On Why We Shouldn't Trust Ethical Theorists: A Response to Kaelin

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Recommended Citation

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Don't trust the ethicist, not even "genuine" ethicists or philosophers who are well-informed about the complexities that stand behind questions on right and wrong. What Arendt said about politics we can also say about ethics: ethical questions are far too serious to be left to ethicists, genuine or otherwise.[1] To this it should be added that taking ethics seriously demands not taking ethical theorists too seriously.[2] The latter may have something important to contribute to discussions of particular clinical cases or bioethical matters of public policy, but to take the views of theoreticians to be definitively authoritative amounts to abandoning our responsibility to society and giving up on our own agency. While I am in general agreement with Kaelin on his polemic against relying on expert ethicists I think it is crucial to extend the scope of application of his skeptical argument beyond ethics technocrats.

In what follows I will discuss an intractable problem in ethical theory brought about by disagreement. The purpose of the discussion is to demonstrate that though ethical theorists provide a significant contribution to discussions of practical moral problems, their judgments are by no means decisive or definitive.

Disagreement about moral issues abound and conflict between widely accepted moral principles are common. At least some of the attractiveness of relying on ethical theorists come from the expectation that they can help

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[1] Of Jaspers, Arendt writes in *Men in Dark Times* (New York: Harcourt, Brace & World, 1968), 75: "For he knows . . . that political questions are far too serious to be left to the politicians." She admires Jaspers for not shunning publicity and popularized discussions of philosophical ideas that have an impact on the most important questions of the day. Arendt and Jaspers stand opposed to the attitude of distance and disdain for publicity and popularization exemplified by Kant.

[2] Kymlicka makes the same point in his discussion of public policy on new reproductive technologies. See Will Kymlicka, "Moral Philosophy and Public Policy: The Case of New Reproductive Technologies," in *Philosophical Perspectives on Bioethics*, eds. L.W. Sumner and J. Boyle (Toronto: University of Toronto Press, 1996).

to resolve these disagreements, or at least provide a framework for discussing these differences in a productive manner. Nevertheless, painstaking attempts to apply a particular ethical theory, say utilitarianism,[3] to a wide variety of practical problems must face the challenge presented by opposing views coming from the application of a different normative theory on the same set of problems. Kantians, contractarians, virtue ethicists, libertarians, natural law theorists, and many others argue about which normative ethical theory is best while at the same time offering different judgments on abortion, capital punishment, voluntary euthanasia, and many other moral issues. But we don't know what it would take, or even if there is something it would take, to settle these differences of opinion once and for all. Intractable disagreement about moral matters persists even at the level of theory.

Consider the following radical moral disagreement: *A* and her community believe that there are no circumstances under which capital punishment is morally justifiable whereas *B* and his community believe that imposing capital punishment is morally justifiable under certain circumstances. Because of this divergence in their moral beliefs *A* and *B* debate on the matter. After discussing the matter extensively, they discover that they are in agreement about a substantial amount of facts relevant to capital punishment. They both believe that human life is valuable, that imposing capital punishment is irrevocable, that the existing judicial system has such and such merits, that some crimes are worse than others, and that imposing capital punishment does not substantially deter criminal behavior (assuming that this is a fact). At this point it becomes evident that the disagreement between *A* and *B* persists because they have different views on morality. For the sake of clarity, assume that whereas *A* and her community accept some specific form of deontology, *B* and his community are convinced that utilitarianism is true.[4]

When *A* and *B* discover that their disagreement about the moral status of capital punishment is undergirded by a deep-seated difference of opinion on which moral beliefs are the right ones to have, they would not come to the conclusion that their disagreement about capital punishment is merely spurious. Most likely they will continue to debate as follows:

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[3] For a systematic application of utilitarianism to problems in bioethics see Peter Singer, *Practical Ethics*, 2nd ed. (Cambridge: Cambridge University Press, 1999).

[4] I am merely relying here on the coherence of saying that some specific form of deontological theory is compatible with the statement "There are no circumstances under which capital punishment is morally justifiable," and that utilitarianism is arguably compatible with the statement "There are some circumstances, namely those that maximize utility, in which capital punishment is morally justifiable." I am not denying that it is possible to use utilitarianism to argue against capital punishment just as it is possible to argue for capital punishment on deontological grounds.

