# THE VALIDITY OF MORAL THEORIES

## by Virginia Held

*Abstract.* We can usefully draw an analogy between ethics and science, despite the significant differences between them. We can then see the ways in which moral theories can indeed be "tested," not by empirical experience but by moral experience. This can be expected to lead to rival moral theories, but in science also we have rival theories. I argue that we should demand more than coherence of our moral theories, as we do of our scientific theories. I try to show how the "testing" of moral theories can be carried out and how this can allow us to accept some moral theories as valid.

It is more fruitful to develop the analogy between ethics and science than to try to settle the question of whether ethics is a science or not. The analogy allows us to see that some moral theories can be thought to be valid, that moral theories are applicable to particular situations, that we can subject moral theories to the "tests" of experience, and that we can make progress in developing our moral understanding. It nevertheless allows us to preserve distinctive features of ethics that we may hesitate to consider attributable to science: moral theories are normative rather than descriptive, the tests of moral theories are not empirical tests, and moral theories do not require us to assume that human actions are fully determined in accordance with causal laws.

The major difficulty in trying to develop the analogy between ethics and science concerns the issue of "testability." It is often claimed there can be no testing of moral theories comparable to the observational testing to which we routinely subject scientific theories.[1] I shall argue that moral theories can indeed be "tested" in experience and hence the analogy holds.

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What would it mean to test a moral theory? First, consider what it means to test anything. To test something is to examine how it stands up under critical scrutiny, to see how it lasts against the erosions of time and opposition, and to watch how it overcomes the trials and obstacles to which it is subjected. One tests a car for speed and endurance. A person's character is tested in adversity, danger, and temptation. We test a hunch when we see what actually happens in contrast to what we expected, and we test a set of directions—for making a dress or fixing an engine—by trying them out.

We have more precise conceptions of testing a scientific hypothesis, but still we test for essentially the same purpose: to see if it and the theory to which it is connected can withstand the criticisms, trials, and disappointments of experience. One way to do this is to predict very particular observation statements that we can derive from the hypothesis. If the hypothesis is true, the predictions will be accurate (if they are the kind that are potentially falsifiable rather than observationally empty). If we predict we will observe a certain result in a particular set of circumstances and we do not observe this, and if this happens several times, or only very few times in a test set up as crucial, then we discard the hypothesis as soon as we can find a better one with which to replace it.

### MORALITY AND COHERENCE

Considering a moral theory, what is comparable to a "prediction" from it? It is a prediction that, like the theory being tested, is normative. Hence it is not a prediction in the descriptive, scientific sense, but it does predict in some sense: it prescribes for the future. It predicts what we ought to do, and instead of just telling us what we ought to do in general, it predicts what a particular person ought to do in particular circumstances. We often can arrive at this particular judgment or imperative from a general judgment or imperative in a moral theory in the same deductive way we can derive a predicted observation statement from a general statement in a scientific theory. In both cases we may need principles or interpretations to connect the general claims with particular empirical or moral situations, but in both cases they can be constructed.

Though many philosophers of science would not agree with Karl Popper's account of the conduct of scientific inquiry, let us begin with his view of how we arrive at a singular prediction of a scientific event and how observation will decide the fate of scientific theories. It is from universal statements of "hypotheses of the character of natural laws in conjunction with initial conditions that we *deduce*. . . . basic statements . . . that an observable event is occurring in a certain indi-

vidual region of space and time," Popper writes.[2] We then observe whether our prediction is borne out; if not (and if we continue to hold our statement of the initial conditions to be accurate), we have reason to reject the hypothesis from which it was derived.

If, alternatively, we hold that a "network model" of science is a more accurate representation of the structure of science than the "traditional deductivist account,"[3] we will still share the view that the logical relations between the theoretical and observational claims of science—to the extent that they can be distinguished at all—require coherence and that the process of scientific inquiry requires us to work out this coherence between laws and observation statements and to subject the network to the test of experience.

We might well hold that, analogously, it is from general moral imperatives or universal moral judgments in conjunction with statements about particular circumstances that we can derive a particular imperative or moral judgment about what we ought to do or to hold in these particular circumstances.[4] For instance, from the general moral imperative "do not torture human beings," one can derive the particular imperative "do not torture this person in this prison." And from the general moral judgment "it is better (in the moral sense) to be healthy than ill," one can derive the particular judgment "it is better for this person in these circumstances to be healthy than ill."

