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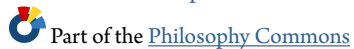**University of Notre Dame Australia**
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Moral Enquiry in a Pluralist Society:

From Contention to Conversation

Philip James Matthews

A thesis submitted for the degree of Doctor of Philosophy of the

University of Notre Dame Australia

School of Philosophy and Theology

2009

Declaration of Authorship

This thesis is my own work and contains no material which has been accepted for the award of any degree or diploma in any other institution. To the best of my knowledge the thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis.

Philip Matthews

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Anthony Imbrosciano (1959–2008)

ABSTRACT

Over the last five hundred years, several conceptually incommensurable theories of ethics have been promulgated. For some moral philosophers, this incommensurability is a matter of deep concern because, in complex cases, there is no tradition-independent method for resolving moral conflict. More recently, a new discipline of applied or practical ethics has emerged. Practical ethics attempts to fill the void between rival moral theories by appealing, first, to the role of reason from an impartial observer perspective and, second, to decision making protocols based on moral principles. This "first generation" attempt at codifying practical ethics failed to bridge the incommensurability gap because decisions based on the application of principles turned out to be just as divisive, in complex cases, as decisions made from a theory-centred perspective. This thesis reconstructs and critiques two of the most prominent decision making protocols in practical ethics.

For other philosophers, the diversity that one finds in ethical theory is precisely what a moral agent ought to expect from a complex discipline such as ethics, particularly in a pluralist society. These philosophers argue that the main problem is not that philosophy failed to deliver a unified or standard model of moral deliberation, but that philosophers took so long to appreciate why epistemological certainty is an unrealistic goal for a discipline primarily concerned with human behaviour.

This thesis argues that the moral diversity one finds in a pluralist society requires moral agents to engage in two types of consensus about ethics. First, ethics requires a *thin* consensus about the teleological imperatives that enable people to live peaceably in the *polis*. This *thin* minimalist consensus engages moral agents in a discussion about universals held in common, universals that sustain a civil society, even while its moral agents hold incommensurable views on many other things. A second type of *thick* consensus is found in the concept of a practice. As defined by Alasdair MacIntyre, a practice is a long-lived coherent human activity consistent with the *telos* of the whole human life. The concept of a practice can be usefully employed in a pluralist society because it trades on a *thick* maximalist consensus on the internal goods that sustain the activity. In this context, rational agents who are separated by *thick* epistemological disagreement can be shown to hold more things in common than is often appreciated.

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CHAPTER 1: ETHICS IN A PLURALIST SOCIETY

1.1 Introduction

> People working in the natural sciences share in more or less agreed-upon tasks, but the agenda of philosophy has always been contested: its credentials have never been agreed upon, even by its classic authors.[1]

> As matters now stand, our need to reappropriate the reasonable and tolerant (but neglected) legacy of humanism is more urgent than our need to preserve the systematic and perfectionist (though well established) legacy of the exact sciences; but, in the last resort, we cannot dispense with either. We are indebted to Descartes and Newton for fine examples of well-formulated theory, but humanity also needs people with a sense of how theory touches practice at points, and in ways, that we feel on our pulses.[2]

> Stephen Toulmin

The central claim of this thesis is that in a pluralist society, a practice-guided form of moral enquiry offers greater explanatory power for both the agreements and the disagreements within practical ethics than other forms of moral enquiry. The thesis will argue that a practice-guided approach to moral conflict enables theory "to touch" practice in the sense that Toulmin refers to above because it focuses attention on a type of consensus that transcends traditional theological and

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[1] Stephen Toulmin, *Cosmopolis: The Hidden Agenda of Modernity* (Chicago: University of Chicago Press, 1990), 10.
[2] Toulmin, *Cosmopolis*, 180.

philosophical conflicts. In short, this thesis will defend the idea that the consensus that one finds in a practice (law, medicine, politics, etc.) has sufficient explanatory power to transcend many of the controversial debates in practical ethics.

Practice-guided enquiry is an adaptation of a method of enquiry originally advocated by Alasdair MacIntyre.[3] MacIntyre uses the concept of *practice* as an evaluative tool for analysing rival moral traditions, the aim of which is to defend a tradition (Aristotelian Thomism) that he thinks best supports the teleological and rational nature of human beings.[4] The type of practice-guided pragmatism advocated in this thesis has a more limited scope. The justification for this limited claim is that a consensus over internal goods within a practice (i.e. medicine or law) is self-authenticating in ways that MacIntyre does not seem to appreciate.[5]

The type of pragmatism advocated in this thesis trades on Aristotle's awareness that the study of the Good is an imprecise science. In his *Nicomachean Ethics* the search for the Good is intricately linked to the study of politics because in Aristotle's mind ethics informs the political process. For Aristotle, ethics and politics belong together because the natural state of mankind is to live in some form of organised society.[6] A rational agent, for Aristotle, is one who gives serious consideration to a discipline because "the man who has been educated in a

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[3] Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, third edition (Notre Dame: University of Notre Dame Press, 2007), 187.
[4] MacIntyre, *After Virtue* (2007), 52.
[5] Chapter 5 of this thesis will outline both the strengths and the weaknesses of MacIntyre's tradition-guided methodology.
[6] Aristotle, "Nicomachean Ethics," in *Great Books of the Western World*, ed., Mortimer J. Adler (Chicago: William Benton, 1952), 1169^b, 423.

subject is a good judge of that subject."[7] However, because politics is not an exact science, a rational agent should not expect to gain any more clarity than the subject matter admits.[8] The central focus of the *Nicomachean Ethics* is therefore on types of behaviour (virtues) that moral agents ought to exhibit if they intend to live well in a civilised society (*polis*).

By placing the search for the Good within the realm of politics, Aristotle links the flourishing of an individual life to the success of the *polis* itself. Aristotle's approach seems pragmatically useful for a modern pluralist society such as Australia because moral agents can agree on the general idea of human flourishing even when they engage in sharp disagreement over particular issues. Unlike some liberal democracies, Australia does not have a legislative link with a particular form of religious expression. The "Preamble" to the *Commonwealth of Australia Constitution Act 1900* asks for the blessing of God and entreats the proclamation from the Queen, but the authority and influence of religious institutions and the Queen have waned in the intervening years.[9]

This waning influence is not because those who hold religious or monarchist views comprise an insignificant minority. The majority of Australians still seem to lack trust in the formation of an Australian republic,[10] and according to the National Church Life Survey of 2001, more people attend religious services than

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[7] Aristotle, "Nicomachean Ethics," 1095[a], 340.
[8] Aristotle, "Nicomachean Ethics," 1094[b], 339. See also J. O. Urmson, *Aristotle's Ethics* (Oxford: Basil Blackwell, 1988), 109-10.
[9] Parliament of the United Kingdom at Westminster, "Preamble," *Commonwealth of Australia Constitution Act 1900* (1901).
[10] A constitutional amendment to change Australia to a republic was rejected in 1999.

attend the most popular sporting pastime, the Australian Football League.[11] However, people committed to a constitutional monarchy and those who attend religious services do not present a united voice on many complex moral issues. Prior to European settlement (1788) there were many indigenous forms of spirituality and in the years since this diversity has been added to by people from almost every nation, culture, and religious expression. Religious pluralism in Australia is therefore an incontrovertible reality, and debates over complex moral issues reveal that no single religious tradition trumps all others.

During this same time frame moral pluralism also became more widely appreciated in philosophy. When Toulmin claims above that the "credentials" of philosophy "have never been agreed upon, even by its classic authors," he is referring to the *variety* of epistemic claims that provided the foundation for moral theories during the Modern period. Problems associated with the conceptual incommensurability of rival moral arguments will be outlined in Chapter 2 so it suffices to say at this stage that the absence of an agreed-upon foundation for moral argument does not imply that the influence of any particular moral tradition is necessarily negated.

A moral tradition is diminished, in a technical epistemic sense, if the premises on which it rests turn out not to be as foundational as envisaged by its original proponents. However, even in cases like this the practical applications that evolve from these diminished theories can remain significant. The historical link that

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[11] National Church Life Survey, *Occasional Paper 3: Church Attendance Estimates* (NCLS, 2001).

Australia has with English social policy, primarily through the legacy of British utilitarianism, is a case in point. The distributive justice legacy of British utilitarianism is most obvious in the social security and Medicare safety-nets, and both of these policies are generally recognised as among the best forms of social welfare.[12] The consensus over the efficacy of cost-benefit analysis for social policy breaks down, however, when it comes to specific moral issues because the "cash value" or "practical consequences for human conduct" of both Bentham's hedonic calculus and Mill's higher quality pleasures is not as self-evident as they assumed.[13] Philosophical pluralism is now also an incontrovertible reality in Australia because no single philosophical tradition trumps all others.

Australia's unique brand of representative democracy also includes a limited form of political pluralism. Political parties that are not mainstream can become politically significant if and when their advocates can create a perception among Australian voters that the two-party system is lacking.[14] In Australia the ballot box is a significant force for change and politicians ignore this reality at their peril. However, the political motivation to take heed of majority opinion has its own problems. Mill's warning concerning the "tyranny of the majority" is part of the reason why Australia inherited from Britain a somewhat clumsy political approach to dealing with complex moral issues.[15] For some complex issues the

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[12] See Robert E. Goodin, *Utilitarianism as a Public Philosophy* (New York: Cambridge University Press, 1995), 1-27.
[13] Pragmatists argue that a truth-claim should be analysed for its "cash value" or practical consequences for human conduct rather than for its epistemic certainty. See "Pragmatism's Conception of Truth," Lecture 6 in William James, *Pragmatism: A New Name for Some Old Ways of Thinking* (New York: Longman Green and Co., 1907), 76-91.
[14] The movements that led to the Australian Democrats (1977), the Nuclear Disarmament Party (1984), and One Nation (1996) typify the type of niche politics possible in Australia.
[15] John Stuart Mill, "On Liberty" in *Utilitarianism, Liberty, and Representative Government* (London: J. M. Dent, 1910), 73.

Australian parliament takes heed of various points of view and on others it mandates policy solely for reasons of political expediency.

Distrust over the tyranny of power was well entrenched in the minds of nineteenth century British citizens, and Mill was concerned that the British public acknowledge the destructive influence of democratic tyranny as well. He advanced two maxims of the *harm principle* on which public interference with private liberty ought to be based. First, individual citizens ought to be left alone as long as their actions do not impact on others, and second, intervention (social or legal punishment) is only permissible if actions of individuals are prejudicial to the interests of others.[16]

Mill's argument for liberty of conscience illustrates the difficulty of merging theory with practice in moral philosophy. The practical problem of deciding which actions require interference by the State, and which do not, now seems self-evident. Mill's explanation of individual behaviours that should or should not be constrained by the State reflects his own time and place. According to Mill, public gambling houses should not be permitted but prostitution should be (but not in brothels). Sellers of strong drink should have their liberty restricted and so should those who have a conscientious objection to war.[17] Mill's list of objections to liberty seems incompatible with a twenty-first century context, and these contingency problems highlight the practical difficulty of forming legislation based on the harm principle. Mill seems to concede this point in the beginning of

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[16] Mill, "On Liberty," 149
[17] Mill, "On Liberty," 65.

On Liberty when he says that the practical issue over where to place limits is "a subject on which nearly everything remains to be done."[18]

The problematic shift from ethical theory to ethical practice in a pluralist society is even more noticeable than it was in Mill's day because no single form of moral philosophy or moral theology is dominant. For some complex moral issues, Australia's parliament has acknowledged this plurality by attempting to reach a political consensus beyond these competing voices. A pragmatic political consensus of this type does not, and cannot, alleviate the concerns of all stakeholders, but it does provide an opportunity for the stakeholders to be heard, and it usually results in a political or legal resolution.

The most recent debates in Australia over bioethical issues are cases in point. Like all other western democracies, Australia has been attempting to engage its citizens in complex bioethical debates. In the initial stages of these debates, the Australian government has engaged the various stakeholders by calling for expressions of interest, by holding community consultation meetings, and even by using the parliament itself as a forum for various points of view. Eventually, however, the consultative process reaches an end-point and a decision is made or a vote is cast.

Australia's parliaments have arbitrated on some of the most controversial issues in bioethics, including abortion, prenatal genetic testing, and more recently the use of embryos for non-reproductive purposes. For some other controversial issues

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[18] Mill, "On Liberty," 25.

this end-point is extended further through the judiciary, such as the High Court's 1983 decision to overturn the Tasmanian Government's decision to build a dam on the Franklin River. For still other issues, this end-point is extended even further and results in a referendum put to the Australian electorate, perhaps the most significant being the 1967 vote that enabled Aboriginal and Torres Strait Islander Australians to be counted in the national census (approved 90.8%).[19]

This same consultative process has not been the case in Australia for all important moral issues, however, and political expediency seems to determine how consultative Australian parliaments will be. Over the last decade, for instance, the Australian government conducted an intensive internment programme for asylum seekers and other refugees who came to Australia by boat. This Federal Government sponsored programme, known as the "Pacific solution," led to several thousand refugees being interned in gulag style camps, both on Australian soil and on surrounding island nations such as Nauru. During this period people from divergent moral traditions railed against the inhumane Pacific solution but with very little impact. Lawyers acted pro-bono in several court cases on behalf of refugees, and on some occasions Federal Members of the Government made a rare protest by crossing the floor of the House to vote against their own party.[20]

From a moral perspective, Australia's most high profile philosopher, Peter Singer, had earlier co-authored a paper with Renata Singer that sought to show how the

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[19] Only four constitutional reforms have been approved by the Australian electorate since the first in 1906 (forty-four in total).
[20] See Michael Gordon, "Risking Political Death but Undeterred," *The Age,* August 10, 2006.

principle of equal consideration of interests, a form of means-ends reasoning, ought to be applied to refugee problems around the world.[21] During this period the Australian Catholic Bishops issued a paper that urged the Australian Parliament to take seriously its international obligations in relation to asylum seekers and other refugees. The Bishops argued that "It is always unjustifiable to detain asylum seekers in order to deter future asylum seekers from coming to Australia," claiming that Catholic moral tradition "has always insisted that it is morally wrong to use unacceptable means even for an arguably good end."[22] The Catholic Bishops were unequivocally critical of the refugee policy, and they shared Singer and Singer's moral judgment that interning refugees was wrong. However, Singer and Singer argue that means-ends reasoning can resolve the problem whereas the Catholic Bishops argue that means-ends reasoning caused the problem in the first place.

In this case there was a consensus that the Pacific solution was unjust even though the respective parties were in fundamental disagreement over their respective epistemic justifications for that judgment. Consensus of this type is possible because moral agents agree on what Michael Walzer and others call a *thin* moral motivation.[23] This *thin* moral motivation enables agreement on many moral issues because it presupposes a moral awareness that transcends the tradition-based contingency of the moral arguments concerned. Walzer is not suggesting that the

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[21] Peter Singer and Renata Singer, "The Ethics of Refugee Policy," in Mark Gibney ed., *Open Borders? Closed Societies? The Ethical and Political Issues* (New York: Greenwood Press, 1988), 111-130.
[22] Australian Catholic Bishops Conference, *A Message from the Australian Catholic Bishops Conference* (May 2004).
[23] Michael Walzer, *Thick and Thin: Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame Press, 1994), 1-4.

various moral agents accept, or even recognise, that the language they use has this *thin* aspect to it. His point, rather, is that when moral maxims play themselves out in practice they have both a *thin* (minimalist) expression and a *thick* (maximalist) expression. For Walzer, moral *thinness* is the more vital aspect of moral discourse because it allows for an "intense unity" between various moral agents, whereas moral *thickness* promotes "qualification, complexity, and disagreement."[24] Walzer seems right about this because on many important ethical issues serious thinking people agree; consequentialists agree with non-consequentialists, and theists agree with atheists, because they recognise in the opposing argument a conclusion that resonates with their own. In the asylum seekers case, the justificatory arguments of utilitarian philosophers and Catholic Bishops revealed a shared *thin* agreement that Australia's policy was unjust and needed to be changed.

For some moral issues, however, this *thin* consensus is not possible, and on these occasions political expediency takes over. Disagreement of this type occurs when the various discussants derive their respective moral imperatives from what Walzer refers to as a *thick* maximalist morality.[25] Using the same two moral traditions from the asylum seekers case above, we can see how the standoff over stem-cell harvesting exemplifies the type of *thick* moral disagreement that Walzer refers to.

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[24] Walzer, *Thick and Thin*, 7.
[25] Walzer, *Thick and Thin*, 4. See also "Conflicts of Values" in Bernard Williams, *Moral Luck* (Cambridge: Cambridge University Press, 1981), 71-82; and Allan Gibbard and Simon Blackburn, "Morality and Thick Concepts," *Proceedings of the Aristotelian Society*, Supplementary Volume 66 (1992): 267-283. The relationship between *thin* and *thick* moral evaluation will be analysed in more detail in Chapter 2.

In the asylum seeker case, the two moral traditions achieved a *thin* consensus from arguments that are conceptually incommensurable. In the stem-cell case, however, consensus is not possible because the defining issue, the moral status of the embryo, draws opposite conclusions from the two moral traditions. From a Catholic perspective, the moral argument against stem-cell harvesting is based on a *thick* theological and philosophical tradition that promotes the claim that because embryos have a significant moral status it would therefore be unethical to use them for non-reproductive purposes.[26]

Utilitarian philosophers Helga Kuhse and Peter Singer take the opposite view when they argue that stem-cell harvesting should be permitted because it raises few moral issues. From their perspective, an embryo does not have a significant moral status and therefore, as far as the principle of equal consideration of interests is concerned, the utilisation of embryos for stem-cell harvesting raises few moral concerns.[27] In a case like this there is no epistemic mediation possible because neither side is prepared to concede that its respective arguments, both the premises and the conclusions drawn from them, are internal to particular traditions and not the product of rationality *qua* rationality. The Catholic concern for the high moral status of an embryo is contingent on a *thick* moral tradition that incorporates the philosophical argument of natural law and the theological premise that life is a gift from God. The opposing argument from Kuhse and Singer, that an embryo has no inherent moral status, is contingent on an equally

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[26] Congregation for the Doctrine of the Faith, *Dignitas personae: on certain ethical questions* (Offices of the Congregation for the Doctrine of the Faith, 8 September 2008).
[27] Helga Kuhse and Peter Singer, "The Moral Status of the Embryo," in H. Kuhse, ed., *Peter Singer: Unsanctifying Human Life* (Oxford: Blackwell Publishers, 2002), 181-187.

thick moral tradition derived from utilitarianism that incorporates both the nuanced perspective of preference calculus and the decision making protocol of equal consideration of interests. Both arguments are coherent and reasonable but they are also conceptually incommensurable.

This type of *thick* epistemic standoff occurs whenever the topic under debate is complex and whenever a *thin* agreement between the stakeholders is not forthcoming. Moral philosophers have long been aware of the epistemic difficulties associated with converting a general theory of ethics into a specific set of action-guides.[28] This lack of consensus in moral philosophy has already been well documented, primarily by showing how and why consensus is not possible, given the incommensurable epistemological divide between competing moral theories.[29]

Alasdair MacIntyre, one of the most vocal critics of applied moral philosophy, has for several decades now focused his criticism on the conceptual incommensurability of rival moral theories. MacIntyre's tradition-guided response to the incommensurability of moral theories will be analysed in detail in Chapter 6 of this thesis so a brief summary here will suffice to outline the problem as he sees it. In the first of a trilogy of books that deal with the incommensurability problems associated with rival moral traditions MacIntyre describes why he thinks moral philosophy is in a state of crisis:

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[28] These epistemic difficulties will be addressed in detail in Chapter 2.
[29] See "The Archimedean Point" in Bernard Williams, *Ethics and the Limits of Philosophy* (London: Fontana Press, 1985), 22-29.

Every one of the arguments is logically valid or can be easily expanded so as to be made so; the conclusions do indeed follow from the premises. But the rival premises are such that we possess no rational way of weighing the claims of one as against another.[30]

In the second book, *Whose Justice? Which Rationality?,* MacIntyre extends this critique and argues that the incommensurability problem is internal to philosophy itself and not simply a problem between rival traditions.

Modern academic philosophy turns out by and large to provide means for a more accurate and informed definition of disagreement rather than progress toward its resolution. Professors of philosophy who concern themselves with questions of justice and of practical rationality turn out to disagree with each other as sharply, as variously, and so it seems, as irremediably upon how such questions are to be answered as anyone else.[31]

In the third book, *Three Rival Versions of Moral Enquiry*, MacIntyre restates the problem in even starker terms:

debate between fundamentally opposed standpoints does occur; but it is inevitably inconclusive. Each warring position characteristically appears irrefutable to its adherents; indeed in its own terms and by its own standards of argument it *is* in practice irrefutable. But each warring position equally seems to its opponents to be insufficiently warranted by rational argument.[32]

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[30] MacIntyre, *After Virtue* (2007), 8.
[31] Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame: University of Notre Dame Press, 1988), 3.
[32] Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition* (Notre Dame: University of Notre Dame Press, 1990), 7.

MacIntyre argues that the frustration associated with contemporary moral debate is because the types of debates we have are unsettlable at one level and interminable at another.[33]

Over the last fifty years, a new discipline evolved within moral philosophy that attempted to side-step the epistemic problems associated with conceptually incommensurable theories. Known variously as applied or practical ethics, this new discipline sought to overcome the theoretical divide by focusing on decision making protocols. Most of these new protocols advocate a composite approach whereby the rational agent takes on the role of an impartial moral agent and incorporates aspects of both consequentialist and non-consequentialist theories of ethics in the decision making process. Advocates of this approach argue that practical ethics of this type can solve moral dilemmas in a way that had not been possible using traditional ethical theories. These decision making protocols are now referred to as common morality theories because they appeal to aspects of moral enquiry that rational agents hold in common. In Australia, the two most influential decision making models used in practical ethics are the four-principle approach advocated by Tom Beauchamp and James Childress, and the preference-utilitarian approach advocated by Peter Singer.[34]

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[33] Alasdair MacIntyre, "Why is the search for the foundations of ethics so frustrating?", *Hastings Center Report* 9/4 (1979): 16-22.
[34] See Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (New York: Oxford University Press, 1979) with subsequent editions in 1983, 1989, 1994, 2001, and 2008; and Peter Singer, *Practical Ethics* (New York: Cambridge University Press, 1979 and 1993) and *The Expanding Circle* (New York: Farrar, Straus and Giroux, 1981). Both decision making protocols will be analysed in more detail in Chapter 4 (principles) and Chapter 5 (preferences).

A central aim of this thesis is to show that the problem solving capacity of common morality theories for complex moral dilemmas is overstated because the *practical consequences for human conduct* of a decision making protocol is not as systematic or as coherent as its adherents claim. The major epistemic problem with decision making protocols is that they do not acknowledge the *thin/thick* distinctions of moral enquiry referred to earlier. While there is a consensus that moral principles or rules are useful (*thin* moral minimalism), there is no consensus that these same principles or rules are definitive for solving complex moral issues.

