

THE MORALITY OF WELFARE:
AN EVALUATION OF GOVERNMENTAL POLICY AND PROGRAMS

A Senior Thesis

By

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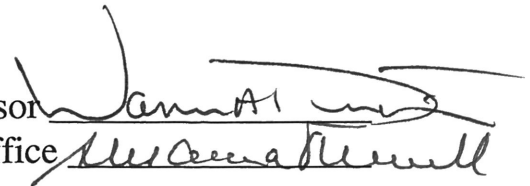
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The image shows two handwritten signatures in black ink. The first signature is written over the text 'Undergraduate Advisor' and the second signature is written over the text 'Exec. Dir., Honors office'. Both signatures are cursive and somewhat stylized.

Abstract

The word morality surfaces frequently in the arena of political debate. It carries amazing power and influence, but is often misused and abused. This paper attempts to apply Dr. Bernard Gert's moral theory in an evaluation of governmental programs and policies. Thus, much of the paper is concerned with explaining the moral theory and how an abstract theory can be related to the government. It is critical to have such an understanding to truly appreciate the intent and workings of morality. Further, the paper develops a process, based on the theory, by which such an evaluation of the government may be accomplished. The paper offers an example pertaining to the Disability Insurance program to illustrate how the process may work. It is hoped that such a process may be able to clarify and substantiate the usage of morality within the context of political debate, especially in the areas concerning welfare - as such areas are the authors primary interests.

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Introduction

The concept of morality exists in all vocabulary and as the basis for most of our judgments. However, the ability to define such a concept becomes a difficult task for most individuals. Though many may begin by believing they have a firm definition, one or two examples or questions reveal that most commonly held definitions are deficient because they are either inconsistent or incomplete. Yet, most people have qualities necessary for coming to adopt a consistent moral theory. Furthermore, most people have a good idea about what morality should accomplish. The qualities referred to are impartiality and rationality. Now, there are obvious exceptions; for many people are partial in some regard daily as well as irrational, nonetheless they have the ability to be impartial and rational. Such qualities are what enables those individuals to be able to construct (or mostly to agree with) a system of morality based upon criteria that must be approved by impartial rational persons.

Such a system must be able to be substantiated with appeal only to rational thought and impartial action. For if any other aspect is required, such as religion or utilitarian ideals, then the system would be susceptible to the weakness and inconsistencies that may exist in such extraneous matters. However, appeal simply to rationality and impartiality requires a thinking approach free from bias towards individuals within a larger group being held responsible to the system. The properties of rationality and impartiality allow morality to be fair and proper (in terms of not requiring activities or beliefs that may be irrelevant for some members of the moral community) as it should be. Morality should be universalized for all individuals possibly involved. Rationality and impartiality allow for

morality to be such through their accessibility to all people and capacities for inclusion of all everyone.

Moreover, most people (not surprisingly since most are rational and impartial) have a concept of what morality should accomplish. This concept is derived from the authority the rational mind grants to the desiring of good and the avoidance of evil. Interestingly, morality for the most part would espouse such activities or find them morally allowable. However, morality may only require that evil be avoided. This is because requiring action may bring about, unknowingly, evils that offset the good. Many people disagree with such a limited requirement feeling it better to be required to do good. However, doing good is proper and respectable in its own right. Nonetheless, promoting evil is a wrong that must be avoided and thus considered a breach of morality. So, in such regards, morality becomes the set of rules that limit the promoting of evil. Though other notable theories disagree, Dr. Gert's theory allows for many contingencies directly not having to be interpreted loosely for means of application. Further, this 'limiting factor' approach to morality (meaning that the system establishes a line, the moral rules, that when crossed unjustifiably renders immoral action) has a great applicatory ability.

The intent of this paper is to offer a means of evaluation for governmental programs based in morality. The author feels that all too often politics allows the term morality to enter the discussion of governmental programs and policy too freely and only for political advantage. Such a usage of the term morality and what it represents is disturbing. Today much of this poor usage of morality occurs within the discussions over welfare politics. Therefore, this project attempts to create, but more importantly

substantiate, a process by which the morality of a program or policy may be evaluated in moral terms and conclusions can be made free of the political manipulations by many of those involved in government.

Two important considerations should be addressed before continuing. First, the paper assumes the role of morality to be that described by Gert's Morality. The central premise of the theory describes morality as the means and requirements for the avoidance of evil. While good is a morally relevant issue, it is not a factor that is required by morality. This is not to say that good is somehow less important or not important in regard to morality, but rather that evil is a point or result that must be avoided to be moral. Further, an assumption is made by the author that an abstract theory, such as the theory of morality, can be applied to the practical entity of government. This assumption is made firmly and with reason. For, if any entity, including government, is to be founded in something or substantiated by some means, then it will always need to be connected to ideals (which are derived from abstract theories). Practicality can not support an entity like government by itself without consent and unmitigated relevancy. If that were the case, then there would never be a standard by which to judge anything. There would exist no standard to compare with for the purpose of determining rights and wrongs, problems and successes, or disadvantages and advantages of any entity. Thus, there must exist some standard from which to establish the evaluation of anything. This standard would exist as an ideal of some abstract nature simply for its necessary distance from 'practical' corruption or susceptibility to being attacked by relativism. Therefore, ideals would exist with abstract natures that ultimately provide the 'standard' by which practical entities,

such as governments, have their substantiation. For these reasons, then it does seem ridiculous to assume that a moral theory can not be applied to an entity like government. If the reader did not follow that argument, the point being made was that abstract ideas are not disconnected from the “real” world, but rather define and explain much of the real world.

Summary of the Moral Theory

“Morality is a public system applying to all rational persons governing behavior which affects others and which has the minimization of evil as its end, and which includes what are commonly known as moral rules as its core.”

Definitions

Morality, it is said, has come to be defined by association (Nazi, Christian), by a desired conduct (Plato), and by rationality (Kant). All of these types of definitions concern the content of morality, but always as a resulting factor and never as the determining factor. Perhaps these approaches are what keep a definition for morality elusive. Nonetheless, it is said that morality possibly represents the code of conduct adhered to by rational people and is defined by the person.

System

As to morality’s application, it is a public system. Morality is concerned with the behavior of people insofar as that behavior affects others. It is important to note that morality is a system that all rational people advocate that others adopt. That idea strikes me so; for, if others did not adopt the system that rational people espouse, then it would

be hard to have stability. Maybe an applied goal of morality would be stability within the society. It was said that it is not always irrational for someone to not adopt morality, but that most rational people would.

Discussion of Moral Judgments

These moral judgments are comparable to statements of fact, expressions of emotions and somewhat like commends all rolled into one. A difficulty in understanding moral judgments exists because most people's approach to distinguishing moral judgments from non-moral judgments is based on linguistics. They try to use words such as 'right', 'wrong', 'should', and 'ought' to distinguish the moral judgments, but those words are common also to non-moral judgments.

The important element in distinguishing non-moral from moral would be the content with which the judgment is concerned. This content seems to be more or less the actions that are done to 'others'..

These moral judgments are limited in accord to the types of actions along with the intentions and characteristics of the performer. In addition, there are minimal requirements of intelligence and knowledge that must be met before one can be held responsible to moral judgments. Thus, by taking into account : the persons affected by actions, the effect of those actions, and the person's characteristics who performed the action; one can make moral judgments about those actions (so long as the actions can be determined to be under moral considerations).

