

On the nature of moral principles

C.L. SHENG

Tamkang University, Taipei, Taiwan, Republic of China

1. Introduction

In this essay I discuss several aspects of the nature of moral principles. Any moral theory involves moral principles, virtues, duties, or moral rules. These terms represent distinct concepts and need to be distinguished. A moral principle expresses a general moral judgment or prescription in the form of a statement or proposition. A virtue does so in the form of a word or phrase instead of a statement or proposition. Therefore it may be considered a condensed form of moral principle. A peculiar feature of virtues is that most virtues deal with traits of character rather than conduct. A moral rule, like a moral principle, is a statement or proposition, but is usually more definite and specific than a moral principle. That is, it is “small” in coverage. Moreover, moral rules mostly deal with conduct rather than traits of character. Thus, moral principles, virtues, and moral rules are similar in that each principle, virtue, or rule expresses a moral judgment or prescription. For the sake of convenience, I shall sometimes use “moral principles” as a generic term to cover all moral principles, virtues, duties, and moral rules. The title of this essay refers to all these terms.

In Section 2, I investigate the distinction between moral principle and moral rule, arguing that the main difference lies in the coverage, which, however, is never clear-cut.

In Section 3, I discuss the concept of a comprehensive set of moral principles, that is, a moral code or a set of moral principles covering all moral situations. Because of the coverage of moral principles, a comprehensive set is not unique in the sense that one set may be replaced by another equivalent set. So these sets may consist of different numbers of elements, and the smallest set may consist of a single element. As a utilitarian, I believe in monism and hold that a valid set of a single principle exists, namely, the principle of utility, as the unique ultimate principle, in that the principle of utility is applicable to all moral situations.

In Section 4, I explain diverse forms of systems and call a comprehensive set of moral principles a general moral system, because a comprehensive set of moral principles is a logic system in form or structure.

In Section 5, I discuss the principle of universalization and show that it is covered by the principle of equality and, hence, is a moral principle, because the content of the principle of universalization is equivalent to that of the equality of treatment.

In Section 6, I claim that principles may be of different natures such that two different principles cannot be compared. This nature is the role or function of the principle. Then I classify moral principles according to role or function into substance principle, criterion principle, and measure principle.

In Section 7, I discuss moral conflicts and their relationship with the strictness of moral principles. I explain the terms "contradiction," "inconsistency," "moral conflict," "moral disagreement," and "moral dilemma." Since logical contradiction is not permitted, "coherence" is a necessary condition for the validity of a comprehensive set of moral principles. Every moral conflict has to be resolved in one way or another. I show that strict moral rules will inevitably lead to some logical contradictions, and, therefore, they have to be avoided. I also point out that the inclusion of a proviso in the form of a complete list of exceptional cases to every moral rule is impractical. Therefore, the only practical solution left is to adopt non-strict principles or rules, thus conforming to the flexible nature of morality.¹

2. Moral principles vs. moral rules

There are several kinds of moral principles: the ultimate principles, moral principles, duties, and moral rules. The term "moral principles" is sometimes used to represent all moral principles, virtues, duties, and moral rules. However, generally recognized is a distinction between "principle" and "rule," although this distinction is not clear-cut. I shall now clarify this distinction. According to Ronald Dworkin, "Rules are applicable in an all-or-nothing fashion,"² whereas principles are not. This means that rules are strict, clear-cut, and specific, so that no exceptions occur. Principles, on the other hand, are hypothetical, subject to conditions, and hence are more general and more likely to have exceptions. As far as I see, this is not the most basic distinction. First, Dworkin is looking more from a legal point of view than from a moral point of view. Second, the generality of principles is not the ultimate explanation. Generality is with respect to the coverage of principles, and "coverage" in the real essence of the ultimate explanation,

