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Ethics and Experts

by CHERYL N. NOBLE

Moral problems are everybody's business. But the past decade has witnessed a surprising challenge to the idea that no discipline has a special competence to resolve matters of right and wrong. Armed with "techniques" of moral reasoning, some academic philosophers have been claiming a form of ethical expertise.

This claim arises in connection with a new philosophical subdiscipline, applied ethics. Applied ethics attempts to use ethical theory in the solution of practical, moral, and social problems of all kinds, including the morality of abortion, genetic research, euthanasia, capital punishment, warfare, pacifism, terrorism, and reverse discrimination and racism. This focus on socially significant questions is an about-face for philosophers, who have long pursued technical issues far removed from the concerns of everyday life. But not even philosophy could be entirely immune to the influences of the civil rights movement, the war in Vietnam, campus demands for social justice and relevance in the curriculum, and, later, post-Watergate disillusionment with corrupt government.

In the wake of these events, highly influential political and moral treatises began to appear, works such as John Rawls's *A Theory of Justice*, Robert Nozick's *Anarchy, State, and Utopia*, and Ronald Dworkin's *Taking Rights Seriously*. These theoretical developments encouraged the idea that there are "methods" of evaluative thought that can be applied to particular practical "issues" so as to produce specific answers, and a literature of applied ethics sprang up. Sissela Bok's popular *Lying* is a recent example.

And from Princeton comes *Philosophy and Public Affairs*, a widely read academic journal devoted primarily to philo-

sophical treatment of moral and social issues. The journal has been so successful that it has put out several anthologies of its articles, each devoted to a single subject, such as *The Rights and Wrongs of Abortion*, *War and Moral Responsibility*, and *Equality and Preferential Treatment*. Universities offer courses on these various topics, and such works are typically on the reading lists.

A professional ethicist's claim to special competence emphasizes methods of moral thought rather than possession of moral wisdom. Virtue cannot be taught in graduate school, but techniques of "evaluative reasoning" can. To think properly about moral issues, the philosophers contend, one needs a background in classical moral theories and modern theory of value.

This claim is rarely made explicitly in print (although it is often made), but the Australian philosopher Peter Singer did insist on it in the *New York Review of Books* a few years ago. According to Singer, because philosophers have "special expertise in theoretical ethics" and training in "the handling of ethical concepts and arguments," they should be consulted whenever moral thinking is needed, on government commissions or elsewhere. "The only approach to our ordinary ethical intuitions," he says, "is a critical one which does not accept an intuition unless it can be defended on the basis of a more fundamental ethical theory." Philosophers, supposedly, are the only people who know anything about ethical theories. (In response to an earlier Singer article in the *New York Times Magazine*, two philosophers wrote to suggest that Congress hire moral philosophers as consultants. These consultants could study pieces of proposed legislation and prepare "ethical impact" statements about them, just as other specialists prepare environmental impact statements. "Our proposal," they said, "would insure that professional expertise would be brought to bear in the moral sphere.") And anyone who doubts that there are ethical experts might consider applying to the Center for the Study of Values at the University of Delaware. The

Center promises students a chance to study "how ethical theory can be applied to contemporary problems" such as corporate responsibility, meaningful work, property rights, competition, and economic justice under faculty with "demonstrated expertise in ethics."

This confidence and enthusiasm for applied ethics is by no means universal in the world of academic philosophy. Its legitimacy is still questioned by a significant minority. Nor is applied ethics the exclusive province of philosophers. Scientists, medical men and women, and lawyers also contribute. But the philosopher's role is key for several reasons.

First, it is the philosophers who are promulgating the theoretical justifications and methods for the new field, and they are finding an audience. To an age beginning to be fed up with its own skepticism and relativism about "values," the philosophers' claim that they know how to think rationally and objectively about values has great appeal. The claim also suits an era accustomed to solving its problems by delivering them to the correct set of problem solvers. Why shouldn't there be philosophical experts to deal with moral problems just as there are experts to deal with environmental and engineering problems? Tradition reinforces this idea. The notion that philosophy should engage in social criticism hangs on from another day, and something called ethics has been taught in philosophy departments for as long as philosophy has been a department. It is only natural to believe that philosophy is the proper academic discipline to assume responsibility for solving today's moral problems—if it seems appropriate to shunt moral problems to some academic discipline in the first place.

Not surprisingly, there is a practical motive for the philosophers' involvement in applied ethics—in addition to their undoubtedly sincere concern for the subjects. In a time of declining enrollments and scarce jobs, the temptation to entice students with "pop" courses is hard to resist. Courses in applied ethics draw students and seem to enable philosophers to make

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themselves useful. Academically trained moralists can meet other disciplines' needs for moral thinkers. Medical schools, for example, have been known to hire people trained in philosophy to teach and consult on medical ethics. And, perceiving a potential market for its product in business schools, the American Philosophical Association applied for and received a grant of \$75,000 from the National Endowment for the Humanities to develop courses in business ethics.

Philosophers' interest in practical ethics is also simply a part of the broader social tendency toward moralism recently—that is, the desire to diagnose the nation's problems in terms of moral failures and the general perception of social problems in moral terms. Jimmy Carter's moralistic vision of politics appealed to his electorate as much as his image of personal integrity. The philosophers' approach to ethics is significant precisely because it is an intellectual formulation of this common perception that moral problems are the cause rather than an integral part of other social conditions. In the philosophers' moralizing and in the moralistic attitude epitomized by a Jimmy Carter, morality is seen as autonomous and independent of history and social facts. Whether abortion is morally permissible, for example, is regarded as a separate issue from its consequences for women of different classes, or the historical roots of various attitudes. Morality is thought of as superimposed on social life rather than as inseparable from it.

