

Factors of morality

**Moral value and moral
obligation**

- Moral values are standards of good and evil which govern the behaviour and choices of an individual.
- Moral values are derived from within one's self, religion, society, and government.
- A moral obligation is that arising out of consideration of right and wrong.
- This is an obligation arising from ethical motives or a conscientious duty. It has nothing to do with a legal obligation or receipt of any benefit

- . It is a duty which one owes, and which he ought to perform. One is not legally bound to fulfil it.
- These obligations are of two kinds, those founded on a natural right e.g., obligation to be charitable, which cannot be enforced by law.
- The others are those supported by a good or valuable antecedent consideration, e.g., where a man owes a debt barred by the act of limitations, this cannot be recovered by law, though it subsists in morality and conscience.
- If the debtor promises to pay it, the moral obligation is a sufficient consideration for the promise.

Human acts vs Acts of Man

- **Human act (*actus humanis*)**-these are deliberate actions of human beings. They do them with full freedom and will, for instance, choosing to read a book, purchasing a new set of clothes, planning of a day's activities among others.
- **Acts of man (*actus hominis*)** - are things that human beings do without freedom. They are body functions.
- In life there are many things human beings do. Some actions are merely acts of man while others are human acts.

- Ethics focuses on human acts since one can only be morally responsible when one has knowledge and freedom, when one is truly in control of the events that transpire.

Determinants of human act

- 1.The object of the act
- 2.The circumstances surrounding the act
- 3.The end or intention that the one performing the act has in mind

Types of human acts

1. Commanded acts; these are actions carried out by the mind and body ordered by the will.
2. Moral/morally good acts; are those in accordance to the dictates of right reason.
3. Immoral/morally evil acts; are those not in accordance to the to the dictates of right reason
4. Amoral/morally indifferent acts; those that are neither good nor evil.

Properties of human acts

- 1.The act must be free/freedom; thus, the agent must be free from external force. Otherwise, the act is not his own.
- 2.Knowledge/intellect
- 3.Voluntariness/consent

Freedom

- Agents need to have some choices available and even some options at their disposal.
- To be free means to have options or to have choices.
- A state where an agent has more than one alternative: the alternative of doing this or that; the alternative of doing or not doing a particular action.

- An agent is in a situation of alternatives that are really there and really available to him or her.
- This is being able to act deliberately and voluntarily.
- This is in two ways, first, one can see the intrinsic value of the act and two, one is able to envision the end result of the action (consequence).

Knowledge

There are two types of knowledge: -

1. Speculative

- This is the knowledge of science. Speculative knowledge is intellectual knowledge.
- It has certain objectivity, an independence from the knower. For example, $2+2=4$ is not associated with me. Speculative knowledge is easily communicable. It can be passed from one person to another. It can easily be shared. It is universal in its character.

- It is essential knowledge dealing with the essence of things, that which both is and must be or that which happens to be and has the potential for always happening to be.
- It is fact oriented, factual, and objective and essentialist in character. Like scientific knowledge, speculative knowledge is provable and it ought to be proved.

2. Evaluative knowledge.

- This is the knowledge of art.
- It deals with the goodness or beauty of a thing, with its value.
- It is not universal but intensely concrete.
- It is a particular way of knowing the individual existing thing.
- It deals not with the essences but with the existence.

- Ethics therefore is concerned with evaluative knowledge.
- When deciding among facts, decide among values.
- We chose good over bad, good over less good; we try to respond to the reality as we find it.
- Thus, evaluative knowledge is the only one that can genuinely fund and prompt the decision of a human act.

- Consent/voluntariness
- It entails that one must have a will to perform a certain action.
- The will which should be free enables one to act in freedom and make choices.

Impediments of human acts

Actual impediments

Ignorance.

- Total ignorance has the effect of completely ‘dehumanising’ a human act. In ordinary cases, partial ignorance is always common among people. This is a situation where I know what I am doing but I do not fully appreciate the implications and consequences of my actions.
- Ignorance is either culpable or inculpable. Inculpable is where ignorance is where one lacks the knowledge that he/she is expected to have. Whereas in culpable ignorance is where one is not responsible for the lack of knowledge.

Passion.

- They are emotions that can limit one's freedom of choice. These could be anger, envy, sexual desire and other emotions.

Fear.

- Fear and anxiety are enemies of full human decision. Psychologist Abraham H. Maslow distinguishes people motivated by a desire to eliminate 'deficiencies' in their life situation from persons generally motivated by an open-ended desire for a fuller experience of 'being'

Violent force or threat of such force.

- This is an obvious opposition to the exercise of the human act. For instance, the dire threats of a rapist, pressure of the supervisor against a needy employee. Threat or force prevents clear thinking and free choice.

Habitual impediments

The individual person's personality structure.

- An individual's personality is what makes one who he/she is. Our personality affects how we think and act. We do not choose to be who we are; we just find that we have certain personalities.

Habits

- These are aspects of the human person that have been developed over a period of time. The present moment such as automatic ways of operating are habits and they eliminate from activity the freedom required for a fully human act.

Prejudice.

- Prejudice distorts the way we think of things. It blinds people of certain facts and encourages them to see what is not there. It may consequently result in ignorance.