because a large coverage naturally is more likely to have exceptional cases. (In general, a moral rule or duty has a small and specific coverage, and a moral principle or virtue has a larger and more general coverage.) Third, the “all-or-nothing fashion” is not necessarily a clear-cut feature of rules, because rules can have exceptions too. For instance, “One ought not to tell a lie” is clear-cut, and should be classified as a rule, but a white lie or benevolent lie may still be considered an exception by some persons. This is because the term “lie” is defined according to form, while moral judgment is based not only on form, but also on substance or content. Dworkin points out another difference between rules and principles: “Principles have a dimension that rules do not – the dimension of weight or importance.”³ This weight or importance obviously stems from content. But then this weight or importance lies in the concrete thing referred to by the principle, not in the abstract form of the principle. Moreover, the thing referred to by a rule also has a weight or importance. For instance, a lie can be “big” or “small.”

My view is that coverage is the main distinction between moral principles and rules. Since coverage is a continuous spectrum rather than a discrete characterization, the demarcation between a moral rule and a moral principle is not clear-cut. For instance, consider the following four prescriptions: (1) “One ought not to stab another person to the heart.” (2) “One ought not to kill another person.” (3) “One ought not to do any bodily harm to another person.” (4) “One ought not to do any harm to another person.” They are in an ascending order of size of coverage, because stabbing a person to the heart is but one possible way of killing, killing is a kind of bodily harm, and a bodily harm is a kind of harm, which may be bodily, spiritual, or financial. To say which of the four statements are principles and which are rules is difficult. Perhaps (1) and (2) are called rules, (4) is called a principle, and (3) may be regarded either as a principle or as a rule.

3. A comprehensive set of moral principles

An ethical theory explains and justifies morality. In addition to this, it has to be applied to moral situations, that is, to give moral prescriptions to agents in moral decision-making. To be able to give prescriptions, there must be moral principles. (As mentioned above, here “moral principles” refer to all moral principles, virtues, duties, and moral rules.) A set of moral principles is said to be comprehensive if it covers all moral judgments, or it can be applied to all moral situations. That is, the moral principles are full and complete. However, a moral situation may be related to two or more principles. In that case, the prescriptions of these moral principles may be

different or contradictory to one another, thus causing moral conflicts. As I discuss in detail in Section 6, to have some uncovered situations is preferable to have conflicts, because these uncovered situations may be interpreted to be non-moral and left to the decision of the agent without prescription, whereas moral conflicts, not properly resolved, may undermine an ethical theory. Even with uncovered situations, the set of principles may still be considered a comprehensive set.

Note that a comprehensive set of moral principles is not unique, because principles have different coverages, and the set may consist of a large number of principles having small coverages or of a small number of principles having large coverages.

The coverage of a moral principle entails two other characteristics, namely, definiteness and applicability. In general, the greater the coverage is, the less the definiteness and applicability will be. One main objective of establishing an ethical theory is the explanation of all moral phenomena by the ultimate principle or principles and the justification for the ultimate principle. Another important objective is the application of the theory to serve as a comprehensive guide to human moral conduct. For such an objective, principles of smaller coverage are preferable to those of larger coverage, because those of smaller coverage are more applicable. This is perhaps why a large number of moral rules have been established in addition to moral principles and virtues. However, the more applicable a principle is, the more definite it will be. This definiteness entails the possibility of contradiction, because a moral proposition is quite often a value judgment, which is not necessarily a hundred percent true or false.

Thus, in a comprehensive set of moral principles, the smaller the number of principles is and the larger the coverage of each principle is, the less probable will be the occurrence of contradiction but the smaller the applicability of the system. As mentioned above, contradiction is not permitted in a moral code or a set of moral principles. Therefore, we can more easily establish a set with a smaller number of principles than with a larger number of principles. This is perhaps why, while Richard B. Brandt developed an ideal moral-code rule-utilitarian theory, he did not list all the moral rules in the code.⁴ This reason may also account for the number of virtues in a cardinal set being usually small, mostly kept in the range from three to eight.

