Principles: Consistency and Surprise...

Moral principles are intellectual generalizations containing value judgments that have been shaped from our collective and personal experience. They offer a perspective of moral wisdom and attempt to meet human needs. Principles are the voice of history and the moral memory of a people. Without them we would be like amnesiacs with no sense of past experience or moral history. Although principles do not give us a blueprint of the present or the future, they can broaden our outlook, offer depth, and make us more sensitive and less vulnerable in ethical discourse. They give us an added moral perspective.

Whether they are the collective moral experience of our forebears or the fruits of our own experience of moral value, principles are cultur-
ally based propositions or generalizations about what befits or does not befit the behavior of human beings. Principles can be positive (Keep promises) or negative (Do not kill); very generic and broad (Do good and avoid evil) or quite specific (Do not cheat). The terms “precepts,” “laws,” “norms,” and “rules” can be used interchangeably and as synonyms for principles, since they refer to the same moral reality. The applicability and elasticity of a principle relate both to its form and to the moral circumstances.

Moral principles are not just empirical or scientific generalizations of the sort one finds outside ethics. In physics, for example, principles about the properties of gases can be based on uninvolved observation. It is a principle of physics that metal, when heated, expands. We are into more profound experiences of truth, however, when we state the moral principle that all persons deserve due process under law. That is not an obvious observation. In fact, most of history missed it entirely. It is a moral generalization and moral generalizations are different from scientific generalizations. Moral principles are as unique as moral experience itself. The experiencing and the observing that produce them are not of the scientific sort of uninvolved detachment. Because moral principles are derivatives of the foundational moral experience, they have their roots in the affective faith process that grounds all ethics as well as in reflection, observation, memory, and creative imagination.

A moral principle expresses an influence drawn from the perceived value of persons and their environment. It is a conclusion about how persons should behave and should be treated in view of their perceived value. Because of their value, they should not be killed, exploited, or deceived; they deserve truth, fidelity, and caring, due process under law, and confidentiality. These moral generalizations only dawn on us slowly. That children should be allowed to grow up before they are forced into the workplace is an insight that came to us only lately. That all persons deserve the right to vote, to be educated, to be freely represented by an attorney if they are poor, are only modern discoveries. Morally, we get smart very slowly.

Principles are the voiced specifications of the foundational moral experience, and to have moral authenticity, they must reflect that experience. Principles relate to creative imagination, since they preserve in reflective and propositional form the creative insights of a people or a group or a person on what does or does not enhance our moral evolution toward fuller humanity. They are the creative insights that have achieved tenured status in a culture. Moral principles are distinctive, as is moral imagination, when compared, for example, to technological imagination. The difference is qualitative and points us beyond the quantifiable to the deeply personal and human roots of ethics.
The Personal and Empirical Roots of Ethics...

Principles do not just occur out of nothing. They are reflective responses to the moral value within human experience. They meet human needs and situations. Moral principles have a contextual and empirical basis and sometimes they meet the needs of very specialized situations. For example, at one time it was a principle among the Eskimos to practice a kind of socially motivated geriatric suicide. To relieve critical population pressures in the face of severely limited food supply, some of the older folks would resignedly go off to die on an ice floe. In the absence of any alternatives, this principle could be judged a tragic but moral practice. Within their specific moral circumstances, it was the best they could do to survive as a people, since the whole race might have perished without this practice. One could not, of course, rip this moral principle out of that specific empirical context in which it might have been temporarily defensible and say that it would be a good practice for others to whom more benign alternatives are available. Principles derive from circumstances, and circumstances make moral reality distinguishable and specific.

Not all principles have such a narrow empirical base as this particular one of the Eskimos. Some principles are relevant to any context imaginable. The prohibition of rape, lying, and violence are among these, as are the positive principles that urge us to revere and nourish life. But these principles too were learned in concrete circumstances, and they cannot be applied except in dialogue with the realities of the concrete order. In circumstances of self-defense, the very desire to revere and nourish life may press us to kill when no other alternatives for the protection of the innocent are available. The ethical principle of licit killing in self-defense springs from that reality. In fact, ethics can be seen as a dialogue conducted by the moral agent between the moral meaning found in principles and that found in the unique circumstances of the case. Principles are thus tied to the empirical order by reason of their origin and their application.