Rationality

Rationality is an interesting principle of people that enables us to systematically think things out, yet we really never control the processes by which rationality works. By this I mean we really have no say in what would be rational, only that we can use rationality to get to an understanding of rationality. It seems to be more or less a structure that can be applied to ideas that will help us understand those ideas but does nothing to effect those ideas. One could assume it to be much like the grammar program on a computer that checks a piece of writing, it in no way can affect that piece of writing, but it can tell us about that piece of writing as long as it has enough programming to analyze grammar. Much like rationality, for we can apply rationality to a thought process and it can tell us about that idea as long as the user understands enough of the idea and of rationality to apply it satisfactorily. I think it is this sort of relative nature of rationality that allows bad ideas to still be rational.

Requirements by Rationality for Morality

Rationally required seem to be those beliefs that must be held in order to advance with a theory of morality. They would be things such as I am mortal, I am able to be injured, I have interactions with others, etc. These ideas are necessary for a person to look at their existence and to evaluate it. More importantly, they would be necessitated in order to be able to assimilate ideas about how we should interact and the like. Rationally allowed ideas would be those that can exist regardless of their importance to other ideas because they would not be necessitated. Rationally allowed ideas may be true and false,

and they may affect other ideas greatly or not at all. This ability to be allowed and to have some effect upon other beliefs must be carefully considered when evaluating the outcome of ideas developed in morality, for maybe a false belief was taken into account because it was originally a rationally allowed belief.

Good and Evil

The first thing to be said of good and evil should be that evil exists. While numerous peoples believe there is no such thing as evil; for, they view evil as a lesser good, things such as earthquakes, floods, and disease remind us that evil has a presence in our world. It would be important to point out that evil need not be only human or of human cause; for, such things as disease, floods, and earthquakes are from nature. Nonetheless, as humans come to have more influence upon nature, more of nature's evil comes to be of human cause.

Definition of Evil

It can be said that evil is pain, for it is a basic understanding we all have which we all try to avoid. It would be better though to say that that evil is the object of irrational desires. These irrational desires are death, pain, disability, loss of freedom, and loss of pleasure. Perhaps qualifying the definition would say that evil should not be desired without reason. The usage of the word evil should also be taken as a conglomerate of terms ranging from misfortune to planned misdeeds. It may be easier to comprehend if one was to think of the word evil as meaning "bad things" or "harms.

Qualification

Perhaps good and evil would be qualified by certain people and actions. Mill tried to support a view that certain individuals had higher qualities of good. He would have said that there would be differing levels of good. However, lack of complete agreement

on what would be good (the levels would confuse the issue) affects the objectivity of judgments.

Punishments and Rewards

Punishments and rewards serve the same basic purpose of influencing behavior. Punishment is the infliction of evil for the violation of moral rules. The most common form is the deprivation of freedom due to its flexibility. It is very effective because it entails suffering and most rational people would want to avoid that. In addition, because of that suffering, it is a good deterrent and affects behavior quite significantly. Rewards work to grant benefits for desired behavior and then to 'punish' by not giving the rewards. However, depriving the reward is not the same as punishment, for you are just not gaining something and you are not losing anything. So, to a rational person, there is nothing wrong with an evil act if it only means not getting a reward. A good example of this is a friend of mine daughter's recanting of her kindergarten class' discipline structure. "You get a yellow dot for being good and that means two pieces of candy. A green dot for being normal and that means one piece of candy and an orange dot for being bad and that means the principal's office." Obviously, the system is flawed for the real deterrent is the principal's office and the candies are just nice pluses. By the way she has a green dot because she "still gets a piece of candy but (she) can talk with her friends."

Impartiality

The discussion of Impartiality has the goal of substantiating the addition of the world impartial to the definition of morality. As stated by Dr. Gert's statement, "an adequate system of morality must be one that would be advocated by all impartial rational persons. It is important to add the impartial qualification, because when someone has a preference of outcomes, their view of what would be moral or immoral in a certain situation is drastically altered. Take for example the racism of the South in the early (and

arguably the latter) parts of this century. It was not seen by the members of the KKK that they were immoral (if they gave it any thought), because they had qualified their beliefs to view Blacks as sub-human. Therefore, they really were bothered by their activities.

Though I think they understood other people saw their actions as immoral and hide behind their sheets simply to avoid those people. Now, morality would say lynching (killing) someone is wrong; and in this case, it would take an impartial person to say that.

Analysis

Testing for impartiality seems to be the next biggest issue of this chapter. Several different tests are discussed. According to Baier, the best test is the test of reversibility or the "Do unto others as you would have them do unto you" phrase. Kant's Categorical Imperative, "Act only on the maxim that you would will to be a universal law", suggests that a notion of universality be used to test for impartiality. Rawls's "veil of ignorance" would call for achieving impartiality only through total elimination of all individuality

These tests have the problem, that one rational person can still conceivably act in a way towards another that the other would not be wished to be acted upon and vice versa, resulting in incompatible views of morality. Therefore, somehow impartiality must come to be understood in a way that will not create the before mentioned confusion. In this way, someone who is impartial must be able to make a decision regardless of who benefits or is harmed. This decision would have to be made further without regard to benefit or loss, even if the person had knowledge of how the decision would affect both sides. Sports are a good example of this, for the referee and umpire must be impartial in the calls they make.

I attended my old highschool's football team's game last year. My highschool had the number two ranked defense in the state, yet the referees called 10 penalties on that defense for roughing the passer and pass interference. Yet, never once did the referees call the same type of penalty on the other team. Now, while the referees may not have cared who won (though it was the other team's Homecoming), they did not call the game consistently in regard to the pass defense. So in that regard, they were not impartial. (Clearly, I have no bias one way or the other.) This brings us to a good definition of impartiality. To be impartial, you must first make decisions regardless of the benefactors or losers. Second, you must be consistent in those decisions.

Scope

Impartiality requires that one not violate the rule toward some members of a group in the same circumstances where one would not allow the rule to be violated with regard to other members of the group. Impartiality also requires that one not allow a rule to be violated so some members can benefit, while not allowing others to benefit.

These requirements would seem to conflict with morality. Take for example Affirmative Action. Clearly, some members of minority groups are benefiting while the majority may not be, but is it not desirable to assist the minorities and try to make up for disproportionalities within society?

Moral Impartiality

Impartiality requires that one never violate a rule unless one can advocate that such a violation is publicly allowable. This would be something like a jury in a legal case. The violation would have to be understood and could be accepted by all rational people. So, sort of like the jury, the violation would need to be accepted by society in order not to violate morality and impartiality.

Moral Rules

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

Properties

Formal

- The moral rule applies when it would be appropriate to use actions of the person in regards to the rule in order to judge the person.
- If you understand the rule, you must obey it.
- Two Features
 - 1) The rule must be known by all rational people (no specialized knowledge may be required).
 - 2) The rule must be constructed or stated such that it will apply to all peoples in all societies. It makes no sense for "Don't drive drunk" to be a moral rule, for there are societies that do not have automobiles.

Adoption

The adoption of the rules would be approved of by all impartial and rational people. They would be adopted in principle and with an associated attitude. This attitude

would encompass a person's opinion in regards to the rule, desire to see it carried out, and more or less agreement with or recognition that the rule is correct.

In accord with constructing the beliefs so that they may be adopted, the beliefs used to construct the rules will be limited to rationally required beliefs since only rationally required beliefs are held by all those to whom moral rules apply. This can be exemplified by the rationally allowed belief that grape Kool-aid is the best drink available in grocery stores. This is rationally allowed, but not everyone believes it (i.e. my roommate). Whereas, beliefs such as 'I can suffer' (regardless of the arguments about what constitutes I) can be said to be held by everyone.

