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{TMB 55}

Common morality and moral reform

by

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Abstract

The idea of moral *reform* requires that morality be more than a description of what people do value, for there has to be some measure against which to assess progress. Otherwise, any change is not reform, but simply difference. Therefore, I discuss moral reform in relation to two prescriptive approaches to common morality, which I distinguish as the foundational and the pragmatic. A foundational approach to common morality (e.g., Bernard Gert's) suggests that there is no reform of *morality*, but of beliefs, values, customs, and practices so as to conform with an unchanging, foundational morality. If, however, there were revision in its foundation (e.g., in rationality), then reform in morality itself would be possible. On a pragmatic view, on the other hand, common morality is relative to human flourishing, and its justification consists in its effectiveness in promoting flourishing. Morality is dependent on what in fact does promote human flourishing and therefore, could be reformed. However, a pragmatic approach, which appears more open to the possibility of moral reform, would need a more robust account of norms by which reform is measured.

Keywords: morality, common morality, moral reform, Gert, Beauchamp, Childress, foundational, pragmatic, pragmatism, ethics

{TMB 55-56}

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The term "common morality" refers to a cluster of related ideas. I distinguish between a "foundational" and a "pragmatic" approach to common morality. I discuss the extent to which each of these two types of common morality are open to moral reform and difficulties for each with respect to such reform.

{TMB 56}

Common Morality

Common morality refers to some set of moral beliefs or rules that are taken to be "foundational" to moral reasoning, choice and decision. It could be historically or a-historically defined, and universally or culturally (group-specifically) defined, and these can be combined in the following fashion:

(1) a-historical and universal (e.g., Gert's moral system[1, 2])

(2) historical and universal (e.g., Beauchamp and Childress's notion of common morality [3, 4])

(3) historical and cultural or group-specific (e.g., Strong's group specific notion of common morality [5]).[1]

    (A fourth conceptual possibility of a-historical and cultural or group-specific seems implausible and empirically unjustified.)

(1) An a-historical and universal common morality consists of a core set of moral beliefs and rules that are alleged to be universal to all rational human beings at any time and place. Gert, for example, argues that common morality is not just a set of beliefs that everyone happens to have, but is justified by a normative concept of rationality itself that takes nonmaleficence – a prohibition on moral agents doing harm to moral agents – as central.

(2) A historical and universal common morality consists of a core set of moral beliefs and rules that reflects the distilled cumulative moral wisdom of human experience up to this point in time as expressed in core moral principles (e.g., Beauchamp and Childress's autonomy,

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[1] MacIntyre's communitarian traditionalism would fall in this category [6, 7].

{TMB 56-57}

nonmaleficence, beneficence, justice) and moral rules (some of which are identical or very similar to those in Gert's system) that, while universal, have evolved over time and are, therefore, historical.

(3) A historical and cultural common morality consists in a core set of moral beliefs, values and/or rules of a culture or society that govern moral choices and decision making within that culture or society. There may be overlap between societies (although it's not guaranteed). Turner's [8] anthropological critique of Beauchamp's and Childress's universalistic view of common morality and Strong's idea of cultural or group-specific shared norms [5] fall in this category.

In an essay discussing religious diversity in America the author invokes the third notion of common morality as socially (and religiously) specific: "A common morality, founders like George Washington and John Jay believed, was dependent on a common religion"[9].

A suggestion that Anglo-American common law provides a secular, from the ground up source of "common morality" in the American democratic tradition [10] also invokes the third notion, a socially specific common morality. However, when people talk about "human rights," something universal and probably a-temporal (although 'rights' is a historical notion), the first notion of common morality is meant. That at an earlier time they were not recognized or that some society now does not **{TMB 57}** recognize some basic human rights are taken to be failures of that time or that society, rather than that basic rights are only valuable now or in some society and not others.

An a-historical universal approach like Gert's rests on the claim that there is a normative demand of (an a-historical, universal) rationality, *viz.*, that moral agents are prohibited from causing harm to moral agents without adequate reason.[2] A historical universal approach can be an empirical *descriptive* claim about what people universally do hold, or is *prescriptive*, appealing, for instance, to an objective of morality – e.g., human flourishing – which in content may evolve over time, but which everyone holds to be the justification of core moral values. A cultural or group-specific approach could be an empirical *descriptive* claim about what people in

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[2] This principle of non-maleficence is different from preventing harm or alleviating suffering, which are not strictly speaking basic moral duties in Gert's system (unless they are some role-specific duty).

