obeying. The authority is responsible for all the acts of the members which result from his commands, as well as for acts that members do "on their own" which he should have prevented by issuing commands, but didn't. If the authority commands something morally wrong and the member obeys, they are jointly responsible for it; i.e. both are fully responsible. If a member disobeys, the authority is

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not responsible for what he does. Members are responsible for stupid commands when they did not provide information to the authority indicating that the command was stupid. If they provide the information and the authority issues the command anyway, they must obey, but are not responsible for what they do. A person in society, then, is often responsible for what other people do. Members also become responsible for bringing disgrace upon the society when they act in this way and are recognizable as members of the society.

Civil society is the society whose common goal is the common good of the members; i.e. the preservation of their rights. It must exist because if people don't cooperate to see that rights are preserved, they could be inadvertently violated by people who don't recognize them. Therefore, it is immoral to refuse to belong to civil society. Government is the authority of civil society.

Since people are self-determining and cannot refuse to belong to civil society, civil society contradicts itself and its members if it does not follow the Principle of Subsidiarity: that the civil society must not do for the members what they can do for themselves or by forming voluntary smaller societies. The welfare state, therefore, is morally wrong, even if the members are prosperous; it takes away human self-determination. In doing for members what they can't do for themselves, civil society must make demands on the cooperative action of other members. Since these members are also self-determining, civil society must follow the Principle of Least Demand: it must require what makes the least demand on the smallest number of members. Otherwise, it violates their rights in preserving the others'. Thus, society cannot necessarily follow the most efficient course in getting rights preserved.

Justice, therefore, is not necessarily only connected with rights. It is the virtue of suiting one's action to the reality of the person acted on; and there are therefore three kinds of justice. Commutative justice respects the rights of others. Distributive justice respects the cooperative nature of members of a society and gives most to those who do least for the society (and need most to avoid dehumanization) and demands most (because it hurts them least) to those who receive least from the society. Retributive justice suits the punishment for a violation to the reality of the violator (making it the least possible consistent with preserving the threat). Justice, therefore, is not necessarily "fairness" in the sense of "equality."

Civil society cannot be "Christian" in the sense of either being willing as a society to have the citizens' rights violated (to "turn the other cheek"

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as a society), nor can it be “compassionate” in the sense of being generous to the poor and doing for them more than the minimum—because it can only do so by making demands on the other citizens and forcing them to do more than what they have to do, which contradicts them as self-determining.

Exercises and questions for discussion

NOTE: These questions are to be answered on moral grounds, not legal ones. We are not interested in what the law is here.

1. Can an employer morally demand that his secretary make coffee and take care of his personal and social correspondence if that was not in the job description? May the secretary do what he says, must she do what he says, or must she refuse? Suppose he will fire her if she refuses. What then?
2. If a worker happens to know that another worker is stealing from the company, (a) does he have the obligation to tell the people in authority, (b) if he doesn't, is he responsible for the theft himself jointly with the thief, and (c) if he does, and the authority does nothing, is he responsible for what is done?
3. Nurses are forbidden by law to administer medicine except under a doctor's orders. A nurse in an emergency room sees a patient who has been poisoned brought in, and he is about to lose consciousness. She calls the Poison Center and is told she should administer ipecac; but no doctor is available so to give the order to do so, and if the patient loses consciousness, the ipecac will be worse than nothing. Can she administer it, in violation of the law?
4. To what extent do you think the Principles of Subsidiarity and Least Demand allow government to regulate businesses? When does government regulation become morally wrong?
5. Is it just if an employer docks a worker's pay because the worker is being negligent because he keeps showing up for work late?

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CHAPTER 9

OWNERSHIP

9.1. Self-determination and economics As we said earlier, economic activity stems from the nature of a human being as a self-determining being. We set goals for ourselves and then go about achieving them; and in achieving them, we have to use the world around us.

But just using the things in the world is not economic activity. If you were the only person alive, or were someone like Robinson Crusoe on your island, you'd have to do some of the things that are considered "economic activity"; based on the tools you could contrive and the things you could find, you'd have to set priorities for your goals, and maybe give up some in order to achieve others. For instance, you might have to spend time building a stockade to be safe from wild animals before you went about planting.

But this is *practical* activity, not *economic* activity, because it doesn't involve transactions with other people. Economic activity begins when we want to use the things around us, but we discover that someone else has got there first, and won't let us use them unless we

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do something to further *his* goals.

So now let's consider what is implied in using things when others have got at them before you. How did the things get into their possession, so that we have to ask their permission to use them? In other words, what is the *right of ownership*?

9.1.1. The right of ownership What is behind this is, as I said, that, when we set goals for ourselves, we need to use the world around us to achieve them; and so we have to get our hands somehow on the things that are in that world.

But if each of us has to use the world, what part of the world can each use? There are no name-tags on the things around us that say "This is to be used by George Blair and no one else." "This is to be used by John Doe and no one else." But clearly, using things (like food) often means using them up, so that they are destroyed and no one can use them afterwards; and even when they are not used up, they are often transformed in such a way that their original use is gone. So that in practice, if we are to use the things in the world, we have to be able to *appropriate them for our exclusive use*.

Notice here that the problem is not how we get possession of things, but how *we can morally prevent others from using them*. That is, the question of property involves a *relationship with other human beings*, not primarily a relationship with the objects in the world.

But, as we saw, to be able to prevent others from doing something is the essence of a right; and so, what we are talking about here is the *right of ownership* or the *right to private property*,

9.1.2. A human right? Now what title do we have to own things in general? Is this a human right, or a civil right, or what? And can we own anything we please (like the air), or only some things, and if so what?

9.1.2. A human right?

This is not an idle question. Communism treats ownership as if it were a civil right; and though it allows people to own consumable items, it does not allow people to own what is called “real property,” or other things that are not used up when they are used.

We saw that we can claim a right if we can show that there is a contradiction in our not being allowed to exercise it. We can establish a human right to ownership, then, if we can show that we are dehumanized in some respect if we can’t own things.

First of all, if we don’t eat, we will starve. But if I am to eat this pizza, then by that very act I am preventing you from eating it; and if you have as much right as I to it, I can’t eat it, and I will starve.

Therefore, human beings have the human right to own consumable items such as food.

Do we have a human right to *keep* consumable things that we don’t consume at the moment?

As human beings, we can foresee what is likely to happen in the future; thus, we can see that droughts can occur and crops can fail, so that, even if we have enough to eat at the moment, it is possible and even likely that if we have *only* enough for the moment, we won’t have enough to keep us alive when times of scarcity come. But then if we couldn’t store up an excess and keep it, we would be in the self-contradictory position of (a) foreseeing a time when we would need it, (b) knowing what to do to provide for the need, and (c) not being allowed to do what would provide for the need.

Thus, human beings have the right to keep what they don’t need for the moment’s consumption.

And since you can’t tell exactly what a person may need, there

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really *isn't any limit* that can be set on this right as such. So if a person acquires more than what he could really need by any stretch of the imagination, he has not done what he has no right to do; because in order to restrict him, you would have to draw a line and say, "beyond this point, you have no right to acquire more and keep it;" but that would mean that one person just below that line would have a vast excess, and there would be bound to be someone who was just above the line and would turn out not to have enough (for example, if he gets a wasting disease which costs a fortune to keep him alive).

Now this does not mean that people have a right to amass vast possessions *if their doing so deprives someone else of necessities*; but that is just saying that we have no right that violates the rights of others (which is true of any right); and we will treat this later. Here, I am only concerned with the *right itself*; and the point is that a person can claim a human right to keep consumable things, and no limit can be set on what he can keep.

But So far, all we have talked about are *consumable* things. What about things like houses and land and so on, which don't get used up? The answer is that obviously, you can see that if you don't have shelter, you won't survive the winter; and if you don't have land, you won't be able to plant crops next year to get you through the future. And if you couldn't keep people off your land, then you could forget about having crops that you could count on. But the point is that, since we can *use* "real property" as well as consumable things—even though we don't use it *up*—and since in practice there isn't any way we can provide for the future without using such non-consumable things, then we have as much right to them as to keep consumable things.

Hence, people have a human right to keep non-consum-

9.1.2. A human right?

able items such as housing and land.

Further, since people have others, such as children, dependent on them, and can foresee their own death and how this would deprive their dependents of the necessities of life (if they could not hand on things to them), it follows that it would be contradictory not to allow them to will their possessions to children and others; otherwise, they could not fulfill their moral obligation to care for those dependent on them.

Therefore, people have a human right to own, not only consumable items, but non-consumable things, and to pass this ownership to others at their death.

This right cannot of itself be restricted just to children or what might be called “natural dependents,” because a person might make a promise to care for some crippled friend who was not really a dependent; and if he could not will his possessions to him at death, he would not be able to fulfill the promise. So, as in the case of keeping things, no limit can be set in itself to the right to will things to others. A person can will whatever he has to anyone he pleases (always supposing no one else’s right is violated by this).

9.1.3. Initial acquisition of property So human beings have a human right to own property. However, since there is nothing in nature assigning what is to belong to whom, how does a person get the right to a given part of the world?

Of course, once things are owned by people, we get the right to own them by *being given the property by the previous owner*, who gives up his right to it and assigns it to us—either as an outright gift, or for some compensation in exchange. We will discuss this later; the ques-

9.1.3. Initial acquisition of property

tion now is how *he* got the right—or rather, how the first owner (the one who didn't get it from a previous owner) got the right.

John Locke thought that initial ownership was established by a person's *work* on something. Since a person had the right to his life and liberty, he had the right to his actions; and it followed (Locke thought) that he then had the right to the “fruits of his labor.” This is the seed that grew into the “labor theory of value.” that one finds in economists like Adam Smith and David Ricardo.

The trouble with it is that if it is your labor that establishes your right to own what you have worked on, there is no reason why this logic should apply *only* to *unowned* things you happen to be working on. (Marx saw this difficulty.) That is, if my claim to own something is based on this reasoning: “I have a right to my actions and their consequences; but this is a consequence of my actions; therefore, it contradicts me as a worker not to be able to claim it as mine,” this applies not only to the worker who has worked on land (say) that no one has yet claimed; it applies to one who has worked on a farm that someone else already owns.

Hence, even though the previous owner simply *allowed* the tenant farmer to work on his land, with no intention of *giving* the land to him, the tenant farmer could claim that he now owned the land he worked on, simply because he worked on it.

But this would make it impossible to lend anything to anyone for him to use; as soon as he had used it, he would have “worked on it,” and then it would become his, not yours. It would also be impossible to hire someone to work for you; because as soon as he did any work, the work and everything he worked on (e.g. the machinery as well as the raw materials) would be his, and you would lose your claim to it.

Or perhaps, because you had worked on it first, you would retain a claim to part of it; but then which part? If you lend Michelangelo some marble to carve a statue from, what part of the statue do you

9.1.3. Initial acquisition of property

own, if any? But it was your marble.

Obviously, that way lies absurdity. Ownership is supposed to give people control of what they own, and to make it clear to others that they have to respect the owner. But claiming the right of ownership based on “work” makes who owns what problematic, and contradicts what the right of ownership means.

Hence, it does not follow that a person has a right to the fruits of his labor. If you are working on something someone else already owns, your work does not give you the right to own it.

Then how *do* we acquire the right to own something previously unowned? The answer, actually, is very simple. By making a claim.

Yes, Virginia, there is a free lunch. Even today, if you come upon something (like a stray dog, or an abandoned bike), and no previous owner can be discovered, and you want it, you don’t have to *do* anything to get it except claim it, and it’s yours.

A person who makes a formal claim to own what was previously unowned acquires the right of ownership of that thing.

A “formal” claim is a claim that is recognized as a claim by the people who will have to respect the right of ownership (the people who might themselves want to have the thing). This can take the form of some kind of formal statement (“I now lay claim to this land”) or some action that amounts to a statement, such as building a house on it or clearing a part for farming, or putting up a fence, or using it as if it were one’s own.

9.1.3. Initial acquisition of property

9.1.3.1. Limitations on the claim What, then, is to prevent a person from saying publicly, “I hereby lay claim to everything that has not been claimed by anyone else.” Doesn’t he then own everything not previously owned?

That sounds even less attractive than the “work” theory of claiming ownership. I think, therefore, that there are certain restrictions on a person’s ability to lay claim to own something.

- **First, a person must know in the concrete what he is laying claim to.** Since you can’t use abstractions, and you don’t in fact own abstractions, then you can’t lay claim in the abstract to ownership. But to make a claim to “everything” or to something like “This whole continent,” where you don’t know what is there, is to make an abstract claim. You don’t have to know every detail about what you claim ownership of (as if you had to know every part of the car you own); but you have to know enough about it to make it reasonable to say you know what you’re claiming to own.

- **Secondly, what is claimed must be ownable.** That is, it must be such that it can be appropriated for oneself exclusively. If you’re going to claim a right to own something, then you’re going to claim that others must refrain from using it—and you’re going to have to defend that right if they try. But if you claim ownership of the air, for instance, which blows where it pleases, how could another person respect your right, if he doesn’t know what part of the air you own, and how could you defend your right by shutting him out of it?

- **Thirdly, the claim is invalid if it dehumanizes someone else.** This is the general limitation of any right again, and it is the next topic. But what it amounts to is that just because you got the idea first, you can’t claim all the water in a given area (even if you know

what it is) and then tell everyone, “This is mine now; pay me or die of thirst.”

9.1.4. Claims against others’ property It is worth exploring this limitation of claiming the right of ownership when others are dehumanized by it. How is one to know when this happens, and when the claim is invalidated by the necessities of others?

Obviously, if a person has no right to what he owns because of the dehumanization of someone else, then that other person has some sort of claim against the property the original claimant would like to own (or thinks he owns). What kind of claim is that?

Let us approach it gradually. Suppose you and another person get shipwrecked on a deserted island. You both explore it, but you tell him, “Okay, no one’s here, and so no one owns anything on the island. I now claim ownership of it. You will serve me if you want any of my property.”

Your claim now deprives him of the opportunity to get food, shelter, and clothing unless he serves you. But the original basis for making any claim to property was that only if we had the right of ownership could we live a human life. But your exercise of this “right” prevents him from providing for himself (except under the conditions you set).

Therefore, he has a *claim against you* for the necessities of life. Your claim to property is not something that gives you the right to have a slave; and so you don’t have the right to all the property on the island just because you thought of claiming it first.

That should be obvious. Then do you have to divide the resources on the island equally? No; you did think of making the claim first, and your having more than he does does not dehumanize him; but you have to allow him enough so that he can live humanly, or

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you have contradicted the basis on which you claim the right of ownership in the first place.

Who has more and who has less has to be decided upon—because, after all, he has to be willing to agree to your claim or the two of you will be at war all the time, trying to defend the property you lay claim to.

Now suppose you have divided up the property; you have two-thirds, and he has a third (because you've convinced him that your getting the idea first gives you a right to a bigger chunk). Then another person is shipwrecked on the island.

Clearly, he can't live unless he gets some property from either or both of you; so he has a claim against you (plural) for the necessities of life. If both of you hold on to your superfluities, then he starves or dies of exposure, and you have in effect killed him.

Now how much of a claim does he have against you as an individual? First, the limit of the property he can *claim as a right* is that which will allow him not to be dehumanized; he doesn't have any right to live as well as you, who got there first.

It would seem to me that, since the property he has a claim on belongs to both of you, and the total property, which he can lay claim to, is divided two-thirds/one-third, each of you *loses the right* to two-thirds and one-third, respectively, of the amount necessary to avoid dehumanizing him.

So if you give him half of what is needed for him to live a human life, you are still guilty of in effect killing him, because if the other person gives his share, the man will still die (lacking the difference between the half you gave him and the rest of the two-thirds that you have no moral right to hold onto). The amount you have kept back is not *really yours*, even though you owned it before he got there, since ownership's function is to allow people to live human lives, and is consequently not absolute.

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Now suppose you give your share and the other person doesn't. Can you say, "Well, let him die; I've done my part"?

No, but not because he has *a claim against your property now*. Now the *cooperative relationship* among human beings takes over, and you have the obligation to see to it either than the other owner does his part, or to do something for the starving man if that fails. To let him die when you could prevent it (just because he has no claim against your property) implies that we are all totally independent of each other, and rights are the only thing that has anything to do with our helping others. But this is false, as we saw in the previous chapter.

But it is wise to remember, nonetheless, that a person has a right against those who in effect are violating his right; nor really against the world in general. So what I am saying here is that you *lose the right* to part of your property amounting to two-thirds as much as is needed to keep him from dehumanization. You have obligations *in sociality* (the traditional term is "in charity") beyond this, but not in commutative justice.

How much of a claim the starving person has on your property, however, changes if the arrangement you made with the other person (two-thirds/one third) gives him little more than the bare necessities to live on. Then if he were to contribute to this third party, he himself would be in a dehumanized condition; and you would be the only one left with more than enough to live on.

In that case, you would lose the right to whatever is necessary to keep both of the others from dehumanization. It might be that you would have to supply all the needs of the newcomer; but it could also be that you might have to supply seven-eighths and the other owner one-eighth.

In the cases above, the one who is being dehumanized is easily identifiable, what he needs to avoid dehumanization is at least some-

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thing that can be figured out, and who he has the claim against is something that is known. Now what happens when the number of owners is very large, and the number of needy is also very large?

When the number of owners becomes very large, it is hard to see what proportion of their property they have lost the right to, since it isn't at all clear (a) how much *in toto* is needed by the needy, (b) how much one owner has in relation to other owners (i.e. what his share would be), and (c) how much hardship (if any) it would cause the owners to supply their share of the needs of the needy.

Furthermore, it is not at all clear which one of the needy people has a claim against which one of the owners. *Each* of the needy people has a claim against *all* of the owners, since it is the fact that they own everything that is depriving him of the necessities of life. That is, it isn't the fact that George Blair owns a house in Cincinnati that is depriving Ahmed Ali of food in Afghanistan; it is the fact that all the owners have used up all the property, so that Ahmed can't claim enough to keep living.

But by the same token, each owner has a claim on him by *all* the needy. Because it isn't just Ahmed who needs some of my property to stay alive (provided I could figure out how much). He hasn't any special claim on me, any more than any other needy person. So I would have to distribute my share among all the millions of needy.

But my share isn't all that much to begin with, and it can't be divided into a million parts. If it were, then each person would get something worth less than a thousandth of a cent (considerably less, probably)—which would do nothing to relieve his poverty. So to say I have lost the right to this infinitesimal amount because Ahmed has a claim on it is absurd.

Notice that the obligation to give what is excessive to those who are needy is *not* discharged if I "give all my excess to charity." That is, suppose I find a number of poor people, and distribute half of my

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possessions to them.

First of all, is half of my possessions my share? I don't know if it is more or less. Secondly, what about all the people I didn't give anything to? They have just as much claim as the people I picked out. Thirdly, since the people I picked out have no claim *against me personally*, then by relieving their poverty, I have done to them something *they* had no right to have me do; and so I have been "generous" to them.

That is, they are in the equivocal position of receiving what they have a right to receive, *but not from me*. Therefore, they have to be grateful for receiving something they have a right to receive. This is obviously self-contradictory.

So when the number of owners and the number of needy become large, then it becomes impossible in practice for individual owners to fulfill their obligation to give the needy what the needy can claim of their possessions.

What then is to be done?

In this case, civil society must take upon itself the task.

It must (a) identify the needy, (b) discover how much each needs, and how much is needed in the aggregate, (c) discover how much the owners own, (d) assess what is to be the contribution of each owner to the general fund, taking into account how much damage the assessment is going to do to the owner, and (e) distribute the general fund to the needy, taking care not to create incentives against working for a living.

This is no small task, and will necessarily be a failure in many respects. Nevertheless, since it is impossible for the individual owner

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to fulfill his duty to the needy by himself, it is *only* civil society which can do any kind of a job of it that doesn't dehumanize by having the needy "thank the generous for their charity." Only civil society can *demand* that owners give what they should, and only civil society can have *real claims* made on it by the needy, since it is the organization whose function it is to see to it that citizens are not dehumanized. When it gives to the needy, they don't have to thank anyone for receiving what they have a right to receive.

So essentially, the needy have a claim to the necessities of life *against civil society*; and it is civil society which has the obligation of taking from the affluent and giving to the needy.

Morally speaking, what this means is that when an affluent person or business has paid its taxes, it has discharged the claims against it by the needy.

This supposes, of course, that the society is making a reasonable effort to help the needy. If not, then the affluent person or business has an obligation to see to it that the government fulfills its responsibility.

It is not enough just to "give to charity." The assumption, if society is shirking, is that there are other affluent people who are not being assessed for their share of the claims against them; and to allow them to hold on to property they have no right to is unjust, harming not only the poor, but all those whom the unjust excess gives a competitive edge against.

But even with the best of intentions, society's effort will be imperfect, and there will be needy people who will "fall through the cracks." In this case, the affluent do not *have to make* a special effort to seek them out, but have to do something to help out those who come to their attention. This, again, is based on the social obligation

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of cooperativeness.

How much does an affluent person have to give if he has paid his share in taxes? Not enough, obviously, to impoverish himself. Nor does he have to give to everyone who appears. He has to do *something* more than he is taxed, but he has no *obligation* to put himself to any significant inconvenience. He is, in a sense, doing more than he has to—and, paradoxically, he has to do more than he “has to” as far as claims against him go, or he denies cooperativeness. But since it is more than he has to, then how much more is rather up to him. Of course, if many, many people are very, very poor, cooperativeness would demand more; if few are, then he can legitimately say, “I’ve done something extra; let the other rich do the rest.”

Unfortunately, there is no international society, which can make demands on affluent *societies* for the sake of distribution to the people of needy societies. There is at the moment no way in which affluent societies and people in them can in practice discharge whatever claims the needy societies have on their possessions; and no matter what they give, there will be people in the societies who do not get enough, there will be societies which do not get enough, and what the “fair share” is of the developed societies for each needy society will be a matter of individual societies’ views.

Thus, Latin America might think the United States owes it more than it owes Africa “because we belong to the same hemisphere,” which is irrelevant—and so on. And Latin America (with some justification) resents our notion that when we give foreign aid to them, we are being generous; because they see only that they are receiving what they have a right to receive (as they think, from us).

Hence, justice in the international distribution of this world’s possessions can never come until there is some kind of international society, which has the authority to make assessments of the rich nations, demand contributions, and distribute these contributions

9.1.4. Claims against others’ property

equitably. And that is a long way off.

Given that situation, cooperativeness demands that the affluent societies give “foreign aid,” more or less analogously to the duty of the individual when society is not doing its job for the poor in it. Justice will not be done by this; but it is the best we can do at the moment.

However, it is obviously incumbent upon mankind to work toward some kind of international society, which can do for the poor of the world what civil society itself does for the poor within it.

This does *not* mean, however, that the property of the world ultimately has to be distributed “equally.” But that is the next topic.

9.1.4.1. Equal distribution It doesn’t seem fair that, just because one person gets the idea first, he can claim possession of more than he needs and more than anyone else, and have opportunities that others won’t have, either because they didn’t claim as much, or because they couldn’t claim anything just because they were born too late, and everything was already claimed.

It isn’t fair. But who says things have to be fair? “Fairness” means “equality,” and a right to be treated fairly can be claimed only if it is a fact that human beings are equal—and they aren’t.

There is no aspect of human reality by which a person could have a title either to equal possessions or equal opportunity with others.

We treated equality of opportunity earlier; but it is worth mentioning again, because it is a myth of our society that the function of society is to provide everyone with equal opportunity—which supposes that everyone has the right to equal opportunity. But since people do not have equal talent, then providing them with equal

opportunity would deprive the very talented of the “opportunity” to exercise their vast gifts—since they would have no more than the untalented—and would give the very untalented opportunities that they could not possibly use. Rights are based on personhood, not equality. It is not dehumanizing for a person not to have as much of a chance as someone else.

And the same goes for initial possessions. Since there is not an equal capacity (or an equal desire) in humans to use things, then there is nothing in each person which would be contradicted if one person owned more than another person. Hence, there is no basis for a claim to a right to have as much as someone else.

Furthermore, in practice it would be impossible to have an equal distribution of this world’s ownable things. Supposing it were done. Since new people would be born, the property would have to be redistributed each time someone new came into the world (why should he be discriminated against just because he was born late?); hence, there is no real meaning to “equal distribution.” Also, to try to do this might very well deprive people of the right to provide for their dependents.

Secondly, since people can give up their right to possessions, it would soon happen that the people who didn’t particularly care about owning things, and the people easily conned, would give up what they owned to the people who were greedy and clever; but then almost at once, there will be an unequal distribution of property.

Hence, there is nothing wrong with one person’s being extremely wealthy, while other people are relatively poor.

As long as the poor are not *dehumanized*, they have no claim on the wealthy person’s wealth, and *it is morally wrong for society in this situation to “redistribute the wealth” more “equitably.”* Society can tax

9.1.4.1. Equal distribution

the rich to *prevent the dehumanization* of extreme poverty, but not to make things “fair.” It is not only a morally wrong goal, it is a goal that doesn’t make sense, when you think it through.

It violates the Principle of Subsidiarity for the government to tax the rich and “redistribute wealth” by giving the poor more than the bare minimum they need not to live a dehumanized life.

Making a demand on the rich for more than is needed to prevent a violation of rights exceeds the authority of civil society. And this, of course, violates the generic right of self-determination of the rich citizens. It is therefore coercion, not legitimate force, however laudable the intention.

But it also violates the same right of the poor, because by giving them more than the minimum, it takes away the incentive to set goals for themselves and make themselves into what they want to be. In return for a small material prosperity (it can’t be much), it tempts them not to take control of their lives.

9.2. Communism If people have a human right to own property, then it follows that *the right of ownership is at least relatively inalienable*. We saw that all human rights are at least relatively inalienable. Here, the reason is that if the government demands that no one own anything (or any “real property,” or whatever), then, since the citizens cannot not belong to civil society, they have to act as if they didn’t have the right to ownership, when in fact they do.

It might seem that the right of ownership is absolutely inalienable, because a person has a moral obligation to provide for his future, and certainly he has an obligation to provide for the needs of those who depend on him.

But it could be that a person would join a group, who would contract with him to provide for his needs (and the needs of his dependents, if any) if he would give up the right to own anything. Since his future and his dependents would be taken care of, and since he freely joins the group, there is no dehumanization in his giving up the right.

Religious orders, in fact, actually make this demand. One who joins a religious order makes a vow of “poverty,” which is not a vow to be needy (which would be immoral), but a vow not to *own* anything. It is, however, understood that his human needs will be supplied by the group, so that he will have clothes to wear (which will not be his, strictly, but lent him by the order), food, shelter (again lent him), and so on. He may even have the use of typewriters and computers and all kinds of equipment that can help him in his work; it is just that he doesn’t own them, and can’t dispose of them as he pleases. Many people misunderstand Religious poverty, assuming that it is a kind of neediness, and not simply a lack of ownership.

But Communism as a system of civil society, denies a person the right of ownership; and since this is a human right, Communism is a morally wrong form of government.

Can the government ever take away the right of ownership from the people? Yes, under certain circumstances, using the Double Effect.

1. The government can take their possessions away from those people who are using their possessions to dehumanize other people—provided that this is the least socially damaging way to prevent the others from having their rights violated.

