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Abstract	Discussions of the nature or possibility of moral expertise have largely proceeded in atheoretical terms, with little attention paid to whether moral expertise depends on theoretical knowledge of morality. Here I argue that moral expertise is more theory-dependent than is commonly recognized: Moral expertise consists, at least in part, in knowledge of the correct or best moral theory, and second, that knowledge of moral theory is essential to moral experts dispensing expert counsel to non-experts. Moral experts would not be moral experts absent knowledge of moral theory, nor could they play the testimonial role we would expect them to play in moral inquiry and deliberation absent such knowledge.
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Chapter 4

Why Moral Expertise Needs Moral Theory

Michael Cholbi

Philosophical and ethical literature concerning whether moral expertise exists and who (if anyone) might possess it has proliferated in recent years. My purpose here is not to address either of these questions, at least not directly. Rather, my concern is to investigate a matter that has been somewhat neglected in this literature, namely, the relationship between moral expertise and moral theory. With a few exceptions, debates about the nature and distribution of moral expertise have proceeded with relatively little attention to moral theory. No doubt part of the explanation for this inattention is that many of the contributors to these debates are ultimately concerned with whether a particular class of individuals, namely clinical bioethicists, are (or should be treated as) moral experts. (See among many Rasmussen 2011; Prialux 2013) A central theme of my discussion will be that the neglect of moral theory in philosophical debates about moral expertise is unfortunate inasmuch as moral expertise is much more entangled with moral theory than contributors to these debates typically acknowledge. In particular, I shall attempt to show that moral expertise is theory-dependent. By this, I mean, first, that moral expertise consists, at least in part, in knowledge of the correct or best moral theory, and second, that knowledge of moral theory is essential to moral experts dispensing expert counsel to non-experts. Roughly then, if utilitarianism is correct, then a moral expert must embrace utilitarianism and invoke it in support of her moral testimony; if Kantianism is correct, then a moral expert must embrace Kantianism and invoke it in support of her moral testimony; etc. Hence, moral experts would not be moral experts absent knowledge of moral theory, nor could they play the role we would expect them to play in moral inquiry and deliberation absent such knowledge.

My plan is as follows. In Section 4.1, I suggest that debates about moral expertise are better served not by efforts to define the notion but by attempting to identify those features of moral expertise that are responsible for scholarly controversies

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30 about its nature and distribution. Section 4.2 proposes that there are two such fea-
31 tures, captured in what I call the epistemic condition and the testimonial condition
32 for moral expertise. Sections 4.3 and 4.4 seek to demonstrate that neither of these
33 conditions is theory-independent; that is, in order for a putative moral expert to
34 satisfy these two conditions, she must possess and make use of knowledge of the
35 correct or best moral theory.

36 There is one sense in which moral expertise might depend on moral theory that I
37 do not address here. Some philosophers have thought that irrespective of whether
38 there are individuals with the moral knowledge necessary to be moral experts, there
39 is itself something morally questionable about our treating others as moral experts,
40 perhaps because obeying the moral dictates of others would amount to foregoing or
41 denying our own autonomy or agency. (Wolff 1970; see also D'Agostino 1998 and
42 Driver 2006) A moral theory might, in other words, condemn moral agents' defer-
43 ring to moral experts. If so, then a moral theory rules out not expertise itself but the
44 practice of treating others as experts. This 'deontic' dependence is not the sort of
45 dependence of moral expertise with which I am concerned here. My concerns are
46 with whether moral expertise is theory-dependent metaphysically, in that knowl-
47 edge of the correct or best moral theory constitutes moral expertise, or epistemi-
48 cally, in that such knowledge has a part to play in the experts' moral testimony being
49 rightfully treated by others as expert testimony.

50 In investigating the relationships between moral expertise and moral theory, I do
51 not aim to hash out the merits of rival moral theories in an effort to identify which
52 of these theories is correct or most defensible. Whether the fact that a moral theory
53 renders moral expertise intelligible is a mark for or against its plausibility depends
54 crucially on the degree to which rendering moral expertise intelligible is an impor-
55 tant desideratum on moral theories generally. Sentiments vary on that matter, I
56 expect. Some moral philosophers may insist that a moral theory needs to make
57 sense of moral expertise, whereas others, upon discovering that a particular theory
58 problematizes, or even precludes, moral expertise, would respond to this finding
59 with indifference or even enthusiasm. I do not weigh in on this metaphilosophical
60 dispute here. I merely hope to clarify the relationship between moral theory and
61 moral expertise and leave it to others to draw out the implications my conclusions
62 may have in appraising rival theories.

63 4.1 The Stakes of the Moral Expertise Debate

64 Precisely what moral expertise consists in is far from obvious. Julia Driver (2013)
65 has recently suggested that debates about moral expertise come to loggerheads
66 when different senses of moral expertise are conflated. She notes that moral experts
67 may be expert moral judges, especially adept at arriving at correct moral judgments;
68 expert moral practitioners, those who act morally well more than others might; or
69 expert moral analysts, those who have greater insight into the nature of morality.
70 Driver suggests that this diversity of forms of moral expertise is unsurprising given

that expertise in a given domain may take on different guises. Compare linguistic expertise. Those able to speak a given language with great fluency, those with excellent knowledge of that language's grammar, and those capable of crafting compelling poetry in that language can all plausibly be called experts in that language despite their respective aptitudes being only contingently correlated to one another.