Justifications for the Rules (Egocentric Attitude)

It would seem that out of compassion, we would all want people to obey the rules because it would be the 'right' thing to do (whatever the word or idea that right means). But rational (and impartial for that matter) people can be perfectly rational and impartial without caring about the killings of others, whom one does not know. Furthermore, in some cases, one can be unconcerned about the killings of others of whom one does have knowledge, but not care about. So then, it would appear that compassion is not the appropriate term to explain a rational person's affinity with people obeying moral rules. Perhaps, if the sphere of concern is limited to those that one cares about, then it would be acceptable to say that a rational person would like for the rules to be adopted so that they (the rules) will 'protect' people they (rational persons) care about. But again, sadly situations are imaginable when one could see circumstances where they would not be

bothered by a moral rule being broken against someone they care about. Therefore, we can limit the definition to being concerned about the rules as they concern you individually. You would not want to be acted upon in a manner that breaking a rule such as killing, and there really is no exception.

A couple weekends ago, I was watching some Saturday morning cartoons. In Batman that week, the Joker was doing something bad and there was this shoot-out. At one point, the Joker pulls Jester (his supposed girlfriend) in front of him so as not to be shot by somebody. Afterwards, Jester asks him why he would be willing to let her get shot and he said something to the effect of , “it is not that I don't care for you ‘sweet-cheeks’ but I didn't want to be shot”. This is a fitting example of how individuals are ultimately the ones concerned that the rules are applied in actions regarding themselves. But was this moral? Obviously not from Jester's perspective.

Therefore, it would seem that the rules can be justified from a perspective that they keep life safe, enjoyable, and free for namely the individual rational persons who would advocate the rules being adopted as a means of self-interest. Though some stipulations can be adjusted for the various rules, such as definitional issues and exceptions for people like masochists, generally the principle of self-interest is behind the rules.

The Rules as Public

The rules can be seen as public because they must be accepted by all rational people and apply to all rational people. When the rules are seen in this light, then they take on the "moral attitude". Because the rules are based on rationally required beliefs,

they would come to have to be adopted by all and substantiated as public rules. Also, the characteristic of impartiality adds to the idea of public rules, because it sufficiently guarantees, through its application scope (not favoring different members in a group for harm or benefit), that the appropriate attitude is developed concerning the rules.

Violations

Violations can and should occur with regards to the rules to keep them fair and impartial and to allow for those circumstances where they would not apply. Some questions to keep in regards to the moral rules are :

1. What moral rule is being violated
2. A. What evils are being caused by violation?
B. What evils are being avoided by the violation?
C. What evils are being prevented by the violation?

Limited Knowledge

Because people cannot know all the consequences of actions, they are limited in their abilities to advocate violations or adherence to the rules in complete confidence. Instead, this limited knowledge usually leads to impartial rational people advocating that everyone simply act so as to never bring about an increase in evil. This inability is usually neglected in discussing moral rules, however. Since persons are not omniscient, they need rules in order to provide a guide that they can actually follow. If people were to act only

in ways that they see to bring about the most good, they may in actuality bring about more evil.

Do Your Duty

The idea of duty is not just that of duties associated with a job, just in a general sense. Instead, duty is such that its meaning comes from the understanding of what you have no duty to do in regards to an unjustifiable violation of a moral rule. Duty, would be that which is required of you as it pertains to areas on the fringes of the other rules, but not in place of the other rules. You can not reduce rules such as “Obey the Law”, and “keep your promises" can not be reduced to doing your duty. Instead, it would require knowledge of those other rules, so that you can understand what you should do in regards to expectations put upon you by the world. Duties are usually incurred voluntarily, but that need not always be the case such as being drafted for the army. It is important to be aware that sometimes duty is misconstrued so that it comes to entail things that violate other moral rules. But that is not true, duty would instead entail doing what is required without violating the rules, and also recognizing the violation and not committing that.

Moral Ideals

The moral rules make clear the absolute line that is not to be crossed unless one is willing to be immoral. But, there is more to being moral, in regards to the attitude of morality, than just not breaking the rules. There is something that is implied by the moral rules. That something is the notion of how the moral rules should be carried out or how they best come to fulfillment. For example, the rule "Don't cause evil" can be summarized

as "Prevent evil". Now, while this could not be the moral rule for it is not tight enough and could be open to situations that would make it immoral to follow, it is a moral ideal; for, it is in the spirit of the moral attitude toward the Moral rule. We look at these moral ideas as sort of a statement of what the moral rules and morality should bring about. We see that there is much good to be wrought from "Preventing Killing", "Preventing the causing of pain", "Preventing disability", "Preventing the loss of Freedom", "Preventing the loss of pleasure", "Preventing deceit", "Preventing the breaking of promises", "Preventing Cheating", "Preventing breaking the law", and "Preventing the neglect of duty". We see a good in those things, though primarily because of self-preservation and advancement, but also for their seeming improvement of the world for better.

Difference between Moral Ideals and Utilitarian Ideals

The moral ideals are not to "increase freedom" or "increase pleasure" as are the utilitarian. Instead, they are about preventing evil. Now this may be confusing because of the following idea. Morality starts with the status quo. Moral rules prohibit changing the status quo by causing evil. Moral ideas promote changing the status quo by preventing evil. Now, this seems to make the status quo better and more good, and rightly so. However, the making of the status quo better has nothing to do with promoting good, but only with preventing evil.

Attributes of Moral Ideals

Moral ideals, like moral rules, do not mention person, place, group, or time; but, this does not mean that we need to exclude all reference to individuals or particulars of any kind. Moreover, we cannot avoid not including these particulars. Moral ideals would be impossible to carry out if they were prohibited from naming and working for specific people. This is for the reason that the moral ideals are aimed at preventing evil for those that are encountering a great deal more evil than most people. Specifically, just by limiting the moral ideals in that way, we have made them that much less impartial. But we can be more specific, for groups like the NAACP or United Jewish Appeal need not make apology for carrying out the moral ideals of preventing evil that is specifically targeted towards those groups. The peoples those groups are targeting have for a variety of reasons experienced more evil than others and can be targeted . The US government need not be faulted for targeting aid to the needy without regard for all citizens, because the needy are experiencing more evil. As an additional note, when the moral ideals can be applied to all peoples, they are not morally required to do so. The moral ideals are to prevent evil. Preventing evil for one person is still preventing evil (as long as it does not cause more evil for others) and will still be moral regardless of its application to only one person.

Summation

The definition of morality (stated above) calls for impartial rational people to advocate a public system of rules that effects themselves and others with the goal of minimizing evil in regards to the world at large. This definition calls for the individual (all who would be considered capable of being impartial and rational - the vast majority) to be

active in regards to morality. Rationality calls for the people to advocate the system. The system referred to here is composed of the rules to which all rational people would agree. Each of the rules must, and have been shown to by Dr. Gert, meet the approval of all rational people if they are being impartially. The rules are statements about different actions. Actions that involve interactions between individuals. In our culture, rational people should regard the following actions as immoral (without justification) : killing, lying, stealing, cheating, causing pain, and breaking promises. By trying to avoid actions such as these, we construct rules governing those actions. These rules are an attempt to influence human behavior so to as not allow others to be hurt, by such actions as mentioned above and others like them. The rules must have several properties. First, they need to be known and understood by all rational people (there can be no specialized knowledge required). Further, they must be constructed so that they will apply to all peoples in all societies. The rules must be universal (which means they apply to all rational persons with the voluntary abilities to follow what they prohibit or require), and the rules must be general (this means there may be no specific reference alluded to such as Nazi, Christian, or Coal Worker). The rule does not need to be absolute, however, for justified violations exist and are sometimes needed. Justified violations are determined through using moral judgment to assess how in line the rule and/or violation would be to the moral attitude. The rules are specific to avoid causing evil. Though preventing evil is a moral ideal, it is not a rule because it requires positive actions beyond necessity to avoid one's causing evil. Along similar lines, promoting pleasure is not a rule because it

demands more action than preventing evil and is not necessary for maintaining fair interaction.