The main practical problem with decision making protocols is that moral agents use the principles or rules in ways that are consistent with their own moral traditions (*thick* moral maximalism). This thesis will show how MacIntyre's concept of a practice can be usefully employed for resolving moral disagreements in a pluralist society, without the necessity for a *thick* teleological and theological narrative that his form of Aristotelian Thomism implies. For MacIntyre, moral enquiry requires an appreciation of what he calls the "*telos* of the whole human life,"[35] and this appreciation involves a "fundamental contrast" between "man-as-he-happens-to-be" and "man-as-he-could-be-if-he-realized-his-essential-nature."[36] The state of "man-as-he-happens-to-be," however, is not as stark as MacIntyre thinks because the internal goods (standards of excellence) of a given practice are more self-authenticating than he seems to appreciate. This is because the self-authenticating *thick* standards of a good practice have positive *practical*

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[35] MacIntyre, *After Virtue* (2007), 187.
[36] MacIntyre, *After Virtue* (2007), 52.

consequences for human conduct even when there is only *thin* agreement over how that practice fits into the *telos* of the whole human life.[37]

This thesis will endeavour to show, first, that the discontent within philosophy over foundationalist assumptions was already well established prior to the evolution of practical ethics (Chapters 2 & 3). Second, the thesis will reconstruct three different types of moral enquiry (Chapters 4, 5, & 6) and show that, from a pragmatist perspective, the *practical consequences for human conduct* are not as significant as the various adherents of the respective theories claim. Third, the thesis will show how the concept of a practice (Chapter 7) can be usefully employed as an aid to resolving complex moral disputes by appealing to levels of agreement or consensus that the various stakeholders share, even when they are in serious disagreement.

1.2 Foundationalism: Discontent from Within

Chapter 2 of this thesis will show that the discontent within philosophy over foundationalist assumptions was already well established in both the philosophy of science and moral philosophy prior to the establishment of the discipline of practical ethics. The history of scientific enquiry provides a neat comparison with moral enquiry because Modern thinkers sought the same epistemic certainty in ethics as they did in science. Unlike many scientific disciplines, however, moral philosophy has never developed the concept of a *standard model*. In science a

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[37] The self-authenticating standards of a practice will be explained in more detail in Chapters 6 and 7.

standard model is usually an open ended theory or set of laws that provide the epistemological foundation for further thinking or experimentation. Philosophy has never had a *standard model* for moral enquiry, so when philosophers were no longer constrained by religious or civil authority it is not surprising that the Modern period produced several distinct forms of moral enquiry. There seems to be a more appreciative attitude among contemporary scientists and philosophers of science to the evolutions and revolutions in scientific theories than is often exhibited by critics of rival moral theories. It would seem odd to describe Isaac Newton as a failure simply because Newtonian physics gives an inadequate explanation for scientific evidence based on quantum physics. In the same way it would be odd to describe Kant as a failure simply because the application of moral duty is not as absolute as he seemed to think.

The consensus view that stems from the concept of a *standard model* provides a useful paradigm for the type of practice-guided enquiry advocated in this thesis. Gordana Dodig-Crnkovic argues that the contemporary understanding of the theory of science widens the scope of enquiry to incorporate a breadth of opinion that would not have been acceptable in the Modern/Cartesian paradigm of scientific method:

> According to this approach, scientific knowledge is the product of a collective human enterprise to which scientists make individual contributions that are purified and extended by mutual criticism and intellectual cooperation. According to this theory the goal of science is

a consensus of rational opinion over the widest possible field.[38]

This same breadth of opinion seems applicable to moral theory in a liberal democracy because both classic and contemporary liberalism accept that the twin concepts of *freedom* and *liberty* are expressed within a social *polis* that engages with people who have diverse and at times competing points of view.[39] This chapter will endeavour to show that moral foundationalism had already been the subject of serious critique prior to the evolution of practical ethics.

1.3 Decision Making and Practical Ethics

Chapter 3 will examine the historical background that led to common morality theories being overstated by their original proponents and thus subsequently so heavily criticised by their detractors. Arguments over practical ethics break down because they slide too easily from *thin* minimalist concepts to the *thick* application of those concepts in particular cases. Common morality theories appeal to *thin* principles or rules that many moral agents accept, and this level of argument is relatively uncontroversial. The controversy erupts when practical ethicists overstate the efficacy of these *thin* principles or rules for solving particular cases.

When John Harris argues that the proper business of decision making in medical ethics is to resolve moral dilemmas he overstates the level of resolution that is

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[38] Gordana Dodig-Crnkovic, "Theory of Science," *Real Time Research Centre Report*, Mälardalen University Sweden (2001): 18.
[39] See Alan Ryan, "Liberalism," in Robert E. Goodin and Philip Pettit eds., *A Companion to Contemporary Political Philosophy* (Oxford: Blackwell Publishing, 1995), 291-311.

possible for moral debate in a liberal pluralist society.[40] Similarly, when Singer addresses the abortion question and states, "I shall show that, at least within the bounds of non-religious ethics, there is a clear-cut answer and those who take a different view are simply mistaken,"[41] he overstates the capacity of preference utilitarianism to achieve moral consensus even when limited to a non-religious perspective. These overstated claims highlight the major criticism that has been leveled by some at so-called "first generation bioethicists."[42] This chapter will argue that an anxiety over medical advances coupled with what Richard Bernstein calls a "Cartesian anxiety" over epistemic foundations[43] produced a first generation of bioethics text books that were too simplistic for the type of complex moral dilemmas that moral agents face in a pluralist society.

1.4 Principle-Guided Enquiry

Chapter 4 will focus on the most popular non-consequentialist version of common morality theory, the four-principle approach advocated by Beauchamp and Childress. Now in its sixth edition, *Principles of Biomedical Ethics* is probably the most successful text book on practical ethics ever written. However, it is also one of the most heavily criticised and is seen by its critics as the prime example that illustrates why "second generation" bioethics is now necessary.[44] This chapter will

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[40] John Harris, *Value of Life: An Introduction to Medical Ethics* (London: Routledge and Kegan Paul, 1985), 4.
[41] Singer, *Practical Ethics,* 137.
[42] See Edwin R. DuBose, Ronald Hamel, and Laurence J. O'Connell, *A Matter of Principles: Ferment in US Bioethics* (Valley Forge: Trinity Press International, 1994), xvii. See also C. Elliot, *Bioethics, Culture and Identity: A Philosophical Disease* (New York: Routledge, 1999), xvii.
[43] Richard Bernstein, *Beyond Objectivism and Relativism: Science, Hermeneutics, and Praxis* (Philadelphia: University of Pennsylvania Press, 1983), 16-20.
[44] DuBose et al., *A Matter of Principles*, xvii.

show that the four-principle model, based on autonomy, nonmaleficence, beneficence, and justice, is usefully *thin* because it provides a common set of terms that moral agents can utilise in complex moral debates. However, the principles are not definitive enough on their own to solve complex cases, and this failure illustrates a common problem for most forms of practical ethics. The *thin* consensus over the four-principles breaks down when they are applied to particular cases. This is because the application of the principles in complex cases is *thick* with the ideological and philosophical concerns of the various stakeholders, thereby making a resolution impossible.

To illustrate, the abortion debate presents straightforwardly in the four-principle approach as a clash between autonomy and nonmaleficence. However, there is no mechanism within the four-principle approach that serves to adjudicate why one principle trumps another. Moral agents are therefore likely to choose whatever principle best fits the position they held prior to the application of the principles. The standoff over the clash of principles (autonomy vs. nonmaleficence) is as divisive as the standoff arising from the utilisation of rights language (right to choose vs. right to life) or that created by disagreement over whether the interests of fetuses ought to count in the personhood debate. The standoff over an agreed-upon set of principles is what MacIntyre refers to when he says that "modern academic philosophy turns out by and large to provide means for a more accurate and informed definition of disagreement rather than for progress towards its resolution."[45]

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[45] MacIntyre, *Whose Justice?*, 3.

The main epistemological problem for the principle-guided method of decision making occurs when it is presented as a means of resolving debates in bioethics. Bioethics is a general term that incorporates diverse issues and even more diverse points of view because the rational discussants bring with them numerous medical, religious, philosophical, and scientific points of view. A diverse group of rational discussants is unlikely to agree on how to apply the four-principles in complex cases because each moral agent approaches the issue from what MacIntyre calls a "story-filled" perspective.[46] This epistemological divide is less significant when the principle-guided approach is used within a particular practice such as nursing. This is because nursing is a practice with a clearly recognised *telos* (health) and with clearly defined internal goods that have been forged over the course of the history of the practice. The individual nurse is not the arbiter of "good practice" because he or she plays a role in a discipline with a much longer and deeper history. In this context, the four-principle approach is pragmatically useful because it provides a relatively straightforward set of action-guides in a discipline with an agreed-upon *telos* and an agreed-upon set of internal goods (standards of excellence).[47]

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[46] MacIntyre, *After Virtue* (2007), 3.
[47] See Ian E. Thompson, Kath M. Meia, and Kenneth M. Boyd, *Nursing Ethics*, fourth edition (Edinburgh: Churchill Livingstone, 2001).

1.5 Preference-Guided Enquiry

Chapter 5 will evaluate the most popular consequentialist form of common morality theory, Peter Singer's *Practical Ethics*. Singer argues that many of the difficulties associated with decision making in practical ethics can be overcome when a moral agent takes on the role of an "impartial spectator" or "ideal observer."[48] This chapter will show that, as with the four-principle approach, decision making based on equal consideration of interests can be useful as a general guide to decision making but is not definitive enough to solve complex problems.

Singer presents his version of common morality as emerging from within the tradition of utilitarianism, but through a nuanced perspective of interest or preference satisfaction rather than the more general pleasure/pain calculus that Bentham and Mill used. The two main epistemological problems with Singer's version of practical ethics is that he overstates, first, the role of an impartial moral agent and, second, the uniformity of decision making based on equal consideration of interests. He states at the beginning of *Practical Ethics* that his concern is to show how a "broadly utilitarian position" deals with some of the more complex issues in bioethics.[49] This chapter will show that Singer's *broadly utilitarian position* breaks down on its own terms so that he has to incorporate non-utilitarian thinking into his argument in order to sustain the conclusions he draws. The *practical consequences for human conduct* of decisions based on

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[48] Singer, *Practical Ethics*, 12.
[49] Singer, *Practical Ethics*, 12.

equal consideration of interests are not as significant as Singer maintains because interests or preferences are not self-evident in complex cases.

1.6 Tradition-Guided Enquiry

Chapter 6 will begin by showing why MacIntyre thinks that the discipline of practical ethics rests on a fundamental epistemological mistake. The epistemic problem for practical ethics is that it is presented through the guise of impartial consideration on the basis of which a *balanced* evaluation of fundamental principles or rules can be achieved. MacIntyre argues that because no objective criterion exists on which this balancing can take place, the use of principles and rules is itself *empty of application*:

> the metaphor of weighing claims that invoke rights against claims that invoke utility, or claims that invoke justice against claims that invoke freedom, in some sort of moral scale is empty of application. There are no moral scales … hence moral arguments terminate very quickly and in another way are interminable. Because no argument can be carried through to a victorious conclusion, argument characteristically gives way to the mere and increasingly shrill battle of assertion with counter assertion.[50]

In another place he is even more dismissive of "balancing" in practical ethics when he states: "there are no scales—and the metaphor of balancing, if thought of as a rational process, is a misleading and disguising fiction… This is why these are not genuinely moral principles or rules."[51] For MacIntyre, the epistemic

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[50] MacIntyre, "Why is the search for the foundations of ethics so frustrating?", 16-17.
[51] Alasdair MacIntyre, "Does Applied Ethics Rest on a Mistake?", *The Monist* 67/4 (1984): 498-513 (510).

problems associated with decision making in ethics stem from a fundamental teleological mistake. Because a moral agent cannot be removed from his or her own personal history and sense of purpose, MacIntyre argues that moral enquiry is primarily a teleological account of what it means to be human. Acknowledgement of the *telos* of the whole human life is necessary, according to MacIntyre, because it mediates between those practices that promote human flourishing (e.g., medicine) and those practices that do not (e.g., slavery). MacIntyre says that moral enquiry from this perspective presupposes "some account of potentiality and act, some account of the essence of man as a rational animal and above all some account of the human *telos*."[52]

According to MacIntyre, the success of a moral tradition depends on how well it distinguishes between those practices that inform and nourish the *essential nature* of a human being and those practices that are destructive of this end. For MacIntyre, the internal analysis of a practice is the first stage of moral enquiry because it provides the methodological framework for fair assessment and because it evaluates a moral tradition from the inside. Once this first stage is complete a moral agent can then advance to the second stage and compare one tradition with another. Over a twenty-year period, MacIntyre used this tradition-guided methodology to argue for a revised form of Aristotelian Thomism because, for him, this tradition succeeds on its own terms when other moral traditions fail.

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[52] MacIntyre, *After Virtue* (2007), 222.

MacIntyre asserts at the beginning of *After Virtue* that the language of morality is in a "state of grave disorder,"[53] but this assessment seems overly pessimistic at one level and overly optimistic at another. It is overly pessimistic because his first stage of moral evaluation, practice-guided enquiry, reveals a history of consensus over moral issues that he seems to ignore. At the same time the conclusion he draws from the tradition-guided comparison of rival moral traditions, that his tradition (Aristotelian Thomism) succeeds where others fail, seems overly optimistic.[54] A significant discrepancy within MacIntyre's tradition-guided account will be highlighted in this chapter. MacIntyre's concept of a practice is self-authenticating (because internal goods of a practice are derived from consensus) whereas his appeal to the Aristotelian-Thomistic tradition is not (because no consensus has been forthcoming that this tradition succeeds on its own terms when others do not). Many philosophers agree with MacIntyre's claim that rival moral arguments are conceptually incommensurable, but they do not see this as a major practical problem, particularly in a pluralist society. Bernard Williams, for instance, argues that the contingency of a moral life has to be perspectival and therefore disagreement is exactly what one should expect from a complex discipline like ethics:

> [O]ur ethical ideas consist of a very complex historical deposit. When we consider this fact, and the relations that this deposit has to our public discourse and our private lives, there seems no reason at all to expect it to take, in any considerable measure, the shape of a theory.[55]

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[53] MacIntyre, *After Virtue* (2007), 2.
[54] MacIntyre, *Whose Justice?*, 403.
[55] Bernard Williams, *Making sense of humanity and other philosophical papers 1982-1993* (Cambridge: Cambridge University Press, 1995), 189.

Williams is more concerned that moral philosophers do not sufficiently acknowledge that the study of ethics, from an epistemic perspective, has limits, and therefore a rational moral agent ought to explore ways of transcending these epistemic limits. His preferred method, and here he agrees with MacIntyre, is to give serious recognition to the *thick* ethical concepts within a practice:

> One thing that will make a difference is the extent to which ethical life can still rely on what I have called thick ethical concepts … a practice that uses them is more stable in face of the general, structural reflections about truth of ethical judgements than a practice that does not use them.[56]

1.7 Conclusion: Practice-guided enquiry

The final chapter of this thesis shows why moral enquiry that focuses on principles, preferences, or tradition fails to achieve the level of certainty advocated by the respective adherents, primarily because these models lack the unifying consensus that a standard model has in other disciplines. Further, it provides a justification for how and why practice-guided pragmatism offers greater explanatory power for both the agreements and the disagreements within practical ethics than other forms of moral enquiry in a liberal pluralist society. The major justification for this central claim is that practice-guided enquiry sets the standard of authentication at a level on which consensus has already been achieved, the level of a practice. The three other types of moral enquiry – principle-guided, preference-guided, and tradition-guided – fail on their own

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[56] Williams, *Ethics and the Limits of Philosophy*, 200.

terms, at least as far as reaching moral consensus in a modern pluralist society is concerned. The failure of *first generation* practical ethicists to solve ethical issues stems directly from the lack of consensus over how the four-principle approach or the preference-calculus approach ought to be applied in complex situations. MacIntyre's tradition-guided alternative has also failed, however, because it relies on a comparative consensus, concerning the relative strengths and weaknesses of one rival tradition over another, that has not been forthcoming.

Beauchamp and Childress, Singer, and MacIntyre share a common philosophical goal, that is, they want to overcome the lack of agreement that epitomises debates over complex moral issues. This goal sets the standard of authentication too high within a modern liberal democracy because it relies on a level of consensus that has not been forthcoming to date and is unlikely to be forthcoming any time soon. Practice-guided enquiry avoids this problem because it accepts that a pluralist society is made up of serious thinkers from diverse cultural, religious, and philosophical traditions, each of whom can give a rational justification for the position he or she takes on a given issue.

Given the lack of agreement over the foundations on which moral argument ought to be based, the goal of finding an epistemic solution for complex moral dilemmas seems unrealisable. However, the overriding significance of MacIntyre's work is not the conclusion he has drawn from tradition-guided enquiry. Academics from several distinct disciplines have adapted his concept of a *practice*, and this thesis will argue that it is equally as useful in moral debates, perhaps even more than

MacIntyre appreciates, because it helps to clarify reasons for both agreement and disagreement in relation to complex moral dilemmas. MacIntyre describes a practice as follows:

> any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.[57]

The overriding difference between the practice-guided approach and the other three methods of moral enquiry is that it can be utilised whenever and wherever a *thin* agreement about human flourishing is achieved. This *thin* agreement is presumed whenever an appeal is made to concepts such as the *rule of law*, *universal suffrage*, or *civil society*. For example, a *thin* teleological consensus on concepts such as health or justice is strong enough to establish the *thick* internal goods on which practices such as medicine and law are based. Practice-guided enquiry takes for granted that moral agents share in a process of political, legal, or social resolution of complex moral debates, even when their preferred moral solution has been ignored. In a pluralist society a practice like medicine is self-authenticating whenever its internal goods, as measured by its practitioners, achieves its *thinly* recognised teleological imperative (health). Likewise, in a pluralist society legal practice is self-authenticating whenever its internal goods,

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[57] MacIntyre, *After Virtue* (2007), 187.

as measured by its practitioners, achieve its *thinly* recognised teleological imperative (justice).

Practice-guided enquiry acknowledges the contingency of practical rationality most cogently articulated by Aristotle. Aristotle uses the phrase *pros ton kairon*, which usually translates as "as the occasion demands" or "with an eye to the occasion," to emphasise the temporal, local, and conditional aspects of practical rationality. A rational decision for Aristotle is one made at the "right time," with the "right motive," and in the "right way."[58] The major point of departure between MacIntyre's tradition-guided enquiry and a practice-guided approach is that a *thick* consensus is achieved among practitioners (man-as-he-happens-to-be) even when they share only a *thin* agreement, or even when they disagree, on the teleological purpose for human beings (man-as-he-could-be-if-he-realized-his-essential-nature).[59] The internal goods within medical practice, for instance, are knowable and attainable because they habituate a standard of excellence that is independent of the individual medical practitioner's concern for whatever the *essential nature* of human beings comprises. Even when medical practitioners come from diverse cultural, religious, and philosophical traditions, it is possible to discern good medicine from bad medicine (malpractice) because good medicine has a history (time, place, and circumstance) that is not linked to the individual beliefs of practitioners. The benefit of practice-guided enquiry is that it enables a rational agent in a pluralist society to appreciate the contingency of decision

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[58] Aristotle, "Nicomachean Ethics," 1109[a], 354. Chapter 7 will show that for practice-guided enquiry a "right" decision for a doctor (medicine→health) can be a "wrong" decision for a lawyer (law→justice).
[59] MacIntyre, *After Virtue* (2007), 52.

making in its various forms. Practice-guided enquiry is a type of stakeholder analysis which attempts to give a fair presentation of the various practices concerned. A decision made from the perspective of preference calculus, for instance, is contingent not only on the tradition from which it derives (utilitarianism) but also on the cultural, psychological, and emotional aspects of the decision maker. Similarly, a decision made from the perspective of Catholic moral theory is contingent on a different philosophical and theological tradition, but one that is no less rigorous.

1.8 Conclusion

The contention of this thesis is that practice-guided enquiry allows theory "to touch" practice because it aims for a pragmatic practice-guided resolution of moral dilemmas in a pluralist society. Practice-guided enquiry trades on an inherent appeal to authority and this will be defended. The history of many practices reveals actions that were once considered to be internal goods but are now considered to be harmful. It is the contention of this thesis, however, that practice-guided enquiry provides a viable way forward that merits careful consideration and cannot be readily or prejudicially dismissed. As with most philosophical deliberation, a consensus of rational discussants is an appropriately reasonable goal.[60]

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[60] Rorty and other pragmatists argue that conversation that leads to consensus is a more appropriate goal of philosophy than epistemic certainty. See Richard Rorty, "Pragmatism, Relativism, and Irrationalism," *Proceedings and Addresses of the American Philosophical Association* 53 (1980): 719-738.

CHAPTER 2: FOUNDATIONALISM – DISCONTENT FROM WITHIN

2.1 Introduction

> A note of urgency can sometimes be heard, even in otherwise unhurried writers, when they ask for a justification of morality. Unless the ethical life, or (more narrowly) morality, can be justified by philosophy, we shall be open to relativism, amoralism, and disorder.[1]
>
> Bernard Williams

Williams' observation above refers to epistemological anxiety over moral claims. *Either* we come up with an impartial philosophical justification for moral decision making *or* we will collapse into *relativism, amoralism, and disorder*. This is a false dichotomy, according to Williams, because it fails to take seriously the epistemological limits of moral rules and maxims.[2] Williams argues that there is no "self-contained" theory of morality because the empirical facts necessary for a decision making protocol in ethics do not exist.[3] He accepts that the rejection of moral facts requires him to advocate a type of moral relativism, a "relativism of distance,"[4] about which more will be said later in this chapter.

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[1] Williams, *Ethics and the Limits of Philosophy*, 22.
[2] Williams, *Ethics and the Limits of Philosophy*, 25.
[3] Williams, *Moral Luck*, ix-x.
[4] Williams, *Ethics and the Limits of Philosophy*, 162.

In a chapter entitled "The Archimedean Point" Williams argues that the anxiety over "relativism, amoralism, and disorder" can be directly traced to the search for a rational pivot point that provides a foundation on which to construct an answer to Socrates' famous question, "How should we live?"[5] This chapter will show that discontent with foundationalist assumptions in philosophy was well entrenched prior to the evolution of practical ethics as a distinct discipline in the second half of the twentieth century. Much of this discontent is directed at what Stephen Toulmin refers to as the "hidden agenda of Modernity."[6] This *hidden agenda*, according to Toulmin, led Modern thinkers to take up the Cartesian "quest for certainty"[7] too uncritically, at least as far as the foundation of knowledge is concerned.

Foundationalists argue that inferences about truth and knowledge are justified *if and only if* they are *grounded* in non-inferential axioms that are *properly basic*, that is, non-inferentially justified. Foundationalism appeals to a correspondence theory of truth, wherein beliefs are held to be true *just in case* they correspond to states of affairs in the world. The main problem with the correspondence theory of truth, when used as a justification for moral claims, is that it relies on some moral facts being knowable or real.