For example, suppose a few land owners are in effect making

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slaves of vast amounts of the population by making them work long hours under inhuman conditions just because they (the owners) have control over the land, which is the workers' only means of livelihood. The government has the obligation to prevent the dehumanization of the workers; and it may be that the way of accomplishing this that does the least harm to the least number would be to take away the land from the owners and redistribute it according to some formula. In that case, choosing the restoration of rights to the workers, the government may take this course of action, with the violation of the owners' rights an unchosen side-effect. In general, some compensation must be offered the owners, however.

The government might even institute a kind of Communistic society as a temporary measure until things are straightened out. This would not necessarily be in itself immoral; but it must be pointed out that such arrangements, although intended to be temporary, tend to become permanent; and insofar as this is likely, it becomes immoral to choose what will likely turn into a permanent denial of citizens' right of ownership.

2. The government can take, by what is called the "right of eminent domain" given pieces of property owned by citizens, if that property is needed for legitimate public projects. Here, the owner must be given "fair value" for his property; but the point is that he can be forced to sell.

Thus, if a person owns a house in the path of an expressway, he can be forced to sell his home. The assumption is that the expressway is a legitimately needed one for the common good. If it is, then the selling of the house is one of the demands for cooperation that the government can legitimately make on the citizen.

In discussing the distribution of property, we have so far been talking as if all property were land and what is growing on it. Most of this, of course, is in the nature of "raw materials," which are not

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in a form that anyone needs, let alone wants; and so most of these things have to be *transformed* somehow into useful objects before they become *valuable*.

But the transformation process can't take place efficiently without a rather large concentration of wealth in the hands of the enterprising; and so any redistribution of property, even to prevent dehumanization, has to take into account what it is going to do to the transforming process; if it kills it, then the last state will be worse than the first.

This seems to happen in Communistic societies. When the enterprising don't have enough to work on, or incentive to work, then they don't do much; and so people tend toward a rather evenly distributed poverty rather than a greater prosperity for even the poor.

The point here is that unevenness of distribution is not of itself morally wrong. If it were, then the end (greater total prosperity) would not justify the means (uneven distribution). But since the means are not in themselves evil, the Capitalistic economics can be allowed to work.

This is not to say that the initial ownership of things is totally irrelevant in the present day. First, it is necessary to see the principles involved; but it actually still happens, as I mentioned earlier, with what was owned, when the owner cannot be discovered. But for practical purposes, everything has in fact been claimed. The question for the next chapter is how those of us born into this condition gain possession of what we need from those who have it.

Summary of Chapter 9

Allocating resources and postponing some goals to achieve others is practical activity, not necessarily economic activity; economic activity involves transactions in doing so. But since people do not have infinite

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desires, it does not follow that it is bad economics not to try to maximize profits.

To introduce economics, consider ownership, or appropriating things for one's exclusive use. Is this a right: that is, can we prevent others from using the things we have appropriated? If so, is it a human right?

First, if we can't prevent others from using what we are to consume, we will starve; so we have a human right to own consumables. Second, if we can't store such things for future emergencies, we are put in a position of foreseeing an adverse future and not being able to provide for it, which contradicts our nature as foreseeing the future; therefore, we have a right to store consumables. Since we need stable property to be able to produce consumables and have shelter, or we will die or be harmed, then we have the right to private property. Since we have children, who have rights for support against us, then we have the implied right to provide for them; and therefore we have the right to will our property to others after our death. There is no limit to how much property we may own or transfer..

Property which is owned by someone else is transferred by deed (gift or sale). Property which is unowned is first acquired, not by working on it (which would logically demand a transfer of owned property if the one it was lent to worked on it), but simply by making a claim to it. The claim must be recognizable as such by others, since they have the obligation to let the claimant own it. Hence, the person must know concretely what he is claiming; it must be ownable (able to be cut off from others' use); and owning it must not dehumanize anyone else.

If the ownership of the property forces another person into an inhuman condition (because he can't get enough to live a minimally human life) the claim to that portion of the property necessary for the other's humanity is invalid (you never have a right that violates another's right). A person who is dehumanized by not being able to have property because it is all owned by others has a claim against *all* owners for what is necessary to life; each owner therefore has claims against him by *all* those deprived because all property is owned. Therefore, something must be done to see what portion of each owner's possessions does not really belong to him because of the needs of the need, and what portion of what is in the aggregate needed must go to a given needy person. In practice, this is the function of government which must (a) discover the needs of the needy, (b) discover the surplus of those not in need, (c) assess how much each one with a surplus must contribute, using the Principle of Least Demand, and (d) must distribute this to the needy according to need. If government is basically

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doing its job, a person who pays taxes has discharged his obligation in justice to the needy. If, however, he happens to know someone who has been missed by society's distribution and he can alleviate that need by a personal contribution, he must do so. Government must do no more for the needy than what is necessary to avoid dehumanization.

No one has a right to be as wealthy as others; rights are not based on equality. It is perfectly legitimate for some in a society to be extremely wealthy, and others to be just this side of dehumanization. Therefore, taxation for the purpose of "redistributing income" is morally wrong.

A person may freely give up his right to ownership to a group on the condition that the group see to his needs, since a person whose needs are taken care of has no obligation to own anything. But since a person is forced to belong to civil society, government cannot make giving up private ownership a condition for belonging to civil society. Ownership is a relatively inalienable right, and so Communism as a system of government is morally wrong. A kind of temporary communistic denial of ownership would in principle be legitimate if this were the only solution to dehumanization because of ownership of all of the property by a very few; but it would have to be temporary. In practice, such "temporary" measures seem to become permanent, and so are probably morally wrong.

Exercises and questions for discussion

Note: These questions are to be answered on moral grounds, not legal ones. We are not interested in what the law is here.

1. Is it all right morally to get into a business which you foresee will lose money, because you happen to want to provide some service to the consumer? Is it good economics?
2. Do people like basketball players really have a right to fabulous wealth, when teachers, nurses, and others who perform necessary services to the community are just making ends meet?
3. Would a starving person be morally wrong in stealing what he needed to live from a rich person? If not, would the rich person have a right to prevent the theft if he saw it happen (supposing he knows that it is to stave off starvation in the thief)?
4. Does the "owner" of a business have a right to pay his workers a salary so low that they are barely above dehumanization?
5. Can government prescribe a minimum wage for people? If so, what would it have to be? What of the fact that some people have others dependent on them for support, and some people are working but are simultaneously supported by other (e.g. their parents)?

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CHAPTER 10

TRANSACTIONS AND VALUES

10.1. Where we begin At the end of the preceding chapter, we had disposed of the initial ownership of things. But what of those born after everything is distributed?

What we saw in the preceding chapter was that, because initial ownership is established by simply making a claim (and not by any effort), and since ownership exists to allow people to lead human lives, a person has a right to the bare minimum for subsistence, and this is to be supplied by civil society.

In that sense, “the world owes me a living”; because otherwise civil society is in effect killing me—and I have the right to life. Nevertheless, what civil society owes me is only a *bare* living; only enough to keep from in effect killing me. And, in fact, if I can get what I need and somewhat more by *working* and serving others, then by the Principle of Subsidiarity, civil society would be taking away my self-determination even by giving me the bare minimum, and so would be dehumanizing me in so doing. That is, civil society is not

10.1. Where we begin

in effect killing me if I can keep myself from dying by working, and I refuse to do so; in that case, I am in effect committing suicide, and civil society has no obligation to force me to live in spite of myself. Hence, as St. Paul said, “One who does not want to work is not to be fed.”

Therefore, civil society’s obligation applies really to those who can’t in practice work: those who are too young, those who are incapacitated, those who can’t find work. But since human beings *are* self-determining, which means setting goals for oneself and pursuing them, then it follows that those of us who *do* work to “make a living” must be capable of doing more than barely survive, or the people we are working for are dehumanizing us even though we keep breathing. Civil society, whose function it is to see that no citizen’s rights are violated, must therefore see to it that by our service to other people we can get beyond the bare minimum.

So what we are now talking about, really, is how I get more than bare subsistence. I must somehow get it from people who already have it, and who have no obligation to give it to me.

It is also the case, however, since those who own things can will them to whomever they choose, it might be that my parents have willed more than a minimum to me, and so I can start out determining myself with a surplus, which I can then use to reach goals over and above bare survival.

In any case, we may assume that in a just arrangement of things, everyone begins with at least the minimum necessary to stay alive.

10.2. Self-determination and values Human self-determination, of course, is all about our making ourselves into a distinctive example of humanity: developing certain aspects of ourselves and

10.2. Self-determination and values

leaving others undeveloped or less developed, so that the person we become is different from other humans, and is definitely more than barely human.

Let us give a couple of definitions which will be useful for clearing up these matters.

● **DEFINITION:** *Essential properties* are those aspects of ourselves (those acts we perform) which are the minimum necessary for being human at all.

Life, the ability to see, and minimal health would be examples of essential properties of human beings.

● **DEFINITION:** *Necessities* are the *means* to being able to exercise (or have) essential properties.

Thus, breathable air, basic health care, enough food not to be malnourished, basic shelter and clothing, are necessities.

Necessities are what we have a claim against civil society for, since without them we cannot live a human life.

● **DEFINITION:** *Goals* are those aspects of ourselves (acts we perform) which we *freely choose* as distinctively “ours.”

The set of goals we have is the *standard of living* we try to achieve.

● **DEFINITION:** *values* are the *means* toward achieving the goals we set for ourselves.

Strictly speaking, a value is a *property* of some object or act (the “valuable” object or act) which makes that object *useful* for achieving

the goal; the value is its “usefulness.” Thus, rain-protectingness is the value in an umbrella, which is a valuable object. But the umbrella, in a loose sense, could also be called a “value,” in that it keeps rain off us.

● NOTE WELL ●

Beware of confusing *values* and *morals*. What is morally right and wrong deals with what is consistent or inconsistent with your humanity. Values lead you to a goal you have chosen, and aim at what is “good.”

● NOTE FURTHER ●

Values are *necessary for the achievement* of the goal they lead to; but they are not for this reason necessities.

Refer back to section 2.1. if you need to refresh yourself on the distinction between values (goodness) and morals. The point is that values *lead to* success and therefore happiness, when you are what you choose to be. As to the second point, values are “hypothetically necessary”: that is, necessary *if* you want the goal; but you don’t *have* to want the goal, since it is freely chosen. I am now distinguishing them from necessities, which keep you from dehumanization, and are therefore “categorically necessary”: that is, necessary without qualification, something that *every* human being *must* regard as necessary (because without them he is a living contradiction).

10.2.1. Comparison of values How do we know whether one object or act is more valuable or more necessary than another?

● DEFINITION: One act or property is *more essential* than

10.2.1. Comparison of values

another if there is greater dehumanization in not having it.

● **DEFINITION:** One *necessity* is *greater* than another when the harm in not having it is greater than the harm in not having the other.

That is, essential acts are “measured” against each other in terms of *how much worse off* you are without them. Necessities are measured against each other by the degree of dehumanization involved in being deprived of the essential acts they enable you to perform. Thus, life is more essential than sight; and one in general would give up his eyes if they were infected and he had a choice of being blind or dying. Similarly, enough water to keep you from dying of thirst is a greater necessity than an operation to keep you from going blind.

The general idea here is that the necessity is greater depending on *how much harm* its lack does to you: the “degree of dehumanization” you suffer when deprived of it.

Necessities “start,” as it were, from the minimum of human existence and go downward to greater and greater dehumanization and finally death.

● **DEFINITION:** *Importance* is the ranking of *freely chosen goals*.

● **DEFINITION:** Something is *more valuable* than something else if it leads to a more important goal.

One goal is more important than the other if we would give up the other in order to achieve the one.

Notice that here there is no notion of *deprivation*; we may want the important goal very much (in fact, that is the meaning of saying

that it is “very important” to us); but we are not *dehumanized* if we don’t get it. For example, you may make being a doctor the whole meaning of your life; so that for you, “life is not worth living” if you aren’t a doctor. Still, you have no human right to be a doctor, and you are not less than human if you can’t be a doctor. Being a doctor is *important*; it is not *essential*.

By the same token, a course in medicine is more valuable for you than a course in business ethics if your goal is to be a doctor; and a good course in medicine is more valuable than a poor one.

Of course, our “goal” is not simple; we in fact have a whole set of them, and often have to trade one off in order to get other ones. So that in the case above, a person might find a course in business ethics more valuable than a lot of other things, though perhaps not as valuable as a course in medicine.

And this gives us a clue to how we in fact rank things in order of value and importance. Things in general are of different kinds; the problem is to put *quantitative* tags of “more important/valuable” and “less important/valuable” on what is *qualitatively* different. Can you compare apples and oranges? Sure, we do it all the time.

Goals are in practice ranked as more or less important by pretending that we can’t achieve all of them, and then discovering which ones we will give up in order to have the others.

Values are ranked by the same procedure. When you see your schedule, you know that you can only take so many courses offered. Which ones do you decline to take? These are the ones that are less valuable to you than the ones you choose.

Values “start” at the minimum of human existence, and

10.2.1. Comparison of values

go upward to the limit of the freely chosen goal.

It might be thought (and in fact for a while I did think) that one object might be more valuable than another if it led more efficiently to the same goal as the other; but this is so *only* if you have as your goal getting to the goal as quickly and with as little effort as possible. Some people in traveling, for instance, like to take the “scenic route,” so that they can enjoy themselves along the way; getting to the destination most efficiently is not a goal for them, and the expressway, therefore, is less valuable than the slower road. Hence it is the *goals themselves* and their importance which determine the relative value of one means as against another.

But what is to be noted here is that there is *no objective meaning* to “more important” or “more valuable.” Since they depend on freely chosen goals, they vary with the goals each one chooses.

Do not be misled, then, by prices, which make things seem objective. Prices do *not* reflect either the “true” or the “objective” or in fact *any* value of what is offered for sale. *There is no such thing as the “real value” of anything.* Yes, I am using “value” in the economic sense, which has a relation to price; but the relation is complex, as we will see, and you have to get the fundamentals straight before you can avoid being misled.

10.2.2. Values vs. necessities One of the things that has not been done by economists of any stripe is to make a clear distinction between the functioning of values and necessities; and this, I think, is crucial, not only for a realistic economic theory, but especially for straightening out the ethics involved in economic activities

10.2.2. Values vs. necessities

such as transactions.

The following differences, then, between values and necessities should be noted:

- **1. We have a human right to necessities; we have no human right to values.**

Without necessities we either die or are dehumanized; without values, we can't be what we want to be, but are still human.

- **2. Essential properties are not important; goals are important.**

Essential properties (since they deal with what is minimally human) are what we presuppose in our lives; hence, they have no importance for us. We don't *want very much* to be able to breathe; we take it for granted that any human being can breathe, and claim a right to be able to breathe.

- **3. We cannot morally choose to give up necessities; we can morally give up values.**

That is, since a necessity keeps us from being dehumanized, then if we gave it up, we would be choosing our own dehumanization (i.e. we would be deliberately contradicting our nature), and this would be immoral. But giving up a value is not dehumanizing; it just means we can't achieve the particular (free) goal it leads to.

We can give up a necessity only when, by the Double Effect, we do not *choose* the resulting dehumanization. Thus, a person may have his arm cut off (and be deprived of the power to pick up things) only when not having it cut off would be worse for him—such as if the arm is gangrenous, and he would die.

- **But necessities may never be morally given up to obtain a value.**

10.2.2. Values vs. necessities

Thus, if you are asked to cut your arm off as the only way you would be allowed to get a medical education, you could not do it morally; the end does not justify the means—even when your life would not be worth living as not a doctor.

Values, on the other hand, may be given up to obtain other values (and of course *must* be given up if the alternative is giving up a necessity). Thus, each value is finite: it is greater or less than the other values we have, and we can (by pretending to give up one to get the other) “measure” values against each other.

● **4. Necessities cannot be classed with values; they have either zero or infinite value, but cannot be said to have a finite value.**

That is, if you have a necessity, it isn't valuable at all, because it is presupposed (as, for example, your having two arms is). If you don't have it, then you would give (and, as we just saw, would have to give) *all* values to get it. If you were about to lose your arm, and you could save it by giving up your chances for a medical degree, you would have to give up the degree.

Thus, necessities are *not* very valuable. They are necessary. They are either more or less than valuable at all—which is another way of saying that they belong to a different class altogether.

● **NOTE WELL** ●

Necessities cannot be categorized with values; they are incommensurate with them.

This is another way of saying that *no* amount of *values* can “compensate” for the deprivation of *any* necessity. How many trips to the baseball game are equal to the loss of one eye? This is like asking, “How many automobiles are equal to the sound E-flat?”

It is precisely this that has been ignored in economic theory,

whether traditional Capitalist, Marxist, or Austrian. Capitalism assumes, when you look at its underpinnings, that everything is a value; Communism assumes that everything is a necessity. Capitalism assumes that necessities are just “very valuable” values; Communism assumes that values are just “less necessary” necessities. Both of these “reductionisms” lead to contradictions and dehumanization.

10.3. Transactions The key, as I said in the beginning of this part, to economic activity is the *transaction*. It is the way we “redistribute the wealth of the world” and get from what we started with to the goal we want to achieve.

● **DEFINITION:** A *transaction* is an exchange of values or necessities.

To get at the morality of transactions is going to be complicated; so let us approach things gradually. Let us first take the kind of transaction which is a bartering or “swap” of one object for another.

In such an exchange, there are *four* value/necessities involved: Each giver sees the value he is giving up in the object he is giving, and each receiver sees the value he is getting in the object he is receiving.

If, for instance, I swap an apple I have for an orange of yours, then let us say I don’t like apples, and so its value for me is nil, and the value for me of the orange is 3 pears (since if I had any pears, I would give three, but not four, pears for it); while the value of the apple for you is 2 pears, and that of the orange is one pear. Of course, we use pears only for convenience here. The point is that there is no “real” value of either the orange or the apple, or for that matter, of the pears; each depends on how useful each finds each for his own purposes. Hence, the value of the apple is different for each

10.3. Transactions

of us, and so is the value of the orange. So both of us are gainers; I gain the equivalent of 3 pears, and you gain the equivalent of one pear.

Does this make the swap uneven? No. There is no such thing, really, as an “even swap,” because neither one would swap one thing for another if he didn’t want the other one more than the thing he was giving up; hence, *for each of the two parties, the swap is uneven to his own advantage.*

Or again, when the English gave the trinkets to the Indians for Manhattan island, the English attached practically no value to the trinkets and great value to the land, while the Indians were giving up a little place to roam around in for things that no one had ever seen the like of.

We tend to think that the English cheated the Indians, because the land was “actually” worth a great deal more than they paid for it (I will put aside a kind of—perhaps unwitting—misrepresentation in that the Indians might not have been aware that they would have to stay off the island. The point here is that of the value of the objects exchanged); but as I said before, there is no “actual” worth of something. The fact that the English could cheaply obtain copies of the trinkets was not really relevant to the Indians, who could not. After all, the English thought that diamonds were very valuable, because they were pretty and scarce. This was exactly what the case was with the Indians and the trinkets. So again, both parties gained by the transaction.

Supposing no necessities to be involved, it is perfectly moral for each party to the transaction to try to gain as much for himself as possible, looking to what he thinks is the upper limit of the value the other party sets on the object exchanged.

That is, given that there is no “real” value which, by differing widely from, I could be said to be cheating the other party, then *any* bargain that is struck between the two is presumed to be to the advantage of each; otherwise, why would the two have agreed on the exchange?

Of course, you can cheat by *misrepresenting what the object is*, as if, for example, I offered you what I knew to be a rotten apple in exchange for your orange, and it looked all right and so you thought you were getting a healthy apple. What I am saying here is that *I can't misrepresent the value of the object* I am exchanging, because it has no value to anyone except what that person gives it in relation to the (subjectively defined) importance of his goals; and this is bound to be different for different people. And obviously you *know* what the value of the object is to you; and its value to anyone else is irrelevant.

True, if you shopped around, you might be able to get a comparable object (one with the same value: one that would get you to the same goal) by giving up less in exchange, because you might find someone else who values what you have more than I do. Perhaps most people value what you have more than I do. But that still doesn't make our exchange unfair; you still gain by the transaction, or you simply won't make it. Ten tons of subjectivity do not make one ounce of objectivity; and so even if everybody else would make you give up less in exchange, that's just an interesting psychological fact (which could change, by the way, in an instant) and *does not establish the “real” value of the object*.

Therefore, it is all right for me to give up as little as I can get away with for as much as you are willing to give in exchange. Neither party is coerced in this situation.

10.3.1. Exchanges involving necessities Cheating is possible in the kind of transaction we are now talking about, however, if

10.3.1. Exchanges involving necessities

one of the objects is a necessity.

Suppose I have an orange, and you are sick with scurvy. I have the only thing that will save you from dying of scurvy; and you have a great deal of meat, which I happen to like. I then tell you that I will swap my orange for three years' supply of meat.

Here, you will agree to the swap, because you have to. The orange is a necessity; and, as we saw, you cannot morally give it up for *any* value; and so, no matter what I want in exchange, you will have to agree to it—up to the point at which you are *more deprived* by what I demand than by not having the orange and being sicker or dying.

Economists would say that your “demand” for the orange is “inelastic.” You want it no matter what is to be given up for it. Probably, insofar as an orange would be a necessity, you would want only what would save you from scurvy; and beyond that you wouldn't give anything for it. Demand is perfectly inelastic when a certain amount is wanted, and only that amount is wanted, no matter what is to be given in exchange.

Inelastic demand is a sign that what is wanted is a necessity to the one who wants it.

It is not an infallible sign, but a very good one.

Notice that there are only three values in this exchange: the value of the orange to me (which is, let us say, one pork chop), the value of the meat to me, and the value of the meat to you. Since we haven't introduced money yet, let us say that I would give up 10 acres of land for that much meat, and you would give up 5 acres of land for the same amount. The orange, to me, is something I would give up a square foot of land for, no more. But the orange is not worth a finite amount to you; you *need* it; you do not really *want* it at all. If

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you weren't sick, you wouldn't give anything for it.

Now then, I have given up something that has a certain value to me, but is nearly worthless, for something you need. But since you can't put any *number* on "how much you value it," and since, no matter how high I make the conditions, you will pay them, *I can no longer base the exchange on the "upper limit" I can get away with*, because that upper limit is actually greater *dehumanization* than being deprived of the orange. Hence, for me to use *your* notion of the "value" of the orange as my criterion of what to ask is dehumanizing.

In all exchanges involving necessities, then, the value asked in exchange for the necessity cannot be based on the "willingness" of the needy person, but must be based on the *value* as seen by the person giving the object.

In the case above, then, I would be unjust to you if I asked for more than a pork chop or so for the orange; because that is its value to me—and that in this case is its *only* value. If I demand more from you, *I am taking advantage of the fact that you can't bargain with me*.

No matter what I ask for, I am *forcing* you to pay me what I ask, because you can't morally not get the orange. But the force is legitimate and not coercion *only* when I ask no more than its value for me; because then I can justify the force on the grounds that otherwise, I lose by the transaction.

Thus, a person who is exchanging a necessity for a value has a right not to lose by the transaction, but no right to do more than make up what he would lose.

● **DEFINITION:** *Exploitation* is gaining from the necessities of

10.3.1. Exchanges involving necessities

others.

It is “threatening” others with dehumanization if they do not advance our personal goals. Others then become mere tools for our own advancement, not beings with rights.

Two things would seem to emerge from this analysis: First of all, if you want to get rich quick, and you don’t care about morality, then supply necessities to other people. Your only concern will be competition from other suppliers (and you may be able to avoid this by careful collusion). But as far as the consumers are concerned, you can charge what you please, and they’ll be “willing” to pay—and if in addition, you demand that they give you respect and honor, you can have that too, or at least the outward show of it. They’ll have to give you whatever you ask.

Secondly, if you care about your eternal happiness, necessities are a good area to stay away from if you also want to get ahead in this life. When you are dealing with necessities, then morally speaking you can prevent yourself from losing by the transactions, *but you can’t morally gain by them*. As soon as you try to become a net gainer, you are doing it by coercing someone; by threatening him with greater deprivation unless he pays what you ask.

Notice that there is nothing wrong with gaining by exchanges with other people; but this *only* applies to exchanges where no necessities are involved; where no one is threatened with dehumanization unless he makes the exchange. It is even perfectly all right to become fabulously wealthy by exchanging with other people; but only if the exchange involves values on both sides. Only then does the gain not involve the exploitation of the other party.

10.3.2. Service But suppose I don’t have anything beyond the necessities for my life (which is, as I said, the position most of us are

10.3.2. Service

born into). Is there any way I can get from you something you have that I want? If I can't give you anything I have, I can *do* something you want done.

● **DEFINITION:** A *Service* is an action of value or necessity to another person, performed in exchange for a value or necessity.

● **DEFINITION:** *Compensation* is the value exchanged for the service.

A slave serves his master, but does not really perform a service in the sense above, because no compensation is given him for his act. He is fed, to be sure, and clothed, and given the necessities of life; but this is because the master “owns” him and is simply maintaining his possession in good condition. The slave does what he does because if he does not he will be punished or killed. Thus, a slave is by definition exploited by his master.

Notice that the slave “freely chooses” to be a slave, in that he *can* refuse to obey if he wants; but in that case, he will be whipped. This kind of “freedom” is not practical self-determination, because it is a choice between greater levels of dehumanization, not between one human lifestyle or another.

Note also that the person who does something out of love for another (and who expects no compensation) is not serving the other person either, strictly speaking; because in this case, the act (from the lover's point of view) is purely gratuitous; he is not interested in whether he gains or loses by it, but is *solely* interested in the benefit to the recipient. Hence, the receiver receives it as a gift, for which it would be insulting to the giver to offer payment. Thus, in love, even though it is the recipient who benefits, it is the lover who is in control; and hence, it is not really a service to the recipient.

10.3.2. Service

Note that a service is not necessarily the same as “work,” or actually exerting physical effort. It is *any* act that a person performs (such as investing money, for instance) which benefits another person.

This is one of the mistakes of Marxist economics, based on the “labor theory of value.” The assumption of Marxism is that a person is doing something “valuable” only if he is transforming some material object—with the result that those who invest their money (when they could be doing something else with it) would not be doing anything valuable. But they *are* performing a service, because someone else benefits from the money while it is invested.

10.3.3. Value, cost, and price Hence, service is only service when it is compensated. But how are we to determine in a given case how much the compensation should be? What is the value of the service?

A service, like an object, has two value/necessities in a transaction: the value (or necessity) from the point of view of the performer, and that from the point of view of the recipient. Neither is the “true” value (or necessity).

Again, there is no such thing as the “true” or “objective” value of a service.

- **DEFINITION:** The *seller-value* of an object or service is its value from the point of view of the one who gives or performs it.

- **DEFINITION:** The *buyer-value* of an object or service is its

value from the point of view of the one who receives it.

● **DEFINITION:** The *cost* of something is what is given up to get it.

● **DEFINITION:** The *price* of something is what is exchanged for that something.

Things to note: First of all, the cost is not necessarily the money; because you may have to give up more than money to get something (e.g. in addition to the price—the money—you may have to stand in line for an hour, and thus give up free time. That’s an additional cost). What I am calling “cost,” then, is what economists call “opportunity cost.” There really is no other cost; price is generally only part of the cost of anything, and so to confuse it with cost is to obfuscate something already not terribly clear.

Secondly, the cost may be less than you would be *willing* to give up; in which case, you have gained by the transaction. You are ahead of where you would have been if the thing or service had cost the limit of what you were willing to pay. Of course, if the cost is too high, then you simply don’t make the transaction.

It is in this sense that the Libertarian view of transactions considers all transactions as “free” and says “let the market determine the cost.” No one loses by a transaction involving only values, because if he perceives that he is going to lose, there is no transaction—simply because it costs more to get the object or service than its value to the person.