A: As I see it, imposing capital punishment cannot be right. This is because moral rightness involves a duty to recognize the immeasurable value of human life. Everyone's right to life must be respected, no matter who they are or what they have done. Therefore it is never right to impose capital punishment. We must punish criminal offenders humanely, without violating their right to life.

B: I disagree with you on this. I think that under certain conditions imposing capital punishment is the right thing to do. In my view, morality entails that an act is right if it maximizes well-being and recognizes the demands of justice. Imposing capital punishment on those who commit heinous crimes clearly falls under this concept because it is the only acceptable form of redress in the circumstances.[5]

In this type of disagreement it is difficult to say which, if any, of the disputant's moral beliefs is right. The justification of each person's moral belief is tied to her conception of morality, which partly determines the rightness of her moral beliefs. The moral belief of a Kantian who thinks that capital punishment is morally forbidden will be justified in terms of some specific deontological theory. But since the same applies to her utilitarian interlocutor, it is difficult to see how we can know for sure who is right about capital punishment and who is right about morality. The resulting impasse cannot be resolved even if *A* and *B* make an appeal to ethical theorists who specialize on the normative theories that stand behind their opposing views on capital punishment.

Indeed, even if *A* and *B* appeal to theorists who specialize on second-order questions on normative ethical theories, the impasse created by radical moral disagreements cannot be resolved in a straightforward manner. This is not just because it is controversial whether ethical theories really ought to be what Baier calls "vault-like structures."[6] In metaethics, the branch of ethical theory that asks second-order questions about normative accounts of value, different conclusions are derived from the kind of disagreements

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[5] There are many other similar disagreements in the literature; Hare's description of a dispute between the missionary and the cannibal, and Blackburn's account of a disagreement between a priest and a utilitarian about contraceptives are just some of them. R.M. Hare, *The Language of Morals* (Oxford: Oxford University Press, 1952), 148-50; and Simon Blackburn, *Spreading the Word* (Oxford: Clarendon, 1984), 168.

[6] In this paper Baier criticizes the dominant perspective in ethical theory that she characterizes to be merely interested in constructing formidable vaults built upon a key stone idea like the greatest happiness principle or the categorical imperative. She points out that an alternative approach to ethical theorizing, which is usually pioneered by women, consists in applying the mosaic or piecemeal method on specific aspects of the moral life. For instance, some women theorists offer accounts of specific character traits like pride, love and integrity without offering an overarching account of virtue. Annatte Baier, "What Do Women Want in a Moral Theory?," Noûs 19 (1985): 53-63.

described above. On the one hand, moral realists, those who believe that moral properties exist in a robust sense like uncontroversially objective properties such as brittleness, downplay disagreement while at the same time highlighting substantial agreement among moral agents.[7] On the other, irrealists, those who believe that moral properties are not real in a robust sense, explain away substantial agreement on moral matters and focus on the persistence and rational intractability of disagreements about particular moral issues and disputes about which normative theory is best.[8]

Why then should we still welcome the contribution of ethical theorists to discussions of particular clinical cases or bioethical matters of public policy? The foregoing discussion might strike some as an effort to saw off the branch on which one is sitting. The downfall of ethical theory, however, would only be forthcoming if it were granted at the outset that the task of theorists is to answer all questions and to smooth over all problems that we encounter in our moral lives. Since it has been acknowledged in the beginning that this assumption is tantamount to abandoning our agency and responsibility, the flourishing of ethical theory must still be possible. But such a possibility may only be realized by recognizing that the role of theorists is to fortify us against quick and easy answers to the important moral quandaries that we face as individuals and as a society. Since the beginning of Western philosophy, the task of the philosopher has always been to shock and disturb us against apathy towards what is truly worthwhile. So perhaps everything is in order as it is.

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[7] David Brink, *Moral Realism and the Foundations of Ethics* (Cambridge: Cambridge University Press, 1984), 197; Nicholas Sturgeon, "Moral Explanations," In *Essays on Moral Realism*, ed. G. McCord (Ithaca: Cornell University Press, 1988); Michael Smith, *The Moral Problem* (Oxford: Blackwell, 1994), 188.

[8] J.L. Mackie, *Ethics: Inventing Right and Wrong* (London: Penguin, 1977), 36-38; Don Loeb, "Moral Disagreement and the Argument from Disagreement," *Philosophical Studies* 90 (1988); Folke Tersman, *Moral Disagreement* (New York: Cambridge University Press, 2006), 83-88.

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