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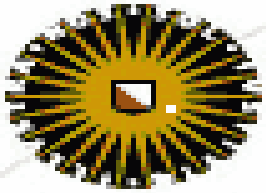
AN UNDERSTANDING OF COMMON MORALITY



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…in loving memory of my Father

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Chapter I

The most powerful lessons about ethics and morality do not come from school discussions or classes in character building. They come from family life where people treat one another with respect, consideration, and love.- Neil Kurshan

Common Morality

1.0 General Introduction

In our day to day human social intercourse we very often use the phrase 'common sense'. Our common parlance often includes reference to common sense in such ways as: 'what does your common sense say?', 'use your own common sense', 'from the common sense point of view …' and so on. What is it that we refer to when we use this particular phrase? How does a human agent *standardly* behave in affirmatively responding to a call of common sense by another human agent? And what is the relevance of using this phrase in ordinary human intercourse? A philosopher might be initially interested to ask these questions when she wants to analyze the phrase 'common sense'.[1] Probably a brief answer to all these questions would involve defining 'commonsense' in terms of our natural understanding of matters of life and the world. And this natural understanding is underpinned by our ordinary moral beliefs which we share with each other as normal human beings.

In the history of moral philosophy, there has been a moderately fashionable tendency of using the phrase 'common morality' or 'commonsense morality'[2] to refer to our ordinary values and norms. Most of the philosophers tend to use it when they compare or contrast it with the implications of ethical theories for genuine understanding of moral facts. They believe that without having any reference to what common people think, believe and practice, it is preposterous to construct a complete set of abstract norms

[1] Here I am not referring to the 'philosophy of commonsense'. I am not talking about the traditional discussions of *commonsensism* which is found in the works of Locke, Moore and others.

[2] Here I will be using both 'commonsense morality' and 'common morality' interchangeably. From the writings of Gert as well as of Beauchamp, it becomes clear that though the theories (Beauchamp?) are named as 'common morality', the referent has always been mentioned as common morality which is similar to the phrase 'commonsense morality'.

and postulate them as relevant to practical life. Theories must need to fulfill the demands of common reality even though they are meant to enunciate sacrosanct normative principles governing ethical life. Many philosophers even insist on the claim that a moral theory should always begin its journey by reflecting on the existing common norms and values. The real deal of formulating normative principles, according to them, should always arise from the ordinary belief system.

Despite the concurrence of attitudes on founding ethical theory in commonsensical belief systems, there had not been any serious attempt, until two decades ago, to project this attitude systematically as the basis of an independent philosophical thought. Fortunately, a handful of moral philosophers now seem to be interested to take this position quite seriously. They find this to be the theoretical springboard for interpreting many practical ethical problems, e.g. problems of biomedical ethics, computing ethics and so on. Bernard Gert, Tom Beauchamp, James Childress, Charles Culver and Danner Clouser are some of the prominent thinkers who are now intent on theoretically defending the ethical content of common beliefs, or the commonsensical intuitions ingrained in ethical beliefs. They perceive the fact that all humans—at least those who are serious about morality—have an awareness of certain moral norms that are cognized by commonsensical intuition. Examples of such norms are: there is something wrong in actions like lying, breaking promises, or killing innocent human and nonhuman animals. These purportedly shared perceptions, according to them, surprisingly form a kind of moral system that claims an authenticity for every human society.

1.1 A Fresh Start

Morality is a complex phenomenon. It is more complex than what it appears to be from the vantage point of celebrated moral theories, whether it is Deontology, Utilitarianism, or Social-Contract theory. It is difficult to understand why the edifice of morality has to be erected upon an allegedly single master principle, while its root has already been traced to a diverse and diffuse set of principles that underlie our common beliefs and attitudes. It cannot be denied that commonsense moral intuitions, buried in these beliefs and attitudes, constitute the bedrock of human practice. No moral theory can therefore be justified if it is not geared to grappling with the contents of the bedrock. And yet, it is

surprising that most standard ethical theories are geared to the formulation of a certain formal principle of moral reasoning authorized to be the overriding determinant of what is morally right or wrong. It therefore is unsurprising that the application of the monolithic principle to morally problematic actual cases of life is often found to be impractical or counterintuitive. Critical and realistic examination of these theories reveals to us that, except a few occasional citations of ideas of common morality, they maintain an academic distance from the density of practical moral decision-making contexts of life.

Moral theories are put forward to present a clear and comprehensive reflective account of our moral life. The main practical aim of a moral theory is to discover a decision procedure that can be used to guide correct moral reasoning about matters of concern. By formulating such a decision procedure they are supposed to discover those underlying features of action, persons, and other items of moral evaluation that make them right or wrong, good or bad.[3] Many revised versions of standard moral theories are even proposed to resolve certain *dilemmatic* conditions of our human moral predicament. But it is difficult to find any theory which is free from non-negligible flaws. The history of moral thought bears testimony to several such theories. If one theory overlooks the identity of persons, another theory strikingly neglects their separateness.[4] If one leaves everything to the decision of the moral agent, the other takes all that away by demanding too much. While Kant says that morality requires rationality, Mill says it is all about impartiality and the consequence of our action. While the negative consequentialists say that morality is more concerned with lessening harm than promoting good, the social contract theorists say that morality must be acceptable to all rational agents. In such a confusing scenario how would we know which one is right? The tragic reality of the situation is that neither of them is successful in smoothly presenting the common understandings of the moral problems. In other words, they each fail to explain how morality works our daily life. By setting certain feasible norms and imperatives in the forefront of their discussion, they then go on to interpret them by reference to some stereo-typical examples in a manner that often sounds as betrayal of actual moral

[3] Timmons, M. (2002). P.3.
[4] Williams, B. (1973). P. 30.

complexity. Since many of their proposed solutions are couched in unnecessary sophistication of moral reasoning and rhetoric, one gets the feeling of alienation in the sense of not being practically able to relate to the reasoning. Many times, the interpretation of moral problems in terms of such reasoning goes far beyond the understandings of common people.

However, human morality may not be as easy as it has been depicted by these theorists. And it presumably is also not as difficult as they sometimes think while confronting a particular problem and reasoning about it with unusual sophistication. The real picture of morality is hidden in the common people's understanding and their ordinary consensus about the moral facts. Any plausible account of morality must therefore begin with an analysis of the structure of commonsensical moral intuitions. Once such an analysis is completed, one could theoretically penetrate the possibilities of justifying those intuitions by relating them with concrete evidence drawn from actual life. Indeed, a few contemporary moral philosophers, particularly Bernard Gert and Tom Beauchamp, are torchbearers in this path. Gert, in many of his papers and books, has been active in formulating a distinct moral theory, while Beauchamp and some of his colleagues are trying to apply it in the domain of bioethics as an independent approach. However, it is not necessary that we should always come with a theoretical approach to bind all the ingredients of common morality. In fact there might be a real danger of formalizing them into certain rules and principles. The danger is to capture the actual idiosyncratic nature of common morality.

However, let us not extend this point in this part of our work. As we are still in the introductory portion, here it would be wiser to think firstly about what common morality or commonsense morality is all about.

1.2 What is Common Morality or Commonsense Morality?

Although the idea of common morality appears to be as simple as anything commonsensical may be, it really is not all that simple. Paradoxically, there is something elusive about common morality, and the elusiveness is due to the obscurity of content of common morality. The content of common morality is really obscured by its multifaceted

character and its imprecise scope. But what is significant is that every serious moral-theoretic reflection has the tendency invariably to invoke the commonsense viewpoint by reference to which the proposed norms or principles are tested. Reference to commonsense moral intuition is resorted to in testing whether a particular moral theory actually satisfies the feasibility criterion and the minimal requirements of being justified on practical ground. While that tendency is a clear indication, if not a vindication, of morality's essential link with commonsense intuition, there has not been a full-scale formulation of the idea of common morality as a systematic framework for a viable moral theory. Fortunately, philosophers now seem to be involved in this investigation and intent on drawing out the defining features of common morality. We may therefore begin our study by concentrating on a few such contemporary definitions:

1. "Common morality is the moral system that thoughtful people use, usually implicitly, when they make moral decisions and judgments. It is the only guide to behavior affecting others that all rational persons understand and upon which they can all agree."- Bernard Gert.
2. "I define the 'common morality' as the set of norms shared by all persons committed to the objectives of morality…It is applicable to all persons in all places, and all human conduct is rightly judged by its standard."- Tom Beauchamp.
3. Common morality is "a conviction so widely shared in our culture, and so deeply entrenched, that outside of philosophy it is scarcely ever articulated, let alone explicitly challenged".- Samuel Scheffler.[5]
4. According to Murphy, common morality is an uncorrected folk morality. It is the non-theoretical morality of lay people. It is the morality of bourgeois.

Whether common morality is 'a moral system', or 'a set of shared norms' or 'a widely shared conviction', what at least is quite clear from the above definitions is that by common morality we mean an ordinary ethical standard which corresponds to the

[5] Cited in Van den Hoven's works also.

minimal moral sentiments of every morally serious person. It can be perceived as a self-approved setup by which we evaluate and characterize our everyday dealings.