Driver's observations underscore that the project of *defining* moral expertise is likely to be misguided. 'Moral expertise' is not an everyday term from which we can extract different candidate definitions that can then be compared to ordinary usage, and it is therefore likely that any attempt to define moral expertise will strike partisans in debates about its nature and distribution as attempts to shape such debates by definitional fiat. Hence, I make no pretense of defining moral expertise here. Rather, I follow what I believe is a more fruitful method, namely, one that begins by asking why moral expertise is hotly debated in the first place and what is concretely at stake in such debates. What practical difference does it make if there are moral experts — or put differently, what must moral experts be if their existence makes a practical difference?

In this connection, that the question of whether bioethicists (or moral philosophers) are moral experts has been so prominent in these debates is telling. Technologically advanced liberal democratic societies put moral expertise in a precarious social position. On the one hand, such societies tend to suppose that consultation with experts is essential to crafting wise decisions or policies. Respectful of science, such societies usually have large numbers of officials, scholars, etc., who, thanks to their expertise, wield disproportionate influence over public choice and action. At the same time though, these same societies tend to embody the Rawlsian picture of liberal society, with their members endorsing a diversity of reasonable conceptions of the good while aiming to respect value pluralism and individual autonomy. (D'agostino 1998; Kuczewski 2007; Kovács 2010) These two features of such societies generate competing demands that render *moral* expertise problematic in ways that other forms of expertise seemingly are not: The authority of experts should be respected, but the judgments of would-be moral experts are not and should not (thanks to value pluralism, autonomy, and so on) be invested with the same authority as the judgments of other expert authorities. This problematic is in evidence in debates about whether clinical ethicists are moral experts. In an institutional context in which patient autonomy is given normative priority and paternalism is frowned upon, what place is there for an individual whose expertise is not scientific or medical but ethical, and in what sense ought patients defer to these experts?

Debates about moral expertise, I propose, therefore acquire their practical stakes from worries about whether, in liberal democratic societies in particular, there ought to be a class of individuals acknowledged and treated as having disproportionate moral authority. They are thus debates about whether anyone should be understood as suitable for playing the *social role* of moral expert.

My larger concern here is what place knowledge of moral theory would need to have for moral experts to be suited to play this social role. But the more immediate point is that we need not settle every detail about the nature of moral expertise in

116 order to home in on what moral expertise would have to consist in so that there
117 could be individuals who play the social role about which controversy has arisen.
118 Let us now consider in greater depth the social role of experts and what features
119 moral experts must have in order to account for the controversies surrounding their
120 existence and distribution.

121 4.2 Two Features of Moral Experts

122 One platitude about moral expertise is that it is a species of expertise. I contend that
123 the most succinct way to capture the notion of expertise is to say that experts are
124 those whose testimony in their respective areas of expertise ought to be trusted. That
125 expertise involves experts being trusted illustrates that expertise gains conceptual
126 traction in those areas of human endeavor in which the knowledge relevant to that
127 endeavor is not equally distributed, and as a consequence, some individuals must
128 defer to the judgments of others if the latter are to make correct choices within that
129 endeavor. While a scientific layperson ought to trust the testimony of a quantum
130 physicist regarding how subatomic particles behave, two expert quantum physicists
131 typically have no need to *trust* one another's testimony regarding quantum physics.
132 This is not because disagreement among experts in some area is impossible. Rather,
133 experts are in possession of area-specific knowledge that enables them to arrive at
134 their own considered judgments in that area, so that when disagreement among
135 them may arise, individual experts draw upon that area-specific knowledge so as to
136 appraise or verify other experts' testimony. Experts thus have no need to trust other
137 experts, for to trust another's testimony is to invest confidence in its veracity despite
138 being unable to wholly verify or certify the truth or justifiability of that testimony in
139 the way that experts can. Being peers, experts do not appraise each other's judgments
140 in their exact area of expertise with the deference that characterizes non-
141 experts' stance toward experts.

142 There might appear to be instances wherein experts in a given field ought to defer
143 to other experts in that same field. For instance, experts may rightfully defer to other
144 experts when they have reason to believe that their expertise would be compromised
145 by self-interest or a lack of partiality. The adage "a lawyer who represents himself
146 has a fool for a client" underscores this possibility. An expert lawyer does not lose
147 her expertise when she represents herself, but her capacity to offer expert counsel
148 may be weaker precisely because of her personal proximity to the matters calling
149 for expert judgment. But note that this example is not best described as an expert
150 deferring to another expert. Rather, a would-be expert recognizes that because her
151 expertise may not have its usual level of reliability, she is not properly treated as an
152 expert in this particular instance. Hence, she is in effect a non-expert deferring to an
153 expert.

