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ETHICAL FOUNDATIONS OF GOVERNMENT

Today I want to talk to you about ethics in
Government - The Moral Fibre of America - and the principles
upon which America's moral nature is based.

Since the disclosure of the Watergate Break-In
and its resulting consequences, ethics in government has
become everyone's subject, and the Vietnamese Debacle has
led many people to question our moral nature, the strength
of our will.

In the face of the current situation, many people
have concluded that our governmental processes are beyond
the bounds of ethics, that no governmental action is
ethical anymore. Some have even concluded that as a
Nation, we Americans have lost our strength of will.

I, for one, do not believe that this is true.

It seems to me that America still exhibits a thick strand of moral fibre, and that the ethical nature of our government can be justified on strong philosophical principles. I hope to be able to discuss this topic tonight in order to bring out what I think are the strong philosophical principles that our way of life is founded upon.

It seems to me that there are two ethical theories that can be applied to our government and that can be used to justify our American way of doing things. One is the Utilitarian doctrine of John Stuart Mill; the other is the Deontological Views of Immanuel Kant.

Interestingly enough, they are contrasting doctrines; if both have equal stature, to adopt one is to reject the other. If we consistently give lip-service to one

view alone, and act as we do, then I think that we may very well be criticized as hypocritical, for our actions then will not conform to our principles.

But if we, in different situations, switch from the principles of one theory to the principles of the other, the result may merely be a failure to understand the foundations of our actions, an inability to sort out ethical maxims, a confusion based upon a misunderstanding. And this confusion may very well be at the heart of the current loss of Faith in our morality.

Of the two theories, the doctrine of Utilitarianism is perhaps the easiest to understand. Arguing from the premise that the only way to determine what is visible is for it to be seen, Mill concludes that the only way to determine what is desirable is for it to be desired.

This is a simple empirical theory: If you want to find out what is desirable, you simply make a list of the things people desire. From there on, the theory goes on to state that fulfilling your desires makes you happy, and that the ethical is that which brings the greatest happiness to the greatest number of persons.

This is a popular theory, a crowd pleasing theory. In short, it says that Government should give people whatever they want. A person's desires are their own moral standard; they do not have to be measured by a higher standard. If something pleases people, it is good, if it does not, it is bad.

This appears to be a very Democratic theory. To bring the greatest happiness to the greatest number, a government only needs to provide what the majority wants. In a Democratic society, this should be easy to determine.

We can vote or take a poll or simply be very observant.

A Congressman or Senator, to do his job properly, merely needs to know the views of his constituents and accurately represent their views on the Floors of Congress. When he votes the views of his constituents, he is voting for his constituent majority; when he does not, he has betrayed their trust.

We in America seem to be committed to a Utilitarian-like theory. We encourage constituents to write to their congressional representatives, we constantly read the results of polls, we often call for referendums--- especially on the local level--and we who are Congressmen try to keep in touch with our people. For instance, during the August recess, I toured my home state of North Carolina to find out what the people were thinking, to listen to what they had to say so that I could be aware of their wishes, and I found it to be a very useful

experience. To meet with one's constituents is to keep in touch with the grass roots so to speak, to be aware of what the people want their government to do.

Such a Utilitarian theory also seems to go well with Capitalism, with our system of Free Enterprise, for such a system is supposed to produce what the people want, and the people vote for what they want with their dollars in the marketplace. Again, there is no higher moral standard. The dollars you spend in the marketplace for your needs, your wants, and your preferences are, in a very real sense, your "votes" for the allocation of resources. These votes are a demand and they dictate to producers what must be supplied. If a producer interprets these votes correctly, he earns profits. If a producer does not interpret these votes correctly, if he produces too much or too little, if his prices are too high or if

the quality of what he produces is too low, he will soon realize his mistake thanks to the absence of profits. And what is a good society given by this theory? It is a prosperous society. No higher moral or ethical distinctions are possible. Goodness is the greatest happiness for the greatest number.

The trouble with a Utilitarian-like theory, however, is that goodness changes with the times. Different people do not have the same desires, and one generation's desires are different from another's. So, if we are to apply such a theory consistently, it would mean making former illegal acts legal and vice versa.

To illustrate, it might mean the outlawing of tobacco and the legalization of marijuana, for if the majority of some generation should desire the legalization of marijuana, on a Utilitarian theory, it should be

legalized. And many people in our society who hold Utilitarian views are arguing in exactly this way.

The movement to legalize victimless crimes is motivated by such considerations, so is the decision to permit abortion on demand. These people argue that government and the economy should supply what the people want, that people's wants should not be measured by higher ethical standards, and even that to try to impose higher ethical standards is to be tyrannical.