Many thinkers tend to consider this as the collection of sensory data.[6] According to them, these are the sensory data of moral justification, analogous to the way sensual perception constitutes data for the justification of scientific theories. They are pre-theoretical, undisputed, and subjects of immediate intuition. W. D. Ross, one of the most prominent intuitionist moral philosophers of the last century, holds that in a mature age every human person can intuit what constitute our moral character traits, what is praiseworthy and what is blameworthy and the like. According to him, '*what we think'* about morality encompasses a 'considerable amount that we do not think but know and this forms the standards by reference to which the truth of any moral theory has to be tested, instead of having itself to be tested by reference to any moral theory'.[7] So, commonsense morality from his point of view could be understood as the basic property of every human being, and it is the natural power with which they can penetrate what is right and wrong.

Considering all these views and understandings of common morality, we can roughly come to a conclusion by stating the following points:

1. There are certain norms and intuitions which are spontaneously shared by all morally serious agents.
2. These are non-theoretical, and they can be understood as beliefs, rules, ideals, and most importantly as basic attitudes of moral deliberation.
3. These norms set a standard by which we usually construct our ethical convictions.

In other words, common morality is a self-established normative system possessed by every human person capable of taking moral matters seriously. And this moral system, ingrained in common collective consciousness, is naturally inherited by the growing generation from their predecessors in the human community. This system constitutes the fulcrum of human living for which minimal morality is a necessary requirement.

[6] Especially it was David Ross who had come with such an interpretation.
[7] This includes the contributions of Van den Hoven

1.3 Some Clarifications

We have already mentioned that, though the idea of common morality is not a new idea, the emergence of its systematic and formative study is relatively new. Two most obvious contributions in this regard are those of Bernard Gert and of Beauchamp and Childress. Beauchamp, in an end note to one of his papers, clearly mentions that though there is one universal commonsense morality, there are many theories of common morality.[8] Besides the works of Gert and his colleagues, he also refers to the works of Alan Donagan, William Frankena and W.D Ross. Interestingly, including the latter three all these thinkers come within a single category. They endorse common morality to express some authoritative and self-evident moral truths. These truths, according to them, are abstract, pre-theoretical and every moral theory should start their journey by reflecting on these intuitions. However, unlike others, Gert and Beauchamp seem to be convinced with the idea that the structure of common morality can be easily depicted by certain rules, ideals, and principles. They believe that this skeleton is by and large known to everybody and so it is practiced through out the world. So, according to them, the character of common morality is precisely universalistic in nature.

In contrast to this group, there may be another group of thinkers who would consider common morality in more of non-technical sense; they may understand it in more in a lose sense and refer common morality to express most of our day today moral beliefs. I believe Jeffry Turner and some other critics of commonsense morality of Beauchamp and Gert come under this group.[9] They may claim that these beliefs and norms need not be necessarily universalistic- in the sense that they are practiced globally; but they can be very much local in their own right. For them, something could be conceived as 'common' not only because of the fact that they are overwhelmingly shared and practiced in a particular society, but also because there are some reasonable grounds behind such beliefs which could be matter of approbation for any person from any society. Borrowing Scanlon's phrase we could say that these beliefs are such that they cannot be reasonably rejected. Unlike the previous group, who by endorsing a theoretical

[8] Beauchamp, T. (2003). P. 260.

[9] In her dissertation, Mariette Van den Hoven is intending to explore the possibility of such an account. However, as this treatment is not yet fully grown, I can hardly name any other thinkers in this connection.

framework treat constituents of common morality in an abstract way, they consider them in a more concrete manner. Their understanding of common morality in a way comes closer to a relativistic sense, henceforth I wish to name it as *local common morality*. [10] However, both these groups, as I have depicted it, are not mutually exclusive.

1.4 Core of the Work

The first thing I would like to tell about my work is that it is a modest attempt see the characteristics strength of common morality. Its main concern is to understand what is that we refer to when we talk about common morality. How would we meaningfully talk and designate the relevance of common morality for the growth of our practical understanding of ordinary moral problems? I have already mentioned that there has been a systematic effort from a specific corner of philosophical community to interpret commonsense morality or common morality in a formalistic framework. Though this kind of presentation is exclusively targeted to interact with the biomedical issues, there has been much to ask about the way they are formulating the idea. In this work, consigning myself for the aim of achieving a proper recognition of common morality, I am trying to find out the inadequacies of formal understanding of common morality, especially that of Bernard Gert and Tom Beauchamp. Looking at the imperfect picture of such an understanding, which could also be identified as abstract universalism, I am trying to develop a concrete way of comprehending the common morality idea which is named as *local common morality*. Compared to the formal universalism of Gert and Beauchamp, this comprehension, I believe, would carry a better and substantial

[10]Interestingly, this appears to be the most popular view about the idea of common morality. Let me give a practical instance. Before stepping into the writing part of this work, this author had tried to interact with many people regarding the simple issue of their understanding of common morality. Some of them are academically engaged, and others are laymen. While asking the question how they would react if they are asked what common morality or commonsense morality is, most of them viewed that common sense morality is the ordinary morality which varies from place to place and that reflects the way we see our moral life. And the constituents of common morality, according to them, are not necessarily universal. This strikes me a lot. However, I would not say that my categorization of understanding common morality is exclusively based on this private empirical thought. This is just a practical impression that I have come across in constructing my thoughts.

representation of the constituents of common morality and eventually that would help us in philosophical delineation of practical moral problems.

1.5 Scope and Methodology of the Work

So far as the scope of this work is concerned, I must confess that it is not possible to deal with all the essential issues of the common morality view. Here, I must limit my critical analysis with only two major works and a few specific issues, through which I would hopefully be able to make the idea of common morality more conspicuously.

After this introductory chapter, I shall particularly deal with the works of Bernard Gert and Tom Beauchamp. Since both these thinkers look for a formalistic structure of common morality and claim of having a theory of common morality (at least Gert clearly mentioned it), we believe that it is important to present the theses of these two thinkers at first place. Presenting them in a brief way, I am trying to see how they have been successful in touching upon the general layman's understanding of common morality. I hope doing this would help us to examine further what is lacking in their approach and to see could there be another way to understand common morality. This chapter would be basically explanatory in nature.

In the third chapter, I shall be mainly concerned with a critical analysis of the approach of Gert and Beauchamp. Here, however, I need to mention that I will not be concerned with the theory of Gert as such. Rather I will be trying to focus on his approach of understanding the idea of common morality. Most importantly, here our focus would be particularly on those aspects, in which I believe, both the thinkers do overlap. I am here particularly identifying three major aspects- the issues of abstract norms, universal character, and changing morality.

On the basis of third chapter and our general critical approach to the universalists' account of common morality, in the fourth chapter, I am trying a develop a different way of looking at common morality which I name as *local common morality*. The particularity of this account is- unlike Gert and Beauchamp here I see a *local* sense of understanding common morality. This says that we do not need to assume the idea of common morality as something which is shared in a global scale. Here in this chapter, I basically try to convince that in contrast to the abstract way of understanding the norms of common

morality, we can very well refer to a concrete way of comprehending them, and this would, I believe, give us a proper way of designating common morality. In simple, it would be a *common* way of comprehending common morality.

The fifth chapter, which is the final one as well, would be as usual a concluding chapter. It will take the burden of summarizing the whole work in a lucid manner. However, an important aspect of this chapter will be my penetration on clarifying a fact which has been the main message of third and fourth chapter. To speak it clearly, it will reassert why we need to understand common morality in a concrete form rather than in abstract. Without discarding the approach of abstract presentation, i.e. understanding common morality through rules and principles, here this chapter would talk about a mutual way of comprehending it.

The methodology to be applied in this work will be analytical and critical.

Chapter II

We have, in fact two kinds of morality side
by side: one which we preach but not practice,
and another which we practice but seldom preach
-- Bertrand Russell

Common Morality- Gert and Beauchamp

2.0 Introduction

In this chapter, I am particularly concerned with the works of Bernard Gert and Tom Beauchamp. Here, I will first present the theses of both the thinkers and then accordingly, try to assess how far they have been successful in articulating the language of common morality. As both the thinkers say that their general moral theory is based on common morality approach, I will try to understand how they have presumed and theorized the settings of common morality which is believed to be 'out-there'. In other words, I will try to give a critical appraisal of their thoughts related to common morality and will see how successful they have been in understanding the logics of common morality. I believe that this would enable me to arrive in our main goals. But before proceeding I must not forget to mention that both Gert and Beauchamp are aided in developing their theories by their respective co-authors. The *Principles of Bio-medical Ethics* is a collaborative work of Tom Beauchamp and James Childress, and similarly *Bio-ethics: A Return to Fundamentals* is authored by Bernard Gert, Charles Culver and Danner Clouser.

2.1 Gert's Thesis

Professor Bernard Gert is one of the leading proponents of the common morality view in contemporary times. He has been trying to advocate the prevalence of a comprehensive genre of common morality which is accessible to both ethics professionals and common people. Presenting it in different forms in four different books and numerous articles, he claims this theory to be the story of a journey of the last forty years. Gert seems to maintain a distinction between common morality and his theory. He says that moral

theory is an attempt to describe common morality accurately and to justify it accordingly. Gert believes that common morality is the best of all the available approaches for understanding the nature of genuine morality with which we are most used.[11]

Common morality, the moral system that all rational persons implicitly use while making their moral decisions, allows impartial rational persons at times to disagree on how people morally ought to behave. It not only explains the overwhelming agreement concerning most moral decisions and judgments, but also explains why there are so many irresolvable moral disagreements.[12] Although people adopt morality as a guiding principle governing their own personal behavior, Gert is concerned with morality in the basic sense of maintaining a social order and our humanity in it. In this basic sense morality is concerned with the facilitation of a pattern of human relation and social existence which minimizes the sufferings and harms that all rational persons want to avoid, i.e. death, pain, disability, loss of freedom, and loss of pleasure and the like. Like many others, he also believes that the complexity and subtlety of common morality defies easy understanding just by examining the general features of it. He believes that its nature and character should be explained by relating it to the universal features of human nature such as fallibility, vulnerability and rationality. In other words, *common morality*, according to Gert, is the moral system that all reflective and rational people want to use for securing their humanity.