{TMB 57-58}

a specific culture do value, or it might be *prescriptive*, offering justification in terms of an objective, such as a group-specific concept of human flourishing or "reducing the amount of harm that is suffered by those to whom morality applies" (specifying some relevant group of people) [5, p. 10].

Moral Reform

The idea of moral *reform* requires that morality be more than a description of what a society or culture does value, for there has to be some measure against which to assess progress. Otherwise, any change is not reform, but simply difference. Positive or negative valuing of something, by a person or a culture, offers up a candidate for moral evaluation. However many explanations could be given for why someone or some culture might endorse, for example, slavery or the subordination of women, those explanations don't amount to moral justifications. Rather, we want to be able to say that a person who or a society that comes to recognize that slavery or subordinating women is morally wrong has effected "objective" positive moral transformation. While we could explain or account for how slavery or subordinating women could be positively valued in one culture and negatively valued in another, that is different from being morally right in one culture and morally wrong in another. Even if there are actions that are morally permissible in some context but not in another, presumably slavery and subordinating women aren't among them. (While it is important to differentiate between legitimate moral variability and disagreement, and morally wrong actions without being merely morally arrogant,[3] doing so is beyond the scope of this paper.)

Common Morality and Moral Reform

Among the views of common morality enumerated above, only Gert's is actually a *foundational* one; the others either (1) are descriptions of what people or cultures value, or (2) are "pragmatic" with respect to some objective, such as human **{TMB 58}** flourishing. (The term 'pragmatic' here means instrumental in contrast to foundational, and does not necessarily connote some of the other meanings associated with pragmatism, such as, experimentalism, democratic, consensus-oriented.) Of these, only a pragmatic view is, like Gert's, *prescriptive*, and only a prescriptive view is open to moral reform or progress. A descriptive common morality – here's what all people or people in a specific group hold – may evolve or change, but in

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[3] Borrowing the term "moral arrogance" from Gert [11]; see also Oliver Rauprich [12, p. 63].

{TMB 58}

lacking an independent standard against which to measure reform, common morality in this sense allows, as DeGrazia put it, "no logical space for moral progress" [13, p. 224]. In a thoroughly foundational view, morality itself is not subject to reform, but is supposed to function as the standard against which practices are judged as in conformity or not with the requirements of morality. This would be something like the "guardrail" function of common morality discussed by Rauprich [12] (albeit in a discussion of Beauchamp and Childress's, not Gert's, view). Rauprich points out that Beauchamp and Childress's view of common morality fails to provide a reliable guardrail function: its reference point is ultimately human flourishing, which means that, as "pragmatic," the common morality is not, strictly speaking, foundational. Both views -- the foundational and the pragmatic – may come to the same practical judgments, for example that slavery, subordination of women, torture, and so on are morally wrong, but their conceptions of the origin of the norms that ground such judgments are different.

Here is Gert characterizing foundational common morality as a public, action-guiding system that is understood by and could be accepted by all rational persons:

> [W]e find it incredible that anyone can believe that a new morality is going to be developed by practitioners and theorists...But neither of these is acceptable [creation; discovery of new morality]; every person subject to moral judgment knows what kinds of actions morality prohibits, requires, discourages, encourages, and allows. No one can be morally judged if they are legitimately ignorant of what morality prohibits, etc. What moral agents sometimes do not know is how a particular action ought to be described. This is the serious work of bioethics, namely, describing a situation so that the common moral system can be applied to it. It is a fundamental mistake to think that bioethics is going to invent or discover any new moral principles [14, p. 310].

This is an explicit statement that "moral reform" is not reform of morality itself. Rather, it would be reform of people becoming more committed to, or more cognizant of the scope of, morality. Thus, a society that comes to reject slavery, apartheid or the subordination of women is not reforming *morality*, it is reforming *itself* to conform with what morality requires. Recognizing that women or people of African origin are in fact moral agents and therefore necessarily entitled to the protections of morality is not a change *in morality*, but a removal of bias or prejudice among members of the society. Similarly, weakening restrictions against torture

{TMB 58-59}

or adopting practices that cause harm would be degenerative with respect to what morality requires, not a reform *of morality* itself [see also, 15].

