**The Nature of Morality**

**“Moral Reasoning”**

**Learning Objectives:**

**Knowledge**

* **The relation between law and moral tradition**
* **The relation between culture and moral tradition**
* **The method of moral reasoning -- “deductive reasoning”**
* **The meanings of rational thinking and open-minded attitude**

**Skills**

* **Critical thinking skills, communication skills, creativity**

**Values and Attitudes**

* **Rationality**
* **Rule of law**

Important notes:

1. This learning resource is prepared for teachers of Senior Secondary Ethics and Religious Studies. Teachers are expected to make adaptation and enrichment according to the needs of their students. Moreover, after each learning activities, teachers should provide debriefing to students for their development of positive values and integrative application of generic skills.

2. The ERS curriculum is for S4-S6 SS students. This learning resource uses plain language as far as possible to explain theories of ethics, which, in some cases, are simplified to suit the learning needs of the students.

3. Cases, stories, movie plots, and classic moral dilemmas are included for the purpose of students’ reflection in the learning process. To illustrate moral dilemmas, some viewpoints in this material may seem exaggerated and critical. Teachers should always remind their students of the difference between these viewpoints and the reality in the present world. Judging the past with contemporary standard is not the intended perspective, rather, students should be guided to make contrast and holistic understanding of the relationship between these practices and their historic, cultural and social contexts.

4. The discussion questions, key points and knowledge content of the learning resource are suggestion in nature. Learning and teaching should not be limited to these suggestions. Teacher should use them flexibly for ongoing development of school-based resource according to the learning objectives of the curriculum.

**Suggested teaching period: 5 lessons**

**Teacher shall prepare:**

* Introductory Activity： Should a lover left for someone else be sanctioned?
* Knowledge Content of the Subject (1): Law and morality
* Knowledge Content of the Subject (2): Culture and morality
* Knowledge Content of the Subject (3): Moral reasoning
* Knowledge Content of the Subject (4): Reasoning fallacies
* Case Study (1)**:** The Unwritten Law
* Case Study (2): Diktatiaville City Square
* **Case Study (3): Burying his son for his mother**
* Case Study (4): The Ballad of *Narayama*
* Case Study (5): Right of inheritance of female indigenous inhabitants in the New Territories
* **Worksheet (1)**: Strange **laws**
* **Worksheet (2)**: **Please do the reasoning**
* **Worksheet (3)**: **Is this moral argument valid?**

Suggested teaching process:

1. Teacher discusses “Introductory Activity: Should a lover left for someone else be sanctioned?” with the students. This case is designed for the students to know that law may not be able to solve moral problems.

**2. Students shall finish “Worksheet (1)**: Strange **laws” and thus realize that some legal terms may not fit the present society, as laws are set for certain specific situation at a particular time.**

3. **Teacher explains “**Knowledge Content of the Subject (1): Law and morality”, about the relation between law and morality. Teacher may ask students to share cases showing how some laws may discord with morality. Then teacher may ask student to summarize the key points of the relation between law and morality:

* **Law is for maintaining social order by providing behavioral norms. Many laws can embody moral requirements.**
* **Moral principles require rational judgment, such that they are reasonable and applicable universally. Law takes specific social circumstances and needs into consideration.**

**4. Divide the students in groups of 4-5 and ask them to discuss “**Case Study (1)**:** The Unwritten Law”, for illustrating **that sometimes law may not be in accordance with morality.**

**5. Divide the students in groups of 4-5 and ask them to discuss “**Case Study (2): Diktatiaville City Square”, for illustrating **that law may not be always reasonable or be in accordance with morality. Teacher may ask student to provide better methods to deal with the situation.**

**6. Divide the students in groups of 4-5 and ask them to discuss “**Case Study (3): **Burying son for mother”**, for illustrating that although some cultural practices such as “filial piety” are core values cherished by the Chinese, rigid application may violate some universal moral principles.

**7. Teacher explains “**Knowledge Content of the Subject (2): Culture and morality”, about the relation between culture and morality. Teacher may ask students to share dissonant cases between culture and morality. Then teacher may ask students to summarize the key points of the relation between culture and morality:

* **Our behaviour would be determined by culture unless we rationally reflect on the questions of good and bad, right and wrong.**
* **Culture is the entire way of living of every social group. It includes manners, rules, clothing style, language, religion, ritual, as well as norms formed by law and morality. It sometimes includes elements of religious belief system.**
* **Cultural values and norms are related to morality.**
* **If these cultural values and behavioral norms rely solely on tradition and authority, they are merely moral rules. If, however, after rational scrutiny, they are proved to be applicable to everyone, they then can be considered moral principles.**
* **Under the influence of globalization, interactions between societies have become extremely frequent. Universally agreed moral principles become much more important nowadays for the avoidance of disputes.**

**8. Divide the students in groups of 4-5 and ask them to discuss “**Case Study (4): The Ballad of *Narayama*” and deliberate on the relationship between culture and morality.

* Cultural practices are created or evolved for meeting specific cultural and social needs. They may agree with or violate some universal moral principles. We can understand with empathy the reasons for the emergence of certain cultural practices yet at the same time, we can evaluate these practices against moral principles and see if there is force for these practices to evolve.

**9. Divide the students in groups of 4-5 and ask them to discuss “**Case Study (5): Right of inheritance of female indigenous inhabitants in the New Territories” and further deliberate on the relation between tradition and morality.

* “Modern values” have become widespread because of globalization. They may discord with cultural traditional values.
* Conflicts of values often involves conflicts of interests. When tackling concrete cases, different stake holders should be allowed to express their needs with the good will to work out a solution acceptable by each parties.
* In the long run, we need education and engagement to make possible the emergence of consensus among members of society as well as the evolution of cultural traditions.