The trouble with this is that some transactions involve necessities, and when one must pay more than enough to prevent a loss on the other side, then one has in fact lost, and the market is no way to determine the cost. The cost can be too great when a necessity is

10.3.3. Value, cost, and price

involved, and the person will pay it anyway.

Thirdly, the way a seller determines the seller-value of a service is to pretend he was not performing the service and doing what he wanted. This is what he is giving up in performing the service.

Note that the seller's *value* for the service is the same as its *cost* to him; because when he performs the service, he *actually gives up* the other act he could be doing.

The buyer's value, on the other hand, is measured by what he is willing to give up to have the service performed for him; but this may not be the same as the cost, because he might be willing to give up a great deal more than the two actually agree on.

The point is that the buyer-value and the seller-value of any object or service *are not the same*; hence, the buyer and seller must come to an agreement on what is to be exchanged for what.

Fourthly, the *price* is not exactly the same as the cost; it is *what is actually exchanged*. Thus, if I agree to wash your car for a bushel of apples, the cost to me is the movie I could be watching, but the price I pay for the apples is the car-washing. In your case, the cost of the service is the apples, which is also the price you pay. I don't give you what I have given up (so that my cost is not in the price), but you give me what you have given up (and so for you, the cost and the price are the same thing).

Notice that I might be willing to give up two movies for that bushel of apples, and you might be willing to give two bushels not to have to wash the car yourself; so we are both gainers. How did we come to this arrangement? You told me, "I'll give you a half a bushel of apples if you'll wash my car," and I replied, "Nope. Not for less than a whole bushel"; and you said, "It's a deal." We could have haggled farther, but we didn't; and that's perfectly all right.

Fifthly, the price is *not* the same as the *value* of the object or service, either from the seller's or the buyer's point of view. The

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value for me of the apples is two movies; the cost is one movie; and the price is the act of washing the car. The value of the washing for you is two bushels of apples; the cost and the price are one bushel.

Sixthly, *the price does not “measure” any value that is involved in the transaction.* This is a mistake of economists; they think that the price is the measure of the “exchange value” of the transaction, and is something objective, as if it were what the objects and services were “really worth” in that case. It isn’t at all; it is simply the *compromise* between what each of the parties wants and is willing to give up.

10.3.4. Money Barter, of course, is a nuisance, because you might have something I want or need, and I have nothing you care anything about. Money was invented to take care of this problem; it stands for an abstraction, but it is quantified.

Money is not the same as “cash” or legal tender; that is something that has to be accepted as money (to oversimplify somewhat); but it is not the only kind of money. A check is money for the person who will accept it, and so is a credit card (though the credit card does not have a definite amount marked on it), and the “debit cards” that banks offer.

● **DEFINITION:** *Money is a socially defined “common denominator” for transactions, so that all persons can measure costs and values in terms of the same thing.*

That is, when I said earlier that I valued an orange at 3 pears, and you valued it at 2 pears, we were using pears as a kind of money, so that we could compare the value I set on the orange with the value you set on the orange.

It is not necessary to do this in order to make a swap; but with any kind of complicated system of exchange, especially of services for

10.3.4. Money

objects, some single something that everybody can measure against is in practice indispensable.

It also happens that if exchanges are going to take place freely in society, then everybody should agree on what is going to be used for money; otherwise, you and I will compare apples and oranges to pears, and someone else and I will be comparing them to plums, without any reference to pears, and the social system of exchange will be a mess.

Money has to have the following characteristics: (1) It must be capable of division into units small enough to accommodate the least valuable transaction. If not, people aren't going to be able to use it to measure values against each other.

(2) It must be something that can ordinarily be obtained only by means of a transaction. (a) If people can just go and pick it up like autumn leaves, then no one is going to accept it in payment (because anyone who wanted any could get it from his own back yard). (b) If it is something that people use a lot, then its function as a measurer against things conflicts with its use.

Money, therefore, does not have to be something most people regard as valuable *in itself*, like gold, which is beautiful and lasting. In fact, the use of gold in jewelry, for instance, makes it *less* desirable as money, not more. As long as people have reason to believe that the money will stay money, it doesn't matter what it is: paper, sea shells, gold, tobacco, whatever. The reason gold is so popular is that it has been money for millennia, and the likelihood that it will stop being money is very small. You can always measure things against gold; you may not always be able to do it against greenback pieces of paper.

The idea here is that money is supposed to have value *only* as something you can turn in for other things you really value; its value as such is *purely as a means for obtaining other values*, not something

that *of itself* promotes a goal of mine (as an umbrella keeps me dry).

(3) Money must be relatively stable. That is, what people are *generally* willing to give (of other things) for a certain amount of it must not have wild fluctuations.

The reason for this is that, when I receive it for performing a service, I have to measure the value of my service against it, which means what I think I can turn it in for. Since it has value as a means for obtaining other values, I have to know how much of the other values I can get with it.

But this means how much of it *other* people will accept, which in turn means how much of what *they* want the money I give stands for—which means they are doing just what I am doing.

Hence, there has to be a kind of double measuring going on: you measure things against money, but money is, as it were, *socially* measured against things-in-general (i.e. so many dollars for so many bushels of wheat in “the market,” and so on). Individual prices, of course, will fluctuate, even drastically; but there should be a basic stability, so that most people agree that a certain amount of money stands for a certain amount of a rather large number of things; and this ratio lasts pretty well over time (or alternatively, varies in a predictable way—but this is not the place to go into great detail economically).

Therefore, one of the functions of civil society is to define what is to be used as money in that society.

One of the major moral duties of society is to keep the money stable.

If the society does not keep the money stable, so that people who thought they were getting the equivalent of ten oranges find that

10.3.4. Money

they are getting the equivalent of five, then the society is falsifying the transactions, and is thus lying to its citizens.

Inflation as a policy of government is morally wrong. The only time it can be permitted is by using the Double Effect, when it is the only way to correct worse harm to the citizenry.

Deflation, by the way, is no less wrong. In that case, the person paying the money thought that he was paying the equivalent of five oranges, and finds that he is paying the equivalent of ten. It sounds better than inflation only because we think that it is nice to pay less than what you used to; but the reverse of that coin is that you get less than you used to for the same service.

It doesn't follow, of course, that inflation or deflation is always *caused* by government, or even under the control of government; but insofar as it is, government must try to correct it and provide a stable currency—always supposing that to do this does not produce worse harm to the people.

10.3.5. Production We have almost got the pieces of our economic puzzle before us. But so far, we have talked about exchanging what we own for other things that people own, or for services. But there is one interesting thing that people do in addition to this.

• **DEFINITION:** *Production* is the transformation of objects into a form that has a greater value for someone.

That is, some things that are just there in the world are valuable. We can gather nuts and berries (or pay someone to do it for us), and

we can live in caves.

But there are other things that in their raw state do not lead toward our goals, but which can be changed so that they do. Trees, for instance, can be cut down and sawn into boards and put up as houses; and this makes better living quarters than caves ever did; and so on.

Hence, production *increases* the buyer-value of the objects transformed by it. But since production involves the act of transforming, then production implies a greater seller-value in the product than the raw materials had.

If production could ever be made totally automatic (the way trees grow by themselves, without even any cultivation), then the increase would produce greater buyer-value, but there would not be any greater seller-value in the products (i.e. no one would have used up any time or effort in making them). In that case, the product could realistically be priced in terms of its seller-value only; but then, of course, no transactions would take place dealing with it (since even the selling is a service); it would have to be freely available to everyone. That is the ideal of Communism, in fact.

But it seems unlikely that that state will ever be reached; and realistically, any product will have one value for the producer (or producing team), a value that represents the activity the producer gave up in producing it and making it available to the consumer. It will have another (and a different) value for the consumer, a value that represents how much he would give up to have it.

Both of these can be measured in money. How much money will compensate the producer for his loss in making the product? That is the seller-*value*. What is the upper limit the consumer will pay for it? That is the buyer-value.

10.3.5. Production

The actual price of the product will be a compromise agreed on, and in general, it will more than compensate the producer (or he won't be bothered producing it), and will be less than the consumer would have paid if he had been pressed hard enough (or he might decide to spend his money on something else).

The idea that the price is the "marginal value" or "marginal utility" of the consumer is false. What that would mean is that the consumer is willing to give up that much and no more; so that if you added a penny, he wouldn't pay it.

We are speaking here of the individual consumer. What the "market price" for the product or service is will have to wait to subsequent chapters.

Summary of Chapter 10

As human beings, we have a right not to be harmed; therefore, we have a right to necessities if we can't get them plus somewhat more by working; and civil society must see to it that we get the minimum necessary to avoid dehumanization. But if we can work and refuse to, civil society has no obligation to force us to stay living by providing necessities.

Essential properties are those without which we are not human (breathing, eating, etc.) Necessities are the means to such acts. Goals are acts we freely choose as what distinctive kind of human we want to be, and values are those aspects of objects which by which the object leads to a freely-chosen goal. Values are not the same as morals; what is right or wrong deals with consistency of the act with the agent, not with leading toward a goal. Values are "necessary" only *if* you choose the goal they lead to; necessities are necessary for everyone to avoid being in a self-contradictory state.

Acts are more or less essential depending on the degree of dehumanization; necessities are greater or less depending on how essential the act they enable is. Goals are more or less important depending on how the act "fits" our notion of our "real self"; something is more or less valuable insofar as it leads to a more or less important goal. There is no objective meaning to "more important."

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Values differ from necessities in four ways: (1) we have a human right to necessities, but not to values; (2) essential properties are not important, but presupposed; goals are important; (3) we may not morally give up necessities except to avoid greater deprivation; we may freely give up values and their goals if we want; (4) necessities are incommensurate with values; they either have no value (if we have them) or are of "infinite" value (if we don't), because we would have to give up all values to get them.

A transaction is an exchange of values and/or necessities. If only values are involved, then, since no object has any real value, *any* exchange is morally legitimate, and each party gains (gives up what is less valuable to him than he gets, or he wouldn't swap).

But when necessities are involved, things change. Necessities can be discovered by inelastic demand (which is the same regardless of price). Since the necessity cannot morally be given up for any value, then the one giving up values to receive necessities is under a threat of harm if he does not engage in the transaction; and it is morally wrong for anyone to gain by threatening another. Thus the one giving up the value may ask in exchange what is equal to its value to him, but no more.

A service is an action performed in exchange for a value or a necessity; compensation is the value exchanged for the service. Uncompensated "service" is either slavery (when the person is threatened with harm if he does *not* perform the service) or love (if the person wants no compensation).

Price is determined by the compromise between the buyer-value and the seller-value; there is no "objective" or "real" price for anything. The seller-value is what the seller is giving up in performing the service; the buyer-value is how important the goal is that the service leads to. Cost is what is actually given up in the exchange, and may not be equal to the value (what one is *willing* to give up). It is not the same as price, which is what is actually exchanged, because it can involve things like time and inconvenience. In an exchange involving objects, the price (what is swapped) is below the value of the one who receives it and above the value of the one who gives it up.

Money is a socially-defined "common denominator" for transactions, so that everyone can measure costs and values in terms of the same thing. Hence, a person can give a "money figure" to what he is giving up (or receiving) based on what other things he could acquire with the same money. Money allows us to compare apples and oranges in terms of their potential value to us. It must be divisible into units small enough to cover

10.3.5. Production

the least valuable transactions; it must be ordinarily obtainable only by way of a transaction; and it must be relatively stable. One of the functions of government is to define what money is, and one of its duties is to keep it stable.

Production is the transformation of objects into a form that has greater value for someone. It increases the buyer-value for someone (adds value that wasn't there before); but since it involves working on the object, it also adds a seller-value to the raw material.

Exercises and questions for discussion

NOTE: These questions are to be answered on moral grounds, not legal ones. We are not interested in what the law is here.

1. If government gives more than the minimum for survival to people (in order for the poor to "live decently") what would you predict would happen with respect to the numbers of people who are poor? How do you think government can provide the necessities for those who must have them without creating incentives to be a mere recipient?

2. Does the "market value" of a product or service have anything objective about it? The "market value" is the *price* at which all the buyers who want the product at that price can get it and all the sellers willing to sell it at that price can sell all they have. *HINT:* The market value of "pet rocks" was a couple of dollars a decade ago; now it is nil.

3. Is a doctor's time really worth five hundred dollars an hour, even if he could get twice as much for it if he wanted to? Why can he get this amount for his service, and is it just for him to ask for this compensation? If so, on what grounds?

4. When we speak of a nation as "very wealthy" if it has many natural resources such as minerals, are we speaking accurately? That is, are raw materials in their "raw" state of any value whatever?

5. Given that the motivation society uses for its members is threats of punishment, then this implies that it is the avoidance of harm, not the pursuing of goals, that motivates people when government commands them. What kind of economic activity would you expect among the people, then, if the government runs the economy?

10.3.5. Production

CHAPTER 11

THE FIRM AND THE CONSUMER

11.1. The entrepreneur We now have our potential businessman in a society, with a bare minimum for survival, where there is money, and where all the rest of the property has already been claimed. He also wants to do more than merely survive. What does he do now?

He goes into some kind of business, of course. Let us assume first that he doesn't go to work for some person (either by becoming a worker in a firm or by becoming Mr. Jones's gardener), but starts a business of his own. He then becomes an *entrepreneur*.

- **DEFINITION:** An *entrepreneur* is a person who offers a service or product to the public.
- **DEFINITION:** A *firm* or *business* is a social entity which offers a service or product to the public.

11.1. The entrepreneur

- **DEFINITION:** The *public* is the set of those people who might find the service or product of value to them.

- **DEFINITION:** The *consumer* is one of the public.

The idea behind the definitions above is that a person is an entrepreneur, not when he works for some definite individual (then he's an employee), but when he *promises* that he *will* "work for" some undefined segment of the population at large: specifically, anybody who wants this particular service. When he does this, he is in charge of a firm, whether he is the only one in that firm or not. He takes on the responsibility for what the firm does.

Observe that what is said in this chapter applies to *all* firms, although we will be treating the subject as if the firm had no one in it but the entrepreneur alone.

- Note first of all that a firm is **not a "something" that a person can own as a possession**, because it is *essentially a relation to a set of people*. When you own something, it can be used for whatever purpose you want to use it for; but you can't use a relation with others for whatever purpose you want, because others have rights. Thus, the entrepreneur has "his" business, but it doesn't "belong to" him in the sense that his shoes do. Even if you "buy a business" from another person, you buy, perhaps, the building, the stock, the machinery, but also the "intangible assets," such as "good will"—which will not be the same once you take over. What you have bought as "good will" is the firm's reputation: the fact that the public recognizes this firm as doing work or having a product of a certain value. This is obviously likely to change as you start serving the public.

11.1. The entrepreneur

● Secondly, **one goal of the firm as such is always the service of its public.** The entrepreneur may want to make money; and making money for the entrepreneur can be a goal of the firm also. But the service of the public is, for the *firm*, *not a means* to making money for the entrepreneur; it is the goal of the firm as such.

Thus, there can be firms that make no profit, and are committed to making no profit (non-profit organizations), and thus do not have as their purpose making money for the entrepreneur; but there can be no firms that do not serve the public. Hence this is always a primary goal of any firm, not something subordinated to some other goal.

Notice that even if the firm makes a product, what it is doing is transforming something into a state where it will have a certain value for the public; and so it is the *transforming act* that is the essence of the firm; and this transforming act is its *service* to the public. The members of the public buy the product (for its value); but from the point of view of the firm and the entrepreneur, the product is the embodiment of the firm's service to the public.

Hence, all firms serve the public, either directly or through the service of making a valuable product. This will be important when talking about prices.

What the firm essentially is, then, is a *promise* to the public that, under certain conditions, a certain service will be performed. The person who begins a firm *creates certain expectations* in the public that they can count on him to do certain things for them—in return for compensation.

This is another reason why you don't own a business; you are responsible for fulfilling a promise; you don't own it.

11.2. Advertising So far, then, we can see that the firm has two relationships: to the public it serves, and to the entrepreneur who

11.2. Advertising

controls it. The public wants something from it (the product or service), and so does the entrepreneur (money so that he can pursue his individual goals and self-fulfillment). Let us look first at the relation to the public, and then get into compensation and profit.

A firm is acting inconsistently with itself if it does not perform the service it claims to perform to the public.

In that case, it is offering a service which it does not perform; a contradiction.

The first thing the entrepreneur has to do is *make the claim* that he is performing a certain service (producing a certain product) for the consumer. Obviously, *the public has a right to know what it is buying from the firm.*

Therefore, it is morally wrong for a firm to misrepresent the product or service it is offering to the consumer.

This, of course, is obvious. To communicate that the product will do such-and-such when it won't is to communicate as true what is not true, which is clearly inconsistent with the act of communication. But there are complications here.

Even if what is said is (in the strict sense) true, if the advertising is calculated to give a false impression, it is morally wrong.

Therefore to choose to advertise in this way is immoral.

If, for instance, instead of saying "aspirin," you say, "the pain reliever doctors recommend most," then you are giving the impression that you are talking about something really potent and not

simple aspirin. Even though what you *said* was true, what you *communicate* is something else; and in morals, what is communicated is what is relevant, not the literal meaning of the words.

It is not sufficient to hide behind, “But everyone knows that what we’re talking about is aspirin”; because why not use the word in that case? If everyone knows it, then there’s no point in the circumlocution; if not everyone knows it, then it is objectively misleading.

It is morally wrong to conceal information about dangers or defects which would not be generally known by the public, and which would be relevant to a rational decision to buy the product or service.

If you know that the product has to be used very carefully or the user could get poisoned (by toxic fumes, for instance), and you don’t mention this, then the consumer can legitimately assume that as far as you know the product is safe, and doesn’t have to be used under special conditions. This is misrepresentation, even though you haven’t actually *said* anything at all. Lack of communication sometimes communicates (that there is nothing relevant to be said).

Dangers that everyone, by and large, knows about *need not morally* be mentioned; but it is obviously a good thing to mention them, in case a given consumer would be unaware of the danger.

It is morally wrong to present something as a necessity when in fact it is not.

This is actually the most efficient way to advertise. People are not too anxious to be better off; but they certainly don’t want to be badly off. If you can persuade them that without your gizmo they can’t do “what just about everyone” can do, then you can get them

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to buy your gizmo.

A great deal of advertising is of this sort. It says that it isn't that you'll be healthier if you eat this breakfast food; but that if you don't, you'll be unhealthy. It isn't that if you use this soap you'll be more attractive, but that if you don't, you'll be repulsive; and so on.

Now some products do in fact prevent evils; but if a product simply makes a person better off, then it is misleading to give the impression that without it one is deprived.

It is morally wrong to create a situation in which the consumer is forced to buy what is in itself a value.

The notorious case of Nestle's infant formula is an example. Before Nestle stopped doing this, it sent people into hospitals in third-world countries and gave free samples of infant formula, which the people used, not realizing that the mother's natural milk would dry up before they ran out of the free sample, and then they would have to buy the formula—which most could not afford.

In general, the use of threats (whether imaginary or real), where the consumer buys because he is afraid not to, is morally wrong.

If what is offered is a necessity, such as health care, legal advice, or "utilities" such as heat, then the consumer is in fact forced to buy (though not necessarily from a given entrepreneur). Here, the consumer is already under a threat, and so the entrepreneur must walk more cautiously in advertising his services. Generally, the problem here will not be one of advertising, but of prices charged; and we will treat this later.

On the other hand, it is not morally wrong to point to the particular quality the product has that makes it of value to the consumer.

That is, the value of something is often an intangible aspect of it; it is what makes it useful for the owner's goals. For instance, an automobile is not simply a means of transportation. A sports car has a beauty and carries a social status with it that a family-type sedan does not have. There is nothing misleading or wrong in pointing out that a certain car will enhance one's "image" in a given direction (provided it is in fact something that has that quality).

This sort of thing sounds misleading, but it is actually calling attention to aspects of the product that the consumer might not be aware of. If anything, this is not only not wrong, but laudable.

Nor is it wrong to attempt to persuade the consumer to buy the product.

If the product is a value and not a necessity, then the consumer is free to buy it or not; and it is legitimate to paint the product in as good a light as possible, consistent with the facts, pointing out how much better his life will be with the product.

It is not morally wrong to conceal information from the consumer (a) if this information is not really relevant to the value for him of the product or service, and (b) if the disclosed information would make the product seem of less value than it really is.

That is, information can mislead also. If you have a house that had minimal termite damage (i.e. you had termites, but they were

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taken care of before any real harm was done), then you do not morally have to bring up the subject in selling the house. If you do, then your disclaimer that they didn't do any real damage will be taken "with a grain of salt," and the damage will seem significant, when in fact it is not.

This is obviously a tricky area. Telling all about a product, including all its "warts," in the name of honesty, is misleading, because people are assumed to represent the product in its best possible light. But by the same token, you must not conceal defects that are really there, and which make a difference to the consumer—as we said above. Where is the line? Conscience draws it. Put yourself in the consumer's place; what would you expect as a duty?

It is not morally wrong to claim that your product or service is better than the competition's.

The reason for this is that no sane person would imagine anyone advertising himself as worse than his competition, or even the equal of it. Hence, statements such as this *are not* misleading; people understand them as a way in which people let others know that they have a service or product to offer. The statements about the product or service must not be calculated to be misleading; but this does not mean that we have to assume that everyone is a literalist without common sense. In general, value judgments expressed are assumed to be subjective.

But if facts or studies are alleged as proof that the product is superior to the competition, they must be true, and they must in fact prove what they say they prove.

For instance, it is misleading to claim that a given type of vacuum

cleaner is better than others, and “back up” the claim by having a home owner vacuum a small area of carpet, then go over with the model to be sold, and reveal how much more dust was picked up after the first vacuuming. This leads people to believe that the dust was the result of a less efficient vacuum cleaner, when in fact if the two had been reversed, the same thing would have happened.

11.2.1. Government’s role This is the moral obligation of advertisers. Suppose they don’t comply with it, or comply fully; what then? Since the consumer has a right to know what he is getting (which includes a right not to be misled), the government can step in.

The general rule in all government intervention is that the government may not pass laws until abuses have actually occurred.

That is, the Principle of Subsidiarity demands that people be let alone unless there is a good reason for not doing so. The fact that abuses *can* occur is no reason for legislating against them, nor is the fact that they *may likely* occur. When there is a doubt whether the people will act morally or not on their own, they must be given (by government) the benefit of the doubt, or the government is meddling in people’s private affairs.

The temptation to pass laws “just in case” is very great in government, because government does its job by passing laws. Government loves to justify its existence by passing law after law. But then the people get “protected” against a host of evils that do not exist, and even a bunch of them that could not exist in any real world—and what happens is that the people get so “regulated” that they can’t breathe without filling out a form proving that they haven’t polluted

11.2.1. Government’s role

someone's air with the garlic they had for dinner.

With that said, if there are abuses of advertising, then, depending on how widespread and serious they are,

The government may, and usually must, pass laws against false or misleading advertising.

These laws, however, must not be such that they legislate what is *good* advertising; they must do no more than protect people against violations of their right to know what the product is.

Thus, the government exceeds its authority if it legislates against advertisements in bad taste (so long as they are not pornographic). It may be better for such advertisements not to exist; but no one has a right to hear only what is in good taste.

This is not to say that people can't do anything about advertisements in bad taste. They can write letters of complaint to the advertisers and boycott (even organize boycotts of) the product, and so on. The point is that it is not the *government's* function to perform these tasks, because no one is being dehumanized by the advertisements.

11.2.2. Advertising It is currently regarded as "unethical" for in "**the professions**" doctors and lawyers, dentists and optometrists, and so on, to advertise; but the barriers against this are coming down. Is there any reason for saying that such people shouldn't advertise?

In general, people engaged in a service which provides a necessity for the consumer should not advertise beyond letting the public know that the service is available and what it is.

11.2.2. Advertising in "the professions"

Why is this? Let us take health care. People don't *want* health care; they *need* it. That is, people seek out a doctor because they are sick and in a dehumanized condition; and what they want is not to be in perfect shape, but to get rid of the sickness—to be back to zero, as it were.

Thus, the “goal” when seeking health care is really to get rid of the evil with as little damage to the self in other respects—financially, for instance—as possible. Therefore, whether one doctor is more skilled than another one is relevant only if “less skilled” means that the job is less likely to be done competently. Further, to use a specialist where a general practitioner can do a competent job is a waste of the specialist's time, which could be spent on people for whom the general practitioner is not qualified to do a competent job.

Hence, for one doctor to advertise himself as “better” or more skilled than another (beyond stating his specialty) implies that his greater skill is relevant to the consumer, when it really isn't.

Advertising is, however, going to add to the doctor's costs, which means that to recover them, he will have to charge the consumer more. But since health care is a necessity, the consumer has a right to have it with as little outlay as possible, consistent with the doctor's right to compensation. This advertising expense, then, which does not really help the consumer, is an unnecessary expense that the consumer has to pay; and therefore, it is to be avoided.

In the present situation, however, where doctors' fees are so high as to be morally wrong, it can be legitimate to advertise, using the double effect, if the intention is to inform the public that competent service can be obtained at lower prices than is common among doctors.

The same applies to any necessity. It is wrong to try to persuade the public to buy more of a necessity than is needed; and so the advertising of necessities is an illegitimate confusing of them with

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values. It is also wrong to try to get a “competitive edge” to make more money, because (as we will see) when dealing with necessities, the limit on how much is made should be set not by how much can be extorted from the public, but by how much is needed to compensate for losses due to providing the service.

So it isn't that doctors and lawyers and so on are “professionals” that makes it ethically suspect to advertise; it is that they are providing a service which is a necessity to the consumer; and they have to take him into account, or they are exploiting him for their own enrichment.

11.3. Providing the service Once the entrepreneur has offered his service, then consumers approach him to avail themselves of it. Does he have to take on all consumers, on the grounds that he has offered his services to “the public,” and that “one person's money is the same color as anyone else's,” or can he refuse to serve certain types of people just because he doesn't want to (say, if he doesn't happen to like black people)?

In general, an entrepreneur has no obligation to provide his service to everyone who seeks it. He can even refuse it on purely arbitrary grounds.

The reason is that no one has a right to receive this particular service from this particular entrepreneur. Even advertising himself as available to “the public” does not mean that he has promised to serve everyone indiscriminately; obviously, it carries with it no promise to serve those who will not compensate him.

If he does not like the color of a person's skin, then, he is not depriving that person of the service by refusing (and so violating a right) unless (a) no one else can perform a comparable service for the

rejected consumer and (b) the service is a necessity. If the service is a necessity, and no one else will provide it, then the entrepreneur is dehumanizing the consumer, because his offer to “the public” then makes him someone against whom the consumer has a claim to a necessity of life.

Thus, a doctor prejudiced against black people would in general have no obligation to serve them. But if there were an emergency, and the black person would be harmed by not receiving the service, which in practice could not be performed by anyone else (no other doctor could be found in time), then for the doctor to refuse would be tantamount to causing the harm he could have prevented.

Services that are necessities must be provided to those that need them if not providing them deprives them of the necessity.

If a person owns a high-class restaurant, he can refuse to serve people who are not dressed as he wishes, even if there is no other high-class restaurant that will serve them either. The reason here is that no one has a right to the kind of food and so on that you get in a high-class restaurant; and so there is no dehumanization in the whole class of ill-dressed people’s being deprived of it.

