CHAPTER- II

DISTINCTION BETWEEN MORAL & NON – MORAL ISSUE

Section I

Understanding the nature of the problem

In the context of psychotherapy two very relevant and significant issues among many are – confidentiality and neutrality. These two notions are closely associated with the notion of normativity. Now if we raise the question whether those two issues can be understood as ethical or not and even if they can be considered as ethical, how we can identify them as ethical, then this enquiry may lead to a very interesting problem which is really important in the realm of moral philosophy. It is - how can we identify ethical issues from non ethical ones? How to distinguish between moral and non moral issues? A contemporary thinker Peter Singer reflects on this issue. In his book, *Practical Ethics*, he puts forward his thought in the following way. He mentioned that – “…it is necessary to say a little about ethics, so that we have a clear understanding of what we are doing when we discuss ethics question”.1 So to say some words about ethics, Singer first specifies ‘what ethics is not’ and then he passes on to reflect, on what ethics is’. He opens up the discussion by putting forward some questions. In his words -“What it is to make a moral judgment, or to argue about an ethical issue, or to live according to ethical standards? How do moral judgments differ from other practical judgments? Why do we regard a women’s decision to have an abortion as raising an ethical issue, but not her decision to change her job? What is the
difference between a person who lives by ethical standards and one who doesn’t.” Singer initiates the discussion with this question and goes into a deeper analysis of it. We shall discuss it in detail later on in this discussion. We shall also try to find out whether this particular issue of demarcating moral from non–moral has been addressed by any other philosopher or not. It may be noted that, according to Korner in Kantian philosophy we may find a similar tone too. So considering all these views, in this chapter, we shall try to develop a working criterion to distinguish moral issues from non–moral.

In our daily life we encounter moral questions at every step. In our everyday experience, we face different situations, some of which we straightaway designate as moral or as immoral and in some other cases we may face difficulty to put the instance in any of these two specific categories. For example – my grandfather used to give food to birds every morning and before he died he advised me to continue this practice. But owing to my other preoccupations I failed to follow his advice. Can we designate this failure to follow his advice as immoral? Again, I am supposed to attend a meeting at a particular time, but I realize that I shall not be able to reach there within the scheduled time because of my negligence in time management. I call the convener of the meeting to say that I woke up late, because I was not feeling well and will be late by half an hour. Is this instance to be considered as an immoral act? Moreover, while I was on my way to the university, after having sufficient food, a beggar wanted some money from me on the plea of being hungry, I could contribute at least some money to help her but I did not. Was it an immoral act? Last but not the least, in a winter morning I went to my workplace without taking a shower or food. Have I done something immoral? Millions of these types of questions are encountered by almost all of us everyday. We hastily conclude that some of the actions are immoral while hesitate in some other cases. So the question is: how to ascertain whether an issue is moral or falls outside the domain of morality i.e. non- moral/
a-moral? The answer to this question is not as simple as it apparently seems to be, because there are many alternative opinions regarding the criteria for morality. But those criteria are mainly to distinguish moral actions from immoral ones. Most theories work within a bi-polar framework of either morality or immorality. We hardly find any conclusive theory where any criteria have been offered to distinguish moral issues from a-moral ones.

In our standard textbooks on ethics, we find a general observation that, predicates like ‘moral’ or ‘immoral’ are applicable to voluntary actions only. The involuntary actions fall outside the purview of morality. But the focal point is – are all voluntary actions either moral or immoral? Taking a shower or not, taking food or not, before going to the place of work, are common instances of voluntary actions. But can we judge those as either moral or immoral? The reply to this question is commonly seen to be in negative. Thus the notable question that arises here is, in which category should we place these types of actions? If we classify such actions as non–moral/ a-moral ones then another deeper question would follow. It is – how to distinguish moral acts from non–morals ones? We would like to know the basis of this distinction depending on which, we would be able to identify an issue as moral or a-moral. We may contemplate that, if not explicitly then somehow implicitly this query is grounded in different theories on morality as advocated by different moral philosophers. We shall try to extract this implicit contention by reviewing some of those theories in this chapter.

Ethics is often indifferently called ‘moral philosophy’. The terms ‘moral’ and ‘ethical’ are sometimes used in an overlapping manner. But looking at the etymological meanings, it may be thought that the terms ‘ethics’ and ‘moral’ may have slightly different derivative roots. The word ‘ethical’ (derived from the Greek word ‘ethos’ meaning ‘personal character’) carries a broader conception, including a concern
for the value of different kinds of activities; while the word ‘moral’\(^5\)
(derived from the Latin word ‘mores’ meaning social custom or
tradition) tends to narrow down on rules and obligations and to the
experiences and considerations most closely related to then. Again
Peter Singer describes ‘ethics’ and ‘moral’ as interchangeable in some
sense.\(^6\) At present we shall use the words ‘ethics’ and ‘moral’
interchangeably.

Now, referring to the questions on the concept of ethical or moral
issues it can be said that ethical or moral considerations do stand in
contrast to some other kinds of considerations between then are often
fuzzy. We can talk of a general concept like ‘self–interested concerns’,
which may sometimes be designated as moral, some other time as
immoral and yet on other occasions as a-moral which fall outside the
boundary of morality. For instance it can be said that my family needs
may represent an ethical demand on me as against my purely selfish
interests. But, in the face of some wider demand of society or
community, the interests of my family may themselves be seen as a
matter of our selfish–interests. Here both the cases of purely selfish
interests of oneself and the interest of one’s own family are considered
as cases of self–interested concerns, in different times and places,
depending on the ‘self’ in question. Now, it may be observed here that
self–interested concerns like ‘family interest’ may become moral in
comparison to one’s own selfish interests, and again it may become
immoral in comparison to the interest of society or community.
Moreover, we may refer to other cases of self–interested concerns like
one’s purely regular activities of brushing teeth, taking a bath etc. or
the reflex – actions like withdrawing one’s own hand from the fire etc.
There is hardly any plausibility to raise any moral/ethical question
regarding such actions. These activities are neither moral nor
immoral. People would be least hesitant to call them as non–moral /
a–moral. So they do not fall within the scope of morality.
Thus the discussion on morality is directed also in such a way that it is supposed to make an important difference as to whether a given consideration is moral or non-moral. An instance can be observed in this regard. ‘Remorse’ can be sharply contrasted from other forms of regret as being a properly moral reaction. The lexical meaning of ‘regret’ is “to express sorrow for loss or for having done something amiss”, e.g. “I regret spending so much money on sweets”, and “I regret to say that he failed”. It is quite clear that such meaning and usage of ‘regret’ do not include any moral essence. But ‘remorse’ in contrast to other forms of ‘regret’, certainly includes some marks of morality. This can be understood by analyzing the lexical meaning of it, which says – remorse is a kind of bitter repentance or compunction, i.e., pricking of conscience.

