If a journalist lies to get a story, is that journalist lying only because that’s the way to get a story or is that journalist a liar who happens to be a journalist?

A journalist’s morality as a person plays a role in doing applied ethics, along with actual knowledge of doing journalism, but a problem is that many of us don’t think having a moral theory—or an account of morality—is important in how we do our jobs. Bernard Gert writes, however, that we can’t discuss moral problems as only isolated problems that have no relevance to other moral problems. We should look on morality as a system in which the answer to one problem is affected by the answers that system gives to all other problems.

We need a moral system in order to have a moral theory, which Gert defines as an “explanation and justification of morality.” The system is what we use when we decide, when faced with a dilemma, what is the moral act. Without that system, we will rely only on a psychological or sociological explanation for our decisions, and our decisions will likely be on a case-by-case basis.

Using that scenarios of morality, we can understand a normally honest person who wouldn’t consider telling a lie but who might lie to a source to get a story or use a hidden camera to deceive someone. Most people, Gert said, would be bothered if we demonstrated that they were acting inconsistently—lying as a journalist but not lying in private life.

A public moral system has five harms that all rational people want to avoid: killing, causing pain, disabling, depriving someone of freedom, and depriving someone of pleasure. At the same time, that system has rules that, if broken, can cause harm to someone: Don’t deceive, keep a promise, don’t cheat, obey the law, and do your duty. (Gert is discussing duty as our role in society or what we must do in our jobs as journalists.)

These rules should be no surprise, Gert writes, because these are actions that everyone counts as immoral. The hard part, however, is deciding what counts as deceiving in journalism or what counts as causing harm. Certainly,
in writing stories about people, we can harm them, but if we have only accurately described what happened, can we be accused of harming? Gert suggests that we may need to examine how we, as journalists, judge other journalists’ behavior, and that means more than just checking the journalist’s code of ethics.

He offers a list of questions that we should ask ourselves when we try to decide whether we are harming someone and why we might be justified in doing that harm. Gert mentions “perfect duty” and “imperfect duty,” a reference to Immanuel Kant’s *Metaphysics of Morals*. A perfect duty is something that we absolutely must do; an imperfect duty is something we should do if we have a chance to, but we are not obligated to do it. Gert suggests that an act is acceptable if “all impartial rational persons would advocate that this kind of violation be publicly allowed,” which is similar to Kant’s idea that an act is acceptable if we could will that everyone else could do the same thing.

Finally, Gert suggests that, if we accept journalism codes of ethics as our moral rules, we should keep in mind that a good professional code of ethics should specify what counts as violating a moral rule in journalism and tell us clearly what our duties are to avoid causing harm or preventing or relieving harm.

While you are reading Gert’s article, think about the code of professional ethics in your area, whether it’s photojournalism, news/editorial, public relations, advertising, or magazines. Does the code of ethics specify moral rules? Does it tell you not to deceive others? Does it tell you when deception will be considered wrong? Does it give specific examples of what is wrong or does it merely list ideals that you should strive for? How could you rephrase some of the rules in the code of ethics to give yourself more of a guideline to follow when you’re faced with making a moral decision?

Few people doing applied and professional ethics seem to think it necessary to have an explicit account of morality, let alone a moral theory that explains and justifies that moral system. Indeed, many hold that a moral theory, far from being helpful, is a positive disadvantage in doing applied ethics. They think that a moral theory necessarily oversimplifies, and that...
one is much more likely to deal with moral problems successfully if one
does so in an ad hoc fashion. Others seem to go to the opposite extreme,
thinking it important to present all of the standard moral theories. Even
though they acknowledge that all of these theories suffer from significant
flaws, they encourage people to employ whatever theory they find most
helpful in dealing with any particular problem. However, this anthology
approach to applied ethics is simply another way of endorsing an ad hoc
approach to moral problems.\(^1\) I agree that moral theories usually present
oversimplified accounts of morality and that all the standard theories suffer
from significant flaws. Part of the reason that most contemporary philoso-
phers concerned with moral theory, (their own or their variation of Aristotle,
Kant, Mill, etc.) present such oversimplified accounts of morality is that they
are not professionally concerned with providing an account of morality that
will be of practical use to those confronted with real moral problems.\(^2\) With-
out an adequate account of morality, one that is understandable but still com-
plex enough to deal with real moral problems, it is impossible to develop a
moral theory that adequately explains or justifies that morality. I regarded it
as a necessary feature of my own account of morality, that it be of some
practical use. Thus it is not surprising that my account of morality is not only
much easier to understand than most other accounts, but also that applying it
to a situation in which there is agreement about the facts, usually results in
agreement about the range of morally acceptable answers. I hold that if one
does not do applied or professional ethics, it is extremely unlikely that one
will come anywhere close to providing an adequate account of morality and
hence it will be almost impossible to develop a moral theory that explains
and justifies that morality.