The first five rules have a similar justification that is ultimately based upon a self-interested concern for oneself or a certain sphere of others. The second five find their justification from a variety of individual proofs, but have the same end - that of not allowing situations to come about where evil can occur. These rules taken together offer an almost complete guide to conduct in which one will not be the direct cause of evil. Evil will still occur from natural causes and sometimes from even following the rules. There will be no way of avoiding the evil of natural causes, but we can avoid the evil that is brought about by following the rules. The evil brought about by following rules is very rare, and can be avoided with justified violations. If avoiding evil, one is justified in violating the rules. The person can never be faulted for following the rules, but occasionally one is justified in violating the rules and by doing so avoids causing evil. It should be noted as well that not all justified violations avoid causing evil. To know when the rules are justified in being violated, one must have an understanding of the moral attitude, which is an idea of what morality can and should be trying to accomplish. The moral ideals can help to clarify the moral attitude.

The moral ideals such as 'help the needy' and 'make people feel better' can not be obeyed in the same way as moral rules. The moral rules are applied equally to all rational people with no regard to the special needs of a group (and can only be fair that way). Moral ideals take into account these special needs. They dictate that in some instances a group is experiencing so much evil or 'bad things' to warrant special treatment from other

individuals or governments. This treatment may involve violating the moral rules in order to accomplish the ideals. That is why the ideals can not be rules because they may entail doing a small amount of evil to one group in order to prevent a large amount of evil in another. The moral ideals are still part of morality and serve purposes towards the goal of minimizing evil.

Governments (the active agent of society on the whole) often adhere to moral ideals over moral rules in making their decisions. The Governments are capable of such actions because they are responsible (in a contract with the people upon which most governments are founded) to provide for the good of all. They have the ability to minimize evil for the whole of society through shifting evils to different sectors of society. Governments are held accountable to the rules as an individual would be, but the justifications for their violations are a bit more lenient in regard to those of an individual. People as members of a society should respect and understand the role that the government plays in regards to the whole society. The government itself should understand that role as well, and not overstep itself through unjustified violations (or excessive) nor equally through inappropriately obeying the rules when their appeal to the moral ideals is required.

Government's Relation to the Moral Theory

Differences between Governments and Individuals

Having outlined the theory of morality from Bernard Gert's Morality, the issue arises concerning the government's relation to the theory. Morality as discussed earlier

seems to entail an individualistic approach to morality. The rules seem to be aimed at individuals' actions. They seem to all implicitly state : "you should not _____".

Additionally, the considerations that concern the acceptance and obedience to the rules derive again from an individual's vantage point, namely that of the impartial rational persons. With such individualistic tendencies, it may not seem plausible that Dr. Gert's theory of morality applies to an entity such as a government. For a government is different from the individual in two significant ways. First, the government is a composite of all individuals but functions not as a body of individuals; but, instead as a singular entity. Seemingly, this difference can lead to many discrepancies for the government in relation to morality, because no longer can a person or single action be identified and evaluated in terms of the rules without having to consider the various individuals involved in the action or the other individuals influencing such persons. Secondly, the government's relation between itself and the individuals is vastly different than between individuals and individuals. The government, by its nature, not only affects individuals on a much greater scale than any single individual could, but additionally a government can exercise more authority over individuals than can single individuals over each other. For instance, it seems perfectly within the rights of a government to tax the citizens in order to carry out the duties to which it is assigned. Now, while the issues of how the government can tax (or deprive people of freedom and pleasure through taxation) and what are the duties of the government will be discussed later, the immediate concern focuses on the difference that the government could demand payment from an individual and been seen as justified in doing so, but an individual demanding payment from another individual

(without having rendered a service directly tied to the payment) would be seen as wrong. The consideration here is just a difference of authority.

However, are these differences significant to deny the government a place within the scope of morality? One would hope not, for if such was the case, then there would by necessity be the need for at least two definitions of morality - one for individuals and one for governments. That just would not do, for morality should be universalized and generalized. In order to have both of those qualities, there could be but one true morality. If we did have two moralities, than neither could truly be morality and we would certainly be at a loss to make any type of moral evaluation or judgment. Thus, instead we need one definition of morality that should apply to individuals as well as governments. Gert's morality does accommodate for both individuals and governments.

The extent and precise nature that this definition of morality has for government will be discussed later, but first we must clear up the two differences between individuals and governments and their seemingly implications on morality. The first difference had been an issue of scope. For a government seemed to have operated by means of many individuals and with many others influencing said individuals. The discrepancy seems to have arisen as to whether the moral rules or any other means may be applied to evaluate such a complex and extensive method of operation. Yet, the complexity of the government is no more complex that the final resulting action or idea. For an evaluation need not focus on all the individuals involved in producing the action (unless one was concerned as to their individual adherence to morality), but instead to the final action by the government. For as it was said, the government was a singular entity and, while a

much more complex entity, its actions can be seen as singular and evaluated without concern for the complexity.

Governments Relation to Morality

Additionally, the relationship between government and individual, while it may change the requirements laid upon government by morality, in no way exempts or denies government its place under morality. The role of government and its relation to the individuals may seem to excuse government from obeying certain aspects of morality, as in its ability to tax for example. However, the ability to tax (deprive of freedom and pleasure in terms of the moral rules) does not exempt the government from moral responsibility. Of course, when a government taxes, those funds are to go towards the government achieving its duties to the people and if anything else was the case, then the right to tax would not be allowed. To clarify, if the government's duty was to protect the citizens, then the taxes should be used to support an army. If however, the taxes were used to buy yachts for governmental employees, then the government should not be allowed to collect taxes. In a moral sense, the government may deprive of freedom and pleasure if it is achieving some other good that allows its citizens to achieve other freedoms and pleasures and to avoid such things as death, pain, and disability. That is what the government does for the most part. Therefore, the government is still under the definition of morality, but has the ability to function in other regards in some instances. The exact mechanism that allows for such other functioning will be discussed later. For now, the two basic differences between individuals and governments that seemed to have lead to

discrepancies between what seemed like an individualistic theory of morality and the nature of government can be resolved.

It seems now proper to explore the issue of why a government can tax and equally what is the mechanism that morally allows the government to abridge certain moral rules. It may seem rather ridiculous to accuse the government of being immoral by taxing its citizens (unless you are a greedy reactionary [American political definition]), however in a strict sense it does seem that way. For by means of taxation an individual is having an action taken against them that renders them with less money. They have had their freedom abridged and possibly lose some pleasure that the money may have brought. However, as anyone who reflects upon the role of government realizes, the government, with those taxes, creates an environment wherein the individual can enjoy a much greater range of freedom and pleasure than otherwise. For without the tax and the government, their would not be such a stable, safe, and accessible world. But without going into a lengthy discussion of the world without government, it can be concluded that more is gained than lost by the process of taxation. But, still it remains apparent that the government, for whatever beneficial reasons, did forsake morality. How could the government have been moral and broken a moral rule? The answer lies in the idea and functioning of moral ideals.

