

Original Paper

Why Is Moral Theory So Vague?

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Abstract

Professor M. Sandel argues in the book Justice: What is the Right Thing to do, that virtue and the common good capture the essence of morality as well as that justice is dependent upon morality. These two arguments come from his well-known lectures with Harvard University. But can they be upheld? Or are these words - “virtue” and “common good” - building stones of morality?

Keywords

political philosophy, Sandel, Barry, Ulpian, metaethics

1. Introduction

The publication of *A Theory of Justice* in 1971 marked the much growing interest in moral questions like justice in the scientific community. In the first half of the 20th century the meta-ethical discourse dominated.

Various arguments were voiced against the possibility of moral theory. Moral disagreement was typical and could not be decided by reason alone, because emotion was involved in ethical decisions.

A number of philosophers in various countries turned to meta-ethics, or the theory about the nature of ethics, to argue the impossibility of a science of morality: Weber, Kelsen, Haegerstrøm and Ayer e.g. They focused on the distinction between IS and OUGHT and argued that morality was based upon ultimate ends, norms, and moral words were used for expressing emotions and recommending (Sayre, 2023).

Rawls, however, proposed that reason could deliver morality. He focused on justice in a well-ordered society. A person in a veil of ignorance would reasonably choose human rights that promote freedom, impartiality and equality. In a later revision, Rawls appears to have dropped his minimax rule, or feasible equality. Now, is this a proper or correct theory of justice?

2. Sandel's Argument Against Rawls

In the book *Justice*, Professor Sandel claims that Rawls is wrong or defective somehow:

- 1) Justice as rights separates wrongly justice from the good;
- 2) Justice is virtue;
- 3) Justice entails the common good.

It may be emphasized that arguments 2) and 3) are normative, whereas 1) is empirical.

Professor Sandel shows many justice issues where indeed peoples' images of the good life play a major tool for justice. And he concludes that justice "depends" upon the good life.

We must stop here and reflect upon the meaning of dependence. People have a variety of moral beliefs which are not always coherent or integrated logically. Persons may share the same conception of just as fairness even when they adhere to different ethnies, religions or ideologies harbouring alternative definitions of the good. Surely this holds for many citizens in relation to the US constitution. This is all weak dependency.

Yet, it is true that some persons display a tight association between the good and justice. Thus, for instance in Cultural Theory there are four IDEAL-TYPES of beliefs combining the good with different concepts of justice (Wildavsky, 1996). Typically, various justice conceptions aim at legitimacy for the specific good of a person or group.

Argument 1) about justice dependent upon the good seems wrong in relation to Rawls and his idea of a veil of ignorance.

3. Virtue

Argument 2) brings forward the term "virtues" as key for justice concepts. As a matter of fact, it is somewhat surprising that professor Sandel makes so much use of this very old conception from the Ancients and medieval thought - see Cicero and Lepsius. Who is virtuous when and how? Professor Sandel mentions Robert Kennedy, but what about his brothers?

4. The Common Good

Argument 3) is very weak. It alludes to the Rousseau tradition of some conception of the best interests of a group. Maybe climate policy-making would constitute a common good for America or the entire planet?

There are several versions of this common good: commons, public goods, nation's best etc. But it remains a hollow term. In a democracy, government and opposition present alternatives of what is best for the country.

It may be pointed out that some regard finding "the rational thing to do" as easy. But it is not question of professor Sandel's problem: what is the thing one *ought* to do.

5. Von Wright's Thing to Do

In his book *Explanation and Understanding* (1973) G. von Wright, well-known professor of philosophy, analyses two basic modes of explanation: nomothetic and teleological. The former employs Hempel's well-known law like generalizing, while the latter points at motive and intention. This distinction between Galilean model and Aristotelian model is developed by means of von Wright's insights into deontic logic—the logic of norms or what one *OUGHT* to do. Understanding the behaviour of humans one must take mind into account: the perception of the situation and the incentives.

Von Wright argues that teleological explanations are logical and not causal in the empirical meaning of "causality". This amounts to very strange claim about human actions.

Consider the following syllogism:

X intends to bring about P;

X CONSIDERS THAT HE CANNOT BRING ABOUT P UNLESS HE DOES A;

Therefore X sets himself to do A.

This typical Wright explanation model is incorrect, as it does not explain the actual action A, but the intention of doing A. The relationship between the intention to do A and actually doing A is fully probabilistic.

6. Professor Sandel Bypasses the just Distribution of Income and Wealth, Whereas Rawls Had the Audacity to Propose Maximin, from the Veil of Ignorance.

7. Veil of Ignorance

Professor Sandel requires no veil of ignorance for identifying justice. Here he deviates from theories of justice as implying impartiality (Barry, 1995). Barry regards impartiality as a necessary and sufficient condition for justice.

8. Conclusion

Ulpian suggested that the precepts of law are:

- 1) Live honorable
- 2) Hurt nobody
- 3) Give each and everyone his/her *due*.

One would wish to extend the Ulpian notion of justice to the whole mankind so as to exclude all forms of slavery—impartiality. It is up to policymaking in an open society to decide what is due to various groups as well as the environment. What is virtuous or in the common good will be a matter of contention.

Professor Sandel bypassing metaethics and social choice theory concentrates upon “virtue” and the “common good”. Can they be defined without a concept of justice? (Circulatory). Social choice theory shows that it is problematic to add each individual good into a common good. Professor von Wright explains an action by referring to what the person thinks he/she ought to do rationally. But the person may not actually do that (Is-ought confusion).

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