Gert's account of common morality brings to the limelight the complexity and subtlety of our moral condition. He contrasts the character of common morality with both law and religion. Unlike morality, in law a person is subject to legal judgment even if she is not cognizant of the law prohibiting her action. And the same thing happens with religious judgment as well. In religious judgment, even if the agent could not have known that her religion prohibits the action which she does there is no guarantee that she would be convicted. But this is not the case with common morality.

[11] He uses the term '*common morality'* rather than 'commonsense morality'.
[12] Gert, B. (1999). P. 57.

2.2 Moral System

At the very outset, Gert declares that morality is a public system. This is the system where common morality is at work and it comprises the considered moral judgments that everyone commonly uses.[13] But behind these considered judgments there is a complex structure which consists of moral rules, moral ideals and a 'two-step procedure' for filtering out the unjustified violations of moral rules. However, according to Gert, morality is not just a composition of all these. It also is a system where the rules, ideals and their justifications are embedded. Gert is of the view that many traditional thinkers mistakenly use moral theory to generate this moral system, whereas the proper way is to identify our moral system first and then to give a systematic and well-organized justification of that system. Interpreting this fact in a defending mood, Gert and his colleagues further say that 'common morality' does not present itself as a system of unique answers to all moral questions. This is in sharp contrast to most other moral systems that are generated by moral theories and are supposed to provide unique answers to every moral problem. The moral system that is described by such a moral theory simply provides a common framework for working through moral problems.[14]

2.3 Moral Rules, Ideals, and the Two-step procedure

Gert offers ten different moral rules for all kinds of human actions that are forbidden or demanded. These are the basic building blocks of our moral system that used in formulating the norms that guide all moral agents to act accordingly.

(1) Do not kill, (2) Do not cause pain, (3) Do not disable, (4) Do not deprive of freedom, (5) Do not deprive of pleasure, (6) Do not deceive, (7) Keep you promise, (8) Do not cheat, (9) Obey the law, (10) Do your duty.

Gert believes that violation of any of these rules without adequate justification would amount to our being immoral. According to him, these rules have to be interpreted not only as prohibiting any intention related to them, but also as prohibiting any attempt to

[13] Gert, B. (1997). P. 14.
[14] Ibid.

violate them, even if that attempt remains unsuccessful.[15] With these ten rules, Gert is also talking about other moral ideals that he considers a necessary part of our moral system. Although following these moral ideals is not a necessary condition for an agent to be recognized as moral, still we are highly encouraged to adopt them. However, failing to follow moral ideals does not involve liability to blame. These moral ideals are unlike moral rules in that these ideals are not conceived to have their legitimacy dependent on their justification. Rather, these ideals are to be understood to have their due place in respect of their role in the prevention of factors that debilitate normal human existence. For example, preventing avoidable death, harm and pain are the moral ideals in the practice of medicine, much as preventing the loss of freedom is an ideal in law.[16]

Besides these ten moral rules and the idea of moral ideals, Gert also talks about a two-step procedure of justification of violation of moral rules. The first stage involves making explicit morally relevant features by asking several questions such as: What are those rules that are in threat? What kind of intention does the prospective violator posses? What kind of harm is likely to occur? Can that violation ever be justified? And the second step involves estimating the harmful and beneficial consequences of everyone, knowing that the violation described by means of the first is allowed.[17]

2.4 Justification of *Common Morality*

Why do we need to adopt a moral system which categorically requires us to either follow all rules of common morality or give justification if we fail to do so? Probably this is one of the most problematic questions to which every moral philosopher tries to give a satisfactory answer at the very outset. Gert offers a very easy answer to it. He claims that justification of common morality derives from the very fact that all rational agents make judgment about a particular course of action through especial reference to their rationally

[15] Gert,B. (2004). pp. 20-21

[16] Sometimes, there may be some clash between following a moral ideal and following a moral rule. It may happen that acting in accordance to a particular moral ideal involves violating a moral rule; in such cases according to Gert moral ideal should be given priority. For instance, a physician is morally required to lessen the pain of a patient and at the same time needs to keep the promise of having the first dinner with his girl friend. Here, it is obvious that the physician should go for lessening the pain of that particular patient, since in this case following the moral ideal of lessening pain as a physician provides sufficient justification for violating the moral rule.

[17] Gert, B. (2004). p.19.

required beliefs. These rationally required beliefs are those beliefs that are followed by all rational people, which Gert describes as the 'blindfold of justice'.[18] This excludes all the religious, nationalistic, tribal and scientific beliefs. He then says that all rational persons who keep faith in rationally required beliefs and desires and agree with other similar moral agents must endorse morality. And this is the most appropriate justification of morality that is possible to provide.[19]

According to Gert, though it is not irrational to act morally, it may be rational to act immorally. In other words, it is not that all immoral actions are irrational. There may be some situations where personal beliefs and interests conflict with general morality, and hence it might be more rational for someone to act immorally in such a situation.

2.5 Gert and Common Morality

We have already said that the attempt of Bernard Gert has been the most forceful one in promulgating the idea of commonsense morality in contemporary times. One of the most striking attractions of its forcefulness is Gert's simplicity. In the academic world, though he has been introduced as a thorough going Hobbesian, he has managed to circumvent this allegation by assimilating several traditional standard moral thoughts into one simple thought. In fact his initial ambition has been to make his theory one of commonsensical appeal and accessible to common people's moral understanding. It has not been primarily construed as an enterprise to earn its place within scholarly debates. Perhaps one would be sympathetic to Gert's overall thesis precisely because one readily recognizes the work dealing with common morality as truly *common*.

Gert believes that our common moral system is analogous to natural languages and its use. A natural language is rich, complex and nuanced in its structure. It is not an easy task for a person to adopt and speak a language if she is not been familiar with the grammatical structure and rules of that particular language. However, it is never a complex deal for a native speaker adapted to the practice and usage of it. Likewise, common morality is a system with which the common individual agent of rational beliefs and desires is already well adjusted. For the logic of common morality is, unlike the

[18] Ibid. p. 83

'uncommon' logic of standard moral theories, as familiar and transparent as the logic of natural language is in contrast to the logic of an artificial or ideal language. It is this analogically explicated account of the structure of common morality *vis-à-vis* that of natural language that we find to be a most interesting feature of Gert's enterprise.

Inclusion of 'moral ideals' could be considered another attractive feature of Gert's *common morality.* Moral ideals are distinguished from 'moral rules' in a significant way. While the violation of a moral rule earns for the agent a moral blame and eventually subjects the agent to appropriate punishment, not following a certain moral ideal does not make the agent liable to moral reprehension or subsequent punitive measures. Moral ideals are in this sense conceptually independent of moral obligations. For instance, removing harm (in contrast to causing harm) is a moral ideal but not a moral obligation. The agent cannot be held morally responsible (blamed) for not abiding by the ideal, even though agents are well advised to abide by such an ideal. But what is it that makes moral ideals more attractive, or why moral ideals are considered to be closer to common morality? As cited above, one good reason could be that moral ideals are non-obligatory and breaking or failing to follow moral ideals costs nothing that could be perceived as reprehensible or condemnable from the moral point of view. So, moral ideals, in a way, carry a message of flexibility or relaxation in our moral enterprise. And many argue that such flexibility represents the general sentiments of common people. To defend this point, bringing the argument of *overdemandingness,* which is usually leveled against utilitarianism, could be of good help. According to the critics of utilitarianism, our moral enterprise does not demand us to do too much for others. It does not tell us to lose everything in the name of maximizing happiness. It actually appeals in a more limited boundary, and gives enough room to consider our own interests arguably. Similarly the same message is carried forward by moral ideals. It is encouraged that people should follow moral ideals, but it is not that people are obliged to follow them. Failing to follow and observe them does not make any one immoral in the strict sense of the term. One could still be in a position of neutrality even if he or she does not want to do good for others.[20]

[20] I often wonder with the question- is morality neutral?

What is especially noteworthy is that common morality is a system which alone finds a due place for our moral attitude and behaviour without making such attitude or behaviour subject to obligation. In this regard it really corresponds to how we in general conduct our moral life in the human community. We often act form an egoistic point of view, but it does not mean that we thereby fail to think about the goodness of altruistic acts and attitudes. We also consider as often what is or would be morally good to do, but we do not always feel morally obliged to do what we so consider. Indeed, it would perhaps be a morally oppressive society if we were in it to be morally obliged to do whatever, and whenever, we consider morally good or right. Perhaps common morality portrays a picture of our moral humanity in which there is enough moral 'elbow room' for all of us.

It is not obvious though whether the picture of common morality that depicts a morally 'relaxed' condition of life by accommodating moral ideals alongside moral rules or obligations is a virtue or a weakness. Granting moral concession to human practice may be looked at in both positive and negative terms, depending upon the context of practice. And certain ideals of practice may have the appearance of being non-obligatory, while arguments can be adduced to show that acting in accordance with those ideals is more a requirement than something optional. For instance, Gert considers beneficence to be just a moral ideal and never treats it as a moral requirement. We tend to think that this is not quite right.[21] Here, Gert appears to be closer to the direction of law rather than common morality. It is true that not abiding by the ideal of beneficence is not a reason or warrant for punitive action against the agent. But to say that the agent is therefore not required to follow the ideal would be a travesty of common morality by any standard.