An interesting question arises: "Is it possible to have a single ultimate principle to cover all situations?" This is a controversial issue and opinions vary. Monism holds to a single ultimate principle, while pluralism holds to two or more independent ultimate principles in parallel. Most ethical theories are unprincipled. For instance, utilitarianism has the principle of utility as the unique ultimate principle, while many deontological theories

have the principle of justice as the ultimate principle. There are exceptions. For instance, William Frankena's theory of obligation has two ultimate principles in parallel, namely, the principle of justice and the principle of beneficence.⁵ Marcus G. Singer holds, "A unprincipled theory, then, though monistic and satisfying the requirements of Gewirthian consistency, cannot satisfy the requirement of moral or practical consistency."⁶ Renford Bambrough is also against monism, when he writes, "My own belief is that a supreme principle of morality is neither necessary nor possible."⁷

In utilitarianism, D.G. Brown has shown that "One ought not to do harm to others" is a necessary and sufficient condition for being right.⁸ The statement, "One ought not to do harm to others," is certainly a general principle. However, it covers negative duties but does not cover many positive duties and benevolent or virtuous actions. Therefore, it is insufficient and should more appropriately be considered a constraint rather than an ultimate principle.

I, as a utilitarian, believe in monism and maintain that the principle of utility is the unique ultimate principle. This principle of utility, if interpreted correctly and appropriately, should be applicable to every situation. In Section 6, I explain why the principle of utility only, but not other principles, such as the principle of justice or the principle of universalization, is valid as the unique ultimate principle of a unprincipled ethical theory.

4. A view of a general moral system

The concept of a comprehensive set of moral principles entails the concept of a general moral system. The intensive study of general systems theory in recent years has extended its applications to almost every field: the physical sciences, the life sciences, the social sciences, and even the humanities. Previously I have discussed the potentiality of the application of general systems theory to moral philosophy.⁹ I feel that it is appropriate to call a comprehensive set of moral principles a general moral system.

A system, in the most general terms, is a set of elements or components with relationships among them so that the set can be studied as an organized unit. Naturally we can have systems of various forms, sizes, and natures, depending upon the purpose of study.

One popularly-studied kind of system consists of any part of the universe that can be isolated from the rest of the universe or environment except for a number of inputs, which are the system from the environment, and a number of outputs, which are exhibited by the system and applied to the environment. Most physical systems belong to this category. In such a

system, what we are interested in is usually the dynamic performance, namely, the response or output of the system, as a function of time, to some applied excitation or input. This kind of system is dynamic in nature because the input and output are all functions of time.

Another kind of system consists of a set of elements, several well-defined operations, and a set of axioms or postulates defining the relationships among the elements. An operation applied to one or more elements will result in an element of the set. Most mathematical systems, especially algebraic systems, such as number systems, systems of sets, systems of vectors, logic systems, etc., belong to this category. In this kind of system, what we are interested in is the logical relationships among the elements after the application of some operation. This kind of system is "static" and "abstract" in nature, in the sense that the relationships are not a function of real time.

The difference between the "static" system and the "dynamic" system may readily be illustrated by simple examples. When we apply voltage to an electric circuit, current will flow in the circuit. This is a "dynamic" physical system in the sense of real time. On the contrary, if $a > b$ and $b > c$, then $a > c$. This is some relationship in a "static" algebraic system.

Next I describe what a moral system is. I regard any system related to morality as a moral system. Thus, numerous moral systems exist. For instance, a person, so far as morality is concerned, is a moral system. A moral situation, some knowledge on morality, and feelings are the inputs to this moral system, and a general attitude toward or belief in morality is a mental output. In a particular moral situation, an agent, after a "mental digestion," makes a decision for, and actually takes, a moral action, which may be considered a physical output.

By a general moral system, I mean a comprehensive and complete moral system of moral principles, which form a moral code, can serve as a guide to human conduct, and is applicable to every moral situation. In form it is a logic system, because each element is a proposition or statement, which is supposed to have a truth value of either "true" or "false." The operations between elements are all logical operations, namely, disjunction, conjunction, negation, etc.