Deep down in good principles there is contact with the sanctity of life. Although principles may be skewed or may be reflective of outmoded data and myths, we should not part from them without due process. If we find in our cultural reservoirs principles urging the counterproductivity of violence, the responsibility to comfort a dying person without hastening death, or principles that affirm the value of compassion and truth-telling, we should reflect deeply upon their counsel before leaving them for a more morally valuable alternative. Only one who is well aware of the significance of principles has the moral sensitivity to depart from them safely.
The Quest for Universals: Trying to Make Principles Absolute...

There is a tendency at times to universalize moral principles or to make individual experience applicable to all. There is, of course, some basic wisdom in the attempt to universalize. For one thing, it makes us less liable to caprice and self-serving rationalizations. Universalizability means that moral decisions are not simply intuitive and ad hoc. Principles arise out of moral experience and can in turn be applied to similar experiences. If you conclude that you ought to do X in circumstances A-B-C, you should be willing to universalize your insight by saying that anyone like you in circumstances A-B-C should do the same thing.

The very influential German philosopher Immanuel Kant can be used as an example of one who has greatly stressed the universalizability of principles. In “On a Supposed Right to Lie from Altruistic Motives,” Kant wrote: “Truthfulness in statements which cannot be avoided is the formal duty of an individual to everyone, however great may be the disadvantage accruing to himself or to another.” If you think about Kant’s statement, you will realize that he is attempting to universalize one principle over all others and to make it absolutely applicable to every situation. Very simply, Kant would not be the man you would want to stand between you and someone intent on murdering you — at least if Kant knew where you were. Affectivity and feeling are minimized in Kant’s theoretical view of principles and moral reality. Principles conflict with one another at times and some are more morally relevant than others. Cut off from empirical considerations and affectivity that would help us plumb the moral meaning in situations, Kant builds a grid into which he would fit reality willy-nilly. Reality is just too diverse and surprising to be so circumscribed. Common sense and good ethics tell us that we make distinctions when there are differences. Different situations can point up the limits of principles.

Unwittingly, Kant illustrates why it would be better to use the term “generalization” rather than “universalization” in reference to the applicability of principles. By making reason the a priori author of its own principles and by refusing to lean “in the least on empirical grounds” (Kant’s terms in Foundations of the Metaphysics of Morals), Kant pushes principles too far. He even said you would have to tell the truth to someone intent on murder regarding the location of the intended victim. Universalization in the way Kant would want it is ethically impossible. It is in the empirical order that the mind develops principles. It is there also that principles can be tested and corrected. If our abstractions cut all links to the empirical order, they move meaninglessly away from human relevance. Purveyors of such detached abstractions will find themselves standing with Kant confessing the whereabouts of the victim to the prospective murderer — or in some equally absurd posture.
Excessive confidence in universalizability misses the complexity of principles and thus the complexity of moral life. *Ethics is a judgment of relationships in process, not of physical qualities like heat or color, and the web of relationships can never be entirely identical in all cases.*

Universalization is an unrealistic and inaccurate abstraction that passes over the fact that there are exceptions to valid moral principles. To protect other values, like the life of an intended victim, or a legitimate secret, exceptions to truth-telling must be made. Moral principles, which are grounded in the foundational moral experience and which are the voiced specifications of this experience, can and do collide with one another. Some principles by their very definition would include a set of circumstances. For example, one would be impossibly strained to find an exception to the prohibition of rape precisely because of the circumstances implied by that term. It is always amid the complexity of life and the complexity of value judgments that ethics seeks to understand the appropriate response of principles to moral value. The presupposition of ethics is that being moral means an affirmative response to value, just as being immoral means a deviant, damaging response.