If we think a network model is a more accurate representation of a moral theory, then, instead of starting with general principles and deducing particular imperatives or judgments, we will start anywhere but will arrive at a theory in which there are a limited number of general moral principles and many particular imperatives or judgments indicating how they are to be applied. Between all we will require logical coherence, but should we also demand that a moral theory, like a scientific theory, then be subjected to the tests of experience? Do we know what this would mean: what more than coherence should we demand, and what more can we expect? If we demand no more, if we do not test the particular moral judgment or imperative against experience, then it will have no more standing than that it is consistent with a general moral theory we assume to be valid—a moral hypothesis, we might call it. Further, the moral hypothesis will have no more standing than that we have assumed it. In science, a particular observation statement or a theory can have, until we test it, no more standing than that it is consistent with what we take to be other, already established, scientific statements. This is almost never thought to be enough to establish the truth of a scientific statement or theory, for we demand that scientific statements and theories be tested against observation. For a theory or statement to have no more to rest on than coherence is to be fundamentally deficient as science.

The same can be said, I think, of moral theories, and the imperatives and judgments of which they are composed. However, if we can decide independently of our moral theories, that the particular imperatives or judgments are valid on the basis of experience, then we will have provided ourselves with something lending confirmation to the moral theory in a way analogous to that by which observation provides evidence for a scientific theory. Or, more tellingly perhaps, in ethics as in science, if we must decide in the crucible of actual experience that the particular imperative or judgment is *not* valid, then the theory will be put in doubt by this test.

All this is quite different from what is meant by Immanuel Kant, or those writing about him or from a Kantian point of view, about testing our moral positions. Kant advises us to test our maxims by considering whether we would be willing to universalize them.[5] This is no test in my sense, because examining the relation between the particular maxim of an action and the "moral law" with which it would have to accord is still purely a matter of coherence. It does not submit the maxim to the test, as I use the term, of experience.

It is also quite different from the testing, if it is called that, constituted by the "thought experiments" recommended by various utilitarians and Ideal Observer moral theorists. These so-called tests are still examinations of coherence; they attempt to see if one part of a moral theory at one level of generality coheres with another part of the theory at another level of generality. They are not tests of the theory against something outside it.

### Testing and Moral Experience

What then can a test of a moral theory be? In the case of a scientific theory, we predict a given observable result, and then we make an observation to see if it in fact occurs. In the process of observing we see whether the prediction about what we would observe is true or not. In the case of a moral theory, the theory predicts that we ought to act in a certain way, or that our particular moral judgment ought to be such and such. To test this, we must act as the theory declares we ought to act and then "see" whether we consider the imperative requiring that action valid. Or we must "realize" in the moment of action that we ought not to perform the action required and thus that the imperative requiring it is not valid. Or we must be able to "tell" when confronted with the actual situation whether the moral judgment that our theory predicted is valid or not.

But what can this mean? *How* can we "see" or "realize" or "tell" in such cases whether we ought to have acted a certain way or whether our moral judgments are valid? At this point the argument that we cannot

test moral theories purports to be victorious. It is claimed that the only way we could establish the validity or invalidity of the particular imperative or judgment would be to use the very theories we are trying to test to provide the imperative or judgment, and that would be circular.

Why, however, do we assume this to be so much more of a problem in the case of a moral theory than in the case of a scientific theory? In science, also, we may have to refer back to a given theory or forward to a rival theory to understand a particular observation, if we concede that all observation statements are to some extent "theory-laden." Most philosophers of science still claim we can to some extent get *beyond* the theory-laden character of the observation and *see*, but how much we can do this has become more modest and uncertain in recent years. The disparity in the extent to which we consider particular moral imperatives and judgments theory-laden or not as compared to observation statements should accordingly reflect this shrinkage. If we continue to hold that in science we require more than mere coherence, we should consider requiring this also in ethics.