10. Teacher explains “Knowledge Content of the Subject (3): Moral reasoning” on deductive reasoning and the meanings of rational thinking and open-minded attitude.

11. **Students shall finish “Worksheet (2)**: **Please do the reasoning” for practicing the newly learned deductive method of moral reasoning.**

**12. Teacher explains “**Knowledge Content of the Subject (4): Reasoning fallacies”, introducing students to several common types of fallacy of moral reasoning. Then teacher may ask student to summarize the key points of moral reasoning:

* In ethics, we should only rely on rational reasoning, instead of authority, revelation, or tradition, when dealing with moral problems.
* In the moral reasoning process, we should keep an open-minded attitude, putting aside our personal interests and biases and making judgements solely with reason.
* Deductive reasoning is one of the major methods for moral reasoning.
  + For the reasoning is to be valid, both major premises and minor premises must be true, that is to say, they should be either facts or principles that everyone accepts.
  + Secondly, if the reasoning is to be valid, premises and conclusion should be related.
* Major premises of moral reasoning can be divided into three categories:
  + Deontology
  + Consequentialism
  + Virtue theory

13. Teacher invite **students to finish “Worksheet (3)**: **Is this argument valid?” and recognize valid and invalid moral arguments, so as to consolidate their knowledge of moral reasoning.**

**14. Based on the feedback of students, teacher provide debriefing for consolidation of key learning points.**

**Introductory Activity:   
Should a lover left for someone else be sanctioned?**

Ka Ming and Rose had been lovers since teenage years and they were born on the same date in the same year. They knew each other since childhood and studied and played together. They fell in love at the age of 16. Ka Ming determined to be a doctor and studied very hard. He promised Rose that he would set up his own medical clinic and, when his career was successfully established, he would marry Rose and build their own family. Rose appreciated very much Ka Ming’s determination and was looking forward to such a day. In the years of pursuing their goals, the two were still sweethearts who were deeply in love, and made many romantic and loving promises to each other.

Ka Ming's years of hard work paid off when he set up his clinic at the age of 35. Their dream might soon come true.

However, on the 20th Anniversary of their first dating, Ka Ming suggested breaking up with Rose because he fell in love with his capable assistant Sau Kam and would marry her half a year later. Ka Ming said this was because with so many years of being with Rose, he had found that their personalities were incompatible and keeping the promise will not bring them happiness. To Rose, the news was as shocking as a thunderbolt out of a clear sky. She found his explanation utterly unacceptable. She thought that Ka Ming had wasted her 20 years of youth and deceived her. She was sad and angry at the same time.

Rose's close friend Ha Wai suggested that she should file a lawsuit against Ka Ming at a court, because Ka Ming deceived Rose and fraud was a criminal offence. Besides, Ka Ming promised to marry Rose after establishing a successful career, but failed to keep the promise. This should be treated as a breach of the contract, which was a civil offence. Since Ka Ming wasted 20 years of Rose's precious time, Rose could ask Ka Ming to compensate for such loss.

On the other hand, Sau Kam fell in love with Ka Ming even knowing that he had a girlfriend since teenage years. Ha Wai thought that this was an improper way to seek benefit and Sau Kam should be punished by law as well.

(A fabricated story)

Questions for discussion:

1. Do you think Ka Ming has done something wrong?

2. Do you think Ka Ming committed fraud? Did he commit a breach of contract?

3. Do you think Sau Kam committed the crime of “seeking benefit in an improper way”?

4. Do you think it is reasonable to take this case on court?

**Worksheet (1)**: **Unusual laws**

Unusual laws are everywhere over the world. Below are some extraordinary examples. Can you guess the reason behind them? Do you think they are reasonable?

|  |  |  |  |
| --- | --- | --- | --- |
|  | Unusual laws | Your guess of the reason for establishing it | Do you think it is reasonable? |
| 1 | In Ohio of the United States, it is illegal to fuddle a fish alcoholically. |  |  |
| 2 | In Japan, it is illegal for men and women to have waistlines over 33.5 and 35.4 inch. Those oversized will be put into re-education and weight losing programs. |  |  |
| 3 | In Georgia of the United States, the pet owner would be penalized if his/her chick crosses a road. |  |  |
| 4 | In Swiss, it is illegal to flush the toilet after 10 pm. |  |  |
| 5 | In Thailand, it is illegal to step on bank notes. |  |  |
| 6 | In Greece, it is against the law to put on high heels inside historical relics. |  |  |
| 7 | In Vermont of the United States, women have to seek a written approval from her husband before wearing dentures. |  |  |
| 8 | It is illegal to die in British parliament building. |  |  |
| 9 | In Singapore, it is illegal to bring a durian into hotels or carrying it in public transport. |  |  |
| 10 | In Granville of France, leading an elephant going into a beach is illegal. |  |  |

Unusual laws are everywhere over the world. Below are some extraordinary examples. Can you guess the reason behind them? Do you think they are reasonable?

|  |  |  |  |
| --- | --- | --- | --- |
|  | Unusual laws | Your guess of the reason for establishing it | Do you think it is reasonable? |
| 1 | In Ohio of the United States, it is illegal to fuddle a fish alcoholically. | It is an environmental law aiming to prevent pollution. |  |
| 2 | In Japan, it is illegal for men and women to have waistlines over 33.5 and 35.4 inch. Those oversized will be put into re-education and weight losing programs. | It is for reducing illnesses arising from overweight. |  |
| 3 | In Georgia of the United States, the pet owner would be penalized if his/her chick crosses a road. | It is for preventing traffic accidents. |  |
| 4 | In Swiss, it is illegal to flush the toilet after 10 pm. | It is for avoiding nighttime noise nuisance. |  |
| 5 | In Thailand, it is illegal to step on bank notes. | Stepping on bank notes is seen as a disrespect to the King, whose image is printed on the notes. |  |
| 6 | In Greece, it is against the law to put on high heels inside historical relics. | It is for preventing the damage to them. |  |
| 7 | In Vermont of the United States, women have to seek a written approval from her husband before wearing dentures. | It is an exemplification of husband’s dominant position in a marriage. |  |
| 8 | It is illegal to die in British parliament building. | The Parliament is considered part of the British Palace. A state funeral should be conducted for those who die inside the palace. |  |
| 9 | In Singapore, it is illegal to bring a durian into hotels or carrying it in public transport. | To avoid the irritation to the public by the smell of durian. |  |
| 10 | In Granville of France, leading an elephant going into a beach is illegal. | Once an elephant of a visiting circus left excrement on the beach and caused hygienic problem. |  |