154 That experts are those whose testimony in their respective areas of expertise
155 ought to be trusted also accounts for why expertise has little traction in those areas
156 where knowledge is widely distributed (we have little need for experts in the addition

or subtraction of single digit numbers) or where there is good reason for skepticism that there is knowledge in any robust or objective sense (experts in unicorn biology, say.) (McConnell 1984).

Expertise thus has a set of background social conditions that elicit it and make it salient, namely, when

- (a) individuals vary in their levels of knowledge relevant to some endeavor,¹
- (b) some individuals acknowledge that they lack the knowledge adequate to make choices within that endeavor, and
- (c) individuals in that class seek out experts in that endeavor with the aim of accepting the experts' testimony for the purpose of making choices within that endeavor.

Let us call this set of conditions *the expert context*.

Expertise thus rests on an asymmetry between knowers. Non-experts look to experts in order to judge, choose, or act on the basis of truths they acknowledge an inability to discern or justify adequately on their own. "Recognition of expertise," David Archard (2011: 120) observes, "gives the non-expert a good reason to endorse the judgment of the expert, a judgment she would not otherwise make or have a good reason to make." (See also Watson, forthcoming) Non-experts' deference to a bona fide expert's testimony thus improves the epistemic standing of the non-experts' judgments in the expert's area of knowledge, but not by providing evidence *intrinsically* relevant to the truth of those judgments. In deferring to another's expertise, a non-expert is implicitly disavowing her ability to fully or adequately evaluate the evidence relevant to the judgments about which she defers. The non-expert's evidence for accepting the judgment in question consists in large measure of the fact that an expert attests to the truth of the judgment. The expert's competence in evaluating propositions within her area serves as the non-expert's primary reason for accepting the expert's testimony. The expert is, we might say, an epistemic surrogate for the non-expert.

When the moral expert offers moral testimony, that testimony is correct (*when* it is correct) in a non-accidental way. For she does not issue correct moral testimony simply by chance. Her presumed knowledge of the moral domain not only explains her testimony, i.e., her moral beliefs do not only account for why she makes the moral utterances she does. Her knowledge is also what lends that testimony its credibility. But what exactly does the moral expert have knowledge of?

A moral expert's area of expertise is *practical* and *normative*. (Iltis and Sheehan 2016) Moral expertise is practical in the sense that it is constituted by knowledge of first-order moral propositions attributing deontic status to choices, traits of moral character to individuals, etc. This claim is subject to a careful qualification: A person's moral expertise may be highly domain-specific (expertise in the morality of war or of corporate accounting, say), so that while her advice within that domain

¹Expertise need not involve only propositional knowledge. A good many crafts, arts, etc., involve expertise that consists largely in "knowledge how." See Dennis Arjo's contribution to this volume (Chap. 2) for how the concept of expertise might include "knowledge how."

197 can be trusted, her moral advice concerning other domains may be no more reliable
198 than the average person's. Moral expertise is normative rather than descriptive
199 because it includes knowledge of which putative moral truths are in fact true rather
200 than any kind of sociological or psychological knowledge of what moral claims
201 individuals or groups accept or why they accept them. This is not to say that moral
202 expertise has no descriptive or empirical component. For it will often be true that
203 having greater moral knowledge than the average person is explained in part by hav-
204 ing greater knowledge of non-moral but morally relevant facts. For example, an
205 expert in end of life ethics needs to have at least rudimentary factual knowledge of
206 which medical interventions tend to sustain or end life. (Conversely, a person may
207 be disqualified from being a moral expert by virtue of ignorance of applicable
208 empirical facts). The moral expert's expertise is moral because and to the extent that
209 her knowledge of first-moral propositions exceeds and cannot be conceptually
210 reduced to her knowledge of some body of non-moral facts. Moral expertise is thus
211 compatible with any metatethical stance that affirms the existence of genuinely nor-
212 mative moral truths.

213 This characterization of moral expertise leaves some loose ends (for example,
214 how to distinguish moral norms from other norms, such as those of etiquette (Foot
215 1972)),² but it points the way toward two conditions individuals must meet in order
216 for them to play the controversial social role of moral expert.

217 Expertise presupposes an epistemic asymmetry between experts and others. But
218 how is this asymmetry best understood, i.e., to what degree and in what respect are
219 experts more knowledgeable than others? (Driver 2013, Watson forthcoming)
220 Answering this question seems to require having some idea of how knowledgeable
221 non-experts are about first-order morality. In my estimation, that moral controvers-
222 ies or dilemmas receive so much popular and scholarly attention should not obscure
223 that first-order moral knowledge, particularly with respect to relatively straightfor-
224 ward moral phenomena, is pretty widely distributed among human moral agents.
225 Rare are human moral agents who do not know of the moral presumptions against
226 deception or causing harm or injury or in favor of keeping promises (their behav-
227 ioral adherence to these presumptions is another matter). Moral experts must there-
228 fore have significantly more first-order moral knowledge than this. Let us say that a
229 person whose first-order moral knowledge exceeds this threshold satisfies the *epis-*
230 *temic condition* for playing the social role of moral expert.