In ethics and in science we can, in my view, get beyond our theories and *test* them in and through and against *experience*. Many philosophers of science think observation statements themselves, and not just the concepts used in them, are significantly dependent on theory. Without having to take sides on disputed issues in this area of philosophy of science, we can assert that, whatever the degree of independence which an observation statement can have from a theory in science, it would at least be unreasonable to ask that the degree of independence a particular moral imperative or judgment has from a moral theory be any greater. It might even be quite reasonable to allow a moral judgment's degree of independence to be much less and still to speak of testing moral theories, as long as the judgment has some degree of independence.

It seems clear to me that particular moral imperatives and judgments can have some degree of independence from the moral theories from which they can be derived. What is comparable to the observation by which we test scientific theories is, in the case of testing moral theories, *choosing to act or approve*. We can choose to act or to refrain from action; we can choose to approve or disapprove the actions of others and the consequences of their acts; and we can do these to some extent independently of our moral theories. Whether such testing can achieve intersubjective agreement comparable to that possible in science, or whether it needs to, will be considered later.

Let us consider action first. A moral theory tells us how we ought to act, but it does not itself produce action. If it tells us "shoot now," we are still left with the decision between "shoot" and "do not shoot" in regard

to the performance of the action itself. Or if our theory recommends "do not shoot" even under a given set of provocations, we may choose to abide by or to defy the recommendation. Certainly we may decide to try to shoot or to refrain and then lack the will and fail, or we may fail for some other reason. This, then, will not be a fair test of the theory because we did not do what we chose to do. But if we choose to act and do perform the chosen action and if we judge that we did the right thing, we thereby disconfirm a theory recommending we not do so. If we choose to refrain and do so, when the theory recommended action, and if we judge that in doing so we acted rightly, we disconfirm a theory recommending the action we did not perform.

But how is this? How can we choose without reference to the very theory we are trying to test? What I am asserting is that in truth we do choose, and the choice *itself* is not fully determined by the theory; *nor* is the rightness of the choice so determined. A recommendation to choose a certain way is derivable from the theory but this is not itself a choice to act. *Choose we must, to do or not do what our theories recommend. Our choices*, when actually acted on in test situations with awareness that we are in them, *put moral theories to the test*. If we understand a test as a way of seeing how a theory stands up to the challenges of actual experience, we in this way test our theories through action.

Of course there is a problem in the phrase "and judge that we acted rightly." How could we judge this? Are we not assuming an alternative theory in judging that the action recommended against by the first theory was the one we were right to do? Perhaps, but this again leaves moral theory in no worse a position than scientific theory, where it is often claimed that to make an observation contrary to the one pre-dicted by the theory we are trying to test we must connect the statement of this observation with a competing theory in which this observation makes sense. Then the issue is, in both cases, choosing between rival theories. In the case of science, we make such choices at the level of particular observation statements; in the case of moral theories we can make them at the level of particular imperatives and judgments about how we ought to act.

The points made thus far about choosing our actions can be repeated when we choose to approve or disapprove the actions of others, or the consequences of these actions. Our theory will predict what we ought to approve or disapprove, but the final choice to do so is not completely determined by the theory. Have we not all had experience with these kinds of choices that go beyond what we thought we thought about a moral issue? Have we not all expected, on the basis of the moral views we held, to approve of some action and then, witnessing the actual event at close hand, discovered ourselves in disagreement with our

theories? Perhaps we had expected we would approve of a wrongdoer receiving the punishment he deserved and then, seeing it happen, found ourselves to be less good retributivists than we thought. Have we not all been surprised at the strength of our disapproval and indignation at certain events, since the moral theories with which we had thought we were content had been unable to prepare us for such a high degree of indignation? Perhaps we thought that assisting those in need was less of an obligation than not harming them, and we were thus unprepared for the dismay we felt at seeing human beings die of starvation because others would not help them.

Then, if it be suggested that we ought to seek with deliberate intention to have such experiences which go beyond our theories for the express purpose of putting our moral theories to the test, it cannot be maintained that such experiences are impossible, since we have all had such experiences without looking for them.

Of course there will be serious difficulties in deciding when an action or restraint results from weakness of will and when from deliberate choice. It will be almost impossible to tell for others, and often difficult to tell for ourselves. However, we can do our best to decide which it was if we set up test situations, or interpret situations we find ourselves in as tests, in such a way that we make the best effort we can to be honest with ourselves, and we will not always be wrong.