According to William Lillie, the feeling of remorse has always been connected with one’s conscience. Conscience not only judges some actions that we have done to be wrong, but also arouses a peculiar feeling of pain that is extremely unpleasant; i.e., it may evoke a kind of anxiety in us. Indeed, moralists emphasize the pain of conscience as one of the reasons for avoiding wrong actions. The reason that painful feelings of remorse are more often aroused than pleasant feelings is not merely due to man’s proneness to do evil. It also depends on the fact that conscience deals more freely with the negative aspect of morality – what ought not to be done, than with the positive aspect – what ought to be done. Now, since conscience which is always connected with remorse deals with the oughness of action, more precisely speaking with what not to be done, there is no doubt that such ‘remorse’ connected with conscience arouses a sense of morality in us. We know very well that the concept of ‘ought’ belongs to the world of morality. Thus remorse is certainly associated with the sense of morality. Remorse in contrast to other forms of regret evokes a kind of moral reaction among us. Such personal characteristics in
contrast to other qualities like ‘wit’ or ‘human’ strictly have moral essence.

Now, instances which are mentioned above can easily be multiplied and in everyday life we come across such situations. Some of these possess moral features while others do not. Now there must be some basis for such distinctions and in this discourse, we are going to search for it.

The attempt to develop a set of necessary and sufficient conditions may help us in the process of solving the problem. If we succeed in developing such a set then it would provide us with the criteria which will help us to recognize what is that factor/s that makes/make an issue ethical.
Section II

**Moral versus Non-moral Issues:**
**Following Kant, Korner, Paton, Singer & Frankena**

In moral philosophy, the man most responsible for setting the modern agenda was the German philosopher Immanuel Kant. Kant’s analysis of ‘morality’ is relevant in this context, as we find in H.J. Paton’s writing, Kant not only reflected on the demarcation between moral, and immoral but he perhaps also reflected on the demarcation between moral and non-moral. H.J. Paton’s *The Moral Law*\(^\text{10}\) retains Kant’s all liveliness of mind, suppressed intellectual excitement, moral earnestness and pleasure in words. There Paton writes very significantly – Any moral philosophy which rejects the principal of autonomy has to fall back on a principal of heteronomy: it must make the law governing human action depend, not on the will itself, but on objects other than the will. Such a view can give rise only to hypothetical and so non-moral imperatives.\(^\text{11}\)

It would be good enough to quote here an observation made by Kant himself. Kant writes, A categorical imperative is a law that either commands or prohibits, depending upon whether it represents as a duty the commission or omission of an action. An action that is neither commanded nor prohibited is merely permitted; such an action is called morally indifferent.\(^\text{12}\)

In his ethical writings Kant offers a kind of choice–morality. In response to the question – ‘which action is to be regarded as a moral action?’ or ‘what should a person do? Kant’s central and most distinctive answer is like this – “choose that action whose maxim is consistently universalizable”’. In Kant’s words – Act only on that maxim through which you can at the same time will that it should become a universal law.\(^\text{13}\)
Therefore according to Kant, the person who acts from duty attends to the universality of his or her principles. He or she only acts on a maxim that he or she could will, to be a universal law. Thus the ‘universalizability criterion’ in Kantian system takes the central role in formulating supreme moral principle.

Now, it is generally believed that with the help of the ‘universalizability criterion’, Kant tries to make the distinction between moral and immoral actions. But philosophers like Stephan Korner claims that Kant has shown even more than that.\(^\text{14}\) In his opinion, Kant is of the view that with the help of the universalizability criterion it is possible to draw even the demarcating line between moral and a-moral action. If an action fails to be a moral action then it doesn’t always necessarily mean that it is an immoral action. It may be an action, which doesn’t fall within the realm of morality at all, which means it is an a-moral action. Korner writes in his “Kant’s account of moral experience”, “Kant has, I believe, shown that the formal principal of morality must be contained in every code of rules which can profess to be a moral code as distinguished from an a-moral one”.\(^\text{15}\)

Unfortunately Korner did not offer any concrete line of argument in support of his claim that Kant not only made a distinction between moral and immoral with the help of his criterion, he also demarcated between moral and a–moral. So, Korner’s account being insufficient, we can again reflect on Paton’s writing to see whether the criterion to distinguish moral from non–moral can be formulated. Kant’s doctrine, Paton contends, is simply that ends and consequences cannot constitute the determining ground of a moral act.\(^\text{16}\) But this is by no means to say that ends and consequences are not to be considered by a moral agent, nor that they cannot form part of a moral situation. All Kant is saying is that the moral value of an action done for the sake of duty does not depend on the result sought or the result attained. In short, therefore, moral action, no less than non–moral action, non–
moral in the sense of purposive action, is concerned with ends and consequences and which arises within the context of the purposive activity of agents as they conduct their lives.\textsuperscript{17}

By postulating the above dichotomy, we can distinguish the action done for the sake of duty, i.e. according to categorical imperative as a moral act and actions other than this as non–moral ones. In this way we can understand, how the moral judgment can be validated. It is a-priority vis-a–vis, universality that must be present in each and every moral act and by virtue of which the act is moral. This purely formal a–priori element (along with universality) expresses, as Paton puts it, ‘the condition, the Sine qua non, of the validity of moral judgments’\textsuperscript{18}