A pragmatic view. on the other hand, that allows that morality is justified with respect to some objective, such as human flourishing or reducing harm, implies that common morality is (a) not foundational *and* (b) contingent, that is, dependent on **{TMB 59}** what in fact does promote human flourishing. Even if common morality represents the distillation of cumulative, universal moral wisdom, it could be added to and revised in light of further experience or changing conditions of human experience. For example, it might be argued that the notion of universal human rights as defining moral obligations emerged and was shaped as a moral concept only when human experience had developed in certain ways. Common morality is relative to human flourishing, and its justification would consist in how effective it is in contributing to such flourishing, "an argument from *effectiveness*" [5, p. 10]. Therefore, on this view, "common morality" could be reformed.

On a pragmatic view, once the principles and norms are formulated they may function as norms, not facts, but their origin and ultimate justification lies in the fact that they are effective in promoting human flourishing. In contrast, a view like Gert's claims that morality is derived from the very nature of rationality itself. That descriptively there is variety in the norms and values that cultures and societies happen to espouse [8] would not be inconsistent with a foundational common morality like Gert's, which allows that as an empirical matter (a) there is a great deal of variety in morality itself beyond basic moral rules, (b) it is possible for people and societies to be immoral, that is, to espouse values that are incompatible with morality, (c) there is some legitimate moral disagreement *and* (d) there are situations in which there may not be a single, uniquely right moral answer. For instance, consider one of Gert's basic moral rules, "Do not deprive of freedom." Even if it's true that not all cultures embrace a principle of respect for (personal) autonomy, Gert's system allows (a) for deprivation of freedom to be given less weight as a harm than another harm, and (b) for some decisional *freedom* with respect to one's cultural norms in determining how much weight to assign to freedom. An argument that people from different cultures should be free to decide about the issue of autonomy and the deprivation of freedom could be consistent with Gert's system. In addition, there may arguably be some empirical support for his claim that the common (universal) core principle of morality is a

{TMB 59-60}

principle of nonmaleficence. In discussing Beauchamp and Childress's view, DeGrazia comments

> What is common morality? In one place the authors define it as 'the norms that all morally serious persons share' (Beauchamp and Childress 2001, p. 3). Now that is a small set – one that arguably includes, at a very general level, only nonmaleficence. Note that libertarians reject beneficence as a principle of obligation, while some morally serious non-Westerners do not embrace respect for autonomy; and it is quite clear that there is no substantive principle of justice that all morally serious people accept [13, p. 222].[4]

Foundational Common Morality and Moral Reform

Gert's foundational conception of common morality rests on normative demands of rationality: when beliefs are limited to "rationally required beliefs" regarding **{TMB 60}** objective facts about rational persons that *all* rational persons hold regardless of time, place and scientific knowledge, all rational persons must endorse morality [2, p. 83]. Rationally required beliefs are about such facts as that

> [r]ational persons want to avoid death, pain, disability, loss of freedom, and loss of pleasure, and they know not only that they are fallible and vulnerable but that they can be deceived and harmed by other people. They know that if people do not act morally with regard to them, they will be at significantly increased risk of suffering some harm. If they use only rationally required beliefs, it would be irrational not to endorse common morality as the system to be adopted to govern the behavior of all moral agents, unless they had some reason for not endorsing it. Given the restrictions to rationally required beliefs, they can have no such reason [2, p. 84; see also p. 85].

Gert would argue that the sexist or the racist, in holding that morality does not apply to women or to persons of African origin, is using other than rationally required beliefs. On the basis of only rationally required beliefs, women and persons of African origin are rational persons and moral agents, and therefore, cannot be excluded from the scope of morality.

But, Gert's view does not entail that; rather, it entails a conditional: "*If* x is a rational person/moral agent, then x is included in the scope of morality." What are the boundary conditions for who must be *recognized* as a rational person? On Gert's view not all human beings are rational persons and moral agents, for example, neither children nor severely mentally

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[4] Quote from Beauchamp and Childress is from [3].

{TMB 60-61}

disabled human beings are.[5] Rational personhood and moral agency depend on objective facts regarding the capacity conditions of others – that is, those with sufficient intelligence and knowledge [1, p. 32, 39].