Whether they realize it or not, those who do applied or professional
ethics call upon their knowledge of morality in order to do their work. Of
course, if they are doing professional ethics, they also call upon their knowl-
dge of the profession, e.g., engineering, and if applied ethics, their knowl-
dge of the field, e.g., safety in the workplace. (This is why applied and
professional ethics should almost always be an interdisciplinary endeavor.
The article\(^3\) I wrote on licensing engineers without an engineer co-author
was not a success.) For those who do applied or professional ethics to deny
that they have any rational basis for their moral judgments or that anyone
should take what they say seriously. Moral problems cannot be adequately
discussed as if they were isolated problems whose solution did not have
implications for all other moral problems. Morality is a system and the
acceptability of the answers that this system gives to any particular problem is affected by the acceptability of the answers that it gives to all other problems. To deny the systematic nature of morality is to deny that applied and professional ethics is an academic discipline.

Indeed, those who do applied or professional ethics must, at least implicitly, hold that for the overwhelming majority of cases any equally informed impartial rational person would come to the same conclusion. They do not have to hold that every problem has a unique correct solution, but they do have to hold that not all answers are morally acceptable. They must hold that there is a limit to morally acceptable disagreements. Thus, whether or not they accept any moral theory, i.e., any explanation and justification of morality, they must accept that morality is capable of being described systematically, even if no one has, as yet, provided such an adequate explicit description.

One reason for the view that moral theories are useless or worse, is that the amount of disagreement in moral judgments is vastly exaggerated. Moral philosophers, like most others, tend to be more interested in what is unusual than in what is ordinary. It is common to take a very prominent example of unresolvable moral disagreement, e.g., abortion, and then talk as if it is typical of the kinds of issues on which one must make moral judgments. It may, in fact, be typical of the kinds of issues on which one makes moral judgments, but this says more about the word “issues” than it does about the phrase “moral judgments.” We generally use the word “issues” when we are concerned with controversial matters. More particularly, we almost always use the phrase “moral issues” to refer to matters of great controversy. But moral judgments are not usually made on moral issues; we condemn murderers and praise heroic rescuers, we reprimand our children or our neighbor’s children for taking away the toys of smaller children, we condemn cheating and praise giving to those in need. None of these are moral issues, yet they constitute the subject matter of the vast majority of our moral judgments.

Even when there is moral disagreement, most of that disagreement is based on disagreements about what we take to be the facts, including not only different views about the probability of the consequences of a particular act, but also facts about human nature. Although the moral system that is used in making these moral judgments has several variations, even if there were no variations in the moral system it would be unlikely to result in significantly less moral disagreement, i.e., disagreement in the moral judgments being made on a particular case. 4 When we agree on all of the relevant facts
of a particular case, then we usually agree on the moral judgment that we make concerning that case. Furthermore, we almost always agree on what kinds of facts are morally relevant. What is responsible for almost all of the moral disagreement is disagreement about the facts. We all accept the same morality, i.e., we all use the same moral system, with slight variations, in making our moral judgments.

It may sound strange to claim that everyone accepts the same morality, when philosophers are continually putting forward several competing kinds of moral theories, e.g., deontological, consequentialist, and contractarian. It is important to make clear the distinction between a moral system and a moral theory. As I use the terms, “moral system” means the same as “morality,” and “moral theory” means “explanation and justification of morality.” Morality or a moral system is what we use when we make moral judgments or when we want to act morally and have to choose among several alternative actions. In so far as one holds that morality is universal, then one holds that there is only one morality, or somewhat more precisely, all particular moralities or moral systems are simply specifications or variations of a universal morality or moral system. This is the view that I hold, but if people hold that the differences between these specifications or variations are significant enough that they prefer to talk of different moralities or moral systems which share a common framework, nothing of significance will turn on this.

A moral theory is supposed to explain and, if possible, justify morality or the moral system, including its variations and so must provide an explicit account of morality with its variations. None of the standard moral theories even begin to provide such an explicit account. Even the best of these theories provide only an outline of the moral system, and almost none distinguish clearly between their account of the moral system and their theory which is supposed to explain and justify that moral system or morality. Thus I do not find it surprising that people who take morality seriously and try to apply it to real problems faced by actual people are so against moral theory.