11.3.1. Depriving classes of citizens This would seem to imply that the government had exceeded its authority in the United States when it forbade restaurants from refusing to serve Black people. But in fact, this was legitimate, in spite of the fact that no individual has a right not to be discriminated against.

If citizens are in fact engaged in a conspiracy (whether they intend to be conspiring or it “just happens”) to de-

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prive a definite class of other citizens of some service, based on some characteristic over which the class has no control, then government may and sometimes must step in to prevent this deprivation.

The reasoning goes this way: Even though an individual has no right not to be discriminated against, still if the society is so set up that a whole class of people can't receive some service, then the society is saying that this class of people cannot do some particular act (the one implied by that service). Thus, the society in the South was saying that Black people, just because they were black, were not capable of eating in "good" restaurants.

This is not quite the same as saying that people who don't wear jackets and ties aren't "capable" of eating in "good" restaurants, because this situation is correctable. But there's nothing a Black person can do to "correct" his "incapacity." So that the society in this case is saying that he can't do something which in fact he can do. That is, a Black person has nothing in his blackness which makes him any different from a White person *insofar as the ability to eat in restaurants is concerned*.

In this case, the society is contradicting the person's nature, and asserting that the person who belongs to a class does not have a power which he has. This is clearly unjust, even though *no individual right of any individual member of the class is being violated by this invidious treatment of the class as a whole*.

That is, when a given individual restaurateur refuses to serve Black people, this violates no right of anyone, on the assumption that if a Black person can't eat at *this* restaurant, he can eat at a *comparable* one. The class of Black people, perhaps, is being kept out of this restaurant, but it is not being kept out of *this type of restaurant*. That is, there is no conspiracy here to deprive the class of a class of service.

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Thus, the denial in question occurs only when there is a conspiracy, and (for practical purposes) *all* the members of the class are deprived of *all* instances of the service in question. Then, people are asserted in practice to be something other than what they are in reality; and this contradiction is unjust and must be corrected.

Note that this applies to conditions that the victim of discrimination cannot do anything about; and so it would apply to keeping women as such from types of work they can do (though not necessarily from types of work that would involve such strength that only the very rare woman could have—but even here there is a problem).

But if the situation is correctable, as in keeping ignorant people from practicing medicine, then this sort of discrimination is legitimate, since the “defect” can be overcome.

Homosexuals are a special case here. Homosexual orientation can be hidden, and in general will make no difference to the work the person does, or where he lives. But the *behavior* of homosexuals can be a problem in many situations, and it is not necessarily wrong to discriminate against *active* or “out” (or proselytizing) homosexuals in certain circumstances. The homosexual problem, then, is a problem because of behavior, which is something that can legitimately be restricted when it interferes with others’ rights.

The general rule here, then, is that whether a person is homosexual or not is no one’s business, until that person’s behavior makes it someone else’s business.

It would be wrong, therefore, to issue a blanket “non-discrimination” law about homosexuals, since those “straights” with whom they come in contact have rights also.

In correcting this contradiction, the government may impose quotas or other measures to assure that the conspiracy is broken up, even if this deprives some individuals

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of the other class of the service in question.

The reasoning dealing with this is as follows: There is an objective injustice in the society. The function of the government is to prevent this sort of thing; therefore, it must break up the conspiracy. If the course of action that makes the least demand in doing this is to set quotas, then quotas may be set. If the quotas imply that certain members of the other class are deprived of the service in question, this does not violate any right of these members, *because they have no right as individuals not to be discriminated against*, and the other class *as a whole* is not deprived of the service.

When the injustice has been corrected, then the measures to correct it must be withdrawn.

That is, quotas and other corrective action cease when in practice the class in question can now receive the service. Individual cases of discrimination can be allowed to exist, as long as there is no longer a conspiracy in effect.

Thus, there was evidence that there was a conspiracy to prevent Black people from being educated as doctors. There were medical schools that admitted Blacks, but there were so few that for practical purposes, Blacks as a class could not receive the education necessary to become doctors.

The government imposed what were in effect quotas in admitting Black students into formerly all-White medical schools. Alan Bakke, a White, who was more qualified as a medical student, was kept out of medical school because a less-qualified Black had to be accepted in order to meet the quota. He sued.

It is not the point here to discuss what actually happened in the case. Was the government *morally* within its rights in preventing

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someone like him, more qualified than a Black, from receiving a medical education, in order to “redress the wrong” done to Blacks?

Yes. Alan Bakke had and has no natural right to be a doctor. This is a value, not a necessity, however much he might desire it, and however competent he might be. So there is no contradiction of his reality if he is deprived of a medical education.

“Reverse discrimination,” then, violates no right of anyone, unless the whole class is “reversely” discriminated against.

The government was *making a demand* on Bakke as a citizen to perform a cooperative act to break up the conspiracy against the Blacks. True, Bakke had taken no part in that conspiracy; and so he is not being “punished” for it, nor for the “sins” of those who did. He is asked to perform an act not for his benefit to correct an evil in the society; and society has a right to make such demands. Just as society can demand that certain citizens put their lives in danger in time of war to protect other citizens (in spite of the fact that these young men had nothing to do with starting the war), so society can “recruit” people to redress wrongs within it, even if these people had nothing to do with perpetrating the wrong—as long as this is the least demanding way of redressing the wrong.

So Bakke has no moral case against the government. Note that he *would* have if the anti-discrimination laws were based on a “right” individuals have not to be discriminated against. But we saw earlier that such a right makes no sense, either theoretically or in practice.

This is a good example of the reason we had to do all the preliminary spadework of the early chapters before we could actually get down to cases. There is no real way to settle things like the morality of the Bakke case on the intuitive level. You can’t really say that the Blacks as a class have the right not to be discriminated against, because in fact only individuals have rights; and so if the question is phrased in terms of rights, then Bakke has a case. But the conspiracy

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in fact asserts that Blacks are not what they are; and thus “reverse discrimination” against individuals is legitimate.

I might point out, however, that the “quotas” involved in various positions should not represent simply the ratio of people in the positions as against the ratio of the people in the society at large, but rather as against the ratio of those *seeking* the position. If Blacks, for instance, are making no effort to be philosophers (i.e. for every two hundred Whites taking graduate philosophy courses and seeking a job teaching philosophy there is one Black), it would be stupid to expect a ratio of, say, 5 Whites to 1 Black in a university’s philosophy faculty just because this reflects the number of Whites to Blacks in the population at large. There are difficulties with this (in that Blacks may be being discouraged from studying philosophy), but they can be handled, and the problems are less severe than the other kind of quota system.

11.3.2. Malfeasance, misfeasance, nonfeasance Once the entrepreneur and the consumer make an agreement, the consumer then has a contractual right to the performance of the service as advertised or agreed on. And this implies, of course, that the entrepreneur has the obligation to do what he promised, even if unexpected difficulties crop up.

In general, the entrepreneur has an obligation to live up to his contract, unless it is in practice impossible for him to do so.

Before discussing the implications of this, here are some definitions of ways in which the entrepreneur might fail to live up to his obligations to the consumer.

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- **DEFINITION:** *Nonfeasance* is not performing the service agreed on.
- **DEFINITION:** *Malfeasance* is performing the agreed service badly.
- **DEFINITION:** *Misfeasance* is doing something other than what was agreed on.

The terms here do not necessarily have exactly the same significance as they do in law; though the meanings are close. But, for instance, if a person agrees to sell a chair to a consumer and then doesn't deliver the chair as promised, this is moral nonfeasance. If he delivers a damaged chair, this is moral malfeasance; if he delivers a sofa when a chair was ordered, this is moral misfeasance.

The point is that you can't just perform a service to the consumer; you have to perform the one you agreed on. And if it is hard to perform that service because of unexpected difficulties, then that is tough.

Note that what the consumer has a right to is the result of the service, not the means the entrepreneur uses to get it done.

Thus, if I go to a play, I have a right to a certain quality performance. But this gives me no right to dictate to the stage-manager how he is to set up the stage, or to the director how he is to block scenes, and so on. On the other hand, if the play is, say, *Hamlet*, and the director has some far-out idea and changes it so that the performance has no real resemblance to Shakespeare's play (which is what it was supposed to be), then I would have a right to com-

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plain—because the result was not what I had been led to expect. This would be malfeasance or misfeasance.

On the other hand, if Nicol Williamson is advertised as the Hamlet, and he gets sick, and when I get in I am notified of this and see his understudy in the role, I have no real complaint, because the contract could not in practice have been carried out.

But when the contract *can* be carried out, though with more than ordinary difficulty, “the show must go on.” The reverse of the coin of my not being able to dictate to the director is that he is to produce the service even if it costs him more than he expected to. What I am buying is the results, and how he achieves them is up to him.

Thus, the amount of effort in performing a service is irrelevant, once the agreement has been reached.

Presumably, the entrepreneur has anticipated difficulties and taken them into account in the price he wants for his service. If he has not, then that is his problem, not the consumer’s.

Still, he cannot be held to the impossible; and this includes the impossible in practice; that is, what is so difficult that no reasonable person would have anticipated it as a “difficulty.”

It is not morally wrong, if difficulties arise, to renegotiate a contract; but if one of the parties is unwilling to renegotiate, the other one is held to the contract, if it is possible to fulfill it.

11.3.2.1. Bankruptcy This works both ways. If the entrepreneur cannot fulfill the contract except with difficulty and at a loss, he can be held to fulfill it, if the consumer still wants it done anyway. But by the same token, if the consumer finds himself faced with financial

reverses and able to pay only with difficulty, he can try to renegotiate the contract, but can be held to it if the entrepreneur wants full pay.

But if the fulfillment of contracts is so difficult as to be in practice impossible without severe dehumanization, then the government can step in and pass laws in which the party in difficulty can perform only part of what he owes to the other party.

● **DEFINITION:** A person or firm is *bankrupt* if he or it is legally permitted to perform only a fraction of his or its obligations to others.

Thus, the firm is bankrupt if it can't renegotiate its contracts and can't perform them without dehumanization of the members of the firm. The government then prevents the dehumanization by finding out the limit the firm can do short of dehumanization. It then "parcels out" this total service to the creditors in proportion to the amount the firm owes them (so that each one gets, for example, a service equivalent to "ten cents on the dollar" owed). Legally, certain forms of bankruptcy can involve not paying the debts at the moment, but postponing them until later. There are all kinds of legal complications connected with bankruptcy, which fortunately need not concern us here.

Similarly, if the consumer can't pay without dehumanization, the government finds out how much in total the consumer can pay without actual dehumanization, and then parcels this out among the firms to which he owes money.

Notice that the creditors have a *contractual right* to the *full* amount of the service or money. But they don't get it. The government is preventing them from exercising this right, because (though

11.3.2.1. Bankruptcy

the contracts were freely entered into) the exercise would in fact dehumanize the other party; hence, in this case, the right ceases.

And, though the money or the service is owed, it is not wrong for the government to release the debtor from the totality of his debts, because it has the right to make demands on the creditors as citizens to perform cooperative acts to prevent the dehumanization of others.

Thus, declarations of bankruptcy are not morally wrong. Contractual rights are not absolute.

11.3.3. Forbidding services Can a person get into any kind of business he wants, or can certain businesses be forbidden because the society realizes that they would be harmful to the public, even if the public wants them? What I am referring to is the entrepreneur who wants to grow and sell marijuana, or the pimp who wants to provide prostitution services, the pornographer, and so on.

If the government has evidence that a given service would be harmful to those who receive it, then it may and sometimes must prevent people from providing the service to the public.

Since a person is self-determining, then government in general exceeds its authority in preventing him from harming himself. It can educate him and make him realize what he is doing to himself, but if he knows what he is doing and chooses to do himself damage, the government must allow him to do this—*provided* the damage he is doing to himself does not deprive *others* of something they have a right to.

Thus, for instance, if a person wants to gamble away all his money and starve, and knows that this is what he is doing to himself, he can be prevented from doing this if he is also gambling money that his

family has a right to for support. Or if he wants to get drunk every night, or stoned, he could be prevented from doing this only on the grounds that his drunkenness does damage to his family, his coworkers, and so on.

Hence, laws against the “immoral” acts themselves *can* be passed, but only *on the grounds* that the act does damage to others, and so the prohibition protects the rights of others; the government has no right to legislate against what is even clearly morally wrong on the sole grounds that it is morally wrong or damaging to the agent himself. That would deny self-determination.

Nevertheless, since *providing a service* which involves helping people do damage to themselves can be legislated against, even if the recipients are the only ones harmed, and even if they want the harm. The reason is that making the service available (a) will inevitably result in having it presented by the entrepreneurs as *attractive* and not as harmful, and this will be calculated to mislead others who would not be aware of the extent of the damage to themselves—as has happened with tobacco, for instance; and (b) the government’s allowing such things will be taken as *approval* of the act in question, as if the society thought that it “really wasn’t” harmful, when in fact it is.

Therefore, even in cases where the act (such as extra-marital sex between consenting adults) cannot be legislated against without exceeding the government’s authority, the government can legislate against providing these things as a service to consumers (such as prostitution).

The government *must* in general pass laws against things like this to the extent that the damage to the recipient is great, and the attractiveness of the damaging act is great. Thus, there must be laws against at least the really dangerous drugs, such as heroin, and alcohol.

Alcohol? Yes. It is perhaps the most dangerous drug in our soci-

11.3.3. Forbidding services

ety, and causes enormous damage to enormous numbers of citizens.

Unfortunately, it was discovered that when legislation was passed against providing it, the laws were found to be unenforceable, and the harm to the society (from organized crime) was greater with the law than without it (because people disobeyed it more or less systematically). Hence, using the Double Effect, at least in our society, at least until people can be educated to the true nature of alcohol, the society must not legislate against it. In theory society not only has the right to forbid providing it (though not necessarily using it if you can get it), it has the duty to do so; but in practice, it must permit the service of providing it in order to avoid greater social harm.

11.4. Pricing the service We have assumed that the entrepreneur and the consumer have agreed on what the service is to be, and how much is to be paid for it. What are the ethical implications in the pricing aspect of the agreement?

In general, a person goes to work or becomes an entrepreneur because this is the only way he can escape from bare survival (which, as we saw, society has the obligation to provide) and become someone who can develop himself and pursue individual goals. But human beings are self-determining, and so have the generic right to do more than barely survive.

This implies that the entrepreneur has the right to “make a living” from his service: that is, to provide for himself, not only the necessities of life, but the means to be able to achieve the individual goals he sets for himself. And since there is no fixed limit to those goals, then there can be no fixed limit placed on how much he can earn from his service.

That is the general rule. Since the entrepreneur entered business so that he could live the kind of life he wants to live, then he has a right to charge the kind of price for his service that will enable him to live this kind of life. And since he might want to live the kind of life that Aristotle Onassis lives, there is nothing in itself wrong with his wanting so much for his services that he becomes filthy rich—provided he doesn't dehumanize anyone by charging these prices.

● **DEFINITION:** *Compensation* is the price of a service insofar as it makes up for losses incurred in performing the service.

That is, it is that part of the price that ensures that the entrepreneur is *no worse off* for having performed it. If he is not compensated, then the consumer has in effect enslaved him, because he is paying him so little that he is dehumanizing him.

● **DEFINITION:** *Profit* is the price of a service insofar as it is greater than merely making up for losses incurred in performing it.

That is, profit is the part of the price that enables the entrepreneur to make a positive gain by performing the service, so that he is better off by performing it than he would have been if he had spent his time in selfish activity.

Profit refers to the "gain" of a *firm* or an *entrepreneur*, not of that part, for instance, of a worker's wages that do for him the same thing that profit does for the entrepreneur. Workers have the same right to gain by their work as the entrepreneur to gain by his service; it is just that the worker's gain is not called "profit"; in fact, it has no name (possibly because until recently it didn't really exist).

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This term, by the way, is not exactly the sense that is used in some schools of modern economics, where “profit” has to do with the “equilibrium price,” or the price at which supply meets demand. I think this particular sense is a smokescreen that was put up to make palatable an invidious term. My definition more or less corresponds to “return on investment,” which is factored in as a *cost* in modern corporations (and so would be included, technically, in “compensation” in my sense of the term).

But generally speaking, profit is taken to mean that when you make a profit, you gain, or are better off than when you stay where you would have been if you hadn’t done so. Hence, I stand by my definition.

It is perfectly legitimate for a firm to make a profit, even an enormous profit, as long as no one is dehumanized by it.

If you produce electronic calculators, and they cost you a dollar apiece to produce, and you can sell them for two hundred dollars apiece, then you don’t have to charge only a dollar or two for them; you can charge the full two hundred if you want. No one has to have an electronic calculator; and so it is a value. If people are willing to pay two hundred dollars for it, then they, presumably, are gainers from the transaction (they consider that they are better off having it than the two hundred—or what it represents); and you certainly are the gainer.

There is no law, of course, that says that you can’t sell the calculators for ten dollars apiece, in spite of the fact that you could sell all you make for two hundred apiece. It depends on what you want to do; it is a free choice. You won’t become rich that way; but if you can achieve your goals that way, you don’t have to amass money that

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you have no use for.

- **The seller-value of a service is what will allow the server to reach the goals he has set for himself, not what merely compensates him for his losses in performing the service. He may, however, morally ask for prices that are above, even far above, this value.**

That is, the *real* measure for the entrepreneur of the seller-*value* of his service is not what the market will bear (the highest price he could get), but the amount of money he needs to reach the goals he has for his life. Beyond this, any money that comes in is really useless for him. It may be that for various reasons (e.g. competition can force a person to charge a *higher* price sometimes or give the impression that his service is inferior) he gets more of a profit than he can use; the point is that there is nothing wrong with this, but that getting all you can squeeze out of the public is *not* really the goal of the firm.

11.4.1. Service, price, and necessity The above applies if (a) the service is a value to the consumer, and (b) to serve at this particular service is not a necessity for the one who serves. What is said here, then, especially in the second part, applies not only to entrepreneurs, but to workers also, or in other words anyone who serves others for a living.

If the service is a necessity for the consumer, the entrepreneur may not ask a price greater than compensation and a decent profit.

What a “decent” profit is here is one which allows him to live the

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way most people in society can live: to be more than just barely human, and able to pursue human goals, but not so rich that few others have resources comparable to his.

The reason for this is that, when the service is a necessity, the consumer has to have it (or he is dehumanized), and since he has to pay for it, he has to pay whatever is asked under pain of staying dehumanized. As we saw in the preceding chapter, the service has no finite value for him, and so haggling over the price is not possible.

For the entrepreneur to become rich under these conditions is for him to exploit the consumer for his own superhuman desires. Hence, although the entrepreneur can set goals for himself, because it contradicts entrepreneurship to be in business serving others just to survive; still, if he provides a necessary service, his goals cannot morally be extravagant, or he is exploiting the consumer.

Thus, if a person wants to become rich by providing a service, he had better stay away from services which are necessities for the consumer.

This is a hard saying, because the most efficient way of becoming rich fast is precisely to do the opposite: to pick a service that is a necessity. Then, you can charge prices that are way out of line with bare compensation, because—since the consumer has to have them at any price short of greater deprivation from impoverishment—he will pay them, and you can get rich. But you are getting rich by threatening him with deprivation (of whatever is implied in his not having the service), and this is morally wrong. You are depriving him of his right not to be dehumanized, because you are forcing him to pay more than is necessary for a service which is necessary.

For this reason, in the case of necessary services, if those

providing them are exploiting the consumer and charging prices that make them rich, the government can step in and force a ceiling on their prices.

To be specific, I think that doctors have an obligation not to charge prices that will make them rich. An income above (in 1990 dollars) the equivalent of a salary of \$70,000 a year is an income that is exorbitantly high for anyone providing a necessity—and the *median* income for doctors is above \$100,000 a year. This is far out of line.

Hence, the doctors must either regulate themselves and their pricing policies, and get out of the notion that they can charge whatever the market will bear, or the government can (and should) tell them “We will not allow you to make more than \$70,000 (or even \$60,000 or \$50,000) a year.”

That is, socialized medicine, where the doctors work for the government and get a salary, is not the answer. Doctors can legitimately be entrepreneurs, and offer their services to the public. *But they must not be allowed to gouge the public, because the public they serve cannot refuse morally to avail themselves of their services.*

Doctors—and lawyers, for the same reason—are the most blatant examples of this abuse of the pricing aspect of capitalism; but the same reasoning applies to any firm that supplies a necessity to the consumer: drug companies, oil companies, electrical companies, water companies, etc.

It should be noted that *it must first be recognized by the suppliers and the public at large that this is basically a moral issue.* The restriction of prices should be voluntary, taken by the organizations (like the AMA) involved. If not, and if government tries simply to force things like this on people who honestly think they are being moral, then they will try to circumvent the laws or will balk and strike—and

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once the government has capitulated (as it would have to, because the service is a necessity), the last state would be worse than the first.

By the same token, if it is necessary for the entrepreneur (or the server in general) to perform the service, the consumer cannot accept it at a price so low that the server barely stays alive by performing it.

This is the other side of the coin. Let us consider a small dairy farmer in a poor country, who for practical purposes can't do anything but sell the milk his herd produces; if he sells the herd and looks for a job, chances are that his family will starve before he finds one.

For others, who know this, to refuse to buy the milk from him except at such a low price that he can barely survive is for them (assuming that they could pay a higher price) to make him their slave.

He might be better off than his friends who went away from the land into the city (and actually did starve), but the fact that he is "willing" to work for bare survival only means that he doesn't want to die or get sick working under still worse conditions; in other words, he is "willing" to work only to avoid greater evil. And to force a person into a situation like this is dehumanizing.

In cases where those who serve are given no more than a bare minimum for survival for their service, government can intervene to insure that they can make a decent living for their service.

How the government accomplishes this depends on the situation. It must, as always, take the course of action that makes the least demands on the fewest citizens, and the one that leaves people as free

as is consistent with preventing the consumers (in this case) from dehumanizing those who serve them.

In some cases, this could be by providing subsidies; in other cases, it could be by legislating minimum prices (or in the case of workers, minimum wages).

11.4.2. The market The usual argument against this is that “the market” should be allowed to take care of prices, because “supply and demand” will reach an equilibrium where everyone is happy—or at least where no injustice is done.

This is false. In the case of necessities, supply and demand can and do reach an equilibrium which dehumanizes the one who is subject to the necessity.

This is not the place to go into a long analysis of the market and supply and demand; but something has to be said on the subject, to see why laissez-faire free enterprise should not be tampered with in some cases, and must not be allowed to work in other cases.

The idea of supply and demand is this. In the case where there are a large number of people supplying a given type of service, and a large number of people who might avail themselves of it, then, “other things being equal” (as they never really are in practice), if a given entrepreneur charges a higher price than what most are charging, he will lose customers, because they will go to the others who are charging lower prices. Hence, he will be forced to lower his price. That’s the “supply side” of the equation.

On the other hand, if a given customer doesn’t want to pay what most people are asking, he will be unlikely to find anyone who will perform the service; and so he will have to be willing to pay more. That’s the “demand side.”

The “equilibrium price” is the price at which all the people who want the service (at that price) can get it, and all the people who

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want to supply the service (at that price) can supply all they have. Sounds like everybody's happy.

If, for some reason, there is an increase in supply (as when someone invents a way of producing more widgets for less), then the "equilibrium price" is lowered (since this entrepreneur can sell at a lower price and he sells all his, and the others have to lower their prices or get stuck with a large inventory); if there is a decrease in supply, as when widget-gears become more expensive, then the equilibrium price gets higher.

But the equilibrium price goes up or down also depending on demand. If people decide they don't want as many widgets as before, then this would lower prices; and if many more of them want some, then this tends to raise prices.

Well, there are all sorts of permutations and combinations of this; but the upshot of it all is that the equilibrium price is the price at which everybody's happy; all the customers (who want to pay that price) get what they want and all the suppliers (who want to charge that price) sell out.

There are obviously customers who would love to have widgets if they were ten dollars cheaper, and they are dissatisfied; but they don't matter, the theory says, because they can shift their desires to something cheaper. And similarly there are suppliers who will be damned if they will supply widgets at such a ridiculous price; but they don't matter either, because they go out of the widget business since not enough people will pay their higher prices.

So it isn't that the equilibrium price is the *only* one around; it's that it's the one that allows all the people who want to perform the transaction at that price to be satisfied. Other prices are offered and charged; but only some of the people who do so get satisfied—and the farther one is from the equilibrium price, the fewer people get satisfied.

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Therefore, supply and demand establishes a “normal” price for a product or service, under the conditions prevailing at the time.

Note that the equilibrium price is *not* the “price that reflects the value” of the product or service.

It does not reflect the seller-value of the service, because it is just the compromise that most people are making between seller- and buyer-value; and it may be above or below what the average seller who sells at that price considers will allow him to achieve his goals (what he would like to get). Nor does it reflect the buyer-value, since it is just the compromise that most buyers are making, and happens to be the one where all the buyers willing to make this compromise can get the service or product. But they might be willing to pay more; it’s just that they don’t have to.

Theoretically, of course, if the buyers are willing to pay more, the equilibrium price will shift upward, because it is assumed (a) that the sellers will in fact charge the highest price they can consistent with selling out, and (b) they know that the buyers would be willing to pay more. But neither of these assumptions actually has to be true, or is in fact true in practice; each may be very far indeed from the truth. (It is also assumed, by the way, that buyers will offer as little as they know they can get away with, which again is false—sometimes, sellers would be willing to take something below the buyer-value, and then the buyer wouldn’t buy it, because he thinks it’s too cheap).

So there is no such thing as the market-*value* of a product or service. *The equilibrium price reflects no value at all*, let alone the “true” or “objective value” of the product or service. And that is why the equilibrium price can fluctuate all over the place.

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It is first of all a fiction. There is only in theory a price at which all customers are or will be satisfied and all suppliers will sell out. It may be that if you raise the price a penny, you lose so many customers that no sellout is possible; but if you don't, you leave some unsatisfied. There is no law that says that there always will exist a price at which all producers sell out and simultaneously is going to leave all consumers willing to pay that price satisfied.

Secondly, there is no relation between the equilibrium price (if it exists) and a "just" price for the product or service (as is tacitly assumed in market-economics, whatever they say about normative-ness). Essentially, it is the "sellout" price, and presumably the highest price at which there is a sellout. But some of those who pay that price actually value the product or service at much more, others at some more, and others at just that price; it does not follow that *all* the buyers are unwilling to pay a higher price, just that they don't have to. So for them, it is less than the "just" price, because it is lower than the value they put on it.

And if the equilibrium price is much higher than the cost of production (as it can be and was with the early calculators, for instance), then the sellers can sell out at a very high price, though they would be willing to take considerably less. It is just that they don't have to. So for them, the equilibrium price is more than the "just" price, because it is higher than the seller-value—and it may be higher than the seller-value for everyone in the industry. Higher than average profits are made in this industry, then.

So in what sense is this price the "right" price for the product or service?

Now of course, the market economists say that it is the "right" one because it is the one that the price "gravitates towards"—on the assumption that sellers want to sell out, and not get stuck with unsold inventory (of products or time).

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But this is true only if entrepreneurs are trying to make as much money as they can for their service, and so charging the highest price they think they can get away with and still sell out. If entrepreneurs (as is the case with many if not most small businessmen) are simply interested in making a decent living, it doesn't follow that, for instance, an increase in demand will be met with an increase in price if supply does not increase. Why should the entrepreneur raise his prices, if he's already making enough to satisfy his wants?