But how do we find such universalizability? Is it something external or can it be understood internally? Paton holds that it is not to be conceived as something outside the action but as the principle or motive of the action: we must not think of universal law as a principle outside the action or as a further end for the sake of which the action ought to be done. On the contrary, it is the principle of the action, the formal principle which is embodied in the action and in virtue of which the action is good.\textsuperscript{19}

So the motive, which is embodied in the action itself, has an important role. The nature of the motive actually helps to detect an action as moral or otherwise. In Paton’s view, every action must have a ‘material end’ or ‘intention’ as well as ‘motive’. But irrespective of whether the motive of a non–moral act is embodied in the desired end, the motive of a moral act springs from the principal of universal law, which with regard to the human will, is the principle of duty expressed in the categorical imperative.\textsuperscript{20}

From the above reflection, it seems that the boundary between moral and non–moral can be built with the help of the nature of the motive
of an action. But what has become crucial in this context is the connotation of the two terms – ‘moral’ and ‘non–moral’. In the beginning of this discussion, it has been mentioned that according to Paton, Kant perhaps reflected on the distinction between moral and non–moral. In the above discussion, an attempt has been made to bring out the implication of this comment. But when Paton made the above comment, what he had in mind is the notion ‘moral’ that points towards the entire world of ‘morality’ i.e., both ‘morally good’ and ‘morally bad’. So both morality and immorality together form the realm of ‘morals’, while actions which are neither ‘moral’ nor ‘immoral’ carry the features of being ‘non–moral’ i.e., actions devoid of any moral quality.

But in this context the question that becomes really crucial is that, whether the above discussion could really explain the point mentioned above? Perhaps not. The term ‘non-moral’ has been used in quite a number of contexts, but in the context mentioned above, the sphere of ‘non-morals’ also includes the immoral acts and quite evidently ‘moral acts’ mean only ‘morally good acts’. While talking about the nature of the motive of an action, it has been mentioned that, the motive of a non–moral act is embodied in the desired end. Here actually lies the problem. Precisely speaking, the motives of both an immoral act like – ‘murdering an innocent person’ and a non-moral act like – ‘singing a song’, may be embodied in a desired-end and which of course do not arise from any universal law or any principle of duty. So, the motive of any desired-end brings both these immoral and non-moral acts close to each other rather than distancing them from one another. So, on the basis of this distinguishing feature, if we try to define the class of non-moral, then the definition would be vitiated by the fallacy of being too-wide. Since, as mentioned above in this section, here the class of ‘non-morals’ includes the sub class of ‘immoral’ too. Thus, with the help of the point put forward by Paton, it is not possible to
discriminate between moral and non-moral acts. So Paton’s remark also actually fails to make this attempt successful.

At this point, we may relate this investigation with the work of Peter Singer—the approach that he has taken in his admirable but highly provocative piece of work *Practical Ethics* which has almost become a classic introduction to applied ethics since its publication in 1979. There he presents an ethical theory of his own that can be applied consistently to any practical cases in everyday life. In the beginning of this chapter we have highlighted a quotation of Singer, which is very relevant in this context. To repeat, the question that he puts up is—“what it is to make a moral judgment, or to argue about an ethical issue, or to live according to ethical standards? How do moral judgments differ from other practical judgments? Why do we regard a women’s decision to have an abortion as raising an ethical issue, but not her decision to change her job? What is the difference between a person who lives by ethical standards and one who doesn’t?”21

According to Singer, all those questions belong to the same category. Therefore, he suggests that anyone of them could be selected for examination. He advances his thought by saying something about the nature of ethics from which the nature of non-ethical acts may be curved out. First, he puts forward an example where he cites two groups of people. It may be thought that the first group of people would be living according to the ethical standards who believe it wrong to lie, cheat, steal and so on and do not do any of those things; while those in the second group would not to be living according to any ethical standards, who have no such beliefs and show no such restraints in their actions. But this attempt to distinguish the ethical from the non-ethical is confusing, since it mixes up two kinds of distinction: the first is the distinction between living according to the right ethical standards and mistaking ethical standards; the second is the distinction between living according to some ethical standards and
no ethical standards at all. In order to distinguish ethical acts from non-ethical ones, the entire moral world that is the world of morally right and wrong actions is to be differentiated from the non-moral world that is the actions where the concept of morality is not applicable at all. But here the first case is an instance of morally wrong action which is a part of the domain of morality. Whereas, the second case is a unique one where the question of ethical standard is meaningless since the concept of ethical standard doesn’t arise there at all. It is neither the domain of moral nor the domain of non-moral. Even the notion of non-morality cannot be explained there since if we live according to any ethical standard at all, then only it would be plausible to understand the difference between ethical and non-ethical actions\textsuperscript{22}. Thus according to Singer such attempt to distinguish between moral and non-moral is not a valid one.

At this point Singer contends that – “the notion of living according to ethical standards is tied up with the action of defending the way one is living, of giving a reason for it, or justifying it.”\textsuperscript{23} So, if people were prepared to defend and justify their actions, it would be sufficient to bring the person’s conduct within the domain of ethical as opposed to non-ethical; even if the justification is inadequate and is said to be wrong. On the other hand, if people cannot put forward any justification for their actions, we may reject their claim of living according to the ethical standards, even if their actions are in accordance with conventional moral principle.

Thus according to this view, an action’s being ethical or non-ethical stands on the factor of ‘justification’, i.e., whether or not a justification can be provided for such action.

But here the term ‘justification’ requires further clarification. Singer thinks that “…if we are to accept that a person is living according to ethical standards, the justification must be of a certain kind.”\textsuperscript{24} Now,
what kind is it – has to be spelt out properly. Here Singer rightly thinks that justification in terms of self-interest is not sufficient. In his words, “self interested acts must be shown to be compatible with more broadly based ethical principals, if they are to be ethically defensible, for the notion of ethics carries with it the idea of something bigger than the individual. So the justification should be made in terms of some wider concept or notion than self-interest”.

It is found that from ancient times, philosophers have expressed the idea that ethical conduct is acceptable from a point of view that is somehow universal. Like the stoics held that ethics is derived from a universal natural law. Kant developed this idea in his famous formula: ‘Act only on that maxim through which you can at the same time will that it should become a universal law.’ R.M. Hare modifying Kant’s view, observed universalizability as a logical feature of moral judgments. R.M. Hare’s prescriptivism is very similar to Kant’s ethical theory. Hare argues that moral judgments have prescriptive meaning, and imply universal imperatives. Hare reminds us that to become morally adult is to reconcile these two apparently conflicting position by learning to make decisions of principles.