This way of looking at moral questions helps give initial plausibility to the philosophers' methods of moral reasoning. To be amenable to these techniques, moral problems must be abstracted from their social settings so that they appear purely moral. In fact, were moral questions more richly defined and conceived, the professional inability of philosophy to deal with them would be glaringly obvious.

The sort of fare to be found in *Philosophy and Public Affairs* shows where this narrow conception of moral inquiry leads. These essays are entirely devoid of interest in other traditions of social and cultural criticism—historical, social, scientific, literary, or psychological. Because philosophers separate the task of moral criticism from that of social analysis, their conception of the kind of knowledge and insight needed to shed light on moral issues is unavoidably inadequate. Starting from a position of political and historical naiveté,

they inevitably arrive at conventional and tame conclusions, drawn from a preexisting range of alternatives.

Consider, for example, the comfortable conclusions drawn in a well-known essay about the morality of warfare, "War and Massacre," by Professor Thomas Nagel of Princeton University. Nagel argues the moderate, nonpacifist view that "... certain restrictions [on the conduct of war] are neither arbitrary nor merely conventional, and that their validity does not depend simply on their usefulness. There is, in other words, a moral basis for the rules of war, even though the conventions now officially in force are far from giving it perfect expression." He defends "absolutist" ideas against "utilitarian" ones, and develops a set of rational absolutist rules that he believes should govern warfare. These rules require that we see war as an expression of hostility and thus as subject to general laws governing the rational expression of hostility. What he is getting at is that misconduct in war is wrong in the same way that any kind of dirty fighting is wrong.

To fight dirty is to direct one's hostility or aggression not at its proper object, but at a peripheral target which may be more vulnerable and through which the proper object can be attacked indirectly. This applies in a fist fight, an election campaign, a duel, or a philosophical argument. If the concept is general enough to apply to all these matters, it should apply to war—both to the conduct of individual soldiers and to the conduct of nations.

Nagel relies on his intuitions for this insight, and is unqualifiedly indifferent to both the sources of these intuitions and the historical or psychological conditions for his having them. Apparently he also intuitively grasps the various absolutist principles he periodically announces: "Whatever one does to another person intentionally must be aimed at him as a subject, with the intention that he should receive it as a subject . . . Hostility and aggression should be directed at its true object . . . [that is] . . . the person or persons who provoke it . . ." And "... it should aim more specifically at what is provocative about them." With these principles established, he thinks it follows that we cannot fire on noncombatants as a means of defeating the true or proper object of our hostility, the enemy soldiers who are threatening our lives.

What emerges from Nagel's argument is

simply the conventional, modern Western view of how wars should be fought. There should be armies to do the fighting and these armies should fire only upon each other and not upon wives, children, old people, disabled people, etc. These latter may make considerable efforts toward support of the armies without reprisal. Thus the conventions which, broadly speaking, have operated in modern European and American history—not just any rules of warfare, that is, but *ours*—follow rationally from intuitively known principles.

Nagel relies utterly on common-sense, everyday notions and knowledge in order to come to his conclusions. He does not hesitate to classify World War II, street fights, duels, election campaigns, and philosophical arguments as all instances of "fighting" and therefore subject to the same rules of conduct. A more sophisticated starting point would face the possibility that common-sense classification of all these phenomena as "fights" might be empirically, historically, psychologically, or otherwise no more justifiable than classifying all flying things as birds. The social and technological conditions that make possible the unique holocausts of the twentieth century do not interest him, because he thinks that from the moral point of view war is adequately understood as a fight—and there are rational rules about fighting. For Nagel, understanding the nature, conditions, causes, politics, economics, or sociology of warfare is irrelevant to gaining moral understanding about warfare.

These philosophers may insist upon the moralist's adequately acquainting himself with the facts, but the "facts" apparently do not extend to an understanding of historical or economic context. Nagel's colleague, Richard B. Brandt, finds it sufficient to appeal to the Army Field Manual or the Digest of International Law.

The emphasis on technique naturally leads to some doubt about the layperson's ability to grasp the issues. Ronald Dworkin's 1976 essay on reverse discrimination in the *New York Review of Books*, for example, ends a tedious and complex defense of affirmative action programs with this cautionary note:

We are all rightly suspicious of racial classifications. They have been used to deny, rather than to respect, the right of equality, and we are all conscious of the consequent injustice. But if we misunderstand the nature of that injustice because we do not make the simple

distinctions that are necessary to understand it, then we are in danger of more injustice still.

This is the technician's belief in the efficacy and necessity of his technique. The distinctions Dworkin calls "simple" are also numerous. More important, they are technical and quasi-technical notions drawn from contemporary theoretical ethics. They include the distinction between equality as a policy and equality as a right, between the right to equal treatment and the right to treatment as an equal, between making the community better off in an ideal sense and better off in a utilitarian sense, between psychological and preference utilitarianism, between personal preferences and external preferences. One could easily infer the mastery of theoretical ethics is a prerequisite for justice.

Certainly the technicalities of this essay and others of the genre might suggest to the unwary that they are hopeless amateurs when it comes to moral reasoning. Yet this conclusion should bother us, not because common sense has the answers to profound moral questions (it does not), but rather because contemporary theoretical ethics cannot supply the deficiencies of common sense.

