Chapter 1

Moral Judgment
The Power That Makes Superman Human

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“Do whatever you think is best. I trust you.”
Lois Lane to Superman

Superman has incredible powers and, luckily for us, he chooses to use them for good. But good intentions are not enough to actually do good with his powers—he must know what to do with them as well. Most of the time this is simple: see bank robber, catch bank robber. Hear Jimmy Olsen’s signal watch, get him out of trouble. Find out Doomsday is threatening Metropolis, fight Doomsday (even to the death).

But not all choices are so clear-cut. Often there will be two or more disasters Superman needs to prevent. His enemies put him in such situations—“What will you do now, Superman: save the bus full of schoolchildren or your precious Lois?”—because that’s one of the few ways the writers of Superman can challenge him (aside from using kryptonite or magic). Sometimes he can find a way to save both the kids and Ms. Lane—after all, he is Superman—but other times he must make a choice. In such cases, all the superpowers in the world don’t matter, and it all comes down to judgment, the ability to make tough choices in difficult situations. The need for judgment is what brings all superheroes down to Earth, and what ultimately makes them relatable to their fans despite their fantastic abilities.
The Trinity of Moral Philosophy

Moral philosophy (or ethics) is the area of philosophy dealing with what we should do, what kind of people we should be, and what kind of lives we should live. There are three basic schools of ethics: utilitarianism, deontology, and virtue ethics. Utilitarianism says that we should do those things that maximize the “good” in the world, whether that good is understood to be happiness, well-being, or some other valuable part of life. Deontology emphasizes the morality of actions themselves without relying exclusively on their consequences, and is often put in terms of the “right” instead of the “good.” Finally, virtue ethics changes the focus from actions to actors, describing the characteristics of a good or virtuous person and then taking what such a person would do as the basis for virtuous action. A simple Web search for “what would Superman do?” reveals the popularity of the virtue ethics approach.

To some extent, each of these three schools of ethics can be understood as laying out simple rules or formulas for making moral decisions. Utilitarianism demands that you consider the benefit and harm to all people affected (and as far into the future as you can anticipate) of each potential action, and then choose the option with the most total benefit compared to harm. Deontology would have you assess each potential action according to a moral standard, often in the form of rules or duties, and then choose the option with the highest moral “status” according to that standard. Virtue ethics is the farthest removed from rules or formulas. Nonetheless, it asks us to imagine what someone we imagine as virtuous would do in a similar situation and then do likewise.

For example, suppose Jimmy Olsen is considering telling a young woman that he’s a full-fledged reporter (instead of a photographer) for the Daily Planet in hopes of impressing her and getting a date. If he were a utilitarian, he would assess the consequences of his deception: maybe he’d get a date, but he’d either have to keep up his ruse while he was with her (and involve his friends and colleagues in it), or else his dream girl would find out and stick his camera somewhere even Superman couldn’t find it. It could work out, if he’s very lucky, but likely not. If he were a deontologist, the issue would be much simpler: lying is usually considered to be wrong, especially if it’s done for personal gain. Or he could be a virtue ethicist and ask what his
Big Blue buddy would do—but he could never imagine Superman lying to a woman to get a date. (“He wouldn’t have to,” Jimmy may grumble.) Despite their differences in approach and focus, the three schools of ethics often agree on the “big” moral issues, such as murder, theft—and lying, even if only to get a date. Even for Jimmy. (Sorry, Jimmy.)

But Like Superpowers, Ethics Only Gets You So Far

If only we could deal with all of our moral questions as easily as we did with Jimmy and his love life. Let’s take a more complicated example: Lois is investigating corruption in the Metropolis mayor’s office, but in order to get the last piece of information that will make the story complete and bring down the guilty parties, she has to blackmail one of her sources. Lois knows full well that blackmail is illegal—she’s reported on it many times—but at the same time she believes that this story will strike a major blow to corruption and make Metropolis a better place to live for all its citizens. While Jimmy was thinking of doing something normally regarded as bad or wrong merely to get a date, Lois has what most would consider a good reason to commit blackmail. So she has to decide: is it OK to use blackmail in her situation?