Hence, the market "tends toward" the equilibrium price only on the assumption of (a) infinite greed on both sides, and (b) collectively perfect knowledge of how far you can go before the other side balks. Neither individuals nor groups fulfill either of these conditions. In most cases, suppliers are too busy to be sounding out the limit of what demand will bear, and consumers can't be bothered shopping around until they find the lowest-priced widgets they can get.

Hence, there are no grounds for saying that interference with market-set prices (the equilibrium price) is either morally wrong or bad economics.

With that said, however, it should also be said that there is no reason, in general, for interfering in market-set prices.

They are the prices that are arrived at freely by people's own evaluation of what they want and what they are willing to pay or take. That is, there is no magic about the equilibrium price or supply and demand, and no special "justice" or something about it either. But in general, there is nothing *wrong* with it, which would justify government interference.

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However, when a necessity is involved, the market-set price tends to reflect the power the value-side has over the necessity-side, and it tends toward dehumanization of the necessity-side. When this happens, the market must not be allowed to determine price.

What I am saying is most easily shown by doctors. Even barring monopolies, medicine is enough of a disagreeable profession that you aren't going to find vast numbers pursuing it; and those who do pursue it are apt, simply because they are providing a necessity that involves specialized knowledge, to have the attitude (a) that what they are doing is an immensely valuable service to mankind (and that they are great benefactors), (b) that they know a terrible lot, (c) that they suffer great hardship in providing the service (more than garbage men, for instance?); and that they therefore "deserve" not only respect, but lots of money.

Hence, even absent an AMA and a monopoly on the supply, you will find that doctors in general are apt to expect to live quite comfortably, thank you, for their services; and so the asking price will be very high.

But since the buyer-value for their services is infinite, then the equilibrium price will be just what the doctors in general ask. No one is going to haggle and risk having the doctors say to him, "Look, if you want to cause a fuss, stay sick or go to someone else. I can't be bothered. If you don't think it's worth three thousand dollars, then that's your problem."

Hence, the equilibrium price in the case of necessities is almost bound to be a price in which the supplier of the necessity makes himself rich by exploiting the group on the other side of the transaction.

And notice that if an individual doctor, say, lowers his prices

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down to where he makes about \$35,000 a year, people will tend to shy away from him (given an equilibrium price that puts doctors' income at \$150,000 or so), because they will think there must be something wrong with him for charging \$2.50 for an office visit instead of the usual \$20.00. Hence, an individual doctor may very well have to charge a morally wrong price just to stay in business, if the market-set price is allowed to prevail.

Similarly, if workers need to work and don't have entrepreneurial skills (as is the case with most people), and the free market is allowed to set wages in industry (as it was in England in the last century), then what happens is that the wages get so low that people can barely survive.

And an individual businessman cannot afford to pay a just wage, because that would make his costs so high that he would be forced out of business by those who are paying what workers are "willing" to accept.

We are having something of this problem in the United States today. Our wages are higher than other countries'; and so we find it difficult to compete in international markets in automobiles and steel. The question is whether their wages are dehumanizingly low, our ours are exorbitantly high because of the monopoly power of unions. Probably something of both.

11.4.2.1. Monopolies Incidentally, there is nothing wrong with monopolies and monopolistic prices either, when values are what is being talked about. The problem in all cases comes in necessities. But the necessities can be on both sides: the seller-necessity (as in wages for workers) and the buyer-necessity (as in patients of doctors).

What is supposed to be wrong with monopoly is that a monopoly interferes with competition, and so doesn't let "the free market" work. All it really means is that the supply is in the hands of one firm

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(true monopoly) or a few (oligopoly), so that they can set prices as one supplier to the whole group of consumers, who aren't organized and can't haggle, and therefore have to take it or leave it. So by cutting down on the supply, they can reach the consumers who want to pay the high prices, and can still sell out. The equilibrium is at a higher price, in general (supposing infinite greed and all the rest), than it would be under "free competition."

In "the free market" (free competition), the supplier can't charge as high a price as a monopolist, the story goes, because competitors (who want to sell out) will charge less, and he won't sell out; so he has to lower prices.

Two remarks. First, lower prices may be nice, but who says that they're the best thing? Suppose the monopolistic control allows the monopolist to pay very nice wages, and free competition forces the entrepreneur to cut wage-costs as much as possible (as it does, in fact). Which is better for the society?

Secondly, who says that the monopolist will necessarily charge the highest price he can get away with? "Oh, come on, Blair," you say. "Wait a minute," I answer. Economists have so long hammered at the idea that *the* purpose of a firm is to make as much as possible that people have got the idea that big firms are necessarily going to try to make as much for the investors as they can, and hang the public, hang quality, and hang the environment and hang the society in general. That's supposed to be the "rational" way businesses behave.

But there's nothing rational about it. Why shouldn't corporate executives be concerned about producing quality products at low prices consistent with decent wages, care for the environment, and a *reasonable* return on investment? Why do we have to assume that investors all have goals that would put J. Paul Getty in the poorhouse by comparison? And I submit that there's a lot of this in business, even big business. There are many businesses that have a conscience,

and whose boards of directors are looking to the consumer and the society as well as the stockholders. They may not make a big noise about it because no one on the television newscasts will believe them, and the economists will laugh at them; but there's evidence that they're there. Let them come out of the closet; I'm telling them they're not doing a disservice to their stockholders by being concerned about the people they're serving also.

The point is that there is nothing wrong with monopoly or oligopoly in itself, nor is there anything wrong with bigness in itself; in fact, big businesses can often take advantage of economies of scale and produce more more cheaply than having a lot of competing little firms. It's a question of goals. If monopoly has setting the highest prices possible and paying suppliers and workers as little as possible as its goal, this is bad; but it need not; and then the monopoly can even be better than the much-touted "free market."

Obviously since monopoly *has* control over supply, it has to be carefully watched; since, although people can be decent, they also can be greedy. And even with values, prices can be so high as to be exploitative—when the firm gets such power that it becomes a social force dictating to large segments of society.

Hence, regulation by government of large businesses, especially monopolies, is not morally wrong, since what they do can affect huge segments of the society.

Chrysler's mismanagement, for instance, would have thrown the country into economic chaos if it had been allowed to go bankrupt. If that danger exists, the government can take steps to see that it doesn't happen.

But now let us look at the firm and the worker more closely.

11.4.2.1. Monopolies

Summary of Chapter 11

An entrepreneur is a person who offers a service or product to the public. The public is the set of people who might find the service or product of value; a consumer is one of the public. A firm or business is a social entity that offers a service or product to the public; hence, the entrepreneur has (or heads) a firm. What is said in this chapter applies to all firms, even those with employees in them; but here we concentrate on the firm itself and its relation to the public.

First, a firm is not a possession which the entrepreneur can own, because it is essentially a promise of service, and you can't own a promise. One of the goals of the firm (irrespective of the motives of the entrepreneur) is to perform the service; it may not morally be looked a purely as a means toward making profit for the entrepreneur, but as a coordinate goal; otherwise, the entrepreneur is contradicted as providing a service.

The general obligation of the firm as such is to perform the service it claims to perform.

In so doing, it must let the public know what it claims to do; this is advertising. The firm must not misrepresent its product or service, even if what is said is literally true, if it *communicates* a false impression (to a "normal" person). It is morally wrong to conceal relevant information; but a firm may use common sense and not provide information which a normal person would know anyway. It is morally wrong to present as a necessity what is not a necessity, and it is morally wrong to manipulate the consumer in such a way that he is forced to buy a value (by making him dependent on it). Threats of harm are morally wrong.

But it is not morally wrong to point to intangible but true values in the product or service that may not be obvious. It is not morally wrong to conceal irrelevant information, especially if its revelation would be misleading. It is not morally wrong to claim that one's service is "better" than the competition, because goodness is subjective; but alleged proof of this must be true. Government must pass laws against real abuses, not those which might occur. As to those providing necessities, they may advertise indicating what the service or product is, but must not promote it as "better" than the competition, because of the nature of necessities.

An entrepreneur need not serve everyone who asks for it, unless the service is a necessity and there is no one else to get it from. But if the entrepreneur is part of a *de facto* conspiracy to deny a whole class of

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people a service (even of a value), then the conspirators are saying that this type of person can't do what this type of person can do, and this is morally wrong. Therefore, government can force the opposite on them, even using "reverse discrimination" (which does not exclude the whole other group from the service), until the conspiracy is in fact broken up—at which point government's intervention must stop.

Once the entrepreneur agrees to perform the service, he has entered an agreement with the consumer; and so he must live up to the contract unless it is humanly not possible to do so. Nonfeasance (not doing what was contracted), malfeasance (doing the service badly), and misfeasance (doing something other than the contracted service) are all morally wrong. The consumer has a right to the results of the service, but not to the means to achieve those results. If difficulties arise, the contract must still be fulfilled; it may be renegotiated, of course.

But if fulfillment is so difficult as to be impossible without dehumanization, the person cannot morally be held to complete fulfillment, and government may pass bankruptcy laws, indicating how much of the contract is to be fulfilled.

Government may sometimes forbid products or services from being offered to the public, if significant harm may come to the citizens from them. People should not, in general, be "protected from themselves" by government; but government may prevent others from helping them damage themselves, because the service or product may be a temptation to the damage.

An entrepreneur may ask for compensation for losses incurred, plus profit over this, so that he can by his service, advance toward his own goals. There is no moral limit to the profit a firm can make if (a) it is offering a value, and (b) no one is dehumanized by it.

If the service is a necessity for the consumer, however, the entrepreneur may not morally set goals which are extravagant and demand a price which would enable him to achieve them. He has a right to a decent living, but no right to be rich from his service, because the buyer is in fact under a threat and must have the service. On the other side, when the seller needs to perform the service, the buyer may not set the price so low that he dehumanizes the seller.

The "market" is the number of buyers who want a given product or service and the number of sellers who provide it. The supply is the number of sellers willing to sell at a certain price; the demand the number of buyers willing to buy at that price; the "equilibrium price" is the price at which

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all the sellers sell all they have and all the buyers at that price buy all they want: the “sellout” price. In general, if values are involved, the market must be allowed to determine prices; but with necessities, the market must not be allowed to do so (since the price will be dehumanizing).

Monopolies (one firm controlling the supply) or oligopolies (a few firms doing so) are not in themselves morally wrong. They only mean that the entrepreneur controls the supply, and therefore can set the supply side of the price. If values are involved, there is nothing wrong with this; nor does it follow that he must set an extravagantly high price. There are dangers with monopolies even when they provide values; but this does not necessarily mean that they should automatically be “regulated.” There is no magic about competition, since it also has dangers; it can force entrepreneurs to cut costs at the expense of employees and quality.

Exercises and questions for discussion

NOTE: These questions are to be answered on moral grounds, not legal ones. We are not interested in what the law is here.

1. Is it morally legitimate for government to pass laws requiring disclosure of dangers due to abuses of a product that is advertised, and to hold the firm liable for misuse of its product?
2. Do you think that the correction of racism has reached the point where “reverse discrimination” and quotas and so on are no longer called for? Why or why not?
3. Is it consistent with government’s function to “bail out” large firms that have been mismanaged (like banks) and to allow smaller firms to go under?
4. May the government prohibit the sale of marijuana or cocaine? Alcohol? Pornography? Child pornography? What would be your arguments for or against the government’s right to do this?
5. What can government do about the enormous waste in hospitals, the fabulously high income of doctors, and the enormous expense in the health-care industry in general (which in 1990 took up over 12% of the gross national product: 12 cents on every dollar everyone spends)—if anything?

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CHAPTER 12

EMPLOYER AND EMPLOYEE

12.1. Employees We have not yet introduced the complication of what happens when our entrepreneur hires someone to work for him. There are two ways he can do this: (a) he can act like a consumer and hire someone to serve him (as when a roofer buys shingles from some other firm), or (b) he can hire someone to work *in* his firm. The first case presents no special problem beyond the firm-consumer relationship; but the second changes the nature of the firm.

● **DEFINITION:** An *employee* is a person who puts his service under the authority of someone else.

● **DEFINITION:** An *employer* is a person who hires a person to work under his authority.

There are two kinds of employees: The employee who works for

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a given individual (as a gardener or a maid), and the employee in a firm. In the first case, the gardener is an employee and not an entrepreneur when the person who hires him is not simply buying the *results* of the service, but also dictates *what is to be done, and how*.

We saw earlier that, when talking of an entrepreneur, the consumer has a right to control, as it were, the results of the service, but no right to tell the entrepreneur how to go about it. But when a person hires someone to work for him, he is assumed to be able to tell the employee how he wants things done, and the employee will do it as he wishes.

This is also true in a firm. A firm hires an employee to be able to control what is done by that person; otherwise, it buys the services of another entrepreneur. So employees don't have control over their actions as employees; they are under authority.

Let us consider employees in general in this chapter, and then in the next get into employees in a firm.

First of all, note that the difference between an employee and a "worker" is that an employee is *anyone* who is hired for *any* sort of service, while "workers" in general would be those employees actually engaged in some kind of production. It would be strange to call a manager (or perhaps even a teacher) a "worker"; but it is clear that the manager or teacher is an employee.

Now then:

The employer's authority extends only to what is related to the work he hires the employee for.

That is, an employer has no right to dictate anything connected with the employee's "personal" life, such as how he dresses, what he does at times other than when he is working, his religion, and so on—except insofar as these have a bearing on how he does his work.

For instance, there can be a justifiable dress code in a firm, because the firm is providing a service, and needs to create a good impression with consumers, either actual or potential. Sloppily dressed employees create the opposite impression; and so in this case, dress codes are legitimate.

But it can be argued that the Cincinnati Reds of 1984 were exceeding their authority in forbidding the players to wear beards. This has no effect on their ability to play, nor on customer attendance at games (since other teams have no such restrictions, and do not suffer for it). Hence, the order is based simply on the grounds that those in authority don't like it, and have power over the players, who can't play at all if they don't play for the Reds. This is morally wrong.

Conceivably, the team could justify its ban somehow, but it strikes me that the grounds would be mighty thin. It is really a raw exercise of power, however much neater clean-shaven players might look.

On the other hand, if Lord Fotheringay-Phipps has a gardener who gets drunk on weekends, he can command him not to do so, on the grounds that he has such a hangover on Monday that he can't do any work.

The commands of an employer, like all commands, imply sanctions if not obeyed. Thus, employers have the right to punish employees for disobeying orders.

That is what is meant by being under authority. What in practice it means, generally, is some sort of financial sanction, such as "docking" wages some amount of money, suspending the employee without pay, fining him, and so on. Theoretically, sanctions such as the infliction of physical violence would be permissible if the Double Effect could justify them (that is, the damage done by the disobe-

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ence would be so great that only the threat of physical violence could be sufficient to deter it—as might possibly be the case in sensitive work for industries connected with national defense). But a very good case would have to be made for this before it would be legitimate in practice.

12.1.1. Employees and Marxism It is in the employer-employee (or the “capitalist-worker”) relationship that Karl Marx saw the great evil of capitalism. And it was not in unjust wages, or poor working conditions,, or anything but the fact that one person works for someone else.

What was behind this? First of all, Marx saw the “humanity” of a human being to lie fundamentally in the fact that human beings are the animals that do not adapt themselves to the environment, but adapt the environment to their own purposes. Human beings, then, are essentially “workers”: transformers of nature into something useful for human beings. And the means for doing this are called “forces of production.” Forces of production are tools to be used to transform nature.

Now when one human being works for someone else, then the worker is dehumanized, because his essence as human is handed over to the employer, and he becomes a mere tool for the employer. Marx calls this “alienation”: his reality as human is made “foreign” to him, and belongs to the employer. The employer, then, using him as a tool, also owns the fruits of his labor.

But of course, since the employer makes the employee do the work, the employer is also dehumanized, because he doesn’t do any work. He owns the work of another “as if” it were his own; but it isn’t his. Hence, he is also alienated.

And this, of course, obtains *whenever* anyone works for anyone else, whatever the wages are and however well the “worker” is treat-

ed by the “capitalist.” It is in the nature of the employer-employee relationship that the “worker” gives up control over himself-as-a-worker (i.e. as human, according to Marx), and the employer owns (as if it were his possession) the aspect of another person that is the essence of his humanity.

Thus, wage labor is not essentially different from slavery, in the Marxist system, or from the feudal relation between the serf (who had to grow a percentage for the lord) and the lord. Whenever one human being can dictate how another person is to perform his work, then “alienation” takes place, and there are social classes; and the only resolution of this is to get rid of the employer-employee relationship.

Marx doesn’t spell this out, but I guess the idea is that in the ideal society, (that is, after the “dictatorship of the proletariat” and so on, and Communism is spread over the world), each person would be a kind of entrepreneur, working for “the public,” and doing what he wanted the way he wanted, offering the results of his service to mankind, but freely.

The way some Libertarians talk, “free enterprise” consists in offering your services to the highest bidder, just as if everyone is at the state Marx envisions as the ideal. They don’t seem to say much about the employer-employee relationship *after* the hiring has taken place, and don’t see any difference of this relationship from the entrepreneur-consumer relationship.

What Marx saw that they don’t seem to is that the consumer doesn’t have *control over what the entrepreneur is doing*, but only over results, while the employer precisely has this control. There is a vast difference; the entrepreneur is much freer than the employee.

Now then, the question is, is working for someone else dehumanizing? If a human being is a “transformer of the world” or a producer, and if every other aspect of his reality flows from that, then

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obviously it is.

But I think a very good case can be made for saying that, when humans are producers, they are producers because they can see the relationship between means and ends. And they can do this because they can understand relationships in general, of which this is one. Thus, only human beings can appreciate the beauty of a sunset, which has nothing to do with production; only human beings can see that they must die, which has nothing to do with production—and so on. In other words, as Aristotle said, a human being is “an animal that can think,” and not simply a producer; producing is a consequence of the ability to think, not the other way round.

If this is so, then it does not necessarily dehumanize a person if he freely gives another person authority over some phase of his life. We saw this when we spoke of society. The cooperative relationship (on which Marxist society, like all societies, is based) demands this.

Hence, there is no dehumanization in one person’s giving another authority over the service he performs. It is a free choice we can make. Of course, we aren’t free afterwards, because once we make the agreement to let someone tell us how we are to do our work, then we are morally bound to let him do that; but there isn’t any real problem with that. Any promise a person makes to another person has to be kept, and so after he makes it, he is not morally free any more.

So Marx’s critique of Capitalism is not valid. The worker is not “alienated” by being under the control of his employer.

There is another problem, that of the Marxist notion of “surplus value,” which we will treat when we talk of wages. This deals specifically with workers in a firm, or workers for an entrepreneur.

12.2. Work as a necessity I said at the beginning of the preceding chapter that, given the distribution of property before we are

born, people have only one way of getting out of the bare minimum of human existence: serving others.

The preceding chapter dealt with serving the public as an entrepreneur. But in fact, vast numbers of people are not capable of handling this kind of service; being able to plan how to advertise services, keep track of what contracts have been made with whom, how to fulfill the contracts, how to make sure that the people pay what they owe, and so on and so on, is not only beyond the interests of many people, it is beyond the capabilities of many.

Therefore, many people have to work for others in order to live more than a bare human existence.

From this it follows that for these people, work is a necessity. It is a relative necessity, in that they can survive without it; but they can't pursue any goals without it—and not to be able to pursue *any* goal is dehumanizing, because it contradicts the self-determination of the human being as such.

Since this is so, it is easy for employers to exploit their employees, when the employees see that if they don't submit to unjust commands or conditions, they will be out of work.

That is, even if theoretically an employee doesn't have to work for a *given* employer, he has to work for *some* employer, if he is not capable of going into business for himself. But in practice, once you have a job, you have no guarantee that you'll find someone else willing to employ you after you've got fired or quit. Hence, it is very often the case that employees feel that being fired is a threat hanging over them—because they are afraid that it means being out of work

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altogether, and not just leaving this employer.

12.2.1. Hiring and wages So the employer-employee relationship is not a relationship among equally free beings. The employer, who has money to hire the employee, can either hire an entrepreneur to perform the service he wants done, or he can hire an employee. So for him, the employee is a value; because with the employee, he can not only get the results, but can control the way the service is performed. But from the point of view of the employee, the service is likely to be a necessity, since he has to work in order to make a living.

Since this is so, it is morally wrong for the employer to take advantage of the employee's necessity to work.

That is, the employer is in the position of the doctor to the patient, when the doctor says, "I'll perform that operation for you if you give me twenty thousand dollars, and if you won't, then you can go to another doctor (who will, of course, also charge you around twenty thousand)." The patient cannot be said freely to agree with the price under these conditions.

Since the employer has no right to control the employee except in what has bearing on his work, it is morally wrong to put irrelevant things in the hiring contract.

So, for example, I presume that not having a beard is in the Cincinnati Reds contract with the baseball players it hires. But, as we saw above, this has nothing to do with their playing, and is an illegitimate invasion of their private lives. The Reds cannot hide behind, "Well, they agreed to it when they signed the contract," because in

fact the contract was signed under force. True, no player *has* to play baseball. But a person who is talented in baseball may have nothing else to offer the world, and so if he wants to do more than barely survive, he has to play baseball. But if he plays baseball and he is drafted by the Reds, then he can't play for any other team (until he has "played out his option"). Hence, if he wants to play baseball, he has to sign the contract—and he has to play baseball, for practical purposes.

Therefore, the provision about no beards is coercion, and morally wrong. The contract was signed under duress, in fact.

There is, however, nothing wrong with refusing to hire a person for reasons having nothing to do with his competence as a potential employee. It is just that these irrelevant features cannot be put into a hiring contract.

That is, an employer who didn't like bearded people would have no obligation to hire bearded people, even if they were more competent than the ones he considered. Once he hires them, he cannot fire them for growing a beard, however.

The reason for this is that a potential employer doesn't have any obligations to any definite potential employee (he doesn't have to hire anyone at all); but once he enters into a relationship with someone, he must treat the other party to the contract as a human being, who is free except for what relates to the work he is to do as an employee.

If, however, there is a conspiracy against a whole class of potential employees, who cannot be hired because of some irrelevant characteristic over which they have no control, government can and sometimes must step in to break up

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the conspiracy.

Given that people need to work to live, and given that, for instance, because of prejudice, Blacks or women are forbidden a given sort of work for which they are in fact competent, then the society as a whole is saying that these people aren't competent to do the work when they are competent. This contradicts their nature; and when this happens, the government can correct the injustice by imposing hiring quotas until the conspiracy is broken up.

We saw the same argument when treating of services in the preceding chapter. But absent such a conspiracy, so that a whole class of citizens is barred for no relevant reason from a whole class of work, then a potential employer can be as prejudiced as he wants *in screening which potential employees he will consider*. But once it comes to the contract, then he has to respect the humanity of the one he is hiring.

Since the employee needs to work to earn a living, it is morally wrong to offer wages so low that the employee (and his family, if any) can merely survive on them.

That is, the point of work is to be able to get oneself into a position to pursue important goals rather than simply perform necessary acts. Hence, it dehumanizes the employee if for practical purposes he cannot do anything more with his wages than stay at the minimum of human existence.

Hence, the value of the work from the employer's point of view (the buyer-value) cannot be the *sole* criterion for setting wages.

That is, the employer may *refuse to hire* anyone if the value of the employee's services is below what is just (i.e. is survival or less). But he may not hire someone *at* bare survival wages and justify this on the grounds that (a) the service is worth no more to him and (b) the employee is "*willing to work*" for this pittance—because the employee is "willing" in the sense that he'd rather work and stay alive than die.

Hence, the human needs of the employee have to be taken into account in fixing the wages, because the employee will, in essence, have to take whatever he is offered (except in the unusual cases of an employee who knows he can get a better job elsewhere—as a baseball player who is a free agent and a superstar).

12.2.1. 1. "Equal pay for equal work" This brings us to the vexed question of "equal pay for equal work." Should this exist? Does, in fact, it mean anything?

This is another one of those "equality" shibboleths that sounds so nice on the face of it and then degenerates into gibberish when you try to find out what it means, and which is in fact unjust when you try to put it into practice.

As a preliminary to this, do you really think that a worker who has been on the job ten years should get the same pay as a worker doing the same job who is only in his second year? Your reaction to this should tell you that something is fishy here.

First of all, what do you mean by "equal work"? Equal job description? But then, what of the person who does the job well as opposed to the one who does the same job poorly? From the employer's point of view, clearly the capable, productive employee's work is worth more than the barely competent one's, even if they are working at the same task. So "equal work" can't mean "equal job description."

Then does it mean "equal results"? But let us say one employee

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puts out work of the same quality as another, and in the same time; but the first one has to be closely supervised, and the second one does it on his own. Is their work equal, from the employer's point of view? Clearly not. So it can't simply mean "equal results." Perhaps both employees do the same amount of work in the same time with the same amount of supervision, but one is always complaining and questioning orders, and the other one does everything cheerfully and only asks questions when they are relevant. Are they equal as employees, from the employer's point of view? Again no.

So, even though two employees are doing "the same thing," the *buyer-value* of their services can be very different to the employer based on all sorts of things other than job description, but relevant to how they work under his authority. Hence, there is no realistic way to assess whether two employees should have the same wages except the *subjective judgment* of the employer of how well he can get the work done with each of them, and how little grief they give him when he gives them orders.

Then perhaps we should take the *seller-value* of the work, and equate it. But then, if one employee has to work twice as hard as another, he has put twice as much effort into the job (and presumably put "that much more of himself" into it), and so, even if the results are equal, the jobs are not equal. This is also true of equal job descriptions. For one employee a given type of job is extremely taxing, while another may find it fun. Is the work equal?

Or should we consider the actual seller-value? But this depends on the goals each has set for himself. Two people doing the same job may have entirely different standards of living; one is content with a color TV and a can of beer, and another can't live unless he can attend the symphony and eat caviar once a week. Is the value of the work from this point of view the same?

So there is no way to consider the *seller-value* of the work except

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the *subjective assessment* of each employee.

Hence, the price has nothing really to do with the job description, but is a compromise between the buyer-value of the work (how much the employer wants it done, measured in the upper limit of what he would pay to get it done), and the seller-value (measured in how much the employee would need to be able to achieve the human goals he has set for himself).

Clearly, this compromise is going to be different for each employee and each employer; there is no meaning to an industry-wide standard as the “right” or “just” wage—so long as the wage is above the minimum of dehumanization.

Again, what would “equal pay” mean? Equal dollars? But Smith has four children and is the sole source of income for his family. He receives twenty thousand a year; but this barely provides food, shelter, a minimum of clothing. So this amount of money, for him, is the dehumanizing minimum which leaves him no “discretionary income” to pursue anything but survival.

Well, you say, he made the choice to get married and have kids. But, in case you had not noticed an implication of the sex drive, the choice to get married is not the same as a choice to buy a Cadillac; it is following one of the strongest drives of our nature—and so people have a human right to get married, and to put marriage on the level of a “free choice” like buying a car is to put a relative necessity on the level of a value. To *prevent* a person, for economic reasons, from getting married (i.e. because he can’t in practice afford it) is to dehumanize him.

So to pay the sole income producer for a family only enough so that the family can survive is to pay a wage that is dehumanizing.

On the other hand, Jones, who works at the same job, is single, and can take care of his necessities with \$10,000 a year. Then if he gets paid \$20,000, he has \$10,000 over necessities which he can

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then use to pursue his goals—say, take a trip to Europe and buy the Cadillac.

Is his pay, then, *equal* to Smith's? It certainly doesn't put him on an equal economic footing; and isn't that what "equal pay" is all about?