Moral ideas are those objectives that are consistent with the moral attitude and are agreed upon by most impartial rational people, such as helping the needy or relieving pain. However, moral ideals can not be moral rules because they require action to be taken. The moral rules are structured in such a way as to be passive; for, you must take action to

kill someone. There is a notion that with action sometimes you inadvertently cause evil, not all the time, but the potential exists. Thus, the reason a moral rule can not require action is out of concern for this potential to cause evil. However, there does exist an idea known as morally allowable actions. Moral ideals are morally allowable actions that are viewed as good to pursue just not required out of the fact that they require actions to be taken in order to actualize them. These ideals are not morally required for individuals, though the moral attitude would probably evoke most people to pursue such moral ideal. For the government, through the moral ideals, takes on new perspectives. The minimum duties of a government, discussed below, seem to require a government to actively pursue these moral ideals. The government comes to be justified in violating moral rules in order to adhere to moral ideals out of the nature that it is supposed to have. For the government is entitled to take action for what may be called the 'better good' or the 'general welfare'. Such actions may require violating the moral rules at certain times. However, if the end result of such violations is morally allowable and morally justified and no repercussions linger from the violations of the rules, then the government is justified in such violations. This nature, that is referred to as the reason for a government's ability to violate moral rules for moral ideals, comes from the creation of government and from the duties expected of the government.

Duties of the Government

The government was created by a constituency to serve as a governing body. Primarily, this government was to provide for order. Eventually however, the notion of government (in the minds of the constituency that ultimately determines the government)

changed to encompass the government as responsible for the determining of the rights and attitudes of man and society. Being that the government determined the laws, it also came to be responsible for not only upholding rights and moral standards, but also for actualizing the moral attitude. In such a capacity, the government came to be held more responsible to the moral ideals. It should be noted that the government's ability to act upon moral ideals and sometimes justifiably violating moral rules does not make it exempt from consideration by morality. For it is only when upholding moral ideals that the government may exercise any sort of violation of the moral rules and then must be substantially justified.

While the government seems to have been shown that by its nature to be allowed to violate moral rules for moral ideals, it is the duties incurred by the government that allow for such moral ideals to be so prominent in a government in the first place. The minimum duties of a government come ultimately down to the prevention of death, pain, and disability. This conclusion may not be apparent, for government is seen usually as secondarily able to affect such things. However, it is much simpler to say that the duties of the government are to protect its people and provide a stable society. These are gleaned from the primary purposes of setting up a government. More precise duties are just more complex versions of preventing death, pain, and disability. For ultimately protecting people requires that those persons do not experience such things, as does providing a stable society. Hence, if the government is to protect against such things, then it will need to have authority to abridge moral rules occasionally. For to stop a thief from robbing someone, the government must restrict his freedom. To protect a worker from

injury in the workplace the government must establish safety requirements, thus restricting the employer. Further, to pay for such protections, the government must tax the citizens and violate their freedoms. Therefore, to perform its duties the government must sometimes violate moral rules. Are the duties justification alone, within morality, to warrant such violations? The answer is no when the violations are seen as coming out of duty. For though it is the government's duty, duties alone can not warrant violations. Instead, the duties must be reflective of something else, that being the actualization of moral ideals. Thus, in reality, the duties do warrant such violations so long as they are consistent with the notions of the moral ideals and follow from the moral attitude, as most do.

To what degree is the government responsible to act in accord with these moral ideals? For if there was not some degree to which the role of the government was obligated to follow the moral ideals, then this whole discussion would be for nil. In fact, the government is obligated to pursue those ideals whenever possible. This obligation comes again from the nature of the government, because governments are to act according to their basic duties of protecting citizens against death, pain, and disability. Finally, the government is obligated out of its being the determiner of the laws and moral standard for society. The nature of the government has entrusted it with working for the good of the people. With such a purpose being so linked to the moral ideals, the government would necessarily have to follow them. Secondly, as discussed earlier, the ability to protect against death, pain, and disability being suffered by its citizens requires that the government act in ways to prevent or compensate for such occurrences. Many of those

acts would be entailed in the moral ideals. Further, as the determiner of laws, the government must seek to enact the best laws possible. Thus, the government would seek to create laws that would require itself to follow the moral ideals. Thereby becoming once again obligated to those moral ideals. Though it should be noted that such obligations if they are to violate moral rules must at all times be justifiable in accord with the moral attitude and the impartial rational person.

Reason is strong to support the governments obligation to moral ideals and further to their justification. Additionally, it seems clear that the government holds a place within the scope of morality and is subject to the same moral considerations (via moral rules, the moral attitude, and the impartial rational person) as is any individual. Therefore, it would seem to follow that the government may come under the same scrutiny that an individual would when determining if the government was acting morally. While there would be the unique circumstances where moral ideas allow the government to violate certain moral rules, there seems to be no difference in being able to evaluate a government's actions with regard to a moral theory. This conclusion is actually the focal point of this paper. For, if it is the case, then we may be able to use a moral theory to evaluate the programs and policies of the government. This would allow us a great deal of arguing power as to the best pieces of legislation and programs. Hopefully, it will allow for the best and most morally sound programs and policies to be recognized and then implemented in our government.

Process for Evaluation

It matters little if you have a conception of morality and you have a further conception of how government relates to that conception of morality if there are no means to link the two conceptions. There needs to exist some process by which the moral theory can be evaluated against the government's actions in order to determine if such actions are morally consistent. Now, most people believe that the morality of governmental action can be evaluated in a somewhat leisurely manner by simply applying a 'gut' feeling to the governmental actions that may affect them. By this I mean that most people are not too concerned with using a systematic approach to evaluate the government's consistency with morality, but instead react as if by instinct when they ultimately encounter a governmental policy or action directly. Obviously, this instinctual reaction would lack any amount of substantiation or consistency and would probably prove to be biased and prejudiced in many ways. Such response based interpretations cannot generate consistent interpretations over time and provide no meaningful evaluation. Instead, we must have a means to evaluate the government that can accurately reflect the policy or program.

The process to accomplish such a task would consist of a set of questions to be posed about the specific governmental actions. The size of the program or policy would be of no concern due to the ability of the questions to only need to be applied to the most basic points. These most basic points are the most central and fundamental sections of the action. They would be such things as the purpose, most fundamental means by which the purpose is carried out, and the results of the action. There can be many differences between governmental program size that can be reduced away by refinement of what are the central points of the program or action. Thus, it seems that the first task of any

evaluation would be the isolation of central points. The process of isolation, need not be as cold as it sounds, would necessitate reducing programs to their most basic components. Primarily, through a means of compiling intents and fundamental characteristics of the program. In other words, the points need to be separated based upon what is the basic idea behind the policy or program and how such a program/policy is to be implemented.

Having separated the fundamental points, the next step would be to determine the function of such points. It may seem redundant to evaluate the points themselves for function beyond isolation; for, it seems implicit that by isolating the points one would have taken into account function. However, simple analysis of a program for its basic components reveals no purpose of those components, only that they are central to the program/policy on a whole. Further, in many cases one central component can function in several different ways. Therefore, it is essential that all different functions be determined before an evaluation of the points and their functions in regards to morality begins. Additionally, this method of identifying function may help to further isolate the fundamental points of the program.

The moral rules should then be applied to these fundamental points and functions. Since the moral rules serve as the limiting devices (meaning they are the 'line' that determines moral and immoral actions), they are easy identifiers of when morality has been breached. It will become obvious for each of the points whether they have broken the rules or not. These points that are not in immediate violation of the moral rules would probably be found to be moral eventually. If a point is in violation of the rules, then it would need to be investigated in more detail.

The next question that is posed to such a point should regard what evils (again remember this is a term regarding misfortunes as well as misdeeds) are avoided, prevented, and caused by such a point. The evils or harms associated with the point may in some regards give a point reprieve from violating a moral rule. For it is ultimately the reduction of evil (principally through avoidance of causing evil) that is the aim of morality. If the point did violate the moral rules, but also avoided evil, then it would probably be condoned and advance to further consideration.

