

## Conviction and responsibility: does the end justify the means?

We began to consider what it is to act in a just way towards others. We have not yet found an answer to this question but we have pointed out an important prerequisite of justice. This is the sort of attitude of mind which makes a person distributing or laying claim to scarce goods ready and able to be detached about personal preferences and sympathies and to apply criteria which can be justified to all other parties involved. If this is so, we can go on to say that inequalities of distribution must be justified. They must be proportioned according to relevant qualities and should not arise out of discrimination between persons or groups of persons which those involved would never be able to agree to. Justice means recognizing that every person is worthy of respect for his or her own sake.

'Justice' in itself though is not enough if we are to 'do justice' to our fellow human beings. If a government were to forbid everyone, including its own members, to smell roses, it would not be acting unjustly, because it would not be discriminating against people on irrelevant grounds; but such a prohibition would nonetheless be quite idiotic. The story of Solomon's judgment gives us an impressive example of the fact that there is something higher than justice. Two women bring before the king their quarrel about which of them should have care of the sole survivor of their children. Solomon is not in a position to clear up the matter directly, so he orders the baby to be cut in two with a sword and for one piece to be given to each of the women. The woman who cries out against this and is

ready to let the other woman keep the child is the one Solomon recognizes as the true mother. She gives up her claim to justice because she loves the child. The ancient story disregards the fact that the child also has a claim to justice. It deals only with the question of justice between the two women. It is nonetheless a generally valid principle that it is immoral to want to destroy goods which cannot be distributed justly rather than finding some grounds for giving them to someone. Even if no relevant grounds can be found, there is always the possibility of drawing lots or taking into consideration the rights of the person in whose possession they happen to be at the time.

Dealing justly with people and with reality goes beyond mere justice. Two further things are required, knowledge and love. Without knowledge about what man is and what is good for him we cannot act correctly. A person who spoils a child with too many sweets or too much television may well love that child, but he is doing just what someone would do who wished to harm the child. Knowledge informed by love is best. If one person wishes to harm another, knowledge is bad, because the more someone knows, the more damage he is able to do. The sort of love we are talking about here is not the same as sympathy. Whether or not we feel sympathy is not something over which we have power. Love is more like goodwill, willing that others should come to have whatever is good for them. Such goodwill is not directed only towards human beings but towards all living things. To inflict needless pain on an animal is to be unjust to it. It is in the nature of pain that no one should want to inflict it, because no one would want to suffer it.

The next thing we need to know is what this general readiness to do justice to reality, and particularly to other people, actually requires of us. We need to know what demands are made by this goodwill, without which there can be no good life. We need to know what standards we should apply to our actions, over and above justice, for us to be able to call them good. There has been a long

philosophical controversy over this, to which we must now turn. The great sociologist Max Weber characterized two possible approaches, which he thought were irreconcilable, using the terms 'ethics of conviction' and 'ethics of responsibility'.

By ethics of responsibility he meant the attitude of a person who determines how he should act by taking into account the totality of foreseeable consequences, that is, by considering which set of consequences taken together in the context of the value content of reality are best. That person will act accordingly even if it means doing something which, taken in isolation, would appear to be a bad action. A doctor would be acting in accordance with what Weber termed ethics of responsibility if he lied to a patient about the state of his or her health, for fear that the patient would not be able to bear the truth. So too a politician would be acting according to ethics of responsibility if he builds up the country's capacity for war, and indeed prepares for the eventuality of having to wage war, in order that this should have a deterrent effect, thereby decreasing the actual likelihood of war.

The pacifist on the other hand subscribes to ethics of conviction, so long as he says that he is not prepared to kill under any circumstances, not even if the spread of pacifism on one side were to increase the danger of war. His argument is that if all people were pacifists there would be no war at all, and that someone has got to start somewhere. If it were put to him that pacifism was unlikely to become general, but have the effect only of weakening one side to the extent that a potential enemy might seize the opportunity of starting a war, the pacifist's reply would be that this would not be his fault, and if people were going to start killing each other, then he would not want any part in it.

Max Weber was of the opinion that these two points of view were at absolutely opposite poles and were irreconcilable by means of rational argument. He was inclined to see the ethics of responsibility as being appropriate to the

politician and the ethics of conviction as appropriate to the saint. This of course does not take into account the fact that there have been politicians who were at once saintly and successful, though these, admittedly, have been few and far between.