The model of moral explanation favored by many philosophers strengthens the impression that, because he is versed in ethical theory, the philosopher knows more than the lay reader about the principles that should govern society. In this model, a social practice is regarded as morally justified when a valid principle from which it would deductively follow is set forth. For example, Dworkin refers to John Rawls's principle that it is unjust to improve the condition of a majority at the expense of the least well off in society as a way of explaining how it is unjust to allow unemployment to increase so as to alleviate suffering from inflation. In an essay called "Equal Treatment and Compensatory Discrimination," Nagel gives another example of this sort of thinking when he appeals to principles of fairness as a way of determining how society should balance liberty and equality. The three principles are: different talents do not deserve different social and economic rewards; desert can be overridden by considerations of liberty, or even efficiency; and inequalities that are to no one's disadvantage are permissible. Applied to concrete cases, he thinks, these principles mean that it is not really fair that professionals make more money than blue

collar workers; that nevertheless we would have to give up too much freedom to change that; and, in any case, it is dubious whether the absolute position of working-class people would be improved even if financial rewards were made more equal.

In all these instances, the principles used to "justify" the social practices are only highly abstract descriptions of norms already embodied in those practices. Whether he is discussing war or equality, Nagel ends up saying that the way things are is pretty much the way they ought to be, because his method is inherently acritical. It is also obscurantist in that by laying out general principles of fairness and representing them as intuitively or independently derived and justified, he conceals the concrete social relations and situations that inspire them. The principles thus appear to be culturally and socially neutral truths and this impression is not threatened by any

concrete social analysis.

Anyone who chooses to read in this field should not forget that its authors are trained in that school of philosophy which not long ago was proudly and defiantly proclaiming that philosophy had become a purely technical discipline and had weaned itself from wrongheaded efforts to understand the human condition or to establish moral truths. These latest developments in applied ethics are only superficially a broadening of the earlier conception of the nature and scope of philosophy, since the old self-concept of professional technician is still in force. More accurately, what is happening is that areas of thought which had hitherto escaped this influence, by being scorned, are now falling under it. Philosophy has not so much broadened to encompass moral reflection as narrowed the field of moral reflection, redefining it as appropriate to technicians' skills.

1 How Do We Decide? by PETER SINGER

To begin with what is true: philosophers have, in the last ten years, taken to applied ethics in a big way. From a short-term perspective this is a new development. In the fifties and sixties it was fashionable for philosophers to insist that ethics was a morally neutral activity, limited to the analysis of moral language. Taking a longer perspective, however, it is the claim to neutrality, rather than the present interest in substantive problems, that is the deviation from the generally recognized task of philosophy, for the discussion of practical moral problems goes back to Plato.

It is true that some philosophers, myself included, have defended the return to practical problems by suggesting that philosophers possess some expertise on these

questions. It is important to note—and Noble does note it, though the point could do with additional emphasis—that this alleged expertise does not consist in the possession of special moral wisdom, or privileged insights into moral truth, but in understanding the nature of moral theories and the possible methods of moral argument.

I can see four advantages that moral philosophers may have over others when it comes to discussing difficult moral issues. First, philosophers get general training in understanding logical arguments and detecting fallacies. Second, specific understanding of moral concepts is provided by undergraduate courses in what is known as "meta-ethics," that is, the study of what it is to make a moral judgment. Clarity about what we are trying to do when we decide difficult moral issues will not by itself enable us to decide them, but it will help us to avoid deciding them in a muddled way. Third, moral theories like utilitarianism, natural law theories, and theories of justice and of rights are also taught in undergradu-

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ate philosophy courses. Whether one adopts one of these theories or not, knowledge of their implications and of the objections to them is often helpful in discussing practical ethical issues. Fourth, moral philosophers can think full time about ethics, while most other people have a separate occupation that interferes with pondering on ethical problems. (Medical practitioners, for example, often admit that they do not have as much time to think about ethics as they would like.)

Nothing Noble says counts against these four reasons why philosophers might be better equipped than most to discuss applied ethics. Of course, the skills that philosophers have are not especially esoteric. Anyone with reasonable intelligence and the time to read a few books and think a bit can acquire them. That is why to claim that philosophers have these skills is not to suggest, as Noble insinuates, that philosophers are seeking to have moral problems handed over to them to be solved in the same way that engineering problems are handed over to the appropriate experts. Nor is it to suggest that only philosophers are capable of settling moral problems. In the *New York Review of Books* article that Noble quotes ("The Case of the Fetus," August 5, 1976), I was objecting to a National Commission charged with reporting on an ethical issue—the protection of human subjects of medical research—that had among its members doctors, lawyers, and theologians but *no* philosophers. I was not suggesting that such national commissions should consist *only* of philosophers. Rather than wanting to see moral problems shunted off to an academic discipline like philosophy, most philosophers working in applied ethics would like to see the knowledge and skills possessed by philosophers more widely spread throughout the community.

Now for those claims Noble makes about applied ethics that are, in my view, demonstrably false. Of these the most extraordinary is the assertion that:

Starting from a position of political and historical naiveté, they [philosophers] inevitably arrive at conventional and tame conclusions, drawn from a pre-existing range of alternatives.

