

# A Fallacious Argument Against Moral Absolutes

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**ABSTRACT:** The denial of moral absolutes rests, I think, on a seductive but fallacious argument, which I shall attempt both to expound and to refute here. Human beings are highly complex creatures living in a highly complex world. Every human being is different from every other, every interaction or relationship between or among human beings is unique. Hence also every occasion for moral choice is also unique, and all those action kinds – be they *adultery, murder, rape, theft, or torture* on which moralists are accustomed to pass judgment include an enormous variety of differing transactions, which ideally ought to be evaluated one by one. Moreover, each proposed action has a variety of different aspects: intention, foreseen consequence, conventional meaning, and symbolic significance for example, which bear on moral choice in a wide variety of ways. Moral rules are therefore rules of thumb, open to exceptions whenever persuasive arguments for making them are provided.

**KEY WORDS:** casuistry, moral absolutes, relativism, rules and exceptions, situationism.

Moral disputes, especially those with wide cultural ramifications,<sup>1</sup> take place at least two different levels. One concerns particular issues such as abortion, sexual ethics, and welfare policy; another concerns the nature and sources of moral authority. While there is no one-to-one correspondence between views on the first and views on the second level, a person or group's position at one level has a significant impact on his or its position on the other. Positions at neither level are immune to argument, but the sorts of arguments, and consequently the sorts of fallacies, that arise at different levels vary significantly. I here consider a moral dispute conducted, and a fallacy committed, at the second level. It concerns the existence or no of moral absolutes, in the sense of rules that are valid regardless of circumstances or consequences.

I begin with a statement at the highest "metaphysical" level. Joseph Margolis defends relativism as a "philosophy of the free spirit, of all those unwilling to let *any* premiss count as privileged or fixed."<sup>2</sup> But he also says that his relativism is "a prejudice in the old sense, in the sense of (discerning) the deep preformative themes of our operative judgment horizontally formed by the very practice of historical life" – in other words a dogma. And his acceptance of this dogma is a brute historical fact:

'Man is the measure' is now entrenched in a remarkably powerful way in all of our thinking. . . . [We have] historicized and artifactualized human nature under conditions of intransparency and the open possibility of conceptual innovations we cannot even imagine as yet.<sup>3</sup>

This sort of dogmatic anti-dogmatism seems to me self-destructive, but I need not argue this point in detail here.<sup>4</sup>

In any event, it is a dogma of the modern mind (or rather of many minds that like to think of themselves as modern) that no principle can be absolute or exceptionless. This dogma has many particular applications, including the denial of infallible moral and spiritual authorities, of exceptionless moral rules (we may call this application *situationism*), and of necessary propositions with interesting content; as well as belief in the possibility of a completely open mind. Here I shall consider one version of this dogma, the belief that there are no moral absolutes – that is to say no moral principles of a substantive and even moderately concrete sort that hold regardless of the circumstances or consequences. Principles like the Principle of Utility and the Categorical Imperative are excluded from this stricture. Also sometimes excluded, though on what grounds it is difficult to say, are rules restraining the use of collective power: John Stuart Mill for example undertook “to assert one simple principle, as entitled to govern absolutely the dealings of society with the individual.”<sup>5</sup>

Not only – or so many people hold – are there exceptions to the rules against murder and adultery (unless these are defined so as to make the wrongness of behavior designated as murderous or adulterous follow as a matter of definition): any rule of morality has exceptions, however rare. Some defenders of moral absolutes unwisely choose to begin with controversial sexual examples; their case would be far stronger if they chose their examples more prudently.<sup>6</sup> But it is easy to defend, on intuitive grounds, the belief that rape and torture are always wrong. Hence appeal to the Common Moral Consciousness alone cannot support the modern dogma.