Any theory, scientific or moral, must start with a clear account of that which is to be explained. An adequate moral theory must start by providing an explicit account of that system which is used by people who are genuinely concerned with moral problems. If there is no such system, then there can be no moral theory, only some psychological or sociological explanation of the ad hoc nature of what are taken to be moral judgments. I do not deny that many people make ad hoc judgments on moral matters which are inconsistent with other of their ad hoc judgments on the same matters, but most people are
bothered when this is pointed out and attempt to reconcile the two judgments. Being shown that two of their moral judgments were inconsistent would lead every reader of this article either to give one of them up or to attempt to show that they really were consistent.

If you agree that a person cannot hold inconsistent moral judgments, and if you agree that there are limits to acceptable moral disagreement, then you hold that there is a moral system, even if it is far more complex than that presented by most moral theories. Further, once you admit that there is a moral system, you cannot deny that there might be some explanation and justification of that system. Explaining the moral system involves not only explaining why there is so much agreement in moral judgments, it also involves explaining why there is disagreement. A moral theory should explain the different moral categories of actions, e.g., those that are required by morality and those that are encouraged by morality. It also involves showing how morality is related to the society and to other social institutions and practices, e.g., laws and professional roles. Justifying morality requires showing that all impartial rational persons would support the general moral system and could support any of the variations. I do not claim that there is any one particular variation that all impartial rational persons would favor over all of the others.

Although most people use the moral system described in this paper when they think seriously about making a moral judgment or deciding how to act when confronting a moral problem, I am not suggesting that they consciously and explicitly apply the moral system in order to arrive at these moral judgments. A useful analogy is the grammatical system used by all competent speakers of a language. Even though almost no such speaker can explicitly describe this system, they all know it in the sense that they use it when speaking themselves and in interpreting the speech of others. If presented with an explicit account of the grammatical system, competent speakers have the final word on its accuracy. Although there are some variations in the grammatical system, no one should accept a description of the grammatical system if it rules out speaking in a way that they regard as acceptable or allows speaking in way that they recognize as completely unacceptable to all who are competent speakers of the language.

Similarly, a moral theory that provides a description of a moral system for acting in a way that conflicts with one’s own considered moral judgments normally should not be accepted. However, recognition of the systematic character of morality may make apparent some inconsistencies in one’s
moral judgments. Making the moral system explicit, including making clear which facts are morally relevant and which are not, may reveal that some of one’s moral judgments are inconsistent with the vast majority of one’s other moral judgments. Thus one may come to see that what was accepted by oneself as a correct moral judgment is in fact mistaken.

Even though there cannot be wholesale repudiation of accepted moral judgments, particular moral judgments, even of competent people, may sometimes be mistaken, especially when long accepted ways of thinking are being challenged. In these situations, one may be misled by superficial similarities and differences and so be led into making judgments that are inconsistent with the vast majority of one’s other moral judgments. For example, many people in the United States in the 1950’s found that their moral judgments about what were morally acceptable ways of treating Afro-Americans were inconsistent with the vast majority of their other moral judgments. Today many people in the United States are finding that their moral judgments about what are morally acceptable ways of treating those with a different sexual orientation are inconsistent with the vast majority of their other moral judgments. However, when concluding that some particular moral judgment is mistaken, it is necessary to show how this particular judgment is inconsistent with other moral judgments which are far more numerous and central.

Occasionally, there seem to be significant differences in the moral systems that people apply to the facts to come up with their moral judgments, as when one person claims that morality itself has a religious basis. It is certainly true that many people do not make a clear distinction, if they make any distinction at all, between morality and religion. But almost all major religions distinguish between that part of their code of conduct that applies to everyone and that part which applies only to believers in that religion. It is also quite clear that only the former is regarded as the moral code, although this distinction is often poorly made and poorly understood.

The Ten Commandments are widely regarded as a list of moral rules, (most often by those who do not know their content), even though some of its commandments are addressed only to believers in that religion. However, just a short discussion makes it quite clear that the commandment not to kill is a universal moral rule, whereas the commandment to keep the Sabbath holy is a parochial religious rule. Every rational person can be expected to know that unjustified killing is wrong, but a rational person need not know that he needs a justification for failing to distinguish one day of the week from
all of the rest. (A rational person need not even have a concept of a week at all.) In fact, the commandment concerning the Sabbath seems to condone or allow immoral behavior, viz., owning slaves, for one of the main points of this commandment is to require providing one’s slaves with a day off.7

One of the big differences between morality and religion is the conditions under which a person is held morally responsible, i.e., for which it may be appropriate for her to be rewarded or punished. Many religions seem to think it appropriate for people to be rewarded or punished for what they cannot control, e.g., beliefs, and for behavior that violates rules that they cannot have possibly have known about, e.g., various taboos. On the view of morality that we now all share, it is a feature of morality that we do not hold people morally responsible for what they cannot control or behavior that violates some rule about which they cannot possibly have known. We do not believe that people deserve to be rewarded or punished for what they cannot control, or punished for violating rules of which they cannot be expected to have any knowledge. Contemporary western religions have become much more influenced by morality, so that this difference between morality and religion may not be as clear as it once was.