231 A second condition for moral experts to play their social role reflects what I ear-
232 lier called the expert context. A moral expert does not merely have a disproportion-
233 ate amount of moral knowledge. Other non-expert individuals must, in order for her
234 to play the social role of expert, see her moral testimony as more reliable than theirs.
235 These non-expert individuals are striving to make moral judgments they understand
236 themselves to be insufficiently competent to make absent expert testimony or coun-
237 sel. As I once expressed it:

² See Dennis Arjo's contribution to this volume (Chap. 2) for a discussion of how social norms can have moral significance.

Much in the same way that nothing counts as a chair that cannot be reliably sat upon, so too no one can count as an expert in morality who does not satisfy the very expectations of those who wish to utilize said expertise for practical purposes. The main expectation is the provision of reliable moral advice. (Cholbi 2007:329)

Being a practical affair, morality is ultimately about choosing and doing, and so in deeming someone a moral expert, we are not primarily expressing our esteem or wonderment, as we might upon learning that an individual can recite π to a large number of digits or provide an off-the-cuff accounting of the causes of the Great War. We are instead expressing a confidence in their moral counsel. Hence, we would be loath to treat someone as a moral expert absent a justifiable confidence in the comparative reliability of their moral testimony. A moral expert, then, is someone whose high level of moral knowledge justifies her being treated as a reliable purveyor of moral advice because other individuals are always *pro tanto* warranted in trusting that individual's moral testimony. Call this second condition the *testimonial condition* for moral experts' discharging their social role.

It is crucial to recognize that moral knowledge and its transmission or acceptance by others do not march in lockstep. There is certainly nothing inconsistent about S being a moral expert in the sense of having much more first-order moral knowledge (S meets the epistemic condition) while S's moral testimony is nevertheless not worthy of others' trust (S fails to meet the testimonial condition). The converse does not hold, however: Any knower whose moral testimony is trusted must, in order for that trust to be warranted, actually possess first-order moral knowledge. In the absence of such knowledge, the trust of non-experts would be misplaced. For it is this knowledge that renders the moral expert "*deserving* of trust with respect to their moral judgments." (Driver 2006: 625, emphasis added)

4.3 Theoretical Knowledge and the Epistemic Condition

To return to the question at hand: To what extent must individuals have theoretical knowledge of morality in order to fulfill the social role played by ostensible moral experts?

It might seem obvious that a moral expert must know the correct or best moral theory. After all, experts in a given area standardly possess a body of knowledge that can at least loosely be called 'theoretical'. This will be the case with respect to most academic knowledge, but it will also be true in cases of more craft-like knowledge. A skilled woodworker, for instance, may not know the principles of physics that apply to wood, but she will certainly know general principles about how wood is affected by various causal processes and which processes to follow in order to realize desired designs or effects. Why deny, then, that theoretical knowledge is essential to moral expertise?

Dien Ho (2016) believes that the possibility of moral expertise requires neither that there be any correct moral theory nor that experts know which moral theory is correct. Ho's position rests on two arguments. I take up the first argument here, the second argument in the subsequent section.

280 Ho develops his position regarding moral theory's role in moral expertise in
281 response to a common skeptical argument (Ho 2016: 1–3): Moral expertise is
282 impossible unless there are true moral theories of which we can have knowledge.
283 But because either there are no true moral theories, or we cannot know which moral
284 theories are true, then moral expertise is impossible (Frey 1978; Crosthwaite 1995;
285 McGrath 2008; Cross 2016). Ho responds to this skeptical argument by appealing
286 to observations regarding scientific theories and expertise. There can sometimes be
287 “fundamental disagreements” in science that do not “lead to skepticism towards
288 scientific expertise,” Ho observes (2016: 371). Basic disputes in physics, for exam-
289 ple, need not be resolved in order for us retain our confidence in the existence of
290 expert knowledge in physics. Quantum mechanics and general relativity are incom-
291 patible theories, but their incompatibility does not seem to entail that there are no
292 expert physicists, much the less that physics expertise is impossible. But if funda-
293 mental theoretical disagreement in science does not vitiate the prospects for scienti-
294 fic expertise, neither should fundamental theoretical disagreement in ethics vitiate
295 the prospects for moral expertise. In the terms laid out in the previous section, Ho
296 seems to be denying that experts need have knowledge of moral theory in order to
297 satisfy the epistemic condition for individuals to play the social role of moral expert.
298 Experts can issue expert moral judgments, and moral inquiry can proceed on famil-
299 iar terms, even if experts lack knowledge of the true or correct moral theory.
300 Therefore, expert moral knowledge need not be theoretical knowledge.