In this case, our three schools of ethics are less helpful because there are good reasons on both sides of the argument. Ethical theories are very good at nailing down reasons to do or not do something, but not so good at comparing reasons for one action to reasons for another. Utilitarianism would seem to offer the best way out. But it is incredibly difficult to calculate and compare the good and bad consequences of breaking the story and committing blackmail. Deontology avoids the messy business of valuing consequences and having to put everything into numbers, and instead focuses on the right and wrong in the situation. But deontology still leaves us with the difficult issue of whether to commit the wrong (blackmail) in order to further the good (fight corruption). Finally, virtue ethics would have us ask what the good person would do, but we have to assume good people would also struggle with these issues. Certainly, exposing wrongdoing and obeying the law are both virtuous actions, but which one is more important?
What all three ethical schools are missing—at least in their simplest forms—is a theory of judgment. Philosopher Immanuel Kant (1724–1804), a deontologist famous for his categorical imperative that generates moral duties, believed that judgment was necessary for putting those duties to work in real-life situations. Abstract duties and rules require “a power of judgment sharpened by experience, partly in order to distinguish in what cases they are applicable, and partly to gain for them access to the human will as well as influence for putting them into practice.” But while Kant’s categorical imperative provides formulas that determine whether a general plan of action (or maxim) is permissible or forbidden, it doesn’t tell us what to do when duties or obligations conflict, such as in Lois’s case. In fact, there is no rule or formula that can help her make this decision; if there were, that rule would someday come in conflict with another, requiring another rule, and so on. As Kant wrote:

> although the understanding is certainly capable of being instructed and equipped through rules, the power of judgment is a special talent that cannot be taught but only practiced. Thus this is also what is specific to so-called mother-wit, the lack of which cannot be made good by any school.

If Lois were a Kantian deontologist, she would recognize a duty to expose wrongdoing as well as a duty to obey the law, two duties that conflict in her current predicament. According to Kant, there is no higher-order rule or duty to tell her which is more important, because that depends on the situation—so she must use her judgment, her “moral compass,” to determine the right answer.

Although Kant was a deontologist, this idea of judgment can be applied to the other two ethical theories as well. Like deontologists, virtue ethicists need to balance different virtues that may conflict, with no recourse to a higher “meta-virtue” that can solve the problem. Utilitarians seem to have it easy, since their “balancing” consists of comparing goods and bads on a common scale of utility or happiness. But they can’t possibly anticipate and calculate all of the consequences of their actions, so they need to decide which are most important—and this takes judgment. Specifically, contemporary philosopher Barbara Herman writes that judgment of this kind provides “moral salience,” which a person needs “to pick out these elements of his circumstances or of his proposed actions that require moral attention.”
If Lois were a utilitarian, she would presumably focus on the big things: the benefits to the citizens of Metropolis of exposing government corruption and the risks of someone discovering her blackmail. She may also consider the effects on the person she would blackmail, but may judge his well-being to be less important, given his role in the corruption scandal. She may also consider the effects on her friends and family if she were convicted of blackmail, but may dismiss these concerns because she believes these people would support her. Given the impossible task demanded of utilitarians, she has to focus on the most salient moral consequences—but at the risk of forgetting something that may have changed her mind.

**Tragic Dilemma in Your Pocket (Universe)**

Despite his superpowers, Superman still confronts ethical dilemmas and still needs to use judgment to solve them. For him, however, the stakes are usually much higher than those the average person deals with. The weight of Superman’s choices is often like that of world leaders’ choices, potentially affecting millions of lives and the future of nations.

One of Superman’s darkest hours came during an adventure in an alternate “pocket” universe in which he encountered three Kryptonians—including that universe’s version of General Zod—who escaped imprisonment in the Phantom Zone and killed the entire population of that universe’s Earth. After defeating them using gold kryptonite, which robbed them of their powers (but didn’t affect Superman because he was from a different universe), Superman had to decide what to do with them. He felt they had to be punished for killing five billion people, but the Phantom Zone projector was destroyed, so they couldn’t be returned there. He could simply leave them on the scorched Earth of the pocket universe, but the criminals promised to find their way to Superman’s universe once their powers returned—stronger than Superman’s—and then destroy him and his Earth.

In the end, Superman proclaimed to them, “What I must now do is harder than anything I have ever done before. But as the last representative of law and justice on this world, it falls to me to act as judge, jury … and executioner.” He opened a canister containing green kryptonite (from their universe), and the three criminals pled
for their lives as it killed them. Superman shed a solemn tear and then returned to his own universe, clearly distressed by what he had done: “I know that from now on things can never truly be the same again.”

Superman faced an impossible decision: either kill the three Kryptonian criminals or risk them invading his own universe and threatening to destroy another Earth. Philosophers call this a tragic dilemma, a choice situation “from which it is impossible to emerge with clean hands.” There is no way out of this dilemma for Superman; whatever decision he makes will be morally horrible in some way. Nonetheless, he must make a choice, because even flying away would be a choice to let the Kryptonians live to destroy his own world. And even after he made a choice, the choice he judged to be best (or least bad), he still felt remorse and regret—not for the choice he made, but for the fact that the circumstances forced him to make a choice at all.