In a logic system, if the propositions are facts or scientific statements, which are either one hundred percent true or one hundred percent false, then no contradictions or inconsistencies will occur, and the logic system will remain coherent. In a general moral system, however, each element is either a proposition of fact or a moral value judgment. A fact is either true or false, but a moral value judgment is not necessarily so. As I developed elsewhere, values and moral judgments are subjective and statistical in nature.¹⁰ An "objective" moral judgment is but the average of the moral

judgments of all members of society. It is called “objective” because these moral judgments are close to one another, or the probability distribution of them is quite clustered so that a norm may be taken as a representative one. Therefore I call it “pseudo-objective.” However, a pseudo-objective moral judgment is still not necessarily one hundred percent true or false. Therefore, even if a general moral norm or standard exists, minor disagreements may still exist regarding some particular situations. Moreover, to each moral principle or rule, some exceptions may exist. Thus, if each proposition is assumed or interpreted to be one hundred percent true or false, then, after a sequence of logical operations of some propositions, contradictions or inconsistencies may appear, which are not permitted to appear in a general moral system.

Any ethical theory has two main functions. One function is to find an ultimate principle for morality and to present a justification for this principle. Another function is to establish a general moral system, which may be in the form of a set of cardinal virtues, a set of *prima facie* duties,¹¹ an ideal moral code,¹² etc.

5. The principle of universalization

Another well-accepted basic general principle is the principle of universalization (or universalizability, universality). William Frankena doubts if it is a moral principle,¹³ but I maintain that it is a moral principle, because it is covered by the principle of equality, which is in turn a part of the principle of justice.

The principle of equality is a criterion for comparison in the case of distribution or for the resolution of conflict of interests among two or more members of society. In the simplest case, it is a criterion for the distribution of benefits and burdens. As is well known, some primary social goods, such as freedom and public facilities, are enjoyed or shared by all members of society, but not distributed. Except for income or wealth, most distributed primary social goods are distributed according to the criterion of equality.

The simple concept of equality of distribution is extended to two more delicate and sophisticated concepts – equality of treatment and equality of consideration of interest (or equal consideration of interest). It is beyond the scope of this essay to give a detailed explanation of these two terms and to distinguish between them. The principle of equality of treatment roughly means that, if in a situation a person A is treated in one way, then in a similar situation another person B should be treated in a similar way. For the sake of simplicity, the concept of equality of consideration of interest may be regarded as covered by the concept of equality of treatment. So we

need not distinguish between these two terms. In the case of such a conflict in a distribution problem, the concept of equality of treatment serves as a simple, though not necessarily unique, criterion.

The principle of universalization means that, if a moral principle, rule, or prescription is applicable to agent A, then it is also applicable to any other agent B, provided that B is in a situation similar to A so far as morally relevant conditions are concerned. Thus, the principle of universalization is fully covered by the principle of equality of treatment. The principle of equality has to be filled with the substance of equality, to answer the question "Equality of what?". Without specifying the content referred to by the principle of equality, the principle is only an empty form. This is perhaps the reason why Frankena doubts its being a moral principle. However, I have pointed out that the principle of universalization has, or implies having, a content, and the content of this principle is "treatment" or "consideration of interest." Therefore, the principle of universalization, as a part of the principle of equality, is a moral principle and may be regarded as a sub-principle of the principle of justice.

6. Substance principle, criterion principle, and measure principle

The discussion of the principle of universalization and the conclusion that it is a part of the principle of equality entail another question regarding the nature of moral principles: "Whether or not moral principles have various natures such that principles of different natures cannot be compared or be arranged in a precedence order."

Closely related to the concept of equality is another valuable concept, namely, liberty. Liberty and equality are two basic concepts in modern democratic thought. They are usually put side by side, and sometimes they are compared for relative value. Libertarians usually place liberty above equality. For instance, John Rawls's theory of justice is built on two basic principles.¹⁴ The first principle is essentially a principle of liberty, while his second principle is a principle of equality plus a conception of conditional inequality (namely, the difference principle). Rawls arranges the two principles in a precedence order, with the principle of liberty considered much more important than the principle of equality.¹⁵

I do not intend to comment on Rawls's principles here, but I want to point out that liberty and equality cannot be compared and arranged in a precedence order, because they are of two different natures. Liberty is a collective term referring to some spiritual primary social goods which people need, want, like, or desire, whereas equality is not an item of social goods in itself, but is a criterion for distribution or comparison. Where there

is no other goods for distribution or no treatment or consideration of interest for comparison, there is no concept of equality. We may have an absolute need or want for some goods not relative to others or for comparison. In that case the concept of equality will not appear or apply. The criterion of equality may even be applied to the distribution or comparison of liberty.