301 Ho does not develop a robust account of why theoretical disagreement in science
302 does not cast doubt on scientific expertise. But here is a conjecture that is at least
303 compatible with Ho's remarks on the matter: Of the various criteria used to evaluate
304 scientific theories, predictive power is most central. A scientific theory that issues
305 predictions that are not borne out by relevant observations should be rejected. But
306 sometimes multiple theories are compatible with relevant observations, in which
307 case, all other things being equal, there does not seem any basis for preferring one
308 such theory over another. We do not know which of these theories is true or correct,
309 and indeed, on some ‘instrumentalist’ conceptions of science, there is not much
310 more to a theory's validity than its predictive success. (Popper 1962) Hence, parti-
311 sans of any predictively satisfactory theory can rightfully function as experts despite
312 their claims to theoretical knowledge being contestable. Hence, Ho argues, perhaps
313 we can get along just fine in scientific inquiry, reaching true conclusions, etc., even
314 if there exists uncertainty at the level of theory. And so to the extent that experts
315 contribute to scientific inquiry, their contributions need not presuppose the truth of
316 any theory. Extrapolated to the moral case, moral expertise need not involve theo-
317 retical knowledge.

318 I shall assume *arguendo* that Ho is correct that the lack of theoretical knowledge
319 does not undercut scientific expertise. Yet if this is Ho's intended defense of the
320 dispensability of theoretical knowledge to moral expertise, it does not seem to show
321 that theoretical knowledge is inessential to moral expertise though.

322 First, Ho's position seems to show that when there are no first-order disputes,
323 theoretical disagreement does not impugn claims of expertise. If several scientific
324 theories are predictively adequate, that some experts defend one theory while others

defend another theory does not call into question their playing the epistemic roles of experts. But the expert context in which moral experts play their distinctive roles are contexts in which the moral equivalent of scientific observations — first-order moral judgments or ‘intuitions’ — are themselves contested. Moral non-experts look to moral experts in part to ascertain what they *ought* to ‘observe’, not to settle the theoretical significance of uncontroversial or already established moral ‘observations.’ Thus, the contexts in which theoretical disagreement in the sciences does not impugn scientific expertise (where predictions converge across theories) look to be a special case, largely inapplicable to the very contexts in which moral experts will be called upon for their moral expertise.

We will return to questions about theoretical knowledge and the expert context in the next section. But perhaps this criticism is uncharitable to Ho. It could be that the dispensability of theoretical knowledge to expertise is most *in evidence* in contexts where there is first-order agreement, but it is dispensable in any context. Yet even conceding this, it is not clear that representing the relationship between moral theories and moral judgments as akin to the predictive relationship between scientific theories and scientific observations does justice to the place that moral theories have in moral knowledge.

Suppose that some scientific theory T implies some observation O, and that O is observed in some experimental setting. O thereby confirms T. On its face, moral inquiry may appear to conform to this picture. Suppose that a moral theory M implies (in conjunction with relevant empirical facts) a first-order moral judgment N. Suppose further that N strikes us as antecedently plausible, i.e., we have a ‘pre-theoretical’ intuition in favor of N. We might say that N thereby ‘verifies’ M. Conversely, if N is antecedently implausible, then this counts against or ‘disconfirms’ M. N is thus evidentially relevant to the truth of M, though of course in neither case need we assume that N provides *conclusive* evidence for or against M. More specifically, should N ‘disconfirm’ M, we might take this as grounds for modifying or qualifying M rather than rejecting it altogether. Following the method of reflective equilibrium, we may undertake multiple iterations of this process with the aim of identifying the moral theory or principles that reflect the maximally coherent relationship between candidate moral principles and our intuitive moral judgments. (Rawls 1971). So far then, it may seem that Ho’s analogy between scientific and moral inquiry holds. Moral intuitions ‘predicted’ by a moral theory vindicate that theory in a way structurally similar to the way observations vindicate a scientific theory.

In the scientific case, the centrality of predictive success is what lends credibility to the theoretical agnosticism to which Ho refers. That T predicts O and O is observed seems adequate to the aims of scientific inquiry. To add ‘and furthermore T is *true*’ is either to be redundant or to wade into philosophically contentious territory. T ought to be accepted (in part) *because* its predicted observations are borne out. The justificatory relationship here thus runs from the observations to theory.

The same cannot, I think, be said, of moral theory and moral judgments. That scientific and moral inquiry share an apparently similar hypothetico-deductive structure obscures differences between the role that theories play in these domains.