Morality is a public system that applies to all moral agents. By moral agents I mean persons who know at least some of the rules that they are morally prohibited from violating and can control their actions with respect to those rules; this includes almost all adults of near normal intelligence and above, plus most children above the age of 10, and even many below that age. Such persons all know certain general facts, e.g., that all people have only limited knowledge, that they do not want to suffer any harms or evils, i.e., death, pain, disability, or loss of freedom or pleasure, unless they believe that someone, either themselves or someone else, will avoid at least a comparable harm or gain some comparable goods, i.e., abilities, freedom or pleasure. Further, such persons themselves do not want to act so as to cause themselves to suffer any of these harms without such beliefs about someone benefitting. Acting in such a way is acting irrationally, and although all of us probably act irrationally at some times, everyone holds that they ought never to act irrationally.

A public system is a system (1) that all persons to whom it applies, those whose behavior is to be guided and judged by that system, understand it, i.e., know what behavior the system prohibits, requires, and encourages; and (2) that is not irrational for any of them to accept being guided or judged by. The clearest example of a public system is a game. The rules of the game are part
of a system that is understood by all of the players, i.e., they all know what kind of behavior is prohibited, required, and encouraged by the game, including its rules; and it is not irrational for any player to use the rules to guide her own behavior and to judge the behavior of other players by them. The rules of a game, although they are part of a public system, apply only to those playing the game. Morality is a public system that applies to all moral agents; persons are subject to morality simply in virtue of being moral agents, i.e., rational persons with sufficient knowledge to be held responsible for their actions.

This rather simple account of morality as a public system that applies to all moral agents, allows one to formulate an explicit account of the moral system that is understandable by everyone. Showing the relationship between this account of morality and the correct accounts of rationality and impartiality shows that those features of morality that are common to all of its variations, turn out to be completely justified. i.e., would be advocated by all impartial rational persons. In this paper I shall not attempt to show this, for I have already done that in great detail. Rather, I shall provide an explicit account of the moral system, showing both its complexity and its simplicity.

Morality is a public system, something that is shared by all people, not an idiosyncratic guide to one’s personal behavior as is suggested by those who speak of a person’s moral code as the totality of that person’s moral beliefs. It is as misleading to speak of a person’s moral beliefs as it is to speak of her grammatical beliefs. Talking in this way suggests that morality is not defined by any particular content, but rather by the role that those beliefs play in the person’s life. This is the moral philosopher’s version of Tillich’s view about God, one that students are often very tempted by, that morality is simply what is most important and that no one, except in extraordinary circumstances does what they know to be immoral. But everyone knows that hypocrisy is widespread in morality, and the popularity of the out of context remark “My country, right or wrong” shows that people who know what morality is are not always inclined to follow it.

Employing the analogy with a grammatical system again, I shall show that morality, like grammar, cannot be adequately summarized in a few sentences, but that morality, again like grammar, can be made clear, even to high school students. This is why those in applied and professional ethics can be useful to those in the professions, without in any way taking on the role of ethicist or moral expert. My views are not importantly original, for I
have appropriated something from all of the standard moral views. Indeed, my view has been characterized as Kant with consequences, as Utilitarianism with publicity, and as Ross with a theory. From Hobbes, I have been led to adopt Aristotle’s appreciation the practical importance of virtues. Through Hobbes I also borrowed from both contractarianism and natural law theory, though I allow for moral disagreement in ways that they do not. I cite these affinities so that no one will be surprised when they find so little to disagree with in my description of morality.

**The Justified Moral System**

Morality, i.e., the public system that applies to all moral agents, includes rules prohibiting causing each of the five harms that all rational persons want to avoid. Thus morality includes the following five rules.

1. Don’t kill. (Don’t cause permanent loss of consciousness.)
2. Don’t cause pain. (This includes mental pain as well as physical pain.)
3. Don’t disable. (Don’t cause loss of ability.)
4. Don’t deprive of freedom (or opportunity).
5. Don’t deprive of pleasure.

Morality also includes rules which when not followed in particular cases usually cause harm and which general failure to follow always results in an increase in the amount of harm being suffered. Thus it also includes the following five rules.

6. Don’t deceive.
7. Keep your promise. (Don’t break your promise.)
8. Don’t cheat.
9. Obey the law. (Don’t break the law.)
10. Do your duty. (Don’t neglect your duty.) The term “duty” is being used in its everyday sense to refer to what is required by one’s role in society, primarily one’s job or profession, not as philosophers customarily use it, simply as a synonym for “what one morally ought to do.”