Thus according to Singer ‘universalizability’ is that factor which is essential to justify an action of a person who is living according to ethical standards as opposed to non-ethical standards. It is this feature of ‘being somehow universal’ that helps to develop a ‘justification’, and on the basis of such ‘justification’ we can curve out ethical actions from non-ethical ones.

Now, what is meant by ethics taking a universal point of view? Singer wants to specify that ‘universal point of view of ethics’ does not mean that a particular ethical judgment must be universally applicable; since circumstances alter causes. As Singer reflects on this – “what it does mean is that in making ethical judgments we go beyond our own
likes and dislikes. Ethics requires us to go beyond ‘I’ and ‘you’ to the universal law, the universalizable judgment, that standpoint of the ‘impartial spectator’ or ‘ideal observer’. The ethical point of view requires us to go beyond a personal point of view to that standpoint of an impartial spectator. Thus looking at things ethically is a way of transcending our inward looking concerns and identifying us with the most objective point of view possible.”

So, ‘justifiability’ or ‘providing justification’ is that factor which Singer would say, can identify an issue as ethical opposed as to a non-ethical one, and such justification must be universal in nature. Here, we can very well question the nature of ‘justification’. Is universal justification the only kind of justification applicable to ethical issues? Is it not possible to think about any other kind of justification in the field of ethical thinking? Can’t we conceive any kind of justification other than ‘universalizability’, which makes an issue ethical?

Moreover, on some other ground, we may question the claim that any action having a universal justification is ethical. There are other arenas like, Sociology, Economics, and Biology which may include those actions/issues that have universal justification within their scope. So, why should be claimed that actions having universal justifications are ethical? But there is an ancient line of philosophical thought that has attempted to put forward the idea that, the actions having universal justifications which are included in fields like Sociology, Economics etc. are said to be ethical within those respective fields. But it would be a vague attempt to consider them as just ethical. So, ‘justification’ that is ‘universal’ in Singer’s understanding cannot be the ‘defining characteristic’, since it is not a unique specification which may distinguish ‘x’ from ‘non-x’, i.e., ‘ethical’ from ‘non-ethical’. But there may be a line of thought according to which, an issue of Economics or Sociology, if it has ‘universalizable justification’, it must be so since it has an ethical import. If an issue of Economics or Sociology is universally justifiable then there must be
an ethical content within it. So once again it becomes inevitable – that which is universal always carries a moral force, that which is universal is moral.

But in reply to this objection, we may cite a counter example with the help of which we can establish that this is not always the case – that is, that which is universal is always ethical. If we take Singer’s sense of universalizability, i.e., going beyond one’s own likes and dislikes and apply it, say, in cases of regular, normal biological acts like – ‘feeling hungry and taking food’, then this act must be considered to be universal one, since it certainly goes beyond one’s wish and will, likes and dislikes. It is a natural need that must be fulfilled for the biological need of the survival of human life. But such an act is far from carrying any moral or ethical content within it. This does not belong to the arena of ‘moral and immoral’ at all; this has to be regarded as a ‘non-moral’ act. Thus, it cannot be claimed, that which is universal is always ethical, or in other words, actions having universal justification, may not be ethical.

In this context, one may become skeptic regarding the concept of ‘universalizability’. Whether Singer’s interpretation of ‘universalizability’ can be accepted unanimously remains a question quite justifiably. Even other popular interpretation of ‘universalizability’ may be treated as fruitful characteristics of moral ones, i.e., to set them off from non-moral ones.

Here, a very important question arises as to why the notion of 'universalizability' is emphasized to distinguish moral issues from non-moral ones? 'Universalizability' is to be accepted, we would suggest, as the ground of morality - since it helps one to transcend beyond oneself. And thus the notion of morality has a social dimension, because the very notion of morality demands it to be. The concept of morality can be understood with reference to society only.
The concept cannot be meaningful without its being social, i.e., if it fails to consider others’ concerns and confines oneself to one’s own wish and will. Thus an act is moral if it is universal, that is, it is social. So, universalizability here means, ‘sociability’. This characteristic of ‘being social’, means looking beyond one’s own interest. In this sense, morality has a social dimension, and having such social dimension makes morality universal. The ethical space is required to go beyond the level of our own self-interests and thus it has got universal dimension.

It is undeniable that this sense of ‘universalizability’ has a close affinity with that focused by Peter Singer which we have already mentioned, where Singer says - “the universalizability of ethical judgments requires us to go beyond thinking only about our own interests, and leads us to take a point of view from which we must give equal consideration to the interests of all affected by our actions.”30 Thus "Ethics requires us to go beyond our own personal point of view to a standpoint like that of the impartial spectator who takes a universal point of view”30.

Here it should be mentioned that the way in which ‘universalizability’ comes in our analysis, gives the concept of morality a social dimension. Such social character of morality reminds us also of W. K. Frankena’s notion of morality.31 He ascribes morality a social character. According to him, morality in one aspect at least is a social enterprise, not just a discovery or invention of the individual for his own guidance. Morality is not social merely in the sense of being a system governing the relations of one individual to others. Such a system might still be entirely the individual’s own construction, as some parts of one’s code of action with respect to others almost inevitably are; for example, ‘My rule is to smile first’. Morality is social in this sense to a considerable extent; however, it is largely social in
its origins, sanctions and functions too. It is an instrument of society as a whole for the guidance of individuals and smaller groups.

Frankena thus follows the line of thought taken by Bishop Butler, when he says, morality means 'moral institution of life'. In this way morality receives a social dimension. In our discussion we also like to view 'morality' in terms of 'sociability', i.e., 'morality' has got a social feature in a way or the other, but perhaps not in the way in which, Frankena has admitted it. In our view, the concept of morality has a universal claim. There is a common thread in these two notions of 'sociability' and 'universalizability', and that is a sense of 'self-transcendence'.