Why philosophers should be more naive about these matters than other people I do not know. But as for inevitably arriving at tame and conventional conclusions, since I am regularly attacked for arriving at con-

clusions so outrageous as to fly in the face of everything decent people believe in, I think I may be allowed a chuckle. Among the "conventional and tame conclusions" of my recent writing are:

- The principle of equality extends to nonhuman animals.
- We should become vegetarians.
- A newborn baby has no more of a right to life than a fetus.
- A defective human being has no more of a right to life than a dog or a pig at a similar mental level.
- Infanticide is often justifiable.
- We are morally obliged to do *much* more than we are doing at present to distribute resources from the affluent nations to people existing in poverty, and our obligations to members of our own family and our own community do not necessarily take precedence over our obligations to the poor of other countries.

I shall not defend these conclusions here; they are all defended in my book, *Practical Ethics* (Cambridge University Press, 1979). While in some areas I have diverged further from conventional morality than other philosophers, the tendency of contemporary moral philosophers to challenge commonly accepted conclusions is widespread. One could list Michael Tooley's defense of infanticide,¹ Jonathan Glover and John Harris's attacks on the distinction between killing and allowing to die,² at least half of the articles in *World Hunger and Moral Obligation*,³ and several articles in another anthology, *Animal Rights and Human Obligations*.⁴ From a quite different direction, Robert Nozick's views on the role of the state are certainly not conventional.⁵

Honestly, I am bewildered by the thought that anyone could look at what philosophers have said in applied ethics and describe it as conventional. I would take more seriously the opposite criticism—that our institutional arrangements put a premium on novel and unconventional, even shocking, conclusions. But in fact, the diversity of views put forward by philosophers invalidates both Noble's claim and this opposite one. Finally it could be pointed out that in many areas of ethics relating to medicine and the biological sciences, the questions are so new that as yet there simply isn't a conventional stance at all; but no reader of the *Hastings Center Report* needs to be told this.

Noble's other significant general claim

about applied ethics that should be rebutted is that philosophers see moral problems as the cause of social conditions, rather than the other way round; hence they diagnose the nation's problems as the product of moral failures. Philosophy as such is not committed to any stance on what is cause and what is effect here, and I cannot recall a single work of applied ethics that assumes that moral problems are the cause of other social conditions. Nor does Noble cite any philosopher who does this.

The example she provides is unhelpful. "Whether abortion is morally permissible," she says, "is regarded as a separate issue from its consequences for women of different classes, or the historical roots of various attitudes." Well, yes, a lot of philosophical writing about abortion—though not all—does regard the morality of abortion as separate from its particular consequences for, say, lower-class women, and certainly most philosophical writing regards the moral question of whether abortion is permissible as separate from the historical question of why people do or do not regard abortion as immoral. But what is wrong with that? Some people think that the fetus has a right to life, as normal human beings have. Given that belief—which I do not happen to hold, but which is not totally indefensible—isn't it perfectly proper to regard the morality of abortion as a separate issue from its consequences for women of different classes? Suppose someone proposed murdering half the adult males in the population because this would have good consequences for women of different classes, perhaps by opening up job opportunities for them. Would Noble think that someone who rejected this proposal on grounds entirely separate from its consequences for women of different classes was making a mistake? If not, why is abortion different? Noble can only defend her view that it is different if she can show that the fetus does not have a right to life akin to the right to life of an adult human. But to do that, of course, she would have to do some applied ethics.

I do not think I need to defend the idea that the morality of abortion is a separate matter from the historical question of why people have the attitudes they do have. It should be obvious that history cannot dictate what we ought to do. The historical question may well be interesting, and even relevant to the question of what weight we should give to conventional attitudes; but it is still a separate question.

What would Noble—or anyone else—propose as an improvement upon the contributions philosophers can make toward resolving practical ethical problems? At one point Noble mentions “concrete social analysis” as something that philosophers disregard, at the cost of obscuring the nature of the problem. I am not sure what “concrete social analysis” means, but if it has anything to do with the writings of Marxists, as Noble’s approach suggests, then I have to say that I find recent Marxist writing far more obscure than the writing of philosophers in applied ethics. In any case, as I have already noted in connection with historical issues, an analysis of what *is* the case in our society is not going to settle the question of what we *ought* to do about it. (Which is not to deny that gathering all sorts of information may be an essential part of reaching an informed decision on a moral question. Nor do philosophers generally deny this.)

Is Noble suggesting that philosophers should withdraw into their shells and let the public thrash out the issues? Surely that, more than anything else, would lead to conventional values being accepted without challenge. In the 1980 election campaign we saw what the Moral Majority take morality to be. When millions of American voters see homosexuality and pornography as more important moral issues than human rights and aid for developing nations, something has gone badly wrong with the prevailing understanding of morality. Greater clarity, the avoidance of logical fallacies, an understanding of moral concepts, and a critical examination of arguments may not be sufficient to remedy the situation, but what else can we try? Applying these skills is what applied moral philosophy is all about.

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⁴Tom Regan and Peter Singer, eds. *Animal Rights and Human Obligations* (Englewood Cliffs, N.J.: Prentice-Hall, 1976).

⁵Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974).

2 A Physician’s Perspective by JERRY AVORN

As a primary care internist in more or less constant struggle to protect patients and medical students from the intellectually (and sometimes physically) dismembering effects of overspecialization, I began Cheryl Noble’s essay condemning the philosophical “speciality” of applied ethics with some sympathy. My sympathy, however, was short-lived, and by the middle of the piece had turned to sharp disagreement. An analogy with medical specialization might be useful to illustrate our differences, since the position of “ethicists” trained in philosophy is in many ways analogous to that of cardiologists or psychiatrists. The existence of physicians who focus their training and patient care or research activities primarily on the heart or the mind does not mean that other doctors need not (or cannot) use a stethoscope or engage in counseling. Rather, these specially trained doctors can serve as an important resource for the rest of us, helping us analyze medical problems from a particular perspective, whether this occurs in the context of educating future physicians or caring for the sick.