Gert's easiest definition for one's being a moral actor is saying that 'it is never irrational to act morally'.[22] Though he maintains this, he never thinks that all immoral actions are irrational. Similarly, he believes that all irrational actions cannot be considered as immoral. Doing harm to oneself is an irrational action, but it is, according to Gert, not immoral. This explicitly says about a typical feature of Gert's system, namely that there is no special duty to oneself. One might harm oneself by doing gross irrational

[21] Beauchamp and Childress criticized him for not considering it as so.
[22] And it might be not be irrational to act immorally – according to Gert.

acts, but that does not prove him/her to be immoral, according to Gert. Many thinkers,[23] like Michael Slote, perceive this as an important aspect of our day today ordinary life.[24] They think that that self-damage cannot be *standardly* perceived in a moral point of view. However, it is too contentious to consider that this phenomenon indeed represents an aspect of our ordinary moral life. As many philosophers, including Kant, I think, would not be considering this to be so. So, here I would not like to come to any conclusive note. In order to focus a brighter part of Gert's interpretation- which might be a matter of concern for many philosophers- I believe that this much of consideration would be sufficient for our purpose.

It is time now to discuss the *common morality* of Beauchamp. Following the same strategy, here also I shall first try to present the thesis in its briefest possible form and then attempt to find out the main attractions of the theory.

2.6 Beauchamp's Thesis

Beauchamp, with his long-time colleague Childress, has introduced the idea of common morality in the fourth version of their famous work "Principles of Biomedical Ethics", and later on in the fifth version they have tried to present an elaborate discussion on it. In the fifth version they have introduced their four basic principles- namely (1) respect for autonomy, (2) beneficence, (3) nonmaleficience and (4) justice- as the basic components of common morality (*common morality*). By *common morality* they refer to that set of norms that all morally serious or morally committed persons share. It contains those sorts of moral norms that bind all persons in all places.[25] According to them, there can be three different types or models of justification of moral agreements in biomedical ethics, namely (a) top-down model, (b) bottom-up model and the combination of both which they call (c) 'coherence' or 'reflective equilibrium' model. They believe that the method of justification in ethics requires our 'considered judgment' or the moral convictions in which we have the highest confidence and believe to have the lowest level of bias. They

[23] In this context, David Velleman's argument for right to self-termination may be a matter of concern for us.
[24] According to him, our ordinary moral instincts treat agents and others asymmetrically: i.e., while the fact that an act contributes to the happiness of others adds to its moral value, the fact that it contributes to the agent's own happiness does not.
[25] Beauchamp and Childress. (2001). P. 3.

are the judgments in which our optimal moral capacities and attitude are most likely to be displayed without any distortion.[26] And the vehicle of these considered judgments is the *common morality* for Beauchamp (and Childress).

2.7 Components of the *Common Morality*

Besides those four principles, Beauchamp has tried to lay bare the over all structure of common morality by reference to ten examples of 'standard of action' and ten examples of moral character traits.[27] His ten examples of 'standard of action' are: (1) Don't kill; (2) Don't cause pain or suffering to others; (3) Prevent evil and harm from occurring; (4) Rescue persons in danger; (5) Tell the truth; (6) Nurture the young and dependents; (7) Keep you promises; (8) Don't steal; (9) Don't punish the innocent; (10) Treat all persons with equal moral consideration. And the ten character traits or human virtues he has recognized in common morality are: (1) Nonmalevolence, (2) Honesty, (3) Integrity, (4) Conscientiousness, (5) Trustworthiness, (6) Fidelity, (7) Gratitude, (8) Truthfulness, (9) Lovingness, and (10) Kindness.[28] These are some of the moral norms that are practiced and maintained either directly or indirectly in all societies by and large, Beauchamp maintains. Though he thinks that these norms are observed everywhere for maintaining social peace and harmony, he does not think that they are the necessary component for the survival of a society. However, without exaggerating the fact, he says, he does believe that at least they are the norms that are necessary to ameliorate human life, or to counteract the tendency for the quality of people's lives to worsen, or for social relationships to disintegrate. [29]

2.8 Beauchamp and Common Morality

The first point that I would like to point out about Beauchamp's general success is that he adopts a very modest step compromising the two extreme approaches, i.e. the approach of

[26] Ibid. p. 400
[27] Interestingly this has been done only in a later paper published in the Kennedy Institute of Ethics Journal with the title 'In Defense of the Common Morality'. It is worth asking him, without presenting that structure how could he claimed that the four principles of biomedical ethics are based on common morality.
[28] Ibid. (2003). p. 260.
[29] Ibid.

coming down from absolutism to particularism on the one hand, and of going up from the particularistic to the more universalistic view point on the other. He calls the first one the 'top-down model' and the latter the 'bottom-up model'. The tension between these two extreme viewpoints has always been a tremendous source of controversy in any ethical discussion. But Beauchamp, by diluting the sharpness of these two positions and finding an amicable path of resolution, has made a significant contribution to moral thinking.[30]

Beauchamp's reluctance for building a stringent theory of common morality is a matter of significance. Unlike Gert and others, he is quite hesitant about constructing a moral theory out of common morality. Being pessimistic about the possibility of moral theory, he makes the guarded remark that 'perhaps mid-level principles, polished analyses of moral virtues, and coherent statements of transnational human rights are all that we should attempt, rather than a theory'[31] for achieving the goals of, say, biomedical ethics. This hesitation, along with the careful admission on Beauchamp's part of what is the next best thing to not having a theory, is a very important point to note regarding the character of human morality. Inasmuch as common morality is a set of raw materials with which we must work in order to constitute the morally structured social order, the so-called system of common morality is not really much of a *system* in the literal sense of that notion. Besides, the possibility of any *theory* about anything would depend on our being able to extract a systematically neat order out of the content of the theory. In this sense the content of common morality may defy any attempt to extract a systemically neat order without betraying the density and complexity of our moral life. The commonsensical intuitions about moral norms and ideals surely form the foundation for attempting a theoretically coherent and comprehensive account of morality. But the content of the foundation may be such that that attempt is doomed to failure. Hence the next best thing may be the sort of modest engagement with 'mid-level principles' and 'analyses of moral virtues' that Beauchamp refers to as constituting the fabric of actual moral reasoning. Perhaps giving common morality the status of a theory would only be a gratuitous attribution. But that would be no disqualification of common morality as a viable approach to an understanding of the moral institution of humanity.

[30] He, including his colleague Childress, talks about these models in the fourth edition of 'Principles of Biomedical Ethics' where they first introduced the commonsense morality approach.
[31] Ibid. p. 407

It is to be noted, as far as this thesis is concerned, that we should not overlook the distinction between '*common morality'* and 'particular moralities'. By *common morality* Beauchamp intends us to understand that set of universal moral norms which we all share irrespective of time and venue. There may be disagreement on *which* set of moral norms constitutes the universally shared set. Indeed, some amount of disagreement on this front is an indication of the desirable flexibility of moral thinking.[32] So long as this flexibility is a modest one, it is no exception to the urgency and necessity of morality in the human situation.

A further interesting feature of Beauchamp's common morality thesis is his attempt to integrate his position with the Rawlsian idea of 'reflective equilibrium' on the one hand, and the concept of 'human rights' on the other. It is quite clear that reflective equilibrium is an ideal condition of social existence without which the structure of common morality cannot be rightly represented. The idea of 'fairness' of a just social order must be built into the idea of common morality. Common moral intuition bespeaks of the kind of equality and fairness that is represented by the esoteric notion of reflective equilibrium. Likewise, the idea of human rights is ingrained in the notion of common morality. Human rights refer to the universal aspects of normative interests and aspirations of common humanity, and as such the spirit of human rights must be part of the life of common morality.

2.9 Concluding Remarks

In this chapter we briefly presented the two most relevant theses of common morality and tried to roughly give a sketch on their main attractions. We saw how these two thinkers are addressing the idea of common morality. Since this chapter remains as the basic source of our further inquisitions, we do not think that it is essential to delineate all the important points in this concluding part. However, here, we would like to roughly mention about a few points. Firstly, we found that both the thinkers believe that common morality is the basic source for every ethical investigation. It covers all the essential elements of our ordinary moral life and it shows its immense guiding potentiality for penetrating any practical ethical problems. Secondly, though both theses go in their own

[32] Ibid.

direction, their followers would indeed believe that the structure of common morality could be easily captured within some moral principles, rules and ideals. And in order to see the complexity of a particular situation, according to them, we just need to concentrate on those rules and principles, and try to find out the solutions. However, it is hard to accept that the language of common morality can be captured so easily and that is too within certain rules and principles. Many questions might occur. If we theorize or formalize common morality according to these thinkers, are doing then are we going get the real core of common morality? Can we find that kind of innocence and idiosyncrasy which is the essence of common morality in such attempts? If not, then what is the difference between this approach and the standard theories? Well, there are many questions that exclusively need some further expansion. What follows next is a critical extension of all these questions.