There should be nothing surprising in this list of moral rules. All that is being claimed is that there are certain simple kinds of actions that everyone counts as immoral, e.g., killing, causing pain, deceiving, and breaking promises, unless one can justify doing that kind of act. Although moral or
religious philosophers differ on the theoretical justification for these rules, they, like everyone else, accept the same rules. However, although there is complete agreement that breaking any of these rules without justification is immoral, there is not always complete agreement on what counts as breaking a rule. Not every action that results in someone suffering a harm or an evil counts as breaking one of the first five rules. For example, if I buy the last two tickets to a concert thereby making it impossible for anyone behind me in line to enjoy the concert I have not necessarily broken the rule against depriving of pleasure. If I did not break in line, nor get in line in order to deprive those behind me of the pleasure of attending the concert, then I did not break that rule and my action requires no justification. Were it otherwise, far too may actions would require moral justification.

It is also often not clear what counts as violating the rule prohibiting deception. It is quite clear that lying, making a false statement with the intent to deceive, counts as a violation of the rule, as does any other action which is done in order to deceive others. But if the action is not performed in order to deceive others, then even if others are deceived, i.e., led to have false beliefs, it is often not clear if the action counts as deceptive. In this society, we do not normally count dying one’s hair as deceptive, so that one needs no moral justification for doing so. In scientific research, what counts as deceptive is determined in large part by the conventions and practices of the field or area of research. If it is a standard scientific practice not to report unsuccessful experiments or to smooth the curves, then doing so is not deceptive, even if some people are deceived. However, a practice that results in a significant number of people being deceived is a deceptive practice even if it is a common practice within the field or area.

In describing morality the easy part is listing the rules. No one seriously doubts that causing pain to people, deceiving the, or breaking the law are the kinds of actions that need justification. The difficult part is determining for each profession what counts as causing harm, e.g., pain or death, or deceiving. Contrary to the standard view, that the theoretical part of ethics is more intellectually demanding than applying the moral system to different professions and fields, the reverse is more often the case. The most intellectually demanding aspect of providing an adequate general account of morality is avoiding the seductive simplicity of the standard moral theories; realizing that providing a list of moral rules is only the beginning of an adequate account of morality. Determining what counts as a person’s duty in a particular profession in some society, requires a much more subtle examination of
the ways in which members of that profession in that society regard the behavior of their fellow professionals. This involves much more than simply looking at the written codes of that profession, though clearly that must be included.

Although the differences between philosophers on their justification for the moral rules do not usually result in disagreement on what are moral rules, the differences in their accounts of what constitutes an adequate justification for breaking any one of the ten rules cited have resulted in significant practical as well as theoretical problems. Almost everyone agrees that these rules are not absolute, that all of them have justified exceptions; most agree that even killing is justified in self-defence. Further, one finds almost complete agreement on several features that all justified exceptions have. The first of these involves impartiality, everyone agrees that all justified violations of the rule are such that if they are justified for any person, they are justified for every person when all of the morally relevant features are the same, even though there may be some disagreement on what counts as a morally relevant feature. The major, and probably only, value of simple slogans like the Golden Rule, “Do unto others as you would have them do unto you” and Kant’s Categorical Imperative, “Act only on that maxim that you could will to be a universal law” are as heuristic devices for people who are contemplating violating amoral rule; “Consider whether you would be prepared to impartially favor that kind of violation, no matter who is doing the violating and to whom.”

The next feature on which there is almost complete agreement is that it has to be rational to favor everyone being allowed to violate the rule in these circumstances. That some irrational person who wants pain inflicted on himself is prepared to impartially favor allowing any person who would not complain others caused pain to him, to cause pain to hers, is not sufficient to justify that kind of violation. No impartial rational person would favor allowing those who don’t complain when they are caused pain to cause pain to everyone else. The result of allowing that kind of violation would be an increase in the amount of pains suffered with no benefit to anyone, which is clearly irrational.

Finally, there is general agreement that there is some kind of publicity requirement, i.e., that everyone know that this kind of violation is allowed. It is not sufficient to justify a violation that it would be rational to favor allowing everyone to violate the rule in the same circumstances, if one favors it only if no one knows that it is allowable to violate the rule in those circum-
stances. For example, even were it rational for one to favor allowing anyone to cheat on some pass-fail exam if he or his parents were likely to be upset by his failing the exam, when no one knows that such cheating is allowed, that would not make cheating in these circumstances justified. It has to be rational to favor allowing anyone to cheat when he or his parents would be upset by his flunking, when everyone knows that it is allowed to cheat in these circumstances. The publicity requirement guarantees the kind of genuine impartially required by morality.