370 To see why, consider again a process of verifying a moral theory by appeal to
371 intuitions or first-order moral judgments. Suppose that utilitarianism is theory M
372 and that M (in conjunction with relevant empirical facts) implies the intuitively
373 plausible claim N, that (say) it can sometimes be morally permissible to accede to a
374 terminally ill patient's request to actively hasten her death. (Rachels 1975) M
375 implies N, and N's plausibility suggests that this implication relationship holds. So
376 far, so good. It would not, however, be correct to think that the processes of verifica-
377 tion uncover the same justificatory structure as in the scientific case. Moral theories
378 make 'predictions' we can test, yes. But in testing them, we take ourselves to be
379 testing an assumed explanatory or justificatory relation between moral theories and
380 moral judgments, a relation stronger than mere predictive efficacy. If utilitarianism
381 implies that it can sometimes be morally permissible to accede to a terminally ill
382 patient's request to actively hasten her death, then the truth of utilitarianism seems
383 to account for the truth of this first-order judgment.³ The facts that utilitarianism
384 posits as morally relevant (facts about the promotion of welfare, etc.) explain *why it*
385 *is the case* that it can sometimes be morally permissible to accede to a terminally ill
386 patient's request to actively hasten her death. As Ho notes, the "aim of a discipline
387 determines the antecedent need to address deep metaphysical questions." (2016: 4)
388 In the case of morality, our aims include providing justifications of our first-order
389 moral judgments in terms of theoretical moral conceptions stronger than the logical
390 implication of the former by the latter. An adequate moral theory, unlike (perhaps)
391 an adequate scientific theory, does not just get the extensional relationships among
392 concepts or properties correct. It explains those relationships as grounded in moral
393 facts that are presumptively not local or 'one-off'. (Timmons 2013) As in the scien-
394 tific case, moral theories are 'tested' against first-order judgments. But the fact that
395 we accept a moral theory because it implies plausible first-order moral claims does
396 not entail that the justificatory relationship runs from the first-order claims to the
397 theory. Rather, the truth of the theory justifies the first-order claims. Moral inquiry
398 aims at something more than predictive success, namely, explanatory grounding of
399 our first-moral claims. It — and those who claim expertise in it — thus need to
400 "address deep metaphysical questions" in ways that science and scientific experts
401 may not need to.

402 A failure to distinguish discovery from justification can obscure this difference.
403 When using (say) reflective equilibrium, we are aiming at a mutual attunement of
404 our moral theories and our first-order moral judgments. There is a sense, then, in
405 which (for example) that utilitarianism implies that it is sometimes morally permis-
406 sible to accede to a terminally ill patient's request to actively hasten her death gives
407 us reasons to accept utilitarianism. The biconditional

408 Utilitarianism is true if and only if it is sometimes morally permissible to accede to a termi-
409 nally ill patient's request to actively hasten her death

410 cannot be true unless both utilitarianism is true and that it is sometimes morally
411 permissible to accede to a terminally ill patient's request to actively hasten her

³This is not to preclude that some other theory could also imply this first-order judgment.

death. But the fact that we might 'discover' that the latter is intuitively plausible and thereby confirm the former does not entail that the truth of the latter explains the truth of the former. The explanatory relationship is in fact the reverse.

Our reasons for accepting first-order moral judgments thus cannot be detached from the moral theories that imply them as readily as observations can be detached from the scientific theories that imply them. Theoretical considerations play a role in moral deliberation and moral reasoning that they need not play, and often do not play, in scientific deliberation and scientific reasoning. (Hooker 1998) With respect to moral expertise, moral experts will need to rely upon theories (or theory-like considerations) in a more direct way than will scientific experts. For moral theories are reason-giving in a way that scientific theories are not: Scientific theories can be acceptable even if they only indicate extensional relationships among their concepts. Moral theories, on the other hand, derive their plausibility from the relationships among their concepts being both genuinely explanatory and justificatory. A moral theory gives us largely theory-based reasons to believe a first-order moral judgment, whereas a scientific theory gives us reasons to anticipate observations that themselves bear on whether we have reason to accept the theory. To revert to our earlier example, utilitarianism does not merely imply that acceding to a patient's request to actively hasten her death is morally permissible. It purports to give us a reason that accounts for its moral permissibility.

Ho's analogy between moral theory and inquiry on the one hand and scientific theory and inquiry on the other hand thus proves suspect. For unlike in the scientific case, the evidential or justificatory relationship between moral theories and first-order moral judgments cannot be modeled on or reduced to how theories imply or 'predict' first-order moral judgments. To the extent that moral experts can contribute to moral inquiry, they would seem to need to possess knowledge of the correct moral theory (or theory-like considerations) in order for their moral testimony to be supported by moral reasons. And in the absence of providing reasons in favor of their own moral convictions, it is hard to see how moral experts could contribute to progress in moral inquiry at all.

4.4 Theoretical Knowledge and the Testimonial Condition

Ho offers a second argument for the independence of moral expertise from moral theory, one that suggests that experts can satisfy my testimonial condition without reference to theoretical moral knowledge. Ho argues that because theoretical knowledge is often unnecessary in order for moral disagreement to be rationally resolved, experts need not have theoretical knowledge in order to provide expert counsel regarding moral questions. To think otherwise is to falsely assume that "without a normative framework, one cannot solve any moral problems." But because that assumption is false, individuals can rightfully claim to be experts, and play the typical role of moral experts, even absent knowledge of the true or correct moral theory. (Ho 2016: 381).

453 Here Ho seems to cast doubt on the place of theoretical moral knowledge in
454 moral expertise by indicating that such knowledge is not essential in order for
455 experts to satisfy the testimonial condition. Experts' moral testimony can and ought
456 be trusted despite experts not invoking moral theory in support of that testimony.
457 Hence, even if (contrary to the considerations adduced in the previous section) theo-
458 retical moral knowledge is necessary in order for moral experts to function as
459 experts, such knowledge is not essential to non-experts' investing their trust in the
460 moral testimony of experts.

