PLUHAR ON METHODS OF JUSTIFICATION

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Jim Harter, *Animals: 1419*
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I

In a recent contribution to this journal¹ Evelyn Pluhar has criticized Regan's rights view for its lack of justificatory force and has further suggested that this theoretical defect may be repaired by employing the justification method that is developed by Alan Gewirth.² While I largely agree with Pluhar's criticism of the foundations of Regan's theory, I do not believe that Gewirth's justification method provides a solution here. In fact, there are good reasons to think that Gewirth offers us no moral justification method at all. If this is so, as I will argue in the next section, our moral beliefs have to be sustained in another way. Although fully developing such an alternative within the span of a short article is impossible, I will try to indicate in section III in what direction we should look for it.

PHILOSOPHY

II

Gewirth's central aim is to show that "every agent, by the fact of engaging in action, is logically committed to the acceptance of certain evaluative and deontic judgments and ultimately of a supreme moral principle."³ The first part of this statement (before "and ultimately") is relatively uncontroversial. Within decision theory, for instance, it is a hardly disputed fact that "every agent must hold or accept that his freedom and well-being are necessary goods."⁴

The latter judgment has a clearly deontic character, but it is not yet a moral judgment. Nonetheless, Gewirth believes that it forms a necessary and sufficient basis for the derivation of moral judgments. To show this, he argues first that it implies that all agents must claim for themselves a right to freedom and well-being. Since Gewirth interprets "right" in a prudential sense here, there is still nothing new under the sun. The novelty is in the next step where Gewirth arrives at a moral conclusion by combining the prudential rights claim with the logical principle of universalizability. The meaning of this principle is that,

if some predicate P belongs to some subject S because S has the property Q (where the 'because' is that of sufficient reason or condition), then P must also belong to all other subjects S₁, S₂, ... S_n that have Q.⁵

If this principle is applied to the prudential rights claim, the result is something like this: if a person (S) has (or claims) a right to freedom and well-being (P) because this person is a rational agent (Q), then a right to freedom and well-being (P) belongs also to all other persons (S₁, S₂, ... S_n) who are rational agents (Q). In other words, every rational agent must logically "accept the generalization that all prospective agents who have purposes they want to fulfill have the rights of freedom and well-being."⁶

Pluhar seems to have no difficulties with the above reasoning. It can be proven, however, that, as Hare has put it, Gewirth "is guilty of a fallacy of equivocation" by identifying "claiming a right" with

"having a right."⁷ From the prudential judgment, "I claim for myself rights to freedom and well-being," one can with the help of the logical principle of universalizability only infer a universalized prudential judgment and not a moral judgment. Adina Schwartz develops the same critique in an even more poignant way:

Gewirth has only shown that each agent must claim rights [to freedom and well-being] for him/herself on prudential grounds. Therefore, each agent is only logically bound to admit that all other agents have sound prudential reasons for claiming those same rights for themselves. Having so judged, an agent can coherently assert that he/she does not want others to achieve their goals. Therefore, he/she can argue, while it is prudent for each of them to demand rights to freedom and well-being, it is rational for him/her to refuse to grant such rights to any other purposive agent. Since no inconsistency is involved here, Gewirth has not shown that any transition from prudence to morality is logically required.⁸

Carol Belanger Grafton,
Old-Fashioned Animal Cuts.
New York: Dover, 1987

Hence, the only thing that Gewirth can logically demonstrate is that

(a) "there is a prudential requirement on [an agent] to seek necessary conditions for achieving his purposes"

implies

(b) "there is a prudential requirement on other similar agents to seek the necessary conditions for achieving their purposes."

In other words, (a) *does not imply*

(c) "there is a requirement on anyone, including the original agent, to seek the necessary conditions for achieving the purposes of anyone else who is similarly placed."⁹

To make the leap from (a) to (c) or, more specifically, from (b) to (c), logic cannot be enough; what is additionally needed, is an extra-logical, motivational assumption. Nowhere in *Reason and Morality* is there an indication of such an assumption. On the contrary, Gewirth stubbornly sticks to his idea that "the transition from the prudential to the moral and social ... is not motivational, but logical" (1978: 146).¹⁰

III

In the history of western ethics the "motivational assumption" of morality has been searched for in several different directions. One particularly attractive solution has been to equate it with rational self-interest.¹¹ There are, however, many problems with this view, not the least of them being the fact that it must deny a moral status to animals and so-called marginal human cases.¹²