This chapter will reconstruct the significant level of discontent among philosophers regarding the problematic assumptions that underlie the Cartesian

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[5] Williams, *Ethics and the Limits of Philosophy*, 1-21.
[6] Toulmin, *Cosmopolis: The Hidden Agenda of Modernity*.
[7] Cf. John Dewey, *The Quest for Certainty: A Study of the Relation of Knowledge and Action* (London: Allen and Unwin, 1930). This text established a common emphasis among American pragmatists, namely, that theory must inform practice.

quest for certainty. The primary reason for this reconstruction is to show how a central concern of Enlightenment thinkers, that reason ought to replace appeals to authority and tradition, was overstated. The purpose of this review is to show that the discontent within philosophy concerning foundationalist assumptions – over concepts such as rationality, truth, and objectivity – had been voiced long before the various decision making protocols that now dominate practical ethics began to emerge.

2.2 Foundationalism: The Standard Model in the Sciences

The Modern period produced several distinct forms of moral enquiry. The most influential version of non-consequentialism was Kant's categorical imperative, and the most influential version of consequentialism was Bentham's hedonic calculus. At this early stage the two dominant theories were already *conceptually incommensurable* even while independently satisfying the Modern agenda by postulating a form of reasoning that did not require an appeal to authority or tradition. MacIntyre argues that the *conceptual incommensurability* between rival moral arguments dominates moral enquiry:

> The most striking feature of contemporary moral utterance is that so much of it is used to express disagreement; and the most striking feature of the debates in which these disagreements are expressed is their interminable character.[8]

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[8] MacIntyre, *After Virtue* (2007), 6; and MacIntyre, *Whose Justice?*, 370-388. For a discussion on conceptual incommensurability in rival scientific theories see George Couvalis, *Philosophy of Science: Science and Observation* (London: Sage, 1997), 11-35.

The attempt to incorporate foundationalist thinking into moral claims, given the historical setting in which Modern thinkers lived and worked, is hardly surprising. In order to break the stranglehold that religious and civil authorities held over truth-claims, moral philosophers had to circumvent the appeal to authority in much the same way that Nicholaus Copernicus and Galileo Galilei did in astronomy. The history of many scientific disciplines reveals that at various times and places the explanatory power of a new discovery or theory is so significant that a consensus develops within the discipline such that this new discovery or theory supersedes what was previously held to be the case.

Among contemporary astronomers, for instance, there is a clear consensus that the explanation of celestial bodies provided by Copernicus (1473-1543) and Galileo (1564-1642) provides substantially more explanatory power than that offered by Ptolemy and his contemporaries in the second century. Similarly, the explanation proffered by Albert Einstein and Alan Guth far exceeds that of Copernicus and Galileo. These dramatic transitions in astronomy exemplify the problems associated with committing too readily to foundationalism in science or even to the scientific method itself.

In astronomy the search for certainty led to several epistemological revolutions, and even now astronomy is in the midst of a quantum-driven epistemological crisis that may lead to major revision of the standard model of gravitation. In scientific research the search for certainty evolved into what came to be known as the scientific method, and this method of enquiry initially served humans well

because it broke the influence that religious and civil authorities had on the interpretation of scientific discoveries.

However, over the last several decades scientists and philosophers of science have shown that the concept of scientific method is itself tradition-dependent because many scientific theories are themselves based on ideas or assumptions that are not derived from the scientific method itself.[9] The attempt to establish a *grand unified theory* or *theory of everything* in science illustrates this point. Scientists at the turn of the twentieth century thought they were within sight of establishing a complete view of the fundamental laws that govern the universe. There was little indication of the tumult that the next thirty years would bring or that something like a scientific revolution was going to be necessary in order to deal with this tumult. This revolution in subsequent decades proved to be so profound that at the dawning of the twenty-first century, the finding of a *grand unified theory* seems more distant now than it ever was.

Many scientific disciplines now use the concept of a *standard model* to delineate the foundational premises and boundary assumptions on which evidence derived by means of the scientific method is evaluated. A standard model in science provides the *best explanation hypothesis*[10] for the discipline based on current evidence but is open-ended to incorporate new evidence that can influence the epistemological status of current theories. In cosmology and astronomy, for

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[9] See Alasdair MacIntyre, "Epistemological Crisis, Dramatic Narrative and the Philosophy of Science," *The Monist* 60 (1977): 453-472.
[10] An early version of this concept known as *inference to the best explanation* was developed by Charles Sanders Pierce. See Peter Lipton, "Inference to the Best Explanation," in W. H. Newton-Smith ed., *A Companion to the Philosophy of Science* (Oxford: Blackwell, 2000), 184-193.

instance, the standard model concept is used to describe the different types of matter in the universe and the influence that this diversity of matter has on the theory of gravitation (baryonic matter makes up 5%, cold dark matter a further 25%, and dark energy the final 70%). This model has explanatory power because the gravitational effect of baryonic matter alone is insufficient to explain evidence of gravitation gleaned from the Hubble telescope and the WMAP.[11] Physicists also use a standard model of particle physics to explain how three of the four fundamental forces of the universe (electromagnetic, weak nuclear, and strong nuclear) interact with all the visible matter in the universe. In an OECD *Global Science Forum* report Sharon Butler states that "the standard model has proved a triumph of modern science, with enormous explanatory and predictive power."[12]

The explanatory power of a scientific theory is crucial to establishing the epistemological status of the real-world facts on which the theory is based. For biologists,[13] anthropologists, and geneticists the theory of evolution by means of natural selection serves as the standard model for explaining the origins of biological life on planet Earth.[14] The explanatory power of evolution by natural selection is superior to other theories because it gives a more coherent account of current scientific evidence. The concept of a standard model is based on a consensus about the basic hypotheses and assumptions that govern a particular

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[11] The Wilkinson Microwave Anisotropy Probe (WMAP) is a *NASA Explorer* mission to map Cosmic Microwave Background (CMB) radiation of the early universe.
[12] Sharon Butler, "High Energy Physics: An Introduction," *Global Science Forum: Organisation for Economic Co-operation and Development* (June 2002): 1-4.
[13] For a review of the standard model in biology see Massimo Pigliucci, "Charles Darwin: The Evolution of Evolutionary Theory," *Philosophy Now: A Magazine of Ideas* (Jan/Feb, 2009): online edition, accessed 22 February, 2009 http://www.philosophynow.org/issue71/71pigliucci.htm.
[14] L. Luca Cavalli-Sforza and Marcus W. Feldman, "The Application of Molecular Genetic Approaches to the Study of Human Evolution," *Nature Genetics* 33 (2003): 266-275.

discipline. This consensus, however, does not imply agreement at all levels of enquiry within the discipline. Contemporary biologists, for instance, agree on the theory of evolution by natural selection but disagree over how this takes place (punctuated equilibrium or phyletic gradualism).

The type of consensus one finds in a contemporary scientific discipline is often derived from debates over many years, sometimes centuries, until one theory finally takes precedence over all others. A classic example is the standard model of geographical formation associated with Earth's lithosphere (crust), now known as the theory of plate tectonics. As early as 1596 Abraham Ortelius noticed that continents on opposite sides of the Atlantic Ocean seem to fit together on a map. This initial observation was roundly rejected until it was revisited in the 1960s, and subsequently the theory of plate tectonics became the dominant theory or standard model of geographical formation.[15]

The concept of a scientific method post-Descartes was originally thought to encapsulate observations about *real-world* experiences that were independent of any appeal to tradition or authority. However, over the last hundred years the concept of scientific method has changed considerably and the idea of an impartial *real-world* experience has also been challenged.

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[15] For an insider's view of the advocacy, rejection, and final acceptance of the Theory of Plate Tectonics see Naomi Oreskes ed., *Plate Tectonics: An Insider's History of the Modern Theory of the Earth* (Boulder: Westview Press, 2003).

The history of science reveals two relatively recent developments that reformed the narrow inductive description of scientific enquiry. The first of these is simply an historical recognition that many scientific discoveries have either survived into the present only with major modification or have long since been discarded because they have been superseded by a better explanation for the way things are.[16] The naïve acceptance of the scientific method proved to be an over-simplification of what actually happens in scientific practice. The second development concerns the acknowledgement that many important discoveries were in fact serendipitous and not the product of the scientific method itself.[17]

Running parallel to interpretive problems associated with the naïve acceptance of the scientific method was a more troubling realisation that the empirical transparency of a real world was itself being challenged. In a 1927 collection of essays, J. B. S. Haldane muses:

> I have no doubt that in reality the future will be vastly more surprising than anything I can imagine. Now, my own suspicion is that the Universe is not only queerer than we suppose, but queerer than we *can* suppose.[18]

Haldane's broad vision of science early in the twentieth century recognised the revolutionary contribution of Einstein's theories of special relativity (1905) and

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[16] The various revolutions in astronomy are a case in point. See Nancey Murphy, "Scientific Realism and Postmodern Philosophy," *British Journal for the Philosophy of Science* 41/3 (1990): 290-303. See also Arthur Fine, "Science Made Up: Constructivist Sociology of Scientific Knowledge," in P. Galison and D. Stump eds., *The Disunity of Science: Boundaries, Contexts, and Power* (Stanford: Stanford University Press, 1996), 254.

[17] Aharon Kantorovich, *Scientific Discovery: Logic and Tinkering* (Albany: State University of New York Press, 1993), 7. Kantorovich argues that "the phenomenon of serendipity is essential to scientific progress, especially to revolutionary progress."

[18] John Burdon Sanderson Haldane, *Possible Worlds and Other Essays* (London: Chatto and Windus,1927), 286.

general relativity (1916), but it best encapsulates the sometimes bizarre world revealed by quantum mechanics.[19] For all its strangeness, however, Johnjoe McFadden states that "quantum mechanics prevailed, even against Einstein's intellect, because of its vast explanatory power."[20] The problems associated with the scientific method being interpreted too narrowly, combined with the appreciation that the universe is itself strange, led several prominent philosophers of science to posit a broader model of scientific enquiry.

Willard Van Orman Quine was one of the first scientists to link the problematic assumption of scientific realism with epistemological foundationalism. He rejected, first, the Kantian analytic-synthetic distinction and, second, the empiricist argument that meaningful statements can be reduced to terms that refer to immediate experience. He argued that both dogmas are "ill founded" and that the effect of abandoning them leads to both "a blurring of the supposed boundary between speculative metaphysics and natural science" and, just as importantly, a "shift toward pragmatism."[21] This blurring of the boundary between speculative metaphysics and natural science also blurred the boundary between the role of reason and the place of tradition in the philosophy of science.

A decade later another scientist, Thomas Kuhn, also acknowledged the role that tradition plays in his incommensurability thesis and the concept of a paradigm. Kuhn's concept of science is that it is a tradition in which progress is sometimes

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[19] See Daniel F. Styer, *The Strange World of Quantum Mechanics* (Cambridge: Cambridge University Press, 2000).
[20] Johnjoe McFadden, "Very Strange but True," *The Guardian* (8 January 2001).
[21] Willard V. O. Quine, "Two Dogmas of Empiricism," *Philosophical Review* 60 (1951): 20-43.

routine (normal) and sometimes revolutionary (abnormal). Kuhn states that "the normal scientific tradition that emerges from a scientific revolution is not only incompatible but often actually incommensurable with that which has gone before."[22] Kuhn proposed several forms of the incommensurability thesis and also used the concept of a paradigm in such diverse ways that there is now little agreement over how either concept should be understood.[23] His explanation of paradigmatic knowledge has therefore been the subject of extensive criticism, particularly in the loose way he appropriates concepts like "paradigm change" and "conceptual scheme."[24] However, even though much of this criticism is valid, because Kuhn is fuzzy in the way he uses terms such as "paradigm," his conceptual scheme for scientific practice can be understood more straightforwardly in the sense of an explanation of what one believes to be the case now, in comparison with what one took to be the case before.[25]

Rorty argues, for instance, that Kuhn's concept of a conceptual scheme refers to a "collection of views which make up present day culture," and he thinks that this description of a conceptual scheme is also shared by Quine, Sellers, and Feyerabend.[26] Rorty's assessment here is not meant to imply that Kuhn and other philosophers now agree on how scientific practice should be conducted, because

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[22] Thomas Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962), 103; see also chapter 12 and the Postscript, 198-206. During the 1960s, Paul Feyerabend developed a different version of the incommensurability thesis in *Problems of Empiricism: Philosophical Papers*, Volume 2 (Cambridge: Cambridge University Press, 1981), viii.
[23] See Erich von Dietze, *Paradigms Explained: Rethinking Thomas S. Kuhn's Philosophy of Science* (Westport: Praeger, 2001).
[24] Margaret Masterman, "The Nature of a Paradigm," in Imre Lakatos and Alan Musgrave eds., *Criticism and the Growth of Knowledge* (Cambridge: Cambridge University Press, 1970), 59-89.
[25] See Donald Davidson, "On the Very Idea of a Conceptual Scheme," in Donald Davidson, *Inquiries into Truth and Interpretation* (Oxford: Oxford University Press, 1984), 183-198.
[26] Richard Rorty, *Philosophy and the Mirror of Nature* (Princeton: Princeton University Press, 1979), 276. Richard Bernstein argues similarly for a broader appreciation of Kuhn's incommensurability thesis in *Beyond Objectivism and Relativism*, 79.

they do not. Rather, Rorty is only suggesting that Kuhn's initial proclamation that scientific knowledge is built around conceptual schemes rather than foundational truths should not be overlooked.

During this same decade another philosopher of science, Karl Popper, argued that there is nothing foundational about a scientific theory because a theory does not rely on bedrock for foundational truths. Popper argues that the structure of scientific theory is like a platform that rests on piles driven into a swamp. These piles do not rest on a firm foundation but they are firm enough to get the job done. In Popper's words, "if we stop driving the piles deeper, it is not because we have reached firm ground. We simply stop when we are satisfied that the piles are firm enough to carry the structure, at least for the time being."[27]

More recently, Alan Chalmers has argued that the Modern claim that the scientific method provides objective truth, because scientific knowledge is derived from facts, can only be advocated in a highly qualified form. Chalmers suggests that a strong case can be made, first, that "scientific knowledge can neither be conclusively proved nor conclusively disproved by reference to the facts," and, second, that even when "facts are assumed an increasing attention is being paid to the history of science."[28] This pragmatic shift in science has taken various forms and its most recognisable legacy is the standard model approach outlined above.

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[27] Karl Popper, *The Logic of Scientific Discovery* (New York: Harper and Row, 1965), 111. Ernest Sosa uses a similar metaphor in "The Raft and the Pyramid: Coherence verses Foundations in the Theory of Knowledge," *Midwest Studies in Philosophy* 5 (1980): 3-25.
[28] Alan Chalmers, *What is this thing called science?*, third edition (St. Lucia: University of Queensland Press, 1999), xxi.

Arthur Fine also advocates a similar approach when he argues that the goal of the scientific enterprise is empirical adequacy or appropriate reasonableness because prevailing beliefs are relative to particular social circumstances and the narrative context in which scientific enquiry takes place. For Fine,

> The realism/antirealism debate largely sidesteps science. The debate over a constructive reshaping of constructivism may be more important… This seems to me the heart of the program, the right corrective to philosophical (especially realist) distortions of science, and the place where lots of good work can be done too. Among the work to be done is to achieve some understanding of what is actually involved in the rational acceptance and proof in science… This job involves exploring the diverse range of contexts, historical and contemporary, in which inquiry is carried out.[29]

2.3 Moral Philosophy Without a Standard Model

In spite of Kant's claim to the contrary, moral philosophy never had a Copernican-style revolution in which an ancient theory of the moral life was so thoroughly superseded by a Modern moral theory. As a result moral philosophy never developed a consensus-based standard model of moral enquiry. When Kant claimed that knowledge "begins with experience" but is not derived "out of experience,"[30] he thought that this new account of knowledge was like a Copernican revolution in philosophy. While contemporary philosophers appreciate the contribution that Modern philosophers like Kant made to moral

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[29] Arthur Fine, "Science Made Up: Constructivist Sociology of Scientific Knowledge," in Peter Galison and David Stump eds., *The Disunity of Science: Boundaries, Contexts, and Power* (Stanford: Stanford University Press, 1996), 254.
[30] Immanuel Kant, *Critique of Pure Reason*, translated by J. M. D. Meiklejohn (London: Henry G. Bohen, 2003), 1.

philosophy, there is no consensus among philosophers that his concept of moral duty, via the categorical imperative, provides substantially more explanatory power than the explanation of the moral life posited by philosophers of the Classical Period, such as Plato and Aristotle. Many contemporary moral philosophers still trade on a foundationalist legacy whenever appeals are made to concepts such as inalienable[31] or basic human rights, moral duties, moral absolutes, the impartial spectator, the universal point of view, or fundamental moral principles. The search for certainty in ethics during the Enlightenment shared a common epistemological vision with the new science that was being done, namely, to establish a rational *foundation* on which to *ground* claims that do not rely on appeals to authority or tradition.

When MacIntyre argues that professors of philosophy "disagree with each other as sharply, as variously, and so it seems, as irremediably … as anyone else,"[32] he is referring to the lack of agreement over foundations, the fundamental premises on which moral debate is conducted. The lack of a standard model does not imply that moral philosophers always disagree, however, and MacIntyre's criticism of the absence of agreement with respect to epistemological foundations for moral theory seems overstated. As the discussion in Chapter 1 has shown, *thin* moral agreement is possible on many moral imperatives. Careful thinkers in a modern liberal democracy, for instance, do not usually debate the epistemological status of claims such as "torture is wrong" or "a person should be considered innocent until

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[31] The word inalienable (immune from change) is also routinely spelt unalienable (e.g., in *The Unanimous Declaration of the Thirteen United States of America*, 1776).
[32] MacIntyre, *Whose Justice?*, 3.

proven guilty." Clearly this type of *thin* agreement can break down when moral maxims are applied to particular cases, but this does not diminish the value of *thin* agreement in a pluralist setting.

While MacIntyre's criticism seems overstated, his critique of practical ethics seems legitimate because the focus of many practical ethics texts is to provide rational solutions to particular cases by means of easily understood decision making protocols. Wherever and whenever moral enquiry is conducted solely from this perspective, like an on/off toggle switch that supplies right or wrong answers, it is diminished by epistemological pluralism. This is because the decision making protocols are not derived from a consensus or standard model of moral theory, leaving moral agents to apply them in a way that corresponds to the premises and conclusions of their own respective traditions.

For MacIntyre, moral pluralism is deeply problematic because he seems to want more out of moral theory than it delivered during the Enlightenment period. For other moral philosophers (Williams and Walzer), moral pluralism is not problematic because it is precisely what one ought to expect from a complex discipline like moral enquiry. Many moral philosophers now advocate a non-foundationalist approach to moral enquiry. This non-foundationalist emphasis has taken various forms. Some philosophers adopt a hermeneutical approach to moral enquiry (Bernstein), others argue for a return to casuistry (Toulmin), and still others argue for a type of moral prescriptivism.[33] The following reconstruction

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[33] Jonathan Dancy, *Ethics without Principles* (Oxford: Clarendon Press, 2004).

highlights the discontent over foundationalist assumptions of the Modern period. This reconstruction will serve as an introduction to the critique of the *raison d'être* of practical ethics in general (Chapter 3) and of the two dominant decision making protocols currently influential in Australia (Chapters 4 and 5).

The critique of theological foundationalism began as Modern biblical scholars began to appreciate the hermeneutical dimensions of interpreting ancient biblical texts.[34] Biblical scholars recognised that a foundationalist approach to textual analysis is too narrow because it ignores the *Sitz im Leben* (life situation) of the original authors. For several decades now theologians and biblical scholars have incorporated non-foundationalist emphases into various theological disciplines apart from biblical studies, including theological ethics.[35] The legacy of Cartesian-type foundationalism in theology was systematically critiqued in a 1994 collection of essays entitled *Theology without Foundations: Religious Practice and the Future of Theological Truth*.[36] In her introduction to this collection, Nancey Murphy claims that the theological preoccupation with Cartesian-type foundationalism was a mistake made by both conservative and liberal interpreters of biblical texts.[37] The conservative appeal to an inerrant biblical text fails because it appeals to what Murphy calls a first-floor foundational presupposition that the biblical material is in fact revelation of a particular sort. She further claims that when faced with the new historical-critical method of studying scripture, some

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[34] See J. Wentzel van Huyssteen, *The Shaping of Rationality: Toward Interdisciplinarity in Theology and Science* (Grand Rapids: Eerdmans Publishing, 1998), 61-110.
[35] John Thiel, *Nonfoundationalism* (Minneapolis: Fortress Press, 1994), 1-6.
[36] Stanley Hauerwas, Nancey Murphy, and Mark Nation eds., *Theology without Foundations: Religious Practice and the Future of Theological Truth* (Nashville: Abingdon Press, 1994).
[37] Nancey Murphy, "Introduction," in Hauerwas et al., *Theology without Foundations*, 15-16.

theologians sought another form of foundationalism in the guise of religious experience, and thus theological liberalism was born.[38] The future of theological truth, according to Murphy, is a *theology without foundations* based on the concept of a practice as a "vehicle for community self-assessment" and a story-filled approach to theology and ethics.[39] Murphy argues for a pre-modern theological epistemology in which the paradigm for knowledge is articulated within a particular community.[40] This story-filled understanding of theology involves a serious consideration of biography as a form of theology, and the role that stories play in religious life.[41]

Contemporary pragmatists argue that something like Fine's concern for appropriate reasonableness in science is also necessary in moral philosophy. Vincent Colapietro argues that traditional philosophy and contemporary bioethics lack the vocabulary to deal with the "highly dynamic character of our modern technological culture."[42] A modern technical culture, within which genomic research is but one of several *big science* projects, is also likely to identify itself as a pluralist multicultural society. For pragmatists, the "cash value" of a philosophical idea or a theory operates in ways similar to the standard model approach used in science because in both cases it is the explanatory power of the idea or observation that is significant. Colapietro argues that pragmatism of this

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[38] Murphy, "Introduction," 15.
[39] Murphy, "Introduction," 23.
[40] Murphy, "Introduction," 24.
[41] See James W. McClendon Jr., *Biography as Theology: How Life Stories Can Remake Today's Theology* (Nashville: Abingdon Press, 1974), and John Yoder, *Body Politics: Five Practices of the Christian Community Before the Watching World* (Scottsdale: Herald Press, 2001). The link between theological non-foundationalism and MacIntyre's tradition-constituted enquiry will be explored in Chapter 6.
[42] Vincent Colapietro, "The Pragmatic Turn: A Practical Turn Toward Human Practices In Their Irreducible Multiplicity," *Techné* 7/3 (Spring, 2004): 19-30.

sort does not reduce theory simply to the "handmaiden of practice" because pragmatism conceives theory itself as a form of practice. Pragmatism is therefore heuristically self-conscious and self-critical, according to Colapietro, because pragmatism is itself a practice and therefore necessarily linked to its own narrative account but also to resources outside of pragmatism that might impact on how pragmatists get the job done.[43] In this historicist sense, truth-claims are acknowledged not because they are self-evident truths independent of tradition but because they are consistent with internal goods that mediate what truth means, in the context of particular traditions or practices.[44] A consensus such as this goes beyond both naïve objectivism and pessimistic relativism, as the following discussion of major voices in recent philosophical discourse reveals.