Thus, the principle of liberty or freedom and the principle of equality are of two different natures and cannot be compared. The principle of liberty I shall call a substance principle, because freedom is a social good which we need. For instance, freedom of subsistence, freedom of speech, freedom of press, freedom of assembly, are all needed by a person living in a modern civilized society. On the other hand, I shall call the principle of equality a criterion principle, because *equality* is a criterion for comparison or distribution. Some social goods are distributed among or shared by the people based on the principle of equality. Some other goods, however, cannot be distributed or shared equally, but should be distributed or shared equitably according to a fair pattern. The most important good in this category is income or anything in lieu of income. I have developed a utilitarian theory of distributive justice, into which I incorporate the desert theory by using *contribution* as a pattern according to which earned income should be distributed.¹⁶ If some social goods are to be distributed not equally, but equitably, I call this concept a principle of equity. Since equality and equity themselves are not social goods but instead criteria for comparison or distribution, I call the principle of equality and the principle of equity criterion principles.

Then, what is the function of the principle of utility, which I claim to be the unique candidate for the principle of a uniprincipled comprehensive set? I call it a measure principle, because utility is a universal measure of all good things for human beings.

This nature which sharply distinguishes principles is in fact the role or function of the principle. Thus, for the convenience of my argumentation here, moral principles may be classified according to role or function into three classes as (1) substance principle, (2) criterion principle, and (3) measure principle. Relationships exist among these three kinds of principles.

Many goods, natural or social, material or spiritual, are needed or wanted by human beings. Moral principles are for the protection of members of society for gaining or not losing these goods. From the point of view of one being protected, or one being a recipient of a moral action by others, we define something called natural or basic human rights. From the point of view of an agent who takes a moral action, we define something called duties, moral principles, virtues, or moral rules. The principles specifying the goods are called substance principles. To compare the needs or deserts

of two or more people, or to distribute goods to two or more people, a criterion principle is needed, which is either the principle of equality or the principle of equity. To measure or to determine the weight or utility of these goods and to make the right choice or prescription among several alternatives having utilities, a measure principle is needed, which is uniquely the principle of utility.

New questions arise regarding the validity of an ultimate principle as the unique principle of a unprincipled ethical theory. "Is the principle of justice, as a single ultimate substance principle, valid as the unique principle of a unprincipled ethical theory?" "Are the principle of equality and the principle of equity together, as a combined criterion principle, valid as the unique principle of a unprincipled ethical theory?"

As to the principle of justice as a substance principle, justice may be interpreted to represent all virtues or morally good things advocated by all moral principles. In this sense it seems valid as a unique ultimate principle. However, this principle is trivial in that it does not tell what justice precisely means or consists of.

As to combining the principles of equality and equity together as a criterion principle, it does give a criterion for every situation of comparison and, hence, seems to be valid as a unique ultimate principle too. However, two weaknesses beset this principle. First, to determine whether or not the principle of equality or the principle of equity is satisfied, we must have things to be compared and the things compared must be measured and expressed in terms of something, and here this "something" is missing. Second, it is not stated where the principle of equality should be applied and where the principle of equity should be applied. Therefore, as the unique ultimate principle, this criterion principle is also empty.

Only the principle of utility as a measure principle is left to be considered. Is it valid as a unique ultimate principle in a unprincipled ethical theory? According to my unified utilitarian theory, since utility is a universal measure of every thing that has utility for human beings, this principle is applicable to every situation, no matter what substances may be compared. Therefore, we may say that the principle of utility covers the principle of justice.