Chapter III

Problems with the Formalistic Interpretation

3.0 Introduction

In the previous chapter we have seen two different attempts of fabricating the structure of common morality. We saw how Bernard Gert and Tom Beauchamp interpret common morality as a helpful approach for dealing with the issues of biomedical ethics. Extracting certain abstract rules, ideal and principles from our commonsense moral beliefs, they try to show that in the ethical discussion of biomedical practice if we abide by certain well-defined ordinary norms we can very well find out some amicable ways to meet many moral problems. Though they want to limit the theories only within the field of biomedical ethics, it is true that they do have a substantial idea of what common morality is, and presumably, they do know how this would look like if they want to apply it in other moral debates. Their idea of common morality bears a formalistic outlook in their interpretation, and both the writers seem to be convinced that there are some omnipresent norms and values which could be treated as rules or principles in order to have a normative claim of common morality. Here in this chapter, I am basically trying to see the weaknesses and inadequacies of such a formalistic account. And in doing that I am also simultaneously keeping my eyes open for an alternative account of common morality which would eventually, I hope, show us path of proper designation of common morality.

3.1 Against Abstract Norms

How does an abstract norm guide us in behaving a particular way? How strongly it could direct us for being an obedient moral agent? These questions are pertinent particularly when we are in a discussion of common morality. We have been talking about an exact representation of common morality through certain rules and principles. And these rules and principles, according to their proponents, confer a strong normative force- because they are universally shared and globally practiced. Gert and Beauchamp both have their own list of many such norms, as we have seen in the previous chapter, which are believed

to be shared and practiced in world-wide scale. They believe that these norms constitute a standard which is considered and admired to be the grounding force of all other further theoretical conviction, and we as normal human persons, are bound to be the believers of this force and are supposed to enact, adopt, and give it to ourselves for smooth functioning of our life. Gert believes that the standard of common morality is understandable to everyone to whom it applies, and it is, not irrational for any of those persons to accept being guided and judged by that standard.[33] Similarly, Beauchamp and Childress also maintain that common morality consists in a set of undisputed norms which is the basis for our moral life. Their authority is undisputed in the sense that they bind all persons in all places: they are universal and basic to moral life itself.[34]

Universalism and abstractness- both are entangled with each other. To mean something to be universal is to mean it as abstract. Both the qualifications are mutually inclusive. However, here I do not want to take them together as I have already set to discuss the universalistic claim of Gert and Beauchamp in the next section. Reacting to the main question of this section- how strongly could an abstract norm guide us to behave in a particular way- it can be said that abstract norms are not commanding enough for action-guiding. Consider the Gert's basic rule- 'do not cause harm' which he believes to be the foundational rule of all other moral rules of common morality. He believes that all other rules could be easily reduced to this single rule. But the main question arises how would we consider such a norm to be action-guiding for a particular moral agent- say, a physician? Of course upon concentration and thorough analysis, it would definitely show that a physician should not cause harm to his patients. But that does not mean much. Are we really convinced that this rule indeed leads a physician to act in a certain way or really directs him or her in his practice? What kind of harm it might mean? There may be hundreds of different types of harm that a physician comes across in his day today practices. In order to be guided by this rule he must need to adopt a certain condition and situations. But on what ground he will do this? Even if he does, is there any surety that the original uniqueness of the rule will be intact?

[33] Gert, B. (1999). P. 57.
[34] Beauchamp and Childress. (2001). In: Van den Hoven, M. (2006).

The same thing is happening with Beauchamp's explanation of common morality. By adopting an abstract strategy he tries to give a formalistic outlook to the constituents of common morality. But unfortunately these cannot fruitfully direct us for acting in a certain way. Following a terminology of Christopher Cowley, it can be said that in presenting his four principles for biomedical ethics, which he believes to be rooted in common morality, Beauchamp, seems to treat ethics as a scientific body of knowledge. His formal orientation of four principles- respect for human autonomy, nonmaleficence, beneficence and justice- not only proves himself to be insensitive to the appeals of common morality, but also shows his partial failure in establishing them as the competent components of common morality. To consider something to be 'common' is to perceive it in a tangible way; it means an accessible way to perceive the nature of the entity concerned. The interpretation the four principles do not give us such opportunity. We can hardly imagine a practical scenario where we find them in a concrete manner. What would 'beneficence' mean other than 'be nice'? What would 'nonmaleficence' mean other than 'don't be nasty'? These heavy-sounding principles are hardly effective to enlighten anybody.[35] We never know what beneficence or nonmaleficence is all about in our everyday life, unless we refer to a particular situation. Except the word justice, we hardly come across the other three words. Moreover, context wise also there may be several possibilities to interpret them differently. It is true that they have been introduced as principles which are believed to be underlying in the language of common morality. Nevertheless, accepting this does not mean that we can accept anything as 'common' which might even go beyond the language of common people.

Strictly speaking, I do not have any problem with their theories. I do see a fine logic in their interpretation. In fact in the earlier chapter, I indeed tried to see the brightest parts of their theories with utmost sincerity. I do believe that if we understand constituents of common morality in an abstract manner, we can extend them to a universal platform and by that way we can go up to a certain level of normative claims. But this is not how common morality is at its work. And this is not what we, as laymen understand the *moralities* of common morality. We start learning and adopting moral commands in specific contexts and situation. These commands come with certain examples and

[35] Cowley, C. (2007). PP. 740.

precedence. We do not regulate our moral life with specific concept. We regulate it in a common way because we learn common morality in a *common* way. The word 'common' means a lot for us. So, explaining common morality with certain concept or any attempt to catch 'common morality' with certain abstract notions does not do justice with our genuine understanding about it.

3.2 Against Universalism

One of our prime aims in this chapter was to clarify that universality is not a necessary criterion of common morality, i.e., the status of 'common' can be achieved without having the feature of universalizability. In the above discussion we tried to give some clear hints to strengthen this point. Let us now then go with this critical analysis by taking the principle of respect for human autonomy as a special case. As we have already mentioned that this principle is one of the four fundamental principles of biomedical ethics. And the basis of all those principles, i.e., respect for human autonomy, nonmaleficence, and justice, is common morality. According to many modern day ethicists, the discovery of these principles is as a huge success in the history of biomedical ethics. They did half of the job that a bio-ethicist wishes to extract from the entire field of bio-ethics. To consider this to be true should not be a problem for me, but still I do believe that there can be surely some exciting scope to 'trouble over' them.

In the discussion of medical ethics, respect for human autonomy is considered to be one of the most fundamental ideas. This has come in to force in medical ethics basically in connection with the issue of gaining informed consent or refusal from patients. A person is considered to be autonomous in terms of two essential factors-liberty (independent from controlling influences) and agency (capacity for intentional action).[36] Someone is believed to have the capacity of self-governance when he or she can understand, deliberate and choose things independently. And it is assumed that every human person has immense potentiality to celebrate his or her self-governance in one way or another. He or she can easily observe what is good or bad for him or her. Any interruption on this part is considered to be a betrayal to the sanctity of the self. Giving full opportunity to flourish the essence of an individual self is the standard social norm. It

[36] Beauchamp, T. (2001). P. 58.

is believed to be grounded on the bedrock of common morality. However, this western comprehension of individual self is radically different from the understanding of Asian societies, particularly the societies of Indian Continent. The autonomy of a person in such society is not 'embedded' or 'situated' within her; rather it is mostly vested in the *hands* of her near and dear ones. Individuals are here defined by their membership in particular economic, religious, sexual and recreational relationship. As MacIntyre has rightly pointed out that in such societies in deciding how to lead a life 'we all approach our own circumstances as bearers of a particular social identity….hence what is good for me has to be the good for one who inhabits these roles'.[37] Self-determination, in such societies, is exercised within a family level or in some cases at group level. True freedom, is 'situated' outside the individual self. Our self 'comes by' its ends not 'by choice', but 'by discovery'.[38] Here, the important question requires us to discover 'who we already are', not 'what I am' or 'what should I be'. It is not like the 'Kantian view of the self', according to which the individual self is prior to its socially given roles and relationships, and is free only if it is capable of holding these features of its social situation at a distance and judging them according to the dictates of reason.[39] It is something which Will Kymlicka defines as the *unencumbered self*' – the self without having its own load.

So in those societal contexts, conceiving the notion of human individual autonomy is not as easy as it is in western societies. It is hard to believe that in such societies every normal human person indeed bears a self that is potential enough to possess a standard individual autonomy. Even if they do carry, it is difficult to assume that the level or degrees of autonomy would be same as it is in western societies. So, when it is said that in biomedical practices an informed consent is sought mainly because it serves the purpose of respecting the autonomy of the person concerned, it remains unanswered how this is possible in those situations. It is contended that the primary function of informed consent is to enable the individual's autonomous choice. But in such cases, the worried message is that this contention can not be justified. It is tough to grasp any substantial existence of individual human autonomy. In most of the scenario we can not find out any substantial entity called autonomy. At best we can find only some

[37] MacIntyre, A. (1981). pp. 4-5
[38] Kymlicka, W. (2002). pp. 225-26.
[39] Taylor, C. (1979). *Hegal and Modern Society*, Cambridge University Press. Pp. 132-32. (In: Kymlicka)

glimpses of autonomy which is fragmented in different moods and vessels, and not in the individual person concerned.