Now if someone does not feel that the views of the majority should always be satisfied, we fall headlong into controversy. Controversies are inevitable, for there will, I hope, always be persons who raise questions of morality. If Utilitarianism is not adopted by everyone, we then cannot all be Utilitarians or not all be consistent Utilitarians. Some other ethical theory must come into play if we are to resolve such contro-

versies, on the basis of higher moral law.

Utilitarianism, because of the stand it takes on drugs, abortion, and victimless crimes is often labeled a liberal or even radical theory, even though much of it is harmonious with the traditions of our way of life. Because of controversies such as those I have already mentioned, a new level of ethical concern is being demonstrated by a growing number of people. Those who are demonstrating this level of ethical concern-- because they believe in higher moral standards and oppose the legalization of drugs, abortion, and victimless crimes-- are being labeled conservatives or even reactionaries.

So the question naturally arises: Is any other ethical theory consistent with fundamental American beliefs? Or is Utilitarianism our only standard? If not, people concerned with America's ethical nature would be no

more reactionary than Utilitarians are radical. So can we make a case for another set of principles that can be used to supplement Utilitarianism? I think so, although the case is harder to make; nevertheless I would like to try to make it.

When Utilitarians were arguing that the greatest happiness for the greatest number is the foundation of morals and legislation, Kant was arguing that morality is not properly the doctrine of how we make ourselves happy but how we make ourselves worthy of happiness. His concern was for the higher moral nature of man. He argued that to be moral is not to exploit any other person. He, as many of you know, wrote that one should never treat anyone as a means to an end but always treat him as an end in himself.

This theory places the value of the individual above everything else. Every individual life has the highest moral standing. No one individual is more important than any other. Every individual life is to be preserved and nurtured. Thus, things dangerous to the individual, on this theory, should be outlawed. Since drugs, abortion, and victimless crimes are all dangerous to some individual or other, they must be outlawed on this account. There are no two ways about it, and if one rejects this ethical principle we again tumble headlong into controversy.

Of course, individualism is a standard American value too. We Americans not only believe in the value of the individual, we believe in the equality of individuals. That every life is worth as much as any other, and that, in dangerous situations, we must protect

people from themselves as well as from others. And this is not a reactionary doctrine. In fact, it makes perfectly good sense. Why should an individual be permitted to harm others? Why isn't his life worth as much as anyone else's?

Of course, much of our law and custom is based upon this principle of individuality. We not only outlaw murder, we frown upon suicide, and we do as much to prevent the one as we do to prevent the other. We not only try to protect the consumer from dangerous products, we also try to protect him from the dangerous use of safe products. We not only sanctify marriage, we outlaw vice. Yet the principle is the same. Each individual life must be protected from harm if at all possible.

So you see, when we talk about ethics in government or our moral fibre, we are talking about a complicated situation. Although they are not consistent with each

other, on their face, our laws have been motivated to some extent by each theory, and it is now sometimes very difficult to sort out where we stand. How then are we to come to a determination? Some sort of compromise is evidently necessary, but what kind of compromise can we make of ostensible inconsistent theories? We can only compromise the theories by subordinating one to the other. But which theory shall be subordinate to the other? It seems to me we have only one choice. Utilitarianism must be subordinated to the principle that sanctifies life; otherwise pleasure becomes more important than life itself.

If we place the worth of the individual above all else, we can subordinate Utilitarianism to it. And I think that this is precisely what we have done. We

We have said that anything dangerous to life should be outlawed and that otherwise each person should be left alone to satisfy his desires as he alone sees fit.

Individualism then becomes our dominant virtue, and the fulfillment of desires is subordinated to it. Human life is held to be sacred, and we resolve our ethical conflicts by appealing to this higher law.

Viewed in this way, our Government and our Nation are seen to be motivated by high ethical standards. It is easy to see that a high level of moral thought underlies our actions and can be used to settle fundamental ethical conflicts. The thoughts are those of two of the world's greatest philosophers. Our moral conflicts can then in fact be sorted out by our ethical theories, and the moral fibre of America can be seen to be strong and influential.

The Thesis I am advancing can be summarized very concisely. We hold that human life is sacred, that it should be conserved whenever possible, and that persons are equal to one another. Any action which violates this principle should be illegal. Having preserved the sanctity of human life, however, we become Utilitarians. We then hold that everyone should have the right to satisfy his desires as he sees fit, without interference from any government or person. In fact, we hold that this right is what freedom amounts to. In this way, and in this way alone, can our government remain a Government by the people, for the sake of the people.