461 Ho is certainly correct that moral disputes are often resolved without the invoca-
462 tion of robust theoretical claims. In many ordinary deliberative contexts, individuals
463 may seek to persuade one another, or seek consensus, regarding some moral ques-
464 tion without giving so much as a thought to how various answers to that question
465 might be theoretically grounded.

466 "When we try to determine what we ought to do, we do not take some broad ethi-
467 cal theory, plug in the particulars of the situation, and see what recommendation
468 falls out," Ho observes. "Moral problems, unlike calculus, are usually not solved by
469 filling in the values for the variables" a moral theory designates as morally relevant.
470 (2016: 374)

471 But Ho's inference that because shared moral deliberation often proceeds in
472 largely atheoretical terms moral experts' testimony can be atheoretical seems
473 unwarranted. Indeed, Ho again overlooks that the expert context is one where theo-
474 retical knowledge is likely to be sought out. Echoing Judith Thomson (Thomson
475 1990), Ho observes that disputes about moral issues are often resolved via "dis-
476 course within a narrow context in which we assume some shared moral judgments,
477 and we do not challenge the broad foundation of morality." (2016: 375) But the
478 perceived need for consulting moral experts arises primarily or most acutely in con-
479 texts in which the participants in a moral discourse have concluded that their own
480 deliberative capacities are inadequate to the moral question at hand — that with
481 respect to *these* moral phenomena at least, they are *not* sufficiently expert. They
482 may find themselves dumbfounded by novel moral phenomena, beset by competing
483 moral intuitions about those phenomena, unable to render those intuitions about
484 these phenomena consistent with judgments about other seemingly similar phenom-
485 ena, etc. Any resolution of these moral questions likely to satisfy these non-experts
486 will need to engage with morality's theoretical foundations. In terms familiar from
487 Aristotle, these non-experts' struggles with 'the that' of morality reflect struggles
488 with 'the why' of morality. Their inability to answer the moral questions that chal-
489 lenge them often reflects a lack of theoretical understanding, of which theoretical
490 principles are relevant to those questions and what those principles imply. If an
491 expert is to assist them, that expert must therefore invoke the theoretical knowledge
492 needed to provide that understanding. Put differently, in many contexts of moral
493 inquiry, the contributors to that inquiry operate as competent peers, seeing them-
494 selves and others as roughly equally capable to address the moral questions at issue.
495 But as noted earlier, the relationship between moral experts and those who might
496 accept their moral testimony is asymmetric, for the contexts in which moral inquir-
497 ers look to experts are those in which those inquirers judge their own moral

competencies to be *inadequate*, i.e., they are implicitly casting doubt on their shared moral judgments and assumptions. And the guidance they seek is theoretical in nature.

We can get a better handle on the place of moral theory in expert moral testimony by imagining a moral expert who espouses an 'anti-theoretical' stance. Take, for instance, Jonathan Dancy's particularist moral theory (Dancy 2004), which proudly denies that moral knowledge can be systematized or codified. According to his theory, principles (which we would ordinarily expect to play a crucial role in systematizing or codifying our moral knowledge) have an extremely limited role in moral thought or choice. There are not, according to Dancy, defensible moral principles nor is moral deliberation characterized by the invocation of principles to address specific cases. Indeed, Dancy goes so far as to embrace a radically contextualist or holistic picture of practical reasons, denying even that there are true principles concerning the relevance of a given consideration (e.g., that an act would cause harm) to the moral justification of action.

Dancy's particularism represents the skeptical end of a spectrum regarding the prospect of moral knowledge being systematized or codified.⁴ But note that this skeptical stance seems to have implications concerning moral expertise: If this form of particularism is true, then individuals whose moral knowledge satisfies the epistemic condition may nevertheless fail the testimonial condition and thereby be disqualified to play the social role of moral experts. Other moral experts, possessed of the same body of moral knowledge as a particularist moral expert, would of course find whatever moral counsel such an expert provides highly reliable (though, of course, being experts themselves, they would presumably have lesser need for or interest in such counsel). But those who sought out the particularist's moral counsel would be understandably uncertain about what level of confidence to have in such counsel. Consistent with the theoretical commitments of particularism, a would-be particularist moral expert could not straightforwardly appeal to principles to explain why her counsel is warranted in any specific case. For the particularist's expertise consists less in knowledge of such principles than in knowledge of which considerations are relevant to the case at hand and how they are relevant. Nor could she readily employ standard methods of moral argumentation in such explanations. For example, using generalizations and counterexamples in an effort to persuade her audience of the reliability of her moral claims would be greatly complicated by the fact (at least it is a fact according to particularism) that any consideration invoked in a generalization supporting a moral claim could play a different justificatory role in another moral context.

My point here is not to argue against particularism of any kind. Rather, I merely wish to stress that there are profound tensions within Dancy-style particularism between the epistemic and testimonial dimensions of expertise, that is, *given* how particularism represents the moral knowledge possession of which is necessary for a would-be expert to satisfy the epistemic condition, any individual who satisfies

⁴Other more moderate particularisms (for instance, Little 2001) may admit the possibility that moral experts can meet the testimonial condition.

