RULES: BERNARD GERT

Moral rules are statements of universal moral obligation, typically involving more specific subject matter than moral principles. For example, rather than telling us to promote happiness, which might serve as a broad moral principle, they tell us not to lie, not to steal, to support our families, etc.

Bernard Gert’s System

Bernard Gert, a contemporary American philosopher, is a rule theorist who contends that morality is basically summed up in a list of moral rules. He claims that moral rules are definite, negatively stated, and universal (that is, applies to everyone, everywhere). He argues that each rule in his list is rationally acceptable to everyone. This does not mean that all people actually accept all moral rules, but that if people were rational then they would accept his list of moral rules. According to Gert, rational people want others to follow these rules because without them life would be intolerable.

Kurt Baier’s moral point of view

For Gert, the contemporary American philosopher Kurt Baier presented the best general way to defend a moral system. He asks us to imagine a world in which moral prohibitions are not generally obeyed. Would we want to live in such a world? All of us, Baier claims, want to live in a world where people do behave morally. Rational people want a morally good world because without it none of us could realize our life goals or lead acceptable lives.

Test of a moral rule

According to this view, rational people need and want moral rules. But what kind of rules should be accepted? Gert proposes a deceptively simple answer: all the rules that all rational people would accept. This leads us to wonder what rational people would accept -- indeed, what it means to be rational. In other words, Gert needs to offer an account of rationality. He rejects the standard account, that a rational person seeks to optimize the satisfaction personal preferences (the things people rate more highly than other things). This standard definition is typically coupled with the denial of any reasonable way to critique consistent and stable personal preferences. In the standard account, as long as preferences are consistent, the rational thing to do is to satisfy as many preferences as we can. Gert rejects this view by arguing that rational persons might not attempt to gain all they can. Even if I prefer more, I might decide to settle for less, without giving a reason. Gert's point is that, contrary to the standard notion of rationality, such a rejection is not irrational.

In Gert’s own account, rationality is a negative concept (like his conception of rules). A rational person does not do irrational things; a person is not irrational for failing to attempt to gain desirable ends. Gert believes that a failure to optimize the satisfaction of personal preferences is not irrational. Some things are plainly irrational: without adequate reason, a rational person does not desire to die, to suffer pain, or to be a slave. To do so is irrational. To be rational, under Gert's negatively oriented conception, is to avoid doing such irrational things. He uses this definition to defend his list of moral rules. A moral rule is acceptable if it is irrational not to accept it.
Gert's moral rules

Based on Gert's notion of rationality and on the claim that all moral rules must be rational, Gert is bound to present a negatively oriented list of moral rules. The desire not to be a saint is not irrational, so any moral rule or principle requiring saintly actions is rejected. Similarly, it is rational not to give to charity, so it is not irrational to reject a rule demanding that we give to charity. Rationality demands rules against killing and against stealing; only an irrational person would accept a world where these acts are commonplace.

Gert presents the following rules as the core of morality:

1. Don't kill.
2. Don't cause pain.
3. Don't disable.
4. Don't deprive people of freedom.
5. Don't deprive people of pleasure.
6. Don't deceive.
7. Keep your promises.
8. Don't cheat.
9. Obey the law.
10. Do your duty.

Many of these rules seem to fit well with Gert's conception of a negative morality, rules it would be irrational to reject. But are all these rules acceptable on the grounds that they would be irrational to reject? We may be least comfortable with rule 10, the only one that seems at first sight to involve open-ended positive requirements, because we expect Gert's rules to present negative bounds, prohibitions rather than positive responsibilities. Doing your duty is indefinite: what is your duty? But other rules also seem to demand too much, given his restrictions concerning irrationality, because they are overly general. How do we deprive people of pleasure? Does a boring college professor deprive people of pleasure? If so, does a boring teacher violate moral rules? When a friend does not want to go with you to a show, he or she may deprive you of pleasure? Does your friend violate a moral rule?

Moral rules are meant to be specific and definite, not principles in disguise. Gert does not intend to use his list of rules to make overly demanding positive moral requirements, but perhaps a list of negative rules fulfilling this intention leaves out too much of the moral domain. This may be why Gert includes indefinite rules like rules 4, 5, and 10, which may be implicit appeals to a very demanding morality. Aggressively interpreted, these rules go beyond Gert's aim to present a limited moral code that sets social constraints on the actions we should perform and allowing, after that, all we want to do.

Moral responsibility, moral rules, and the law

Gert's rule 9 is controversial. Do we have a moral responsibility to obey the law? Good reasons can be given one way or the other. Law may be a public expression of the basic demands of citizenship; it is a basic way to fix
expectations about how other people will behave in a society. As such, it has moral standing. But it may be dictatorial, as it is in many places, or imposed without regard to the general good as is true in even more places. Deciding whether laws are morally proper is a complex matter, so a simple rule to obey the law, presented as a basic obligation, does not do the job.

The criticism of the rule to obey the law indicates a basic fault in Gert's approach: it is unable to respond to the complexity of the moral experience. Instead of giving a careful analysis of rules and the justifications for them, he starts by listing what he takes to be irrational desires. He is often right about their irrationality, but he does not give a good indication about how a something makes the list as irrational. When we object to a moral rule, the apparent appeal is to what all people may rationally endorse. This is as controversial as his notion of rationality, defined by a list of irrational items. Rationality is a contentious concept. The link between morality and rationality is not clear. One way to think about morality is that it puts limits on the rational pursuit of personal interests. Morality is social in nature; social constraints cannot be derived from individual rationality, no matter how it is defined.

Defending moral rules.

A rule morality is distinguished from a moral system based on principles by the specificity of rules; moral rules are fairly well-defined, like keeping promises, while principles cover broad basic concerns, like "Avoid harm." A morality based on principles reduces all moral obligations and evaluations to a small number of basic ingredients, usually one or two. These basic ingredients, such as attaining happiness or promoting freedom, are independent in that no one of them can be reduced to, or derived from, the others. A rule morality proposes a longer list of basic obligations and standards. Ten or more rules may be listed, and the rule theorist may believe that the list does not include all the moral rules, but merely gives examples of the types of rules to be included. Regardless of the length of the list, none of the rules should be reducible to the rest. For example, Gert has a rule, "Don't deceive." If lying is a form of deceit, we can derive "Do not lie" from this rule. Thus, we would not want to add "Do not lie" to Gert's list because it is not an independent rule. Gert also has the rule "Keep your promises," which some may believe to be derivable from the rule about deceit. But this is not the case: we may make a sincere promise, then find that some other activity -- say helping a parent -- is more important than keeping our promise. The promisor may even inform the promisee that the promise will not be kept at the time the decision to help the parent is made. This behavior does not violate the rule against deceit, but it does violate the rule against promising, so we conclude that the two rules are independent. Thus, we do have one good standard about what should not be on a basic list of rules: rules derivable from other rules.