**Knowledge Content of the Subject (1): Law and morality**

The last section (i.e. Moral principles and moral rules) mentions that law helps to maintain social order by providing norms for behaviours. Many laws embody the requirements of morality. For example, it is morally wrong to kill, so as killing is a legal offence in many societies. However, a law is established in and for a particular society and may therefore be historically and culturally bounded. Behavioral norms in legal forms may not be applied universally, thus, they are but moral rules. Therefore, laws may not always be in line with moral principles. Sometimes they are even discord with each other.

Some behaviors, though allowed by law, violate moral principles. The “unusual laws” in last section are formulated for the specific needs of social order or well-being of members in a particular time and place. From the perspective of people living in Hong Kong today, though some of these laws are still understandable, some appear to be weird or obsolete. Moreover, some may even violate modern values. For example, US laws once permitted the slave system, which violates the moral principle of “do not deprive others of their freedom”. Further, there are laws that still contain elements of religious, racial, and gender discriminations or deprivation of basic human rights in places around the world. In addition, there are behaviors banned by laws but do not have any direct relevance with moral principles. For example, speeding is prohibited by law but it does not necessarily violate moral principles in some occasions. Speeding can be considered morally right when sending an injured person to the hospital.

On the other hand, there are morally wrong practices that are not prohibited by law. For example, some moral theories considered lying wrong. Law, however, is seldom concerned with telling lies in everyday live. The same can be said of playing with one’s feeling, which is obviously immoral but not prohibited by law. Moreover, although some evil thoughts may violate moral principles, they may not lead to legal consequences. For at least, unspoken or unwritten thoughts could not be judged by law. If someone has a thought to murder someone without actually doing so, this person does not violate any law, even though he or she may still be regarded as morally wrong.

All in all, moral principles have to meet the requirements of rational judgement, such that they are reasonable and can be applied universally, while law has to take social context of a particular time into consideration.

**Case Study (1): The Unwritten Law**

Andy Lau, a renowned actor in Hong Kong always calls Deanie Ip, an experienced actress, “mother”, because the two were featured in a family ethics movie --- “Unwritten Law” which was released in 1983 and drew large audiences. The storyline of the movie is as follows:

Lau Wai Lan was a girl from an affluent family in the 1940s. She had premarital sex with her boyfriend and became pregnant during her young and ignorant years. When her parents learned of her pregnancy, they kicked her out of the family so that the family would not lose face. After her son, Lau Chi Pang, was born, Lau Wai Lan sent him to a Catholic orphanage so that he would not become an illegitimate child. Only a sister who was the head of the orphanage knew their relationship. Lau Wai Lan ended up being a prostitute.

Lau Chi Pang did not realise that his mother was the prostitute Lau Wai Lan and neither did he know that his mother was alive and had raised money for him to study law in the UK. After graduation, he returned to Hong Kong and had high aspiration when he entered the legal field. Not knowing that Lau Wai Lan was his mother, he accepted the Lau Wai Lan’s murder case as his first case.

Lau Wai Lan was prosecuted for murdering a whoremaster, Tsang Wai Lim, who was a socialite but at the same time a sex freak who always hurt prostitutes. One day, Tsang found Lau Wai Lan and attempted to hurt her. She killed him for self-defense reason. Fearing that the rich and powerful would be offended, no lawyer dared to defend her case in court. However, Lau Chi Pang disregarded the pressure and decided to seek justice for the defendant irrespective of the cost. With his perseverance, enthusiasm, detailed and professional investigation, and the convincing arguments presented in the trial, Lau Chi Pang had a good chance of winning the case. Suddenly, the prosecutor used his trump card --- summoning a Catholic nun, the dean of the orphanage, to appear before the court to prove that the lawyer and the defendant are mother and son, and demanded a new trial for the case.

According to the law, if the defense lawyer and the defendant are immediate family members, a new trial shall be arranged for the case. And if Lau Wai Lan cannot find another defense lawyer, she will face immediate danger.

The dean was swearing oaths in court on the Bible, declaring that she was telling the truth. She also clearly knew the scheme of the prosecutor and the consequence of telling the truth……

Questions for discussion:

1. What are the difficulties for the dean to tell the truth?

2. What are the difficulties for the dean to conceal the truth?

3. If you were the dean, would you tell the truth? Why?

4. If the court later found out that the dean lie, should the court prosecute her?

5. In this story, do you think that the relation between law and morality is contradictory, complementary, or irrelevant?

Students may give answers containing the following key points (other reasonable answers are also acceptable):

* It was a dilemma for the dean when she was faced with the expectations of law and morality:
  + If she told the truth, Lau would not be able to have a just legal treatment.
  + If she concealed the truth, she would commit the crime of lying and violating the law.
  + Upholding justice and telling the truth are both moral values. In this case, many people tend to believe that upholding justice have a priority over telling the truth.
* If the dean concealed the truth, it too would be a violation of law. If being exposed, although her action may be morally right, she would have to face prosecution too. Thus, law may not agree with morality.

(Note: In the movie, the dean chose to conceal the truth, Lau Wai Lan was freed, while Lau Chi Pang was still ignorance of their mother-child relationship.