Gert suggests that the default assumption is that any *normal* adult human being counts as a rational person and moral agent: "That *all normal adults are regarded* as knowing what morality prohibits, requires, discourages, encourages, and allows explains why ignorance of morality is not normally allowed as an excuse" [1, p. 12, my emphasis]. One should assume that all adult human beings are normal rational persons and moral agents, unless shown to be otherwise. Therefore, no *class* of [adult] human beings (e.g., persons of African origin, women) is by definition excluded; any exclusion should be done on an individual case by case basis involving assessment of capacity. Since the capacity required is not very high (according to Gert's standard of rationality), very few adults (and certainly not whole classes of human beings) would fail to meet it. At the same time, "normal" implicitly invokes a capacity condition, which seems to at least allow for the possibility of excluding large swaths of human beings. If this is so, then it is not irrational to regard some adult human beings as *not* being rational persons. Therefore, rationally required beliefs by themselves do not appear to automatically entail recognition of those who are in fact members of the class of rational persons **{TMB 61}** and moral agents. The default assumption – that *normal* adults be regarded as rational persons and moral agents -- could be a requirement of morality on the grounds that morality is a social (in Gert's words, a "public") system and therefore, involves recognizing at least some others as subject to the same rules as oneself. But, is *recognition* of who is in fact "normal" rationally required? Gert might invoke the distinction between *objectively* versus *personally* (or *culturally*) rationally required beliefs. But, then rationally required beliefs constitute an ideal limit, not what everyone at every time has to believe in order to not be irrational. If children are not rational persons and moral agents, then anyone who is, even if mistakenly, regarded as childlike in their cognitive and other abilities (as for instance, human beings of African origin and women have

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[5] In general, neither children nor severely disabled persons are likely to pose significant increased risk of harm to an adult rational person and moral agent, so it may be that there is also an implicit appeal here to the notion of low threat potential.

{TMB 61}

often been regarded) will be similarly not regarded as rational persons.[6] (We might note, that on the other side, persons of African origin and women may have regarded white men simply as animal-like brutes incapable of moral status, but lacking power, their perspectives have not defined the official discourse about who is recognized as members of the class of rational persons and moral agents.[7])

Of course, such beliefs were mistaken. But, if recognition of who else is a rational person and moral agent and who is therefore in the minimal group that is subject to moral judgment and protected by morality is not itself determined by rationally required beliefs, then a moral reformer – e.g., an abolitionist or a defender of women's rights -- who perhaps "sees through" the evidence allegedly supporting inferiority or exclusion of groups of persons uses beliefs other than those that are rationally required at the time. Moral reform would consist in empirically adjusting the scope of who is fully protected by and subject to morality, although, Gert would argue, not necessarily a reform in morality, in the moral rules themselves.

But if *recognition* of who is, in fact, a rational person is not itself a rationally required belief, and if the class of persons *recognized* as rational persons and as moral agents can change, then it is possible that the basic rationally required beliefs might expand and that the set of rules could change. If the list of rationally required beliefs is not complete (as Gert admits it is not [1, p. 38]), and if the class of persons recognized as rational expands, then it is at least an open question whether what is "rationally required" at any time might change in such a way as to alter the basic moral rules, and hence, entail a reform in morality itself.

For example, Gert's list of rationally required beliefs does not include an explicit belief that any rational person requires extensive care as an infant and child in order to become a rational person *qua* moral agent.[8] It seems to me that the formulation of Gert's moral rules *qua*

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[6] On Gert's view, children are not moral agents but are (usually) included by moral agents in the group to whom moral rules apply. A being that is not a moral agent *may* be included in the group to whom moral rules apply, but it is not irrational to not include them, and there may be disagreement about what beings should be included and to what extent. [1, p. 140-143]

[7] We might also note that there is a developing debate about the capacities of those who are cognitively disabled with respect to their status as moral agents to which Gert's view about rational persons may not be wholly congenial.

[8] Nor is included anything about the highly probable need for extensive care of aged and infirm rational persons.

{TMB 61-62}

basic are premised on Hobbesian assumptions that morality **{TMB 62}** has first and foremost to do with relations between equals who are capable of doing harm to one another (a class that does not include care givers and recipients) and that rationality has to do with what those persons find to be rational in their relations with one another. However, if, as Gert argues, morality concerns *all* rational persons and if the scope of *recognized* rational persons *qua* moral agents is expanded to include care givers (who, historically, have typically been women[9]) and recipients, then the catalogue of "rationally required" beliefs might also change to include an explicit belief about care. Some feminists have argued that there has been a gender bias in the basic understanding of "rationality," but the same point would apply to any expansion of the class of recognized rational persons (e.g., members of excluded cultures).