At this point, a doubt can be raised, that an issue of Economics or Sociology can also have universalizable claim along with the social dimension, - in that case it would also become an ethical issue. But in reply to this doubt it can be said that the doubt is not that threatening. Because it would not be problematic or inconsistent if it is admitted that such issues may have certain moral overtones. In fact we can not disagree that each and every field of study has some ethical aspects attached with them.

The seminal question is, whether it is possible to understand 'universalizability' in terms of 'sociability'. Precisely speaking, whether the attempt to connect these two concepts with each other is at all consistent and coherent or not. We can however take recourse to Kant’s view in this context.

If we try to understand the first formulation of Kant’s 'moral principle', it seems that - the notion of 'morality' completely evolves around the willability of an agent or individual. Kant’s notion of morality instructs a person or agent to look at herself whether she can will the maxim of
her action to become a universal law. Apparently speaking, it appears that this has got no social dimension. But if we look at the third formulation of the Categorical Imperative, we will be able to resolve this apparent contradiction. There we can find the relationship between these two concepts, viz. "Universalizability" and "Sociability."

It can be thought that the third formulation combines the first two and sets out the complex, social nature of our final moral goal. The third formula, i.e., 'The formula of legislation for a Moral Community' says, All maxims as proceeding from our own making of law ought to harmonize with possible kingdom of ends as a kingdom of nature.

The third formula, therefore, commands us both to think of "what sort of ideal world morally virtuous people would create, under the guidance of practical reason, were such a thing in their power" and also to make the highest good possible in the world your own final end. Our own moral reason does the first task by providing us the idea of a kingdom of ends as the morally ultimate end for all human beings. The first two formulas do not deny the special nature of human beings, but their emphasis is mainly on the individual who has duties towards self and other individuals. By contrast the third formula explicitly identifies the idea of the moral world as social in nature, a world in which the human species collectively achieves its ultimate goal as a species, as 'humanity'. The third formula, therefore, indicates that the complete good and the final goal toward which we must strive is not merely an aggregate of the moral accomplishments of individuals but is also a collective goal, moral community or 'kingdom of ends', in which "the purest morality throughout the world [is] combined with such universal happiness as accords with it."

To contribute to the end of the species as a whole, in so far as we can do so, by furthering the coming of the kingdom of ends is a special
duty, unlike any other. It is according to Kant "a duty which is sui generis, not of men toward men, but of the human race toward itself. For the species of human rational beings is objectively, in the idea of reason, destined for a social, namely the promotion of the highest as a social good [als eines gemeinschaftlichen Guts].\textsuperscript{38} Because the highest good is the entire object [das genze objekt] of pure practical reason, reason commands as to contribute everything possible to its realization. Make the highest good in the world of your final end!\textsuperscript{39}

So it can be said that by appealing to reason, one can transcend oneself and in this way, the concept of morality can capture a social dimension.

In this context, what Kant means by the term 'Kingdom of ends'\textsuperscript{40}, needs a little explanation, where we can find morality not only as his or her morality but morality within a community and thereby morality will also be characterized as a social phenomenon.

According to Kant, in the ideal world, the kingdom of ends, at which moral reasoning aims, the Categorical Imperative is the ultimate norm that defines the formal relations between persons. The kingdom of ends must be a community in which 'each individual is his own judge' and the members obey only laws they can rationally prescribe for themselves. Kant holds that the idea of moral community defines the associations between people in this world and does this in three ways, one of which is in a non-political, ethical community.\textsuperscript{41} The 'ethical society', Kant envisions is a visible community whose members are committed to going beyond the requirements of mere legality to obey the moral law, because it is the moral law, and to respect all persons because they are worthy of such respect. At the same time, since it is based on the Law of Autonomy, the ethical community should be characterized by universality.\textsuperscript{42}
Finally, Kant admits that not everyone, already living a virtuous life feels a great personal need to identify with others in an ethical community. But he believes that the final social good 'cannot be achieved merely by the exertions of' individuals concerned only with their own moral progress. It is not enough for individuals to live in a merely 'accidental' agreement with others who also are striving to live virtuously. There is a 'moral need' for a union of the entire human species. In this way, we can say that which is moral is universal, which means being social.
In connection with morality Kant emphasized on universalizability. Frankena talked about sociability and Singer again stressed on the universalizability which is perhaps not exactly the same as universalizability in the Kantian sense. But in all these senses, we find a unique feature of ‘going beyond oneself’, i.e., not remaining confined within one’s own conceptual or mental framework and thinking about others’ concerns and not to be only a self-interested person. In Singer’s words – “The universalizability of ethical judgment requires us to go beyond thinking only about our own interests and leads us to take a point of view from which we must give equal consideration to the interests of all affected by our actions”.

But the notion of universalizability even when it is viewed from the viewpoint proposed by Singer, we would claim, does not make it clear as to what is exactly meant by giving ‘equal consideration’ to the interests of all who are affected. In our view the criterion offered by Singer needs to be supplemented by an account which will specify those aspects of the mental framework of the affected persons without considering which, one cannot claim to have given equal consideration to the interests of the affected persons in a morally relevant way.