Soon after his return, Superman suffered an episode of split personality, adopting the alter ego of a vengeful, terrorizing hero named Gangbuster. After discovering his breakdown and the harm it had caused, he went into exile from Earth due to his tremendous guilt—another exercise of judgment balancing his duties to humanity and his responsibility to protect it from his instability. After some time away he meets a cleric, a priest from Krypton, who uses a Kryptonian relic, the Eradicator, to help Superman get past his guilt so he can return to Earth. Visiting the gravesite of the criminals he killed, Superman explains to the cleric, “I hate what I did that day … but nothing in my power can erase it. I buried them here … but I’ll never bury my shame.” The cleric realizes the tragic dilemma Superman faced, and assures him, “I have looked into your soul. Yours is the heart of a true hero … If you have sinned, it was in the cause of justice.” More important, the cleric helps Superman see that no matter what he did in the past, he can still do good for the people of Earth by returning as their hero—correcting his earlier judgment to go into exile, and restoring Superman to the world that needs him.

I’m Walkin’, Yes Indeed

That wasn’t the first time Superman doubted himself, and it certainly wasn’t the last. Much later, he would suffer two tremendous losses within the space of a year: the death of his father, Jonathan Kent, and
the death of 100,000 Kryptonians freed from the Bottle City of Kandor and established on “New Krypton,” a planet on the other side of the sun from Earth. To make matters worse, upon returning to Earth after spending a year on New Krypton, Superman was accused of losing touch with humanity. So Superman did what any reflective superhero would do—he decided to take a walk.

In the “Grounded” storyline that lasted over a year (in our time), Superman walked across America, reconnecting with everyday people and their problems, and coming to terms with his own role as Superman and the values of truth, justice, and the American way that he had come to question. Like his exile from Earth, his walk across America forced Superman to confront moral dilemmas that required judgment. In this case, however, the dilemmas were much closer to home, and more familiar to readers, than deciding what to do with three superpowered Kryptonian criminals in a pocket dimension. Furthermore, they served to reaffirm the values that Superman had begun to doubt, thus allowing us to make a connection between judgment and moral character.

For example, in one issue Superman takes a detour from his stroll to fly from Iowa to Kansas to put out a fire at a chemical plant where Lois happens to be conducting an investigation. She tells him about the story she’s writing that she hopes will force the plant to upgrade the environmental controls on its equipment and clean up the waste it dumped in a local river. As Superman is about to leave, several plant workers plead with him, explaining that the plant is the main employer in town and that full compliance with environmental regulations will bankrupt the company and put all the employees out of work. The workers plead for their jobs while Lois and the former employee helping her with her article emphasize the environmental costs (and the corruption leading to them). Superman is torn, saying under his breath, “I don’t know. It’s not all black and white.”

The following exchange between Superman and Lois shows the need for judgment in the situation:

**SUPERMAN:** There might be a right and wrong in the universe, Lois … but it isn’t always easy to tell the difference.

**LOIS:** Are you serious? Moral ambiguity? From you?! What about the truth? Doesn’t the public have a right to know?

**SUPERMAN:** What good is the truth, Miss Lane, if it just causes suffering.
With all due respect to Lois, Superman’s struggle doesn’t reflect moral ambiguity. It reflects the fact that in a tragic dilemma like this, in which someone or something is going to be hurt no matter what choice is made, right and wrong aren’t obvious—they have to be determined using judgment. In the end, Superman decides in favor of keeping the plant open, despite the harm already done to the environment, and tells the plant employees, “if you promise to do a better job cleaning up after yourselves in the future, you won’t have any trouble from me. And I’ll be checking in on you to make sure you do.”19 The hard part comes when Superman tells Lois to kill the story that would surely close the plant and put all the employees out of work.

Superman Did What?

Let’s set aside the issue of Superman ordering Lois to do anything—give him a break, he was unbalanced at the time—and focus on their opposing judgments. It’s one thing for Superman to form a certain judgment on the situation, but Lois is free to arrive at the opposite conclusion. Being a journalist, she naturally believes that, in the long run, reporting the truth and refusing to bury stories is more important than the short-run harms it may cause, even the loss of hundreds or thousands of jobs.20 After angrily walking away from Superman after the chemical plant explosion, she writes the article. As she tells Superman when next they meet at the end of the “Grounded” storyline: “Oh, I wrote the article, just like I said I would. I married you, Clark, but I dedicated my life to the truth long before I met you. I’m not going to turn my back on that, even if it does mean losing you.”21

Lois and Superman both saw the same issues at play—including the value of the truth and the concerns of the workers—but weighed their relative importance differently. As we saw before, there can be no rule or formula to determine which reason for acting is more important; it comes down to judgment. One way to think about judgment is that it reflects a person’s basic, core values, which run deeper than any ethical theory, and guide the person in applying them. Lois’s judgment was based on who she is, a journalist devoted to the truth, just as
Superman’s judgment was based on being humanity’s protector and balancing the good of everybody involved. Since Lois and Superman—both good people—have different core values, they judge tragic dilemmas such as the issue of the chemical plant differently.