Another way out has been to link the motivational assumption of morality with "natural" sympathy or benevolence (cf. Hume). This view is also riddled with obstacles: not only does it presuppose a too-rosy-to-be-true picture of human nature, its corresponding moral theory, utilitarianism, borders at a plea for self-denial.¹³

Whatever the motivational source of morality

may be, moral philosophers have often thought that to pinpoint it, is to justify morality. In this they may have overlooked the quite simple psychological fact that extrinsic motivation may change into intrinsic motivation and vice versa. A child, for instance, may initially be only extrinsically motivated to play the piano — it receives some candy after its daily exercises — but may after some time (months, years) learn to appreciate the playing of the piano intrinsically. The positive reinforcement of the regular candy supply becomes then superfluous — in fact, the child may lose its appetite for candy altogether.¹⁴

It is not difficult to imagine that a similar motivation-shift occurs in the process of moral education: initially children may abide by moral rules because of the extrinsic sanctions that accompany these rules, but in the end most young people learn to respect moral principles for what they are and not for what they may lead to when they are (dis)obeyed.¹⁵

If this is a more or less correct general account of moral education, to justify moral rules by referring back to their motivational origin is not only superfluous, but, moreover, literally a regression into childhood. The alternative is to stick to the result of our moral education and to consider this as the bedrock of moral justification. In practice, this alternative implies, for instance, that it is beside the point to try to justify our moral repugnance at the sight of hoodlums pouring gasoline over a cat and igniting it.¹⁶ For that is how we are brought up to feel about these things and it is hard to see how any argument would be able to change or erase this feeling.

Moral philosophers would be quick to object here that this way of reasoning leads straightforwardly to the legitimization of all kinds of prejudices. In this they are undoubtedly right: without any attempt at systemization and "correction," the outcome of our moral upbringing may come close to an "anything goes" admonition. Therefore philosophers such as Rawls have suggested — and Regan concurs with Rawls in this — that we should try to attain a broad reflective equilibrium between (a) the moral convictions that originate in our upbringing, (b) some version of the impartiality principle, and (c) a

range of relevant background theories (e.g., a theory about the "human condition").¹⁷ Inspiring as this reflective equilibrium proposal may be, it is, as, amongst others, Pluhar's critique of Regan's theory has shown, doubtful whether it can really lead us to accept one specific moral view (and not a class of mutually incompatible views). For this reason, I would like to conclude these reflections on methods of justification on a note that tries to incorporate Pluhar's critique of Regan.

Pluhar especially takes issue with the emphasis that Regan puts on the impartiality principle. Regan thinks that this formal principle of justice can nonarbitrarily be filled out or given concrete form, which is precisely what Pluhar denies. Now, no moral philosopher can do away with the role the impartiality principle plays within morality, but that does not mean that, as Pluhar would readily agree, that role cannot be reinterpreted. What is meant here is that, instead of putting the impartiality principle forward as a foundational and, consequently, isolated principle, one could present it as incorporated in what Hare has called "secondarily evaluative words,"¹⁸ i.e., value-terms that carry descriptive meaning with them. An appropriate example of such a term is "cruelty": the word is not only used to condemn certain acts, it also describes these acts (viz., acts of inflicting suffering). Moreover, it incorporates the impartiality principle, for cruelty is wrong whoever its victims may be; whether they are moral agents, marginal cases or animals makes, given the meaning of cruelty, no moral difference at all.

It would take too long here to defend the view that the duty not to be cruel provides a reliable basis to assess our moral relationship with animals. In conclusion, however, it is worthwhile to observe that the anti-cruelty view has never been given a fair chance. Both Regan and Singer, for instance, have brushed the view aside by claiming that cruelty necessarily makes reference to the mental state of the victimizer (their sadism or indifference), which renders this view "unoperationable."¹⁹ But, surely, it is possible to define cruelty without making any such reference, e.g., as the infliction of suffering against the will and against the interests of the victim. I grant that this definition may have problematic implications of its own, but at least it is, given the

deadlock which seems to characterize the current animal ethics debate, an avenue for theoretical reflection that deserves to be explored more fully than it has been until now.

Notes

¹ "Moral Agents and Moral Patients." *Between the Species* 4 (1988), pp. 32-45.