2.4 Richard Rorty: *Philosophy and the Mirror of Nature* (1979)

Richard Rorty is even more dismissive of the Modern project than most. He argues that the legacy of Descartes was responsible for the failed Kantian attempt to "render all knowledge-claims commensurable."[45] For Rorty the problem is epistemology itself, or at least the style of epistemology that dominates the Cartesian quest. He uses Descartes to illustrate the failings of the Modern project and he refers to the *Cogito* as the "original sin of philosophy."[46]

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[43] Colapietro, "The Pragmatic Turn," 19-30.
[44] See Chantal Mouffe, "Deconstruction, Pragmatism and the Politics of Democracy" in Chantal Mouffe ed., *Deconstruction and Pragmatism: Simon Critchley, Jacques Derrida, Ernest Laclau, and Richard Rorty* (London: Routledge, 1996), 1-12.
[45] Rorty, *Philosophy and the Mirror of Nature,* 210.
[46] Rorty, *Philosophy and the Mirror of Nature,* 60.

In the introduction to a collection of essays devoted to *The Linguistic Turn*, Rorty argues against the Modern assumption that philosophy ought to transform itself into a science. New methods such as Descartes' "clear and distinct ideas," Kant's "transcendental method," and Husserl's "bracketing" all failed, according to Rorty, because all attempts to find a starting point without presuppositions are doomed because in order to know what method one is going to adopt one must already have presupposed "some metaphysical and some epistemological conclusion."[47] The *linguistic turn* was coined to refer to a type of non-foundationalism that focused on the link between philosophy and language. Among pragmatist philosophers, however, the "pragmatic turn" more appropriately describes the search for a language that deals with what James refers to as the "cash value" or *practical consequences for human conduct*.

Rorty rejects Descartes' suggestions that one should withdraw from history and tradition, first, because he thinks it is a bad idea, and second, because he argues that it is impossible. Rorty argues that any description of how things are from a "God's eye point of view" does not "free us from the contingency of having been acculturated as we were."[48] It is this acculturation that determines why some theories about the real world are accepted and some rejected. He emphasises that the historical or hermeneutical dimension of truth is pivotal because truth is based on an inter-subjective agreement or consensus among members of a community.[49]

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[47] Richard Rorty, *The Linguistic Turn: Recent Essays in Philosophical Method* (Chicago: University of Chicago Press, 1967), 1.

[48] Richard Rorty, *Objectivity, Relativism, and Truth: Philosophical Papers*, Volume 1 (Cambridge: Cambridge University Press, 1991), 13.

[49] Rorty, *Objectivity, Relativism, and Truth*, 21.

He adopts what he refers to as the "Quine-Sellars"[50] approach to epistemology and argues against the correspondence view of truth primarily because there is no way to get outside existing beliefs and language. This is because nothing would count as justification without reference to what was already being taken for granted.[51] For Rorty the Modern anxiety over relativism should be seen as a desire to preserve existing habits of contemporary European life that were "nurtured by the Enlightenment" and justified "by it in terms of an appeal to reason."[52]

Rorty agrees with Williams that foundationalist assumptions concerning the need for universals and the subsequent desire for impartial detachment should be rejected.[53] Following Nietzsche, he describes this desire for objectivity as a "disguised form of the fear of death" and "an attempt to avoid facing up to contingency, to escape from time and chance."[54] He accepts Foucault's analysis that science and philosophy produce usefulness rather than truth. As new theories and discoveries unfold, "objectivity" is that which serves as a means for grounding further theories and further discovery.[55]

Rorty aims to replace Enlightenment rationalism with a general turn away from theory toward a more pragmatic, holistic and narrative account of knowledge.[56] The pragmatic reality of moral claims, according to Rorty, is that they are not

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[50] Rorty, *Philosophy and the Mirror of Nature*, 80.
[51] Rorty, *Philosophy and the Mirror of Nature*, 178.
[52] Rorty, *Objectivity, Relativism and Truth*, 28.
[53] Rorty, *Objectivity, Relativism and Truth*, 30.
[54] Rorty, *Objectivity, Relativism and Truth*, 28-32.
[55] Richard Rorty, *Contingency, Irony, and Solidarity* (Cambridge: Harvard University Press, 1989), 3-9.
[56] Rorty, *Contingency, Irony, and Solidarity*, xvi.

universalisable: thus objectivity is best understood as a consensus of rational discussants because this is the most objectivity we can hope for.[57] The consensus referred to here is not universal because the aim is to achieve limited consensus among rational discussants with respect to particular practices. This pragmatic approach to objectivity, based on consensus, is both more practical and realisable than theory-centred objectivity. This type of consensus aims to achieve *perspectivally good* decisions rather than *universally right* decisions. A good legal decision, for instance, would be one that conforms to the history and practice of law. A limited teleological consensus develops between rational discussants (lawyers, judges, politicians, legal academics, etc.) over actions, protocols, and behaviour that is consistent with good practice and therefore consistent with the teleological goal of law, namely, justice.

A pragmatic appreciation for truth and justification, with a commitment to rational consensus, is more edifying for Rorty than the attempt to update or modify foundationalist truth-claims every time they fail.[58] Rorty prefers James' description of truth, a truth which is "better for us to believe," rather than some representational version of truth.[59] He acknowledges that the "holistic, anti-foundationalist, pragmatist treatments of knowledge and meaning" found in his own work and in the work of Dewey, Wittgenstein, Quine, Sellars, and Davidson is offensive to many philosophers because by abandoning the quest for

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[57] Rorty, "Pragmatism, Relativism, and Irrationalism," 719-738.
[58] Rorty, *Philosophy and the Mirror of Nature*, 373.
[59] Rorty, *Philosophy and the Mirror of Nature*, 377-378.

commensuration they become relativists.[60] Like Williams, however, Rorty is not

inclined to give much credence to the charge that he is a relativist:

> In short, my strategy for escaping the self-referential
> difficulties into which 'the Relativist' keeps getting
> himself is to move everything over from epistemology and
> metaphysics into cultural politics, from claims to
> knowledge and appeals to self-evidence to suggestions
> about what we should try.[61]

This charge of relativism has come even from philosophers who are in general

agreement with Rorty's non-foundationalist stance because they are concerned

with how his rejection of foundationalism will cash out in disciplines like ethics

and politics. In a collection of essays devoted to Rorty's work, Charles Guignon

and David Hiley suggest that the consequences of taking a non-foundationalist

stance is deeply troubling for moral and social thought. They claim that Rorty's

non-foundationalist stance results in some form of moral relativism because it

would be difficult to discern "why we have the commitments we have" or why

"we should take one path into the future rather than another."[62] Rorty's response

is to argue that in the history of Modern philosophy one often finds philosophers

who resemble each other in their distrust of the idea that "man's essence is to be a

"knower of essences," and he claims that Goethe, Kierkegaard, Santayana, James,

Dewey, the later Wittgenstein, and the later Heidegger are "figures of this sort"

who were also accused of relativism or cynicism.[63]

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[60] Rorty, *Philosophy and the Mirror of Nature*, 317.
[61] Richard Rorty, *Truth and Progress: Philosophical Papers*, Volume 3 (Cambridge: Cambridge University Press, 1998), 57.
[62] Charles B. Guignon and David R. Hiley, "Biting the Bullet: Rorty on Private and Public Morality," in Alan Malachowski ed., *Reading Rorty* (Oxford: Basil Blackwell, 1990): 339-364.
[63] Rorty, *Philosophy and the Mirror of Nature*, 367.

The charge of relativism often misses the point that pragmatists such as Rorty make. The pragmatist is cynical of foundational versions of truth but not to truth that is perspectival, a truth that is relative to particular traditions with particular justificatory processes. For Rorty, truth is perspectival because "We cannot justify our beliefs (in physics, ethics, or any other area) to everybody, but only to those whose beliefs overlap ours to some appropriate extent."[64] For Rorty one can be an epistemological relativist, because truth does not mirror nature, without being either a scientific or moral relativist. This is because truth is understood as a concept with a history or, in his words, "a consensus chosen by rational discussants."[65] Rorty contends that Dewey was an *edifying philosopher* because Dewey incorporates the concept of philosophy as conversation when he writes about philosophy being a mentoring exercise rather than an exercise in the transmission of knowledge.[66] For Dewey, mentoring is a purposeful activity in which people "strive for the realization of ends"; when people are asked why they behave as they do, Dewey says the only answer, apart from blind custom, is that "they strive to attain certain goals because they believe that these ends have an intrinsic value of their own; they are good, satisfactory."[67] Thus the realisation of ends and attainment of goals is only possible when there is a broad agreement about what those ends or goals are.

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[64] Richard Rorty, *Objectivity, Relativism, and Truth*, 31.
[65] Richard Rorty, "Pragmatism, Relativism, and Irrationalism," *Proceedings and Addresses of the American Philosophical Association* 53 (1980): 719-738, and Rorty, *Philosophy and the Mirror of Nature*, 338.
[66] Rorty, *Philosophy and the Mirror of Nature*, 379-389.
[67] Jo Ann Boydston ed., *John Dewey: The Later Works* (Carbondale: Southern Illinois University Press, 1990), 181.

The critique of foundationalism has gathered momentum over the last fifty years and many critics use Descartes as a paradigm for what has gone wrong. According to this view, Descartes' attempt to ground theological and philosophical truths on self-evident principles failed because no agreement has been forthcoming in philosophy over what these first principles comprise. "Non-foundationalism" has therefore come to refer to various theories that advocate taking a more historicist view of knowledge.

2.5 Bernard Williams: *Ethics and the Limits of Philosophy* **(1985)**

The impact that the Cartesian quest for certainty has had on moral thinking can be seen in the way various Modern theorists have sought to overcome moral relativism. This chapter opened with Williams describing an epistemic anxiety over relativism. In *Morality: An Introduction to Ethics* Williams was already rejecting the attempt by practical ethicists to simplify moral enquiry. He rejects foundationalism in ethics primarily because it attempts to simplify what cannot be made simple. Simplification is a mistake, according to Williams, because complexity and conflict is a basic fact of moral deliberation. He prefers to see moral deliberation as a complex mix of local and universal concerns that includes the psychological and emotional concerns of the moral agent.[68] In *Moral Luck* Williams again rejects the idea that a completely impartial position is possible for any ethical theory, though his primary target is the alleged impartial consideration advocated by Henry Sidgwick and other utilitarian philosophers. Williams argues

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[68] Bernard Williams, *Morality: An Introduction to Ethics* (Cambridge: Cambridge University Press, 1972), 23-24.

that the desire for a discrete moral theory, and an accompanying decision making

protocol, is misguided.

> There cannot be any very interesting, tidy or self-contained theory of what morality is, nor, despite the vigorous activities of some present practitioners, can there be an ethical theory, in the sense of a philosophical structure which, together with some degree of empirical fact, will yield a decision procedure for moral reasoning.[69]

Williams returns to this theme in *Ethics and the Limits of Philosophy*, in which he

asks why moral reductionism arose in the first place and why simplification in

ethics is wrong.

> If there is such a thing as the truth about the subject matter of ethics – the truth, we might say, about the ethical – why is there any expectation that it should be simple? … Perhaps we need as many concepts to describe it as we find we need, and no fewer?[70]

Williams says that the fact that we appeal to a variety of ethical considerations is

precisely what one would expect to find in the complex world we inhabit. Ethical

considerations, according to Williams, are "genuinely different from one another,"

and this is precisely what moral agents should expect because all of us are "heirs

to different long and complex ethical traditions, with many different religious and

other social strands."[71] Williams argues nonetheless that a moral agent can be an

epistemological skeptic without being an ethical skeptic:

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[69] Williams, *Moral Luck*, ix-x.
[70] Williams, *Ethics and the Limits of Philosophy*, 17.
[71] Williams, *Ethics and the Limits of Philosophy*, 16.

> In my sense, to be skeptical about ethics is to be skeptical about the force of ethical considerations; someone may grant them force, and so not be a skeptic, but still not think that they constitute knowledge because he does not think the point lies in their being knowledge.[72]

Williams argues that Sidgwick's requirement that rational agents ought to examine ethical issues from a *point of view of the universe* is wrong because "neither psychology nor the history of ethical reflection gives much reason to believe that the theoretical reasonings of the cool hour can do without a sense of the moral shape of the world, of the kind given in everyday dispositions."[73] Williams claims that Sidgwick's point of view of the universe is nowhere to be found,[74] and he refers to this type of thinking as government house utilitarianism.[75] He suggests that rather than concentrating on a non-existent point of view of the universe, a moral agent should be more concerned with the point of view of here and now and with "how a practice hangs together in comparison with other practices."[76] Williams argues that the justification for rejecting the foundationalist enterprise in moral philosophy, in favour of practice-guided enquiry, is the same justification for rejecting it in the philosophy of science.

> No process of reason-giving fits this picture, in the sciences or elsewhere. In theoretical connections, the foundationalist enterprise, of resting the structure of knowledge on some favored class of statements, has now generally been displaced in favor of a holistic type of model, in which some beliefs can be questioned, justified, or adjusted while others are kept constant, but there is no process by which they can all be questioned at once, or all

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[72] Williams, *Ethics and the Limits of Philosophy*, 25.
[73] Williams, *Ethics and the Limits of Philosophy*, 110.
[74] Bernard Williams, *Making Sense of Humanity: and Other Philosophical Papers 1982-1993* (Cambridge: Cambridge University Press, 1995), 169-170
[75] Williams, *Ethics and the Limits of Philosophy*, 108-110.
[76] Williams, *Ethics and the Limits of Philosophy*, 114.

justified in terms of (almost) nothing. In Neurath's famous image, we repair the sea while we are on the sea.[77]

A moral agent, according to Williams, ought to be concerned with how a practice "hangs together in comparison with other practices in a way that makes social and psychological sense."[78] Because Williams argues that a moral agent is necessarily conditioned by culture, psychology, and history he has also been labeled a moral relativist. This is a tag he eventually came to own, or perhaps reform, because he argues that from the point of view of a moral objectivist, he is indeed advocating a type of moral relativism. However, he claims that the moral objectivist is simply wrong to think that the key aspect of moral deliberation is avoidance of relativism. He uses the phrase, "relativism from a distance," to show that moral deliberation is always perspectival, always local, and therefore by definition always relative to the types of people we are.[79]

In the opening chapter to his last book, *Truth and Truthfulness: An Essay In Genealogy*, Williams argues that the commitment to truth and the suspicion of this commitment still dominates the cultural scene.[80] In this book he further articulates what was for him a familiar theme, namely, Nietzsche's concept of genealogy.[81]

> Our ethical ideas are a complex deposit of many different traditions and social forces, and they have themselves been shaped by self-conscious representations of that history. However, the impact of these historical processes is to some extent concealed by the ways in which their

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[77] Williams, *Ethics and the Limits of Philosophy*, 113.
[78] Williams, *Ethics and the Limits of Philosophy*, 114.
[79] Williams, *Ethics and the Limits of Philosophy*, 162-165, 172-173.
[80] Bernard Williams, *Truth and Truthfulness: An Essay In Genealogy* (Princeton: Princeton University Press, 2002), 1.
[81] Nietzsche wrote *On the Genealogy of Morals* (1887) as a sequel to *Beyond Good and Evil* (1886).

product thinks of itself. The most general reason for this is that a truthful historical account is likely to reveal a radical contingency in our current ethical conceptions.[82]

2.6 Jonathan Dancy: *Ethics Without Principles* (2004)

Another philosopher who rejects foundationalist moral philosophy and thus has also been labeled a moral relativist is Jonathan Dancy. In his *Introduction to Contemporary Epistemology*, Dancy contends that the focus of foundationalism was to satisfy the demands of epistemology in order to avoid skepticism. He argues that the research programme of classical foundationalism fails to show how beliefs about an "external world," or about "past and future," or about "other minds" is justified on the basis of "infallible beliefs about our sensory states."[83]

This failure to secure epistemic foundations for truth-claims subsequently impacts on issues associated with moral foundationalism, at least as far as universalisable moral principles are concerned. Dancy argues that the search for moral universalisability is itself mistaken because it ignores the possibility that a new case may throw up alternative properties of sufficient importance to defeat previously held universalisable moral principles.[84] Dancy also uses the assumptions of scientific foundationalism as a paradigm for exposing the type of epistemological problems found in moral philosophy. In the same way that one can never be certain that experimental probability leads to scientific facts, a moral agent can never be certain that moral principles or rules can be adequately applied

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[82] Williams, *Truth and Truthfulness*, 20.
[83] Jonathan Dancy, *An Introduction to Contemporary Epistemology* (Oxford: Blackwell, 1985), 54ff.
[84] Dancy, *An Introduction to Contemporary Epistemology*, 240.

to all particular cases. In *Ethics Without Principles* Dancy argues that "morality has no need for principles at all,"[85] and he advocates what he calls an extreme form of particularism:

> we can perfectly well rely on people by and large to do what is right in the circumstances. We don't need principles to tell them what to do, or to determine what is right, or to tell us what they are likely to do.[86]

Dancy is referring here to the type of reliance one concedes to practitioners within a particular practice. The rules and principles that govern a practice are particular to that tradition and not universally shared by others.

2.7 Richard Bernstein: *Beyond Objectivism and Relativism* (1983)

Richard Bernstein, in *Beyond Objectivism and Relativism: Science, Hermeneutics, and Praxis*, also advocates for a practice-guided hermeneutic awareness of epistemological claims. Bernstein is a relativist as far as truth-claims are concerned because he agrees with Rorty that there is no grand narrative or overarching framework that can mediate between alternative foundationalist arguments:

> there is no substantive overarching framework in which radically different and alternative schemes are commensurable—no universal standards that somehow stand outside of and above these competing alternatives.[87]

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[85] Jonathan Dancy, *Ethics Without Principles* (Oxford: Clarendon Press, 2004), 5.
[86] Dancy, *Ethics Without Principles*, 133-134.
[87] Bernstein, *Beyond Objectivism and Relativism*, 11-12.

Bernstein agrees with Rorty that the Modern attempt to replace the contingency of social practices with a more solid and substantial epistemological objectivism has failed.[88] He argues that in spite of several decades of debate over concepts like rationality, truth, and knowledge, contemporary discussion still takes an either/or approach to what he calls traditional extremes. Bernstein's either/or approach to epistemological arguments closely resembles that same comparison referred to earlier by Williams. Bernstein argues that a Cartesian either/or anxiety exists because moral agents are informed that they *either* adopt forms of "objectivism, foundationalism, ultimate grounding of knowledge, science, philosophy, and language" *or* society collapses into "relativism, skepticism, historicism and nihilism."[89]

Bernstein also argues that Descartes' *search for certainty* produced an overriding "intellectual confidence" that the "secure path for philosophy" had been discovered, a "right method" that would yield "genuine intellectual progress" because it turned philosophy into a discipline that yields knowledge (*epistēmē*) rather than a discipline based on the "endless battleground for competing and shifting opinions (*doxai*)."[90] The belief in a "permanent, ahistorical matrix or framework to which we can ultimately appeal in determining the nature of rationality, knowledge, truth, reality, goodness, or rightness"[91] was driven by what Bernstein refers to as a "Cartesian anxiety."[92]

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[88] Bernstein, *Beyond Objectivism and Relativism*, 197.
[89] Bernstein, *Beyond Objectivism and Relativism*, 2-3.
[90] Bernstein, *Beyond Objectivism and Relativism*, 3.
[91] Bernstein, *Beyond Objectivism and Relativism*, 8.
[92] Bernstein, *Beyond Objectivism and Relativism*, 16-20.

> *Either* there is some support for our being, a fixed foundation for our knowledge, *or* we cannot escape the forces of darkness that envelop us with madness, with intellectual and moral chaos.[93]

Bernstein claims that the reason why the battle against relativism has been so pervasive is because there may be nothing, "not God, Philosophy, Science, or Poetry—that satisfies our longing for foundations, for a fixed Archimedean point upon which we can secure our thought and action."[94] In the historical setting of distrust toward traditional repositories of truth (church, state, culture, etc.), anxiety might seem reasonable and perhaps even pragmatically necessary during the early stages of the Enlightenment. Bernstein's suggestion is that we should now reject the anxiety of both unsatisfied objectivism and pessimistic relativism. Like others mentioned previously, he advocates a return to practice-guided decision making contingent upon history and precedent. Bernstein cites MacIntyre's argument that objectivity comes from knowing "how and when to put rules and principles to work and when not to" in disciplines like law, medicine, and science because there are no set rules "specifying necessary and sufficient conditions for large areas of such practices" and because skills associated with practical rationality are communicated "partly by precepts" but much more by "case-histories and precedents."[95]

Bernstein says the twentieth century hermeneutic shift in philosophy began as a Continental movement with the publication of Heidegger's *Being and Time* and

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[93] Bernstein, *Beyond Objectivism and Relativism*, 18.
[94] Bernstein, *Beyond Objectivism and Relativism*, 230.
[95] Bernstein, *Beyond Objectivism and Relativism*, 57.

Gadamer's *Truth and Method*.[96] He follows Gadamer in claiming that rather than attempting to escape relativism by continuing the fruitless search for theory-centred objectivism, that pursuit should be discontinued and replaced by a practice-guided form of objectivity, following Aristotle.[97] Gadamer and Bernstein claim that philosophical hermeneutics is heir to the type of practical philosophy that Aristotle advocates.

According to Bernstein, this old/new understanding of practical rationality is "dialogical" because it places stress on the "practical *communal* character" of rationality.[98] He acknowledges that this approach is pluralistic, but not in a flabby or defensive sense of pluralism.[99] Some moral claims are better than others in the same way that some scientific claims are better than others, primarily because they seem to work. Defensive or fortress-like pluralism occurs when disparate groups work out their own isolated frameworks for ethics without communicating with others.[100] Bernstein rejects this approach as well and advocates a type of "engaged pluralism" whereby multiple parties acknowledge their own fallibilities and attempt to be responsive to each other. He argues for "engaged fallibilistic pluralism" because it represents what is best in the pragmatic tradition. It involves vigilance against the dual temptations of "simply dismissing what others are

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[96] Bernstein, *Beyond Objectivism and Relativism*, 34-36.
[97] Bernstein, *Beyond Objectivism and Relativism*, 39-40.
[98] Bernstein, *Beyond Objectivism and Relativism*, 172.
[99] Richard J. Bernstein, "Metaphysics, Critique, and Utopia," *Review of Metaphysics* 42 (December 1988): 255-273.
[100] Bernstein, "Metaphysics, Critique, and Utopia," 255-273.

saying" and also of "thinking we can always easily translate what is alien into our

own entrenched vocabularies."[101]

2.8 Stephen Toulmin: *Cosmopolis* (1990)

The final philosopher in this review is perhaps the most significant because he

was a genuine insider in the classic theory-centred view of Modernity. In

Cosmopolis: The Hidden Agenda of Modernity, Toulmin presents a stark contrast

from what he now calls the "received view":

> Looking back at the "received view" of Modernity after
> fifty years, my inclination is to retort, "Don't believe a
> word of it!" From the start, that whole story was one-sided
> and over-optimistic, and veered into self-congratulation.[102]

Toulmin used this exaggerated claim deliberately because his main criticism of

the Enlightenment project was not the ideal of rational enquiry but the

exaggerated product and historical inaccuracy of many of its major advocates and

because the Modern project assumed too much. His change of mind begins with

what he refers to as the *hidden agenda of Modernity,* the "*Erwartungshorizonten,*

or horizons of expectation," that he says dominated Modernity.[103] Toulmin uses

the term "received account" to describe the confident assertion that human

rationality could transcend traditional presuppositions of religion and culture. He

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[101] Richard J. Bernstein, *The New Constellation: The Ethical-Political Horizons of Modernity/ Postmodernity* (Cambridge: Polity Press, 1991), 336.
[102] Toulmin, *Cosmopolis*, 16.
[103] Toulmin, *Cosmopolis*, 1.

is not saying that the Enlightenment project itself was a failure because major advances did occur in almost every field of human enquiry.