Certainly we may decide to dismiss the feelings of disapproval or approval we experience in an immediate situation as unduly colored by nonmoral sensations such as nausea or intoxication, or as suspiciously influenced by such factors as popular opinion, our own habitual distaste for certain objects or events, or some faulty association we may make between some previous (frequently a childhood) experience and some aspect of the test. But then we simply have grounds to question whether the test situation really is that and whether the choice we make in it really is our choice. If we choose not to dismiss the judgment of approval or disapproval arrived at in an actual experience, then this judgment will test our predictions about what we ought to approve or disapprove.

It is important to understand that a test of a moral theory is not an empirical test, although it is a test based on experience. The experience necessary is *moral* experience, not empirical experience.

What is moral experience? The notion of moral experience seems especially troublesome to philosophers; I suspect it is less so to non-philosophers. As I understand it, moral experience is the experience of consciously choosing, 'of voluntarily accepting or rejecting, of willingly approving or disapproving, of living with these choices, and above all of acting and of living with these actions and their outcomes. We can

describe some aspects of such experience in empirical terms, for example, "he voluntarily did x," "she disapproves of y," "action z killed 20 people," and so on. But specifically moral language is needed to address and to express such experience itself. In moral experience we decide to accept "you ought to do x" or "y is morally wrong," for example, as morally valid or invalid. We do so through acting voluntarily, or giving or withholding our approval. This connects the words to something outside them in our direct experience, in a manner comparable to the way the experiences of seeing or hearing, for example, connect the words "the paper is red" or "the sound is fading," to something outside them.

There is an important difference, however. In the case of perception we ought to let the world impose its truth on our observations, we ought to be passive recipients of the impressions leading us to consider observation statements as true or false. In the case of action and of approval we ought to shape the world actively in accordance with our choices. We ought to be active rather than passive beings. We ought, in actively and voluntarily choosing how to act and what to approve of, to impose our choices of the prescriptions and judgments to consider valid on the world, instead of the reverse. But *action is as much a part of experience as perception.*

Action contains within itself a choice in favor of the action done and in support of any moral imperative recommending that action or of any judgment that the action would be the right action. In his chapter, "The Normative Structure of Action," Alan Gewirth makes a case that an agent performing an action voluntarily must regard the purposes for which he acts as in some sense good and thus, in acting, "he implicitly makes a value judgment."[6] Purposes here can include the performance or nonperformance of an action itself for the reason that it is an action of a certain kind, such as when one keeps a promise because it is a promise, rather than for some further purpose. But in acting an agent "regards the object of his action as having at least sufficient value to merit his acting to attain it, according to whatever criteria are involved in his action."[7] We need not say, I think, that the agent acting voluntarily *must in every case* regard the purpose of his action as good. It is enough to claim that when agents are engaged in sincere moral inquiry and in the testing of moral theories as here discussed they must do so.

### THE STRUCTURE OF MORAL THEORIES

A choice to act may be based on deontological grounds, as when we tell the truth out of respect for the moral integrity of our hearer or out of a moral commitment to a deontological imperative to tell the truth.[8] In

such a case we may sometimes choose without regard for the consequences or even on grounds that conflict with what a consideration of consequences would recommend. Sometimes, deontological grounds alone will suffice to justify an action. Sometimes such grounds ought to be overridden by other deontological considerations or by stronger concern for the consequences where they would recommend a different decision. Or the choice may be based on teleological grounds,[9] as when we perform a certain task because we believe it will contribute to the health of many people, and we judge their health to be a good worth trying to achieve. Sometimes such considerations, combined with moral judgments about how to weigh them, will be sufficient to justify a decision to act. At other times deontological considerations should be given priority over a calculation of benefits and harms produced.