540 this condition is not likely to satisfy the testimonial condition. For particularist
541 moral knowledge is opaque in a manner that makes moral expertise very difficult to
542 judge, particularly for those who are not experts and are seeking the counsel of
543 moral experts. Particularism is therefore likely to face an uphill battle in trying to
544 address Scott LaBarge calls the “credentials problem,” i.e., the problem of how non-
545 experts can be rationally warranted in accepting the moral testimony of putative
546 experts. (LaBarge 2005)

547 Again, I do not take these observations to refute particularism. If there are moral
548 experts, then particularism is cast in doubt, and conversely, if particularism is true,
549 then perhaps there are no moral experts. I take no stance on which of these options
550 is correct. All the same, the case of particularism underscores a critical point regard-
551 ing how moral theories relate to moral expertise: There are, or at least can be, gaps
552 between the warrant a moral expert has for her moral beliefs, including her theoreti-
553 cal beliefs, and the warrant that others may have for trusting those experts’ moral
554 testimony. Particularism, I just argued, appears to have an unusually wide such gap.

555 The case of particularism illustrates that a moral expert would be seriously ham-
556 pered in playing the role dictated by the expert context if either she did not (or seem-
557 ingly could not, in the case of the particularist moral expert) invoke theoretical
558 claims. In this regard, the considerations show that theoretical knowledge is needed
559 in order for experts to satisfy the testimonial condition parallel those that show that
560 theoretical knowledge is needed for experts to satisfy the epistemic condition. The
561 practice of shared moral inquiry and deliberation is oriented around reason giving.
562 As soon as moral inquirers acknowledge a need for expert aid, they are compelled
563 to assess a putative moral expert’s testimony based on the reasons that support such
564 testimony. This exercise mirrors first-personal moral reasoning, but occurs when
565 moral agents acknowledge the shortcomings of their own first-personal moral rea-
566 soning. And in looking to experts, their trust in the experts’ testimony should hinge
567 in part on the experts’ invoking theoretical claims (or making theoretical argumen-
568 tative moves) in support of their testimony.

569 It may be thought that my defense of the centrality of theoretical knowledge to
570 moral expertise ends up insisting that non-experts be experts. For I have argued that
571 in order for non-experts to invest their trust in the moral testimony of putative
572 experts, those experts must give evidence of theoretical knowledge. But it might
573 then be inferred that non-experts are evaluating the experts’ testimony as if they (the
574 non-experts) were experts themselves, evaluating the experts’ theoretical commit-
575 ments as if they possessed the very expert moral knowledge they seek from the
576 moral expert.

577 Invariably, non-experts will have to make judgments about the credibility of
578 expert testimony, a challenge complicated by their own lack of expertise. But they
579 need not be experts themselves in order to reach intelligible judgments about moral
580 experts’ moral testimony. For one, they may appraise that testimony by reference to
581 what might be thought of as the experts’ theoretical virtues. An expert who gives
582 (seemingly) inconsistent testimony, who cannot provide a basis for morally differ-
583 entiating similar phenomena, or who cannot answer rudimentary objections is not
584 one that non-experts ought to trust. Such theoretical virtues likely underdetermine

truth in moral theory inasmuch as partisans of rival theories may possess them to the same degree. All the same, non-experts have reasons to hold such an expert's moral testimony in suspicion. My invocation of these theoretical virtues is not meant to offer a complete account of the considerations that non-experts ought to take into account in deciding whether a putative moral expert's moral testimony deserves to be trusted. I merely mean to highlight that non-experts have rational bases on which to appraise the credibility of such testimony that do not presuppose that the non-experts have expert knowledge. More importantly, an expert's inability to give any *theoretical accounting* of her testimony regarding first-order moral questions would, I propose, be a 'red flag' alerting non-experts that the expert's claim to reliable to first-order moral knowledge should be second guessed.

In sum then, by neglecting the peculiarities of the expert context, Ho wrongly extrapolates from the fact that typical discursive contexts do not invoke moral theory that the atypical contexts in which experts come on the scene need not invoke moral theory. We should agree with Ho that it is foolish to think that a theoretical framework is necessary to "solve any moral problems." But we should be skeptical that *experts* can satisfactorily solve moral problems absent reference to any theoretical framework. Ho thus convincingly demonstrates that theory is not needed when experts are not needed. But there is good reason to think that theory is needed just when experts (apparently) are.

4.5 Conclusion 605

I have provided no reason to think there are experts in moral theory, nor any guidance regarding the true or correct moral theory knowledge of which would be necessary for an individual to be a moral expert. I have attempted to defend the centrality of theoretical knowledge to moral expertise against those who deny that moral experts must have theoretical knowledge or that experts' moral testimony can be rightfully trusted by others if that testimony is atheoretical. In order for individuals to have moral expertise, their moral testimony must be ultimately rooted in theoretical knowledge.. Theory has a reason-giving function in moral discourse that it lacks in other discourses, including scientific discourse. Moral experts must therefore be theoretical experts.

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