To construct such an account let us begin by referring to the proverbial saying which offers a guide line for distinguishing moral actions from immoral ones: “Don’t do any act which you wish not to be done to you.” Though this dictum is directly concerned with specifying which actions will count as immoral, it, we would claim, brings out a number of features of a moral discourse too. First, in a moral (as opposed to non-moral) discourse there would be two parties:
one is constituted by the agent (or agents) and the other by those who can be affected by the action performed by the agent(s) – let us call these people the ‘respondent(s)’ of the action. The dictum asks us not to do any such thing which, as a respondent, we expect not to be done to us; and thus disapprove the action. It needs to be added here that though this dictum directly specifies the thumb rule for discerning which action would be morally wrong, by implication, it also gives an idea as to which sort of action can be considered to be a moral duty: if as a respondent I disapprove the non-performance of an action on the part of an agent and if my motivation for doing the same action be caused by any awareness of my responses as a respondent with respect to that action, then the action would be morally obligatory on me. The dictum thus indicates the primacy of the respondents’ reactions in moral matters. The second feature of a moral discourse, which can be brought out from the above mentioned direct and indirect implications of the dictum, is that the negative reactions like disapproval, disagreement etc of the respondent are more relevant for moral considerations than the positive reactions like approval and agreement. It is true that the feelings of approval accompany those acts which we consider to be moral duties or morally good actions but these feelings can hardly explain the sense of obligation which a moral action carries with it. It would not be wrong to conjecture that perhaps to highlight this aspect of moral concerns the above mentioned proverbial saying has talked about what makes an action morally wrong rather than what makes it morally right: discussions regarding moral wrong-doings can bring into focus more aptly the relevance of taking into consideration the negative responses of the affected persons. The above mentioned saying also implicitly contains what we would propose to be the third feature of a moral issue: in the case of a moral issue, the respondents hold their responses to be justified on the ground that anybody who would be in their position would have the same responses to that action. In other words one can see their responses to be justified if and only if one can share the
respondents’ point of view or frame of reference. Thus, if I as a respondent find some action to be disapprovable then anybody occupying the respondent’s position vis-à-vis that action would find it to be disagreeable and it universalizes the justification for not doing that action. The same type of justification will be avoidable in the case of actions which are considered to be obligatory in certain contexts. Since we have so far emphasized on the feeling of disapproval of the respondents, it may be wondered as to wherefrom does that feeling originate. An enquiry into this matter brings forward another important feature of the moral issues. If we closely analyzed the nature of moral acts (as distinguished from the non-moral ones) we will find that generally the performance of morally prohibited actions and the non-performance of the moral duties are perceived by the respondents to have potential harmful consequences. These perceived or apprehended harmful effects lend to the feeling of disapproval. It needs to be observed in this context that the exact nature of these harmful effects is not always quite obvious to those who disapprove the actions the performance or non-performance may lead to those effects. This is due to the fact that the belief that there would be some harm is desired from belief system of the society to which an individual subscribes.

On the basis of these features which, as we have tried to show, are associated with any discourse regarding moral rightness or wrongness of actions, we can specify the considerations which are required for the conditions which an act needs to fulfill if it is to be included in moral discourse. Let us put it in the following way.

An act will be included in moral discourse if and only if either the performance of the act or the non-performance of the act is approved by the respondents on the ground of apprehended harmful effects that would be produced by the performance or the non-performance of the act and where the feeling of disapproval is associated with the
conviction on the part of the respondents that the agent were in the position of the respondents she would also have the same feeling.

An act of singing softly in lazy hours would not be included in moral discourse since none of the above mentioned condition is satisfied in this case. The question of respondents’ reaction is completely irrelevant here. Because, it is generally accepted that the act does not affect anybody. It has to be understood as a-moral.

An understanding of the nature of moral discourse in the light of the above criterion will make it clear as to why it is generally claimed that in the moral context only that type of justification for the performance or non-performance of an act will be adequate which is given in a self-transcendent manner, i.e., with reference to the elements like feelings, perceptions and interests of the respondents. It may be recalled that Peter Singer claimed that an issue cannot be considered to be a moral issue unless it is amenable to justification by self-transcendent justifications above. Since the crux of morality consists in having concern for others’, justifications of moral issues cannot be viable if they are offered in terms of self-interest on the like ones. They are offered in terms of self-interest on the like ones.

It may be held against the criterion proposed above that it would leave self-regarding duties beyond the scope of morality since it has been formulated in terms of the respondents’ feelings: in the case of self-regarding duties none other than the agent herself is affected by the action, accordingly, it may be held in the objection that, the question considering respondents’ reaction does not arise here.

In reply to this objection w would like to maintain that self-regarding duties are generally considered to be moral duties because they come under certain broader moral principles: these moral principles however enjoin or prohibit actions which satisfy our criterion. For
example, ‘not to commit suicide’ is a self-regarding duty: it comes under the general moral principle which prohibits actions that harm anybody. Since suicide involves the notion of harm to an individual and also in some cases harm to other persons, it is considered to be a moral issue.

One may wonder why we are proposing the criterion for morality in terms of disapproval rather than approval of respondents. In response to this query it needs to be noted that a criterion in terms of the feeling of approval will be too wide to identify moral acts from a-moral. The performance or non-performance of certain a-moral acts may be approved by the respondents (universally). If the criterion be in terms of approval then these acts would be included in the sphere of the moral discourse, and it would make the criterion too wide.

Let us take for instance, the act of “bride’s shifting at in-laws’ place after marriage” (This is generally suggested as a-moral act as it is considered as social duty.). The respondents’ reaction would be approval both for performance and non-performance of the act. ‘Donation of eyes after death’ is a socially accepted noble act which has a high medical demand. Therefore the performance of such act is spontaneously approved by the respondents of this act. Again as far as non-performance of this act is concerned, nobody would call it something unethical or immoral and the non-performance of that act can also be approved without any controversy by the respondents. Thus we can observe that in case of the act mentioned above both the performance and non-performance can be approved by the respondents. It shows how the criterion becomes too wide if it is construed in terms of the approval of the respondents.

It is important to note here that the performance of the act like “keeping promise of returning Rs.5000/- taken as loan” which is generally included in moral discourse would correctly be identified as
moral act if the criterion be formed in terms of approval of the respondents because this action is of such a type that it would be approved by any respondent. But this only shows (if we keep in view the failure of the criterion cited in the above instance) that using the criterion of ‘approval of respondents’ we cannot reach at any conclusive decision regarding the distinction between moral and a-moral.