In modern ethics this problem is often discussed in terms of the contrast between deontological and teleological systems of ethics. 'Deontological' is the name given to systems of ethics which regard certain actions as good or bad in general, regardless of their consequences. 'Teleological' systems calculate the moral worth of actions in terms of the value of the totality of their probable consequences. 'Utilitarianism' is another name given to teleological moral systems, or ethics of responsibility.

Talking in terms of a contrast between ethics of conviction and ethics of responsibility, or between deontology and utilitarianism, in fact tends to obscure the issues under discussion. One is reminded of something Hegel said: 'The principle that we should act in a way which disregards consequences, and the contrary principle that we should judge actions according to consequences and make these judgments the measure of what is just and good, both arise out of an abstract form of understanding'.

There is in fact no system of ethics which absolutely disregards the consequences of actions, because it is not possible to define an action without making reference to particular effects. Action means 'bringing about effects'. If for example you regard all lies as being in principle reprehensible, this does not mean that you are disregarding consequences. What you are really doing is taking into account one consequence only, the very consequence that makes a lie a lie, the deception or misleading of another person. Without this consequence there would be no lies, otherwise telling fairy-tales would be telling lies. So it is not a question of conviction or responsibility, nor is it a question of taking into account or disregarding consequences. The question is which consequences of his actions an agent should bear responsibility for and how far

into the future it is legitimate to see these consequences extending. The question is whether there are specific consequences which should never be permitted, or whether, on the contrary, any action is permissible if, in the long term, the totality of the positive consequences justifies it. So, finally, it comes down to the old question of whether or not the end justifies the means, if a particular good end seems to outweigh the harm caused by the means.

Now there is no doubt that most of what we do depends on the way we weigh up the consequences, or the goods which are positively or negatively affected by the consequences of our actions. We weigh up pros and cons. There are occasions when a doctor will amputate a leg or remove a kidney in order to save the rest of the patient, or he might forbid a patient the pleasure of drinking wine, in order to save the patient from consequences even more unpleasant than not drinking. Here there is no doubt that the end justifies the means; these are examples of ethics of responsibility.

What happens though if we pursue this way of thinking unchecked? If for example a doctor is treating an ill-natured person, who gets on his own nerves and on the nerves of everyone about him, or if, say, he is treating a criminal, should the doctor, being responsible for the sum total of the consequences, prescribe a course of treatment which will finish the patient off as soon as possible? In this way Soviet psychiatrists can be said to be practising ethics of responsibility when they lock away dissidents in asylums and treat them with drugs designed to break their will, since they are considered to be dangerous people. This sort of behaviour radically contradicts our understanding of a doctor's responsibility, which is that it should extend no further than the final goal of doing what is best for the patient's health. Any subordination of this concern to more extensive responsibilities for other consequences would not be reconcilable with medical ethics.

It would also be irreconcilable with medical ethics if, for example, a doctor testing drugs, who knew before the end

of an experiment that these drugs would save the lives of some patients, withheld these drugs from a control group. The relationship between doctor and patient depends on a tacit agreement that no ulterior goals and no more far-reaching consequences than the patient's recovery will play a rôle during the course of the patient's treatment. But a different situation arises when scarcity of resources intervenes. If for example there are not enough heart-lung machines or artificial kidneys available for all who need them, then a decision has to be made according to the criteria of distributive justice. That is to say that there are circumstances under which one actually does have to weigh up one life against another from an objective and impartial point of view.

Such examples are often introduced in order to prove that the weighing up of goods or values is a general characteristic of our moral behaviour. Yet it would be wrong to draw such a conclusion. The form of utilitarianism which holds this to be the case is untenable for several reasons, as the following reflections should briefly show.

Utilitarianism fails first of all because of the complexity and unpredictability of the long-term consequences of our actions. If we did have to take into account all the consequences of our actions, we would spend so much time trying to work these out that we would never get round to doing anything at all. The lowering of infant mortality rates in poorer countries often has catastrophic consequences in the long term, but then these in turn lead to further pressure to improve overall living conditions, though it is not clear whether or not this is possible. Who can judge what, finally, will turn out to have been the most important consideration? No one would do anything at all if they had, beforehand, to take all that into account.