> In choosing as the goals of Modernity an intellectual and practical agenda that set aside the tolerant, skeptical attitude of the 16th-century humanists, and focussed on the 17th-century pursuit of mathematical exactitude and logical rigor, intellectual certainty and moral purity, Europe set itself on a cultural and political road that has led to its most striking technical successes and to its deepest human failures.[104]

The first chapter of *Cosmopolis* describes an increasing distrust over the received wisdom of Modernity. Toulmin says the scientific blessing of the Enlightenment (especially in medicine) was that scientific enquiry has made significant progress since Galileo and Descartes. However, this progress was itself a long-term product of prior "17th-century revolutions undertaken in physics by Galileo, Kepler, and Newton, and in philosophy by Descartes, Locke, and Leibniz."[105] Toulmin's change of mind focuses on what he calls the "shared assumptions about rationality" as the starting point of Modernity.[106] He claims that acknowledging the limits of rational enquiry is less contentious now in science than it is in philosophy because scientists "share in more or less agreed-upon tasks" whereas philosophers do not.[107] The more or less agreed-upon task of scientific enquiry is the *standard model* approach referred to previously.

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[104] Toulmin, *Cosmopolis*, x.
[105] Toulmin, *Cosmopolis*, 9.
[106] Toulmin, *Cosmopolis*, 9.
[107] Toulmin, *Cosmopolis*, 10.

Further, Toulmin says the self-doubt of philosophy, and thus his own, necessitated a fresh start because the "burden of proof" shifted once the dream of finding a scratch line for epistemic claims failed to materialise.[108] John Dewey's *Gifford Lectures* (1929) provide the starting point for Toulmin's critique. Taking his cue from Wittgenstein, Toulmin suggests that the *theory-centred* focus of Modernity is over and done with because the "destructive work of Dewey, Heidegger, Wittgenstein, and Rorty" has left philosophy with limited options. Toulmin thinks there are three possibilities for philosophy:

> [1] It can cling to the discredited research program of a purely theoretical (i.e. "modern") philosophy, which will end by driving it out of business; [2] it can look for new and less exclusively theoretical ways of working, and develop the methods needed for a more practical ("*post-modern*") agenda; or [3] it can return to its pre-17th-century traditions, and try to recover the lost ("pre-modern") topics that were sidetracked by Descartes, but can be usefully taken up for the future.[109]

The Modern project, according to Toulmin, did not provide certainty for "intellectual problems—let alone, practical ones," and the claim that philosophical or scientific problems could be de-contextualized was itself based on an historical motivation. He uncompromisingly rejects the Modern assumption that rationality was commonly available to anyone "who sets superstition and mythology aside" in ways "free of local prejudice and transient fashion."[110] Toulmin's criticism of

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[108] Toulmin, *Cosmopolis*, 178.
[109] Toulmin, *Cosmopolis*, 11.
[110] Toulmin, *Cosmopolis*, 11.

the false assumptions of Modernity has broadened to become a critique of rationality itself.[111]

After fifty years of reflecting on the received view of Modernity Toulmin argues that it was simply over-optimistic.[112] He is not suggesting a rejection of all aspects of the standard account but argues that it was simply over-optimistic and that its worst defects are matters of historical fact. He highlights three basic historical assumptions of seventeenth-century rationalism. First, he argues that general historians have long since rejected the myth of social progress that many philosophers still cling to. Second, also on historical grounds, he rejects the assumption that the Enlightenment led to freedom from ecclesiastical tyranny. Third, he claims that the assumption of a clean intellectual break with the Middle Ages is at best a half-truth.[113]

At this point in his reconstruction for a modern *Cosmopolis* Toulmin sets the scene for a re-evaluation of pre-Modernity because one aim of seventeenth-century philosophers was to frame questions independent of context. Toulmin claims that his task is now to "*recontextualize* the questions these philosophers took most pride in de-contextualizing."[114] For Toulmin, the social implications of the new *Cosmopolis* share one feature, which is that they foreshadow a notion that has recently played a part in political and social rhetoric.

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[111] Cf. Edmund Husserl, *The Crisis of European Sciences and Transcendental Phenomenology* (Evanston: Northwestern University Press, 1954), 22-25, 57-68.
[112] Toulmin, *Cosmopolis*, 16.
[113] Toulmin, *Cosmopolis*, 18-20.
[114] Toulmin, *Cosmopolis*, 21.

Toulmin claims that throughout the Middle Ages and the Renaissance, clerics and educated laypeople understood that problems in social ethics were not resolved by appeal to any single universal tradition so when they confronted serious moral issues they appealed to multiple considerations and coexisting traditions that were weighed against one another.[115] For this reason Toulmin now argues for a return to casuistry in ethics – to re-contextualise philosophical truth-claims for a modern Cosmopolis:

> Until the 17th century turned ethics into a branch of theoretical philosophy, "case ethics" was as intellectually challenging as constitutional interpretation in the judicial practice of the United States. It did not aim to provide a unique resolution of every moral problem: rather, it triangulated its way across unexplored ethical territory, using all the available resources of moral thought and social tradition.[116]

In a collaborative project with Albert Jonsen, Toulmin argues that a moral agent can resort to type-cases or paradigm cases without becoming an absolutist.[117] A type-case uses standard principles as referential markers so that an individual case can be compared and contrasted with the typical. Jonsen and Toulmin argue that standard maxims such as "don't use violence against innocent human beings," "don't lie," and "don't take unfair advantage of other people's misfortune" serve as "markers or boundary stones that delimit the territory of 'moral' considerations in practice."[118] A central concern behind Toulmin's recent work resembles MacIntyre's reconstructive project when he suggests that because the criticism of

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[115] Toulmin, *Cosmopolis*, 135.
[116] Toulmin, *Cosmopolis*, 135.
[117] Albert R. Jonsen and Stephen Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: University of California Press, 1988), 307.
[118] Jonsen and Toulmin, *The Abuse of Casuistry,* 307.

leading philosophers "undermines the whole 'foundationalist' program," a new Cosmopolis is now required that favours a research program "concentrated on *narrative* and *practice*."[119] Toulmin argues that the search for "common grounding," based either on Cartesian rationalism (clear and distinct ideas) or on Lockean empiricism, has not produced common results and a new "grounding" is required that focuses on the "overall narrative of conceptual history."[120]

2.9 Conclusion

The seemingly secure path that philosophy embarked on at the start of the seventeenth century had by the end of the twentieth century diverged into numerous and often disparate versions of the original position. The various types of moral enquiry advocated by Rorty, Williams, Dancy, Bernstein, and Toulmin represent a non-foundationalist shift in emphasis, even though they provide a diverse range of alternatives. This diversity, however, seems eminently reasonable, given Aristotle's insight that ethics is a practical rather than a theoretical science. In Book III of the *Nicomachean Ethics* Aristotle argues that a rational agent does not spend time deliberating about ends when he says that "a doctor does not deliberate whether he should heal, nor an orator whether he shall persuade, nor a statesman whether he shall produce law and order."[121] For Aristotle, a rational agent ought to be more concerned with practical intelligence or prudence and thus the concentration of thought for doctors, orators, and

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[119] Stephen Toulmin, "Theology in the Context of the University," *Theological Education* 26/2 (Spring, 1990): 51-65.
[120] Toulmin, "Theology in the Context of the University," 51-65.
[121] Aristotle, "Nicomachean Ethics," 1113^a, 359.

statesmen is to "assume the end" (health, persuasion, and law and order) and to spend time contemplating "how and by what means" the end "is to be attained."[122]

Aristotle's concept of practical wisdom stands in stark contrast to the decision making models currently being advocated in practical ethics. For Aristotle, practical ethics is forged in a shared teleological activity of a specific practice (i.e., medicine→health; law→justice; politics→civil society), and the virtues of these practices are shaped by hands-on engagement of the practitioners concerned. Doctors, lawyers, and politicians can and do achieve standards of excellence sufficient to be labeled as experts in their respective fields. Aristotle's engaged version of practical wisdom is very different from the most popular contemporary versions of practical ethics that argue for a disengaged process of decision making. The motivation for the contemporary focus on practical ethics was driven, in part, by a level of anxiety over modern medical techniques and the corresponding desire to be able to deal with these issues independently, free from traditional moral divides, and with a level of professional expertise. Singer and Wells make this claim when they argue that, when faced with complex ethical issues, we should be "a little more ready to gather together those [ethicists] best qualified to consider the issues in an open and informed manner" because their understanding and qualifications provide "an understanding of the nature of ethics and the meanings of the moral concepts" and "a reasonable knowledge of the major ethical theories."[123] The overriding difficulty with this approach is that

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[122] Aristotle, "Nicomachean Ethics," 1113ᵃ, 359.
[123] Peter Singer and Deane Wells, *The Reproductive Revolution: New Ways of Making Babies* (Oxford: Oxford University Press, 1984), 199-200.

those people who are "best qualified" in philosophy are no more likely to reach agreement over complex moral issues than less qualified people from other disciplines.

Clearly, as stated before, philosophers can and do reach *thin* agreement on moral issues, but this type of agreement is also shared by many others who are not moral experts. Even if it were true that philosophers derive common conclusions from shared premises, this would still not help solve a significant practical problem associated with ethical decision making in a modern liberal democracy. A modern liberal democracy provides space for people from numerous cultural and religious persuasions. The inherent pluralism of a modern democracy allows people to hold to a variety of competing positions, and the search for an approach that ignores this diversity is misguided. The next chapter will explore the historical and theoretical background behind the types of justificatory arguments currently being posited in contemporary practical ethics. The aim of this analysis will be to show that the attempt to simplify the decision making process was misguided from the start because the type of divisions one finds in connection with complex moral issues is precisely what one ought to expect in a modern pluralist society.

CHAPTER 3: DECISION MAKING AND PRACTICAL ETHICS

3.1 Introduction

The previous chapter highlighted the criticism of Cartesian foundationalism in general and the impact that this type of either/or thinking has on moral enquiry. Most of the philosophers in the previous chapter adopt a Peircian-type response to knowledge by arguing that the pursuit of knowledge is conducted from within a "community of inquirers,"[1] although each understands this concept in his own way.

The philosophers discussed in the previous chapter also share an initial agreement that the pursuit of moral knowledge is in some sense tradition-dependent, but they differ markedly over the consequences that they think flow from this. Williams thinks that the variety of moral traditions in the Western philosophical canon is precisely what one ought to expect from a complex discipline like ethics, and he is not anxious about the diversity of moral claims that results from this mix. MacIntyre, on the other hand, is deeply concerned because he thinks that this variety, when it is not linked to a *thick* teleological imperative, leaves moral philosophy in a state of crisis.[2]

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[1] See C. S. Peirce in Charles Hartshorne and Paul Weiss eds., *The Collected Works of Charles S. Peirce*, Volume 5 (Cambridge: Harvard University Press, 1980), 311. Peirce argues that "The real, then, is that which, sooner or later, information and reasoning would finally result in, and which is therefore independent of the vagaries of you and me. Thus, the very origin of the conception of reality shows that the conception essentially involves the notion of community, without definite limits, and capable of a definite increase in knowledge."
[2] MacIntyre, *After Virtue* (2007), 8.

MacIntyre's claim that the Enlightenment period produced various forms of emotivism seems too harsh, for reasons that will be explored later in this chapter, but he is right that the Modern project did not produce a standard model for moral philosophy. The lack of a standard model is implied in the "disquieting suggestion" to which MacIntyre refers in the opening chapter of *After Virtue*.[3] He asks the reader to imagine a world in which the tradition of scientific enquiry has been lost and the scientific debates that do remain are fragmentary and have little connection to a longer and deeper narrative of scientific enquiry.

Using this thought experiment, MacIntyre argues that a similar crisis exists in contemporary moral enquiry. Moral debates cannot be resolved because the proper context for moral enquiry has been lost and replaced by several discrete theories of ethics, each of which is internally coherent. So a moral agent is expected to weigh up the claims from various rival theories of ethics but is not provided with the scales that enable this adjudication to take place. This moral standoff is what MacIntyre refers to when he says that rival moral arguments can be "logically valid or can be easily expanded so as to be made so," but there is no way to adjudicate between them because "we possess no rational way of weighing the claims of one as against another."[4]

An example of this epistemological divide can be seen in the work of two Australian philosophers. In *Practical Ethics* (1979), *The Expanding Circle* (1981), and *Rethinking Life and Death* (1994), Singer posits that rational decision making

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[3] MacIntyre, *After Virtue* (2007), 1-5.
[4] MacIntyre, *After Virtue* (2007), 8.

in ethics is possible by rejecting the "old ethic"[5] of "traditional moralists"[6] and replacing it with the "new way" based on a version of preference utilitarianism and the principle of equal consideration of interests. David Oderberg, in contrast, argues in *Applied Ethics* that Singer is wrong because "traditional morality is not dead,"[7] and because the "old way" of doing ethics still provides a coherent moral system. Singer and Oderberg provide non-specialists with a good introduction to the way a consequentialist and a non-consequentialist apply theory to practice in ethics, but they are at odds on almost every practical issue they discuss. For instance, Singer argues that abortion is morally right (in most circumstances) and Oderberg argues that abortion is morally wrong (in most circumstances).[8]

In a pluralist society such as Australia this disagreement illustrates why complex moral issues are so intractable and why MacIntyre claims that contemporary moral debate is unsettlable at one level and interminable at another.[9] This thesis focuses on what pragmatists[10] refer to as the *cash value* or *practical consequences for human conduct* of moral claims. In a pluralist society, the most immediate practical consequence of moral enquiry is that agreement is not possible for many

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[5] Peter Singer, *Rethinking Life and Death: The Collapse of Our Traditional Ethics* (Melbourne: Text Publishing, 1994), 187ff.
[6] Singer, *Practical Ethics*, 1.
[7] David S. Oderberg, *Applied Ethics: A Non-consequentialist Approach* (Oxford: Blackwell, 2000), viii-ix. The same criticism of preference utilitarianism is offered in David S. Oderberg, *Moral Theory: A Non-consequentialist Approach* (Oxford: Blackwell, 2000).
[8] Singer argues that abortion is wrong if the method of termination causes pain to the fetus (*Practical Ethics*, 152). Oderberg argues that abortion can sometimes be right when the doctrine of double effect applies (*Applied Ethics*, 3).
[9] MacIntyre, "2for the foundations of ethics so frustrating?", 16-21.
[10] C. S. Peirce describes pragmatism as the guiding rule for the scientist and the mathematician, in "How to Make Your Ideas Clear," *Popular Science Monthly* 12 (1878): 286. William James echoes this when he claims that "The whole function of philosophy ought to be to find out what definite difference it will make to you and me, at definite instants of our life, if this world-formula or that world-formula be the true one," in John J. McDermott ed., *The Writings of William James: A Comprehensive Edition* (Chicago: University of Chicago Press, 1977), 379.

issues in practical ethics because moral enquirers do not appeal to a standard theoretical model.

Texts in practical ethics, such as those mentioned above, routinely begin with an historical survey, often by introducing the main consequentialist and non-consequentialist theories. The authors then explain to readers why a particular version of consequentialism or non-consequentialism is to be preferred and then show how this preferred theory can be applied to particular cases. The aim of most practical ethics texts is not simply to describe what ethics is but to provide readers with rational objectivity in their decision making. In the previous chapter this desire for objectivity was described by Toulmin as the "hidden agenda of Modernity,"[11] by Williams as a desire to simplify what cannot be made simple,[12] and by Bernstein as an either/or attempt to overcome Cartesian anxiety over relativism.[13]

At roughly the same time that theoretical objectivism in ethics was being challenged, a new and different type of social anxiety arose which put extra pressure on moral philosophers and theologians.[14] As the twentieth century began to unfold, a series of technical achievements in science caused a *technical anxiety* that had hitherto been unknown. Two major developments serve as book-ends to this twentieth-century period of technical anxiety, Einstein's theories of special and general relativity (1905, 1916) and the completion of the human genome map

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[11] Toulmin, *Cosmopolis: The Hidden Agenda of Modernity.*
[12] Williams, *Morality: An Introduction to Ethics*, 23-24.
[13] Bernstein, *Beyond Objectivism and Relativism*, 16-20.
[14] See Jacques Ellul, *The Technological Bluff* (Grand Rapids: Eerdmans, 1990), 1-16.

(2000). One of the practical applications of $E = mc^2$ was the development and use of atomic weapons. For several decades after, the threat of a nuclear exchange between feuding nations produced a social anxiety that psychiatrists labeled "nuclear anxiety."[15]

At the other end of the century, advances in the genomic sciences produced a technical anxiety over the hereditary risks associated with transgenic species, the moral issues associated with cloning, and the "big brother" risks associated with genetic information. At the start of the Human Genome Project (1990), researchers from the *National Human Genome Research Institute* acknowledged public anxiety over genetic research and devoted US$18 million dollars annually to what they refer to as the "Ethical, Legal and Social Issues" (ELSI) associated with mapping the human genome.[16]

The anxiety over modern technical developments drove some people working in moral philosophy to endorse a more practical approach to ethics. While all of the major ethical theories endorse decision making protocols, these protocols are second order considerations for some. The first order of moral enquiry for a Modern philosopher like Kant was to answer the epistemological question, What foundations are required to ground ethical standards?[17] Bentham, on the other

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[15] Stewart Meacham, "The Social Aspects of Nuclear Anxiety," *American Journal of Psychiatry* 120 (1964): 837-841.
[16] Funding to the *National Human Genome Research Institute* for the ELSI program exceeds all other funding that had previously been devoted to ethical, legal, and social issues in health care.
[17] See Immanuel Kant, *Groundwork of the Metaphysics of Morals*, translated by H. J. Paton (London: Random House, 1948) 77.

hand, concentrated on a second order question, namely, How ought moral agents to make decisions on the application of ethical standards to particular situations?

Over the last fifty years or so, it is Bentham's second order focus that has come to dominate practical ethics.[18] This dominance seems to have been for two reasons already highlighted. First, the conceptual incommensurability of rival moral theories is problematic if one thinks that the purpose of ethics is to resolve moral issues and, second, anxiety over modern technical developments motivated philosophers and theologians to concentrate on practical ethics.

This chapter will examine the link between technical anxiety and the emergence of practical ethics in the twentieth century. The first section will outline how and why technical anxiety influenced the current dominance of practical ethics. The second section will explain why the lack of a standard model in moral philosophy is not as stark as portrayed by MacIntyre. The third section will build on the previous one by showing how *thin* agreement is possible even when people do have conceptually *thick* incommensurable views over how ethics ought to be applied. The fourth section will illustrate how decision making protocols slide too easily between agreement on *thin* universals and disagreement over how *thin* universals ought to be applied in complex cases.

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[18] Anne Maclean argues that bioethics is dominated by utilitarian sophistry in *The Elimination of Morality: Reflections on Utilitarianism and Bioethics* (New York: Routledge Press, 1993), 1-16. Maclean's description of utilitarianism as sophistry is clearly debatable but her analysis that utilitarian thinking dominates bioethics seems valid. Utilitarian concepts such as cost-benefit analysis, quality adjusted life year (QALY), best-interest of the child, and harm minimisation dominate health care policy in many liberal democracies.

3.2 The Twentieth Century: An Era of Technical Anxiety

Technical developments in the twentieth century produced rapid changes in the physical and biological sciences, and these developments challenged traditional models of moral enquiry. When German physicists Otto Hahn and Fritz Strassmann discovered in 1938 that they could split a uranium atom by bombarding it with neutrons, their discovery unleashed a series of events that led seemingly ineluctably to the development and subsequent use of atomic weapons. The destructive power of atomic weaponry, and the corresponding fear of annihilation, caused many post-war people to exhibit a type of psychological stress that psychiatrists named "nuclear anxiety."[19]

Subsequently, technical developments such as kidney transplantation (1954), the oral contraceptive (1960), heart transplantation (1967), the ability to fertilise a human ovum *in vitro* (1978), and a cloned sheep named Dolly (1996) added to the anxiety. Critics of the unbridled acceptance of technical progress coined the term "technological imperative" to describe the uncritical application of new techniques.[20] In the 1990s various DNA-based research projects were instigated, thereby, leading to a genomic revolution that soon turned into one of the *big-science* projects of human achievement. By 2000 the first draft of the human genome map had been completed, and now gene-splicing techniques allow

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[19] See James Thompson, "Threat of Nuclear Warfare," in George Fink ed., *Encyclopedia of Stress*, Volume 3 (San Diego: Academic Press, 2000), 66-70.
[20] French sociologist Jacques Ellul argued that the human race has become so enamoured by technique that "no human activity escapes this technical imperative," in *The Technological Society* (New York: Vintage Press, 1967), 6. Similarly, Ivan Illich argued that modern medicine has become seduced by technique and misappropriated the original medical *telos* of health, in *Medical Nemesis: The Expropriation of Health* (London: Marion Boyars, 1975), 15-31.

implantation of genetic material from one animal to another or even from an animal to a plant.

In a *White Paper* produced for the United Kingdom *House of Commons* (2003) health secretary John Reid argued that experts on the Human Genetics Commission would ease the "understandable public anxiety about the coming revolution in health care" by "ensuring public access to the information on human genetics and the social and ethical issues involved."[21] The alleged benefits or harms resulting from the genomic revolution prompted a spectrum of claims ranging from the eradication of gene-linked disease to a catastrophic genetic accident. A sleeper issue in the controversy over biotechnology is the transfer of genetic material from one species to another. Most of the controversy focuses on genetic research on humans, but this type of research is, for the most part, tightly regulated. The same caution is not the case for research on animals, and the potential risks to humans from creating transgenic animals is arguably greater because it bypasses the process of evolutionary fitness that prevents the transmission of viruses and other pathogens from one species to another.[22]

In 1980 the *European Center for Nuclear Research* (CERN) developed an "information matrix" that subsequently became the World Wide Web. This rapid information-sharing environment produced another form of modern stress now

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[21] John Reid, White Paper: *Our Inheritance, Our Future: Realising the Potential of Genetics in the NHS* (Department of Health, June 2003), 1.
[22] See "Possible Dangers: Unwittingly Selecting for Pathogens," in Bernard E. Rollin, *The Frankenstein Syndrome: Ethical and Social Issues in the Genetic Engineering of Animals* (Cambridge: Cambridge University Press, 1995), 114-117.

known as the "big brother complex" or "information anxiety."[23] Sometime in late-2009 or early-2010 CERN will add to this stress when they fire up the Large Hadron Collider (LHC), the most powerful particle accelerator ever built.[24] Leading up to the first but unsuccessful attempt at starting the LHC in 2008, anxiety over a runaway black hole led to a failed application in Hawaii's High Court for a temporary restraining order on the LHC start date. Newspapers gave up columns of space to people who argued that the scientists at CERN were going to blow up the solar system. These concerned citizens seemed unaware that the CERN accelerator was not the first particle accelerator, merely the most powerful, and that experiments involving colliding particles had been going on for decades.