The point of this case is to illustrate there may be disagreement between morality and law. It does not try to argue that we can tell a lie or to disrespect the court if we think we have good reasons to do so.)

**Case Study (2): Diktatiaville City Square**

At the centre of Diktatiaville is a rather nice neo-classical city square, laid out in a grid and surrounded by the City Museum, the President’s Palace and other important buildings. In the middle is a fountain, with several large metal dolphins spouting water. Altogether, the square presents an imposing and elegant face for the city.

Alas, whenever it is hot, the younger residents of the city strip off and bathe in the fountains with the dolphins. At these times, the sober square presents a quite different aspect, of lawlessness and loose morality. So at least said the Mayor of Diktatiaville, to his colleagues in proposing some new regulations to tighten up on the use of the square.

Rule number one, to be posted up prominently in the square, is to be NO bathing in the fountains. If anyone defies the order and jumps in, then they will face fines and up to 100 hours of compulsory community service – for example, scrubbing graffiti off the railway bridges or dissolving chewing gum off the pavements.

The councilors nod approvingly at this, although some think privately that as bathing in the fountains doesn’t really do anyone any harm, 100 hours is a bit harsh.

The Mayor nods but reassures them. The penalty is put very high so that no one will dare to risk offending. It is a ‘deterrent’, rather than a measure of the nuisance. And then he goes on:

‘Rule number two is that anyone who has already been convicted of bathing in the fountains and hence evidently not learned from the 100 hours of community service to behave better, will on the second offence face a 12 month prison sentence.’

At this the councilors are a little alarmed. Just for bathing in the fountains? What about if there is a heatwave – if people are a little tipsy and forget the rules? If . . . ? But the Mayor brushes the objections aside. This penalty, he says, will surely never be needed. Only a mad person would risk bathing in the fountains in such circumstances. It is better to have penalties that deter effectively, than weak penalties that encourage people to take the risk of breaking the law.

Naturally, this being Diktatiaville, the proposals become law. The next summer, some students are fined, and one or two are given the long community service orders. No one reoffends. The fountains are left to spurt in peace.

(A story adopted from: Cohen, Martin. *101 Ethical Dilemmas*, 2nd ed. London: Routledge, 2007.)

Questions for discussion:

1. Do you agree with the new laws introduced by the Mayor? Why?

2. What moral principles are related when legislating these new laws?

3. Is there any other moral principles which can justify the new laws introduced by the Mayor?

4. Is there any solution that can satisfy both the pro- and anti- fountain’s bathing voices, while complying with moral principles?

Students may give answers containing the following key points (other reasonable answers are also acceptable):

* The Mayor’s reasons for outlawing fountain’s bathing were “lawlessness and loose morality”. However, this is not clearly put. “Loose morality” is only a judgement, without supports of reason or moral principle. Lawlessness is also a vague claim. It seems to refer to the breaking of the original way of using the fountain. It may not be morally wrong to change a way of public life.
* A reasonable moral principle against fountain bathing may be that the act deprives the freedom of others who want to enjoy the view of fountain.
* However, to those who support fountain bathing, banning the act is a deprivation of their freedom to use a public facility.
* One possible solution is to open some public bathing facility, for those who want to relieve their summer heat that way.

**Case Study (3): Bury one’s Son to Save His Mother**

Compiled by Guo Jujing of the Yuan dynasty, *Twenty-four Filial Exemplars* is a collection of the feats of 24 filial children demonstrated in different angles, different environments and different experiences. Below is the story of a man burying his son for his mother taken from the collection.

|  |
| --- |
| Guo Ju was born during the Eastern Han Dynasty in the Lin Prefecture, Henan Province. He got by begging and wandering in the Jinti Town in Neiqiu Prefecture. He lived on working as a servant and life was not easy for him.  Guo had an aged mother and a son less than 3. The old woman loved her grandson so much that she would let him have all the food while bearing the hunger herself.  “How difficult to get enough food for Mother!” said Guo to his wife, “We still have our child sharing her food. I’m so worried that Mother would die from hunger.” Out of respect for the old woman, the couple made a painful decision: they brought their child to the country side and prepared to bury him. Surprisingly, while digging a pit to about 3 feet deep, they found an iron box which was full of gold. Guo then went home with the child and all the gold. Since then, the family no longer suffered from poverty and Guo had been renowned for his filial piety.  To express his gratitude to the Heaven’s mercy, Guo built the “Ci Ren Temple” at the place where the gold was found. Later generations also built a “Guo Ju Pagoda” at the same place in memory of his deeds. |

Questions for discussion:

1. Why has Chinese culture praised the act of Guo Ju?

2. Is there any significant influence on the plot for Guo to find the box of god?

3. Is Guo’s act of “burying his son for his mother” moral? Why?

Students may give answers containing the following key points (other reasonable answers are also acceptable):

* Chinese traditional culture promotes filial piety. It believes that the Heaven will help those who are filial pious toward his/her parents.
* Although Guo’s act complied with the traditional value of filial piety, it violated the moral principle of “do not kill innocent people”.
* The plot twisted when Guo found the box of gold. This change seems to release certain tension and negative meaning of “killing one’s own son”, affirming the filial side of Guo’s act.
* From modern perspective, although filial piety is a value cherished by the Chinese, the act violates universal moral principles.
* Teachers should remind students the nature, background and historic context of the story.