The situation is similar, I believe, for philosophers “specializing” in ethics. We do not arrogate to them (and thus abrogate our own) responsibility for consideration of ethical issues. Instead, we utilize their expertise to sharpen the focus on these issues and clarify our own actions or potential choices. Certainly, those who command any expertise can abuse their power—such an insight should come as no surprise to any observer of health care. Yet the fact that such abuse could or does oc-

cur in no way undercuts the social and intellectual worth of the discipline.

Ironically, it is philosophers (many of them working at The Hastings Center) who have done some of the most useful work on problems that can occur when “experts” confer on themselves an imagined prerogative over the realm of values. Ethicists such as Robert Veatch have labored tirelessly over a particular problem to identify (or “smoke out,” as Veatch would say) the hidden values assumptions, and compulsively define their dimensions. They have pointed out emphatically how expertise in technical domains such as biology, nuclear physics, economics, or *philosophy* renders no special authority to comment on the morally “right” course of action.

Noble appropriately condemns those philosophers who are obsessed over the technicalities of moral decision making while losing sight of the wider social and political contexts in which all moral choices occur. Much of her essay is taken up with an attack on specific authors who she feels demonstrate this tunnel vision. But here again, improper execution of a task does not render the task *per se* illegitimate; the lesson of Watergate was not that tape recorders should be made illegal. It would be a cheap shot (and not very helpful) to look at the shoddier practitioners of Noble’s new profession—the law—and conclude on that basis that there is no point in training for the bar.

Let me give a more practical example. In discussing the case of a demented elderly patient with renal failure and terminal cancer, a number of people with special expertise may contribute important perspectives to clinical decision making. The nephrologist will know what the patient’s condition would be with or without dialysis; the oncologist will be in a position to predict the course of the malignancy; the

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neurologist can help on the question of how reversible the patient's mental failure is; a psychiatrist may be able to indicate what role, if any, organic or psychogenic depression may be playing; a social worker can clarify the impact of the illness on the patient's family relationships; a lawyer can provide the most recent facts on termination-of-therapy precedents in the courts of the state; and, finally, an ethicist can remind us when we have left the domain of physiology and entered the realm of values, what decisions we are making on the basis of those values, what (hidden) assumptions might have already been made about rights (and perhaps need to be unmade), and what ground rules would be most appropriate for pursuing life-and-death decisions further.

As a generalist in medicine, I believe that most of the functions of *each* of the professionals listed should be performed by a competent, well-rounded primary care physician, whether internist, family practitioner, or geriatrician—one person who is the patient's main medical ally and carries the responsibility for making the final professional decisions. This is the kind of person we should be trying increasingly to train (against the grain of most medical education). From this perspective, the moral philosopher would be an important member of the training team. In day-to-day practice, it is also frequently necessary to hear from someone who thinks about nothing but kidneys, or brains, or rights; in this role, too, an ethicist could help us identify the salient issues in his or her domain.

In the latter role there is some room for the abuse about which Noble has written. In the worst case, we might be tempted to say, "I can't deal with that, it's a moral question—go ask the philosopher what to do." But this is really no different from the physician who says to a crying patient, "I don't deal with emotions—go talk to the psychiatrist about that," or, as in the comedy routine, "I'm a left-hand specialist; what *you* need is a right-hand specialist."

The "compleat physician" would ideally be part internist, part psychiatrist, part social worker, part ombudsman, part sociologist, part economist, and part ethicist. Even if this goal were readily attainable, most medical educators have little interest in getting there. Thus, for the time being, in health care at least, we will still need help from the specialists—and that includes the philosophers.

3 Ethicists, Critics, and Expertise

by DANIEL WIKLER

Some of Cheryl Noble's charges are clearly off the mark. She is unfair to each author she quotes. She attacks a straw man: philosophers rarely claim to have exclusive dominion over ethical issues. And her attack is at times simply anti-intellectual. Ronald Dworkin's sin, it seems, is to have made too many distinctions. If her favorite critics make distinctions not ordinarily taken note of by common sense, have they become "experts" who must be consulted by laymen wishing to arrive at correct moral issues?

But these objections only show that Noble's attack was a bit too strident. She is, I believe, correct in complaining that much of applied ethics is tame and conventional, that intuitions are dressed up as principles and taken, uncritically, as givens. Hers is an important message.

Indeed, Noble may have overlooked an additional cause for concern. Philosophers and other "ethicists" are appearing in roles that make their independence and critical stance immediately suspect. Philosophers speak at public hearings "on behalf of" special interest groups. A (so-called) ethics institute publishes a report giving moral approval to the questionable activities of a corporation that turns out to be the institute's principal sponsor (*Washington Post*, January 4, 1981). Ethics consulting firms conduct seminars for bank employees on behalf of the bank (*Boston Globe*, April 27, 1981). Government agencies hire "staff philosophers." At a minimum, one

can assume that the agenda will be set by the sponsoring institution in situations like these. The greater danger is that the philosopher will become a hired pen, wielding grand language for its rhetorical and sanctifying power in service of the employer.

