

# Morals and Politics: a Reply to Newton Garver

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by

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Professor Garver has raised a most timely issue — the relation of politics, and especially of law, to morality. If lawbreaking is *ipso facto* immoral, then (some argue) there could be no moral grounds for breaking a law (unless our laws are inconsistent). So, one issue that is at stake is that of the possibility of moral justification for civil disobedience.

Certain actions, prohibited by law, are generally deemed amoral. For example, walking on the courthouse lawn is illegal in Pocasset, Oklahoma; yet to do so would not generally be taken to be an immoral act. Other actions prohibited by law are generally deemed immoral; for example, the deliberate, unprovoked taking of a human life is illegal in every part of the civilized, and generally regarded as immoral. And, it is conceivable that an act generally thought to be moral might be prohibited by law — such an act as by a municipal government for damages suffered by a citizen at the hands of a careless civil servant (such as sideswiping a parked car with a city-owned garbage truck) might well be prohibited by the municipal charter. So, *prima facie*, it is reasonable to maintain that some illegal actions are immoral and some are not.

Professor Garver's central contention that "politics are amoral; morality is apolitical" might be thought to suggest, however, that no illegal action is immoral. Surely this is not his intention. What he wishes to urge is that the mere fact that an action is illegal does not suffice to show it to be immoral. But this, I suspect, would be acknowledged by all but the most legalistic-minded rule utilitarians. On that general view, in addition to an act's being formally proscribed by the community, what is needed in order for it to be morally wrong is that (as Brandt puts it) "a conscientious effort to obey [the proscription], by everyone in the agent's community, would have greater net expected utility than similar effort to obey any other . . . imperative." (Richard B. Brandt, *Ethical Theory*, p. 397)

However, Professor Garver maintains that even if a law *does* fulfill the utilitarian condition, it does not follow that breaking the law is immoral. Nor should a law be such that one could not consistently will its universal disobedience, is it for that reason a moral law. When, then, will an act of lawbreaking be immoral? When, and only when, that act does not accord with the agent's character — with the sort of person he is.

Surely, though, this will not do, since any effort to improve one's character will be immoral on this criterion, because not consistent with one's actual character. One who habitually deserts his New Year's resolutions whenever keeping them would cause him some discomfort acts contrary to his character when he unexpectedly sticks, say, to a resolve to stop smoking, despite all the agonies of withdrawal. But it seems perverse to call this immoral.

Perhaps, rather than against one's actual character, professor Garver wants to measure actions against the standard of one's ideal character, what one wishes his character were like, the sort of person one would that he were. Thus, if an act is not consistent with one's ideal character, it is immoral — and this whether it is legal or not. So the primary sin is that of inconsistency between what one is and what one

would be, a sin of disintegrity.

On this view, then, how are we to tell when we, or others, act morally? A man's moral principles are not, as R. M. Hare suggests, evinced by his actions, for these may well *not* accord with what he would that he were. Nor does his avowal of principles suffice, for one may avow principles for many purposes (getting elected to office, obtaining the esteem of one's associates) and not mean them (even though he many not realize that he doesn't mean them). I suspect that Professor Garver would hold that we all really know what our moral principles — our ideal characters — are, and thus know which of our actions are moral and which are immoral. But then, to a confidant's anguished entreaty for moral advice, the proper reply would be, "You know perfectly well what you ought to do." And that seems not only callous, but false.

Moreover, if I maintain that X is your duty and you deny that it is, we have a genuine moral dispute only if we are both adding the rider that you accept such and such an ideal character. Disputes over which character — what sort of person — you ought to have as your ideal, are not moral. It is difficult to see what other basis there could be for settling the latter sort of dispute except a utilitarian one — but then, morality rests on the same foundation as politics. Similarly for so-called "moral persuasion" — should I seek to persuade you to adopt a certain character ideal, this is not moral persuasion since it does not involve the state of my soul. What other basis could there be for such persuasion except a utilitarian one?

Finally, this view comes perilously close to committing what G. E. Moore called "the naturalistic fallacy." For, "such and such a state of affairs is morally good" and "such and such an act is morally right" appear on Garver's view to translate as "one who has what I consider to be an ideal character would seek to bring about such and such a state of affairs, or would do such and such." "Morally good" has disappeared, unless concealed in "ideal character." But if "ideal character" means "morally good character," then presumably one still may not know whether the character he wishes he had is morally good or not — and thus does not yet know whether his actions are morally good even when he does know they accord with those of the kind of person he would be.