We may raise another question: "Does the principle of utility cover the principle of equality and the principle of equity combined as a criterion principle?" As far as I see, the difficult part of the principle of equality is the equality of treatment. Let us consider two similar situations, A and B. In situation A are several alternative choices, A1, A2, ..., An. In situation B are the same number of alternative choices, B1, B2, ... Bn. Moreover, B1 is similar to A1, B2 is similar to A2, etc. According to the principle of universalization, if in situation A, A1 is the right choice or prescription,

then in a similar situation B, B1 should be the right choice or prescription.

Now, because of the similarity between situations A and B, the utilities of alternatives B1, B2, ... Bn will be equal to the utilities of alternatives A1, A2, ... An if the two situations are exactly the same and of the same scale, or the utilities of B1, B2, ... Bn will be proportional to the utilities of A1, A2, ... An, if the two situations are similar but of different scales. If in situation A, A1 is the right choice or prescription, then it implies that A1 has the greatest utility among all the alternatives. By proportionality, in situation B, B1 will have be the right choice or prescription. Thus, the principle of utility entails or implies the principle of equality of treatment.

The principle of equity is applicable only in situations of distribution. The explanation would be too complicated to be included in this essay, although elsewhere I have presented a utilitarian theory of distributive justice, in which I show that, by using an appropriate social welfare function, the principle of utility can be applicable to social or public actions of distribution, because the problem of optimizing distribution is incorporated into the problem of maximizing social utility, or the magnitude of social utility also indicates the quality of distribution.¹⁷ Therefore, the principle of utility entails or implies the principle of equity.

Thus, among the substance principle of justice, the criterion principle of equality and equity combined, and the measure principle of utility, only the measure principle of utility is valid as the unique ultimate principle of a unprincipled ethical theory.

7. Moral conflicts and the strictness of moral principles or rules

Lansing Pollock has shown that four essential criteria exist for evaluating moral theories.¹⁸ As I understand them, these criteria are roughly equivalent to the necessary conditions for the validity of a general moral system. Among these criteria I think *coherence* is a key requirement that has to be satisfied because coherence means that no contradiction exists or that all conflicts can be satisfactorily resolved. In other words, any contradiction or unresolved conflict, even if it does not invalidate an ethical theory entirely, will at least be a fatal weakness of theory and arouse a serious objection to it. A crucial point is that every contradiction originates from the nature of the statements of one or more moral principles or rules, namely, whether the principles or rules are strict or non-strict, because non-strict rules are flexible, permit exceptions, and leave room for resolving conflicts, whereas strict rules are not flexible and leave no room for resolving conflicts.

I now discuss the general nature of contradictions and moral conflicts in terms of the strictness of moral principles or rules. That is, I see how

contradictions and moral conflicts impose a constraint on the nature of moral principles or rules regarding whether they should be strict or non-strict and, if non-strict, whether or not a list of exceptional situations should be attached to a principle or rule as a proviso. Several terms are related to the term "moral conflict." Before the discussion, I first define or clarify the meanings of these terms, namely, "contradiction," "inconsistency," "moral conflict," "moral disagreement," and "moral dilemma."

By contradiction I mean some statement or conclusion logically incorrect or unacceptable. Thus, contradiction refers to the form or structure of logical inference. For instance, if a statement A is true, then the statement not-A is false and cannot be true. Or, if A is false then not-A is true and cannot be false. A statement that A is true and another statement that not-A is true then form a contradiction, no matter what the content of A may be.

I regard inconsistency as synonymous to contradiction and use these two terms interchangeably. That is, inconsistency also refers to logical incorrectness.

By a moral conflict I mean the phenomenon produced by the contradicting requirements of two moral principles, two virtues, two moral rules, or two prescriptions according to the same principle, virtue, or rule. Its occurrence is due to the fact that the agent is unable to act in conformity with both principles, virtues, rules, or prescriptions. For instance, consider these two moral rules: "One ought not to break a promise" and "One ought to help others in case of need." Suppose that person A promised to play tennis with a friend B and on the way going to the tennis court A finds an injured person C lying beside the road with no other people around. If A takes C to a hospital, then A will have to break the promise to play tennis with B. If A ignores C and drives to the tennis court, then A will have to violate the rule of helping others. This is a moral conflict which A cannot resolve except by violating one of the rules.