Independence of professional judgment, however, is more often questioned among certified public accountants than philosophers, although the potential for mystification and the assertion of occult powers is about the same for each. The difference is that no one questions the value of accounting if it is done honestly and well, whereas the value of even the best applied ethics is yet to be established. Some do, of course, welcome the idea of an in-house philosopher, hoping that he or she will question assumptions, police logic, insist on rigor in argument when ethical issues are discussed, expose and denounce *ad hoc* rationalizations, and even attempt to establish a broad consistency in positions taken on broad ethical matters. Noble seems to hold, however, that applied ethics, even if done boldly and up to the highest standards of the profession, is still no more than special pleading: if not on behalf of narrow interests, then on behalf of conventional morality generally, and the social relations and context that produced it. In this view the applied ethicist is "expert" only in performing fancy deductions from premises that ought not to have been granted in the first place, and thus deserves no following.

Noble's position has its own problems, however, not because applied philosophy is thereby vindicated, but because the analytic approach does not compare unfavorably with the alternatives.

Noble owes us a sketch of her rival account of morality. One difficulty with attacking conventional morality on account of its origin in social relations (or in natural selection, or in intrapsychic conflict, or whatever) is that the argument applies just as forcefully to any morality, including the critic's. If conventional morality issues

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from the social relations prevailing here, then other moralities issue from other social relations. If we say that moral beliefs issuing from certain contexts are good, and those issuing from other contexts bad, where do our "meta" standards derive from? The critic must claim to have access to an Archimedean point from which non-relative, context-free moral truths may issue, or must dismiss all moralities, or must endorse one (unconventional) morality without offering reasons (indeed, without claiming to have any).

None of these options is very comfortable. Archimedean points are hard to come by, and in any case are the subject of an intensive search by ordinary moral philosophers. Nor does Noble seem willing to forswear moral judgments, judging from her belief that the rightness or wrongness of abortion can be demonstrated by attending to its consequences for women of different classes. And the third alternative robs criticism of much of its force. The fact that a person would have accepted an unconventional morality if he or she had been raised in a different social environment provides no reason to accept that alternative morality—unless independent reasons are advanced for endorsing those different social relations (a move that is not open to the critic in this instance).

Still, one good way to make a moral principle or belief seem less self-evident is to point out its sociohistorical origin. This can be a valuable, even essential, contribution to the discussion of ethical issues, and social historians should submit more papers to *Philosophy and Public Affairs*. But the task is ultimately a negative one, akin to detecting non sequiturs and internal contradictions, which philosophers delight in doing. Providing a positive argument, supporting an alternative stance (other than by default once the conventional views are discredited): these are the tasks that raise the most serious methodological doubts for all parties to the dispute. The philosophers usually want to invoke the authority of moral theory, though it is acknowledged that we do not have (the right) one yet. Knowledge of the leading theories and skill in determining their bearing on specific issues is one basis for claims of expertise in applied ethics (though the deductive chasm between theory and policy is usually so enormous that the "expert," here as elsewhere, must demand that much be taken on faith). Noble rejects theory as merely one more way of recertifying the

status quo. However, her own moral epistemology is far from self-evident;¹ in any case, if we are not to rest our case on moral theory, what is the alternative?

There will always be incentives for applied ethicists to abide by conventional morality, even when securely tenured and writing on topics of their own choosing. Readers and audiences are likely to shy away from moralists who proceed from premises that are at odds with their most cherished moral beliefs. Thus applied philosophers generally try to make ingenious and penetrating deductions from premises that the audiences already accept. Noble argues effectively against this accommodating behavior. It would be a shame, however, if her attack on the substitution of technique for substance led to a lessening

of respect for technique.² It is important to call attention to the complacency and to the lack of critical perspective in much of applied analytic philosophy. But philosophy of this kind has contributed considerable precision in logic and vigor of argument on a number of pressing social issues. These are important gains. It would be folly to accept—much less champion—less exacting standards.

REFERENCES

¹ For an alternative view, see Norman Daniels, "Wide Reflective Equilibrium and Theory Acceptance in Ethics," *Journal of Philosophy*, May 1979, pp. 256–82.

² See J. Peter Euben, "Philosophy and the Professions," *democracy*, April 1981, pp. 112–27.

4

What Philosophers Can Offer

by TOM L. BEAUCHAMP

While I admire the boldness of Cheryl Noble's theses and sympathize with much that she has to say, I find her argument narrow and largely undocumented.

As to the strengths of her position, Noble is correct in maintaining that a robust confidence and enthusiasm about applied ethics—which she locates in Peter Singer and the Center for the Study of Values at the University of Delaware—is by no means universal in academic philosophy. Many philosophers remain unconvinced that philosophical generalizations or theories can play any significant role in applied ethics; they see no reason why professional philosophy should make room in its curriculum for such endeavors. Noble also provides a useful insight into at least *some* philosophical writings with her contention

that morality is mistakenly treated as autonomous—that is "as independent of history and social facts," and as something externally imposed. Social history has been much neglected in philosophy, and a reawakening to its significance would be welcomed. Finally, the "special expertise argument," as she calls it, does deserve some of the rough treatment she gives it.

Some philosophers have left the impression in their writings that the resolution of moral problems is the special province of moral philosophy. This thesis I reject as vigorously as does Noble. Philosophers are experts in certain approaches to problems, but other forms of expertise also need to be called upon. This is especially true in professional ethics, where experienced physicians, business people, journalists, engineers, and lawyers often understand situations better than philosophers and have more effective ideas for handling them.