Note that if you mean "ability to pursue equal goals," then for Smith to be able to buy a Cadillac and to go to Europe would involve enough money to take his family there, and so would involve perhaps twice or even three times the number of dollars that Jones makes.

The point, of course, is that there is no meaning either to "equal work" or to "equal pay." Equality in one respect is gross inequality in some other, equally relevant respect.

Therefore, there is no price which is the "right" price or the "true" price or the "proper" price for the services of any employee.

Price is always a compromise between buyer-value and seller-value. And it follows from this that

It is morally wrong for the government to impose some arbitrarily "equal wage" for "equal work."

To do this is unjust both to the employer (for whom "equal job description" or some other arbitrary criterion does not mean "equal work") and to the employees (for whom "equal job description" does not mean "equal expenditure of self").

It goes without saying that "equal pay for jobs of comparable worth," where "comparable worth" is some arbitrary standard forced on employers and employees by the government, is a concept that

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has no grounds even for a pretense at meaning. It is on a par with calling “chairman” a sexist word, and “woman” not a sexist word.

12.2.1.2. Government’s role in wages But this leads to the question of what role government does have, if any, in regulating wages. Given that serving is a necessity for practically everyone, and that serving as an employee is the only way most people can in practice serve, then government can see to it that people are not exploited by having this necessity taken advantage of.

In general, if people are being hired for unjust wages, government can, and if the practice is widespread must, step in and pass laws to stop it.

The main thing that the government is to do in this situation is to determine how much money is the minimum wage below which dehumanization occurs, and forbid wages below this.

But in doing this, different types of minimum wage must be established, depending on the different conditions of employees.

That is, if the employee is, say, a teenager who is being supported by his parents, *there need not be, and therefore should not be a minimum wage imposed by government for his services*. For him to make a dollar an hour is not dehumanizing, since for him the whole dollar is “discretionary income” or spending-money, not going to necessities. If he considers this too little to work for, then he is free not to work (since he doesn’t need to work to provide the necessities for himself).

The argument that allowing such wages will induce employers to hire teenagers *rather than* adults who need higher wages to live is

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specious, in general. First of all, an inexperienced teenager is not much of an asset to an employer; so there is a motive for not hiring him when more experienced, stable, and loyal help is available, even at a higher wage. Second, the kind of job that employers would tend to hire such people (who tend to be transient) for is one that they simply wouldn't consider at all for the adult minimum wage; that is, they would rather not have it done or do it themselves than pay someone four or five dollars an hour to do it.

Hence, in the name of "fairness" to impose a minimum wage on teenagers, as if anything below this were dehumanizing (a) does not really protect any adults to speak of, and (b) denies the inexperienced teenager sufficient opportunity to get job experience and prove his loyalty and willingness to work, until he is thrown on the job market when he *has* to work to make a living. It is therefore actually unjust to him and makes his life harder than it has to be.

Secondly, the minimum wage must be higher for those who have responsibility for others besides themselves (who have economic dependents).

The reason is that the level where necessity stops and discretionary income begins is higher when you have to provide for the necessities of two, three, or more people.

Note that this has nothing to do with putting a higher minimum wage on men's services than women's (on the grounds that men in general are "breadwinners" and women are either supported by them—and therefore are in the position of teenagers above—or are single—and therefore are in the category of being self-supporting but with no dependents).

This may once have been generally true, and it is the real reason for the historic discrepancy in men's and women's wages. But it is

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not true any more. Many women have dependent children, and must work to support not only themselves but others. In this case, to legislate the same minimum wage for a single, self-supporting woman (or man) and one who has to support a number of others is to dehumanize the one with dependents, or to set the wage so high as to be unjust to the employer (who is forced to pay a wage to single people that “corrects an injustice” that is not there in their case).

The minimum wage for those with dependents depends on how many dependents the person is supporting.

This is obvious based on what was said above, but it goes against the grain of “equal pay for equal work.” It sounds unjust for two reasons: First, it sounds as if the employer has to pay higher wages just because the employee has decided to have ten children, irrespective of the value of his work for the employer (i.e. the buyer-value). This is true, but we are talking of the minimum here; and the employer is free not to hire people whose services are worth (to him) less than he pays them—he doesn’t have to incur a loss just to hire people. It is also the case that the employer has no right to dehumanize anyone just because he values his services at what is in fact in the employees case an inhumanly low wage.

Secondly, it sounds as if a nice way to make a lot of money is to have a lot of kids. There are several things that make this reasoning a fallacy. First, we are talking of the minimum. Even though the father of ten kids is getting, say, eight times as much as the single employee working at the same job (Horrors! you instinctively react), this eight times as much gets him just above the bare minimum for the family’s survival, and so having more kids doesn’t land him in the lap of luxury. The dollars don’t go for caviar, they go for diapers. Secondly, kids cost a lot more than money; they take time, emotions,

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worries, and so on, which higher minimum wages don't begin to compensate. Thirdly, to make it economically difficult for a person to raise kids he already has penalizes the kids more than it does the father and mother, and what did they do to deserve the punishment?

No, having a higher minimum wage for those who support more dependents does not really create an incentive for having lots of dependents; and not having one dehumanizes the dependents, irrespective of the putative "irresponsibility" of the parents in having them.

It is a fairly well established fact that when people get relatively affluent, they tend to have few children; probably because they are in a position to realize that they want to give the children and themselves a decent life, and the way to do this is not to have many of them. But, whatever the reason, treating people like human beings and not just objects to be assessed at their buyer-value does not create problems, it solves them.

Minimum wages must not be so low that both partners in a marriage must work in order to support themselves and their dependents.

Why is this? On the assumption that one of the necessities of life is to have a decent home, then the home has to be taken care of. Further, it is a fact borne out by good evidence as well as common sense, that, rhetoric to the contrary, children need parental care, and day-care centers are a very poor substitute. Day-care centers can only be allowed using the Double Effect, balancing the harm they are apt to do against the harm that would be done by not having the income of the working parent.

This is *not* to say that "woman's place is in the home." Maleness and femaleness have little to do with the question. This simply recog-

nizes that there are certain tasks that must be performed in a marriage (whichever partner does it) and that it is dehumanizing to expect both partners to work and do these tasks also.

If both partners can work and perform the tasks of family maintenance, more power to them. The point here is that the minimum wage for couples must not be such that for practical purposes *all* couples *have* to do this. It must be such that one of the partners can be responsible for the income of everyone in the family, allowing the other to take care of the family without *having* to earn income for it. Traditionally, the “homemaker’s” role has been that of the woman; but there is no reason why in given cases (or even many cases) the woman couldn’t be the “breadwinner” and the man the “homemaker,” if this arrangement is more satisfactory to the couple.

Actually, what has happened in our society is that the drive for “equal pay for equal work” has, in the name of “liberating” women to work, *lowered* the effective pay of men in the direction of equality, so that a man cannot support a family on his own income any more, and *forced* wives and mothers into the workplace; and thus added to the burden of women who are wives and mothers. And in the process, it has created strains on the family because it has produced very strong economic incentives for the family to split apart, leaving women now as the sole support of the children they are generally left with—making their burden even greater, not to mention the harm this causes to the children.

This is a very good instance of how something that sounds superficially reasonable and “fair” can in fact be grossly unjust to the very people it is supposed to be benefiting, and its arbitrary imposition because of the pressure of those who stridently refuse to think can cause social harm far more widespread than could have been imagined—social harm which does not seem to have been caused by the actual cause of it. And the result of this latter blindness is that at-

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tempts to correct the harms leave the cause of them intact and only exacerbate the problem.

12.2.2.2. Wages, Marx, and “surplus value” Another problem Marx has with capitalist society is the wages paid. No matter what the wage level, Marx’s view of economics considers that the employee (the “worker”) is exploited, because profit (which is the essence of capitalist economics) can come only by paying the worker less than the value of his work.

To understand this, you have to know that Marx considers the price of something (what he calls a “commodity”) to be the expression in money of its “exchange value,” and, because of supply and demand, the price tends to fluctuate around the *cost of production* of the commodity in question.

The reason it does so is that, to the extent that the selling-price is above cost, profit is high, and that attracts new businesses into the industry, which increases supply, which forces the price down, until it drops below the cost of production, at which point entrepreneurs (“capitalists”), making a loss, put their money elsewhere, decreasing the supply, until the supply is low enough so that the remaining businesses make a profit and the cycle is repeated.

Also, the cost of anything (its “exchange value”) is, for various reasons, considered to be the amount of generic human labor tied up in making it. (This was a result, partly, of the Lockean notion of property rights based on transforming work, and what Adam Smith did with this. —But this is not the place to go into an economic treatise.)

Thus, the cost of the machinery is the amount of labor it took to make the machines, the overhead is the amount of labor it took to produce and maintain the building, the cost of the materials is the amount of labor it took to get the materials into a form where they

could be worked up by the factory—e.g. how much work went into raising the sheep, shearing them, washing and carding the wool, and weaving it into sheets of cloth for your business to buy so that you can make suits of it.

Now the capitalist hires the laborer in the free market; hence he has no control over what the “market price” of wages at this moment is. The laborer wants as much as he can get, and all the capitalists want to pay as little as possible; and supply and demand reach an equilibrium price, which according to Marx will always be above or below the “exchange value” for laborers to be hired, but will hover around this “value.”

And that “value” is *the amount of labor it takes to produce the laborer as a potential employee*. That is, it is how much work goes into feeding him (so he can live) and training him (so he can do his work). Note that the money-amount of this *has nothing to do* with the amount of labor he might *put into* whatever he is working on, or the money-amount of *his labor* once he gets working. It is pure supply of laborers and demand for laborers that determines the price of labor at any given time; in times of high employment, the few remaining idle laborers will demand and get more; in times of high unemployment, others will be willing to work for bare survival, and so those who want more won’t get hired.

Now then, given that supply and demand determines the price of wages (as Marx asserts), and that, because of this, the price of wages will hover around the minimum it takes to keep workers alive, the reason capitalism works is that the *amount of value the laborer does* is in working day is *greater* than the amount of money he gets in wages.

That is, if a capitalist had to hire a worker at, say, \$50.00 a day, and if that worker, making suits, produced something that brought a return to the company of \$50.00 above the other costs incurred,

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then obviously, that worker has cost just as much as he produced, and there's no reason for hiring him.

If, on the other hand, his wages are \$50.00 a day and he makes enough suits so that as a result of his work there is a \$100.00 return, then it makes sense to hire him; he earns the company \$50.00 a day by working for it. So what's the problem? For Marx, the fact that the suits he makes can be sold for \$100.00 above all costs other than his labor *means that he has put labor worth \$100.00 a day into the suits*. So you can value his *labor* at \$100.00 a day; but he *gets paid* only \$50.00 a day. Why? Because his wages are not the value of his *labor*, but the value of *himself as a commodity on the free market*.

It is this discrepancy between the "exchange value" of the laborer-as-a-commodity and the "exchange value" of the labor-he-does that is *profit*, according to Marx. Or in other words, profit is the surplus-value of the labor the worker performs over and above the labor it takes to create and maintain him.

The worker, then, is just a thing that is bought and sold in the free market, who happens to be something that is productive; and since he is, he will generally (except in times of labor shortage and high labor costs) produce a surplus-value, which goes into the capitalist's pocket.

The nasty thing about this, also, is that, on this analysis, the capitalist *cannot* pay the laborer the value of his labor, even if he wants to. Why? Because if this non-greedy capitalist pays the laborer the full value of his labor, his costs go up (often significantly), and other capitalists in the industry who aren't so altruistic and pay less can undersell him and make a profit—so they do, and he finds he can't sell his suits except at a loss, and he goes out of business. So those capitalists who try to be fair to their workers go out of business.

Hence, says Marx, it is the system itself that dehumanizes the

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worker. As long as workers hire themselves out on the free market, competition will appear (this is true even with unions, but for complex reasons, which we won't go into), forcing down the price for labor to a dehumanizing level, which no one can do anything about.

Therefore, he concludes, the only hope for workers to be able to lead a human life is to get rid of a system which allows people to profit by hiring workers on the free market. Free enterprise is by its nature dehumanizing to the worker.

That's the theory. The more you read about it, the more sensible it sounds.

What's wrong with it? Several things. First of all, it supposes a society in which there is no governmental "safety net" of minimum subsistence supplied by the society itself, so that people don't have to hire themselves out to work in order not to starve to death.

Secondly, it supposes the infinite greed that all economic theories up to this one have supposed as a "natural given." It supposes that people in general will pay as little for labor (or anything else) as they can get away with, and ask for as much for what they sell as they think they can get; and that the cheaper-priced thing will always outsell others of the same class. Neither of these really is true in practice, even though there may be a tendency in this direction.

Thirdly, it supposes that the "exchange value" is a value, rather than a compromise. Hence, the "surplus value" is, supposedly an actual, objective *value* that the laborer has added to the raw materials he has worked on, and that it is measured by the increase in selling-price of the finished goods over the raw materials + overhead.

But this, as I have stressed, is not so. The selling-price is not the "exchange value" of the product; it is a compromise between the *buyer-value* of the product (what buyers on average want to give up for it), and the *seller-value* of the product (cost, including wages + the goals the entrepreneur wants to achieve). One day, the selling

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price of a suit may be \$100.00; the next day, because of changed demand, it may be \$200.00, without any change in the cost of production or the amount of labor put into it. Then what are you going to use to measure the “value” the laborer “added” above his wages? Marx would answer, “the *long-run* selling-price.” But this, according to his theory, is the price at which the entrepreneur begins to lose money and entrepreneurs have to go out of business—or the price at which there is *no* profit—in which case, the laborer has not added *any* long-run “surplus value” at all.

Either that, or the long-run price is the price of a minimal profit (below which people invest in other industries, even though they haven’t actually incurred a loss). But then this equilibrium price (at a profit, say, of 5%) is “unjust” *only* on the theory that the *seller-value* of something (cost + profit) is the “real” value and is the “exchange value” as reflected in the long-run selling price.

But in that case, then the “exchange value” of *labor* on the free market also includes the minimal “profit” to the laborer of a certain amount over and above what it takes to keep him alive, and so bare subsistence isn’t what the wages would hover around.

That is, even on Marx’s suppositions, there are a number of inconsistencies in the theory that make things work out differently from what he predicts. But if in fact there *is no* “exchange value” which has price as its “measure” or “money embodiment,” then there is no “surplus value” either. The worker agrees to work for a given wage, and the price he agrees on is the compromise between his seller-value (necessities + the goals he wants to reach) and the buyer-value (how much the employer is willing to give up for his services). What he does for the employer (if it is a firm) allows the employing firm to perform a service to the consumer, and the price for this service is a compromise between the firm’s seller-value (price paid for overhead, machinery, wages, + the entrepreneur’s goals) and

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what the buyers are willing to give up for what the firm does.

Unless any of these factors in this complex equation lead to forcing a person into inhuman conditions, the fact that the laborer enables the firm to earn more money than it would have without him is not unjust. We will see more of this shortly. There is, however, no one-for-one correspondence between the amount of money the laborer gets paid and the increase in earnings of the firm once he gets into it—if for no other reason than that he becomes part of a team, and so his work as an individual is enhanced by the cooperative nature of the firm he gets into. We have all seen cases of the superstar basketball player who gets into a team and doesn't do as well as the lesser light who cooperates. Hence, "surplus value" is a myth—more plausible, perhaps than "equal pay for equal work," but no less of a myth.

12.3. Employer and authority So the capitalistic system is not in its essence a dehumanizing form of economic activity—or at least, Marx has not proved it to be so. We have yet to examine the employee in the firm, and what this does to the entrepreneur, and what profit means, and so on. But profit does not ipso facto mean "exploitation of the worker"; it does so *only* on Marx's assumptions, which happen to be false.

But let us consider first a couple of the implications in the fact that the employee is under the authority of the employer, whether he is in a firm or is simply working for a private individual.

To the extent that the employee is under the authority of the employer, to that extent he is not responsible for what he does as he works.

That is, if Lord Fotheringay-Phipps hires a gardener and tells him,

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“Here is where I want you to plant my dahlias,” and the gardener says, “Milord, there’s too much shade; they won’t grow,” and Milord says, “Plant ‘em here, damme! Do what I say!” then the gardener (a) has to plant them there, and (b) is not responsible for the fact that they don’t grow.

Hence, if an employer tells an employee to do something and the results are not what is expected, the employer has no right to blame the employee for it.

If he does, it is morally wrong.

However, if the employee has some information which would affect the employer’s orders, and he does not impart that information, then the employee is also responsible for the results.

Thus, in the case above, the gardener is not to blame for the dahlias’ not growing, because he told Lord Fotheringay-Phipps what would happen. If he just silently did what he was told, then the Lord has a right to complain, because he could have said, “Why didn’t you tell me, if you knew they wouldn’t grow here? I can’t be expected to know all a gardener knows!” The Lord is responsible, but the gardener is too, in this case.

Employees are never obliged to do (a) what is immoral, (b) what violates their rights (even if it is not immoral to do the act), or (c) what has nothing to do with the work they were hired to do. It is morally wrong of employers to expect such actions.

For instance, if an employer asks an employee to spy on another company, or to lie, or do anything else that is morally wrong, the employee *must refuse to obey, even if he thinks he will be fired for doing so*. The end never justifies the means, and if the only way you can keep your job is to do something morally wrong, then you keep your job at the price of eternal frustration. It's not worth it.

If the employer asks the employee to do something which is not immoral, but which the employee has a right not to do, the "command" is illegitimate, but since it is not immoral to do the act, the employee can weigh the harm to himself in doing the act and the harm in the likelihood of getting fired, and use the Double Effect in deciding whether to obey or not.

If the employer demands that the employee, say, bring him coffee, when the employee was hired as a gardener, then he may refuse, but again may comply if the Double Effect makes him worse off for refusing.

In general, the employee must inform the employer when any of these three types of demands are made. He must always do so in the first case, and explain briefly that he is refusing to obey because it violates his conscience to obey (it might not violate the employer's, and so the employer has a right to know, and could rescind the order). In the latter two cases, he can use the Double Effect and his knowledge of the employer's character to ascertain whether it would do any good to inform him or whether he would be worse off for doing so.

Note that the employer may *ask* the employee to perform some service outside his job description, *but this must be done only making it clear that he is asking a favor which may be refused with no effect on his employment*. Since the employer has authority and power over the employee, he must be very circumspect in asking favors, because the employee is apt to get the impression that a "favor" asked is actually

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a demand, and carries with it the Official Displeasure if refused.

So when bosses ask their secretaries to bring in coffee, they must tread very carefully, or be sure to put it in the job description that the secretary they want is actually a secretary-waitress.

12.3.1. Expert employees But when the employee is an expert in some field, and is hired for his expertise (that is, his service is connected precisely with his field of expertise, which is not the employer's field of expertise), then the situation changes somewhat.

The supposition here is that the employer wants the expert to work for him, and is not *simply* interested in the *results* of his service. So, for instance, Lord Fotheringay-Phipps might hire an accountant to take care of his finances, rather than send his financial data to an accounting firm for tax purposes. Let us say that Lord Fotheringay-Etc.'s estate is complicated enough so that it needs a full-time accountant to keep track of it.

Now Lord F. can discuss the accounting procedure with the accountant he hires, can expect him to work, say, from nine to five on weekdays, can expect him to use his office and his equipment, and so on (rather than the computer back at Evingstone & Bros., Ltd.); but if the accountant says that sum-of-years'-digits depreciation is the one to use rather than straight-line. Lord F. can ask why, but can't really say, "Damme, I don't understand all of these FIFO and LIFO things; just do it the simple way."

Why? Because then he is substituting his own non-expertise for the expertise of the accountant, which contradicts the reason he hired the accountant in the first place. He is treating the accountant as an *ordinary* employee, over whom he has control in his work, when he wants the accountant's work *because the accountant knows things he doesn't*. Hence, for him to try to control what the accountant does is a contradiction.

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Therefore, employees who are hired for their expertise must be given more freedom in what they do than employees who are hired for their muscle or physical skills.

This is not only a practical matter, but a moral one. The expert cannot do his job as an expert if he has to defer to the way the employer wants it done, when the employer doesn't know what he's talking about. Hence, he is forced to contradict his own expertise in this situation.

But because he *is* an expert, when he does foolish things under orders, it will seem that *he* is the one who is responsible for what was done, since he is, after all, the expert, and it is assumed that one who hires an expert defers to his expertise.

Thus, if the books of Lord F. are a mess because of his orders, who will be blamed? The accountant. Hence, the accountant has a responsibility imputed to him which is not his; and this is unjust.

This, of course, applies only to those matters which fall under the field of expertise of the expert. For the accountant, just because he is educated, to refuse Lord F.'s orders in whether the books are to be leather-bound or paper-bound would be for him to refuse orders just because he is contrary—and this is morally wrong.

For teachers, for instance, to get all worked up about administrative matters in their college, just because they are experts in philosophy or business administration (which is not the same as administration of a college), is for them to step outside their field of expertise, and expect to be "listened to" just because they have Ph.D.'s. The administration has a right to give them orders in many areas involving the coordination of their services; but how they are to teach their classes, and the contents of their courses, are matters the administration should keep hands off. Those are matters in which they are hired for their expertise, not matters of how college funds are to be spent.

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Summary of Chapter 12

An employee is a person who serves under the authority of another person; an employer hires someone to work under his authority. If you engage a firm (entrepreneur) to work for you, you have control over the end results, but not how they are achieved; if you hire an employee, you have control over what he does. But the employer's authority only extends to what is work-related (he cannot command things like dress unless it affects the work somehow). Authority implies that the employer can impose sanctions if not obeyed; but the Double Effect must be used, as in all cases of sanctions.

Marx thought that it was dehumanizing for a person to work for another, because he thought that what made a human being human was work (in the sense of transforming objects in to a useful form); and the employer does not work, and so is not human, and is using the employee as if he were a tool and so dehumanizing him; and the employee gives up to the employer ownership of his essence as human (because the results of his work belong to the employer). But humans are thinkers, not workers, seeing the relation of means and ends; and so if a human gives another authority over some aspect of his life, he is not really "alienating" his humanity (handing it over to someone else).

People who do not have talent as entrepreneurs cannot serve others (and so get beyond bare necessities) unless they work as employees for someone. For these people, work is a necessity, not a value; and like all transactions involving necessities, potential employers must not offer wages so low that employees can just survive on them; this dehumanizes the employee.

Wage contracts, then, are not completely free, when employees must work or starve. Therefore, employers must not take advantage of this necessity. They may not put irrelevant things into job descriptions in the hiring contract, though they may refuse to hire a person for irrelevant reasons—provided they are not part of a conspiracy that prevents a whole class of people from a certain kind of job because of things they have no control over, such as sex or skin color. Government may and sometimes must put a stop to this. Wages must not be excessively low; and so the value of the employee to the employer must not be the sole criterion for setting wages.

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Equal pay for equal work is meaningless. Equal job-description does not mean equal work from the employer's point of view if two workers are not equally productive; or from the employee's point of view if (because of talent) the work is not of the same difficulty or they are giving up different life styles. A given number of dollars is not equal salary if one must spend everything on necessities and the other has half of it left over for pursuing goals. There is no "true price" for wages any more than anything else; and it is morally wrong for government to impose such wages. Jobs of "comparable worth" (involving equal preparation and skills) is an even more meaningless concept.

Government can outlaw wages so low that they dehumanize the employee. Since the level at which covering necessities occurs differs for different people (teen-agers, single people, people with dependents), different minimum wages must be set. The minimum wage must be higher for those who have others dependent on them for support. Minimum wages must not be so low that both partners in a marriage are forced to work to support themselves and their dependents, because this dehumanizes the children.

Marx considers that capitalists make profits because the amount of money they pay as wages is less than the amount of money they get from the work of the worker; hence, the worker is not getting the full value of his work. But first, there is no "real value" for the work, or the product either. Also, employees do not have to take responsibility for what they do, as entrepreneurs do; and this is a service the entrepreneur is performing for them.

Since the employer has authority, the employee who does what he is told is not responsible for what he does (the employer is) unless the orders are to do what exceeds the authority or is morally wrong. If something goes wrong, the employer is to blame. Employees, however, must give information about the matter in hand to the employers; if not, they become responsible for the stupid orders. Employees must not obey orders that are immoral, and should disobey orders that are unjust (that violate their rights) unless the Double Effect applies. Employers may ask employees to do what goes beyond the job description, but must make it clear that they are asking a favor, and nothing will happen if the request is refused.

Experts who are employees are in a special situation. Since they are hired because of their expertise, then they must be given more control over what they do. But their increased control only extends to the area of

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their expertise.

Exercises and questions for discussion

NOTE: These questions are to be answered on moral grounds, not legal ones. We are not interested in what the law is here.

1. May a nurse work in a hospital which performs abortions, if she knows that the hospital is engaged in killing people by this practice? May she assist in an abortion?
2. Can women as a class be paid lower wages than men at the same type of job? If not, why not; and if not in general, would there ever be circumstances in which it could be done?
3. What would be the probable effect of having no minimum wage for teenagers who are being supported by their parents?
4. Can an ex-employee from one firm reveal its secrets to those in his new firm? What if he is specifically asked to do so, and he realizes that this is why he was hired and he will be fired if he does not?
5. What should an employee do if he knows that information he has about some defect in the company is being blocked from getting above his immediate superior to the person who should properly take charge of it; and yet orders are that communication must take place according to the proper channels?

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CHAPTER 13

THE COMPLEX FIRM

13.1. Firm and employee We have spoken of the employee hired by an employer. If the employer is a firm, however, the relation between the employer and employee changes somewhat.

When an entrepreneur hires an employee to work in the firm, the firm becomes a society whose function is to perform the service of the firm.

That is, when the employer is an entrepreneur, he is not simply a consumer who wants someone to work for him; he is in the business of performing a service to consumers; and so his “help” is helping him “help” others for compensation. That is, what he wants is not something that advances *his own* goals, but which allows him *better to serve the consumer*. It is the price he gets from the *consumer* that advances his personal goals as an entrepreneur; and so his hiring someone is related to his own goals *through* what he (as “helped”) is doing for the consumer.

Well yes, perhaps, in the ivory tower of theory. But does this

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make any practical difference? It does, in fact.

The employee in a firm is serving two people: (a) the entrepreneur who has hired him, and (b) the consumer whom the firm is serving.

He is not simply serving the employer, because the employer exists as a servant of the consumer; and hence, indirectly, the employee is serving the consumer through his service to the employer.

It follows from this that the employee in the firm has duties to the consumer, and that orders which are detrimental to the consumer are illegitimate and should not be obeyed.

That is, if the entrepreneur tells him to cut costs and the result is a product that is dangerous or misrepresented to the consumer, the employee cannot hide behind, "He told me to do this, and he's the boss," if the employee knows that the *firm* is engaged in malfeasance or dishonesty. If the damage to the consumer is serious, the employee *must* inform the entrepreneur that the practice is to be stopped, that he will not obey orders, and cannot work for a company that does a disservice to its customers. Otherwise, he is also responsible for the disservice.

It is an evasion of the responsibility the employee has to the consumer if he treats the entrepreneur as a non-entrepreneurial employer, for whom one can do foolish things as long as they are not immoral. He has an obligation not to cooperate in the disservice to the consumer.

The entrepreneur, then, is not "the boss" in the same sense as an employer who is not performing a service to the public, but only for

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himself. What he has done in hiring an employee, whether he likes it or not, is that he has made the firm a *team*, now, whose purpose is *cooperative service of the consumer* under the authority, of course, of the entrepreneur. He is precisely looking for help so that he and his employee can cooperate to serve the consumer.