We need theories to indicate how these choices ought to be made in various contexts. The choices of methods for arriving at such decisions, choices about which considerations to put ahead of which others, should not be ad hoc and arbitrary. W. D. Ross's suggestion that, when two or more prima facie principles conflict when applied to a given situation, we can get no guidance from morality but must simply take a chance that good fortune will guide us to the right act is surely misplaced.[10] Moral theories should provide exactly this kind of working out of the conflicts between very general moral principles when applied to actual situations. This does not mean the moral theories will be adequate for all situations, but they should become more and more adequate for more and more actual situations, and in doing so they must develop rules for handling conflicts between such very general principles as "one ought to refrain from killing people" and "one is permitted to defend oneself," or between "one ought not to let people die from illness when medical care is available" and "one ought to help alleviate pain," and so on. Discussions of justifiable self-defense or of euthanasia, for example, show how theories can be developed to try to deal with these conflicts.

We should aim to find moral theories such that the recommendations yielded by deontological considerations are compatible with those yielded by teleological considerations. In my view theories can be developed which incorporate both these aspects of morality, including rules for handling some types of problems deontologically and other types of problems teleologically. For some areas of concern, one form of argument will be more appropriate, and for other areas another. Thus, considerations of justice and fairness, of equality, and of the development of schemes of rights and obligations are much more fruitfully pursued in deontological frameworks. On the other hand,

considerations of interests, of happiness, of the public interest and the common good, which are for many actions legitimate objectives, are much more fruitfully pursued in teleological frameworks.

In my view different institutional arrangements should appropriately emphasize such different approaches. In judicial contexts, for instance, deontological justifications of decisions are characteristic and appropriate; in political contexts teleological justifications are characteristic, and appropriately so. Neither kind of justification alone, however, will be equivalent to a full moral justification. But each will incorporate theories holding that within the given range of problems with which they deal it is morally justifiable to handle those problems in that characteristic way.[11] And each will allow for the development of more specialized theories within these contexts, such as a theory of what basic rights any legal system ought to assure.

Consider what goes on in a legal context among those who sincerely approach it with moral concern. There is, for example, a continuing effort to specify the requirements for "equal protection of the laws." This provision of the United States Constitution reflects a moral requirement to treat persons with equal respect. In a legal system without such a constitutional provision, a comparable effort would be made to determine what the moral principles, on which the legal system rests or must be judged, require by way of equal treatment by the law. No one seriously concerned with the law would maintain we are under no moral obligation to have our laws reflect the equal treatment of persons in *any* way, though there may be much disagreement about which particular ways.

Debate will always be possible, and should be a continuing activity, as we develop theories about what equality in law requires and about how we ought to act in view of this. Of course many actual legal systems fall dismally short of reflecting what any plausible view of morality would require in the way of justice and equal treatment. However, we can find agreement on much more than, as the United Nations Declaration of Human Rights puts it, "no one shall be held in slavery . . . ," although we should never forget the progress in moral understanding that this article represents. When writers on jurisprudence argue over what is required by morality, they are trying to put relevant theories to the test of decision in a way comparable if not similar to the way scientists argue over the acceptability of theories.

### THE PROBLEM OF DISAGREEMENT

There is no need to compare the agreement possible in the 1980s on what fundamental legal rights ought to be assured with the agreement possible in some area of hard science in the 1980s. We could compare

the agreement possible in ethics in the 1980s with the agreement possible in science in the 1580s or 1680s, or with the agreement possible in some very soft area of social science, say sociology or psychotherapy in the 1930s or 1980s. My point is certainly not that their progress is comparable but that their methodology, while different in important respects, is in other respects comparable.[12] The formulation and testing of theories can proceed in both, and more rapid progress than has occurred in ethics would be possible, I think, if there would be adequate recognition that normative inquiry has a methodology and is capable of cumulative advance.

However, some persons will still maintain we are left with a problem of disagreement in ethics too severe to accept the analogies I have drawn. It is often claimed that, whenever we think we can point to a given moral judgment as being intuitively certain, we will have to admit that others have held some contrary view and that the tests I have described could not yield results that could be agreed upon in a way comparable to the agreement expected among scientists conducting a test of a scientific theory.