Nor does the case against moral absolutes rest on our success in finding exceptions to every moral rule: at a certain point a plausible counter-example to a plausible moral absolute will be a hard case, no resolution of which will entirely satisfy the conscience. The status of such hard cases will have to be resolved on broader theoretical, possibly even theological, grounds.<sup>7</sup> In some cases the denial of moral absolutes rests on a consequentialist moral theory, or at a deeper level on the denial of the moral relevance of the difference between foresight and intention, so that any moral judgment can be reversed by adducing new unintended consequences. For if I am responsible for the unintended consequences of my action, as much as those which I intend, I can only tote up evils in circumstances in which an innocent person will die whatever I do. But not every one who rejects moral absolutes is a consequentialist of any sort.

The denial of moral absolutes rests, I think, on a seductive but fallacious argument, which I shall attempt both to expound and to refute here. A

simple version of the fallacy examined here is provided by John McDowell. McDowell rightly observes that

If one attempted to reduce one's conception of what virtue requires to a set of rules, then, however subtle and thoughtful one was in drawing up the code, cases would turn up in which the *mechanical* application of the rules would strike one as wrong – and not necessarily because one had changed one's mind; rather, one's mind on the matter was not susceptible of capture in any universal formula.<sup>8</sup>

But it does not follow, as McDowell thinks, that “the best generalizations about how one should behave hold only for the most part,”<sup>9</sup> only that such generalizations require prudence in their application.

A fuller statement of the argument is as follows. Human beings are highly complex creatures living in a highly complex world. Every human being is different from every other, every interaction or relationship between or among human beings is unique. Hence also every occasion for moral choice is also unique, and all those action kinds – be they *adultery, murder, rape, theft, or torture* – on which moralists are accustomed to pass judgment include an enormous variety of differing transactions, which ideally ought to be evaluated one by one. Moreover, each proposed action has a variety of different aspects: intention, foreseen consequence, conventional meaning, and symbolic significance, for example, which bear on moral choice in a wide variety of ways. Moral rules are therefore rules of thumb, open to exceptions whenever persuasive arguments for making them are provided. In short, there are no moral absolutes.

In evaluating this argument, we need to be clear about the parameters of the discussion. Our moral capacities are bound to the natural order in which they are exercised. Hence it is not necessary to formulate moral rules to cover naturally impossible situations, such as those involving kittens injected to produce supercats with human intelligence;<sup>10</sup> or which presume knowledge that human beings cannot have, such that if I have sexual intercourse now, my great-great-grandson will be a mass murderer (and I will not have a great-great-granddaughter whose good deeds outweigh his crimes).

There can be no practical need for rules covering such cases, and any result one reaches for them will sound odd, if only because of the oddness of the situation envisaged.<sup>11</sup> Moreover, the capacity for moral judgment arises in the world as it is, and there is no reason to suppose that it extends to possible worlds other than our own. Hence a moral code will be sufficiently defended if it applies satisfactorily to all naturally possible situations, including only those forms of knowledge of which human beings are naturally capable.

It is possible to strengthen this conclusion, and exclude from consideration even some naturally possible situations. Ursula K. LeGuin<sup>12</sup> imagines a race of intelligent androgynes, each of which is capable of both begetting and bearing a child. These beings undergo an estrus cycle, and have

no institution of marriage. Their only important conventional rule about sexual behavior requires "brothers" to separate after one of them has given birth to a child. Such beings may be naturally impossible, say for reasons involving hormones, but even if they are possible we need not worry about them when we formulate our principles concerning sex, reproduction, and family life. For we have no practical dealings with such creatures, and they are structurally discontinuous with us in respects relevant to these domains of morality. (The same would not be true, however, about our principles governing violence and deceit, procedural principles such as *Accept traditional rules that withstand critical scrutiny*, or general moral principles as such *Never use a rational being as a mere means*.) Human situations are complex and ambiguous enough without invoking science-fiction/fantasy examples, and this ambiguity and complexity might seem sufficient to support a categorical bar on moral absolutes.