As to weaknesses in Noble's arguments, consider her claims that if moral problems were more richly conceived the inability of

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philosophy “would be glaringly obvious”; that the “political and historical naïveté” of philosophers leads inevitably to “conventional and tame conclusions,” as well as to a heavy reliance on ordinary “intuitions”; and that principles in modern moral philosophy are “only highly abstract descriptions of norms already embodied” in the very practices they are used to “justify” (thus they lead to “inherently acritical” writings). The ablest writers in applied ethics do not fit this description. Alasdair MacIntyre and Stephen Toulmin, for example, have long voiced Noble’s precise concerns about too sharply divorcing moral philosophy from history, tradition, and from what MacIntyre refers to as “moral anthropology.” Other thoughtful philosophers, Gerald Dworkin among them, have persistently challenged our understanding of the role of moral concepts such as paternalism and autonomy, as well as the role of various principles of liberty.

Writings in recent moral philosophy also refute Noble’s claims that moral philosophy has been acritical, a mere mirror of conventional principles. That literature reflects a persistent tendency to criticize not only other moral philosophers but many traditional practices and customs. An examination of writings on the topic of euthanasia alone would show how mistaken Noble is. If philosophers only mirror conventional common sense, we might expect consensus; instead we find polar disagreement among them.

Noble faults applied philosophy for ignoring “other traditions of social and cultural criticism—historical, social, scientific, literary, or psychological”; but what these “other traditions” are is left lamentably vague. Nor does she explain how these “other traditions” are supposed to deliver goods that will help illuminate or resolve moral problems. She does cite deficiencies in certain philosophers; but these citations are far from compelling. She criticizes R.B. Brandt for one, for the limited citations in one of his essays. Yet Brandt has done much that Noble asks of philosophers. He has read and commented extensively in psychology, psychiatry, and sociology; done original research on ethical beliefs among American Indians, and has been boldly critical of certain philosophical and cultural views.

Noble also fails to distinguish *applied* ethics (the subject of her criticism) from *theoretical* ethics. Are John Rawls and Ronald Dworkin taken to be *applying*

(their own or other) ethical theories? Or is it left to others to apply Rawls’s and Dworkin’s theories? Rawls has always said that he is working on the “basic structure of society”; he has resisted any characterization of his work as applied. Is he to be commended or condemned in the light of Noble’s criticisms?

Recent shifts of subject matter in published writing and in teaching reveal a widespread belief among philosophers that their discipline can contribute to the study and resolution of professional moral dilemmas and public policy options. The many invitations that philosophers now receive to speak and write for audiences in medicine, business, and government indicate that other professions also have much hope for philosophical applications. Noble is troubled by these changes. Let us take up the challenge and ask what philosophers realistically can be expected to contribute. I shall confine attention here to four forms of contribution philosophers can reasonably be expected to make.

Performing conceptual analysis. Controversies over public policies regarding privacy, euthanasia, and confidentiality are often needlessly tangled because different senses of these terms are employed. If one party equates euthanasia with mercy killing and another equates it with voluntary, elected natural death, a “controversy” is blind, for parties may be addressing entirely separate issues. Disputes over the uses of institutional review boards to scrutinize social science research could be eased if the parties could agree over the meanings of “research,” “human subject,” “social science,” “minimal risk,” and “behavioral science.” Sissela Bok’s popular book *Lying: Moral Choice in Public and Private Life* shows how lying and related concepts such as “withholding information” deserve extended conceptual investigation, as they apply to the activities found in the professions. In law and public policy, notions of “competence” and “substituted judgment” similarly cry out for philosophical analysis. (Notice Noble’s appeal for an analysis of “fights.”) Thus far philosophers have preferred to deal with arguments rather than concepts, but the opportunities are substantial.

Exposing the inadequacies and unexpected consequences of an argument. This method of inquiry can certainly be brought to bear on moral problems and disagreements. For example, a number of writers—not to mention the United States

Supreme Court—have addressed the subject of the nature of “persons” when examining such issues as abortion and fetal rights. Some of these writers seemed unaware that their arguments about persons were so broad that they applied to infants and animals as well as to human fetuses. Their arguments thus provided reasons they had not anticipated for granting to fetuses, and even to animals, the same rights that infants enjoy. It may of course be correct to hold that view; the point is only that if a moral argument leads to unintended consequences that its proponent is not prepared to defend, some premises will often be retracted, thus bringing contending parties into closer proximity.

Engaging in collaborative scholarly endeavors with professionals in other fields, as the basis for policy decisions. Policy development, policy evaluation, and institutional reform require both philosophical and nonphilosophical expertise. Consider one current confusion in the social, scientific, medical, nursing, public-health, and legal sectors about guidelines and practices for obtaining informed consent. Here many issues have immediate practical implications for patients, research subjects, clients, government officials, and lawyers; and many are overtly philosophical—for example, the nature of a voluntary act, the concept of autonomy, and the moral problem of paternalism.

Participating in decision-making processes in institutional and policy settings. Some philosophers, though comparatively few, now serve on institutional review boards, and some are employed on a full-time, permanent basis at the National Institutes of Health, in business and industry, and in hospitals. In addition, philosophers have increasingly become involved in consulting, including participation in federal policy making. In these roles, philosophers can assist in various ways with policy decisions, though there is no reason to believe that their expertise allows them to *resolve* problems from their own reserves.

I agree with Noble, then, that ethical theory cannot be deployed in isolation to settle controversial moral questions, but few philosophers would disagree. Philosophers must be content with the roles of clarifier and collaborator, even when policy problems are rooted more deeply in philosophical differences than in any other source of disagreement. These are *significant* roots, however, and Noble’s broadside tends to overlook them.