There are four arguments that may be offered in response. First, when people compare agreement in science with disagreement in ethics, the level of generality of the judgment considered is usually very different in the two domains. A very simple particular scientific observation such as "the litmus paper has turned blue" is compared with a very complex though particular moral judgment, such as "she ought not to have an abortion in this case." If the level of simplicity were more nearly equivalent, the level of disagreement would be significantly reduced. How much disagreement would there be, for instance, in the following case? Suppose you asked a person in severe pain whether it would be better if he suffer this pain or be out of it, providing everything else were equal, no further effects on his health or his soul were at issue, and no one else would be affected one way or the other. He would not be neutral as between his state of pain or freedom from pain; he certainly would think it a better state of affairs to be out of pain. What is at issue here is not just the empirical fact that people shun pain, but the recognition that normal persons can make simple moral judgments that a state of affairs in which they are free from severe pain is morally better than one in which they suffer severe pain, if everything else is equal. There can be agreement among persons about such simple moral judgments to an extent fully comparable to the agreement possible among them when they make empirical statements about what they perceive.

Second, when critics of the sort of view I am proposing claim that everyone agrees in the case of scientific observation but not everyone

agrees in the case of moral judgments, the reference for "everyone" shifts, sometimes drastically. Consider the following appraisal of scientific observation: "Simple laws of mechanics are not taken to be disconfirmed by the experiments conducted in sophomore lab sections, where experience quickly confirms that few sophomore experimenters ever produce observational data that coincides with what the already accepted theories of physics predict."[13] We all know people who oppose the approach I am taking by telling us what their grandmothers, or the Trobrian Islanders, approve and disapprove in the way of behavior, suggesting that these moral judgments are as reliable as any others. Yet they would not for a minute let what their grandmothers, or the Trobrian Islanders think about the electrical charges of particles influence their views on this subject. If disagreement about scientific matters is not to count for a view that scientific theories cannot be tested, disagreement in moral matters should not count for as much as such critics imagine. Instead of trying to compare moral inquiry with physics, we might do well to compare it with medical research, where a judgment of a test as positive or negative leaves room for much disagreement but is not dismissed as so subjective as to be worthless as a test.

Third, it is the case that in society as presently organized there is a significant disparity between what it may cost a person to heed the evidence in science and in ethics. In science a person's reputation may be enhanced or harmed by the advance of scientific understanding, so that he may have some stake in preventing some hypothesis from being accepted or in promoting the acceptance of some other. However, he is apt to be relatively well insured against disaster no matter which way the outcome develops, and the ethics of scientific inquiry would usually make it more costly for him to put his own interest ahead of that of scientific progress, should it be apparent that he has done so, than to accept what a reasonable view of the arguments in favor of one theory or another would require. Unfortunately, those who inquire into moral theories are much less well protected. There are no accepted ethics of moral inquiry. A person who tests theories in ethics is apt to be highly exposed to retaliation by those offended—she is especially vulnerable to losing her job, for instance—in a way a scientific inquirer need usually not be. This situation could change with a changed understanding of what moral inquiry requires and of the need to protect moral inquirers from the anger of provoked interests in a way comparable to how scientific inquirers are now protected, although they were not always. This is not to say that moral inquirers should be ideal observers removed from their actual situations. Ideal observers are unable to confront moral issues as they arise in actual contexts, and everything I

have said about testing moral theories requires that they be tested in actual, not hypothetical situations. So the moral inquirers I have in mind will not be protected observers in this sense. However, among the moral recommendations that can be expected to be developed will be ones having to do with the ethics of moral inquiry. These recommendations could be followed long before agreement on other moral issues could be reached.

Fourth, the picture of science appealed to in denying that moral theories can be tested is often unrealistic. It presents a view of steady scientific advance according to rules recognized by all. In fact there is much more uncertainty in the progress of scientific inquiry than admitted. When Carl Hempel warns us "it is not possible to draw a sharp dividing line between hypotheses and theories that are testable in principle and those that are not," he presents a conservative view.[14] Others find it even more difficult to rule out fanciful conjectures from the realm of science. And what constitutes acceptance of a scientific hypothesis is quite unclear.

In the natural sciences and to a far greater extent in the social sciences we accept and live with the existence of competing theories. If this does not lead us to conclude that scientific theories cannot be tested, we should not conclude from the existence of competing moral theories that no tests of them are possible.

No doubt human action is not as uniform as nature. It does not follow that the choices human beings should make about how to live their lives should be infinitely various. If the process of testing moral theories leads to the development of several rival moral theories each with considerable "evidence" in its support, this would be no tragedy, even if there continued to be no clear way of choosing between them.