Gert would argue that a care duty – e.g., "Provide adequate care to infants and children such that they may become rational persons" – while not an explicit moral rule, is included under the rule "do one's duty." But, this is a general, content-free rule that could be said to include anything that has not been specifically mentioned, and thereby, by default, "guarantee" that there is no revision to morality. Gert would not admit a positive duty of care as a *basic* moral duty. It is difficult to identify with precision exactly what care requires and it is not a duty which everyone has towards any other rational person, but a duty that one has toward specific other beings for whom one has a specific responsibility.[10] Thus, a rational person has a moral duty to not kill, harm, deceive, etc., without adequate reason, every other rational person, but no rational person has a moral duty to care for every other rational person; no rational person has an explicit basic moral duty to care for any person or being.

> Unless a person has an adequate justification, she is required to act in accordance with moral rules all of the time with regard to everyone equally. Since positive actions cannot be done all of the time with regard to everyone equally, moral rules cannot require positive actions like preventing evils or promoting goods. The only rules that are moral rules are those that prohibit causing or increasing the risk of evils being suffered by others [1, p. 129].

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[9] Women apparently also continue to be the primary elder-caregivers.

[10] Conditions of responsibility, too, would have to be specified, and might include situations in which one is the only one available or capable to help.

{TMB 62-63}

I can see the logic of Gert's position and the difficulties involved in including positive duties[11] among the basic moral rules. However, what I mean to call attention to is the possibility that if what is rationally required could be modified in virtue of expansion of the comparison class of recognized rational persons, then common morality itself might be subject to moral reform. If care of other human beings (appropriately specified) were classified as a basic moral duty, that would shift common morality to be based on more than just non-maleficence.

{TMB 63}

Pragmatic common morality and moral reform

A pragmatic view that morality is justified with respect to an objective, such as human flourishing or reducing agent caused harm, implies that if there is a common morality, it is contingent (dependent on what in fact promotes human flourishing) and therefore, reformable. Even if a common morality would represent the distillation of cumulative moral wisdom and even if there is something universal in that wisdom, still it could, in principle, be augmented and revised, in light of further experience or changing conditions of human experience. Principles and norms of common morality would not be "foundational," but relative to and justified by their effectiveness in realizing the objective of morality.

> Rauprich argues that this is the approach which Beauchamp has come to adopt.

> In *A Defense of Common Morality*, Beauchamp *does* give a (what he calls pragmatic) justification of the norms in the common morality: they are justified because they serve the objectives of morality, i.e., promoting human flourishing by counteracting destructive tendencies.
> I conclude ... that the common morality has been replaced by human flourishing as moral foundation and is left with the instrumental role to achieve the objectives of morality in order to promote human flourishing...The special feature of the norms in the common morality are that they are universally accepted by all persons committed to the objectives of morality because they have shown in every well-functioning society that they serve this purpose. They 'are what they are, and not some other set of norms, because they have proven that they successfully achieve the objectives of morality' in every society [Beauchamp p. 261]. The universal success in the service of human flourishing, and not the fact that they are shared, accounts for their special, albeit not foundational, moral authority [12, p. 68].[12]

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[11] Something like what Kant meant by imperfect duties, which, while still duties, did not admit of the same degree of precision as perfect duties.

[12] Quote from Beauchamp [4]. Note also that pragmatic justification is different from coherence or consistency [12, p. 70].

{TMB 63-64}

A pragmatic approach would reject descriptive common morality and the idea that a culture or even all cultures valuing something would make it a legitimate moral norm. Thus, even if it were the case that most cultures have subordinated women, the commonality of that practice by itself would not legitimate it. Rather, positive or negative valuing of something offers up a candidate for moral evaluation, that is, for whether it promotes human flourishing.

But is human flourishing a robust enough objective to serve as a standard by which to assess something as being a legitimate moral norm? One can imagine someone arguing that the subordination of women has managed to promote human flourishing overall for thousands of years. Or, suppose there were some context in which there were positive results from the subordination of women or from slavery, e.g., economic and perhaps even other advantages such that everyone, including the women or the slave[s] were better off, flourished more in that context, than if there were no subordination or no slavery. Presumably, there is still some reason to think **{TMB 64}** that there is something *morally* wrong with such practices, and that abandonment of such practices would count as *moral* reform and progress.