**Knowledge Content of the Subject (2): Culture and morality**

There is a close relationship between culture and moral norms. Generally speaking, most of **our actions will be determined by culture unless we reflect rationally on issues concerning good and evil, right and wrong.**

**Culture is the way of living of a social group comprising courtesy, rules, clothing style, language, religion, ritual, norms formed by law and morality. It too includes elements of religious belief system. Social groups here refer to any group as small as a family or a clan to as large as a race, an ethnic group, a nation, a state, or even the entire globe. Cultural elements are created by the social group itself or learnt from other social groups. These elements are then communicated and preserved into the next generation through socialization and everyday exchanges. They can spread to another social group as well. For example, the practice of shaking hands as a way of greeting has been spread from the West to the entire world. Thus, culture is continuously innovating and changing.**

**Cultural elements concerning values and behavioral norms are related to morality. Values are things considered important. Behavioral norms are cultural expectation of behavior in different circumstances. Different cultures have their own way to implement their norms. People whose behaviors are considered a violation of customs or morality may find themselves subject to condemnation from public pressure or from their own conscience. However, those who act against the law will be penalized by the authority. For example, a two-timer may receive criticism from others or feel uncomfortable him/herself. However, in Hong Kong, if a married person re-marry someone else, he or she has committed bigamy may be put in jail.**

**If these cultural values and behavioral norms rely solely on tradition and authority, they are but moral rules. Of course, after rational scrutiny, they are proved to be applicable to everyone, they then can be considered moral principles. Take as an example Mencius’ idea of the feeling of compassion. If this idea is not based solely on tradition but can be argued as a universal inborn quality, then the inferred principle of “helping the needy” is a moral principle.**

Particular **cultural values and behavioral norms** are created and further evolved so as to meet needs of the society at a particular time. They may embody or violate some universal moral principles. With sympathy, we can understand the reason for the origination of these customs. At the same time, by using abstract moral principle, we can judge if these customs are reasonable and if they should be modified.

**Under the influence of globalization, interactions between societies have become extremely frequent. It is nearly impossible for specific culture to isolate themselves from others. Moreover, common moral principles are needed for governing acts of the communication and trades between different peoples. Universally agreed moral principles become much more important nowadays, in our “seeking for common grounds”. At the same time, in our encounters with each other, we also needs understanding, respect, and tolerance, which can help us to “keep our differences”.**

**Case Study (4): The Ballad of Narayama**

The Ballad of Narayama (Narayama bushikō), a 1983 Japanese film, retells a special tradition of Nagano Prefecture in Japan.

There is an old legend about the life in a remote village in Shinshu, Japan: All the elderly, once reaching the age of 70, were carried on the back of their family members to Mount Narayama, so that their souls could to go back to the gods of the mountain. In fact, the life of the village was very poor and deprived of resources. Due to poverty, this village had an ancient tradition of deserting the elderly.

Orin was 69 that year and approaching the age to be carried to Mount Narayama, but she was very healthy and was able to catch more fish than anyone else in the village. This made her very distressed. Orin was worried that once she left, her family would not have enough food, so she quickly taught her family members how to catch fish and arranged all the affairs of her family.

One day, Matayan, an old neighbour who was carried to Mount Narayama, rushed back from the mountain in the middle of the night. His family members did not allow him to enter the house, so Matayan kept shouting outside. The next morning, Matayan was carried back to the mountain by his son again. When Orin learned of the incident, she hastened to arrange the affairs of her family.

One year went by and Orin was worried that her eldest son Tatsuhei was afraid to carry herself up the mountain, just like what his father had failed to do, and be laughed at by others. So Orin cracked out her own front teeth intentionally to make herself look older and took baths in cold water to make herself sick, hoping that her son would be more at ease when carrying her up the hill.

The day to carry Orin to the mountain was approaching, her son Tatsuhei was so depressed. When the day was come, Tatsuhei slowly carried his mother to Mount Narayama, he bid farewell to her mother finally and went back to the village.

Questions for discussion:

1. Why would there be such a traditional custom of “carrying the elderly back to the mountain gods”?

2. Do you think Orin agrees with this custom? Why?

3. Do you agree with this custom? Why?

4. Does this custom violate morality? Why?

Students may give answers containing the following key points (other reasonable answers are also acceptable):

* This traditional custom was rooted in the reality that the village was poor. To reduce the use of resources, the elderly were being abandoned.
* The answer of the question “Does this custom violate morality?” depends on the theories we used to judge it. Below are two answers based on two different theories:
  + It is immoral to treat human being as a means. Abandoning the elderly in exchange for the chance of living seems like treating the elderly as a means to an end, thus it is immoral.
  + The abandoned elderly would suffer from starving, but when comparing with the suffering of the entire village due to shortage of resources, the suffering of the elderly was relatively light. Thus the traditional practice is moral.
* Cultural customs are created and further evolved so as to meet the needs of the society at a particular time. They may embody or violate some universal moral principles. With sympathy, we can understand the reason for the origination of these customs. At the same time, by using abstract moral principle, we can judge if these customs are reasonable and if they should be modified

**Case Study (5): Right of inheritance of female indigenous inhabitants in the New Territories**

In March 1994, Christine Loh, a former Legislative Councilor, proposed the “New Territories Land (Exemption) Bill” with the view of amending the land inheritance right in the New Territories. The Bill stormed the whole city when being discussed in the Legislative Council. The New Territories Heung Yee Kuk initiated a demonstration against the bill outside the Legislative Council and nearly a thousand indigenous inhabitants in the New Territories joined the demonstration. Besides, Heung Yee Kuk set up the “Headquarter of the Struggle for Protecting the Community and Defending the Lineages” amidst tense atmosphere. The key points of the Ordinance are as follows:

1. When the “New Territories Ordinance” was enacted in 1910 by the British Hong Kong government, it was stated in provision 13 that the Court may enforce Chinese customs on the land in the New Territories. On the issue of land inheritance right, ancestral property was left along the male lines according to Chinese traditional custom, which means that if a land owner does not make a will, all agricultural land and rural land (urban land in the New Territories is not affected) he owned will be inherited by his sons. If the land owner only has daughters, the agricultural land and rural land will be inherited by his nephews. If the land owner makes a will, the land will be allocated according to his will.
2. In March 1994, Christine Loh, the Legislative Councilor, proposed that except for land held in the name of “tso” and “tong” (land left behind by ancestors), all other agricultural lands shall be administered by the general laws of inheritance in Hong Kong, which means that if a land owner made a will while alive, the land will be allocated to specified relatives according to his will. If the land owner did not make a will, the land shall be divided equally among his sons and daughters.