Coming down slightly from the main track, we can then ask what is it that will be in the receiving end when we say that gaining informed consent or informed refusal is meant to respect something. What is that entity which is supposed to be addressed when a physician wants to perform any research on a particular human subject and ask for his or her consent? I believe that the answer could be easily given by bringing the notion of *human person* or *personhood*. It is the person who is supposed to possess the so-called autonomous status- the person whose mental or physical appearance itself is sufficient for ethical consideration. Interestingly on this point, I found a similar sort of thinking in a paper by A V Campbell, who prefers to refer to *persons* rather than respect for human autonomy while endorsing a virtue ethical point of view in medical ethics.[40] Complying with this and worrying about a different implication, Cowley also says that 'too much emphasis on autonomy leads to a conception of health care as merely another service to be provided to customers on demands.'[41] However, here I am not going to discuss about all those implications, because this might derail us from our original point.

The point that I am trying to make here is that the status that has been offered to the principle of respect of human autonomy is actually a status which should be recognized as non-universal. It cannot be universal- universal, in the sense that it is perceived and practiced in the same way all over the world and is understood in a similar way everywhere. If we have to follow the claims of Beauchamp and even of Gert, we must remember about the fact that any constituent or any principle based on common morality does have a character which could be universally shared and understood. But as we understood from the above discussion, respect for human autonomy indeed would raise some problem to consider it in that way of understanding. However, I do not say that this principle totally goes against the breath of common morality and is rooted somewhere else which is beyond the participation of common people. I do see that the way this ideal has been treated from ages in the ordinary life of western societies, it indeed corresponds the fact that it is a phenomenon that is shared so overwhelmingly that

[40] Campbell, A.V. (2003). Pp. 293.
[41] Cowley, C. (2005). Pp. 740.

it is hardly possible for common people to believe that that could be ever perceived differently in other parts of the world. But even if this is the case this would not be extended up to the world wide scale. As we have seen above that this phenomenon of respect for human autonomy does not come under the commonsense moral beliefs of many societies. So, given this situation, it can be said that the proponents of this principle would have to either refresh the claim that the principle of respect for human autonomy is based on common morality, or they need to rethink about the definitional part of their common morality approach.

3.3 Changing Morality[42]

Related to the universality claim there can be another important question that may pop up in the middle of the discussion. How static our common moral beliefs are? Do they always remain same? Probably it is one of the most complex and problematic questions that most moral philosopher usually want to avoid. But what could be a plausible answer to that in a discussion of common morality? I suppose many of us would prefer having a mediocre answer. Many would say that there are norms which do change and take different forms in different course of time, but nevertheless there are also others which do not change, like doing unnecessary harm, stealing is bad and the like. Thought Gert and Beauchamp both are trying to convince us that all the constituents of common morality come under the second category, it remains unclear how would they accommodate the norm of facts of slavery or apartheid which exclusively talk about the changing the forms of Gert's 'do not deprive of freedom' or Beauchamp's 'treat all person equally'.

Universality claim is not an easy claim, particularly when it comes with common moral beliefs. Think about our common moral beliefs about the issue of 'eye-donation', or 'kidney-donation' as the concrete form of beneficence- which Gert considers as a moral ideal and Beauchamp considers as principle. How they were thirty years back and how they are now. It is crystal clear that our perceptions and common moral beliefs are changing. They are changing in new direction. And we do not know, neither can we predict in what directing they are changing. May be they will be totally changed in favor

[42] This point has also been put forward by Van den Hoven. P. 43.

of some ideas of fairness and reciprocity in coming days.[43] And may be who knows what consequence it would bring forth if another world war happens to approach us in this coming decade. These are some of the crucial features of our common moral beliefs. Our recognition of 'common' is very much entangled with these features. But unfortunately, all these are not taken in to account in Gert and Beauchamp's interpretation. Their universalistic account can not accommodate these phenomena. In other words, they fail to show the exact designation of calling something 'common'.

3.4 Concluding Remarks

What we have seen from the above discussions is that the idea of common morality as it has been formulated by Gert and Beauchamp is very narrow and concise. It represents only an abstract side of our ordinary belief system and it fails to remain consistent while making the claim that universality is the prime character of common morality. It hardly satisfactorily shelters all those genuine common moral norms which we usually consider to be *common*. The first problem that I tried to reveal about this approach is that of its abstraction. It is true that by maintaining certain ordinary values in an abstract form, these two thinkers are trying to capture a complete picture of common morality which would suit the moral life of the entire humanity irrespective of time and venue. But in aiming at that goal, their interpretation on the way loses its own aiming innocence and subsequently fails to depict the folk identity of common morality. In other words, it drops its *common* character and adopts an uncommon formal outlook. The second point of our discussion was to convey the message that universality is not a necessary character of common morality. In order to prove that I drew an explanation with the principle of respect for human autonomy, and showed an inconsistency in the definitional part of their interpretation of common morality. This same point is also tried to extend in a different mood in the last section of this chapter. There I pointed out about the non-static character of common morality and showed that though the abstract form of common morality remain static, many of their concrete forms indeed undergo some change. And this

[43] Den Hartoog, G. (2003). (In: VandenHoven). 'Gift of bijdrage? Over morele aepecten van orgaandonatie', Den haag: Rathennau Institute. Studie 47.

change reveals a typical character of common morality which Gert and Beauchamp fail to not accommodate in their accounts.

Chapter IV

Local Common Morality

4.0 Introduction

We believe that the last chapter has given us a critical picture of the common morality theories which are propounded by Gert and Beauchamp. We saw how these two thinkers have attempted to lay bare the structure of common morality in a formal framework and in doing that what the kind of difficulty they are experiencing. In this chapter, bringing the issue of common morality versus particular moralities, I am trying to develop a different understanding of common morality idea, the root of which I find in voices of the critics of universalistic account. I am intending to call it *local common morality*. I prefer this phrase because this understanding of common morality points out to those common moral beliefs which bear certain local character and which can not be universally acclaimed. Contrasting it with the universal or the abstract sense of common morality, which has been the main attraction for Gert and Beauchamp, here I mainly try to say that our idea about common moral beliefs should be articulated as they are for us- i.e., with its utmost concreteness. Here, I try to see how this understanding of common morality would better represent our practices of day today moral life and gives us enough resources for the philosophical investigation of practical moral problems.

4.1 Common Morality Versus Particular Moralities

The most genuine question that can be put to the proponents of commonsense morality theories is that of the justification of the view that there exists a basic normative standard which is unquestionably and spontaneously accepted by every morally serious person. It is hard to believe how a value be practiced in the same way across globe without perceiving any difference? It is fact that every society has its own basic norms, beliefs and value system. Norms and values vary from culture to culture, religion to religion, and even region to region. Some societies have well-defined social structures, rigid mobility among classes, stringent rules on social institutions; while others have more liberal,

egalitarian and flexible set of norms. Some societies are markedly patriarchic or matriarchic and gender plays a crucial role in determining access to workplace opportunities and material resources. Some societies promote an ethic of peace and nonviolence in political tradition. Other societies foster the ethos of aggression, violence and anger.[44] Even within the boundary of the same social structure, there may be immense difference in belief and disbeliefs. For instance, blood transfusion is considered to be an *altruistic gift* in the commonsense moral belief in urban India, whereas the same practice may be perceived as a cause of religious hindrance in many rural parts. The same is the case with the practice of organ donation.[45]

The contour of common morality is constituted of various continuities and ruptures. We follow many norms which have their roots in ancient times. Many can be traced back to the values of ancient Greece even. For instance, many of our contemporary notions about justice still refer the ideas of Socrates and Aristotle. In contrast to this, there are many norms which have their roots in the first part of the modern era. And others have their grounds in contemporary times- with all the impacts of high-technology and 'global-world'. Although on the ground level, there are some profound agreements in connection with our beliefs, but there are innumerable circumstances where in fact these agreements are no longer remain helpful to resolve disagreement or conflicts. The plasticity of our understanding of moral standards across cultures and geographic diversity has placed us in such a skeptical position that we can hardly imagine being in the same moral world. We have to see our own world from our own perspective first, and then have to try for objectifying them.

4.2 Two senses of Common Morality

All these explicitly tell us how norms and values differ from society to society, culture to culture. It proves that it is very much a fact that we exist in a world of difference- a world where divergence is much stronger than convergence, heterogeneity is much larger than homogeneity and disagreements are more acute than agreements. Nevertheless, claiming

[44] Turner, L. (2003). Pp.194-95.
[45] This example is cited by Van den Hoven also.

this also does not necessarily entail that there cannot be any agreement or there cannot be any clue of concurrence among us.

However, keeping aside all the radical differences on the issues like individual, communal, institutional and political norms of different societies, let us assume that there are a few norms and values which appeal to be common in all societies, but they are actually different in different parts of the world. One could identify them as local common moral beliefs- (1) *local* in the sense that they possess some non-global characters which could be perceived with a relativistic eye but still not exactly relativistic in its radical sense, and (2) *common,* because they are shared in such an overwhelming way that it is nearly impossible for the people who share it to believe that those could be ever considered differently in other parts of the world. The understanding of these ordinary moral beliefs can be called *Local common morality*.[46] *Local common morality* is content-thick and it covers most of the ordinary moral norms of a particular society. In other words, in its local sense, common morality refers to many actual beliefs that is widely accepted in a particular society, but still might not be universally acclaimed. It includes vary many moral norms. 'Give respect to elderly people,' 'Child-beating is morally unproblematic,' 'Meat-eating is morally unproblematic', 'It is children's duty to look after their parents at their old age,' 'It is more incumbent on women than man to change their names upon getting married and to sacrifice some of their interests, such as their professional development, for the sake of family,'[47] 'Marriage is a sacred bond,' and so on and so forth.