By a moral disagreement I mean the different opinions of different agents regarding a particular moral situation. These agents are assumed to have essentially the same moral beliefs or standards. Thus, moral disagreement is usually a minor point or an unimportant situation, for which the relevant moral principle or rule does not give a definite and clear-cut prescription or explanation. This is usually due to some obscurity or ambiguity in the moral principle or rule. Take, for instance, the moral rule: "One ought not to tell a lie." The question arises: "Ought one not to tell a white lie or benevolent lie?" To have some exceptions to the rule seems reasonable. That is, the term "lie" in the rule does not have to mean the class of all lies, and white or benevolent lies do not have to be included in this class of lie stated in the rule. However, the exceptions are not clearly stated in the rule or attached as a proviso. In fact, opinions regarding white

or benevolent lies vary from person to person. Some people are strict and believe that we ought not to tell even a white or benevolent lie, but other people are more flexible and believe that it is not immoral, or even that it is preferable, to tell a white or benevolent lie.

By a moral dilemma I mean a situation in which the agent is not sure which alternative action s/he should take. It can be the situation of a moral conflict, where two different moral principles or rules prescribe different alternative actions to take. In that case the agent is in a dilemma as to which principle or rule to follow. The situation can also be that of an obscure principle or rule, or that of an exceptional case where the relevant principle or rule is not applicable. In that case the agent has no principle or rule to follow. If the agent has no opinion regarding the situation, then s/he will be in a moral dilemma too.

Having clarified these terms, I approach the main thesis of this section – how a moral principle or rule should be stated and interpreted. But first I classify moral rules (principles) into two classes: (1) strict and (2) non-strict. Philosophers have classified moral rules differently. For instance, John Rawls classifies rules into practice and summary.¹⁹ David Lyons classifies rules into *de facto* and theoretical (and some other classes as well).²⁰ These classifications are according to the content or the origin of the rule. I find the most definite and clear-cut classification classifies rules into strict and non-strict according to form. By a strict rule I mean one which permits no exceptions at all, and by a non-strict rule I mean one which permits exceptions. Owing to some complication in the interpretation of rules, three different forms, instead of two, exist: (1) A moral principle or rule is stated simply without a proviso or attached list of exceptional cases, and the principle or rule is interpreted strictly. (2) A moral principle or rule is stated simply for the general situation, but with a proviso or attached list of exceptional cases for special situations. (3) A moral principle or rule is stated with a generic proviso permitting exceptions, or without proviso or attached list of exceptional cases, but the principle or rule is implied to be interpreted non-strictly, equivalent to permitting exceptions.

We can readily see that form (1) is likely to lead to logical contradictions and moral conflicts. For instance, if we have two moral rules: “One ought not to tell a lie” and “One ought not to break a promise,” a situation may exist in which we have only two alternatives: either tell a lie and keep the promise, or break the promise and not tell a lie. In that case a moral conflict exists. If both rules are valid or both propositions are considered true, then an impermissible logical contradiction exists.

To resolve a conflict in the case of form (1), the only way is an ordering of the principles or rules, that is, the principles or rules are arranged in a hierarchy according to precedence order, so that a higher-ranking principle

or rule may always override a lower-ranking one. This is the method used by some deontologists to resolve conflicts. Unfortunately, the following two difficulties beset this method.

One difficulty is serious but not decisive. If the number of principles or rules is small, we should have no serious problem with this kind of ordering. However, if the number of principles or rules is quite large, then to make an appropriate ordering of them will be extremely difficult. Practically, if we use moral rules to form a moral code, then the number of rules is likely to be quite large.