At that time, the society was divided into two camps. The New Territories Heung Yee Kuk which represented the indigenous inhabitants in the New Territories and most of the indigenous inhabitants in the New Territories opposed the bill but urban citizens /non-indigenous inhabitants of Hong Kong, accounting for nearly 90% of the population, were in favour of the bill or did not oppose the bill. Below are the opinions of the two camps supporting and opposing the bill.

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| --- | --- | --- |
| Mr. A, one of the gentry in the New Territories:  The enactment of the ordinance will damage our long-standing traditional custom, and does not respect our traditional culture and customs. Traditionally, ancestral property has been left along the male lines and this has not caused any trouble. |  | A Legislative Councilor:  The enactment of the ordinance reflects the principle of equality between genders. This will not prejudice the right of the land owner. If the land owner intends to give the land to his sons, uncles, nephews but not to his daughters, he may do so by making a will. As a legislator, we shall not allow the principle of equality being compromised due to unfair customs. |
|  |  |  |
| Mr. B, one of the gentry in the New Territories:  Indigenous inhabitants have a stronger sense of identity and we have our own set of Chinese traditional customs and practice. We also want to maintain and comply with such cultural traditions. Indigenous inhabitants are more conservative and making will is not a popular practice. If a land owner has a strong desire to leave his land to his daughters, he will make a will. If he does not propose to make a will, that means he agrees with this custom. |  | Supporter of the bill:  What is “cultural customs and practices” after all? It is just an excuse. There are many traditions in China. Do the indigenous inhabitants comply with them all? The indigenous inhabitants claim that they will protect the community and defend the lineages, but many of them had already emigrated to other countries, and abandoned their agricultural land. Many of the village houses in the New Territories had been sold to people from another clan or urban people. The so-called cultural tradition has disintegrated. The indigenous inhabitants are just protecting their own privileges and private interest. |

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| --- |
| Mr. C, one of the gentry in the New Territories:  Law cannot break away from local traditional customs and practice. If there is any injustice, the indigenous inhabitants may compromise and settle on their own. If the government presses for a change in this traditional custom and we are required by “an outsider” to “do this and that”, it will only cause resentment. An outsider does not understand the spirit behind a tradition and the living habits of indigenous inhabitants. This is a situation whereby “an outsider supervises an insider”. |

Questions for discussion:

1. Summing up the opinions of the above people, what are the most important reasons for people supporting or opposing the bill?

2. “The New Territories Ordinance” has been enacted for nearly 100 years. Why do you think that amendments were only proposed at the end of the 20th Century?

3. Why do you think the society was divided into two camps, with most of the indigenous inhabitants opposing the bill and non-indigenous inhabitants supporting the bill?

4. In what circumstances will cultural traditional values clash easily with modern value? Why?

5. How shall we deal with conflicts between “traditional cultural values” and “moral values”?

Students may give answers containing the following key points (other reasonable answers are also acceptable):

* There are moral values behind the arguments of both the supporting and opposing group. For example, those who support the bill upheld the value of “equality between man and woman”. Those who oppose the bill upheld the value of “traditional customs” (the indigenous land inheritance tradition), “for the clan” etc. The former values are modern ones, and the latter cultural and traditional.
* There are two reasons why it is only proposed at the end of the 20th Century. First, the *Basic Law* set up a protection for the traditional rights of the indigenous inhabitants, the implementation of such rights may be considered unfit with modern values by the general public. Secondly, the idea of equality between man and women has been increasingly accepted by Hong Kong people.
* Under the development of globalization, we have to search for common values to facilitate our living together. Thus, there is a trend toward the acceptance of modern values.
* Issue related to distribution of interests become the main battle ground between “cultural & traditional values” and “modern values”. In the short term, one way to solve the conflict is to let stakeholders express their opinions. The society should then try to work out a practical solution that can take care of the needs and interests of different parties. In the long run, we need education and cultural transmission, as well as dialogues, to help the formation of new values.

Reference material:

1. *East Weekly*, 75th issue, 30 March 1994

2. *Next Magazine*, 1 April 1994

3. *Mingpao*, 31 March 1994

4. Hong Kong Legislative Council, “Official Record Of Proceedings, Wednesday, 22 June 1994”, <http://www.legco.gov.hk/yr93-94/english/lc_sitg/hansard/h940622.pdf>

**Knowledge Content of the Subject (3): Moral reasoning**

When we are dealing with moral questions, we often have to provide reasons to explain and justify an act. When doing so, ethics requires us to reason with rationality, instead of authority, revelation, or tradition. Reasoning means to “think, understand, and judge logically”. By rationality, it refers to the reasoning ability.

When reasoning, an open-mined attitude is assumed, leaving aside personal interest and bias and relying solely on rationality for making judgment. People with reason know that they have blind spots and inadequacies in their thinking. They expect their ideas to be far from being perfect, they still try to be open-mined, humble, and curious, willing to listen to different voices.

So, what do we mean when defining reasoning as to “think, understand, and judge logically”? Deductive reasoning is a major way of reasoning. Below is a brief introduction of applying deductive reasoning in ethical questions. Deductive reasoning has the following basic structure:

(major premise) All human beings will die.

(minor premise) Socrates is a human being.

(conclusion) Socrates will die.