In contrast to this *local common morality*, we can understand common morality in a global manner. This is in an abstract and fundamental way of understanding common morality. In this sense we can refer to those norms which are believed to be universally shared and practiced. The norms that have been put forward by Gert and Beauchamp, mostly try to capture these criterion. These norms are believed to be an abstract standard of our human moral life and are expected to be the starting point of every ethical theory. They are claimed to be common in the global sense. They are, according to Beauchamp,

[46] The phrase *local common morality* will be used to refer about the understanding of local common moral norms and as well those norms themselves.
[47] DeGrazia, D. (2003). P. 232.

'abstract, universal and content-thin'.[48] However, much has been already said about this, so I suppose, it is not difficult to grasp what I mean by global sense of common morality.

This global sense of comprehending common morality has been the centre of attraction for many philosophers. As we saw the theories of Gert and Beauchamp, there are many other thinkers who tend to understand common morality only in this sense. But as it has been discussed and analyzed in the earlier chapters this way of understanding common morality does not do justice to our ordinary ways of comprehending common morality. Many might expect to understand common morality in a more concrete way. Unlike Gert and Beauchamp, they may use the phrase in a generic or non-technical sense. Turner, one of the main critics of Beauchamp, while asking about anthropological and historical evidences of common morality, seems to take a very broader sense of common morality.[49] In reply to that, Beauchamp reiterates that his idea of common morality is much narrower than what Turner thinks he has about it. It is concrete and abstract, but its coverage is universal. However, in maintaining a universal standard it has to leave out many norms which we usually think to be common. Mariette van dan Hoven in her thesis "A Claim for Reasonable Morality" complaints- "if commonsense morality only involves general norms that can be universally held, we somehow lose touch with daily-life decisions in which we also recognize other widely believed and trusted norms and beliefs."[50] This idea of common morality, according to her, covers only a very few parts of common morality. It excludes many others which we usually tend to understand by the phrase common morality in our day today social intercourse. In our usual understanding, the phrase generally comes with a much loaded comprehension. It dictates vary many things. Common morality, in this sense, encompasses most of our day today beliefs which we endorse either for prohibiting or for forbidding certain actions. As I have already pointed out, I would like to name this kind of understanding as *local common morality*, which contrasts to the global sense of common morality.

Many might believe that the *local common morality* is just a form of relativism. However, I do not think that this non-universalistic stand should always be necessarily considered as such. This is, in my belief, more of a pluralistic approach than that of a

[48] Beauchamp, T. (2003). P. 261.
[49] Tuner, L. (2003). P. 195.
[50] Van den Hoven, M.(2006). 43.

relativistic, and pluralism, can not be considered always as relativism. Moreover, even if in this position, there exists some shadow of relativistic thought I do not consider it as in that sense of relativism which exclusively maintains an individualistic form. It radically differs from those relativistic positions which maintain that judging moral and ethical judgments or acts of another person or group has no meaning. My position is something, which Turner perceives as 'the third theoretic camp' (distinguishable from universalitist and relativists') and van den Hoven calls as third view of commonsense morality which she wishes to formulate.[51] Interestingly, for taking such a stance, Beauchamp is tenaciously critical about Turner and says that Turner's position is both relativistic as well as pluralistic. Here, Beauchamp says, 'a pluralist who repudiates universal norms is a relativist'.[52] I do not think that the norms and values of common morality, in its local sense necessarily mean for particularistic stance. Even if we agree with Beauchamp's critical remark on Turner, I do not think that Turner's idea of common morality as relativistic as it might mean for Beauchamp. However, without arguing in favor of Turner, and presumably for van den Hoven even, I would like to say that one who invoke the *local sense of common morality*, as I have depicted above, do not automatically repudiates the existence of abstract universal norms.[53] They do consider about the vague presence of universal norms upon which many of our usual norms could be deduced. But what they really repudiate is the universalists' conviction about the irrelevance of the restricted sense of common morality. They maintain that common morality in its universalistic form could cover only a few abstract moral norms. That can never encapsulate the local sense of the word *common.*

4.3 A Different Approach

The important question before us is which view of common morality, could be considered as a relevant one for our purpose i.e. endorsing common morality as a resource giver for philosophical understandings of applied ethical problems? But before

[51] Ibid.
[52] Beauchamp, T. (2001). P262.
[53] This local sense of common morality, I believe could easily accommodate the views of what Mariette vandenHoven finds in the works Murphy, Grant and Kagan, and names as uncorrected folk morality. That is why unlike her, I do not wish to maintain any third view of common morality.

coming to that we need to dig out the answer of another important question- can we really systematically present the idea of common morality? Is it really possible for us to have a concrete theory which could explicitly cover every nock and corner of the idea common morality? I am very much doubtful about it. There can be many reasons. One good reason in this regard could be the language of common morality. The language of common morality is so multifaceted and diverse that we can not articulate it in a single theory.[54] Moreover we cannot so easily give a decision procedure to it. Its theorization always remains just an attempt. Even if we theorize, it ultimately boils down to the category of traditional standard theory. And once it is identified to be so, the same problem of not properly addressing common morality arises, which has been the point of departure for many common morality philosophers like Gert. The crux of the matter is that once we start theorizing common morality it automatically loses its own innocence or idiosyncrasy. And then it gradually grabs a formal outlook which makes it insufficient to address our common morality.

Let us consider the first one- the radical or foundational one which we named as global common morality. Both the theses of Gert and Beauchamp, presented in the previous chapter, exclusively fall within this category. They believe that *common morality* expresses some abstract, universal and self-evident norms and it is possible to describe them within a theory. It is clear from the Gert's writings that formalizing several ordinary thoughts in a systematic way he is enthusiastically intending to construct a moral theory. His ten rules, precisely presented moral ideals, and the procedure of justification exclusively claims his 'common morality' to be a normative theory. On the other hand, though Beauchamp expresses his hesitance for constructing a theory in the last few pages of his magnum opus, his way of dealing with the common morality idea indeed convinced us that his approach is theoretical. In the earlier versions of the 'Principles of Biomedical Ethics' Beauchamp did not explicitly mention that the four principles, which have been offered as the main guidance of biomedical ethics, are grounded on common morality. It is only in the fourth version he comes up with that idea and then subsequently in the fifth version he declares that 'common morality contains a

[54] Beauchamp, T. (2001). (fifth edition). P. 407.

set of moral norms that includes that are basic for biomedical ethics'.[55] So, in a way, he takes the burden of endorsing the idea of *common* morality only after preceding a certain length with four principles. And this has eventually compelled him to consider it within the bounds of theoretical craftsmanship. Moreover, the kind of authority and ascendancy he has conferred to the principles is no less than that of rules and theoretical judgments.

The *local common morality*[56] is rather a vague idea- vague in the sense this understanding does not have a formal structure. But though it is vague, its credibility is highly demanding so far as the nature of the common morality is concerned. Its language and logic is beyond the grasp of formal principles. Its amplitude is beyond the reach of moral rules and ideals. One might question here that then what are the criterions of designating something to be 'locally common'? In simple words, what are the criterions of this so-called *local common morality*? Well, three important aspects could be roughly pointed out in this connection- *obviousness*, *reasonablness* and *intelligibility*. A practice or belief should be first recognized to be as obvious to all; since it is believed to be practiced widely throughout a particular society, it should definitely have the feature of cognizability. Apparently it should also be palpable to others. This is not something which can be compared with narrow tribal or communal norms. Secondly, the greatest attractiveness of endorsing common morality is that of its reasonableness. Most of our general everyday beliefs, at least those which I refer as *local common morality*, express some kind of reasonableness. They carry at least some sort of logic which can be acceptable to any human person. This means that others could also perceive from the followers' point of view in order to apprehend the fact that what they would have done if they were in their footstep.[57] Moreover, as maintained by Sibley, those beliefs are such that when others consider them for moral evaluation others must be disinterestedly *influenced* in the process of reaching any decision.[58] This brings us to the third aspect that I see as another important feature of *local common morality*. This is intelligibility. It is quite intelligible that why respect for human autonomy is conceived and perceived as the greatest jewel of western tradition. Borrowing the Davidson's theme of moral reasons,

[55] Ibid. p.12.
[56] By *local common morality* here I mean the local common moral beliefs. In simple, local moral norms are the constituents of common morality.
[57] Nagel, T. (1986). 81.
[58] This point is enumerated by Van den Hoven.

one might say that to understand others means that there are large areas of agreements in beliefs. However, to understand 'other moral codes and the ways of life in which they are embedded is not to see them as alien and incomprehensible but in some respects familiar and in other respects constituting a challenge to our own codes and ways of life.'[59]

So, with all such idiosyncrasies a *local common moral* belief indeed prevails and establishes its existence with its own right. Such a belief or norm does not need any formalization. It says everything by itself. We just need to keep them *open* without interpreting with certain stringent rules or principles and this would eventually help us in finding them in a more balanced and innocent way. Such a 'leave-it-like-that' approach would not only strengthen our moral sensitivity, but also constantly assist us to comprehend the density of several morally problematic situations. This way of looking at common morality would subsequently provide us sufficient resources for understanding and penetrating several practical situations. It, on the one hand, would give us a broader platform to rethink about our theoretical conjecture, and on the other, would help us understanding the changing morality of different societies.