3.3 The Genesis of Practical Ethics

In the midst of this era of technical anxiety an academic offshoot from traditional moral philosophy emerged. This academic discipline of practical ethics developed over the past sixty years in order to simplify the process of moral deliberation.[25] The justification for this simplified model of ethics was that a shared "common morality" theory was thought to be necessary in order to overcome the divisions between consequentialists and non-consequentialists and between theists and non-theists.[26]

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[23] See Richard Saul Wurman, *Information Anxiety* (New York: Doubleday, 1989).
[24] One of the primary goals of the LHC is to create a mini-black hole to replicate the first micro-second of the universe prior to inflation.
[25] Most writers place the birth of bioethics during the 1950s. See Beauchamp and Childress, *Principles of Biomedical Ethics*, 3; Albert R. Jonsen, *The Birth of Bioethics* (New York: Oxford University Press, 1998), vii-xiv; and Carol Levine, "Analysing Pandora's Box: The History of Bioethics," in Lisa A. Eckenwiler and Felicia G. Cohn eds., *The Ethics of Bioethics: Mapping the Moral Landscape* (Baltimore: Johns Hopkins University Press, 2007), 3-23.
[26] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, fourth edition (Oxford: Oxford University Press, 1994), 120ff.

This agenda has proved problematic for two reasons. First, it side-stepped contemporary debates in epistemology over concepts such as reason and objectivity and, second, the decision making protocols advocated in practical ethics texts turned out to be just as disputatious when applied to practical issues as the traditional theories they were trying to replace. The fixed divide between rival moral theories is not solved by the application of decision making protocols. If anything, it may even make the separation between rival points of view more fixed than it needs to be. Decision making protocols quickly gained a legitimacy that belied the infancy of practical ethics as a separate discipline.[27]

In the historical life setting into which philosophers like Kant and Bentham were born, the "flight from authority"[28] seemed warranted in order to find a philosophical foundation for the moral life that did not rely on the authority of religious or civil leaders. Problems associated with the appeal to traditional authorities (Church and State) were obvious, and the Cartesian anxiety over foundations was not unreasonable. Modern moral thinkers of this period wanted to establish a rational foundation for ethics for the same epistemological reasons that scientists of the period sought to establish a rational foundation for scientific disciplines. The attempt to link the objectivity of scientific enquiry with the objectivity of moral enquiry seems to be mistake, however. It is certainly a mistake for teleological thinkers like Aristotle, virtue ethicists like MacIntyre, and casuists like Toulmin because a sense of purpose or place, experience, awareness

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[27] Benefits and problems associated with two major common morality theories will be examined in detail in Chapters 4 and 5.
[28] See Jeffrey R. Stout, *The Flight from Authority: Religion, Morality, and the Quest for Autonomy* (Notre Dame: University of Notre Dame Press, 1981).

and development of habits of action, together with a partial consideration of time, place, and circumstance are all necessary for practical wisdom.

The type of rational objectivity appealed to in science is referred to as methodological reductionism[29] because knowledge about a complex thing is enhanced by understanding the interaction of its constituent parts. When it comes to moral enquiry, however, there are good reasons to think that Aristotle was right because a complex discipline like ethics is not reducible in the same sense. Aristotle argues that scientific knowledge is derived from universals or first principles that are demonstrable without variation (that which is true cannot be made false). Practical wisdom (ethics and politics) cannot be scientific knowledge, however, because "that which can be done is capable of being otherwise" and so for prudential reasons political and ethical decision making involves an appreciation of life's variables.[30]

Aristotle suggests that the study of ethics is first and foremost a practical discipline, but for him the object of this type of enquiry is not knowledge for its own sake but rather for the practical benefits that flow from this type of enquiry for the life of the *polis*.[31] In the opening chapter to his *Nicomachean Ethics* Aristotle explains why politics is the "master art," primarily because "politics uses the rest of the sciences."[32] In Book VI Aristotle expands on the intricate relationship between politics and ethics by first showing the difference between

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[29] Reductionism in this context is empirically based and does not imply metaphysical or philosophical reductionism.
[30] Aristotle, "Nicomachean Ethics," 1140^b and 1141^a, 389.
[31] This theme will be developed further in Chapter 7.
[32] Aristotle, "Nicomachean Ethics," 1094^a, 339.

scientific knowledge and practical wisdom. For Aristotle scientific knowledge involves "judgment about things that are universal and necessary," as derived from "first principles."[33] Practical wisdom, on the other hand, is "concerned with things human and things about which it is possible to deliberate."[34] Aristotle is drawing from a tradition in which ethics (in the classical sense) is implemented within the life of the *polis* and therefore ethics requires politics for its implementation. This ancient link between ethics and politics was less significant for Modern thinkers. Prudent thinkers will exhibit different types of excellences because they have different ends in mind. In this respect Aristotle departs from his mentors (Socrates and Plato) when he says that "there is no such thing as excellence in practical wisdom" because "excellence" is a term that involves comparison of particular activities that are variable with respect to time, place, and circumstance, or as the occasion demands (*pros ton kairon*).[35]

3.4 The Standard Model and the Appeal to Authority

The conceptual incommensurability of rival moral theories negates the possibility that moral enquiry will exhibit anything like the *standard model* approach used in the sciences because the *standard model* is derived from a *thick* consensus that is missing among moral philosophers. As stated previously, the *standard model* concept is used in science to delineate the foundational premises and boundary assumptions on which evidence derived by means of the scientific method is

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[33] Aristotle, "Nicomachean Ethics," 1140^b, 389.
[34] Aristotle, "Nicomachean Ethics," 1141^b, 390.
[35] Aristotle, "Nicomachean Ethics," 1140^b, 389 and 1109^a, 354.

evaluated. In a pluralist society the *standard model* concept has vast explanatory power and can therefore be used to evaluate other rival theories. In biology, for instance, rival theories of the origin of life are evaluated against the *standard model* of *evolution by natural selection*. The *standard model* in biology stands above other rival theories of creation, intelligent design, or numerous indigenous narratives because it has vastly greater explanatory power. As a result, policies and protocols in a pluralist society can be developed in education and research by evaluating them against the *standard model* of *evolution by natural selection*. In other words, the justification for framing education policy, curricular development, and research funding for the study of biology or anthropology on the theory of evolution by natural selection, rather than any of the numerous creation narratives, is that the standard model of biology has vast explanatory power whereas other theories for the origin of life do not.

Similarly, theories for the origin of the universe can be compared against the *standard model* of *cosmology* accepted by astronomers, cosmologists, and physicists because this standard model has explanatory power and the others do not.[36] Preference for the standard model approach when framing policy decisions in a pluralist society does not imply that other forms of cosmology have no value. Australian indigenous cosmology (the "Dreaming") has ontological value because it provides an anthropomorphic context for the animistic narrative of indigenous society. Also, when Kimberly aboriginals look into a dark night sky they see the

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[36] In cosmology there are rival theories to the standard "big bang" model. A modified "steady state theory," known as the Hoyle-Narlikar theory (Fred Hoyle and Jayant Vishnu Narlikar) is the most prominent. See Paul Davies, "Hoyle-Narlikar Theory of Gravitation," *Nature* 224 (1970): 270-271.

Great Emu that nestles down toward the egg (Earth). Apart from the ontological value that indigenous cosmology has, the names attached to different parts of the night sky has practical benefits because it enables indigenous people to navigate. So for sociological reasons, indigenous cosmology ought to be taught in schools because it helps modern humans appreciate the narrative context within which ancient societies understood the world around them.

The narrative of the Great Emu, however, or any narrative based on a constellation of stars, has very little explanatory power for scientific disciplines like astronomy and physics. The view from Earth of a pattern of stars that looks something like a Great Bear (*Ursa Major*) is relative to an Earth-based observer. If it were possible to swing the observer around ninety degrees, the observer would see the same patch of sky from a different perspective and the Great Bear would be gone. Stars that appear to an Earth-based observer to be fixed and on the same plane are, from an astronomer's point of view, not fixed at all, and certainly not on the same plane. The depth separation of stars that make up the Great Bear is measured in thousands and sometimes millions of light years, and several of the visible "stars" are in fact galaxies.[37]

The type of appeal to authority in *standard models* differs from that which concerned philosophers of the Modern period. In formal logic the appeal to authority (*argumentum ad verecundiam*) is a fallacy because the appeal is made *to* the authority rather than *by* the authority, in other words, an appeal without

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[37] Visible differentiation between galaxies and stars has only been possible since the invention of the telescope.

justification or argument. This is not the same as the appeal to the authority of *standard models* in science because the vast explanatory power of the *standard model* approach provides the necessary justification in a pluralist society.

From a pragmatist perspective, the appeal to authority in this context has *cash value* or *practical consequences for human conduct* apart from the policies and protocols for education. The genomic revolution that is unfolding in medicine, for instance, is intricately related to knowledge derived from the *standard model* of biology. One of the major benefits will be better targeted pharmaceuticals and other forms of therapy.[38] Similarly, the practical applications that flowed from knowledge of the *standard model* of particle physics are in almost every modern piece of machinery, including numerous household items. In the health sector, MRI and PET scanners are now routine diagnostic tools, and Neutron Beam therapy provides oncologists with an option for treating cancerous tumors other than traditional chemical therapies.[39]

Rational discussants[40] within a discipline use the *standard model* to make decisions on things such as education curriculum, funding for research, drugs to be listed on a hospital formulary, and what is and is not published in peer-reviewed journals. In a liberal pluralist democracy, a consensus among rational discussants within particular practices (science, law, politics, education, etc.) is

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[38] See Health Research Institute, *Personalized Medicine: The Emerging Pharmacogenomics Revolution* (Global Technology Centre, 2005).
[39] David Harris, "The Benefits of Particle Physics," Editorial, *Symmetry* 5/6 (2008): 2.
[40] Richard Rorty, "Pragmatism, Relativism, and Irrationalism," *Proceedings and Addresses of the American Philosophical Association* 53 (1980): 719-738. Rorty's term, "rational discussants," is similar in meaning to Peirce's "community of enquirers" and also MacIntyre's concept of tradition-guided rational enquiry. These links will be unpacked in greater detail in Chapter 7.

pragmatically useful because it trades on agreement within a practice that defines an internal good. This rational appeal to authority has limits, however, because sometimes good practice in one discipline is bad practice in another.

A liberal democracy such as Australia allows people to hold a range of diverse views and copes with this diversity when conflicts arise by applying the "rule of law." The *rule of law* is a concept that describes the basic tenets of dispute resolution in the Australian legal system. While the concept of the *rule of law* has been,[41] and still is,[42] the subject of extended legal and philosophical debate, it remains the primary vehicle for dispute resolution in Australia, via the legislature, the judiciary, and a network of other dispute resolution institutions.

The rule of law operates to define general rules and policies, sometimes by legislation, sometimes by case law, and other times by international covenant. An example of this defining process can be seen in the way democratic countries deal with the concept of free speech. Unlike the Constitution of the United States of America,[43] where the *First Amendment* directly prohibits the Congress from passing laws that prohibit free speech, the Australian constitution has no such prohibition. However, over the last several decades the Parliaments of Australia and the High Court have established an implied Constitutional protection to

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[41] For an Australian perspective on the rule of law see Cheryl Saunders and Katherine Le Roy eds., *The Rule of Law* (Melbourne: Federation Press, 2003). See also *Philosophy, Social Theory, and the Rule of Law*, a ten-volume series published by the University of California Press that explores the rule of law and jurisprudence in an American context.
[42] Kenneth Hayne, *Dispute Resolution and the Rule of Law: Sino-Australian Seminar* (Canberra: High Court of Australia, 2002).
[43] See "First Amendment" of *The United States Constitution*, April 1790.

freedom of speech.[44] During the same period, both countries passed laws,[45] and become signatories to international covenants,[46] that directly prohibit free speech in specific circumstances. This defining process of the rule of law illustrates the type of mediation and compromise that are routine in a modern liberal democracy with international links.[47]

For much of the history of medicine the doctor-patient relationship was dominated by the physician-knows-best maxim. This maxim is appropriate in most cases because patients present themselves to doctors for diagnosis. In some cases, however, the physician-knows-best standard has been shown to be incompatible with best practice standards of other disciplines, notably law and politics. A well known example of this clash of best practice occurred when Jehovah's Witness people successfully challenged doctors who ignored repeated requests not to be given emergency blood transfusions. Clearly, administering a life-saving blood transfusion to a patient is good practice within medicine, but Australian courts have established that in some circumstances this physician-knows-best standard can be grounds for common assault.[48] A series of legal decisions across the Western world, based primarily on applications by Jehovah's Witnesses, has

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[44] See Section 109 of the *Commonwealth of Australian Constitution Act*, July 1900.
[45] Laws of defamation and non-discrimination specifically prohibit particular types of speech in the public domain.
[46] See the United Nations, *International Covenant on Civil and Political Rights* (ICCPR), March 1976.
[47] Other examples of mediation and compromise are restrictions on local trade due to international trade agreements, and the economic restriction that the European Union applies to non-member countries that have a capital punishment statute.
[48] Pei-Teing Kee, "Refusal to Consent to Treatment on Religious Grounds," *E-Law: Murdoch University Electronic Journal of Law* 2/2 (1995): accessed 17 December, 2008. http://www.murdoch.edu.au/elaw/issues/v2n2/kee221.html.

established in both statute and common law that patients can refuse blood transfusions, even if their decision results in death.[49]

Tangentially, the Jehovah's Witness decisions had wider implications, and many jurisdictions now use *Living Will* or *Advance Directive* protocols that allow competent adults to refuse medical intervention for a variety of reasons.[50] Even in jurisdictions where this legal protection has yet to be established, the impact of the Jehovah's Witness type decisions has changed medical practice. The beneficent paternalism of physician-knows-best has been replaced by a more consultative process known as the "reasonable person" or "patient-centred" standard of consent.[51]

A second example of how practice-guided enquiry intersects with the rule of law in a liberal democracy can be seen in the response to the complex issue of abortion. The debate over abortion still weighs heavily on the minds of many people, but in most Western democracies the application of the rule of law has provided a partial resolution to the debate. The partial resolution process in the USA and Australia is illustrative of what has happened in most Western democracies.[52] In 1973, the USA Supreme Court (Roe v. Wade) was asked to

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[49] Most jurisdictions place age restrictions on this appeal to autonomy. In Australia the *Human Tissue Act* 3:24 (1985: 3:24, 18) allows doctors to override the expressed wishes of parents if in their professional opinion the transfusion is required to save the life of the child.
[50] In Western Australia, the Attorney General (Honorable Jim McGinty) introduced the *Consent to Medical Treatment Bill* in 2006.
[51] See Stephen Wear, *Informed Consent: Patient Autonomy and Physician Beneficence within Clinical Medicine* (Boston: Kluwer Academic Publishers, 1993), 13.
[52] Abortion on demand (with variations over timing and circumstance) is available in Canada, New Zealand, Japan, and the United Kingdom. Russia, Yugoslavia, Albania and many other Eastern-Bloc countries have also decriminalized abortion in the last few decades. Abortion remains a criminal offence in both the Republic of Ireland and Northern Ireland.

decide whether State-based laws that prohibited abortion were a violation of the implied constitutional right to privacy under the *Due Process Clause* of the Fourteenth Amendment. The justices of the Supreme Court decided by a 7-2 majority that abortion was a fundamental right under the United States Constitution and that all past and future laws must adhere to this *strict scrutiny*.[53]

The political and legal resolution of the abortion debate in Australia is more complex because abortion laws are the responsibility of the States and Territories, and the Australian Constitution offers few grounds on which this can be challenged. Abortion in Australia was originally prohibited by all States and Territories, but over the last twenty years all have enacted legislation that allow women safe access to the termination of a pregnancy, although there is variation among the States over both the timing and the conditions that determine a lawful termination. In Western Australia, for instance, the *Act Amendment (Abortion) Act 1998* repealed the prohibition against abortion from the criminal code and replaced it with a new section that allows termination of a pregnancy to be governed by a new section 334 of the *Health Act 1911*. This had the effect of allowing abortion on demand up to twenty weeks of gestation and restricting abortion after twenty weeks to those cases in which either the pregnant woman or the fetus has a medical condition that justifies termination to the satisfaction of two doctors appointed by the Minister for Health.

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[53] In the USA, the legal doctrine of *strict judicial scrutiny* relates to a complex formula for deciding whether an action does or does not negate the "Equal Protection Clause" of the *Fourteenth Amendment*.

The type of resolution illustrated in the examples above is not one in which people agree by reaching some middle ground because this is clearly not what has happened. Opponents on either side of the debate have not given ground on the moral issues associated with terminating a pregnancy. A pragmatic political and legal resolution does not arbitrate on the moral issues but it does provide a substantial end-point to the political and legal stand-off. This end-point is possible because the rule of law trades on *thin* agreement between the disputants that due process has been followed. In both Australia and the USA most people who disagree with the resolution respect the process from which it has been derived.[54] In some jurisdictions people opposed to the decriminalisation of abortion have launched further legal appeals or appealed to statutory authorities to rescind or override decisions made by the judiciary.[55] This ongoing defining process is consistent with political and legal liberty intrinsic to a modern pluralist society.

Although the end-point provided by the rule of law is substantial, it is by no means final and moral theologians and philosophers who have argued against the decriminalisation of abortion are unlikely to change their minds on this issue. In the year that the Roe v. Wade decision was made, Australian philosopher John Finnis wrote a vigorous defence for the moral and legal prohibition of abortion,[56]

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[54] Abortion clinics in the early years of decriminalization employed security guards, primarily to keep clients and protesters apart, but as recently as 2001 a security guard in Melbourne (Australia) was shot and killed by a mentally ill protester. In the USA, the response to the Roe v. Wade decision still produces sporadic violence, primarily directed at clinics, although three doctors and a security guard have been murdered since the Roe v. Wade decision.

[55] In 1989, after several lower court challenges to the Roe v. Wade decision, the US Supreme Court upheld the original 1973 decision but modified the contentious trimester requirements.

[56] John Finnis, "The Rights and Wrongs of Abortion: A Reply to Judith Jarvis Thomson," *Philosophy and Public Affairs* 2/2 (1973): 117-145.

and he continues to publish material on related themes.[57] Philosophers like Finnis and Oderberg, mentioned previously, oppose abortion from a thickly nuanced understanding of human purpose and they express this opposition by means of standard academic procedure – books, articles, conference papers, etc. Finnis and Oderberg's opposition to abortion is consistent with the type of academic freedom that one expects within a liberal pluralist society.

In Western Australia the *Act Amendment (Abortion) Act 1998* is a health policy (harm-minimisation) compromise because the Parliament removed abortion from the criminal code and provided restricted access to abortion under the *Health Act*. This compromise position did nothing to solve the philosophical issues associated with abortion because the *Act* was designed primarily to clear up a legal loophole that placed doctors at risk of prosecution even though abortion services had been available in Western Australia for many years. Political and legal compromises like the above never suit all parties but they are common practice in any modern pluralist democracy. Because this issue is controversial the ideological debate will continue for many years and it is always possible, in a liberal democracy, that a community consensus could develop that might overturn political and legal protocols that allow for safe termination.

The rule of law trades on a concept introduced earlier in Chapter 1, Walzer's "*thin* consensus" or "*thin* moral motivation." A liberal democracy allows people to hold

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[57] See John Finnis, "The Priority of Persons," in Jeremy Horder ed., *Oxford Essays in Jurisprudence* (Oxford: Oxford University Press, 2000), 1-16; "Abortion and Health Care Ethics," in Helga Kuhse and Peter Singer eds., *Bioethics: An Anthology* (Oxford: Blackwell, 1999), 17-24.

divergent views, even over what for some are life and death issues (abortion, war, or poverty). This *thin* moral consensus is often overlooked because practical ethics so often focuses on the issues that divide people. Walzer argues that *thin* moral minimalism provides a powerful bridge, both for people with divergent views within a culture and for people separated by culture and language. The next section will explore this *thinness*, particularly as it applies to agreement within the confines of particular practices such as law, medicine and education.

3.5 *Thick* and *Thin* Moral Evaluation

The lack of agreement in moral philosophy is problematic if, as MacIntyre seems to think, it results in a series of rival moral traditions on which no consensus is possible. However, this view ignores the consensus over *thin* universals that many theories of ethics share (religious and secular). A *thin* universal maxim such as, "It is wrong to cause deliberate suffering," has explanatory power because consequentialists and non-consequentialists interpret the maxim in roughly similar ways. A moral agent who makes decisions based on some form of utilitarian calculus and a moral agent who makes decisions based on a categorical imperative will concur that the rational thing to do is to avoid causing deliberate suffering whenever possible.

This thesis defends a practice-guided approach to moral enquiry primarily because MacIntyre's *thick* concept of a practice can be usefully employed in a pluralist society without the need for the practice to be necessarily linked to a *thick*

teleological account of the type that he offers (Aristotelian Thomism). The primary justification for this distinction is that a *thick* agreement in a practice, such as medicine, has sufficient explanatory power, or *practical consequences for human conduct*, because the practitioners (doctors, surgeons, nurses, etc.) share a *thin* sense of the teleological imperative (health) from which this practice derives its internal goods. In other words, the practical internal goods of a discipline like medicine are sufficiently clear and have sufficient explanatory power when the practitioners share a *thin* Aristotelian sense of human flourishing. The *thick* Thomistic account of flourishing that MacIntyre advocates is appropriately tentative in *After Virtue* because Aristotelian Thomism is part of his *thick* (story-filled) explanation of a narrative that best supports the rational nature of human beings.[58]

Walzer suggests that moral thinkers often agree on *thin* moral universals even when they interpret these universals through a *thick* historical narrative. He refers to this type of moral agreement as "thin moral agreement" or "moral minimalism."[59] Moral minimalism is not foundational because a minimalist expression, such as "slavery is wrong," is *grounded* in an already *thick* narrative understanding of human life which varies from one tradition to another.[60] A rational justification that explains why slavery is wrong is already a *thick* moral claim, either because slavery is inconsistent with broader religious concerns, or because it is inconsistent with the universalisable expression that all humans have

[58] MacIntyre, *After Virtue* (2007), 52.
[59] Walzer, *Thick and Thin*, 4.
[60] Walzer, *Thick and Thin*, 4.

rights, or because it is inconsistent with various forms of preference satisfaction, or some other moral claim.