Premises are the bases for us to judge whether the conclusion is true. Major premise is a general principle. Minor premise is a particular case relating to the major premise. To constitute a valid argument, the major and minor premises of the argument must be true. In other words, they must be facts or are generally accepted principles. Referring to the example above, the conclusion is reasonable, only when both “all human beings will die” and “Socrates is a human being” are facts. To clarify the relationship between premises and conclusion, we can use keywords such as “Since” and “therefore”. The example above can be rewritten as: “Since all human being will die and Socrates is a human being, therefore Socrates will die”.

Secondly, the premises and the conclusion must be related for the argument to be valid. For example, the argument “since all human being will die and Socrates is a human being, therefore Socrates has done something wrong” is invalid because the premises are irrelevant to the conclusion.

Let us look at another example of ethics:

(major premise) One should not lie.

(minor premise) The way I conceal the incidence is lying.

(conclusion) I should not conceal the incidence this way.

This argument goes like “since one should not lie, and that the way I conceal the incidence is lying, therefore I should not conceal in this way.” If “one should not lie” is a debatable premise, then the conclusion may not be established. If this is the case, we should first establish the premise “one should not lie”.

There are three types of moral reasoning, depending on the major premise:

1. Deontology: It is rooted in the idea of moral law. The moral principles take the form of “imperatives”. Deontological reasoning first states the duties (moral imperatives) that human should do, and then analyse the concrete case being considered (be it a real case or imaginary one). It then infers from the imperatives the right action in that case. Suppose, for example, in a department store, there is an expensive watch left unattended in a counter. As there is nobody around and no CCTV is monitoring, I can take it for my own without being noticed. From the view of deontology, the case can be argued as follows:

(major premise) Do not steal (moral imperative/ duty that humans should do)

(minor premise) That I take away the watch is stealing (the

case under consideration)

(conclusion) I should not take away the watch

2. Consequentialism: it is rooted in the idea of consequence. Major premises are actions that can bring forth good consequences. What consequentialism concerns is the means by which the best consequence can be obtained. Generally speaking, good actions should bring forth pleasure and reduce pain and suffering to those who are related with the action. Referring to the above example, from the view of consequentialism, the case can be argued as follows:

(major premise) Good action should increase pleasure and reduce suffering for those affected by it.

(minor premise) Taking away the watch will increase my pleasure, while

increasing the suffering of the watch owner and the shop

keeper.

(conclusion) Taking away the watch is not a good action, and I should

not take away the watch.

3. Virtue Theory: It takes nurturing or exemplifying personal virtues (ideal human qualities) as the major premises. Virtue theory believes that our actions manifest our virtues (such as honesty, uprightness, courage, love, etc.). Inversely, actions can reinforce or weaken our virtues. From this point of view, our actions should manifest our good qualities. Referring to the above example, the reasoning of virtue theory will be as follows:

(major premise) I want to be honest and hate to be a thieve.

(minor premise) Taking away the watch renders me a thieve.

(conclusion) I will not take away the watch.

Reference: **http://www.rit.edu/~w-ethics/resources/manuals/dgae1p10.html**

**Worksheet (2)**: **Please do the reasoning**

People disagree not only on what is right and wrong but also the reasons behind. Below are pairs of contradicting moral stances. Please, with an open and reasonable mind, complete the steps of moral reasoning.

|  |  |  |
| --- | --- | --- |
| Example︰ | I oppose abortion, because | major premise： It is wrong to kill humans. |
| minor premise： Fetuses are humans. |
| conclusion：Abortion is wrong. |
| I support abortion, because | major premise： There is nothing wrong with deciding the way of handling one's own body. |
| minor premise：A fetus is only part of our body. |
| conclusion：There is nothing wrong with deciding the way of handling one’s own fetus (such as abortion). |
| 1. | I oppose t pre-marital sex, because | major premise： |
| minor premise： |
| conclusion： |
| I support pre-marital sex, because | major premise： |
| minor premise： |
| conclusion： |
| 2. | I support the legalization of same-sex marriage, because | major premise： |
| minor premise： |
| conclusion： |
| I oppose the legalization of same-sex marriage, because | major premise： |
| minor premise： |
| conclusion： |

**Knowledge Content of the Subject (4): Reasoning fallacies**

Many heated debates are full of reasoning fallacies. Although they appear to be reasonable and persuasive, they are in fact false. These arguments are fallacious either because premises are unsupported or because their premises are irrelevant to their conclusions. Below are some common types of reasoning fallacies:

**1. Appeal to the majority**

It argues that a proposition is true because many or most people believe it.

Example 1:

John: “Everyone believes that ‘Everyone for himself and the devil take the hindmost’, thus, it is not wrong to be selfish!”

First of all, from our experience, it is not true that “everyone believes” the statement. Moreover, even, for the sake of argument, we agree that a many people believe the statement, it is only a description of facts. We cannot infer from it a normative claim “it is not wrong to be selfish”. Thirdly, the true meaning of “Everyone for himself and the devil take the hindmost” is that everyone has to be strong and fight for themselves.

**2. Appeal to authority**

It argues that a proposition is true because some authority says so.

Example 2:

Peter: “As the super star Andy Lau says drug use is harmful, it is wrong to do so.”

Although super stars may exert great influence over their fans, their ideas are only personal views, from which we cannot derive a normative conclusion. It may be effective to employ the influence of super stars for the promotion of anti-drug campaign. We can also give a sociological or psychological explanation for this effectiveness. However, it is fallacious to draw to above conclusion.

**3. Personal attack (*Argumentum ad hominem*)**

In this case, an argument is rebutted by attacking the character, motive, or other attributes of the person making the argument, rather than attacking the content of the argument itself.

Example 3:

Mary: “Hitting others is wrong as it does not respect others.”

Paul: “You do not even know how to speak correct Cantonese! How dare you argue with me?”

The reality is that Paul’s accent is irrelevant to the reasonableness of his argument.

**4. Relativism**

It argues that morality is only true for some people, but not others. Here is one way to put it: “You may be right, but it is not applicable to me.”