This understanding of judgment is found in contemporary philosopher Ronald Dworkin’s theory of judicial decision-making.\textsuperscript{22} When judges face “hard cases”—those not easily settled by a straightforward reading of legal texts and precedents—they must balance the many principles relevant to the case using their judgment, informed by a deep understanding of the legal system. Using his or her judgment, the judge will then arrive at the “right answer,” the decision that best maintains the integrity of the legal system and is consistent with written law and past decisions. But every judge may understand these principles, and weigh them against each other, differently from the rest—much as Lois and Superman did regarding the chemical plant.

Lois and Superman each made the decision that maintained their moral integrity and was consistent with who they were and the core values they support. Lois would have felt she betrayed her journalistic values had she agreed to kill the story, and Superman would have felt he betrayed his superhero identity had he forced the plant to close. Each of us, when faced with a moral dilemma, must make the choice that reaffirms who we are and who we want to be. Otherwise, we would betray our basic values—essentially, we would betray ourselves.\textsuperscript{23}

\textbf{What Makes Superman Human}

Superman’s amazing powers give him more options to deal with problems, but they don’t help him make better decisions than the rest of us, as the “Grounded” storyline makes clear. Not only did his walk across America help Superman reconnect with normal people, it also helps us connect with him, whether he’s strolling through our neighborhood or battling Kryptonian criminals in another dimension. It shows us that, no matter how much his powers distance him from humanity, his need to use judgment to solve moral dilemmas makes him no different from you or me—and serves to ground him no matter where in the universe he may be.
Notes

4. While blackmail is illegal, it is actually surprisingly difficult to explain why it’s immoral, since it can be understood as one person offering to keep another person’s secret—just for money. On this paradox, see legal scholar Leo Katz’s book *Ill-Gotten Gains: Evasion, Blackmail, Fraud, and Kindred Puzzles of the Law* (Chicago: University of Chicago Press, 1996).
5. Immanuel Kant, *Grounding for the Metaphysics of Morals*, trans. James W. Ellington (Indianapolis: Hackett, 1785/1993), 389. (This page number is based on the Prussian Academy edition of Kant’s works, and is provided in any reputable version of his work.)
6. Immanuel Kant, *Critique of Pure Reason*, trans. Paul Guyer and Allen W. Wood (Cambridge: Cambridge University Press, 1998), A133/B172. (Most modern editions of this *Critique*, the first of three Kant would write in his “Critical period,” are combinations of the 1781 and 1787 editions, signified by A and B, respectively. This quote appeared in both editions, hence the dual page numbering.)
10. Ibid.
13. *Superman*, vol. 2, #33 (July 1989). (And yes, this is the same Eradicator that became one of the four replacement Supermen after Superman’s death; see *The Return of Superman*, 1993.)


15. Ironically, Pa Kent died of a heart attack while Superman was restoring Kandor to normal size in the Arctic (*Action Comics*, vol. 1, #870, December 2008, reprinted in *Superman: Brainiac*, 2009). New Krypton was destroyed, along with all of its inhabitants, in *Superman: War of the Supermen* (2011).

16. “Grounded” began with a prologue in *Superman*, vol. 2, #700 (August 2010), continued in the *Superman* title (with the exception of #712) until the final issue, #714 (October 2011), and was collected in *Superman: Grounded Vol. 1* and *Vol. 2* (2011). The premise is reminiscent of the classic 1970s run in *Green Lantern/Green Arrow* (reprinted in trade paperback in 2012) that saw Green Arrow—man of the people—taking Green Lantern—space cop—on a drive across America in an old pick-up truck to reintroduce Lantern to the problems facing the country. For more on this run, see chapters 8 and 9 in *Green Lantern and Philosophy: No Evil Shall Escape This Book*, ed. Jane Dryden and Mark D. White (Hoboken, NJ: John Wiley & Sons, 2011), 105–135.


18. Ibid.

19. Ibid.

20. For more on journalistic ethics, see chapter 3 by Southworth and Tallman in this volume.