If the point did violate the moral rules in an effort to prevent evil, then it would be necessary to evaluate the validity of that prevention. For, often when an action is taken on the side of prevention it does result in some other evil. Additionally, the intent of the prevention would need to be evaluated. For, in some situations acting to prevent evil would stand as the only option other than incurring a greater evil. These statements may seem confusing, but imagine a situation in which a father must kill an attacker to protect his children. In protecting the children he killed a man, causing an evil out of preventing a greater evil (at least for himself) of his children being killed.

Finally, the condition of the moral rules being violated and what evils were caused needs to be addressed. In most instances it would not be appropriate to violate the moral rules for the purposes of causing evil. In fact, it could never be appropriate if the causing of evil was the only result of the violation. If such is the case, then the evaluation could end and the point being evaluated concluded to be immoral. However, if there was a possibility that an evil may have been avoided or prevented by causing evil then the investigation must continue. Here, some subjectivity can enter in and one can consider by

just how much the balance would tip to one side or the other in regards to evil being caused vs. the evil being avoided or prevented. If the scales are greatly uneven, then a decision can be made if not, the evaluation should continue to the next issue.

The next consideration would ask the question, 'Does a duty exist?' from which the moral rule may be violated in regards to preventing or avoiding evil? If so, what is the nature of the duty and how much authority is given in regards to violating the moral rules? There are many forms of duty that would affect such a consideration. As an employee, one has a certain amount of duty to complete your work, this duty does not allow many moral rules to be violated. As a parent, once again there is a duty to raise a child properly, but this duty would allow the parent to violate the moral rules of not to restrict freedom or pleasure if it was in the child's best interest. Further, the government has even more leeway in regards to serving the needs of its citizens as well as completing the minimal duties it is prescribed. In each of these three scenarios, there does exist a duty that can sometimes allow for breaches in the moral rules. For, the employee may be justified in cheating on his clock if he is being asked to complete work at home without compensation. The parent is justified in making the child go to bed earlier than the child wants if the child needs sleep. Likewise, the government is free to violate some rules out of duty. But as the government is concerned, there is one more consideration. That consideration is of the moral ideals. As was previously mentioned, the moral ideals are primarily what gives the government its ability to violate moral rules. So while a simple evaluation of duty can be done, most likely in regards to the government, the point would

progress on to the consideration of moral ideals. However, if it is clear there is not duty involved, the evaluation can end.

Regarding the moral ideals, the earlier assessment of minimum duties of the government resurfaces. Now the government ultimately can pursue ideals that would entail consequences its actions that would violate moral rules in regards to some of its citizens. However, such ideals are usually so useful to society that they are producing more goods than evils. The fact that more goods are produced is not simply enough to forgive or justify violating the moral rules, for the objective of morality is to avoid evil and not necessarily promote good. Therefore, the consideration must also be made as to how effective and necessary are the moral ideals. So, a consideration of consequences and results caused by absence or non-adherence to the moral ideals must occur. This consideration would be concerned with discovering what additional evils might arise if such action, those of moral ideals, was not taken. Furthermore, the ideals themselves need to be evaluated as to whether they apply to this violation of the rules or not.

In such considerations, many of the governments violations will find substantiation and may progress to the next issue. Nonetheless, some governmental violations can not be condoned by the moral ideals. It would be the case that such violations were shown to not cause evil, but still could not clearly show whether there was a reason to justify the violation of the moral rule.

Therefore, the point would come to be evaluated in terms of the goods it promoted. While usually the concern is not on the promotion of good, but rather avoiding evil, at this juncture the considerations of goods can enlighten the evaluation to warrant

justification or not. The promotion of good is an indicator of how in line with the moral attitude a point may be. If a point has advanced to this point, then any promotion a good would warrant justification of the violation, for it has already passed so many considerations. However, for cases in which there has been no substantial questioning to have challenged justification, then it would incidentally require the promotion of many goods to justify a violation of the moral rule.

Finally, as an ultimate authority, there is the impartial rational person. This impartial rational person constitutes something of a final assessment of the findings of the questions before it. By appeal to the impartial rational person, appeal is being made to the conceptions of impartiality and rationality. For the most part, the impartial rational person would agree with the earlier findings of the evaluation; yet, exceptions can exist. For example, if the consideration of evil had concluded that the violation was not justified because it directly caused more evil than it prevented, but the evil that was prevented secondarily prevented much greater evils, the impartial rational person may supersede and find the violation justified.

With such a process of evaluation, it would be hoped that activities and programs of the government could be evaluated in regards to morality. Such an evaluation would reveal where the government was strongest, weakest, or perhaps give insight to how the government might improve. Such a process would certainly help to clarify much of the problem in creating effective government. That problem being that so many people and sides call their programs and solutions the moral ones.

Example

It now seems proper to offer a brief example of how such a governmental program would be evaluated by the described process. The evaluation is to serve only as a means that defines certain governmental actions within the bonds of morality. It should be considered that many of the features lie within the bounds of morality as morally allowable activities. It must also be remembered that because of the role that the government holds and the duties that it must perform, there are justifiable violations of the moral rules. Discussions of such violation will influence much of the consideration of different points within the analysis of most governmental policies and programs. Additionally, the impartial rational person test, which more or less constitutes the foundation of the theory and its application, will also be influential in most points considered. Though the concept of the impartial rational person may seem poorly developed or less important than the degree of consideration given to it, the impartial rational person is defined within the context of irrationality and bias that allow for a clear distinction between what is rational and irrational as well as what is partial and impartial.

With such a preface, let the illustration begin. For the purposes of the example, the Disability Insurance aspect of the OASDHI program has been adopted. This program was selected out of an interest in Welfare policy as well as out of practicality. The scope of Disability Insurance, unlike most welfare programs, is relatively small (though it is growing every day in the courtrooms) in scope and purpose. As a result, the author believes it will serve as a manageable program to apply Gert's moral theory too.

The four significant points concerning Disability Insurance that have been isolated for the purpose of evaluation are : Reasons for the program, Definition of disability, Financing of the program, and eligibility for the program. The technicalities of implementation and execution of the program have been omitted due to the absence of any necessary substantive issues. For such tasks are simply clerical undertakings not requiring moral evaluation; for, such tasks are neither moral or immoral.

Reasoning for Disability Insurance

Further, the reasoning behind the programs was chosen since it concerns the intent and purpose behind the government's involvement in the first place. Moreover, if one does not have a definition for something that is being done, then it is very hard to know what is being done. The definitional issue will also, in large part, determine who is being affected by the program and raises questions regarding governmental involvement. Additionally, the issue of financing such a program receives considerable discussion from both the legislatures and the public in regards to the use of governmental powers to raise the funds. Finally, who is eligible for the program has a lot to do with the morality of the program in terms of impartiality. While other points concerning the effects of the program may seem relevant, and they are to the government on a whole, they are not for the Disability Insurance program evaluation itself; since, the intent of such an evaluation is simply to evaluate the program itself and not extraneous affects. It should be said as well that time could be given to the individual components of each of the points; but, after much consideration and various attempts to deconstruct the main points further, it was decided that such further reductions (while isolating some additional distinct moral

questions) for the most part resulted in non-controversial points that do not relate directly to the moral rules or ideals. Thus, those are the four points of consideration.