Example 4:

Jane: “The way you criticize people is disrespectful, so it is wrong.”

Tom: “You may think I disrespected them, but I think criticizing them does not mean I was disrespectful.”

Generally speaking, those who believe that “You may be right, but it is not applicable to me” may not really insist on moral relativism. It may only be that because they cannot find reasons to support their stance, they take a temporary position of relativism. In this example, Tom does not argue for why he thinks his way of criticizing others is not disrespectful. Instead, he just claims that the principle of respect is not applicable to him.

**5. Circular reasoning**

In this case, unverified premises are used to infer the conclusion, or the conclusion is used to back up the premises.

Example 5:

May: “Ann is immoral, because she behaves immorally!”

May has assumed the premise that “Ann behaves immorally”, which includes the conclusion “Ann is immoral”. Yet she has not, while it does not establish the premise of “Ann behaves immorally”.

Example 6:

Annie: “The President is a good leader because he loves the people.”

James: “How can you know he loves the people?”

Annie: “Because the President is a good leader, he certainly loves the people.”

Annie believes that the President loves the people (premise), so he is a good leader (conclusion). However, when James asks Annie for a reason to support the premise, Annie takes “The President is a good leader” as the premise for deducing the conclusion “he loves the people”. This way of turning the conclusion around to support the premise is obviously a circular argument.

**Worksheet (3)**: **Is this argument valid?**

Can you identify which of the following moral arguments are valid and which fallacious? For those fallacious ones, can you identify what kind of fallacy have they committed?

|  |  |
| --- | --- |
| Questions | Valid／Fallacious |
| 1. “My Chinese teacher said that Brand S’s mobile phones are better than those of Brand A, so I think Brand S is better.” | 🞏 Valid  🞏 Fallacious  （It commits\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_） |
| 1. “Actions that can increase the pleasure of those affected are moral. Tim’s volunteer work has increased the pleasure of the people he served, so his action is moral.” | 🞏 Valid  🞏 Fallacious  （It commits \_\_\_\_\_\_\_\_\_\_\_\_\_\_） |
| 1. “Many people think that this official's speech is equivalent to insulting the public and I therefore agree that he is wrong!” | 🞏 Valid  🞏 Fallacious （It commits \_\_\_\_\_\_\_\_\_\_\_\_\_\_） |
| 1. “This lecturer was expelled from school when he was a teenager. And he said that the education system is oppressive. How can he convince others? “ | 🞏 Valid  🞏 Fallacious  （It commits \_\_\_\_\_\_\_\_\_\_\_\_\_\_） |
| 1. “Judy wants to be a responsible person, and she believes that if she makes a mistake, she will admit it. Now she thinks that in the bazaar that she has taken the initiative to organize, there were some decisions that has been wrongly made. She therefore decided to apologize to the other members for her mistake.” | 🞏 Valid  🞏 Fallacious  （It commits \_\_\_\_\_\_\_\_\_\_\_\_\_\_） |
| 1. “It is wrong to hurt innocent people. Enforcing laws over-stringently may hurt innocent people. Therefore, it is immoral to enforce laws over-stringently.” | 🞏 Valid  🞏 Fallacious  （It commits \_\_\_\_\_\_\_\_\_\_\_\_\_\_） |
| 1. “Being human, one must adhere to one’s position, because to uphold one’s position is the most important principle of being human.” | 🞏 Valid  🞏 Fallacious  （It commits \_\_\_\_\_\_\_\_\_\_\_\_\_\_） |
| 1. “Ordinary people think they have to keep their promise, but in my free world, keeping promise is nothing but fetters.” | 🞏 Valid  🞏 Fallacious  （It commits \_\_\_\_\_\_\_\_\_\_\_\_\_\_） |

(suggested answer)

|  |  |
| --- | --- |
| Questions | Valid／Fallacious |
| 1. “My Chinese teacher said that Brand S’s mobile phones are better than those of Brand A, so I think Brand S is better.” | 🞏 Valid  🗹 Fallacious  （It commitsAppeal to authority ） |
| 1. “Actions that can increase the pleasure of those affected are moral. Tim’s volunteer work has increased the pleasure of the people he served, so his action is moral.” | 🗹 Valid  🞏 Fallacious  （It commits \_\_\_\_\_\_\_\_\_\_\_\_\_\_） |
| 1. “Many people think that this official's speech is equivalent to insulting the public and I therefore agree that he is wrong!” | 🞏 Valid  🗹 Fallacious （It commits the fallacy of appeal to the majority ） |
| 1. “This lecturer was expelled from school when he was a teenager. And he said that the education system is oppressive. How can he convince others? “ | 🞏 Valid  🗹 Fallacious  （It commits the fallacy of personal attack） |
| 1. “Judy wants to be a responsible person, and she believes that if she makes a mistake, she will admit it. Now she thinks that in the bazaar that she has taken the initiative to organize, there were some decisions that has been wrongly made. She therefore decided to apologize to the other members for her mistake.” | 🗹 Valid  🞏 Fallacious  （It commits \_\_\_\_\_\_\_\_\_\_\_\_\_\_） |
| 1. “It is wrong to hurt innocent people. Enforcing laws over-stringently may hurt innocent people. Therefore, it is immoral to enforce laws over-stringently.” | 🗹 Valid  🞏 Fallacious  （It commits \_\_\_\_\_\_\_\_\_\_\_\_\_\_） |
| 1. “Being human, one must adhere to one’s position, because to uphold one’s position is the most important principle of being human.” | 🞏 Valid  🗹 Fallacious  （It commits the fallacy of circular reasoning） |
| 1. “Ordinary people think they have to keep their promise, but in my free world, keeping promise is nothing but fetters.” | 🞏 Valid  🗹 Fallacious  （It commits the fallacy of relativism） |

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