If he wants a slave, this is one thing; but if he hires someone to work in his firm, this is something else. If he hires someone, he is stuck with the realities of the situation, and can't act consistently with the fact that he has a free human being, not only working *for* him, but working *with* him.

This subtlety is recognized by most small entrepreneurs; it is completely ignored, I think, in economics texts.

13.2. The firm's common goal and common good If, then, the firm is a society of which the entrepreneur and the employee are members, and if this implies that the firm can't be just what the entrepreneur wants it to be, then what are the functions of the firm within which the entrepreneur has freedom to do what he pleases?

Any firm with more than one person in it has three purposes: one dealing with the public, one dealing with the entrepreneur(s), and one dealing with the employees.

The purpose for the public is that the firm is to perform the service consistently with what it claims it to be. The purpose for the entrepreneurs and the employees is the same: that the firm enable each person not only to live a human life, but to pursue human goals.

The firm also has several common goods to be concerned about: (a) the rights of potential employees, (b) the rights of the actual members of the firm, (c) the rights of the

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public the firm is serving, and (d) the rights of the rest of society, insofar as the firm is a member of the society, using the environment and so on.

13.2.1. Potential employees and hiring Based on the fact that people need to serve others in order to be able to pursue human goals, and that most people can't do this as entrepreneurs themselves (especially in modern society), then most people need to work in firms to live a human life. It follows from this that

The firm has an obligation to potential employees in general; it exists (among other purposes) to allow people to work for a living.

That is, in a sense, the firm is performing a service to two "publics": the public that is the consumer of the special service it is rendering, and the "public" which consists of those who need to make a living by working.

Thus, the firm must not neglect, in its allocation of its resources, how many employees it can afford to hire. Once an entrepreneur hires employees, he has some sort of obligation to the employee-pool in general, from which he is receiving the benefit of someone's services. He would be exploiting employees if he just took from the pool as if it were a pool of fish without paying attention to the fact that he has become one of those who enable people, by working, to pursue their goals in life. After all, that is what he wants, and he wants the society of consumers to cooperate by buying what he sells.

This does not mean that the entrepreneur has to put himself out to hire more employees than he can use; it is just that, since firms are the way people find work, firms exist *also* to provide employment; employment is not accidental to the firm as a complex firm. Hence,

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providing employment is a *purpose* of the firm, and not simply an accident on the way to making profit for the entrepreneur—just as service to the consumer is not a pure means to profit, but a purpose of the firm as well.

Hence, how many employees can be hired without hurting the firm must be one of the considerations entrepreneurs must take into account.

13.2.1.1. Employment and the government If people need to work, then they have a right to find jobs available for them. It sounds that the government has a duty here, since it has to see to it that people's rights are not violated.

In general, employment must be generated in the private sector, and by those government jobs that need to be done. Government may only “create jobs” (of unnecessary work for employment's sake) as an absolute last resort.

The reason for this is that a governmentally created job whose purpose is to “give employment” to the unemployed is unjust on several counts. First, to the “employed” in such jobs. They know that the “service” they are doing is no service to anyone but themselves—no one wants it, and it exists just to give them “work.” Hence, they are getting a handout from the government and must do something useless to get it. This is clearly a contradiction. The idea that they are “working” for their pay is a sham; it has all the physical appearance of work, but it lacks the essence of it: service desired by someone else.

Secondly, these “make-work” programs are generally more expensive than simply handing the people the money; and hence they siphon off an unnecessarily large amount from the taxpayers in order

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to give the needy the illusion that they are doing something to “earn” what they have a right to have anyway.

Thirdly, insofar as the pay for these “jobs” is greater than the minimum of avoiding dehumanization, the government is exceeding its authority in providing it.

The government’s function with respect to employment, then, is basically twofold: (1) to let the private sector know that it has as a whole the moral obligation to provide work for the people; and (2) not to get in the way of its providing work by creating conditions unfavorable to employment in the private sector.

If both of these measures still do not provide jobs for those who need work, then the government may create jobs, looking to that type of job-creation which is in fact useful to the public and which will lead most rapidly to a phasing-out of publicly-created jobs and assimilation of these employees into the private sector.

This is obviously a very complicated and difficult thing to do in practice without violating the Principle of Subsidiarity, and takes great wisdom on the part of government.

The point here is not, however, to pretend to solve the practical problems, but merely to show that the government *has* an obligation to the unemployed, but that “make-work” solutions, however “compassionate” they may be superficially, are dehumanizing; but, using the Double Effect, may be resorted to if all else fails.

In this connection, those in government (and everywhere else) must be on the lookout for a moral disease that has infected our country recently: that of “conspicuous benevolence.” The idea of this is that you “capture the moral high ground” by doing what *makes you look “compassionate” and “moral,” whether it actually does any good to the recipient or not.* Thus, certain welfare programs are counterproductive because they create incentives to add to the problems they purport to solve; but attempts to get rid of them are vilified on

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the grounds of “hard-heartedness,” and more and more money is poured into them the more serious the problem has become.

For example, “job training” programs for the poor, which train them for jobs that don’t exist, are pushed by the “compassionate” as if eliminating the programs was an attempt to push the poor back into poverty. Government is full of such programs—and somehow or other, they must be rooted out, so that government can perform its legitimate function.

In any case, let this suffice for general moral guidelines of the obligations of the firm and the government toward providing work for the potential employee.

There is, of course, the further obligation of the firm to hire people at wages that allow the potential employee an opportunity not only to live, but to pursue human goals.

But there is nothing special here beyond the obligation of any employer when hiring someone; and we already treated this question in the preceding chapter.

13.2.2. The firm and actual employees Now then, once the employees are hired, what duties does the firm have toward them?

13.2.2.1. Commitment The first obligation the firm has, since the employee needs to work to live a human life, is, once it has hired an employee, to keep him working for the firm unless it has grounds for dismissing him.

Once an employee has been hired and an initial probationary period has passed, the firm may not arbitrarily fire him; and the longer the employee works for the firm, the stronger the grounds for firing must be.

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Why is this? At the beginning, there is a period where both the employee and the firm are testing each other out, and finding if the employee is suited to the firm, and the firm to the employee.

The employee, however, is more or less committed to the firm because it is not all that easy to get employment. And this becomes truer the longer he works for the firm. He becomes more and more used to this firm's way of doing things, and perhaps less flexible in adapting to a new way of work; and so he becomes that much less useful to other potential employers.

Since this is the case, the firm has an obligation to keep the worker working for it; and this obligation becomes stronger the longer the employee works for the firm. It is not that he has been "loyal to the firm" for so many years, and therefore should be "rewarded" for his "devotion." That sort of thing is so much sentimental slop, often. The point is that he will be less and less able to get work anywhere else insofar as he stays with the one firm; and since one of the duties of the firm is to provide employment, it then has an obligation to this employee not to fire him after years of work now that it has found someone who can do the job better.

That is, employees are not cattle, who can be used and dropped based purely on the benefits to the firm. The firm, in expecting the employee to commit himself to it, also is committing itself to the employee; and the commitment on both sides gets stronger as time passes.

The employee's obligation, by the way, to stay with the firm even if he gets a better offer elsewhere is not as strong as the firm's obligation to him, because it is a lot easier to find another employee than it is to find another job.

Nevertheless, an employee has an obligation not to desert a firm unless he has a good reason for doing so; and it is also true in his case that the longer he stays in it, the stronger has to be his reason for

leaving it—especially if it depends heavily upon him.

Athletic coaches seem to be the ones most obviously in violation of this obligation. They get a team in shape, and it has a winning season, and then some big state university makes them an offer they can't refuse, and poor Hometown U. has to whistle, whatever the contract was. This is not right. No one who has cooperated with others can look solely to his own interests and be consistent with his complete reality.

13.2.2.2. Cooperativeness Assuming, then, that the employees have been hired and that the firm is aware of its duty not to fire them without cause, what other obligations does the firm have toward its employees?

The firm's first duty toward employees in their service is to recognize that the employees are engaged in a cooperative venture with it to serve the public, and to recognize the duty the employees have toward the public as well as toward the firm.

That is, it is inconsistent with the firm for the entrepreneur to act as if the employees were simply working for him and not also working with him. We saw this at the beginning of this chapter, but drew conclusions from the employees' point of view.

As far as the firm (or the authority in the firm) is concerned, this implies several things.

First of all, channels of communication between employees and the authority must be opened, so that the employees can direct to the authority information they have about what the firm can and should be doing for the con-

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sumer, the public at large, and for the employees.

Employees are often in a better position than management to know when something inconsistent with the nature of the firm is going on. If management does not make it clear that it welcomes suggestions and comments, then this source of often vital information will dry up.

But this is more than just a practical matter. Since employees in fact have an obligation to the public the firm serves, the firm must not encourage the attitude that the *only* duty the employees have is toward the firm itself; that the authority will take care of how the firm serves the public and society, and the employees are to keep hands off this matter.

This is apt to make them think that their jobs are threatened if they “blow the whistle” on some disservice the firm is doing; hence, it tempts them to neglect a real obligation they have, and is also likely to get the firm itself into trouble, since top management is not apt to know shady practices at lower levels unless they encourage the idea that “blowing the whistle” is not “ratting” but helping the firm perform its true function.

This does not mean that the firm should be “democratic,” with the employees sharing in the *authority*. Democracy is notoriously inefficient, and the consumer is ill-served by such a form of authority.

No, the authority in the firm is to give the orders, and the employees who are not in authority are to obey; but they still have the right and the obligation to provide *information* to the authority so that the authority can make correct orders; and the authority has the *obligation to listen* to that information and *encourage* it.

Nor must the authority always follow the advice of the employees who provide information (because the authority has information from several sources, and sees a larger picture than the employee).

13.2.2.2. Cooperativeness

But in general, in order not to stifle the flow of information, an employee with a suggestion that is not followed should be briefly informed of the fact, together perhaps with reasons for not taking his advice, and gratitude for his providing it.

Employees, in other words, are not children in a family, to be treated in a “father-knows-best” way, but adults who are full persons and who deserve respect, even though they are under orders. Nor does the fact that they are under orders make them slaves of the authority. The relationship is one of cooperation, not servility or parent-child.

13.2.2.3 Dangers in the work ● Secondly, the firm has the obligation to see to it that there are no unnecessary dangers to the employees in the work they are expected to do.

Does this mean that employees must not be exposed to danger? No, there are many firms that necessarily involve dangers or the service cannot be performed. Here the Double Effect must be used.

In the first place,

An employee must be *willing* to be exposed to a dangerous situation.

This implies that (a) he must be *aware of what the actual danger is*, insofar as the firm knows what it is. Obviously, if a firm has no way of knowing that some chemical, for instance, is toxic, then it has no obligation to tell the employee. However, if it has reason to believe (i.e. evidence) that the chemical *might* be toxic, it has an obligation to make this evidence known, in such a way that the degree of risk is realistically presented to the employee.

This (b) might, however, not mean presenting the evidence as it

13.2.2.3. Dangers in the work

actually exists, because that might be a misrepresentation. For example, there is some risk (to consumers now, but the principle is the same) of cancer in food sweetened with saccharine; but the danger is actually extremely slight. The trouble is that the word “cancer” is fraught with horror, and that mere word can make the danger seem greater than it actually is.

It may be that there is a danger of getting cancer by being exposed to something in the workplace; but this danger is so slight as to be less of a risk to the employee than, say, the danger of being run over if you cross the street. To tell him, then, that there is one chance in ten thousand that you will get cancer from exposure to this chemical is to make him think that the risk is significant when in fact it is negligible (after all, he plays the lottery and thinks that one chance in ten thousand is pretty good odds).

Hence, informing employees of risks has to take into account what is actually communicated, so that they can make realistic choices of whether to work at this job or not.

In the second place,

No employee is to be forced to work at a dangerous task against his better judgment.

That is, he is not to be threatened with being fired if he refuses to do the job, since his job is a necessity. This would be coercion, not legitimate force.

In the third place,

The employee may be offered greater rewards (such as a higher salary) for taking the dangerous work.

To offer an extra reward is not coercion, as we saw; to threaten

greater harm if he refuses is coercion.

The idea here is that the employee, in choosing to work at a dangerous job, has to use the Double Effect. The danger obviously is not of itself bad; it is a *danger* that something bad *will* happen; or in other words, what is bad is in the *effect* of doing the dangerous job. This effect must be independent of the good effects (on both the employee and the public) of the job's being done; the end never justifies the means. The employee obviously doesn't want the harm he is running the risk of, but the good effects; and these have to outweigh for him the good effect of not running the risk. This is why an extra reward may tip the balance for the employee. If the risk is significant, then the good effect must be proportionately great to make the choice reasonable.

Note that the dangers may be *extremely great* if these conditions are fulfilled. As long as the employee knows what he is getting into and does not have to *choose* his own harm, and is not coerced into this situation by some actual or implied threat, then there is nothing wrong with his doing something which might kill him if he loses his concentration for a single instant.

Nevertheless, if there is a danger to a third party (such as a fetus, or perhaps a spouse from contamination), the firm may and sometimes must forbid those who are "willing" to incur that risk from working at the higher-paying job.

The reasoning here goes this way: The higher pay offered for the job is supposed to provide an incentive to induce people to work at it in spite of its danger. This "tempts" them to take the job and (using the Double Effect) incur the risk. But no one may morally put *someone else* at risk when it can be avoided, and hence no one who is in this situation may morally take such a job.

13.2.2.3. Dangers in the work

But in order to avoid *tempting* (with a real temptation, now) such people into this immoral situation, the firm may (and to the extent that the temptation is very strong) must not only warn the potential employees of the risk, but forbid them to accept the job.

Thus, *it was perfectly moral* for the battery company recently which offered high pay for working among lead fumes to exclude women of child-bearing age from taking this type of job. The Supreme Court recently struck down this exclusion as “discrimination against women.” Danger to future children by men was found to be insignificant; but danger to fetuses is not. Hence, there is a *real* difference between men and women in this case which is relevant to the issue. To the charge that a woman can choose whether or not to become pregnant, the answer is that pregnancies are often unintentional, and would not be discovered until significant exposure had occurred. The Supreme Court has put such firms into the moral dilemma of either tempting people to do what it is immoral for them to choose to do, or disobeying the law and ultimately being forced out of business.

Obviously, the government has no right to do this to a firm. Incidentally, since the deformed child can still sue in the future (since *he* didn't willingly cause his injury), and the firm *was* responsible for what happened to him; and it is anyone's guess what the result of such lawsuits twenty years or more from now (with a new possible attitude of the people) will be.

13.2.2.4. Working conditions This leads us to the third duty of the firm to the employee, which is that

The firm has an obligation to make the work reasonably pleasant and comfortable for the employee.

13.2.2.4. Working conditions

That is, the employee is spending part of his human life in the work. To make the environment austere and depressing is to make the work painful in ways that are not connected to it as such. There may be discomforts and pains that are related to the service itself, which cannot be avoided; but there is no reason to add to them when they can be. Garbage collecting can never be made pleasant, by its nature; but there is no reason why working in an office has to be as disagreeable (because of uncomfortable chairs, excessive noise, dirty surroundings, etc.—just because these are cheap).

What I am saying is that it is dehumanizing to force a person into depressing surroundings just because he is working for someone else. If he wants to exist in depressing surroundings, that is one thing; if he has to work, that is something else.

This does not mean that the surroundings have to be palatial; it just means that they must not be such as to be positively repulsive if this is not in the nature of the job itself. The firm has no obligation to pamper the employees; but it has an obligation not to do the opposite.

13.2.3. Unions If the firm is a cooperative association, is it consistent with its nature to have the employees unionized, thereby forming a group to confront management and the entrepreneur?

In the best of all possible worlds, unions would be unnecessary, because the firm would in fact be a cooperative enterprise, and the authority would be concerned with the welfare of the employees, and would listen to their advice. In such a situation, unionizing would be detrimental to the firm, because it would create a confrontational attitude of labor to management, which contradicts cooperation.

Nevertheless, in the real world, it is the entrepreneur and management which have the power, often of something

close to life and death of the employees; and power tends to be abused, even by well-intentioned people. Therefore, the employees have the right to band together to acquire the power to protect themselves.

A union, then, is something which can be permitted because of the Double Effect. It has several bad effects: (1) Unions tend, when they become powerful, to seek their own interests to the detriment of the service of the firm to the public. (2) Unions foster inefficient work, since they hinder the authority from disciplining or firing the recalcitrant worker. (3) Unions almost inevitably make production more costly, since their main function is to control the supply of workers, making higher wage demands possible.

But there is also the good effect of protecting employees from unjustly low wages, poor working conditions, arbitrary firings, and other evils that the firm can impose on unorganized workers, who individually cannot do anything to prevent the injustices. And since the bad effects of the unions are effects, and are in fact not even necessary consequences of employees' organizing, the five rules of the Double Effect are fulfilled.

And since, in practice, the employees are those in the best position to know what injustices exist, the union is probably the best and least socially damaging way to correct them.

Therefore, unions should be permitted by the government.

Not to allow employees to form unions if they want to implies siding with an oppressive management. Why? Because contented workers see no need to unionize. Hence, if the workers want to form a union, this is an indication that something unjust is happening. It

is not an infallible sign, but it is a sign nonetheless.

And using the Principle of Subsidiarity, if the injustice can be corrected by the formation of a union, the government should not take it upon itself to correct the wrong.

The general moral rule with respect to a union's relationship with the authority in a business is that it has a right to exert force to correct injustices, but that it should work toward a cooperative relationship with management.

That is, the union has an *antagonistic* or confrontational relationship with management as the lesser of two evils; the basic relationship with management should be one of cooperation of those under authority with those who give orders; it is only when the authority is *abused* that the relationship becomes one of confrontation.

Further, the union is not to be interested in the "welfare of the workers" to the *detriment* of the other functions of the firm. The firm has an obligation to the public to perform quality service at a reasonable price; and if the union can exert such leverage on management that it can force unreasonably high wages and permit sloppy work, then the union is contradicting itself as a part of the firm.

The union, like all members of the firm, has an obligation to the public the firm serves.

Unions have been historically committed to correcting injustices against workers, and have paid no attention to the firm's duty to the consumer. But as they have gained power, this duty becomes ever more pressing. It is time for unions to work *with* management, and not *against* it.

13.2.3. Unions

Given the nature of employees when confronted with injustices, it can be said that

The “union shop,” forcing all workers to belong to the union, is legitimate and must not be legislated against.

Why is this? Why can't there be “right to work” laws, so that if a person wants to work in a certain plant or industry, he can, without having to belong to the union?

The reason is that if there is an unjust management, then the management is going to try to break the union by hiring people who will not join it, giving them extra benefits and so on until the union in fact has no power; and then the benefits will be withdrawn, and there will be no union. The only practical way to prevent this is to make it impossible for the management to hire non-union employees.

Hence, where there are real injustices, the injustices will not go away unless there is a union shop. “Right to work” laws look nice on paper; but they destroy the workers’ ability to protect themselves.

13.2.3.1. Government’s role Now what function does the government have in this area of firm-employee relations?

- 1. Government may set general minimum standards for working conditions and hazards in the workplace, as well as minimum wages and hiring and retention standards, insofar as abuses occur and can be corrected by regulatory legislation.
- 2. Government may pass laws forbidding management from preventing the formation of unions, defining when strikes are

13.2.3.1. Government's role

allowable and when (because they are detrimental to society) they are not, and in general regulating abuses in either the power of management toward unions and that of unions toward management and the public.

Again, what the actual laws are to be is a difficult matter, and this is not the place to presume to dictate such laws. What is to be kept in mind is the Principle of Subsidiarity, leaving both firms and employees as free as possible, short of violating real rights of each other or the public.

13.3. The entrepreneur in a complex firm I said at the beginning of the chapter that the complex firm changes the nature of the entrepreneur-employee relationship. Now is the time to look at the entrepreneur's role in the complex firm.

The general economic principle here is that the entrepreneur is serving the firm; it is not serving him. Profit, then, becomes the compensation for his service to the firm.

That is, the firm that is a society (i.e. with several members cooperating to serve the public) is now, in a sense, "bigger" than the one who organized it. By hiring other people, the entrepreneur has got himself involved in a cooperative venture, and must also cooperate with the other members (in accordance with his status in the society, of course), so that it is not he, precisely, who serves the public any more, but the firm.

Hence, the entrepreneur, like his employees, now serves the public *through* the firm, or by means of performing his particular entrepreneurial service to the firm; and the firm itself (the society or group) is what performs the service to the public.

13.3. The entrepreneur in a complex firm

This is another indication of why it is a mistake to say that the entrepreneur “owns” the firm. He cannot expect cooperation from the members if they are his slaves. Slaves don’t cooperate; they do what they are told because of a threat.

13.3.1. The single entrepreneur Let us first look at the firm that has only one entrepreneur, and a number of employees (whether this number is small or large).

A single entrepreneur serves the firm in two ways: (a) by investing money in it, so that it can function, and (b) by being the ultimate authority in the firm.

Investing money is a service, because the money represents activities that the entrepreneur could be doing to promote his own goals; but when he has this money tied up in the firm, he has to give up or postpone these goals in order to serve the firm and the public.

Being the authority in a firm is also a service, because the authority has to make the decisions of what the firm is to do, and how the employees are to cooperate toward this common goal; and hence the entrepreneur is responsible for everything that the employees do as members of the firm, and everything that the firm does as such.

Those who haven’t tried exercising authority call this sort of thing “power” and regard it as anything but a service—and of course, in its abuse it is exploitation for personal gain, not a service at all. But not all persons in authority enjoy lording it over others; and they know that if you try to exercise authority responsibly, it is perhaps the most difficult of all services.

But we will assume that we are dealing with moral entrepreneurs (who else would have bothered to read this far?), and will provide guidelines based on the nature of the entrepreneur on how to behave

13.3.1. The single entrepreneur

consistently with the dual role in the firm mentioned above.

- **The profit from the firm's service to the public correctly belongs to the entrepreneur, within limits.**

The reason for this is that without the entrepreneur, the firm would not exist, and hence the service to the public would not be performed by it; but this is not true of any employee in the firm. Secondly, the entrepreneur is responsible for what the firm does, and hence the reward for the firm's service is basically something that is the effect of what the entrepreneur is responsible for. Hence, this effect is the entrepreneur's also.

This can mean that it is in itself legitimate for the entrepreneur to become fabulously wealthy by the operations of the firm, while the employees in it make no more than decent salaries.

As long as the employees are receiving salaries that allow them to supply their needs and pursue reasonable goals, then the money that the firm makes is not really theirs, but the entrepreneur's.

The reason for this is that the employee agrees beforehand with the entrepreneur to work for a certain time for a certain salary. This salary is to be paid him, then, whether the firm makes a profit or not. As an employee, he is insulated from the profit and loss of the firm, short of the firm's bankruptcy; so he is not really a partner of the entrepreneur in the service of the public. He has agreed to cooperate with him and take his orders, but on condition of being paid.

Hence, since he is to be paid even if the firm loses money, he has by that contract given up his right to share in the profits of the firm. Thus, if his wages are decent, he has no complaint against the entre-

13.3.1. The single entrepreneur

preneur who is making huge amounts of money with (partly) the help of his services.

Nevertheless, since the entrepreneur's services are a necessity for the firm, he has the obligation to be sure that neither the firm, the employees, nor the public suffers because he is interested in huge profits.

The *seller-value* of the entrepreneur's service, of course, is what goals of his own the entrepreneur is giving up by investing his money and taking responsibility for the firm and the employees.

This can be considerable. Anyone who goes into business for himself knows that it is not a nine-to-five investment of time; and once there are employees to worry about, things become that much more complex. Many is the entrepreneur who is more wedded to his business than to his wife—and this is a service which deserves compensation.

But the profit can greatly exceed this seller-value; and, other things being equal, there is nothing wrong with this. The point here is that it is not always the case that other things are equal.

An entrepreneur, for instance, who is concerned about profit can allow the equipment in the business to deteriorate, can pay the employees the minimum he can get away with, can cut corners and fleece the public, and so on.

And he can get away with this, so long as the abuses are not blatant, because he is in a very peculiar position in the firm.

As authority in the firm, he has, of course, the responsibility for the allocation of the firm's resources; and so he can allocate it to himself rather than the common good of the firm or the public; and as long as he is clever at this, who can stop him? The employees can complain about the bad state the machinery is in, the public can

13.3.1. The single entrepreneur

grouse about the short life of the product; but if the entrepreneur chooses not to do anything about this, the complaints will produce no results.

Hence, the entrepreneur is acting inconsistently with his role as authority of the firm if he does not consider his profit as secondary to the economic health of the firm and the service the firm performs for the public.

The *firm*, strictly speaking is what is serving the public, and so the profit is the *firm's* compensation for its service.

But the entrepreneur is serving the firm, no longer directly serving the public; and so, as the servant of the firm, he has to decide what to do with the money that is coming in.

But the firm has several needs to fulfill with the money that comes in from its service: (a) it has to maintain and update equipment and the non-human means of performing the service generally; (b) it has to pay decent wages to the employees; (c) it has to provide its service at a reasonable price; and (d) it has to compensate the entrepreneur.

It does not follow, obviously, that from the firm's point of view, (d) deserves top priority; and so the entrepreneur, as the authority in the firm, has to look at things from the firm's point of view, keeping in mind, of course, the seller-value of his own service, so that he does not treat himself unjustly in allocating money to the other areas that need it.

Now if the firm is making enormous profits, so that the employees are doing quite well, the equipment is up-to-date, and the public is receiving a quality product at low cost, and still there is a lot of money left over, then the entrepreneur has no need to feel guilty at becoming enormously wealthy.

13.3.1. The single entrepreneur

However, to the extent that these other needs are not met, then profits (over the seller-value of the entrepreneur's services) diverted to the entrepreneur are an abuse of the entrepreneur's position of authority in the firm, and are morally wrong.

If the firm is providing a necessity to the public, then the entrepreneur must keep consumer costs to a minimum, and therefore seek no more than a decent profit, decent wages for the employees, and no "frills" in the firm itself.

The reason for this should be obvious. Given that the service is a necessity, the consumer is dehumanized without it, and consequently has a right to have it. He has to pay for the service of providing it, of course, or the firm would be his slave; but because of his right, he has a right to pay the *minimum necessary* for a quality service to be offered him. This means that the entrepreneur, who is in authority over the firm, must see to it that costs are kept down as low as is humanly possible, consistent with serving the consumer well (and, of course, with not dehumanizing any of the employees); and therefore, extravagances in profits or fancy equipment and so on cannot be used.

13.3.2. Multiple entrepreneurs Now then, suppose there is more than one person as entrepreneurs of the same firm. Is one of them the "real" authority, or do they divide the responsibility for the firm, or what?

You would think that there are several different arrangements they could make; and in fact there are; but there are things that cannot be avoided based on the nature of entrepreneurship in a complex firm.

When many entrepreneurs join in partnership, they may

divide the authority and the profits among themselves as they see fit, but each partner is fully *responsible* for what goes on in the firm.

That is, partnership does not divide the *responsibility* connected with entrepreneurship; no matter how many partners there are, their responsibility for the firm is *joint*: that is, each one is *fully* responsible.

Hence, if one partner shirks his duties, it is up to the other partners to see that they are fulfilled; if one, for instance, takes the cash and disappears, the fact that he had a share in the firm does not mean that the other partners are absolved from meeting the full obligations of the firm. Hence, if they have to use their own personal assets to do this, they are obliged to do so.