Walzer argues that a *thin* agreement against slavery is predicated on a *thick* view of the moral life, a type of "moral maximalism."[61] He argues that a moral term, such as justice, is understood first as a *thick* description from within a particular tradition before it becomes a *thin* concept that is shared by people from different traditions. For Walzer, the concept of justice is *thick* from the beginning because it is "culturally integrated, fully resonant, and it reveals itself thinly only on special occasions, when moral language is turned to specific purposes."[62] This *thick* view of justice is referred to by Walzer as a form of moral maximalism because it is already *thick* with a narrative history of "qualification, compromise, complexity and disagreement."[63] For Walzer, this *thick* view is not a better view of justice, simply the first view with which a moral agent is confronted. The *thin* view of justice is a second order concept, but it is more crucial for Walzer because it is as close as one can get to a moral universal.

For Walzer, a *thin* or minimalist view of morality acknowledges that a common thread exists between different *thick* traditions. There are "rules of engagement" for a *thick* principle like justice because "minimalism leaves room for thickness elsewhere; indeed, it presupposes thickness elsewhere."[64] Thus, in a pragmatist sense, a *thin* moral universal has greater cash value because it transcends the

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[61] Walzer, *Thick and Thin,* 4-6. See also "Conflicts of Values," in Williams, *Moral Luck*, 71-82.
[62] Walzer, *Thick and Thin*, 4.
[63] Walzer, *Thick and Thin*, 6.
[64] Walzer, *Thick and Thin*, 12.

limitations of *thick* traditions so that people can agree on the practical application of a principle even if they disagree over its justification. The example he uses to show the difference between *thick* and *thin* moral argument is the 1989 Velvet Revolution in Prague where news coverage showed people carrying signs which simply said "truth" or "justice."

Walzer claims that a serious thinker who watched this revolution unfold via news coverage, as he did, would share a *thin* perception of what the marchers were appealing to with their signs.[65] For Walzer, the Prague marchers were entirely unfamiliar to him and he could neither speak their language nor know what they had experienced. Yet he could conceivably stand in solidarity with them, and had he been there, he too would carry the same signs. The reason this is the case, according to Walzer, is that the march had nothing to do with epistemology. The marchers were not defending a correspondence or coherence theory of truth, and they were not marching in defence of one ethical theory rather than another.[66] Walzer claims that they were marching for mainly pragmatic reasons; they did not want to be lied to and they wanted their political leaders to end arbitrary arrests and to abolish the privileges of the few.[67]

This *thin*, common or "garden variety" sense of justice was immediately recognisable to Walzer because his own tradition (Jewish-American) is *thick* with a concept of justice that resonates with ideals similar to those expressed in

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[65] Walzer, *Thick and Thin*, 4.
[66] Walzer, *Thick and Thin*, 1.
[67] Walzer, *Thick and Thin*, 2.

Prague.[68] From a pragmatic perspective, consensus is broadly possible on a concept like justice because *thin* recognition is all that is necessary to unite people from diverse moral traditions. The history of social activism contains numerous examples of the type of *thin* application of moral *thickness* to which Walzer refers. For instance, many moral agents would reject the theological argument that Martin Luther King Jr. used to justify nonviolent direct action during the 1960s civil rights movement. King's justification for civil protest in the "I have a dream" speech was consistent with his theological stance and was gleaned primarily from Thomas Jefferson's defence in the *Declaration of Independence* (1776).[69]

King follows Jefferson in declaring that it is a self-evident truth that "all men are created equal" and therefore all people, the "negro" included, have unalienable rights of life, liberty, and the pursuit of happiness. The epistemic problem here is that nothing in this justificatory claim is as self-evident as King or Jefferson presumed, neither God the creator, nor human equality, nor even the unalienable rights that continue to provide justification for practical ethics and civil policy in the USA. The Christian tradition that undergirds both the *Declaration of Independence* and King's own theology is *thick* with a narrative account of what it means to be human. Many who took part in the civil rights movement were not Christians and they supported the appeal for justice during the Washington campaign for different epistemic reasons.

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[68] Walzer, *Thick and Thin*, 3.
[69] Martin Luther King, Jr. delivered the *I Have a Dream* speech on the steps at the Lincoln Memorial in Washington, D.C. on August 28, 1963. Jefferson wrote the 1776 *Declaration* after consultation with Benjamin Franklin, John Adams, Roger Sherman, and Robert Livingston.

A contemporary Australian example of a *thin* moral consensus derived from diversely *thick* traditions was the Australia-wide rally against the second Gulf War, a month before conflict began in March 2003. At the Perth rally, approximately twenty thousand people gathered in the city square to voice disapproval at the decision of the Australian government to become involved in the conflict. The people who attended the rally came from diverse philosophical, religious, and political traditions, but they shared a *thin* solidarity that something was wrong with the political justification for war being offered by the federal government. This "garden variety"[70] sense of wrongness, to use Walzer's term, is all that is necessary for serious thinkers to stand together in a demonstration for a common purpose. No participant in protests such as those outlined above is ever asked to justify claims over *thin* moral universals because solidarity has already been achieved and debate over epistemic issues would serve no useful purpose.

Examples like this show that a moral concept like justice has both a maximal moral value that is *thickly* contingent on a set of shared assumptions and a minimal moral value that is *thin* enough to be a shared universal principle. This *thin* concept of universalisation provides the boundary conditions within which ethical discussion takes place in a pluralist society because it promotes the idea that there is something to be discussed about ethics that goes beyond both self-interest and the interests of a particular moral tradition. The next section will argue that the attempt to slide from *thin* universals to *thick* application is the mistake most often made in practical ethics. Practical ethicists often begin by

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[70] Walzer, *Thick and Thin*, 3.

advocating a *thin* universal principle but they then slide too easily into a *thick* application of the principle without acknowledgement that this application is tradition-dependent.[71] It is at this stage that consensus breaks down, at least in a pluralist society, because there is no shared method for evaluating the application of principles; ethics at this *thick* end of decision making is already dependent on specific philosophical, religious, or cultural assumptions.

3.6 Practical Ethics: The Limitations

Practical ethicists often overstate what rational enquiry can achieve when they apply *thin* moral universals to *thick* particulars. John Harris exemplifies this over-confidence when he declares that the interest of a rational agent in medical ethics is to resolve problems and not simply to understand them.

> Just as the proper business of medicine is not merely to understand the nature and causes of illness but to try and prevent or cure it, so the proper business of medical ethics is not merely to understand the nature of the moral problems raised by medical practice but to try and resolve them.[72]

Harris defends his optimistic comparison between medical practice and medical ethics by arguing that skepticism about his view is not justified:

> all people who think that it is possible either to do wrong, or for that matter to do what's right, depend upon and use moral argument. This reveals a very important fact about the nature of morality and hence about the nature of ethics.

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[71] The tradition-dependent aspects of decision making will be explored more fully in Chapter 6.
[72] John Harris, *The Value of Life: An Introduction to Medical Ethics* (London: Routledge and Kegan Paul, 1985), 4.

> It is simply that if something is right or wrong, morally right or wrong, there must be some reason why this is so. And reasons can always be scrutinised for their adequacy.[73]

While one can appreciate Harris's concern that the proper business of medicine involves the prevention and cure of disease, his further claim that the proper business of medical ethics is to resolve moral dilemmas is not straightforward. There are strong reasons to be skeptical of the comparison between medical practice and medical ethics. Medical practice is based on a *thick* agreement that has been forged within the discipline. This is what is meant whenever the term "practice" is used, such as in general practice, or orthopedic practice, or nursing practice, because the concept of a practice in medicine involves a *thick* historical consensus over what a doctor or nurse ought to do. A practitioner who habituates the internal goods of the discipline, in an Aristotelian sense, replicates the standards of excellence that have been forged within the discipline over generations.

The level of agreement that one finds in medical practice is missing in medical ethics, however, and Harris slides too easily from the *thin* consensus on health to the application of moral principles. When Harris claims that "reasons can always be scrutinised for their adequacy" he assumes that there is some standard test to show why one argument is more adequate than another. Clearly a poorly constructed argument is inadequate, but this is not usually the cause of a moral stand-off in complex moral debates. For complex moral debates, the main

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[73] Harris, *The Value of Life*, 4.

problem is not the adequacy of the various arguments but the inability to reach agreement on why one valid argument trumps another. This is the point referred to earlier when MacIntyre claims "there are no moral scales" that can be used to evaluate why one reasonable argument trumps another.[74]

It is the epistemic differences that lead to a moral impasse in the first place. Thus the comparison between solving a medical problem and solving a moral problem is forced. Health practitioners share a *thin* teleological awareness about the goal of medical practice (health), but they also share a *thickly* articulated understanding about how that goal ought to be achieved (internal goods). Aristotle makes this point when he says that for "a flute-player, a sculptor, or an artist … the good and the 'well' is thought to reside in the function."[75] So excellence in flute-playing can be compared with excellence in medicine because both flute-playing and medicine share a *thin* sense of purpose and a *thickly* articulated understanding of the activities or habits of action (internal goods) that are directed toward that purpose. A similar consensus between *thin* universals and *thick* practices is not possible in practical ethics because when moral agents agree on a *thin* moral maxim, such as "It is wrong to kill an innocent person," they often disagree over whether that moral maxim applies in particular cases (e.g., abortion, war, euthanasia). Moral solutions cannot be drawn from a *thin* consensus on health because moral philosophers come from diversely *thick* traditions. Thus a moral dilemma exists at the *thick* end of medical practice because no agreement is possible given the diverse traditions to which philosophers and theologians belong.

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[74] MacIntyre, "Why is the search for the foundations of ethics so frustrating?", 16.
[75] Aristotle, "Nicomachean Ethics," 1097^b, 342.

Aaron Ridley also glosses over the epistemic differences between rival moral arguments when he says that the motivation for practical ethics should be to avoid bloodshed, resist relativism, and sidestep religion. He argues that this approach avoids the "deadlock and futility characteristic of religious disagreement" because philosophical argument attempts to discover ethical principles that can be used by anyone, and he wants to avoid the emotional and angry stand-off common to ethical debate.[76]

The problem for Ridley is that while reasonableness in discussion and charity in listening is commendable, this does not imply that rationality *qua* rationality can do all that Ridley thinks it can. He initially claims that problems in ethics offer no final solutions and that his approach only provides a strategy for clarification and discussion.[77] He further claims that any philosophy that pretends to clear up all problems is guilty of oversimplification and misrepresentation, and on this he is surely right.[78] However, while he begins with a fairly standard appeal to *thin* universal principles, his explanation for how these principles ought to be applied is immediately *thick* with philosophical presuppositions that are themselves disputed.

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[76] Aaron Ridley, *Beginning Bioethics: A Text with Integrated Readings* (New York: St. Martin's Press, 1998), 6. Many writers argue that the role of the emotions should not be dismissed from moral deliberation. See Diana Fritz Cates, *Choosing to Feel: Virtue, Friendship and Compassion for Friends* (Notre Dame: University of Notre Dame Press, 1997), and Susan Moller Okin, "Reason and Feeling in Thinking about Justice," *Ethics* 99/2 (1989): 229-249.
[77] Ridley, *Beginning Bioethics*, xiii.
[78] Ridley, *Beginning Bioethics*, xiii.

Ridley's chapter on abortion, for example, is typical of the type of slide referred to earlier that begins with a *thin* consensus over a universal principle but then applies the principle without acknowledging that consensus in a pluralist society may not extend this far. For instance, Ridley states that both defenders and opponents of abortion have powerful arguments but that the consequentialist or utilitarian character of the legislative framework supports decriminalisation.[79] Ridley is right that the consequentialist or utilitarian character of the legislative framework supports decriminalisation because, as previously noted, there is a clear trend in liberal democracies toward this outcome. However, Ridley is wrong to assume that utilitarian justification avoids the "deadlock and futility" that he claims is characteristic of religious disagreement because the lack of consensus in moral philosophy is well documented.

Ridley's attempt to justify the moral efficacy of utilitarian decision making also seems forced. He argues that because actions such as lying and adultery are "surely morally wrong" but not illegal, we can extend this idea to the abortion debate because making abortion illegal would not make it go away.[80] Ridley misrepresents utilitarian thinking here, however, because a utilitarian ethicist would dispute the claim that adultery and lying are "surely morally wrong." For utilitarian thinkers, no actions are intrinsically wrong because, as Singer states, "the utilitarian will judge lying bad in some circumstances and good in others, depending on its consequences."[81] The strength of utilitarian calculus is that it

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[79] Ridley, *Beginning Bioethics*, 144.
[80] Ridley, *Beginning Bioethics*, 144.
[81] Singer, *Practical Ethics*, 3.

purports to rely on demonstrable facts, but this is also its greatest weakness because moral facts are elusive. In a pluralist society, rational agents will often disagree on how one ought to determine utilitarian efficacy in complex cases.[82]

Ridley is right that harm minimisation policies are routinely used in Australia's legislative and healthcare networks, but this does not diminish the problematic account that he offers for how they work. Some harm minimisation policies are straightforward and do not provoke much discussion either because the factual basis of the policy is not in dispute or because the policy is not disruptive. In the case of car seatbelts it is straightforward to show how harm is minimised by seatbelt legislation. Countries in which seatbelt laws are enforced have lower mortality and morbidity rates among car users. The "harm" done by compelling people to wear seatbelts is not significant, particularly as the legislation allows exemptions on health grounds. A greater total benefit is gained by a statute that requires people to wear a seatbelt when driving.

Other harm minimisation policies, however, are not so straightforward. For instance, a motorcycle helmet policy does save lives but for several reasons it is more difficult to show that it reduces the overall amount of human suffering. First, wearing a motorcycle helmet is a more significant inconvenience than wearing a seatbelt. Second, the helmet policy may actually increase rather than decrease the total amount of human suffering because more people will survive motorcycle

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[82] Ridley's second example of why a clear moral wrong ought not to be a criminal offence seems equally as confused. Adultery is an intrinsic moral wrong for some people but not for utilitarian philosophers.

accidents but with permanent injuries. Because only living people can suffer, the combined suffering of bikers who don't like wearing helmets and injured survivors who would previously have been killed could, at least theoretically, outweigh the suffering of those injured when helmets were not compulsory. Were this shown to be the case, a harm minimisation policy should conceivably reverse the helmet policy.

While most liberal democracies instituted helmet wearing legislation, supported by medical research,[83] the US Congress repealed State-based laws that required motorcyclists to wear a helmet on the grounds that the laws impinged a biker's constitutional rights.[84] At least in the mind of legislators of the Congress, the constitutional right to freedom of interference outweighs the State concern for harm minimisation strategy. The problem in this case is that the concept of harm minimisation is already a *thickly* laden term because the National Coalition of Motorcyclists (NCOM) in the USA was able to convince the legislature that their civil rights or "biker's rights" were being violated. This example shows that the type of harm minimisation strategies that Ridley advocates are not straightforward because what might be considered legitimate harm minimisation for one group of people is illegitimate for another.

This is the case when Ridley argues for harm minimisation in relation to abortion. Whether his conclusion should be accepted or not depends on a set of

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[83] See Nathan D. Zasler, Douglas I. Katz, and Ross D. Zafonte, *Brain Injury Medicine: Principles and Practice* (Richmond: Demos Medical Publishers, 2006).
[84] G. Bledsoe and G. Li, "Trends in Arkansas Motorcycle Trauma after Helmet Law Repeal," *Southern Medical Journal* 98/4 (2005): 436-440.

presuppositions about the abortion issue that are not of themselves self-evident. Ridley makes two claims to demonstrate why prohibition leads to a greater amount of human suffering: first, a ban on abortion would not lead to a reduction in the number of fetuses killed; and second, the ban would increase the sum total of human misery.[85] Neither of these two claims is as straightforward as Ridley claims. The claim that a ban on abortion would not lead to a reduction in the number of fetuses killed is misleading. While it is true that prohibition would lead to more women dying while trying to procure the so-called "backyard" option, there does not seem to be any evidence to suggest that the number of fetuses killed would remain the same under prohibition conditions.

The National Health and Medical Research Council (NHMRC) estimates that abortion-related deaths have declined dramatically among the approximately 70,000 terminations that occur annually in Australia since prohibitions against termination were removed in 1971.[86] Ridley's claim that prohibition does not reduce the number of fetuses killed seems counterintuitive and nothing in the literature suggests anywhere near 70,000 terminations occurred in Australia at any time during the prohibition years, primarily because abortion was unsafe and therefore a decision of last resort. Women's Health Victoria estimates that termination of a pregnancy is now the second most common surgical procedure experienced by women in Australia.[87]

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[85] Ridley, *Beginning Bioethics*, 144.
[86] National Health and Medical Research Council, *Maternal Mortality Working Party Report on Maternal Deaths in Australia 1991-93* (Commonwealth of Australia, 1988).
[87] Women's Health Victoria, *Termination of Pregnancy: Frequently Asked Questions* (2006), client information flyer.

Ridley's second claim, that a ban on abortion would increase the sum total of human misery, depends on how one calculates human misery. While it is clear that unsafe or backyard abortions causes harm to women, it is not possible to calculate the total amount of human misery on utilitarian grounds. How much harm consideration, if any, ought to be allocated to fetuses, or to people opposed to abortion? Utilitarian calculus straightforwardly advocates that a large number of minor harms can trump a smaller number of major harms, but there is no agreed-upon formula for how a moral agent does this calculus in complex situations.

Singer, a philosopher who advocates using utilitarian calculus for many issues in ethics, argues that harm minimisation arguments for abortion are inadequate because this type of justification fails to deal with the primary concern of opponents to abortion, namely, that termination of a pregnancy involves killing an innocent human being. He points out that because opponents of abortion claim that a fetus counts as a moral agent, they can and do argue that the weight of harm is against termination.[88] Singer thinks that the moral justification for abortion has little to do with harm minimisation because a fetus is not an innocent human being.[89] Once a fetus develops the capacity to feel pain, however, harm minimisation might actually restrict the technical aspects of a termination if the process causes pain to the fetus.[90] In short, the type of consequentialism that Ridley advocates does not avoid "deadlock and futility" because it relies on a

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[88] Singer, *Practical Ethics*, 143-144.
[89] Singer, *Practical Ethics*, 149-152.
[90] Singer, *Practical Ethics*, 152.

consensus over facts that are not self-evident. On the basis of harm minimisation alone, proponents and opponents of termination weigh the facts of harm in a way that is consistent with a position they already hold.

3.7 Conclusion

Two issues predicated the emergence and rapid growth of practical ethics over the last several decades. The first was the conceptual incommensurability of rival moral theories highlighted in Chapter 2, and the second was the level of anxiety over modern technical developments highlighted in this present chapter. Early on the focus on decision making rather than ethical theory seemed attractive, and early bioethics texts proved to be influential. However, the focus on decision making in practical ethics was short-lived because the various protocols slide too easily between *thin* principles or rules for which there is a consensus and the *thick* application of those rules to particular situations where consensus is not possible.

In 1994, Edwin R. DuBose, Ronald Hamel and Laurence J. O'Connell edited a series of essays entitled *A Matter of Principles? Ferment in U.S. Bioethics*, in which the contributors are described as a second generation of bioethicists.[91] Their assessment of the present state of bioethics exemplifies the shift away from principles and rules toward a more creative and complex approach to bioethics. They argue that the discipline of bioethics needed major rethinking because the *principlism* that had come to dominate the clinical scene had failed to produce a

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[91] DuBose et al., eds., *A Matter of Principles.*

method of decision making that was any more capable of solving moral dilemmas than the theory-centred approaches it sought to supplant. Albert Jonsen, who wrote the foreword, called for a second-generation alternative approach to bioethics that recovers traditional forms of analysis such as "phenomenology, hermeneutics, narrative ethics, casuistry, and virtue ethics."[92]

In Australia, the two most influential decision making models used in practical ethics are the four-principle approach advocated by Beauchamp and Childress and the preference-utilitarian approach advocated by Singer. Both models begin by arguing for *thin* foundational or universal principles and then construct a rational decision making protocol by applying the principles to particular cases. It is this transition between *thin* universals and *thick* particulars that has proved problematic. The next two chapters will reconstruct and evaluate these two decision making protocols in order to show that appeal to common morality principles is justified on a more limited basis than its adherents advocate. The evaluation will show that application of principles in decision making does not provide an impartial prescriptive solution to moral dilemmas. Rather, the application of principles will be shown to be useful but not definitive for moral enquiry.

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[92] Albert R. Jonsen, "Foreword" in DuBose et al., *A Matter of Principles*, xvii.

Chapter 4: Principle-Guided Enquiry

4.1 Introduction

Now in its sixth edition, Tom Beauchamp and James Childress' text, *Principles of Biomedical Ethics* (PBE),[1] is known colloquially as the bible of biomedical ethics, but the principle-guided method has also been used extensively for several other forms of practical ethics.[2] The Beauchamp and Childress account of practical ethics appeals to four prima facie principles: autonomy, nonmaleficence, beneficence, and justice. They argue that the four-principles can be used by people with little training in moral philosophy, using what they refer to as a "common morality" approach to ethical decision making.[3]

Chapter 1 of this thesis stated that the Beauchamp and Childress model of practical ethics is useful because the four-principles (autonomy, nonmaleficence, beneficence, justice) are *thin* enough to provide moral agents with a common set of terms. However, the principles on their own are not definitive for complex cases in ethics because moral agents apply the principles according to their own *thick* narrative account of the moral life. This chapter will introduce the Beauchamp and Childress' four-principle model for biomedical ethics and assess the main criticisms associated with this approach.

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[1] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009).
[2] See for example Tom L. Beauchamp, Denis G. Arnold, and Norman E. Bowie, *Ethical Theory and Business*, eighth edition (New York: Oxford University Press, 1994).
[3] Beauchamp and Childress, *Principles of Biomedical Ethics* (1994), 44.

4.2 Common Morality Theory and Reflective Equilibrium

The strength of Beauchamp and Childress' four-principle approach to practical ethics is that it is constructed around a relatively simply model of decision making, but this simplicity is also its greatest weakness. Over the six editions the authors have engaged with their critics and provided with each new edition a more rigorous defence for using principles in ethics. At the heart of their model is a theory of common morality that has evolved over the six editions. This common morality theory involves an acceptance of rules and standards together with an understanding of how these rules and standards enable a moral agent to utilise the four-principles of biomedical ethics. In the most recent edition of PBE Beauchamp and Childress continue to defend a set of norms that they argue are "shared by all persons committed to morality" and are "applicable to all persons in all places."[4] Their list of norms is not fixed but it illustrates the type of "standards of action" that they think a common morality theory ought to employ.[5]

1) Do not kill
2) Do not cause pain or suffering to others
3) Prevent evil or harm
4) Rescue persons in danger
5) Tell the truth
6) Nurture the young and dependent
7) Keep your promises
8) Do not steal
9) Do not punish the innocent
10) Obey the law

It seems reasonable to presume, as Beauchamp and Childress have done, that the above list represents the type of *thin* moral maxims that most theories of ethics appeal to when describing the concept of universals or norms in moral enquiry.

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[4] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 3.
[5] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 3.