In considering when evidence is adequate for the test of a scientific theory, it is admitted that the issue is one of the strength or weakness of the support given a theory by the evidence, not a matter of a theory being conclusively proven or even disproved. If we could even admit that there is *some* evidence, however weak, or that in principle there could be evidence for the validity of our moral theories (that is, for moral theories as distinct from empirical theories about morality), we might be on the way to significant progress that at least someday could rival the progress of science.

It should be noted that the view of moral inquiry for which I have argued does not lead us to the unacceptable conclusion that whatever moral theories do in fact get accepted by human beings are therefore valid. Anyone can dispute, on the basis of his or her own tests, any prevailing theories. As history has shown many times, the moral theories of a few isolated and rebellious inquirers can come to prevail,

and anyone can argue, on the basis of his or her own theories and experience, against any other theories in danger of becoming prevalent.

I have discussed elsewhere why the moral experience on which we should base our acceptance or rejection of moral theories should be actual rather than hypothetical experience, and I thus differ from R. M. Hare and John Rawls, and also from Richard Brandt and Roderick Firth, on how morality ought to be pursued. The moral theories I think we ought to develop will be what Rawls calls partial compliance theories.[15] Only these can be suitable for actual human contexts bearing hardly any resemblance—and none do—to the ideal societies of the ideal theories of Rawls and others. Although the method I have outlined resembles in its logic the method of reflective equilibrium briefly discussed by Rawls, it differs from it in its insistence that any equilibrium or other position be subjected to the tests of actual moral experience. If this results in disagreement and in the existence of rival theories, that is no argument against it.

There will then be legitimate arguments about whether the tests in question really are relevant or crucial or not, about whether and how they count against the theories, and so on. In the end all of us are responsible for the moral theories we accept or reject, and we must make judgments about acceptance and rejection for ourselves. The same is true of scientific theories, even though we may more easily and often imagine that it is not.

NOTES

1. See, e.g., Gilbert Harman, *The Nature of Morality* (New York: Oxford University Press, 1977), esp. pp. 6-7.

2. Karl R. Popper, *The Logic of Scientific Discovery* (New York: Science Editions, 1961), pp. 60-103.

3. See Mary Hesse, *The Structure of Scientific Inference* (Berkeley: University of California Press, 1974).

4. For a discussion of this analogy, see, e.g., Peter Caws, *Science and the Theory of Value* (New York: Random House, 1967).

5. Immanuel Kant, *Critique of Practical Reason*, trans. Lewis White Beck (New York: Bobbs-Merrill, Liberal Arts, 1956).

6. Alan Gewirth, *Reason and Morality* (Chicago: University of Chicago Press, 1978), p. 49.

7. Ibid.

8. Deontological moral arguments judge actions to be intrinsically right or wrong apart from their consequences. For instance, a lie may be judged to be wrong even if it causes no one pain or unhappiness.

9. Teleological moral arguments judge actions on the basis of consequences alone, denying that actions have any intrinsic nature. An act whose consequences are on balance good is considered right, one whose consequences are on balance bad is considered wrong.

10. W. D. Ross, *The Right and the Good* (London: Oxford University Press, 1930), p. 31.

11. See Virginia Held, "Justification: Legal and Political," *Ethics* 86 (October 1975): 1-16; "Property Rights and Interests," *Social Research* 46 (Fall 1979): 550-79; and "The Accountability of the Legislator" (unpublished).

12. Since writing this paper, I have benefitted from considering the somewhat different view of the analogy between ethics and science offered by Morton White in *What Is and What Ought To Be Done* (New York: Oxford University Press, 1981).
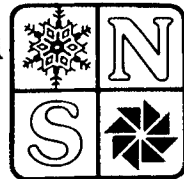
13. Robert Ackerman, "Inductive Simplicity," in *The Philosophy of Science*, ed. P. H. Nidditch (London: Oxford University Press, 1968), p. 125.

14. Carl Hempel, *Philosophy of Natural Science* (Englewood Cliffs, N.J.: Prentice-Hall, 1966), p. 32.

15. John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971).