

What to Do

An Ecumenical Maxim

or

My Ethics in 2000 Words

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1. A Maxim with Something for Everybody

Modern ethics – first-order, normative ethics – has been dominated by three main currents: consequentialism, deontology, and virtue ethics. A charming tradition in this area is the ‘moral maxim’: a snappy presentation of an all-purpose action-guiding precept. (It is an open question whether such maxims are best thought of as unfailing formulas for what to do in any possible situation, looser but still useful rules of thumb, or something even less imposing.) Bentham, consequentialism’s foundational figure, famously offered that ‘it is the greatest happiness of the greatest number that is the measure of right and wrong’ (1776: ii). Kant had his Categorical Imperative, with its three formulas, of which the second is probably best known: ‘Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means’ (4:429). The virtue-ethical tradition does not boast a flagship maxim of this sort, but these words by Aristotle may serve as an approximation: ‘to feel [what we feel] at the right times, with reference to the right objects, towards the right people, with the right motive, and in the right way, is ... characteristic of virtue’ (6.1106b).

My purpose here is to articulate an alterative, *ecumenical* maxim that incorporates insights from all three traditions. My starting point is that in all likelihood,

each approach contains a 'grain of truth,' a measure of wisdom; and that an adequate maxim should reflect that. With that in mind, I propose the following:

(ECUMAX) Try to develop and sustain a stable and dominating disposition¹ to maximize well-being² in the world consistently with treating all conscious creatures³ as ends rather than mere means⁴.

Crudely speaking, this maxim's twenty-eight words divide into three fragments: the first ten words capture its virtue-ethical aspect, the next six words its consequentialist aspect, and the final twelve words its deontological aspect. Let me clarify what the maxim says, then make some remarks about what motivates it.

2. What the Maxim Says

I will offer momentarily elucidations of the maxim's key terms (corresponding to the four superscripts in it). But at a basic level, the maxim tells us that (a) when two courses of action are open to us, and neither involves treating a conscious creature as a mere means, we should choose the course that we think would produce greater well-being, and (b) when two courses are open, but one involves treating a person as a mere means, we should choose the other course, even if it will result in less well-being. (Note that when both courses of action involve treating someone as means, the maxim, as it currently reads, issues no advice; it could of course be *augmented* to issue advice.) More precisely, the maxim tells us that we should nurture a robust disposition to act in ways that fit this pattern.

1. What is a 'robust disposition'? It is, as the maxim puts it, a 'stable' and 'dominant' disposition. Stability is a gradient property of dispositions: the more often a disposition manifests itself when the relevant triggering conditions obtain, the more stable the disposition. If A acts generously in 90% of her encounters with homeless persons, while B acts generously in 75% of her encounters with homeless persons, then *mutatis mutandis* A's generosity toward the homeless is more stable than B's. Dominance, too, is a gradient property of dispositions: the more general and more varied the triggering conditions of a disposition, the more dominant it is. If A acts generously toward A's co-villagers, B acts generously toward B's compatriots, and C

acts generously toward *everybody*, then *mutatis mutandis* C's generous disposition is more dominant than B's and B's more dominant than A's.

2. The theory of well-being is one of the most contentious areas of moral theory, and ECUMAX could perfectly well be neutral on it, inviting us to plug into it whatever turns out to be the best view. (I like a variant on hedonism which I call 'affectivism,' and which differs from standard hedonism in three main ways. First, it downplays experiences of pleasure and pain, as commonly understood, in favor of appreciation of the wide range of positive-affect experiences in our psychological repertoire: delight, satisfaction, enthusiasm, contentment, joy, euphoria, and so on. Secondly, it gives pride of place to positive *moods*, as opposed to more punctate experiences, in the assessment of a person's well-being. Thirdly, it attributes unequal value to these different modes of positive affect, treating some of them, Mill-style, as more inherently valuable than others. In affectivism, well-being is determined in significant part by the positive moods that come with the accomplishment, or progress theretoward, of ambitious, long-term projects which bestow *meaning* on one's life and embody a measure of self-realization.)

3. A conscious creature is a creature capable of undergoing conscious experiences. A mental state is a conscious experience just if there is something it is like for me to have it. On my view, this what-it-is-like-for-me-ness has two dimensions, which may be separated in thought even if not in reality: (i) the what-it-is-like dimension, which I call *qualitative character*, and (ii) the for-me-ness dimension, which I call *subjective character*. The latter is the ultimate ground of the privacy of every person's conscious experience, a privacy which creates a kind of inviolability that is the core of a person's dignity. Thus consciousness grounds the dignity of creatures who possess it. It is in virtue of this dignity that such creatures should be treated as ends rather than mere means.

4. What does it mean to treat someone as an end rather than mere means? The analysis of this notion is a renowned difficulty in Kant scholarship and beyond. We may wish to plug into the maxim whatever turns out to be the best analysis. But note that in the ecumenical maxim's formulation, we have here not a conjunction of two injunctions ('treat as an end' + 'do not treat as a mere means') but a single contrastive injunction ('treat as an end-rather-than-mere-means'). Just to provide some texture at this juncture, consider this affirmation of an approximation:

x is treated by person P as an end rather than a mere means iff there is a state of affairs S and an action A, such that (i) S is an end of P's, (ii) P believes that performing A on x will make it more likely that S obtain, (iii) P deliberately chooses not to perform A on x, and (iv) there is no other state of affairs S*, such that P deliberately chooses not to perform A on x *only because* P believes that not performing A on x will make it more likely that S* obtain.