**Principles: Solid and Elastic...**

Moral principles must be somewhat solid and somewhat elastic. They must be solid enough to preserve and make available the creative moral wisdom they encapsulate, and they must be malleable enough to yield to or be reshaped by more humanizing understandings. They vary in their elasticity or openness to exceptions. To know about principles is important for an understanding of moral discernment and ethical method generally. Principles are not all of ethics, but they are close to its center. In knowing how they operate in ethical inquiry, we will know much about how the knower knows in moral matters. For this reason, we will now look at principles from the viewpoint of moral evolution.

Principles are not the center of ethics. The discerning subject is. If the moral agent surrenders her or his unique role and reduces moral knowledge to conformism to rules, moral evolution halts. The person has defected. Principles, along with authority, group experience, and other external aids, should not do our thinking and understanding for us. The discerning moral subject is the source of creativity and is the one who has access to what is unique in the case at hand. In this sense, the morally discerning individual is the irreplaceable, immediate arbiter of what the situation means. Though it has been said that "no one is a judge in his or her own case" since one's vision may be biased by one's interests, it can, nevertheless, be said that no one else can ultimately judge the case as well as the individual involved. This individual alone has direct access to the concrete reality of the value
situation. Judging alone, however, entirely apart from the social and cultural resources, is actually psychologically impossible, since we are conditioned by the environment in which we know. It would be folly not to rely consciously, but critically, on those resources. You cannot use principles as though you could inventory and catalogue the entire moral life and put its contents into definitely labeled pigeonholes, but you can be instructed by the moral experience housed in principles.

What principles properly do is supply a deeper view of the context of a case, so that the discerning subject may better discern. They cannot supply for the powers of the subject to understand the moral aspects of life. Only the subject can bring affettivity, imagination, and a dimensional sense that yield insight and understanding. If ethics were just a matter of conforming to external norms, there could be no moral growth or spontaneity. Obedience and not creativity or sensitivity would be the quintessential mark of moral persons. Ethics would be reduced to a static science of rules and applied regulations. Principles serve and illumine the discerning moral agent without displacing that person's freedom. In a legalistic structure of morality, a displacement of freedom is what happens. The result is a hardening of the moral arteries and a blocking of moral creativity and evolution. Properly used, principles can support mature and responsible change and can provide a milieu in which creativity can be distinguished from caprice.

Ethics must work on the assumption that moral maturity is attainable. At times greater protective reliance on external norms and authority figures is needed for certain individuals. Ethics should be geared to the subject who has achieved some of the autonomy that goes with psychological maturity. There are times in our moral and psychological growth when the truth of a principle comes to light only when we stand in a particular situation in which we experience the moral significance of that principle. Sometimes principles make sense to us only after we have morally grown enough to perceive their meaning.

The History and Sociology of Principles...

Principles are the moral language of social beings living in history and principles show the marks of their historical context. A highly rationalistic ethics would take little cognizance of social and historical processes and would imply that one could come upon moral principles simply by looking inward at the laws of the mind. One might indeed discover in this fashion that the whole is greater than any of its parts, but mere introspection is not the adequate source of the principles that fill our moralscape. It is important to note this point, so that there can be critical reflection regarding the principles to which we are heirs. Principles will bear the assets and the debits of social, historical existence. They must not be uncritically received because they capture the low as well
as the high points of moral consciousness. It is intellectually chastening and healthy for a critical ethics to see that some principles that were long ensconced and apparently of the highest pedigree have come to be seen as wrong and immoral. The following example should temper our undue confidence in principled and established viewpoints.

Let us look to slavery, an all too recent phenomenon in American history. Slavery was surrounded and sustained by a number of well-established ethical principles that were both legally and religiously enshrined. There is grim witness here to the fact that accepted principles can be the repositories of iniquity. Holistic ethics fosters an inquisitive attitude to look into and investigate the social and historical influences of accepted moral principles. Principles are to be evaluated. Critical assessment could lead us to the refinement of principles or, in some cases, as in slavery, to radical rejection. Since moral insight is an ongoing process, ethical achievement found in principles must be affirmed continuously and, when necessary, corrected as greater moral meaning is discovered. Principles may have to be reappropriated and lost ones rediscovered.