Mental illness.

- It is clear that a psychotic is lacking awareness and freedom in behaviour.

LAW

- Law can be defined as an ordinance of reason promulgated for the common good.
- Ordinance of reason- laws must be reasonable
- Promulgated- laws must be made known to the subjects
- Laws must promote the common good of everyone in the society.
- Laws are sets of rules that are made to ensure that the community functions effectively.
- Laws protect people, their property, health and security.
- Without laws, there would be chaos and disharmony in the society.

- Laws are important in a democratic society.
- People are to obey the laws and if they do not, they face punishment.
- If people are expected to obey the law, then it must be good, able to be carried out and be necessary or useful and just.

Distinctions of law

- 1. Eternal law/Divine law** is God's plan in directing all created things to their supreme end.
- 2. Natural law** is God's will for man and created things as indicated in nature. This can sometimes be associated with how human beings ought to behave as human beings. It can therefore be equated with moral law.

3. **Divine positive** laws are the laws revealed to human beings in the Bible.

4. **Human Positive** laws are laws made by human beings to govern their relationships.

Human positive laws are to be in line with the divine law and natural law. If they contradict then the divine law takes precedence.

Types of human positive laws

Non-legal laws

These laws are used to govern schools, clubs, and organizations. Those who go against these laws are punished by that society or organization. Some may be expelled from that organization.

Customary laws

These are cultural laws which surround in the culture and traditions of different groups of people. In the various traditional societies, there are laws that regulate how people relate with the in-laws, young and the old, marriage etc. Some cultural traditions may conflict with the laws of the country for example female circumcision is not allowed by the Kenyan laws.

Statutory laws/legal laws

These are government laws or laws made by the local councils.

The citizens are obliged to obey these laws failure to which they are arrested and face prosecution.

These government laws are discussed in parliament and then passed by special procedures.

Types of statutory laws

- a) Civil laws are made in parliament to guide the citizen in their activities and relation with one another. Such laws deal with issues of paying taxes, property, labour, marriage and divorce, etc.
- b) Criminal law deals with crime and its punishment for example murder, rape, robbery, assault etc.
- c) Constitutional law deals with matters of state and governance. The constitution is the supreme law of the land.

d) Company laws regulate affairs of the companies.

e) Religious laws are made by different religions to govern the members/adherents of the religions. For example, Islamic law which is contained in the *Sharia*. It is derived from the Quran and the *Hadith*. There are other ecclesiastical laws which are derived from the Bible and Christian traditions. For example, the Roman Catholic Church has Canon law.

FOUNDATIONS OF MORALITY

- Intuition
- Customs
- Conscience-correct, doubtful, erroneous, perplexed.
- Reason
- Situation ethics
- Natural law
- Religion

MORAL THEORIES

Teleological

- They are consequentialist in character, thus the goodness of an action is determined in terms of the good consequences it produces i.e. if it favours majority.
- An action is right only if it conduces good.
- This approach may be utilitarian in character.

- For a utilitarian, an action is good if it leads to greatest happiness for the greatest number of people.
- For example, democracy is justified in utilitarian terms.
- The problem is that we cannot quantify the greatest happiness/good.
- How do we measure the greatest good?

Examples of teleological theories

- **Consequentialism** holds that an action is good depending on its consequences. If the consequences are pleasant then it is considered good.
- **Utilitarianism** holds that an action is good depending on its usefulness.
- **Ethical egoism** forks into *individual, personal and universal forms*.
- **Individual form-** this maintains that everyone must act in **MYSELFINTEREST**.

- **Personal form-** an action is morally right if its consequences are more favourable than unfavourable only to the agent performing the action, i.e. I ought to act in myself interest but make no claims about what others ought to do.
- **Universal form-** everyone should act in his/ her own self-interest. (All should act in their own self-interest)

- **Ethical altruism**

- This theory bases moral rightness of an action on the favourableness of the consequences of that action to everyone rather than to the agent.
- For example, one who is concerned with alleviating the pain of other people, like giving food to those who are hungry.
- One putting his/her life in danger to favour other people like the philanthropists.

Deontological

- Deontological lays emphasis on the intrinsic character of the action.
- To determine the rightness of an action we must only look at its nature: is it consistent with what we morally ought to do? Is it coherent with our duty or the rules we ought to follow?

Examples of deontological/duty theories

- According to Immanuel Kant, there are primarily two such duties:
 - a) Duties to oneself such as developing ourselves e.g. going to school.
 - b) Duties to others such as keeping our promises to others.
- Kant argued that it is a categorical imperative that we treat people as ends in themselves and not as means to some other ends. In doing so means that we are reflecting the inherent value of those people.

- W.D. Ross listed the prima facie duties
 - a) Fidelity- duty to keep our promises/being faithful
 - b) Reparation- to compensate those we have harmed/repair the damage
 - c) Gratitude- thanking those who have helped us/appreciate
 - d) Justice- recognising merit and to be fair
 - e) Beneficence- to improve the condition of others, being good to others
 - f) Self-improvement- improve our virtue and intelligence
 - g) Non-maleficence- duty not to injure/harm others