I do not claim that we all agree on which violations satisfy these three conditions, but I think that we all agree that no violation is justified unless it satisfies all three of these conditions. In an attempt to allow for some disagreement while acknowledging the significant agreement we have concerning justified violations of the moral rules, I have formulated what I regard as the appropriate moral attitude toward violations of the moral rules in the following way: Everyone is always to obey the rule unless an impartial rational person can advocate that violating it be publicly allowed. Anyone who violates the rule when an impartial rational person cannot advocate that such a violation be publicly allowed may be punished. (The ‘unless clause’ only means that when an impartial rational person can advocate that such a violation be publicly allowed, impartial rational persons may disagree on whether or not one should obey the rule. It does not mean that they agree one should not obey the rule.)

Keeping in mind that the moral system must be understood by all moral agents, it is clear that all morally relevant features must be formulated in a way that is understandable to all moral agents. Everyone agrees that when deciding whether or not to advocate that a violation of a moral rule be publicly allowed, a person may use only morally relevant features. These features, which determine the kind of violation, must be such that an impartial rational person would regard a change in any one of them as changing the kind of violation, thus making it possible to change whether or not she would publicly allow it. I now realize that there are more of these features than I had thought at first. I believe the discovery of these features is one of the most important tasks of both theoretical and applied and professional ethics and that those who work in applied and professional ethics are most likely to discover new ones. The features that I have identified are contained in the answers to the following questions.

1. What moral rules are being violated?
2. What harms are being 
   a. avoided?  
   b. prevented?  
   c. caused?  
3. What are the relevant desires of the people toward whom the rule is 
   being violated?  
4. What are the relevant rational beliefs of the people toward whom the 
   rule is being violated?  
5. Does one have a duty to violate moral rules with regard to the person(s), and is one in a unique or almost unique position in this regard?  
6. What goods are being promoted?  
7. Is an unjustified or weakly justified violation of a moral rule being prevented?  
8. Is an unjustified or weakly justified violation of a moral rule being punished?  
9. Is the situation sufficiently rare that no person is likely to plan or prepare for being in it?  
10. Is the violation being done intentionally, knowingly, voluntarily, freely, or negligently?  

When considering the harms being avoided, prevented or caused, and 
the goods being promoted, one must consider not only the kind of good or harm involved, one must also consider their seriousness, duration, and probability. If more than one person is affected, one must consider not only how many people will be affected, but also the distribution of the harms and benefits. If two violations are the same in all of their morally relevant features then they count as the same kind of violation, and any impartial rational person who advocates that one of them be publicly allowed must advocate that the other also be publicly allowed. However, this does not mean that two impartial rational persons, who agree that two actions count as the same kind of violation, must always agree on whether or not to advocate that that kind of violation be publicly allowed, for they may differ in their estimate of the consequences of publicly allowing that kind of violation or they may rank the benefits or goods and harms or evils involved differently. 

An impartial rational person decides whether or not to advocate that a 
violation be publicly allowed by estimating what effect this kind of viola-
tion, if publicly allowed, would have. If all impartial rational persons would estimate that less harm would be suffered if this kind of violation were publicly allowed, then all impartial rational persons would advocate that this kind of violation be publicly allowed and the violation is strongly justified; if all rational persons would estimate that more harm would be suffered, then no rational person would advocate that this kind of violation be publicly allowed and the violation is unjustified. However, impartial rational persons, even if equally informed, may disagree in their estimate of whether more or less harm will result from this kind of violation being publicly allowed. When this happens they will disagree on whether or not to advocate that this kind of violation be publicly allowed and such a violation counts as weakly justified.\textsuperscript{12}

Disagreements in the estimates of whether a given kind of violation being publicly allowed will result in more or less evil may stem from two distinct sources. The first is a difference in the rankings of the various kinds of evils. If someone ranks a specified amount of pain and suffering as worse than a specified amount of loss of freedom and someone else ranks them in the opposite way, then although they agree that a given action is the same kind of violation, they may agree that a given action is the same kind of violation, they may disagree on whether or not to advocate that that kind of violation be publicly allowed. The second is a difference in estimates of how much evil would result from publicly allowing a given kind of violation, even when there seems to be no difference in the rankings of the different kinds of evils. These differences may stem from differences in beliefs about human nature or about the nature of human societies. Insofar as these differences cannot be settled by any universally agreed upon empirical method, such differences are best regarded as ideological. However, it is quite likely that most ideological differences also involve differences in the rankings of different kinds of evils. But often there seems to be an unresolvable difference when a careful examination of the issue shows that there is actually a correct answer.\textsuperscript{13}

Morality does not consist solely of rules and a procedure for determining justified violations of these rules, it also contains ideals. The moral ideals encourage people to act so as to prevent and relieve the suffering of others. It is also a moral ideal to prevent immoral behavior. The distinction between moral rules and moral ideals is a familiar one in philosophy, though it often is made using different and, I think, misleading terms, the most common being that between “a perfect duty” and “an imperfect duty.” This is espe-
cially misleading because “duty” is being used as philosophers customarily use it, simply as a synonym for “what one morally ought to do,” not in its everyday sense to refer to what is required by one’s role in society, primarily one’s job or profession. This makes it almost impossible to talk clearly about the duties imposed by one’s profession, and thus obscures one of the main problems in professional ethics, which involves the relationship between these duties and the requirements imposed by the other moral rules.