A second difficulty is not only more serious than the first one but is decisive in invalidating this method of ordering. Because of the flexible nature of morality, we can realize or violate a moral principle, virtue, or moral rule to various degrees.²¹ For instance, consider again the two rules, "One ought not to break a promise" and "One ought not to tell a lie." Suppose that a man is in a situation such that it is impossible for him to keep a promise and not to tell a lie at the same time. That is, he has to either break a promise or tell a lie. Maybe in one case it is right for him not to tell a "big" lie by breaking a "small" promise, and in another case it is right for him to keep a "big" promise at the expense of a "small" lie. Thus, fundamentally it is impossible to arrange these two rules in a precedence order. Moreover, even if an ordering is already made, say "not to break a promise" ranks higher than "not to tell a lie," the resolution of the conflict still is not reasonable when the conflict is between a "small" promise and a "big" lie. In that case the agent may question the rightness of the ordering rather than follow the ordering blindly. Therefore, form (1) is inadequate.

Form (2) lists the exceptional cases and leaves them uncovered by the rule. Then it is up to the agent to decide what to do when s/he comes across such an exceptional case. Strictly speaking, the ethical theory is now no longer comprehensive, because some situations are not covered by the theory. However, this problem is not serious, because any action taken in such a situation may then be considered *non-moral*. For instance, if white or benevolent lies are regarded as exceptions to normal lies that we ought not to tell, then in a situation of whether or not we should tell a white or benevolent lie, no matter whether or not we tell such a lie, the action is not regarded as immoral. So the ethical theory may still be considered comprehensive, in the sense that the area covered by the theory shrinks to a smaller one, with the area of exceptions, or where people have moral disagreements, not included. However, even if coverage causes no serious problem, a practical difficulty still adheres to form (2). To list all exceptional cases for all moral rules would be a tremendous task. Even if a moral code were established, it would be as complex as the law, and hardly anyone would be able to read and learn the whole code. A marked distinc-

tion exists between the situations of law and morality. In matters of law, professionals, such as police officers, prosecutors, judges, and lawyers, know, interpret, apply, and execute the law. Therefore, an ordinary person does not need to learn, consult, or use law unless s/he is involved in a lawsuit. But in matters of morality, there are no moral professionals. Then who will learn, memorize, and use the moral code? At best one may use or consult the moral code as a dictionary, encyclopedia, or directory. But we may come across a moral situation anywhere at any time, and how can we carry a moral code all the time to all places? Therefore, form (2) seems impractical too.

So only form (3) is left, in which a moral principle or rule either is provided with a generic proviso permitting exceptions or is to be interpreted non-strictly, with the understanding of permitting exceptions. Then the interpretation of a moral situation, that is, whether or not a moral principle or rule is applicable to the situation, or whether or not the moral situation is an exceptional case, is up to the agent to make. But then how are we to make such an interpretation, or how are we to judge whether the situation is a permissible exception? No criterion or even guideline is provided by any ethical theory regarding this kind of decision. John Harsanyi claims that rule-utilitarianism is better than act-utilitarianism because rule-utilitarianism permits much fewer exceptions than act-utilitarianism, but he does not say how the exceptions in rule-utilitarianism and in act-utilitarianism are determined.²²

To solve this problem, we have to have a measure of the weights of the quantities involved in a situation, so as to determine whether the principle or rule is applicable, that is, whether the situation is a permissible exception. For instance, in the example of choice between "not to break a promise" and "not to tell a lie," the magnitudes of harms produced by "breaking the *particular* promise in that situation" and "telling a *particular* lie in that situation" are to be measured and compared. "Utility" is exactly the thing that is chosen, adopted, or defined to serve as a universal measure. Thus, in such an exceptional situation, the decision can still be made according to the weighting of utilities, which still has to be at the action level. This is where my interpretation of utilitarianism markedly differs from rule-utilitarianism. Since it is left to the agent to decide what is the right action to take, different agents may make different choices and take different actions. The different attitudes or opinions regarding such an exceptional situation are what we call moral disagreements.

Notes

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12. Brandt, "Toward a Credible Form" and "Some Merits."
13. Frankena, *Ethics*, p. 38.
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