Slavery was rationalized as being part of human nature as well as part of the nature of government. Philosophical and religious traditions supported this view. “For that some should rule and others be ruled,” Aristotle says in the Politics, “is a thing not only necessary, but expedient; from the hour of their birth, some are marked out for subjection, others for rule.” For Aristotle and for many after him, it was obviously true “that some people are by nature free, and others slaves, and that for these latter slavery is both expedient and right.” Even the Bible does not condemn the institution of slavery. There is clear advice given to masters to be kind and to slaves to be obedient and these passages were often used to support the arrogance of those in power.

A number of functioning moral principles flowed from this rationalization of slavery and found expression and support in our common law. Children could be separated from parents and husbands from wives. Stanley M. Elkins in his book Slavery has pointed out that a North Carolina judge in 1858 wrote: “The relation between slaves is essentially different from that of man and wife joined in lawful wedlock... for with slaves it may be dissolved at the pleasure of either party, or by the sale of one or both, depending on the caprice or necessity of the owners.”

Sometimes what is actually going on in culturally dominant moral principles is less apparently malignant but simply a pretentious front for what is perceived by many, and especially by those in power, as sheer necessity and moral conviction. The overused term “National Security,” for example, has covered many apparent abuses of power for political expediency. The call for mandatory testing for AIDS and for
drug screening can be seen as an experimentation with new principles, and those new principles are not necessarily good. In the principles that surrounded the institution of slavery, and in others, such as those supporting the subjugation of women, malignant fallacies were used to justify exploitation.

Principles, then, have the potential to be directed to ignoble or shortsighted ends, however elegantly bedecked they are with purportedly noble reasons. Principles can also become a block to moral evolution by absolutizing the good values that are found in them. In some ways these principles can be more dangerous than those harboring exploitative options, since they wear the credible mask of unquestioned respectability. Any right or principle that is absolutized and given an ontological, in se validity is in a disordered state. Rights and principles exist in relational tension with other rights and principles. Moral discernment must determine which ones, if any, apply in given situations. No principle — unless it is so generic by definition that it is more foundational than specific, such as “Do good and not evil” — should be thought to have permanent, absolute, and universal relevance.

An example of principles that have become absolutized can be those surrounding individual and property rights in America. They can easily become immune to corrective criticism and, unchallenged, they can reign as untested moral principles blinding all the ethics that is done under their unsuspected sway. But realistic ethics can help us put them into moral perspective. Property rights and individual rights are, of course, limited in the United States, as they are in any functioning nation. Taxes and the common good are obvious limits to the right of estate and the right of individual freedom. And yet there is an absolutism present in the American defense of property rights, private enterprise, and individual rights. When these rights are all operative at the same moment and in the same persons, absolutism takes on added strength. We saw these operating in their purest form in the call to shoot looters during the riots of the 1960s. In what was a sure sign of absolutizing, death was seen as a fitting penalty for the violation of property rights. If there is a belief in the absolute right of property, anything may go. Those who own a factory feel free to close it without giving notice to the people whose labor enriched them even though these people will be devastated by the closure. We also saw these rights working in the violent reactions to civil rights boycotts and in the foundation of private academies to exclude African Americans, a policy that amounted to using private property “rights” as a justification for violence against these Americans. The judicial system has reacted against this kind of policy, but it has its work cut out for it, since the mentality here is nourished in deep springs. Absolutized
rights of freedom and ownership can render nugatory the more basic claims of persons to justice, respect, and community. The mischief is all the more difficult because it is done by people of principle and the classic conflict, in which moral evolution is resisted on principle, is kept going.