I very much doubt this will turn out to be the right complete analysis of 'treating as an end,' but it may point in the right direction.

Obviously, the ecumenical maxim invites much more detailed elucidation, precisification, and development. Depending on certain downstream theoretical decisions, it could play out in dozens of different ways, and it is an open question which are its best versions. Broadly speaking, there are three areas in which further theorizing is called for: the theory of virtue (what is a virtuous disposition, how we might acquire and nurture it, etc.); the theory of well-being (what it consists in, who is capable of it, etc.); the theory of treatment-as-end (what it amounts to, who deserves it, etc.). Different views in these areas will translate into different possible maturations of ECUMAX.

ECUMAX may also call for various *modifications* that retain its *spirit* but alter its letter. For example, perhaps upon reflection it would be wiser to consider the maxim's Kantian clause (the requirement to refrain from increasing well-being when doing so involves treating someone as a mere means) not as an absolute and incontrovertible requirement, but only as something on which we put a particularly high premium. If this is right, then perhaps sufficiently substantial gains in well-being *could* justify treating someone as a mere means, though run-of-the-mill gains rarely do. Obviously, different variants will flow from different conceptions of just *how substantial* the gains in happiness must be in order to license treating someone as a mere means.

Note, in any case, that the ecumenical maxim posits two ultimate and mutually irreducible sources of value in the world: the well-being of creatures capable of it, and the dignity of creatures capable of conscious experience. There is no way to explicate the value of one in terms of the value of the other. They are just two entirely independent fountains of value.

3. What Motivates the Maxim

I have already indicated that the ecumenical maxim respects the judicious observation that each of three major currents of ethical thought must have a grain of truth to it – in all likelihood, each speaks to some real moral insight. In addition, however, the ecumenical maxim is supple enough to avoid some of these approaches' most 'immediate' difficulties.

Consider consequentialism. At least before considerable technical refinement, consequentialism appears to lead to untoward consequences in cases where overall happiness would be enhanced by an evident injustice – as when we capture, kill, and carve up an (unconsenting) innocent bystander to save five patients in urgent need of heart, kidney, liver, lung, and bone-marrow transplant respectively (and do so in a way that rules out wider knowledge of the event). Meanwhile, deontological theories often seem cold and over-intellectual (think of Schiller's complaint that Kant would rather he visited his friend in hospital out of a sense of duty than out of affection and care) and appear to offer no guidance once the permissibility of inconsistent courses of action is established (think of Sartre's complaint that the categorical imperative does not help his student choose between enlisting to fight the Nazis and tending to his sick mother back home). And virtue ethics has seemed to many to run together two distinct issues regarding 'the good life': one to do with what makes a life good *for the one who lives it*, the other to do with what makes a life *morally* good.

Obviously, the extant literature offers a cornucopia of sophisticated responses to these 'immediate' difficulties, and as noted, surely each of the three approaches also contains a 'grain of truth.' But our ecumenical maxim seems not to fall prey to the same 'immediate' difficulties. The reason we should not chop up an innocent bystander to save five patients, even in a scenario that guarantees no wider knowledge of the event, is that doing so treats the bystander as a mere means. The reason going to visit a friend in hospital out of affection and care has moral value is that it is done out of a wish to enhance the friend's well-being; and Sartre's student should choose the course of action he believes will create greater well-being all things considered. Meanwhile, the ecumenical maxim's virtue-ethical twist does not involve running together two different notions of the good life – it is concerned exclusively with the moral notion. The

rationale for the virtue-ethical twist has to do not with fashioning a new and more fundamental notion of the good life, more basic than either happiness or morality, but rather with the way it shifts focus from disparate individual acts to stable and dominating dispositions. The advantage here is (at least) twofold: first, it speaks to the idea that the aim of moral theory is not to tell us what to do in the next ten minutes, but to tell us *how to be a good person*; secondly, it fends off concerns about over-demandingness, which act-based maxims tend to give rise to. One can *maintain* a stable disposition even if one occasionally fails to *manifest* the disposition. This provides for Victor Hugo's thought that every human life contains a certain quantity of excusable selfishness.

To summarize, the initial motivation for the ecumenical maxim is that (a) it is ecumenical, and therefore is unlikely to miss out completely on the measure of wisdom embodied in the great ethical traditions, and (b) the 'immediate' difficulties attending consequentialism, deontology, and virtue ethics do not touch it. Obviously, some objections could be leveled against ECUMAX as well – surely it will be found to return counterintuitive results in some thought-experimental scenarios. And clearly, I have not argued here that a more partisan maxim could not be patched up sufficiently ingeniously to overcome the 'immediate' objections to it. My main purpose here has been modest: to articulate an alternative, ecumenical maxim of evident antecedent plausibility.

References

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