But interestingly enough, if we take disapproval or dissent of the respondents instead of consent or approval, we will see that in the first instance of ‘donating eyes’, the question of respondents’ reaction of disapproval does not arise at all. While in the second case, i.e.; in the context of ‘keeping promise’, the question of respondents’ reaction becomes crucial. The disapproval of respondents in the case of non-performance of the act of keeping the said promise by the agent is quite obvious. Thus it is observed that in case of the approval criterion, both the concerned cases, being approved by the respondents, fall under the scope of morality. But it can be noticed that the ‘disapproval of respondents’ becomes important in only the second case, viz.- the case of ‘keeping promise’, while it has nothing to do with in case of ‘shifting at in laws’ place’. The instances can be multiplied and we can find a group of actions like- singing song in the bathroom, reading storybooks in leisure time etc. where question of respondents’ disapproval generally does not arise and also another group of acts like- being honest to others, not telling lie, doing no harm to others (including environment), making no discrimination on the basis of race, sex, caste, or religion, right to information, respecting patient’s autonomy etc, where the question of ‘respondents’ reactions’ becomes really crucial. Thus on the basis of disapproval of respondents for performance/non-performance of an act done by an agent on the ground of respondents’ feeling (viz. believing that if the agent were in their position then he would also disapprove this performance/non-performance), which has universal appeal regarding
thinking about others’ concern (i.e. not being self-interested), the second group of actions can very well be distinguished from the first class of activities and can be termed as moral, while the first group can be designated as amoral. This feature is missing if we analyze the cases in the light of ‘respondents’ approval’. There we fail to make any demarcating line between different kinds of activities and from which it follows that any act we do is only moral. There is no distinction between moral and amoral actions.

This goes against our preliminary observation highlighted in the very beginning of this chapter, that is, we are more prone to pick up certain acts as moral and prefer to keep aside certain other acts from the domain of morality. But if we take respondents’ disapproval regarding an act by an agent, then we can distinctly curve out the moral discourse in contrast to the amoral one which is clearly shown above. Thus the issue of ‘disapproval of respondents regarding an act of agent” has a significant role to play in the discourse of morality.

It is very important to note that such kind of categorization of morality considers not only agent’s viewpoint, but also respondents’ viewpoints. This discussion has dealt with the very crucial question that - why one should come out of her viewpoint and think about others? In the traditional trend of ethics we can see that only agent’s viewpoint has got importance. Morality is understood from the reaction of agents only. But in our analysis it is not only the agent’s reaction, but also the respondents’ reaction that comes into focus. A similar contention is also traced in Peter Singer’s account of morality where he is concerned not singly about the agent of the action. He has stressed much more on the concern of the majority who can be affected by the action done by the agent. So it can be said that the question of morality arises only when the judgement is being done from the affected persons’ i.e. the respondents’ angle; this is a kind of self-transcendence or looking at others’ interests. Such kind of
transcendence and looking at others’ interest is there also in Kant’s concept of morality which is mainly expressed in terms of feeling. The first formulation of the Categorical Imperative, expressed in terms of ‘universalizable willing’ (Act only on that maxim through which you can at the same time will that it should become a universal law.) involves a kind of feeling and addresses a kind of self-transcendence of the agent concerned. It is a kind of willing for all transcending one’s own self.

This contention regarding morality can be understood more clearly if such kind of ‘self-transcendence’, just mentioned, will be observed carefully. Such ‘self-transcendence or concern for others’, may be explained in terms of empathy and sincerity. ‘Empathy’ is a concept which is found in the well known controversy regarding methodology in the history of philosophy of science. To make an explicit connotation of ‘verstehen tradition’ the notion of ‘empathic understanding’ is referred to. The concept of ‘empathic understanding’ is much more frequently used as a methodological tool in a demanding trend of psychotherapy well known as Rogerian Client-centered-therapy. Client-centered-therapy is a very innovative development in the history of philosophy of psychology (or philosophy of mind that falls under the broad umbrella of philosophy of science) that incorporates the idea of ‘empathy’ as one of its very important tool. This notion of empathy would be discussed in detail in the following course of the discussion, as our prime concern of this thesis is to look into the keen study of ethical issues (viz. confidentiality and neutrality) centering round psychotherapeutic practice. But for better understanding a little clarification regarding empathy is delivered in this context.

B.T.Brodley points out that by empathy Rogers meant ‘different and more complex than simply responding to feelings’. According to Brodley, “client-centered empathy refers to empathic understanding of
the client’s entire presented internal frame of reference which includes perceptions, ideas, meanings and emotional-affective components connected with these things as well as the client’s feelings and emotions per say."\[^{47}\] Such kind of understanding of client’s internal frame of reference from the part of the therapist signifies nothing but concern for others or transcending oneself. Accordingly we can say that self-transcendence can be well understood in terms of empathy.

Again the lexical meaning of the term ‘sincerity’ is as follows – honesty, trustworthiness, truthfulness etc.\[^{48}\]; while in this context the extended meaning of it can be read as – ‘honest or trustworthy or truthful acknowledgement’\[^{49}\]. In this sense it implies that in case of willing the attempt to transcend one’s own self or to try to understand empathically has to be done with all sincerity from the side of the agent. The agent must truthfully or honestly acknowledge that willing for all transcending his/her own self is being done. Now this kind and quality of ‘sincerity’ which means ‘truthful/trustworthy/honest acknowledgement’ can be precisely understood as ‘not to disclose any kind of denial feeling’. For instance - it is a minimum presupposition that while developing a theory it is assumed that the theory at least has to be rational. If it is the case, if no denial feeling is disclosed regarding this then we can say that the presupposition is truly or honestly acknowledged. Accordingly the presupposition has been done with all ‘sincerity’ in the precise sense of the term. Now following the above contention in the case of morality, an agent wills for others’ interests (i.e. affected ones or respondents of the act) transcending her self-interest and this has to be done with ‘sincerity’ which means the agent of the act has to acknowledge her feeling truly or honestly. This implies that the agent of the act has not disclosed any denial feeling regarding the said matter. But in case if any agent discloses any denial feeling then s/he is not acknowledging the feelings truthfully and thus sincerity is lacking in his or her empathic understanding of others’ interest. In such case looking for others’
(affected ones or respondents) concern or interest transcending one’s own is not taking place. Therefore according to our formulation in such a context the element of morality is not present and such a discourse fails to become moral. It would fall outside the scope of morality. It should be mentioned here that moral discourse designed in this way also involves the factor of sociability, mentioned earlier in the dissertations, as it includes the sense of self-transcendence or in other words looking at the interest of others.