Conversely it is often the case that in the long term good can come out of bad. Jesus said specifically that Judas' betrayal of him was not justified by the fact that it turned out to be a means to the redemption of mankind. Every

crime would be justified if the person committing it was pursuing an end which 'justified' the means. We are dealing here with a very peculiar dialectic. What Max Weber called the radical ethics of responsibility is in reality nothing less than the radical ethics of conviction. For according to this way of thinking we can no longer judge an action in itself, but we should take into account the outlook and the intentions of the agent and the way he sees the final goal of history; then it would be possible, because of his convictions, to absolve him from blame for actions, which would normally be regarded as crimes. As such, subscribing to ethics of responsibility can be seen as tantamount to believing in a radical form of ethics of conviction. The truth of the matter is that when it comes to trying to work out what all the consequences will be, we are always groping in the dark. If the morality of our actions did depend on making judgments of that nature, then we would have to cry out, with Hamlet, 'The time is out of joint; O cursed spite, That ever I was born to set it right!'

The second argument is that utilitarianism sacrifices the moral judgments of ordinary individuals to the technical intelligence of experts, and that it changes moral norms into technical norms. Utilitarianism makes it impossible to see the moral qualities of actions in the actions themselves because of the need to refer to a universal utility function. Experts are needed in order to determine this, even though these experts may be self-appointed. When young SS men during the Nazi regime were ordered to kill Jewish children, this might have troubled the conscience of some of them. Their conscience though was silenced by theories like the one that, in the long run, the existence of Jews was harmful to mankind. Even if we assume that some of them may have been too stupid or too deluded to see through the absurdity of this theory, they should still have borne with the simple insight that one should not kill innocent children.

But utilitarianism does not allow for the validity of such simple insights. Conscience is placed under the tutelage of

ideologists and technocrats. In case anyone thinks that the above example is too extreme to have any meaning for us, it is worth calling to mind the Milgram experiment, first carried out by Professor Milgram in the United States in the early 1970s and later repeated by Bavarian Radio. A number of people were chosen at random from the street, young and old, men and women, and they were asked to take part in an experiment which they were told would be of great significance in developing methods of learning. In the course of this experiment the people in question had to administer electric shocks to a human guinea-pig in an enclosed room by pressing a button, gradually increasing the strength of the shock. I should add of course that the whole experiment was simulated. No one really got an electric shock. Only the passers-by taking part in the experiment thought that they did. The passers-by were the real subjects of the experiment. The idea was to see how far they were prepared to go in taking part in the experiment. The frightening thing was that they were prepared to go a very long way. When the supposed human guinea-pig began to scream and the supposed electric shock approached lethal dosage there were some who wanted to stop. It was then explained to them that if they did not continue, the whole expensive project would be ruined, but on the other hand if the experiment were to succeed it would bring about a significant improvement in methods of learning throughout the world. Most of them allowed their conscience to be disarmed by this utilitarian argument and carried on with their job as torturers.

This experiment leads us to the conclusion that trying to determine our actions by consideration of the sum total of the consequences disorients people and makes them open to all sorts of temptations and possibilities of manipulation. Because this will obviously not lead to a better world, the utilitarian ends up contradicting himself; what he wants is the best of all possible worlds. The problem is that the best possible world is not likely to be achieved if all people make it their aim to bring it about.

Even from a utilitarian point of view, trying to act in accordance with utilitarian criteria is likely to do more harm than good.

A third argument should make this even more clear. The utilitarian is not only easily led astray by so-called experts; it is also easier for criminals to blackmail him. This in turn increases the likelihood of blackmail. Of course in some cases it is right, according to utilitarian criteria, to stand up to blackmail, in order to bring blackmail itself into abeyance. And yet it is necessary, on each separate occasion, to weigh up the balance of possible evils, in order to see whether or not one should give in. The private individual would be more ready to give in, and rightly so, than the politician who is duty-bound to take into account more long term consequences. A politician's actions, more than those of anyone else, have to follow utilitarian criteria derived from the 'ethics of responsibility'. The moral problem becomes most vividly clear in cases where a blackmailer demands *criminal* action, for example the killing of an innocent person or the handing over of someone to whom one has duties as a guest, in order to avoid the threat of far greater evil. Under such circumstances the utilitarian would have to give in on the grounds that the death of one person would be better than the death of a hundred persons. But if you consider it a crime to kill any one innocent person under any circumstances you will not be so impressed by this logic. Moreover, if it is known that this is your point of view, then it will be less likely that anyone will try to blackmail you in the first place. So here again we come across circumstances where utilitarianism can be counter-productive, that is to say, where it can bring about the very consequences it seeks to avoid.