² Alan Gewirth, *Reason and Morality*. Chicago: University of Chicago Press, 1978.

³ *Ibidem.*, p. x.

⁴ *Ibidem.*, p. 63. Decision theorists would, to be true, formulate this axiom in another way, but closer scrutiny of their and Gewirth's arguments would undoubtedly reveal that the differences are largely verbal. See in this respect, e.g., David Gauthier. *Morals by Agreement*. Oxford: Clarendon Press, 1986, esp. pp. 21-59.

⁵ Gewirth. *Reason and Morality*, p. 101.

⁶ *Ibidem.*, p. 112.

⁷ Richard M. Hare. "Do Agents Have to Be Moralists?" p. 53. Gewirth's *Ethical Rationalism: Critical Essays with a Reply by Alan Gewirth*. Chicago: University of Chicago Press, 1984, pp. 52-58.

⁸ Adina Schwartz. "Review: *Reason and Morality*. By Alan Gewirth." *Philosophical Review* 88 (1979), p. 656. For a similar critique see Richard Brandt. "The Future of Ethics." *Nous* 15 (1981), p. 40, and Loren Lomasky. *Persons, Rights, and the Moral Community*. N.Y.: Oxford University Press, 1987, p. 60.

⁹ The formulation of (a), (b) and (c) is Hare's (in "Do Agents Have to Be Moralists?") and is used also by Gewirth in his "Replies to My Critics," pp. 211-212. *Gewirth's Ethical Rationalism*, pp. 192-255.

¹⁰ In his "Replies to My Critics" Gewirth pretends that he can overcome the objection that is formulated by Hare and others; it is not at all clear, though, what his counter-argument consists of.

¹¹ See, e.g., Gauthier. *Morals By Agreement*, Lomasky. *Persons Rights and the Moral Community*, and Gregory Kavka. *Hobbesian Moral and Political Theory*. Princeton: Princeton University Press, 1986.

¹² See on this Lomasky. *op. cit.*, esp. 152-227, Jan Narveson. "Animal Rights." *Canadian Journal of Philosophy* 7 (1977), pp. 308-325, and Tom Regan. "Narveson on Egoism and the Rights of Animals." *Canadian Journal of Philosophy* 7 (1977), pp. 179-186.

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¹³ See once more Lomasky. *Op. cit.*, esp. pp. 13-27 and 53-54, and also Bernard Williams. *Ethics and the Limits of Moral Philosophy*. London: Fontana Press, 1985, pp. 75 ff. For a critique of the utilitarian view on the moral status of animals and marginal cases, see Evelyn Pluhar. "Must an Opponent of Animal Rights also Be an Opponent of Human Rights?" *Inquiry* 24 (1981), pp. 229-241, and Tom Regan. *The Case for Animal Rights*. Berkeley: University of California Press, 1983. Naturally, I do not presume to have offered any real arguments here against utilitarianism or against the contractarian theories that are mentioned in note 10. Such arguments lie completely outside the scope of this contribution.

¹⁴ For more on this, see Alasdair MacIntyre. *After Virtue: A Study in Moral Theory*. Notre Dame, Ind.: University of Notre Dame Press, 1981, esp. pp. 175 ff.

¹⁵ Cf. John Rawls. *A Theory of Justice*. Harvard: Belknap-Harvard University Press, 1971, esp. pp. 490-496.

¹⁶ The example is borrowed from Gilbert Harman. *The Nature of Morality*. New York: Oxford University Press, 1977, pp. 3-4.

¹⁷ Cf. John Rawls. "The Independence of Moral Theory." *Proceedings of the American Philosophical Association* 47 (1975), pp. 5-22, and also Norman Daniels. "Wide Reflective Equilibrium and Theory Acceptance in Ethics." *Journal of Philosophy* 76 (1979), pp. 256-282.

¹⁸ Richard M. Hare. *Moral Thinking; Its Method, Levels and Point*. Oxford: Clarendon Press, 1981, p. 17.

¹⁹ Tom Regan. "Cruelty, Kindness, and Unnecessary Suffering." *Philosophy* 55: 532-541, and Peter Singer. "Prologue: Ethics and the New Animal Liberation." *In Defense of Animals*. Ed. by Singer. Oxford: Basil Blackwell, 1985, pp. 1-10.

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