If this is right -- and if it makes sense to talk about better and worse conceptions even of human flourishing, as well as to note that many things besides morality contribute to human flourishing -- then a pragmatist approach would need a more robust notion of standards and norms.[13] To say that some practice is morally right or wrong is to assess it as validated or justified with respect to a norm or standard. Perhaps an analogy can help here. The objective of science is, say, a true explanation or best overall understanding of the nature of the physical and social world. For a claim to acquire the status of being true and for it to contribute to such understanding it has to be validated by scientific methods and standards. Similarly, validation by reference to ethical methods, norms, and standards is required for a value claim to acquire the status of being morally right. Among those which have contributed to the overall shape of an ethical point of view, at least in the western tradition, are deontological and consequentialist methods for evaluating actions, virtue theory and the evaluation of character, communitarian

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[13] Arras makes a similar point in his discussion of the need in "free standing legal pragmatism" for "some normative conception of what constitutes good results" [16]. Raz, too, makes the point that norms are required to measure moral reform *qua* reform of morality understood as normative and not just a descriptive account of a social tradition [17].

{TMB 64-65}

methods and norms, casuistry, principles such as those already mentioned earlier in the paper, e.g., nonmaleficence, beneficence, autonomy, justice, a system of rules like Gert's or *prima facie* moral duties like Ross's [18], and more recently feminist methods and norms. A pragmatic approach might take these as defining a cluster of moral norms and principles, something akin to what Strong calls the "family of core moral precepts," [5, p. 11] that contribute to and are ultimately justified by their contribution to some overarching good such as human flourishing or reducing agent caused harm, and which serve as standards by which to assess the morality of specific values, rules and practices. This seems to be what Beauchamp has in mind.

> What justifies the norms of common morality is that they are the norms best suited to achieve the objectives of morality. Ultimate moral norms require for their justification that one states the objective of the institution of morality. Once the objective has been identified, a set of standards is justified if and only if it is better for reaching the objective than any alternative set of standards. This pragmatic approach to justification is my own preferred strategy for the justification of general moral norms, but I appreciate that others may prefer a different strategy of justification – e.g., a contractarian one....I supplement this account of pragmatic justification of common-morality principles by a coherence theory of justification for particular moralities [4, p. 266].

Actions and practices would be evaluated with respect to specifically identified moral norms rather than just as generally contributing to human flourishing or preventing harm.[14] A pragmatic approach would allow that individuals and cultures may contribute to further development, refinement or revision of moral standards; they need not be merely subordinate to a perspective defined by some **{TMB 65}** hegemonic "other" (one of the worries of critics of "universalistic" ethics as simply a generalization of western values). Moral reform might proceed by different cultural perspectives entering into productive dialogue so as to improve upon or revalidate norms by which all assess morally; or it might involve reprioritization or revision of moral norms in light of shifts in the conditions of human flourishing (e.g., developments in medical technology, or the consequences of technologies for the global environment). It could involve revision of shared moral beliefs and not only revision in scope and weight of already existing ones [12, p. 54]. Such a process need not be conceived as merely consensus driven, but rather (like science) as normatively driven and guided, and having an objective basis ("the facts", "human flourishing").

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[14] This makes the pragmatic approach something like rule utilitarianism.

{TMB 65}

It might be argued that in so far as the conditions of human flourishing are relatively constant, such change is improbable. Thus, Beauchamp, for example, says:

> In principle, all moral norms in the common morality could change over time, but such change is extraordinarily unlikely...However, there is one important respect in which moral change in the common morality has occurred and will continue to occur. Even if abstract principles do not change, the scope of individuals to whom the principle is deemed to apply has changed [4, p. 271].

Beauchamp also recognizes the need for a robust notion of norms and standards to evaluate legitimate change: "The point is that justification of the new norm will require recourse to some unchanged norms or goals" [4, p. 270]. The notion of human flourishing is vague and is vulnerable to the criticism that it allows too much latitude in what allegedly contributes to human flourishing. Even a more specific objective, such as reducing agent caused harm, is vague without normative specification of what kinds of harm are morally unacceptable [1, p. 286; 5, p. 11]. If change in norms is legitimate, then there have to be norms which themselves justify such change. The challenge for a pragmatic approach would be to show what such norms would be. Whether that would take us back to something like Gert's idea of the normative demand of rationality or some other foundational source of normativity, or whether normativity dialectically evolves, such that some set of norms (well-established up to some point in time with respect to the overall objective) remains stable relative to a norm that changes, but in which, at least in principle, any norm would be subject to revision, I don't know.