The distinction between moral rules and moral ideals can be made most simply by using the concept of impartiality; the moral rules must be obeyed impartially with regard to, at least, all moral agents, the moral ideals cannot be followed impartially with regard to this group. This is because all of the moral rules can be formulated as prohibitions whereas acting on the moral ideals always requires some positive action. Closely related to this point is that all of the moral rules can be obeyed all of the time, twenty four hours a day, seven days a week, fifty two weeks a year, whereas it is humanly impossible to follow any of the moral ideals in this way. Morality requires us to follow the moral rules; anytime we violate a moral rule, we need an excuse or a justification or else we are acting immorally. Morality only encourages us to act on moral ideals; when not acting on a moral ideal we generally are not acting immorally even though we have neither an excuse nor a justification. For example, unless something quite unusual is happening, at the time one is reading this article, the reader is not violating a moral rule, but also the reader is not acting on a moral ideal.

The oversimplification that is typical of most moral theories comes out fairly clearly when discussing moral ideals. Because following a moral rule is required, and following a moral ideal only encouraged, philosophers sometimes assume that when a moral rule and a moral ideal conflict, one must always follow the moral rule. But in most circumstances, if I must break a promise in order to save a life, such a violation is strongly justified; everyone would favor breaking the rule in order to follow the ideal. Although there is a significant difference between the rules and the ideals, it is always the morally relevant features of the particular situation that determine which one takes precedence. The point of the distinction between the rules and the ideals is also lost when one thinks of them from the personal point of view. The fundamental reason for following the rules as well as the ideals is to lessen the suffering of other persons; insofar as feminist philosophers claim that care for others, not some abstract consideration of principles should be the basic motivation for moral behavior, they are certainly correct.
The distinction between the moral rules and the ideals gets its point from their role in the public system; it is often justifiable to punish violations of moral rules, it is never justifiable to punish failing to follow ideals.

The distinction between moral rules and ideals is extremely important when discussing professional codes of ethics, for often it seems that professional codes transform a general moral ideal into a specific duty. But to talk about transforming a moral ideal into a duty is misleading. Rather, the goal of a moral ideal, e.g., relieving pain, is achieved by specifying a duty for certain people to relieve the pain of certain other people, e.g., the goal of the general moral ideal to relieve pain and suffering is achieved by the professional codes of nurses and doctors by including duties that specify the situations in which nurses ad doctors are required to relieve the pain and suffering of their patients. But once the duty is specified, then one is morally required to carry it out whenever the appropriate situation arises. Similarly, although it is a moral ideal to prevent the unjustified violation of moral rules, it is one of the duties of professional accountants to prevent deception concerning certain matters by some other people, and failure to report such deception is itself a violation of a moral rule.

Another function of professional codes of ethics is to provide an interpretation of the moral rules that will apply to all members of that profession. For example, the professional codes of accountants may require them to provide certain information to their clients, and regard failure to do so as a violation of the rule against deception. Insofar as we can distinguish between professional codes of ethics and simple specifications of the duties of a member of that profession, all of the duties in a professional code of ethics must be directly related to achieving the goal of some moral ideal or to providing an interpretation of a moral rule. But a professional code can itself be divided up into ideals or aspirations, and rules or duties. The latter states the minimum standards that all members of the profession are required to conform to, with penalties or reprimands being appropriate for failure to do so. The former states what the profession aspires to, behavior that is to be emulated, but with no suggestion that penalties are appropriate for a member of the profession who does not behave in this way.

It would be a worthwhile project to use the moral system outlined above to examine the extent to which specific professional codes of ethics actually provide more precise interpretations of the moral rules and specify duties in order to achieve a moral ideal. Indeed, it is interesting to look at professional codes which do not do these things, and see how those who defend such
codes try, unsuccessfully, to portray the codes as, in fact, doing them. My claim is that in order to be an adequate professional code of ethics, it must

1. clarify what counts as violating a moral rule in that profession, e.g., what kind of behavior counts as deception,
2. specify the duties of that profession that are
   a. related to avoiding causing harm, i.e., related to the moral rules, or
   b. related to preventing or relieving harm, related to a moral ideal.