The reason for this is that the entrepreneur is not the “owner” of the firm; he has agreed to *serve* it as the one who acts as investor and as the authority—or the one who acts as responsible for what the firm does. If the firm is to meet its obligations, the fact that one of the other partners has failed simply means that the responsibility devolves upon the others—since the firm *is* capable of serving the public (including its creditors) by means of the service of the remaining entrepreneurs.

We saw earlier that difficulty in serving the public does not free the entrepreneur from doing what he has contracted to do, since the consumer and creditors have contracted for the results, not for the effort connected with producing the results. Thus, when there is a problem, the partners remaining must fulfill the contracts and shoulder the difficulties—if possible, as we saw in discussing bankruptcy earlier.

13.3.2. Multiple entrepreneurs

13.3.2.1. The corporation This assumption of joint responsibility is not always very attractive, especially if you don't know your partner very well; and so there has been devised a way of getting round it: the *limited liability company, or the corporation*.

● **DEFINITION: A corporation is a firm whose entrepreneurs have each a responsibility proportionate to the investment of each in the firm.**

The basic idea here, legally at least, is that the shareholders in a corporation are financially "liable," or responsible (in the sense that they can be forced to pay) only to the extent that they have sunk money into the firm. If the firm has debts, the assets they have put into the firm can be used to pay them; but their personal assets cannot. Hence, if the corporation is mismanaged or suffers reverses, they do not risk everything they own.

To the extent that the firm is a corporation, to that extent the entrepreneur also loses *authority* in it; his service to the firm becomes (as the number of shareholders becomes larger) increasingly just that of investing money in it; and his share of the profits, then, has to be divided (a) among all the other investors, and (b) among those who actually are in authority.

That is, especially in the modern corporation, the notion that shareholders are "part owners" is a complete fiction. First of all, no entrepreneur, as I have so often said, is an owner. Secondly, investors in the stock market invest, not so that they can have anything to do with running the firms they invest, but often in the hope that the price of the stock will rise and they can sell at a gain (so they aren't really even interested in "dividends," which are their shares in the profits). Thirdly, the share which any given investor has in modern firms is so minuscule as to make it laughable to assume that he can

have any say in the firm's policy.

Now of course, not all corporations are this way. In fact, sometimes a single entrepreneur finds it advisable to make himself a corporation, so that if his business fails, his personal assets will remain intact. And there are small corporations that are in effect partnerships, where the shareholders actually do, by some arrangement, control the operations of the business, but choose not to have the legal responsibilities that partnerships entail. There is nothing special about them, morally, that we have not already mentioned.

But in the modern, large corporation, there are several things to note.

First of all, the authority of the firm is actually in the hands of management, not the shareholders.

Stockholders' meetings are part of the fiction of "ownership," as if there were a kind of democracy among all the stockholders, with the will of the majority (i.e. the majority of "shares," now, not the majority of people) exercising authority and responsibility for the firm.

But this is unrealistic, as everyone in top management (and most stockholders) recognizes. Hence, in the modern corporation, the stockholders have given up authority along with the liability that is connected with it.

That is, when something goes wrong in a modern corporation, it is management, not the stockholders, who are to blame—as we can see in the recent Chrysler mess, as well as in other cases. It is also management, not the stockholders, who decide what the policy (even the basic policy, by means of the Board of Directors) of the firm is to be, how resources are to be allocated, and the rest of it.

The implication of this for management is

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Management is serving the *firm* by acting as its authority; its first obligation, therefore, is to the firm, *not to the stockholders*.

That is, management is *not* supposed to be doing the “will” of the stockholders, not even the majority of them; they are not the owners of the corporation, they are other servants of it. The firm has obligations to its investors; but it has other purposes as well—and management’s function is *to see to it that the firm acts consistently with itself, not simply that it makes money for the stockholders*.

Any firm, including a corporation, has several purposes: (a) it serves the public; (b) it provides employment; (c) it generates profit (now to be divided among stockholders); (d) it is a part of society, and (e) it exists in this world, using the things of this world.

All of these purposes have to be fulfilled; and it is management’s task to see to their fulfillment. If it costs money to avoid polluting the environment, and if this means that the stockholders have to forego profits this year to get the anti-pollution devices in place, then, using the Double Effect, management has to decide to permit one evil to correct the other, weighing the danger to the profits of the stockholders (and to the company if they withdraw their money because of poor profits) against the danger to the environment (and to the company if people get up in arms at their polluting the world).

Since it is management that has the authority in the firm, including the authority to allocate resources, it is morally wrong for management to “demand” enormous salaries for themselves.

The reason, of course, is that, if they demand such salaries, they are the ones who have power to accede to or reject the demand; and

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the rest of the firm (including, really, the stockholders) has very little to say about it. Hence, they are in the position of the single entrepreneur, who can let the firm deteriorate unless he makes money. But they have the interesting twist on this that they can even let the investors suffer as long as they themselves are making their millions.

Like the individual entrepreneur in this position, their “responsibility” does not justify a “reward” which takes resources away from the actual purposes of the firm as such. If they are not producing the best possible product at the lowest possible cost (and how could it be lowest if they are making a million a year?), with the best working conditions and good salaries for the employees (including themselves, of course), a decent profit to the stockholders, and socially and environmentally sensitive activity, then they have no right to allocate to themselves funds that could be better spent in meeting these goals.

Once again, we must not let “the market” be a fetish, allowing injustice in the name of “free enterprise.” The fact that top managers get enormous salaries does not justify these salaries, because top management *has control over* its own salaries, and so inordinately high salaries are to be expected if you let “the market” rule, with no check by morality or even common sense.

The seller-value of management’s service is what goals the person has; but since management has control over its salary, *managers may not morally have the goal of becoming the richest in their field*. Prestige is to be sought, not from how much money you can squeeze out of the firm, but from how well you do your job.

This is even truer if the corporation is providing a necessity to the public. Then managers, like doctors *must allocate to themselves only a decent, modest income*, so that the cost of the service to the public may be kept at a minimum.

It is, in other words, possible and even desirable for top manage-

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ment of corporations to be “public-spirited,” and be subservient neither to the putative greed of the stockholders nor to their own greed. Both the stockholders and management deserve a reward for their services; but those who exercise control over the allocation of the firm’s resources need not make this reward disproportionate.

And there are many instances when this is in fact done by managers who are really interested in the firm and how it can serve the public. They do not have to be selfless; but they don’t have to be purely selfish either.

Now then, as to the stockholders, since they do not have the responsibility for the operation of the firm, then they are almost in the position of bondholders: they have put money into the firm, and deserve a return for this service. But since this is now their only service to it, then the return on their investment does not have to be as great as the return for the service of the single entrepreneur or partner.

Hence, profit is legitimately figured in as a “cost” by management, when they decide what is a decent return on investment for the company, given its position in the business world.

Note that the justification of profit by the “risk” the entrepreneur takes is another fiction. It might be that the single entrepreneur or partner takes a risk; but the investor in the modern corporation does not run any more of a risk than an employee in the same company (who might be laid off or have his salary cut if the company is not doing well).

No, the investor deserves a return on his investment because his money is serving the firm, not because he is “risking” it—even if he is risking it. And the amount of return is again a compromise between the seller-value of his investment (what the investor is giving up by not being able to use the money) and the buyer-value (how much the firm needs it).

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And the “market,” in this case the stock market, also establishes its “normal” price, which is subject to all kinds of vagaries which have nothing to do with profitability or desire for investment in a given firm.

The point is that it is legitimate for management to decide what the return to the investors is to be, based on considerations of the various functions of the firm.

Then how is an investor different from a person who holds bonds in the same company? The bond holder has *lent* money to the company, and has made a *contract* with it to be paid back his loan at a certain interest. He is a creditor of the company, not part of it.

The investor, on the other hand, *is* part of the company, even though he is not really a “part-owner.” He is performing a service within it, and therefore he shares in the prosperity—and unfortunately, the adversity also—of the company. He is the one to whom profits belong; and if the company does very well, then he reaps the benefit, while the bond holder just gets back his principal and interest.

13.4. Bureaucracy One of the great evils of the modern world is supposed to be bureaucracy, with its mechanical, inhuman, inexorable operations. Actually, there is nothing wrong with it in itself, though like anything else, it can be abused. In fact, it is in itself the most human way of structuring a large organization, and for practical purposes the only way.

● **DEFINITION:** A *bureaucracy* is an organizational structure such that the most specific commands are dealt with on the lowest level of authority, and as the levels go up, the commands cover broader and broader areas, up to top management, which sets the general policy.

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What this means is that each level of authority has its own area where it can exercise freedom of judgment in commanding the level below it, though it must follow the orders of the level above. The idea is that those on the higher levels do not snoop into what commands lower-level authorities are actually issuing, so long as they get their task done well. Hence, top management actually has nothing to do with day-to-day details of the organization, unless some information comes up that there is mismanagement somewhere down the line, and that it can't be dealt with at lower levels. As long as their policy is being followed, they are supposed to be content.

Thus, the various levels of authority in a bureaucratic organization function almost like entrepreneurs to the level above them: the level above says what it wants, and concerns itself basically with the results, leaving it up to the lower level to figure out how to get the results.

Why is this a human way of doing things? Because it precisely leaves the lower levels with real authority; that is, free to make decisions within the carefully defined sphere of their authority. When the top level of management oversees everything, then those who are supposed to have lower levels of authority actually have none; they are simple slaves of the top management, who are constantly looking over their shoulders and "correcting" them.

Why is it the only practical way of doing things in a large organization? Because top management cannot possibly know all that it would need to know to manage the day-to-day operations of the organization; and so the attempt to supervise everything that is going on would inevitably result in foolish decisions.

Of course, since higher levels of management do not in fact know the details of what is going on below them, this allows for abuse, in that those on lower levels can take advantage of the higher-level ignorance and get the results necessary by underhanded methods.

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For this reason, it is even more imperative in a bureaucracy than in other organizations that there be channels of communication that bypass immediate superiors and have access to higher levels, so that abuses at lower levels can be known and corrective measures taken.

If you can't get to the Vice President in charge of production except through your immediate supervisor, who is abusing his freedom, then it is clear that the Vice President will never know what is going on—even though, as in authority over your supervisor, he is responsible for what he does.

Hence, “whistle-blowing” is to be encouraged here, but with the idea that it is not a question of spying on lower levels, but is the condition for them to be free to act responsibly.

Those in lower levels of authority in a bureaucracy are to act freely within the limits of their authority, and not take orders from higher up as rigid rules which must slavishly be obeyed.

That is, the rules from higher up are guidelines which are supposed to indicate the results desired and the basic method of getting them, *but which are supposed to be modified at the discretion of the lower authority*, as he takes into account the actual situation he finds himself in, including the human reality of those he himself commands.

If this is done, bureaucracy can be flexible and a truly human way of doing business or running the government. I have myself seen this sort of thing in action in, of all places, the United States government, where the bureaucracy turned out to be helpful to me in an odd situation, rather than “sticking to the rules” and ignoring my human

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plight. This attitude of flexibility in the huge structure of the government, in fact, is one of the things that makes America so distinctive, and why our nation works.

13.5. Footnote on macroeconomics Let me end this book with something that could form a book in itself, if we were trying to deal with economics itself, and not its moral dimension: what is called “macroeconomics,” and how the government can affect the economy by its fiscal and monetary policy.

The idea here is that when, for instance, the government taxes people, it draws money out of the economy, and when it borrows money (paying it back with interest), it injects money into the country’s economy; and either one of these operations is multiplied because (for instance) money the government borrows, it pays government employees, who spend it to buy things, and whose recipients use it to buy other things, and so on; and then when the holders of government bonds receive their interest, they spend this extra money, and that gets multiplied—and so the result is that there is more money around. With more money and the same amount of what can be purchased, prices tend to go up. And when government, by not going into debt and mandating high interest rates (by using the Federal Reserve’s “discount rate”), takes money out of the economy, there’s less money to buy things, and—“other things being equal”—prices tend downward.

Obviously, the ramifications of this are quite complicated, as can be seen from the difficulty the government has had in making things go the way it wants by using fiscal and monetary policy; things tend to happen as much because of what people in general think is going to happen as by what the government does that supposedly is going to make them happen.

But the point here is not whether this works or not, still less how

it works and why, but whether the government has any right to be messing with the economy this way. And this can be stated rather briefly, I think.

Tinkering with the economy of the country can be justified only as a last resort to correct injustices that are widespread and for which no other solution seems available.

The reason for this is twofold. First of all, the effects of this tinkering are very large and very unpredictable—and almost impossible to control, once the machinery has been set going. The national debt, which was thought to be a good thing, and was deliberately induced for prosperity's sake, has now grown to such proportions even the liberals are worried and don't know what to do.

Secondly, it is not the government's job to bring prosperity to the nation: that is the job of the private sector.

We saw that a stable currency was one of the government's major functions with respect to money, since otherwise, it can't perform its function. But the macroeconomic activity precisely does things with the general value of money; that is in fact what it is all about: raising or lowering the value of money in general, by increasing or decreasing its supply. But that is unjust either to buyers or sellers, who are getting less (or paying more) than they had a right to expect.

Hence, this sort of thing can possibly be used to correct blatant evils in the economy, when the private sector has got itself into a mess that it can't get out of, either by itself or by legislation that corrects specific injustices. Using the Double Effect, the dangers and injustice to citizens may be less by using a Keynesian remedy than by letting things alone; and so it would then—but only then—be permitted, morally.

It is to be noted that ordinary government activities, such as

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providing help for the needy, regulating industry to correct injustices, and so on, also have a Keynesian effect, because the government needs to raise taxes to do these things, and has to employ people to run its programs, and so forth; and so there will be removals of money from the economy and injections of money into it, and thus there will be effects on the whole economy over and above the specific effect of the programs themselves.

These macroeconomic effects must also be taken into account by government when it does its work, so that it is not inadvertently making things worse by its legitimate activities. Welfare programs must not take so much money that they create an ever-increasing welfare class; and they must not create economic disincentives to work; they must not levy such taxes that those who can pay with the least demand being put on them will put their money into tax shelters instead of productive activity—and on and on.

Obviously, the whole thing is extremely complicated, and I don't envy any governmental official who is trying to do the right thing by the citizens. But the complications are really a matter of what is called "prudential judgment," and are not really something that belongs in an ethics textbook. The general principles that govern the morality of governmental action are fairly clear: the Principle of Subsidiarity and the Principle of Least Demand.

Let this suffice, then, for an overview of the moral dimension of human economic life.

Summary of Chapter 13

If an entrepreneur hires an employee to work for him in his firm, we have a special situation. The entrepreneur is engaged in serving the public; now the employee is serving him in his service of the public. The employee therefore has duties both to the employer and the public served. It is therefore immoral for the employee to obey orders which may be not wrong in themselves, but which lead to a disservice to the consumer (such

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as producing shoddy merchandise).

A firm with employees has three purposes, irrespective of the reason for which the firm was founded: since it serves the public, it has the purpose of performing the service; since it enables the entrepreneur to lead a human life, it has the purpose of providing profit; since it uses employees, it has the purpose of providing work for their livelihood. There are also several common goods (rights to be respected): the rights of potential employees, the rights of the public served, and the rights of the larger society the firm is in.

Since the firm is hiring employees, it has an obligation to provide work for the people. This means that it cannot look solely to what it needs to maximize profit—because without employees, it could not function. Therefore, it is not completely independent of them. Hence, it must take “giving people work” as one of its concerns.

Government should create a climate where the private sector can provide jobs for those who need and want to work; as a last resort, it can itself create jobs for those who cannot find them privately. But this must be a last resort, because it is taxes that must pay these wages, and to the extent that they are “make-work” jobs, they dehumanize those who must do useless work for handout pay.

Once the employee has been hired and found satisfactory, he may not be arbitrarily fired; and the longer he works for the firm, the stronger must be the reasons for firing him. The reason is that he must work, and he becomes less capable of working for other firms the longer he works in a given one. Since work is a necessity for the employee but not the firm, he may leave if he gets a better offer.

The employees are adults cooperating in a society whose purposes are those of the firm; they are not possessions of the entrepreneur; they therefore have the obligation to pursue all the purposes (common goals) of the firm. Channels of communication must be open so that they can give information to those in authority about how the firm and they can best serve the public, about working conditions, etc.

The firm must see to it that there are no unnecessary dangers in the work. Employees must be willing to be exposed to the dangers; this means that they must be informed of them, and not suffer if they refuse to face them; they should be given greater rewards for taking on the dangerous work (so that they can use the Double Effect to offset the danger). But since this lures people toward accepting the work, then the firm may morally forbid people from bringing risks on others, such as fetuses, from

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taking such jobs.

Working conditions must not be any more uncomfortable or unpleasant than necessary. The workers are human beings and have a right to perform their service under human conditions.

Unions in theory, with adversarial relations with management, would be detrimental to a firm; but since employees must work by necessity, employers can take advantage of this, and so employees have the right to band together to protect themselves. This must be permitted by government. But unions cannot advance their own interests at the expense of any of the three purposes of the firm (any more than management can). The “union shop” (where all employees must join the union) is not morally wrong, using the Double Effect, because the union protects the workers from exploitation, and all workers benefit from this.

Government may set minimum standards for working conditions and also minimum wages; it may prevent firms from “breaking” unions; and it may correct abuses of power either on the part of the entrepreneur or unions.

The entrepreneur is now serving the complex firm, and profit is his compensation for his service. He serves the firm (a) by investing his money—which he could be using for his own goals—and (b) by taking responsibility for what the firm as such does. But he does not “own” the firm, because (a) you can’t own a service, and (b) you can’t own people. He has authority, but once he hires people it is now the society called the firm which serves the public, and he becomes a member of it (the one in authority).

If the entrepreneur is one person, then he performs both of the services to the firm above. Profit, therefore, belongs to him; and, supposing the employees to be well paid (more than the minimum) and the service to the public to be well performed, there is no limit to the profit he can make; he has no moral obligation to distribute it to the employees. If, however, the firm is providing a necessity, he must cut prices so that his profit is only decent, and cut costs and leave out unnecessary frills in the firm. In all cases, whether with necessities or values, he must see to it that neither the public nor the employees suffer because of his desire to make profit.

If entrepreneurs join in partnership, they have joint responsibility for the firm, making each fully responsible for it, so that if one absconds, the other takes on all the consequences of what they other has done.

A corporation is a firm in which each entrepreneur has a responsibility

only proportionate to the investment he made. Thus, if the firm goes bankrupt, his personal assets cannot now be used to pay its debts. The entrepreneur in a corporation also has authority only proportional to his investment, and if the number of investors is large, the actual authority is delegated to management, a kind of employee whose role is to carry out the general policy of the firm (determined by vote of the investors). Since management serves the firm, its primary obligation is to the firm as a whole, not the stockholders. Since management holds authority, it is morally wrong to exploit this by paying itself excessive salaries for its service. In a complex firm, profit is figured as a cost of the firm for the services investors have done in investing money in it. Their profits would be proportionately less insofar as their service in merely investing money is less than a single proprietor or partner (who have authority also).

A bureaucracy is an organization in which authority is divided into levels from the more general to the more specific; and the idea is that each level is free (within limits) to do what it wishes to fulfill the goals set for it by the level higher up. This implies that channels of communication must be more open than in other organizations, because abuses can take place at any level, and those beneath one level must have ways to bypass the abusing immediate superiors. Slavish obedience contradicts the essence of bureaucracy; it is supposed that those on lower levels will "use their heads."

The government can affect what the whole economy of the country will do. But since the government's function is simply to see to it that no rights are violated, this tinkering with fiscal and monetary policy must only be done with great discretion and to correct abuses, not "to make life better" for the citizens.

Exercises and questions for discussion

NOTE: These questions are to be answered on moral grounds, not legal ones. We are not interested in what the law is here.

1. Can entrepreneurs test potential employees for drug use on the grounds that if they are hired, they will perform less well if they are drug users? If your answer is that they can't in general, are there ever situations when they can?

2. If a firm hires employees beyond the law of diminishing returns (i.e. the amount of money the employee's work produces is less than what it costs to

employ him), is this morally wrong on the grounds that the stockholders are losing money because of this redundant worker?

3. If dangers to fetuses can occur from certain jobs, doesn't this mean that the firm has to remove these dangers rather than preventing women of child-bearing age from taking the job?

4. Do hospitals have a right to advertise their services? How about on television? What is to be done about the fact that in the hospitals of Cincinnati there are more magnetic resonance imagers than in the whole of Canada?

5. Should investors be pressuring firms to take their business out of South Africa, because of its policy of racial segregation?

Glossary of Technical Terms

A right is *alienable* if it can be given up.

Authority is the position in society (the status) which possesses the right to issue commands for the society and impose sanctions.

An *act* is regarded as *morally bad* if it falls short of our expectations of what it “ought” to be, morally speaking. A *person* is considered *morally bad* if he does not do what we think he “ought” to do, morally speaking.

A person or firm is *bankrupt* if he or it is legally permitted to perform only a fraction of his or its obligations to others.

Behavior is the actions human beings perform, especially those actions which follow from human choices (and therefore which the humans are held “responsible” for).

A *bureaucracy* is an organizational structure such that the most specific commands are dealt with on the lowest level of authority, and as the levels go up, the commands cover broader and broader areas, up to top management, which sets the general policy.

Civil society is the society whose common goal is the common good of the members.

coercion is the use of force in such a way that it violates a right of another person.

A *command* is a statement that something must be done or a sanction will follow.

The *common goal* of a society is the purpose for which the members cooperate as a group. This varies from society to society.

The *common good* is the rights of the members which were not freely given up when joining the society.

Compensation is the value exchanged for the service. *Compensation* is the price of a service insofar as it makes up for losses incurred in performing the service.

Conduct is human behavior in relation to some norm for judging whether that

behavior is “good” or “bad.”

Conscience is the factual information a person has about whether a given act of his is morally right or wrong.

A *clear* conscience means that the person has *no* information that there is anything wrong with the act he is about to perform.

The *consumer* is one of the public.

A person *cooperates* with others when he performs actions expected by the group, and it is irrelevant whether he personally benefits from them or not.

A *corporation* is a firm whose entrepreneurs have each a responsibility proportionate to the investment of each in the firm.

The *cost* of something is what is given up to get it.

absolute dehumanization is forcing a person into a condition in which he cannot do what “practically all” people in *any* culture can do.

relative dehumanization is forcing a person into a condition in which he cannot do what “practically all” humans *in his culture* can do.

Disvalues are what *lead one away* from a goal he has chosen.

An *employee* is a person who puts his service under the authority of someone else.

An *employer* is a person who hires a person to work under his authority.

Enjoyment is doing something that is emotionally satisfying.

An *entrepreneur* is a person who offers a service or product to the public.

Essential properties are those aspects of ourselves (those acts we perform) which are the minimum necessary for being human at all.

One act or property is *more essential* than another if there is greater dehumanization in not having it.

Exploitation is gaining from the necessities of others.

A *firm* or *business* is a social entity which offers a service or product to the public.

Frustration is having as a goal something that cannot be achieved.

Goals are those aspects of ourselves (acts we perform) which we *freely choose* as distinctively “ours.”

An *act* is regarded as *morally good* if it is the kind of act we think a person “ought” to do as a human being; a *person* is considered *morally good* if he does what we think a human being “ought” to do.

Government is the authority of civil society.

A person is *guilty* when he has *chosen* to do what is wrong or illegal.

A person is *legally guilty* when he is *legally responsible* for an act *violating a*

law.

A person is *morally guilty* when he has *chosen* to do what he knows or suspects is a *morally wrong act*.

Happiness is the knowledge that you have achieved success.

A *choice* is *immoral* if a person chooses to do what he has reason to believe is morally wrong.

Importance is the ranking of *freely chosen goals*.

A right is *absolutely inalienable* if it cannot be given up.

A right is *relatively inalienable* if it can be given up, but cannot be taken away by government (i.e. civil society).

An action is *just* if it is suited to the reality of the person it affects.

Commutative justice is justice which suits the action to the self-determining nature of the person: his rights.

Distributive justice is justice which suits the action to the cooperative nature of a person in society.

Retributive justice is justice which suits the action of punishment to the nature of the violator of the law.

A *law* is a command that applies to many people.

Leadership is the trait of character a *person* has by which he can persuade others that they should do what he thinks is best.

Malfeasance is performing the agreed service badly.

Misfeasance is doing something other than what was agreed on.

Money is a socially defined “common denominator” for transactions, so that all persons can measure costs and values in terms of the same thing.

A *choice* is *moral* if a person chooses to do what he knows is morally right.

The *nature* of a being is its reality as related to (or revealed in) its actions.

Necessities are the *means* to being able to exercise (or have) essential properties.

One *necessity* is *greater* than another when the harm in not having it is greater than the harm in not having the other.

Nonfeasance is not performing the service agreed on. A *norm* is a standard against which something can be judged.

A *person* is a self-determining being whose self-determination can be interfered with by other persons’ self-determining acts.

The *price* of something is what is exchanged for that something.

The *Principle of Least Demand* states that the government’s action in protecting citizens’ rights must be the one that makes the least demand on the least

number of citizens.

The *Principle of Subsidiarity* is the principle on which civil society is to function: In supplying the human needs of the citizens, it must not do more than what in practice the citizens cannot do for themselves (either alone or by forming voluntary groups).

Production is the transformation of objects into a form that has a greater value for someone.

Profit is the price of a service insofar as it is greater than merely making up for losses incurred in performing it.

Psychological or emotional problems occur when a person, because of emotions or habits, is *out of control*.

The *public* is the set of those people who might find the service or product of value to them.

A person is *legally responsible* for an act that *a normal person* would have been morally responsible for.

Responsibility is the attribution of an act (and its consequences) to the person whose *choice* could have made it different from what it was. It is also called *accountability*.

A person is *morally responsible* for an act and its consequences if (a) he understood what it was he was doing and foresaw the consequences, and (b) that he could *morally* have chosen to prevent it.

A person is *physically responsible* for *any* act that he could have chosen to prevent (whether the choice would have been moral or not, and whether he understood what he was choosing or not).

A *right* is a moral power to do something.

An act is *morally right* if it is *consistent* with *all aspects* of the person who is acting.

A *sanction* is punishment threatened for doing (or avoiding) some act, with the purpose of motivating the person to perform (or avoid) it.

A *Service* is an action of value or necessity to another person, performed in exchange for a value or necessity.

Success is doing all the things you have chosen to do.

The *title* to a right is the aspect of the person's reality which would be contradicted by the violation of the right.

Totalitarianism is the theory of society that says that individuals exist for the good of society, and have no rights except insofar as they fit into the society.

A *transaction* is an exchange of values or necessities.

Utilitarianism is the ethical theory that says that the moral good is the greatest happiness for the greatest number of people.

Values are *means* toward freely-chosen goals.

Something is *more valuable* than something else if it leads to a more important goal.

The *buyer-value* of an object or service is its value from the point of view of the one who receives it.

The *seller-value* of an object or service is its value from the point of view of the one who gives or performs it.

A *vice* is a bad habit.

A *virtue* is a good habit.

A *moral virtue or vice* is a habit of doing something morally right or wrong.

The *cardinal virtues* are the four moral virtues on which all others “hinge,” all of which are present in any moral virtue. They are *common sense* (“prudence”), *honesty* (“justice”), *courage* (“fortitude”) and *moderation* (“temperance”).

The *Theological virtues* of faith, hope, and charity are habits that are given to us by God because of the new life he gives us. They cannot be acquired by repetition, but can be strengthened by practice.

An act is *morally wrong* if it in fact *contradicts any aspect* of the person who is acting.