The upset caused by an unbalanced emphasis on certain values and certain principles is far-reaching. The American fascination with absolute liberty and with the absolute right to private property exemplifies this emphasis. The influence of the unbalance can be found in pivotal political and economic concepts such as “the national interest,” “private enterprise,” and “free trade.” Here is where we can see the link between ethics and a science such as economics, where moral principles are also at work, as they are in all human activity. A value-conscious economics would probe deeply into its presuppositions to see what assumptions and principles it has been carrying regarding the primacy of liberty and individual ownership and to see how they affect the conclusions of economic theory and how they shape economic ideals. Economics, like any other discipline that deals with human activity, ultimately does not function without specific attitudes on what persons are and what befits them. These are foundational ethical considerations, and they should be checked.

Though economics may be defended as a legitimate and distinct discipline, it may not, like any other discipline, be presented as an ethics-free system. It is replete with estimates of what befits persons as persons — and that is the stuff of ethics. Early economists saw their work as an extension of moral philosophy, or ethics. This moral consciousness and sophistication quickly perished as economics (and the other social sciences) divorced ethics and pursued the nineteenth-century figment of a “value-free objectivity.” This, of course, was nonsense, and dangerous nonsense at that. All the social sciences have built-in judgments about what persons are worth and what they deserve. Every social science is full of untested value judgments. This is belatedly and slowly being recognized as today the social sciences are starting to acknowledge that they are neck-high in moral value evaluation all the time.

Many moral principles arising out of the culture are assumed by the social sciences, given new shape and emphasis, and then returned to the culture with new force and significance. The term “value-free social science,” therefore, is a crude example of false labeling. Principles do not drop down on us from the untainted realms of rarefied intellectuality. Like ourselves, they have a history. Critical ethics requires that we look to the historical and sociological roots of our principles. We cannot naively think of principles — whether they appear in ethics or in social or “hard” science — as free of historical moral conditioning.
The Rapport between Principles and Ideals...

Some principles contain practical norms, some contain ideals. Because ideals and idealists represent a call to self-criticism, they are potentially unpleasant and problematic. Idealists are discontent by nature and not well received in society. Their ideals are always pointing toward something that is not yet. But by a fortunate compensation, ideals are powerful. There has never been a major turning point in history that was not charged with idealism. All great revolutions are victories of ideals.

Although there is no perfect distinction between ideals and principles (ideals can also appear in the form of principles; “justice for all” is an example), there are distinguishing qualities. Three concentric aspects to ideals make them especially different: (1) they have a future referent, (2) they are subversive, and (3) they are gradually but never fully realized.

Some principles, such as those directing us not to kill, steal, or vandalize, are not offering ideals. They are spelling out the minimal ramifications of the foundational moral experience. Idealistic principles and ideals always promise something better. They are futuristic and based on concepts of how things might be. Second, they are subversive in the sense that they undercut the assumption that everything is as it should be. Not everything is. Because they contradict the comfortably accepted wisdom, which usually settles for less, ideals are threatening. And thirdly, ideals are gradually but never completely realized. Equality is an ideal of long standing, especially since the rise of democratic theory. Yet, there are no completely egalitarian societies. Neither are there any completely just or free societies. This does not mean that justice and freedom are mere illusions and that we abandon our quest for greater social justice. There are horizons toward which we must move, and the more we set our vision on them, the more does our moral existence reflect their light. Idealistic movements must be patient. Moral evolution may lurch forward at rare times, but in general the pace is glacierlike. Idealism can give us a hope that is not incompatible with moral growth.

The Problems of Exceptional Cases...

Principles increase our consciousness within the realm of the expectable. But moral reality has a broader reach than that. It cannot be circumscribed by principles alone nor can principles fully articulate its meaning. Also, morality involves not only rules or principles but exceptions to them. Principles are open to surprise. Sometimes principles have to be reformulated and sometimes there are uncharted situations or decisional problems that do not so much go against principles as beyond them. (Emergency situations are almost by definition beyond the
reach of facile principles.) There are moments of “ultra-obligation” and moral heroism for which there are no rules. In ethics, neither principles nor exceptions can always claim a higher status. Both are expressions of and responses to the perceived value of persons in concrete situations, and both enjoy equally sound credentials.