The result of the arguments so far seems to be that our moral responsibility can only be realistic, definite and beyond arbitrary manipulation, if it is at the same time limited, that is, if we do not start from the position that we have always to be responsible for the sum total of the

consequences of all our acts and omissions. It is only in terms of this presupposition that we can define the word 'omission'. Criminal negligence is the omission of something which ought to have been done. If we were responsible every moment for everything that we were not doing at that moment, and if we had to examine every single alternative course of action and choose the best one every single time we acted at all, the demands on us would be impossible.

Establishing the exact extent of an agent's responsibility in every case would be a very long and complicated process. For example the responsibility of a doctor is of a more limited nature than that of a politician, who must be expected and permitted to consider very far-reaching and complex sequences of consequences. Yet even the politician's duty to seek out the best is related primarily to the territory for which he or she has real responsibility. Politicians do not have to care for other countries in the sense that they have to do the best for them; their duty towards them is rather that they should deal justly with them.

The question remains as to whether there is such a thing as a responsibility which every human being has simply through being human, a responsibility which all human beings have. There is also the question as to whether there are certain actions which deny this responsibility. Kant formulated this universal demand by saying that we should never act in such a way as to use ourselves or others merely as means. It is possible to object that in fact we always need each other as means to certain ends, that the whole common life of humanity depends on this. But of course Kant was well aware of this. What he meant was that we should only ever use each other partially as means. We may indeed profit from the capacities and achievements of others, but at the same time we should remain aware of the fact that the other person is also an end-in-himself and also has the right to claim certain services from his fellow human beings. So his rights as a person are

not denied. Yet there are certain ways of behaving which do deny a human being's rights as a person. For example a person is not being treated as an end-in-himself if he is sold into slavery, or if he is tortured, or killed for no reason, or is sexually abused, and also, as Kant thought, if he is deliberately deceived, though there are problems with this latter point which I do not want to discuss here.

The point is that the relationship between good and bad actions is asymmetrical. This is because there is no action which could, at all times and in all places, count as 'good'. How good an action is always depends on the sum total of circumstances. This explains how it is that we can regard the omission of a bad action as being something 'good'. However there are certain actions which are, regardless of the circumstances, bad, at all times and in all places, because by their very nature they deny the quality of a person as an end-in-him- or -herself, that is to say, they deny a person's dignity. With such actions there is no more room for calculating consequences. This means that we cannot be held responsible for the omission of actions which are in themselves bad. If a soldier refused to shoot a Jewish girl who was begging him for her life, and his commanding officer threatened to shoot ten people if he still refused, it is not the soldier who would be responsible for the deaths of those people, but the commanding officer. After all, we all have to die one day, but we do not have to commit murder.

We are no more responsible for not doing what we should not do than we are for not doing what we are physically unable to do. Someone whose conscience transformed 'I may not' into 'I cannot', would be a good person. The Ancient Roman legislator formulated this clearly when he wrote, 'Whatever offends against piety, or against respect for human beings, in short against good morals, should be regarded as impossible.'

## The individual: should we always follow our conscience?

Until now we have been discussing the different perspectives which come into play when we call an action good or bad, right or wrong, successful or unsuccessful. We have considered the question of what we truly and fundamentally want and we have tried to see the good in terms of the satisfaction of our true desires. We have talked of values, of the consequences of actions and of justice. However it does seem that there might be one simple, clear answer which would make all such considerations superfluous. This is that we are told what we should do by our conscience.

This is a correct answer but at the same time it is misleading in its simplicity. The next task is to consider it more closely by asking questions like what 'conscience' actually is, what it does, whether it is always right, whether it should always be obeyed and whether or not we should always respect the conscience of others.

The word 'conscience' obviously does not have just one simple meaning. It is used in very different contexts. We use the word 'conscientious' to describe people who are punctilious in their daily duties; but we also use the word 'conscience' to explain why certain people break out of their daily round of duties to fight for what they believe in. We talk of conscience as something sacred which all human beings possess and which we have an absolute duty to respect. It is protected by the West German constitution, and yet severe criminal punishments are still meted out to those who commit so-called 'crimes of conscience'. Some think conscience is the voice of God in man. Others