Insofar as it goes beyond interpreting moral rules and specifying duties, but includes ideals or aspirations, the ideals are always more detailed specifications of the moral ideals.

These facts about professional codes of ethics explain why they are often so similar, why they often seem to be so full of platitudes, and why many mistakenly regard them as mere exercises in public relations. I find nothing troubling about their being similar, nor in their containing many platitudes. However, if they are not to be mere exercises in public relations, then they must actually specify with some precision the way in which that profession interprets various moral rules, e.g., concerning deception. They must also specify some duties that members of that profession have, which would only be moral ideals if they were not members of that profession. If the professional codes of ethics actually do specify the duties of the members of the profession in these two ways, then they seem to me to be quite valuable. In formulating or revising professional codes of ethics, those in applied and professional ethics can be of some help in clarifying and making explicit the relevant interpretations of the moral rules and the specifications of the duties of the members of the profession, but the first and last words, and probably most words in between, belong to those in the professions who know how the rules should be interpreted in their profession and know what their duties actually are.

ENDNOTES

1 A sophisticated version of this view is defended by Richard T. De George in his Presidential address to the Central Division of the American Philosophical Association. Proceeding and Addresses of the American Philosophical Association, November 1990, (Vol. 64, #3).

2 One of the exceptions is R. M. Hare, and this may explain why his account of morality is more understandable than most others. However, I think that Hare’s theory, even with its two levels, still fails to capture the complexity of
the moral system that we actually use. His first level is composed of principles which are clearly too general to do any serious work, and his second level is composed of principles that are so specific that they cannot possibly be shared with others. Hare’s account lacks both a list of morally relevant features and a usable public procedure for adjudicating between general principles (what I call moral rules and moral ideals) when they conflict.


4 Some variations in the moral system do lead to disagreements in moral judgments on controversial moral issues, e.g., abortion. These variations consist in differences concerning the scope of morality, e.g., does it protect only moral agents or does it also protect potential moral agents, or perhaps all sentient beings. See *MORALITY: A New Justification of the Moral Rules*, New York, 1988, Oxford University Press, pp. 83–90.

5 In serving over ten years on a hospital ethics committee we had almost no disagreements that did not turn out to be disagreements about the facts of the case.

6 Universal must be distinguished from absolute. In this context, “universal” means “applies to all moral agents,” “absolute” means “has no exceptions.”

7 “But the seventh day is the Sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor they son, nor they daughter, nor they manservant, nor thy maidservant, nor thine ox, nor thine ass, or any of they cattle, nor any stranger that is within thy gates: that thy manservant and maidservant may rest as well as thou.” (Deuteronomy V: 14).

8 See *MORALITY: a New Justification of the Moral Rules*.

9 See op. cit. pp. 111–116. As we shall see later, one of the functions of a professional code of ethics is to provide an interpretation of the moral rules for situations that are likely to arise in that profession.

10 I did not discover this feature until after the publication of *MORALITY*. It is a feature that now seems to me to be necessary to account for the fact that certain kinds of emergency situations seem to change the moral judgements that many would make even when all of the other morally relevant features are the same. For example, few, if any, would allow a surgeon to kill an unwilling patient in order to save five other lives, but many would allow a driver to swerve his car thereby killing one person in order to save five other lives.

11 It is so obvious that different answers to this question will change the moral judgment that some people make on violations that are alike in all of the other morally relevant features, that it is difficult to understand why I did not include it in my original list of morally relevant features. One reason for this, is that my goal in listing morally relevant features was to help those who were deciding whether or not to commit a given kind of violation, so that I did not think about those features that were primarily of value in judging violations that had
already been committed. One cannot usually decide whether or not to commit a violation intentionally or not, knowingly or not, etc. However, I now realize that some morally relevant features may be of value primarily not as helping one to decide what to do, but as helping one to judge what has been done. Further, it seems to me, that this feature might sometimes be useful in deciding how to act. For violations that are alike in all of their other morally relevant features, a person might not publicly allow a violation that was done intentionally, but might publicly allow a violation that was not done intentionally, even though it was done knowingly. Those who endorse the doctrine of double effect must hold some view that is identical to this.

12 I prefer to regard these disagreements simply as disagreements within a single moral system, for otherwise every moral disagreement generates a variation of the moral system. However, when these disagreements are based on significantly different rankings of the goods and evils or on very different ideological views, then it is quite plausible to regard the people as holding different variations of the moral system.

13 This turned out to be true of the debate concerning the moral status of voluntary passive euthanasia, including the withdrawing of food and fluids. See op. cit. pp. 295–300.