An argument that can equally well be used to support both sides of a given controversy does not support either. Thus, one way of seeing what is wrong with the argument against moral absolutes is that it can be inverted. Given the complexity of human situations, a morality that allows practical reasoning an unlimited field of possibility quickly becomes unmanageable. If every nuance can make a moral difference, we can never have good reason to suppose that we have specified a situation in sufficient detail to make sound moral judgment possible.<sup>13</sup> This seems to be the reason why Aristotle, despite the centrality of practical wisdom to his account of ethics, nonetheless upheld an absolute prohibition on adultery, for example.<sup>14</sup> Married life, one can well feel, is complicated enough as it is, without taking on the added sources of difficulty that arise if the spouses are open to other relationships.

Casuistry endeavors to combine the stability of moral absolutes with the flexibility necessary for life. For let us suppose that we acknowledge a moral rule, say against incest, cruelty, or theft, to which we do not – at least as yet – recognize any exceptions. Someone presents a hard case: brother-sister marriage in a society in which such relationships are conventionally accepted, punishing a child to prevent behavior destructive of self or others, or taking another's property to ward off imminent starvation. There are three responses possible: (1) "strongmindedly" uphold the moral rule against "sentimental" pleas for an exception, (2) allow an exception in this hard case (and in a potentially unlimited hard cases of other sorts), and (3) argue that the sort of conduct in question is not, upon careful consideration, really a violation of the rule. It is not possible, at this level of abstraction, to decide which strategy is appropriate to what cases. But strategy 3 has great appeal because it extends the hope of fine-tuning moral judgment to the complexities of moral decision making without opening it up to limitless ad hoc judgments about what seems best at the time.

The instruments of casuistry are designed to accomplish precisely these ends. The principle of double effect, for examples, allows us to perform

actions with effects we are normally required to avoid, such as the death of an innocent person, so long as these effects are chosen neither as ends nor as means, and so long as the good sought, or the evil avoided, by our decision is of sufficient gravity to warrant the evil accepted. It thus allows both for the complexities of human agency (such as the many ways one might act in a way that leads to a person's death without exactly willing it) as well as the need for consequentialist constraints (by way of the principle of due proportion), within in a context in which central moral rules are left unchallenged. Likewise, in applying the moral rule against adultery, the possibility that the relationship breached is not a true marriage allows some (but not, we may hope, too much) leeway for the reasoned resolution of difficult cases.<sup>15</sup>

The doctrine of equivocation allows the use of evasive and ambiguous language in circumstances where telling the unvarnished truth would have bad consequences, or breach a duty to keep secrets, and there are no overriding special obligations to provide information. (If, for example a man asks a priest whether his wife is cheating on him, and the wife has confessed adultery to the priest, the priest may say "Not to my knowledge," meaning that I have no knowledge that I can communicate to you.) The doctrine thus preserves the rule against lying, while not requiring disclosure of secrets or other destructive forms of communication. And doctrines such as "probabilism," which allow agents to take the benefit of any reasonable doubt, are intended to enable people to deal with the complexities of moral life without abandoning central moral principles.

Whether such techniques can produce acceptable results in all concrete cases remains to be seen. The challenge to the casuist is severe: as Richard A. McCormick, S. J., has put it,

One is asked to be both theoretically consistent and practically sensitive to the complexity and intransigence of reality – in other words to plug all the loopholes in a prudent and persuasive way.<sup>16</sup>

The possibility of success seems to me a matter of rational faith in Kant's sense. This faith is not shared by all religious moralists;<sup>17</sup> *a fortiori* many secular moralists have found it unpersuasive.<sup>18</sup> But it cannot be overthrown merely by adducing the complexity of moral situations – a complexity of which its adherents are well aware.

I have argued that the most persuasive argument against moral absolutes is fallacious and fails. My argument does not show that there are moral absolutes, let alone telling us what they are. Nor does it provide any grounds for hope about our ability to discover them. The complexity of human situations, which fails to establish the non-existence of moral absolutes, but rather our need for them, stands in the way of our attempts to discover what they are.