Response

by CHERYL N. NOBLE

Daniel Wikler is right to insist that it is anti-intellectual to oppose the making of distinctions and subtlety *per se*. However, my remarks on Ronald Dworkin and ethicists generally were not intended as a broadside against technicality in the abstract. My primary concern was that the dense technicality of much philosophical writing will conceal what I argued were its independent flaws. Secondly, philosophers have an overblown faith in their techniques of logical and conceptual analysis. On the one hand, they imagine that moral error is in significant degree produced by logical and conceptual obtuseness, and on the other that they are by training more skilled than other scholars as well as lay thinkers in avoiding fallacies. Neither of these ideas, it seems to me, has much truth to it. Nor can they be seen as harmless conceits when they deaden and constrict the scope of moral inquiry.

The harm is exacerbated when philosophers begin offering their assistance to the public, as Wikler gives additional reason to believe. However, Wikler joins Peter Singer in accusing me of having exaggerated philosophers' pretensions. However, I did not argue that philosophers believe that no one else should think about moral questions. Rather, I complained that they claim to be the sole professionally competent ethicists and that they attempt to persuade others both to draw upon their talents and to learn to use their own misguided approach to thinking about ethical questions. Singer's modest wish that philosophers' skills and knowledge be more widely distributed throughout the community confirms rather than refutes this point. True, philosophers often see their role as that of the collaborator and consultant, but it is *qua* professional ethicists that they collaborate and consult.

In response to Jerry Avorn's comments, I agree that there may well be individuals who, despite or regardless of their philosophical training, would make valuable contributions to medical training and decision making. Moreover, if philosophical training actually prepared people well to do what he wants done, I might not have much to quarrel with in what he says. I

will grant for the sake of argument that one way to train sensitive and competent medical generalists would be to include "ethical specialists" along with medical specialists on the training team. The question then would be what sorts of qualifications such ethical specialists should have and whether graduate training in contemporary moral philosophy would do.

Although many philosophers now pride themselves on their commitments to various moral positions, they do not present these commitments as part of their professional qualifications. Rather, the claim to expertise is a claim to the possession of a neutral skill in evaluative reasoning. The skill is claimed to be neutral in two senses: first, its possessor need have no special virtues or moral or social beliefs; second, its exercise is not predisposed towards any special moral results. First, if I were looking for someone to help infuse moral sensitivity into medical training and decision making, I would be concerned that he or she be morally sensitive and hold certain moral and social beliefs. Second, the philosopher's technique has a built-in bias towards confirming the prejudices of its practitioners. Accordingly, I cannot see how philosophers' training makes them more valuable to the medical world than innumerable other potential candidates and I can see some ways in which it makes them less.

Although Wikler finds much to agree with in my judgment that philosophers are guilty of conventional and acritical thinking, both Singer and Tom Beauchamp apparently believe that philosophers can be cleared of the charge by showing that they sometimes choose to defend views held by minorities. Beauchamp argues that if the accusation were true, one would expect to find a consensus or received view among philosophers, but one does not. Their notion of "conventionality" is, to say the least, not helpful.

Robert Nozick's "minimalist" theory of the state may or may not be the most popular view, but it is a defense of an old and familiar option in political theory in old and familiar terms. Philosophers' concern with vegetarianism followed the popular interest in it. Most of the other "counterexamples" to the charge of conventionality that Singer and Beauchamp give could be joined together to form a good profile of one garden variety liberal. Some of these ideas may be good ones of course. But the examples chosen tend to support, not dis-

prove, my original claim that philosophers choose to defend familiar ideas drawn from a pre-existing range of alternatives. Philosophers, that is, do not contribute ideas; they merely choose sides to defend.

My essay was not an attempt to lay out an alternative approach to practical ethics. I wished only to expose the weaknesses of contemporary moral philosophy from the vantage point of a few relatively simple premises, including the premise that moral criticism can only be as profound as the understanding of human history, culture, and psychology that it rests upon. Beauchamp seems largely to agree with this premise, but Singer and Wikler find it bewildering. I, in turn, was downright floored by the interpretations they gave it. Both conclude that I must believe that "history shows us" moral principles that can be applied to resolve practical problems. Thus I must have meant, they conclude, that moral beliefs produced by some set of social relations are good or that the abortion rule that favors women of some class is correct. The readers of the *Hastings Center Report* can ascertain for themselves that I said no such things.

My point was only that the would-be critic who does not understand the economic, psychological, and social pushes and pulls on moral thinking lacks the kind of self-consciousness that is the precondition for being able to think critically. Without it, we have no basis for self-criticism or social criticism. We end up doing what philosophers do: finding elaborate means to justify what we already prefer to believe. I still insist that the scholar who does not begin by asking what the specific problem is and why it is a problem and why individuals and societies make the choices they do is in no position to tell people which choices they ought to make.

Singer and Wikler misread me because they read into my essay their own presuppositions about the goal of moral inquiry. Assuming (as I do not) that the goal is to find moral principles to apply to practical problems, they naturally think that history could be relevant only as a storehouse of such principles. Thus, having cleverly shown us why history is no such thing, they conclude that it is irrelevant. Singer explicitly and Wikler by implication. I take this as excellent confirmation for what I originally argued. Surely the flawed nature of contemporary moral philosophy is clearly visible in its inability to find any serious use for social knowledge.