The idea that any norm could be in principle revisable seems contrary to what many philosophers think about the nature of morality. Even someone like Raz, who is willing to countenance the possibility of change in moral principles, argues that "morality continuously and endlessly develops toward unchanging moral principles" [17, p. 157]. This latter view is more a statement of an ideal limit – something like in science, where the aim is to get to the right overall explanation of the nature of physical reality. There may be well established theories and truths in science -- and norms and principles in morality -- but they may also be improved or refined, as well as added to, or perhaps simply revalidated in the face of new experience and situations.

{TMB 66}

Heuristic Value to Common Morality as "foundational"

Moral reform would take place at a second order or meta-ethical level, more than at the level of concrete, practical, e.g., clinical, ethical decision making. This is because in an immediate practical context, it is not clear what would count as successful *moral* reform.[15] The conditions are usually too pressing, too immediate and not defined such as to provide a criterion for what would count as legitimate moral reform. (This is not to say that in any such context there couldn't be disagreement about what is morally required, or between different cultural traditions. Even if encountering those difficulties eventually were to lead to more systematic consideration of morality itself, the immediate context of making a particular ethical decision is not itself the context in which reform of morality per se would occur.) At the practical level, for example, in a clinical medical setting, one has to be able to distinguish between what a clinician thinks is the best medical decision and what is a permissible, legitimate *moral* decision,[16] and at the same time allow for the possibility of legitimate variability with respect to ethical decisions. Therefore, at the practical level, some norms (rules or principles, or both) need to have stability and reliability as a measure of what counts as *morally* legitimate variability and what does not.

Thus, there may be heuristic value in taking a moral system like Gert's or a set of principles such as those articulated by Beauchamp and Childress as foundational for the purposes of practical, ethical decision making. Even well-intentioned decision-makers aiming to make the best all things considered moral judgment in any given situation may not always do so. Human beings are flawed, fallible, and always operating with incomplete knowledge, and may legitimately assign different weight and degrees of importance to both empirically and ethically relevant factors. Having a system of rules, including rules that guide evaluation of exceptions to rules, may prevent people from doing the worst harms, even if they don't guarantee the best possible outcomes in every situation, and serves the important function of guiding decision-making so that it is *ethically* justifiable and not just someone's (whose?) best all considered judgment of what would be the best outcome (but, is it *morally* justified?) in some situation. For

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[15] Jansen argues that clinical pragmatism has no standard for what would count as a successful *moral* decision [19, p. 25]. I am extending that point to the idea of moral reform.

[16] Tong, in discussing clinical pragmatism, points out the danger of privileging medical facts over nonmedical values [20].

{TMB 66-67}

instance, a system of rules for moral decision-making may be very valuable in the context of clinical biomedical decision-making – which however personal it may feel to a patient, and even to a medical practitioner, almost always occurs in the context of a biomedical bureaucracy of numerous anonymous agents with incomplete knowledge, differential power relationships, and widely varying perspectives on the relative weight and importance of different variables. There may therefore be practical and ethical reasons to take as "foundational" a set of action-guiding rules and principles (provided that they allowed for sufficient variability and respect for different points of view and choices) which are not subject to rebalancing or reform in light of some agent's particular set of values or preferences.

{TMB 67}

Conclusion

I have discussed the notion of moral reform in relation to two different prescriptive approaches to common morality, the foundational and the pragmatic. A foundational approach to common morality suggests that if and when reform does occur, it is not reform of *morality*, but of beliefs, values, customs, and practices so as to conform with morality. If, however, the foundational approach is subject to some revision in its foundation (e.g., in rationality), then reform in morality itself would be possible. A pragmatic approach, which on the face of it, is more open to the possibility of moral reform and of morality evolving, would need a more robust account of norms by which reform is measured. The possibility of moral reform goes hand in hand with human fallibility. Universality is not incompatible with fallibility. In science we devise methods to test and resolve disagreements over competing theories and to guide the processes of self-correction, and standards of proof to evaluate evidence and the truth status of empirical propositions and hypotheses. Science is not merely a matter of consensus; it is a *normative* enterprise. Why should morality be any different?

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{TMB 67-68}
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