The picture that we get from the above detailed analysis regarding the nature or characterizing feature of morality seems to be a comprehensive one. Now it is time to verify how this can be related with the main concern of our dissertation. It is the moral discourse in clinical practice of psychotherapy, precisely speaking some of the issues generally accepted as ethical/moral issues centering round the discipline of psychotherapy, viz. – the issues of neutrality and confidentiality. In this discussion it is really important to see why neutrality and confidentiality are considered as ethical codes in the profession of psychotherapy. The obvious question that arises here is, can we legitimately identify those issues as ethical/moral with the help of the set of criteria laid down in this chapter that began with the analysis for building up the characteristic feature/s of ethical issues or in other words how to distinguish moral issues from non-moral/amoral ones.

The questions of confidentiality and neutrality associated with psychotherapeutic practice are not a new one. Especially down the lane of history of psychotherapy the role of confidentiality has always received a primary focus and in this regard neutrality is also said to be there in the scenario. But in most cases the mode of discussion in this matter is directed mainly towards the clinical success of therapy and it is not that popular to turn the mode of discussion towards the ethical purview related with the matter. We shall focus on all these
issues again and again in the following chapters. But for the time being we are very keen about the ethical essence of the two issues, viz. – confidentiality and neutrality. That is to say, how can we actually understand the issues of confidentiality and neutrality as ethical/moral issue in contrast to an a-moral one applying the criteria which we develop in our discussion?

The therapist-client relationship in psychotherapy develops depending on conditions like confidentiality and neutrality. The therapeutic session starts with the explicit or implicit promise that the therapist would not divulge the confidential information of the client. During therapy the therapist is suppose to maintain this professional stance of confidentiality. Otherwise the client would not share his or her personal and private information with the therapist. This would create obstacles in establishing a working alliance between therapist and client and accordingly the process of healing would be affected. So for the sake of the client’s interest (that is for better mental health) of the client therapist is supposed to maintain confidentiality regarding information shared by clients in therapy sessions. Thus keeping confidentiality is not a self-interested act from the side of the therapist who is concerned only with the client’s need. Therefore this is a case of self-transcendence. Consequently confidentiality can be said to possess a moral character. Here we shall apply the criterion which we have developed in this chapter to check whether the issue of confidentiality, that is the act of keeping client’s information confidential from the side of the therapist, is satisfying the criterion or not.

Here the act is- maintaining confidentiality. The agent of the act is-the therapist. The respondent/s is- the client who is seeking help from the therapist. The criterion applicable is - if the respondent/s of the act would disapprove the non-performance of the act of maintaining confidentiality and one of the ground for such disapproval would
include that the respondent’s belief that if the agent were in her position then she would also disapprove this non-performance, then the said act would fall within the scope of morality and would not be considered as a-moral.

In this case the client would certainly disapprove the non-performance of the act. S/he would not agree that his or her confidential information be divulged. We have already mentioned that the information which the client shares with the therapist is absolutely private and personal. She would expect this as her belief is rooted in the justification that if the therapist were in her position s/he would also disapprove this non-performance. Thus the said act is to be considered as moral/ethical in contrast to a-moral/non-ethical one. The issue of confidentiality centering round psychotherapy is a moral/ethical issue.

Neutrality is another issue which is to be attended in this dissertation. It also has got a significant role in the therapist-client relationship though it is less highlighted than confidentiality. The believer of value-neutrality emphasizes on a neutral stance of therapists. If the therapist does not maintain a neutral stance towards her client during the therapeutic session and become value loaded then the interest of the client may not be properly served. Accordingly the process of cure or healing would get affected.

So for the sake of the client’s interest (that is for better mental health of the client) therapist is supposed to be neutral during therapy session. Thus it can be opined that taking a neutral stance is not a self-interested act from the side of the therapist whose concern is directed towards client’s needs. Thus this is nothing but a case of self-transcendence. Consequently the issue of neutrality has got a moral character. Here we shall apply the criterion which we have developed to check whether the issue of neutrality, that is the act of taking a
neutral stance in the therapeutic session from the side of the therapist, is satisfying the criterion or not.

Here the act is- maintaining neutrality. The agent of the act is- the therapist. The respondent is- the client who is seeking help from the therapist. The criterion applicable is- if the respondent of the act would disapprove the non-performance of the act of maintaining neutrality and one of the ground for such disapproval would include that the respondent’s belief that if the agent were in her position then she would also disapprove this non-performance, then the said act would fall within the scope of morality and would not be considered as a-moral.

In this case the client would certainly disapprove the non-performance of the act. She would be comfortable if a neutral stance from the therapist is conveyed to him/her. Otherwise a threat of being a victim of partiality may always disturb her. She would expect this as her belief is rooted in the justification that if the therapist were in her position she would also disapprove this non-performance. Thus the said act is to be considered as moral/ethical in contrast to a-moral/non-ethical one. The issue of neutrality centering round psychotherapy is a moral/ethical issue.

Thus we don’t have to take any pain to identify the issues of confidentiality and neutrality as moral issues which have very significant role in the realm of psychotherapy. Why and how they have become absolutely indispensable for psychotherapy would be our topic of discussion in the following in this dissertation. We shall also see that there are many layers in the concepts of confidentiality and neutrality and we shall focus mainly on the ethical dimensions of them.
NOTES & REFERENCES


2. ibid, p 9.


5. ibid.


8. ibid.


11. ibid

12. ibid

13. ibid


15. ibid.


17. ibid.


20. ibid.


22. ibid.

23. ibid, p 10.

24. ibid.

25. ibid.


29. ibid, p 315.

30. ibid, p 317.


34. ibid
35. ibid.
36. ibid.
37. ibid.
38. ibid.
39. ibid.
40. ibid.
41. ibid.
42. ibid.
43. ibid.

45. We may refer to the concept of 'empathic understanding' as Roger puts it, in order to understand why it is significant for a therapist to be non evaluative and non-judgmental. The way of being with another person which is termed empathic has several facets. It means entering the private perceptual world of the other and becoming thoroughly at home in it. It involves being sensitive, moment to moment, to the changing felt meanings which flow in this other person, to the fear or rage or tenderness or confusion or whatever, that he or she is experiencing. It means temporarily living in his or her life, moving about in it delicately without making judgments, sensing meanings of which he or she is scarcely aware.


47. ibid, p 118.


49. ibid