If we understand *common* morality only in the universalistic sense, as endorsed by Gert and Beauchamp, we will be confined our self within a few abstract norms and have to interpret everything on the basis of that. Each and every time we have to come out and explain them differently in different circumstances. Of course, it is true that such a universalistic approach is helpful for constructing a theoretical framework of common morality. Since it assumes only a few abstract rules or principles to be the underlying features of every moral situation irrespective of time and venue, it successfully builds up a so-called 'system' of common morality. But, as we have already pointed out that theory building of common morality can only be considered as an attempt for certain limited purpose. It can never achieve the aim of fabricating the complete picture of common morality. Our aim of presenting the norms and values of common morality should be a modest goal. It should be kept open, so that it will be free from the allegation of being insensitive to circumstances.

[59] Wong, D. (1995). P. 282.

4.4 Relevance of Local Common Morality

It has been perceived that the constituents of the universalistic account yield a strong skeleton of common morality. They form a holistic picture of the whole morality. By justifying the existence of common moral norms, both Gert and Beauchamp try to perceive a system of morality whose validity transcends all the geographical barriers and constructs a set of universal criterions for all moral permissibility. However, these criterions are not sufficiently rich in content to be action-guiding. By observing the larger American society Turner writes in this way-

"Although important aspects of moral life within the United States are in wide reflective equilibrium, these 'core' aspects of American morality are of limited values when addressing highly contentious ethical matters such as the use of embryonic stem cells or physician assisted suicide. Such issues rarely can be resolved through the application of a 'common morality' analysis. Rather, these topics reveal the limits of the common morality in America and suggest where the fault lines of competing moral philosophies can be found. Notions of common morality are of little use when addressing the ethical issues that lie beyond the boundaries of shared, overlapping moral intuitions." [60]

Moreover, it is hard to be convinced with the fact that before doing a particular action a person always recalls certain golden norms and then acts accordingly. Most of our actions are generally guided or directed by our local value system. If there is an incident of moral dilemma between a norm of universal common morality and a norm of local morality, we fear more to the local one than to the universal. We feel committed and attached more with the 'day-to-day following' norms than the universal norms.

Consider the fact of child-beating.[61] In many parts of the world it is believed that a child will never learn a lesson unless he is beaten. He will never be attentive to his works unless you spank him every now and then. And most of the people even tend to believe that if you are not smacking or paddling your child you will never be a good parent. This is the common moral thought that prevails in many African or Middle Eastern, or even in Asian societies. But in western or in any liberal societies, it is often considered as a crime if someone beats up his or her child for not doing routine work or for doing something

[60] Turner. L. (2003). P. 195.

[61] The phrase child-beating may be sounding a bit stronger. It may imply even child tauter or something equally to that. Nevertheless, I refer it because this is popular and commonly used.

wrong. He or she will be publicly recognized as 'child abuser' or 'sociopath'. Because beating children is against the norms of the common culture of that society. I believe that in the universalists' account of common morality, this will surely be perceived under the rule of 'do not cause pain' (Gert's) or the principle of 'respect for human autonomy' (Beauchamp's). Now, suppose, an applied ethicist is approached to reflect something on this matter- say for instance, to decide whether parents should beat their children or not. How he should proceed? Definitely, if he is a follower of universalists' account, he would recognize it to be morally deplorable or reprehensible act. But what if he has to handle a project on this particular issue in a society where child beating is very much common and everybody considers it as a usual practice, how would he proceed. In most of the societies there may be many grass root level convictions behind the child-beating practice. There may be many socio-cultural causes. One of the main causes could be the general intuition about the individual status of children. As in our earlier discussion we have already come across about individual autonomy issue, it is worth mentioning here that this issue has a particular relevance in child-beating phenomena. It is beyond doubt that the ethicist in such situation should first try to understand why such a practice is so popular and why every parent sees it as a reasonable belief in that society. It is true that the first and foremost disturbing question that the ethicist has to face is question of justification of that practice. But before coming to that it would be worth exploring for him to see what kind of justification he could think of for such societies. It would follow a horrendous result if the ethicist just moves on preaching the norm of 'respect for human autonomy' or 'do not cause pain', and ignore the language of that particular practice in that society. In such circumstances the ethicist must look at the existence of both zones of normative consensus and normative conflicts.[62] He needs to find out a convenient and amicable way of balancing between the local and universal criterion of moral permissibility.[63] Thus, here in such situation it is extremely important to realize the strength of *local common morality*. Realizing it will not only help us in being sensitive and circumspect to the situation concerned, but also add a lot to our perception to see where the fault lines of our moral conjecture exist.

[62] Turner, L. (2003). P.195.
[63] Wong, D. (1995). P. 284.

4.5 Concluding Remarks

From this long tedious discussion on *local common morality* and its contrast with abstract universalism many things have become clear. I tried to answer how we can meaningfully talk and designate the relevance of common morality for the growth of practical understanding of ordinary moral problems. I tried to show that universalistic view of common morality is just one way- probably the shortest way of comprehending common morality. There can be another way as well. And it is the *local* way of articulating common morality. Unlike the other one, the understanding of *local common morality*, as I call it, is content-thin and covers most of the ordinary moral norms of our day today life. This understanding shows a concrete way of grasping our common moral norms. As I have already pointed out that in order to do justice with our ethical conviction of daily life, we need to concentrate on the ordinary moral norms from its nearest possible distance. We do need to learn the essence of those moral norms in a tangible manner. We have to have a clear grasp of how our common moral beliefs *are* for us, i.e., with all their situational and contextual idiosyncrasies. And all these could be made possible only when we endorse the view of *local common morality*.

Chapter V

Conclusion

This last chapter especially takes the burden of presenting a summery of the whole work. Here, I will try to paraphrase all the findings of our earlier chapters and try give a comprehensive coverage of what I have explored so far. So, this chapter does not bear any sectional setting as of the previous ones.

The first chapter was an introductory chapter. But though it was introductory, I believe, it indeed conveyed some important messages. Instead of just presenting the idea about this work, I tried to give more or less a complete coverage of what common morality means or what common morality is for us. I tried to delineate two different ways of understanding common morality- one, which I believe to be of Gert and Beauchamp, and the other, which has been tried to develop through out the chapters by leaning on the critical thoughts raised against the first one. The second chapter was completely dedicated to the works of Gert and Beauchamp. Here, I mainly tried to present and appreciate the characteristic glances of their theories. Many might question why was it necessary to present those complete theses instead of just synopsized them in one or two paragraphs. In response to this, I would like to say that in order to understand and critically analyze the alleged abstractness of their idea of common morality it is ideally required to grasp their whole theses. After presenting the theses, I tried to touch upon many important points which, I believe, are the basic reflection of their success. Had the theses been not depicted in the way they are now, it would have been quite vague to see those brightest parts of their theories. Moreover, such a complete presentation of their thoughts indeed convinces us that the way they are assuming the structure of common morality is in fact a justified one. In the third chapter, I tried to formulate a few objections against this universalistic account of common morality. In the first part, I expressed my worry with the abstract way of presenting the norms of common morality and then taking a special principle, i.e., respect for human autonomy, which has been considered as a principle based on common morality, I tried to convince that not all norms or constituents of common morality could be perceived as universally shared.

Referring to the contextual differences of Indian sub-continent, I tried to contend that if the principle of respect for human autonomy is based on common morality and if common morality is all about universally shared norms and beliefs, then there might be an exciting opportunity for 'troubling over' the universalistic account of common morality, especially that of Beauchamp's. Taking a grip on this point further I tried to *problamatize* the whole universalistic claim and subsequently showed that there could be a different way of comprehending common morality. And this is the *local* way. In the succeeding chapter, which has numerically become four, I particularly tried to develop this *local* way of understanding common morality. Unlike the universalistic account, I argued, this understanding attempts to see common moral beliefs in a more concrete and tangible manner. It seeks to penetrate on the questions like what it is of being designated as 'common'.

A sufficient and satisfactory comprehension of common morality is always a desired aim for every ethicist. Because it not only helps him to look back their theoretical conjecture but also gives him a broader platform to analyze, synthesize and to give a holistic view about a particular moral problem. If he understands common morality as *common morality*, i.e. with all its contextual and situational ornaments, he can get a larger and wider set of resources for insightful envisagement of practical problems. Practical moral problems are not only the problems of ethicists or practitioners, but also they are the problems of common people. And the language in which moral problems are usually intensified is the ordinary language. So, to grasp this language he indeed needs to adopt a practical way. And this way is way of concrete presentation of common morality.

Our main aim of this work was to show how we can meaningfully talk and designate the relevance of common morality for our practical understanding of ordinary moral problems. I believe that the position that I offered, particularly the explanation of *local common morality*, has fruitfully served that purpose. However, many might find it problematic in getting a comprehensive and thorough account of this position. Many may even question about the clarity of my presentation. I do agree with them that the position that I defended is not as transparent as it could have been. Looking back to my own position, I believe that this has happened mainly because of two reasons- (1) the position

that I defended has come out as a result of my critical analysis of the universalistic account, and (2) the main purpose of this work was to give an explanation to the issue of proper designation of common morality, rather than to develop an independent one. Besides these, I suppose, developing a view completely independently is not an easy task, and certainly is a tougher job within the boundary of a mater's thesis. So, all this has limited me in doing it an expected manner. However, accepting that does not mean that I should consider all these as the problems of my position. As far as the basic root is concerned, I am pretty sure that my position has successfully shown how an ethicist could be sensitive and judicious enough to the appeals of common moral beliefs and how meaningfully he or she could capture the relevance of 'common morality' for practical understanding.

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