We are faced with an argumentative situation akin to Kant's antinomies, in which contradictory conclusions follow with equal persuasiveness from

the same set of considerations, and we might turn to Kant for advice about a remedy. But this is another story.<sup>19</sup>

## NOTES

<sup>1</sup> A useful, though sometimes philosophically maladroit, account of these conflicts is James Davison Hunter, *Culture Wars*, N.p.: Basic, 1991.

<sup>2</sup> *The Truth About Relativism*, Oxford: Basil Blackwell, 1991, pp. xiv, xv.

<sup>3</sup> *Ibid.*, p. 7.

<sup>4</sup> One commentator dismisses self-referential arguments as "the sleaziest weapon in the philosopher's arsenal." (David Hall *Richard Rorty*, Albany, SUNY Press, 1994, p. 115.) But this response represents nothing more than a refusal to admit an argument on the ground that it damages one's position.

<sup>5</sup> *On Liberty*, ch. 1. In *Essential Writings*, Max Lerner ed., New York: Bantam, 1961, p. 263.

<sup>6</sup> John Finnis, *Moral Absolutes*, Washington, D.C.: Catholic University of America Press, 1991, p. 7, begins his discussion with remarriage after divorce, and thereafter heavily emphasizes contraception. *Rape*, in contrast, appears only once in his index (and the same is true of *genocide*), and *torture* not at all.

<sup>7</sup> See my article, "The Conscientious Acceptance of Guilt in the Necessary Murder," *Ethics*, 89 (3) (April, 1978), 221-39.

<sup>8</sup> "Virtue and Reason," in Stanley G. Clarke and Evan Simpson eds., *Anti-Theory in Ethics and Moral Conservatism*, Albany: SUNY Press, 1989, p. 93. This anthology is invaluable.

<sup>9</sup> *Ibid.*

<sup>10</sup> Hence the writer conceded too much to Michael Tooley in his *Ethics of Homicide*, Ithaca: Cornell University Press, 1978; paperback ed., Notre Deme: University of Notre Dame Press, 1989, e.g., pp. 95-96.

<sup>11</sup> Miracles pose a problem here, but we have no right to count on their occurrence. And a God who gives us supernatural knowledge of the future will presumably instruct us how to act on it.

<sup>12</sup> *The Left Hand of Darkness*, New York: Ace, 1983.

<sup>13</sup> This sentence is directed against Martha Craven Nussbaum, "'Finely Aware and Richly Responsible,'" Stanley G. Clarke and Evan Simpson eds., *Anti-Theory in Ethics and Moral Conservatism*, Albany: SUNY Press, 1989, ch. 5.

<sup>14</sup> *Nichomachean Ethics*, 1107a9-17. Interpretations of this passage are discussed by John Finnis, *Moral Absolutes*, Washington, D.C.: Catholic University of America Press, 1991, ch. 2, §1. But adultery here is not adultery in the Christian or post-Christian sense: a married man who has intercourse with an unmarried woman is not, in Aristotle's sense, guilty of adultery.

<sup>15</sup> Many, though by no means all, people who reject adultery also reject fornication, in the sense of intercourse between unmarried persons. This belief tightens matters up, but not completely, since many believers in the marriage ethic have understood marriage as primarily a relationship between the parties only secondarily involving church, state, or kin.

<sup>16</sup> "Ambiguity in Moral Choice," *Doing Evil to Achieve Good*, Richard McCormick, S. J., and Paul Ramsey eds., Chicago: Loyola University Press, 1978, p. 35.

<sup>17</sup> Lutheran moral theologians have been the most serious questioners here.

<sup>18</sup> See for example Annette Baier, "Doing Without Moral Theory," Stanley G. Clarke and Evan Simpson eds., *Anti-Theory in Ethics and Moral Conservatism*, Albany: SUNY Press, 1989, ch. 1.

<sup>19</sup> I am indebted to Michael Wreen for his comments on a draft of this essay.