First, the disability insurance program was brought into being to insure that workers who incurred a disability, either job related or not, would have some means of subsistence. In an economy based in competitiveness, a disabled worker was quite obviously going to be less effective and therefore have to settle for a 'lower' position in the job market. Possibly acquiring a disability would result in unemployment. To deal with the personal plight of the individual as well as the social ramifications of having a population of disabled unemployed individuals the government created an insurance program covering (ultimately) 90% of all jobs and workers along with their families. On first glance, there seems to be nothing but a description of a situation eventually leading to a governmental program. Perhaps it would seem as if no moral rule applied and therefore that the point was nothing more than an entity that could be neither moral nor immoral. Clearly, such a description of reasoning broke no rule. But it did concern evil. For equally as clearly, the reasons behind disability insurance sought to avoid the evils caused by the disability, namely unemployment and loss of wage earning capability. It is not so clear, however, that the reasoning itself intended to cause evil. The reasoning did seek to avoid and prevent evils, both of which are in accord with the moral attitude. The avoidance adds particular strength for the reasoning to be found moral.

The reasoning listed above pertains to the government's responsibility to provide for the general welfare, for not only does the description indicate that the personal plight of the workers is considered, but the affect upon society also comes into consideration.

This is very interesting because such a duty then lends credibility to the active prevention of the evils mentioned above. Thus, the reasoning receives yet another justification of its morality.

Moral ideals and the question of goods promoted fail to necessitate consideration from the description of the reasoning for disability insurance. The moral ideals (while intricately tied to the moral attitude) only come into consideration for the government in the context of justifying violations of the moral rules. But, incidentally no moral rules were broken. Further, there was also no mention of necessary goods being promoted outside the good that would come from avoiding or preventing evil. Thus, the question of goods is not considered.

Finally, the conclusion of sorts will be drawn out through the impartial rational person test. While, as has been indicated by the preceding, no moral rules were violated (primarily because the point addressed, the reasoning, only contained statements of condition not action), there did seem to be evidence in the form of evils that were justly avoided or prevented that the point had a claim to being moral. The impartial rational person would find such reasoning to be decent and deserving of pursuit. However, technically the point would have to be viewed as morally allowable rather than morally required.

Definition of Disability

The evaluation of the definition of disability may seem peculiar as a central point of the disability insurance program, however by simply looking at the court dockets concerning disability insurance, over half of the questions seek a resolution to a question

about definition. Now while the legal argumentation may seem hardly viable as an indicator of importance in regard to morality, it is not the legal problems that are of interest; but rather the implication of the definition. The simple definition of disability is stated as : “Inability to engage in any substantial, gainful activity by means of medically determinable physical or mental impairment.”¹ Obviously the lawyers have many places of contention through the words : inability, engage, substantial gainful, medically determinable, and impairment. Yet, does such frivolous legal bickering detract from the meaning of the definition? No, obviously the definition establishes boundaries and means to determine those boundaries. The moral question then becomes are those boundaries correct.

The question of the moral rules again would find no grounds for having been violated. While it may seem that such limitations naturally abridge the freedoms of those who feel disabled but are not included, in actuality it does not violate any rules for the simple reason that it (the definition) does not affect such people in the least - ignoring is not affecting. Furthermore, the question of evils is not relevant because no evils are addressed. Interestingly, neither duty, nor the moral ideals, nor goods are relevant for similar reasons as they were not in the previous point about reasoning for the program.

These irrelevancies leave one to ponder if perhaps the system fails because it can not tell us anything about the morality of this definition. But, such a thought only alludes to the dynamic nature of the impartial rational person. Thus, the morality of the definition comes to reflect upon its consistency with rationality and impartiality. Since the definitions purpose is to decide who is disabled and who is not, it must do so in the most

¹ Social Security Handbook, 1993.

fair (meaning rational and impartial) way possible. The definition is universally applicable (in the US) and does not differentiate between people any further than the possessing of a “medically determinable ... impairment”. Additionally, disability insurance was meant to help those unable to perform effective work. There would then need to be an attempt to judge the person’s physical condition by objective means and determine if such a condition restricts gainful employment. The definition accomplishes both. Thus, the impartial rational person would have to agree with the definition (though they may, as lawyers do, quibble about specifics) and substantiate its morally allowable status.

Government's Ability to Tax for its Programs

Third, the question of financing the program brings us to the first instance of a moral rule being violated. The program is funded by a payroll tax of all covered employees. This tax and coverage are not optional. The decision is made by Congress to cover certain jobs and those individuals within such fields are automatically covered as well as taxed. This absence of choice is critical in respect to revealing a clear action taken by the government that restricts the freedoms and pleasures of its citizens by means of a tax. There is no recourse by the individual since they are required to pay. Thus, there can be no contention that the government has violated moral rules.

Therefore, in regards to the moral rules, the financing of the disability insurance program violates freedom and pleasure. The worker is denied the right of freedom to spend his money how he wishes, and can not enjoy the pleasure the money could have brought him. While it may seem ridiculous to give such prominence to such a little

amount of money collected by the tax, it is the moral point of contention in regards to the funding of disability insurance because it involves the violation of a moral rule.

Considering that the violation did occur, it becomes ever more important to understand what evils are involved in the situation. The evils that are prevented concern the harms of potential unemployment and injury. These evils are prevented because the revenue raised by the tax goes directly to assisting those who have suffered a disability. However, the taxes cause the evil of the loss of freedom and pleasure. The difference between such evils may seem to offset each other or in some way one may outweigh the other; for, an individual it may seem worse to suppress freedoms of others, but the government may see it as worse to allow its citizens to suffer.

In actuality, it is contrary for the government to avoid causing the evils of restricting freedoms if the result will be the suffering of its citizens. This is due primarily to the government's duty to provide for the general welfare. The duty provides for the government to make decisions in regards to how that duty should be viewed for the reasons of doing what is best for the situations faced by various individuals. This duty can be substantiated by the moral ideals of "helping others" and "relieving pain." By such considerations, the government could conceivably side with helping the disabled even though it means violating the rules because the ideals would be pursued out of the duty of the government. Additionally, such actions would be justified violations for reasons discussed in the section on government's relation to the moral theory.

Furthermore, the goods that would be promoted would only be involved indirectly and would not enter into the consideration for this point, the funding. However, because

there does seem to be a controversy within the evils that are caused and prevented as well as a justification for the violation through the moral ideals and government's duty, the impartial rational person test. As to the evils, there would be agreement that it is not as favorable to have evils caused; but, the government is required to effect the evils that affect its citizens in the worst ways. The impartial rational person would agree if there was sufficient evidence to show that the burden of insurance was shared equally by all workers covered and that the insurance is returned fairly and in an unbiased manner when necessary. Therefore, it would appear that the funding (payroll tax) is morally allowable.

Questions of Eligibility

The issue of eligibility concerns the limiting requirements on who may collect benefits for disabilities. The exact criteria is not what is being evaluated, but instead the fact that such limits are allowed to be made and are made. The exact eligibility requirements are composed of clauses that limit by age, benefactor, and work history. Examples of these clauses would entail the limiting by age of people incurring the disability before age 22, by benefactor in regards to children that are under the age of 18 or widows/widowers but at a discounted rate, and by work history since the worker must have worked 20 of the last 40 quarters to receive benefits. As has been said, however, the limits of the exact clauses is not the central issue. Though there will be much debate over the limits and exact specifics of such clauses, the central issue of concern is that such limits may be imposed based out of the program itself. Therefore, the evaluation focuses upon the issue of whether you can limit eligibility or, in a negative sense, whether you can exclude participation of disabled individuals because they have not worked a certain

amount of time, were disabled at a certain age, or based on who their parents are. While it may seem biased to claim that such eligibility requirements exclude individuals, it can not be denied that that is what is occurring. It would be assumed that such a harsh sentiment that is evoked by such a statement will not bias the reading of the evaluation.