For a number of reasons, however, exceptions are often put on trial and argued against especially when they threaten seemingly absolute principles. Good exceptions move beyond the specific limitations of principles to a truer realization of moral value and, conversely, bad exceptions negate moral value and contradict the foundational moral experience upon which principles are based. Valid exceptions do not depart from the value housed in principles but point up their limits. The exception must be seen as a good exception to a good principle and must not threaten or diminish the value that the principle contains. Because principles cannot deal adequately with all that is unique and particular in life, exceptions are necessary. Exceptions to enduring and morally reaffirmed principles must remain exceptions and not become norms. The domino theory, which stresses that any exception to a principle will automatically lead to moral chaos, is an unrealistic way of dealing with the complexity of exceptional cases. When there seem to be more and more exceptions to a basic principle, it may mean either that the proper elasticity is being discovered in the face of mounting complexification, or it might mean that the value in the principle is receding from view. It is this latter possibility of receding value that requires a critical pause in the face of new exceptions. Exceptions, like principles, should be put on trial.

The medieval philosopher Thomas Aquinas also saw the possibility of exceptions to very basic principles so that in certain circumstances one could morally and licitly take the property of others, have sexual relations with someone other than one’s spouse, and even directly kill one’s self or another innocent person. He used the biblical examples of Samson committing suicide by collapsing the Philistine temple upon himself; Abraham supposedly consenting to kill his son, Isaac; and Hosea the prophet who appeared to have been implicated in sexual sin. Thomas distinguished between speculative and practical reason, the latter of which has to do with human behavior and ethics. Regarding principles of practical reason, Aquinas says: “Although there is some necessity in the common principles, the more we descend into particulars, the more frequently do we encounter defects.” “Defects” here mean exceptions. The “some necessity” means that generally a moral principle will be applicable and relevant in the type of case to which it refers. The principle is good and useful but it is not absolute or not without limits, what Aquinas calls defectus.

There are times when a principle does not apply and under some
circumstances it would be positively harmful and irrational to insist on adherence to the principle. It is a good principle to "punt on fourth down," but not when it is the end of the game and you are on the three-yard line. Exceptions occur in cases where greater values than those contained in the principle supervene and prevail. Such cases stretch across the whole gamut of human experience and ethical inquiry.

As we said earlier in chapter 6, regarding the who? question in the hub of the wheel model, what may be right for one person may not necessarily be right for someone else. Morality is not the same for everybody in every situation and neither are principles. If all moral meaning were absolutely generalizable, then the truth would be the same for everyone at all times. We do not want to find ourselves in the bind that Immanuel Kant was in. We do not have to tell the prospective murderer where the victim is hiding.

The truth-telling principle can run into particularities where it does not apply. In fact it would be quite moral and proper to give misleading information to the desperado. A realistic assessment of principles broadens our moral horizons and widens our response to moral value. In most cases in life, there is more than one principle making its claim to valuable relevance. There are times when principles collide and conflict with one another. Thus the ethical question here is: Which principle connects more valuably with the concrete circumstances of the case and better serves the human values at stake? One principle or the other may have to be denied temporary application. If you tell the truth, you do not save innocent life; if you save life, you do not tell the truth. Similarly, if you tell the truth, you may violate reasonable expectations of confidentiality.

No problem would exist if ethics could be reduced to the simple application of only one relevant principle to a moral situation. Neither life nor an ethics that seeks to meet its challenges is so simple. Principles cannot capture the whole of moral reality, which always contains the inimitable and the unique. There are unchartable and ungeneralizable moments. A principle is not a decision but the background to one, and, however helpful, it is inevitably limited in the face of the truly new. Moral wisdom requires that our sense of uniqueness not be dulled by the more manageable sense of what is generally true in principles.