Incidentally, the moral rule that applies to this scenario is Do Your Duty. The government is not directly (though possibly indirectly) restricting freedom, restricting pleasure, or causing pain; however, it is not doing its duty. The duty involved in the disability insurance program concerns assisting those that are disabled and can not be involved in gainful employment. Thus, the duty would require assisting all individuals who are disabled to be impartial that would be implicitly necessitated by governmental action. This implicit necessity is given power by all people to promote the best for all and there should be attempts to include everyone. This breach of duty is not substantiated, for as long as provisions exist to aid the disabled, such provisions must be impartial. Thus, this breach of the moral rules would seem to make eligibility requirements beyond the intent of the program to be immoral.

The evils which such eligibility requirements try to avoid are those of laziness amongst workers and the possibility of the program being taken advantage of by some individuals. Both are legitimate concerns with evidence of having occurred. However, the issue at hand questions whether morality allows for such evils to be avoided while the evils affecting some disabled people are not avoided. It is not clear whether morality would call for the avoidance of evil where such avoidance means causing evil. However, the causation of evil seems to be a greater breach of morality because it is an active

process, namely the limiting of eligibility, that leads to other evils. Thus, it appears that such limiting would be immoral from the standpoint of evils.

As for duty, moral ideals, and the goods produced, they all seem to have been explained already. There is no duty that would call for not doing one's duty. Also, no ideal would call for exclusion within the scope of a program. Finally, the good of avoiding laziness and fraud is accomplished by the limiting of eligibility. Thus, out of duty and moral ideals, the requirements would be immoral. Yet, the goods of avoiding laziness and fraud lend a shade of credibility to the requirements.

It would appear that the impartial rational person would be concerned with the fraud that is being avoided. Yet, the fact that people are being excluded and that the government is not doing its duty may be more crucial. Thus, the impartial rational person would probably need a great deal of evidence of fraud to side with the limiting of eligibility over the violation of a moral rule, especially one in which the government is not doing its duty from which all of its moral credibility in many other aspects concerning the disability insurance is founded. Therefore, it appears that the fact that eligibility requirements are immoral.

Conclusion

The preceding process for evaluating governmental policies and programs in terms of morality offers a consistent and viable explanation based upon Dr. Bernard Gert's moral theory. The process is an extrapolation of the theory and is not expressed directly by the

theory. The theory allows for its application towards governments, however it does not specify the process by which such application may be applied.

The most important elements of this evaluation were the regards for the moral rules and the duties of the government. The moral theory provides provisions for both of these elements. For that reason, it seems acceptable that the theory can be structured in such a way (the process described by the paper) as to apply to the evaluation of governmental policy and programs.

Further, the theory is based upon the idea that morality is to be at base the avoidance of evil. Therefore, the moral rules are structured so as to mandate such avoidance. While some people may believe that such a limiting approach may be incomplete because it does not require promoting good or inconsistent because it allows governments to violate moral rules for moral ideals, it is neither. It is consistent with the internal mechanisms of the theory, namely by adherence to impartiality and rationality. Such consistency requires that morality can not require actions (even if goods are promoted) that may result in evil. Further, the nature of the government would require it to adhere to its duty by means of pursuing moral ideals though that may mean violating moral rules.

The summary of the moral theory is meant to be as concise as possible. If there are further questions, or a need for further explanation, it would be best to consult the theory itself before biasing one's understanding of its application and extension. The theory makes no active requirements beyond avoiding causing evil. Therefore, the ten rules are structured so as to avoid as much evil as possible.

It is hoped that the arguments have been explained in enough clarity to not appear inconsistent or invalid as a result of the expansion of the theory. While criticism can be made surrounding the ideas of governmental duties and the findings of an impartial rational person, the author believes that the results of the theory and evaluation are strong enough to argue successfully against such objections. Several responses to perceived objections shall be offered in the accompanying appendix.

This paper intended to create a procedure by which one could evaluate the programs and policies of the government. It was intended to clarify and grant credibility or prove dubiousness to issues within government that are often argued about on grounds of morality. To such ends, a moral theory was expanded, applied, and an illustration was given. Whether one agrees with the approach and conclusions or not, it is hoped that such readers at least will come away with an appreciation of the need to be able to substantiate, within the scope of definition, when something is moral and immoral. Such a capability would free the government of susceptibility to political maneuvering under the veil of morality. For such a complex but powerful term can easily dissuade issues concerning governmental actions.

This process (described in the paper) should be noted as only a mechanism by which to evaluate programs and policy. It offers no solutions or methods for making moral policy. Instead, it offers the means by which to conclude upon an action or programs adherence to morality, and such knowledge can go a long way in helping to establish the direction in which the government may need to go. For, if the sign post is hidden in fog, then the decision about which way to go is almost impossible to make. We

need to clear the fog that lies around governmental programs and policies these days and such a process of evaluation as this will be a great asset in such attempts.

Appendix A

Does the government have the duties suggested by the paper?

The government's role is to facilitate the needs of the people. The people give it such authority primarily because it can help solve their needs on a larger scale. Having received its purpose in such a way, the government must address those needs for otherwise it would be abridging the reason for its existence. As a result, the government comes to be required to pursue the moral ideals that attempt to address the needs of the people. One of those ideals would be to aid the needy.

Is this theory not used in a way aimed at substantiating governmental actions?

It is true that most actions would probably be found to be morally allowable. However, that is not because the theory has been misused to come to the end result. There are two considerations here. First, it would only be hoped that most of the government's actions were moral. Second, the actions would only be found if they unjustifiably violated the moral rules. This is a strict criteria and will not be violated often and only when there is a clear wrong.

Do the results not seem to be evidence that such an evaluation is unnecessary, for most results seem to be common sense?

It should be noted that since the moral theory is based upon impartiality and rationality, which are held by most people, there would not be an extreme departure from what we conceive of as common sense. Nor would we want an extreme departure by a moral theory. The results may seem redundant, but they do specify consistently why such common sense is moral. Further, it can give justification in a systematic and complete way to that so called common sense.

Why is so much emphasis given to the impartial rational person?

This is because the principles of impartiality and rationality are the basis for the moral rules and thus morality. Since the only means of measuring these properties is through persons that hold such properties, the ultimate test for morality is appeal to impartial rational people.

How can you claim to have knowledge of how an impartial rational person would view things?

Because I know what the concepts would necessitate and can expand such knowledge to set criteria by which these properties would operate.

Should not the people be the only judge of government and not some theory?

Yes, but to be the judge they must be as informed as possible. Today morality is used to substantiate both sides of the political spectrum at the expense of the people. To say they should judge is correct, to say that they should be deceived is false. The process allows for people to be informed so that they may fairly judge their government.

The process is not feasible due to its required extensive nature, for would it not require a continuous reduction of the points needing to be evaluated?

No, for the simple fact that the isolation of points need not be carried any further than the basic idea of the point. There is a finite limit at which point any further probe of the details will yield the same result as the more general point. Thus, it is feasible because there will ultimately be end points to all aspects evaluated.

Does this theory just espouse the fundamental bias of philosophers, being their desire to find a fundamental basis for meaning and explanation of all aspects of life?

I would agree, for obviously in regards to the morality of governmental actions the process is to find a meaning and explanation for when and why such actions would be moral. However, I would ask if such a question is really a criticism or problem. For what is wrong with finding foundation for justifying actions of governments.

How do you keep this process of evaluation from becoming rigid or formalized and avoid the problems associated with such aspects?

The problems will not become rigid or formal primarily because it does not suggest or require action upon its findings. Instead, the evaluation is simply a statement of how the action relates to morality. To become rigid or formalized, the evaluation would need to express what should be done, otherwise it is only an action of inquisition. Another consideration against the evaluation becoming rigid or formalized is its connection to impartiality and rationality. This connection and relationship can not change because impartiality and rationalism will not change. So thus, the evaluation will not be able to turn rigid and formalized.

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