However, there are limitations to the concepts of universals in the PBE model of decision making: first, they link the concept of common morality to a coherence version of justification in a way that is itself problematic; and second, the application of the four-principles is not derived directly from the universal norms.[6]

The second feature of the common morality theory is a series of standards that are employed alongside the rules of obligation.[7]

1) nonmalevolence	2) honesty
3) integrity	4) conscientiousness
5) trustworthiness	6) fidelity
7) gratitude	8) truthfulness
9) lovingness	10) kindness

Once again, there is not much that is problematic about the list itself. However, the list of standards is usually associated with virtue ethics, a non-prescriptive form of moral deliberation. In the Aristotelian sense, moral virtues are states of character or habits of action that describe the mean behaviour between excess and deficiency. In the PBE model, the virtues are action guides, so a moral agent is virtuous by *doing* honest things rather than by *being* honest in the Aristotelian sense. Beauchamp and Childress justify this alternate version of the virtues by appropriating a common criticism of virtue ethics, namely, that virtue ethics

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[6] These two problems will be address later in this chapter.
[7] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 3.

"provides little, if any, guidance for actions," and the concept of the virtues as action guides overcomes this inadequacy.[8]

The third feature of Beauchamp and Childress' common morality theory involves a cluster of four prima facie principles – autonomy, nonmaleficence, beneficence, justice – and two subsidiary rules – confidentiality and veracity.[9] The principles are used in the Beauchamp and Childress model as placeholders for the actions that a moral agent ought to take in order to satisfy the universal norms and standards listed previously. This is done by juggling the four-principles according to the specifics of a given case. The theory that Beauchamp and Childress now refer to as common morality (editions 4-6) was originally referred to as a composite theory (editions 1-3) because it appealed to several prima facie moral principles that combine deontological, teleological, and, to a lesser extent, virtue-based criteria. Beauchamp and Childress originally stated that they defend a composite theory, in opposition to the monistic absolutism of act utilitarianism, Kantianism and Libertarianism, for the following reason:

> The composite theory permits each basic principle to have weight without assigning a priority weighting or ranking. Which principle overrides in a case of conflict will depend on the particular context, which always has unique features.[10]

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[8] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 45. Virtue theorists are little troubled by the criticism that virtues lack direct application because the point of moral virtue is that it focuses attention on *being* moral rather than *doing* moral things.
[9] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 16-17.
[10] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, third edition (New York: Oxford University Press, 1989), 51.

The switch to using "common morality" rather than "composite theory" in the fourth edition was to strengthen the link between the theoretical understanding of ethics and the practical application of the four-principles:

> A common morality theory takes its basic premises directly from the morality shared in common by the members of society—that is, unphilosophical common sense and tradition.[11]

Beauchamp and Childress also argued in the fourth edition that principles provide a universal or common morality starting point that can be extended to a consensus in particular cases via a process they refer to as reflective equilibrium (first advocated by John Rawls), a type of coherence theory of justification.[12] Following Rawls, the concept of reflective equilibrium is used by Beauchamp and Childress as a method of justification for the pruning and adjustments that are made to moral judgments so that "they are rendered coherent with the premises of theory."[13] From the fifth edition Beauchamp and Childress make this link more explicit:

> Our method … is to unite principle-based, common morality ethics with the coherence model of justification… This strategy allows us to rely on the authority of the indispensable principles in the common morality theory, while incorporating tools to refine and correct its weaknesses and unclarities and to allow for additional specification.[14]

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[11] Beauchamp and Childress, *Principles of Biomedical Ethics* (1994), 100.
[12] Beauchamp and Childress, *Principles of Biomedical Ethics* (1994), 100ff. See also Tom Beauchamp, "Methods and Principles in Biomedical Ethics," *Journal of Medical Ethics* 29 (2003): 269-274; and John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 20ff.
[13] Beauchamp and Childress, *Principles of Biomedical Ethics* (1994), 21.
[14] Beauchamp and Childress, *Principles of Biomedical Ethics* (1994), 101; See also Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 396.

The application of the four-principles (autonomy, nonmaleficence, beneficence, justice) is based on a presupposition that they have prima facie validity. A prima facie moral principle takes its place within a network of basic principles rather than as a single moral absolute that can never be broached. Any one of the principles can be overridden by another by juggling the principles according to the circumstances of a given case. Beauchamp and Childress defend this juggling process as follows:

> *Prima facie duty* indicates that duties of certain kinds are on all occasions binding unless they are in conflict with equal or stronger duties. An agent's actual duty in the situation is determined by an examination of the weight of all the competing prima facie duties.[15]

Each principle has face-value validity but in an actual situation any one of them may take precedence over the others. Beauchamp and Childress are incorporating the concept of prima facie principles first advocated by W. D. Ross (1930). Ross advocates using a set of prima facie principles for decision making in order to avoid the problems associated with both the absoluteness of moral duty promoted by Kant and the lack of action-guiding principles in Bentham's utilitarian calculus.[16] The main difference between Ross' use of prima facie principles and that of Beauchamp and Childress is that Ross viewed the principles as a means to a more important end, the promotion of general welfare.[17] Ross was first and foremost a translator and interpreter of Aristotle, and he uses the principles as tools to promote a higher teleological purpose, the formation of a morally good

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[15] Beauchamp and Childress, *Principles of Biomedical Ethics* (1989), 52.
[16] William David Ross, *The Right and the Good* (Oxford: Clarendon Press, 1930), 1-20.
[17] Ross, *The Right and the Good*, 47.

person, whereas Beauchamp and Childress use the principles as problem solving tools.[18] Beauchamp and Childress' justification for using the four-principles in practical ethics is relatively straightforward. In every edition of their text a chapter is devoted to each of the four-principles, and each chapter involves an historical account of why each principle is an important but not absolute principle of moral evaluation.

Respect for the principle of autonomy in the PBE model seems self-evidently to be an important moral consideration.[19] Respect for individuals as autonomous agents is integral to Kant's second formulation of the categorical imperative referred to as the *Kingdom of Ends*: "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but at the same time as an end."[20] Similarly, from the consequentialist perspective, Singer illustrates the importance of the principle of respect for persons when he says, "Utilitarians, from Jeremy Bentham to J. J. C. Smart, take it as axiomatic that in deciding moral issues 'each [person] counts for one and none for more than one'."[21] This is even more crucial in Singer's version of utilitarian calculus because he advocates counting individual preferences or interests, not simply units of pleasure.[22] Clearly the appeal to autonomy, particularly in health care, is not a moral absolute, and therefore the prima facie status of autonomy in the PBE model is appropriate.[23]

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[18] Ross, *The Right and the Good*, 155.
[19] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 99-148.
[20] Kant, *Groundwork of the Metaphysics of Morals*, 87.
[21] Singer, *Practical Ethics*, 11.
[22] Chapter 5 of this thesis will offer a critique of Singer's version of preference utilitarianism.
[23] See "The Problem of Autonomy" in Kenneth Seeskin, *Autonomy in Jewish Philosophy* (New York: Cambridge University Press, 2001), 1-27.

The PBE model of decision making also places the principle of nonmaleficence (*primum non nocere* – "above all do no harm") in the appropriate historical setting of health care.[24] This principle, which forms the basis of the Hippocratic tradition in medicine, is the default position in medical practice. Obviously, the principle of nonmaleficence is not meant to be taken as an absolute because in some cases harm (surgery) is done for a greater health benefit (removal of a tumour). It seems reasonable to assume, therefore, as Beauchamp and Childress do, that health practitioners should always avoid doing harm to patients if possible. There are some circumstances, however, such as physician-assisted euthanasia, or the treatment of patients in a persistent vegetative state, where the principle of nonmaleficence is in dispute.[25]

The principle of beneficence in the PBE model serves as a positive obligation to do good rather than simply to avoid harm.[26] Once again, there is little to object to here if beneficence is understood as a *thin* moral principle. The concept of social welfare pivots on the idea that public beneficence is an obligation of a State toward poorer members of a community. State sanctioned beneficence, however, has sometimes been used to justify unwarranted paternalism, and Beauchamp and Childress acknowledge this as part of the prima facie status of the principle of beneficence.[27] Tragically, as the Australian "stolen children"[28] saga shows, A. O.

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[24] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 149-196.
[25] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 155.
[26] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 197-239.
[27] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 206-207.
[28] Human Rights and Equal Opportunity Commission, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997).

Neville, the so-called "Chief Protector of Aborigines," presumably elevated beneficence over nonmaleficence because of the prevailing orthodoxy that removing Aboriginal children from their parents was done "for their own good."[29] The fourth principle in the PBE decision making toolkit is justice. Here too Beauchamp and Childress provide a reasonable introduction to show the non-specialist how the principle of justice is an important but not absolute moral obligation. The concept of justice resonates with rational moral agents because most theories of ethics attempt to universalise moral maxims or rules. Justice is closely linked to the principle of fairness or desert, and Beauchamp and Childress provide the appropriate historical setting for different types of justice and an explanation of how this prima facie principle is incorporated into various theories of ethics (utilitarian, libertarian, communitarian, and egalitarian).[30] The strength of the PBE model is that it provides general standards and rules for its target audience, health professionals. People working in the health sector rarely have extensive knowledge of the theoretical background to practical ethics, even though they may be engaged in decisions that require ethical analysis on a regular basis. In a pluralist society, the general introduction to ethics that Beauchamp and Childress provide is useful at a *thin* level of moral evaluation because people in the health sector come from diverse religious and cultural traditions, and the PBE model provides this diverse group with a *thin* common language.

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[29] See Anna Haebich, *For Their Own Good: Aborigines and Government in the South West of Western Australia 1900-1940* (Perth: University of Western Australia Press, 1992). Auber Octavius Neville was the Chief Protector of Aborigines from 1915 to 1936.
[30] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 245-247.

4.3 Common Morality and Institutional Ethics Committees

The PBE model is also useful for the numerous institutional ethics committees that are now standard in both government and private sector institutions in Australia.[31] It seems appropriate in a pluralist society that research involving humans or sentient animals ought to be constrained by ethical protocols, and the PBE method can be usefully employed for this purpose. Australia has a highly developed set of protocols that provide a necessary cross-check for treatment and research involving humans and animals. There are also several acts of parliament that provide guidelines, limitations, and, when necessary, punitive protocols for medical practice and research.[32] The primary statutory body responsible for administering research protocols in Australia is the National Health and Medical Research Council (NHMRC). Since the establishment of the NHMRC in 1937, numerous protocols have been developed that protect both researchers and subjects (human or animal). The stated aim of the NHMRC is:

> developing health advice for the Australian community, health professionals and governments; and for providing advice on ethical behaviour in health care and in the conduct of health and medical research.[33]

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[31] Peter Drahos, "Ethics Committees and Medical Research: The Australian Experience," *Medicine and Law* 8 (1989): 1-9.

[32] For example, *Human Reproductive Technology Act 1991, Human Tissue Act 1983*, *Emergency Medical Treatment of Children Act 1960*, SA.

[33] National Health and Medical Research Council, accessed 10 December, 2008, http://www.nhmrc.gov.au/about/index.htm.

Institutional ethics committees (IECs) play a key role in the NHMRC research policy. An IEC often includes people with professional expertise other than in health (e.g., legal, religious, philosophical) and also a range of non-specialists (patients, indigenous representatives, etc.). The strength of the PBE model is that it provides this diverse group of people with a common set of principles and rules that are relatively straightforward to understand.

In Western Australia, for instance, the IEC that administers the *Human Reproductive Technology Act* (1991) is the Reproductive Technology Council (RTC). The RTC consists of the following: a Chair, a nominee of the Royal Australian and New Zealand College of Obstetrics and Gynaecology, several clinicians involved in obstetrics and gynaecology (but not IVF), one legal nominee for the Law Society, one nominee from the Health Consumer's Council, and several nominees of the Minister for Health that include a philosopher or ethicist, a religious representative, and some health researchers. In such a diverse group the PBE model is useful because it enables people to appreciate their differences and to articulate their concerns via a common set of terms.

For instance, the current religious appointee to the RTC is a Catholic priest and theologian. His objection to stem cell harvesting from embryos is based on the sanctity of life principle, derived in Catholic moral philosophy from the doctrine of creation and the philosophical tradition of natural law.[34] This view stands in contrast to the common scientific view that embryos are not persons and therefore

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[34] Personal communication, 15 February 2007. The writer of this thesis was also a nominee of the Minister for Health (bioethics) to the RTC for several years.

the usual constraints of the *Human Tissue Act* do not apply.[35] In the language of the PBE model, the Catholic theologian can explain why he thinks the principle of nonmaleficence ought to be primary, because harvesting stem cells from a viable embryo does harm to the embryo. Alternatively, the scientist can argue that the principle of beneficence ought to be primary. The process of harvesting stem cells does destroy embryos, but embryos are not persons and major health benefits may well flow from stem cell research.

This ideological impasse between the theologian (nonmaleficence) and the scientist (beneficence) illustrates MacIntyre's claim, referred to earlier, that there are no moral scales for weighing the relative merits of moral principles in relation to complex cases.[36] In the RTC case above, the theologian's concern for the protection of embryos (nonmaleficence) is set against the scientist's concern for medical benefits (beneficence), but there is no objective system of measurement to show how or why one principle trumps another. Clearly MacIntyre is right about the impasse but he seems to overstate the problems that flow from this lack of agreement. The *thick* moral disagreement among members of the RTC over the moral status of the embryo does not negate the role of the RTC to administer the *Human Reproductive Technology Act* (1991). Members of the RTC are in agreement that the activities of IVF clinics and other research institutions that utilise embryos ought to be constrained by the *thin* consensus on reproductive issues contained in the *Act*. The *Act* was derived from a process of consultation

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[35] A similar view is expressed by legal representatives but for different reasons. The WA *Human Tissue and Transplant Act 1982* allows stem cells to be used for therapeutic purposes only.
[36] MacIntyre, "Why is the search for the foundations of ethics so frustrating?", 16-22.

that was consistent with the rule of law in a pluralist society. Hence, *thin* agreement about process transcends *thick* disagreement over specific moral issues.

If, as a pragmatist like Williams argues, a liberal society involves a complex mix of moral traditions, the impasse over stem cell harvesting in the RTC case is precisely what one ought to expect. In Williams' words,

> We use a variety of different ethical considerations, which are genuinely different from one another, and this is what one would expect to find, if only because we are heirs to a long and complex ethical tradition, with many different religious and other social strands.[37]

In the context of an ethics committee such as the RTC the conversation over stem cell harvesting is not primarily concerned with the resolution of the moral issues involved. The broader conversation over stem cell harvesting arose in Australia because scientists requested access to the thousands of spare embryos left over from IVF procedures. The birth of the first IVF baby in 1978 initially provoked a wave of protest, directed primarily at Robert Edwards and Patrick Steptoe, the two primary collaborators in the IVF process. In the early years, one of the main critics of Edwards and Steptoe's method was Robert Winston, one of Britain's most high-profile reproductive specialists.[38] However, as each new IVF birth diminished the anxiety over the projected birth defects, Winston became a vocal champion of IVF.[39] Now, after thirty years of research on children born via the

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[37] Williams, *Ethics and the Limits of Philosophy*, 16.
[38] Some of the most vocal opponents of IVF were feminist philosophers and theologians. See for example, "Technology as Patriarchal" in Judy Wajcman, *Techno Feminism* (Williston: Wiley-Blackwell, 2004), 18-22.
[39] Robert Winston was host to a three volume video history of IVF, *The Baby Makers: The Story of IVF* (Bendigo: Video Education Australia, 1999).

IVF process, various studies have shown that IVF children exhibit only a slightly higher percentage of the range of abnormalities that naturally conceived children are born with.[40] By 2008 approximately 3.5 million babies had been born using IVF techniques, and most Australian states now have several IVF clinics that operate free of the initial angst that Edwards and Steptoe experienced.

Later developments, such as the ability to freeze embryos, a technique for injecting sperm directly into the ovum, and pre-implantation genetic diagnosis were seen as positive by IVF clinicians and their clients. Embryo freezing meant that the process of superovulation, which carries an inherent health risk, could be reduced because embryos not used in the first IVF treatment cycle could be stored for later use; sperm injection increased the number of embryos available for implantation; and pre-implantation genetic diagnosis allowed clinicians to select embryos free of some of the major genetic abnormalities. Once the anxiety over birth defects diminished, the clinical and social benefits of IVF seemed self-evident to people working in IVF and their clients. This success does not imply that the IVF process is free from ethical concerns or free from controversy, so the IVF process in Australia remains strictly regulated. Much of the public anxiety over IVF has diminished, however, because the technique has proved to be relatively safe.

For people opposed to IVF, the fact that this technique has turned out to be relatively safe for woman and babies born via IVF has not diminished their

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[40] One study did show a significantly higher proportion of major abnormalities for children born from the sperm injection technique. See Michele Hansen, Jennifer J. Kurinczuk, Carol Bower, and Sandra Webb, "The Risk of Major Birth Defects after Intracytoplasmic Sperm Injection and In Vitro Fertilization," *The New England Journal of Medicine* 346/10 (2002): 725-730.

concerns about some aspects of this form of reproduction. Recent developments such as embryo freezing, sperm injection, and pre-implantation genetic diagnosis has heightened concern because these new techniques encourage clinicians to produce embryos that are surplus to the immediate reproductive purpose. From this perspective, the fact that there are now thousands of frozen embryos in Australia available for stem cell harvesting remains a secondary problem. The primary moral problem, if one grants a high moral status to the embryo, is any activity that causes harm to an embryo.

When moral principles are used as tools in moral debate, the Beauchamp and Childress approach seems valid even if all they do is to aid conversation. Much of the criticism directed at the PBE model concerns the transition between *thin* agreement over principles and rules and the *thick* application of these principles and rules to particular issues through the process of reflective equilibrium. Beauchamp and Childress slide too easily from common morality agreement over *thin* moral rules to the application of these principles and rules to *thick* moral dilemmas. The following section will highlight some of the problems associated with the process of reflective equilibrium.

4.4 *Thin* Principles and *Thick* Problems

The popularity of the PBE model, particularly in the USA, led to a generation of health professionals being taught how to apply principle-guided decision making to specific cases. After a generation of its application, however, the role of

principle-guided ethics in medicine is being challenged. In spite of its popularity, there are strong objections to both the common morality theory and the principle-guided method of decision making that Beauchamp and Childress advocate. In the 1994 collection of studies entitled *A Matter of Principles: Ferment in U.S. Bioethics*, all but one was critical of this type of common morality theory.[41] In the introduction the editors claim that despite the widespread concern over bioethical issues, the discipline of bioethics needs to be reformulated and broadened, but the dominance of principlism in the United States has restricted this widened perspective.[42]

Now routinely referred to pejoratively as "principlism" or "the Georgetown mantra,"[43] principle-guided ethics, according to Warren Reich, "sought to create a consensus based on shared arguments that were divorced from the horizons of meaning and the meaningful narratives that initially inspired them."[44] The lack of consensus on the application of the PBE model in complex situations is why Jonsen and others argue for a "second generation" of bioethicists whose "ethics consists of more than principles" by incorporating other methods like "phenomenology, hermeneutics, narrative ethics, casuistry, and virtue ethics."[45]

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[41] See James F. Childress in "Principles-Oriented Bioethics: An Analysis from Within," in Edwin R. DuBose, Ronald Hamel, and Laurence J. O'Connell, eds., *A Matter of Principles: Ferment in US Bioethics* (Valley Forge: Trinity Press International, 1994), 72-98.

[42] DuBose et al., eds., *A Matter of Principles*, 1-17.

[43] Beauchamp and Childress both taught philosophy at Georgetown University.

[44] Warren T. Reich, "A New Era for Bioethics: The Search for Meaning in Moral Experience," in Alan Verhey, ed., *Religion and Medical Ethics: Looking Back, Looking Forward* (Grand Rapids: Eerdmans, 1996), 96-119. Reich is editor-in-chief of the *Encyclopedia of Bioethics*.

[45] Jonsen, "Foreword," in DuBose et al., eds., *A Matter of Principles*, xvii.

The major criticism of the PBE model is that it is too simplistic for the type of complex moral issues that arise in bioethical debates. The most common objections relate to the process of reflective equilibrium. Beauchamp and Childress argue that wide reflective equilibrium drives rational agents together because it incorporates principles and rules from "all plausible moral judgments, principles, and relevant background theories" and from "as wide a variety of kinds and levels of legitimate beliefs as possible."[46] They contend that this type of reflective thinking is analogous to hypotheses in science, but this comparison is misleading.[47] The PBE method trades on accepting that the four common morality principles are foundational and that the process of reflective equilibrium enables a moral agent to sort out how and why one principle trumps another.

Beauchamp and Childress state that their proposal is "fundamentally Rawlsian … and it escapes categorization by labels such as foundationalism and coherentism."[48] They mean by this that their method is not a true coherence theory because it appeals to principles justified by wide reflective equilibrium and that this process gives the principles a foundational validity. This claim, however, is not straightforward. While it is possible to use a Rawlsian type reflective equilibrium justification in science, there is extended debate about the validity of this process in the context of the realism/anti-realism debate in epistemology.[49] Beauchamp and Childress acknowledge this when they state that "we cannot here

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[46] Beauchamp and Childress, *Principles of Biomedical Ethics* (2001), 399.
[47] Beauchamp and Childress, *Principles of Biomedical Ethics* (2001), 399.
[48] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 384.
[49] See Frederick Schmitt, "Epistemology and Cognitive Science," in Ilkka Niiniluoto, Matti Sintonen, and Jan Woleński eds., *Handbook of Epistemology* (Dordrecht: Kluwer Academic Publishiers, 2004), 870-871.

engage the tangled issue of whether coherentism is to be preferred to foundationalism."[50] Given the target audience for the PBE model, one can understand why Beauchamp and Childress steer clear of this debate. The link between the four foundational principles is not epistemologically problematic when they are used as common morality principles because the appeal in this case is to general moral rules. When these principles are linked to reflective equilibrium, however, as they are in the PBE method, the point and purpose is to solve particular cases. This requires some form of intuitive understanding of how and why one principle trumps another in the same manner that Rawls' theory requires people to share a common intuition with respect to justice.[51]

The PBE method fails to acknowledge the shift in emphasis that Rawls himself made. In *A Theory of Justice*, Rawls argues that moral agents find common ground through the process of reflective equilibrium.[52] However, in a later publication, and in response to criticisms of the "common ground" hypothesis in *A Theory of Justice*, Rawls argues that a diversity of views is "a permanent feature" of a liberal democracy.[53] Beauchamp and Childress cite Rawls' change of mind over the limitations of the common morality thesis in the fifth and sixth edition of *Principles of Biomedical Ethics*, but only in a footnote,[54] and there is no indication that Rawls' shift in emphasis has impacted on their common morality thesis.

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[50] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 385.
[51] See Peter Singer, "Sidgwick and Reflective Equilibrium," *The Monist* 58 (1974): 490-517; and Peter Singer, "Ethics and Intuitions," *The Journal of Ethics* 9 (2006): 331-352.
[52] John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1972), 18.
[53] John Rawls, *Political Liberalism* (Cambridge: Harvard University Press, 1999), 216-217.
[54] Beauchamp and Childress, *Principles of Biomedical Ethics* (2001), 412.

The appeal to reflective equilibrium is problematic in moral theory because it does not sufficiently account for the reason why complex moral issues are often intractable. Moral debates often end at the beginning because no agreement is possible on the premises or foundations that rational moral agents bring to the discussion. When consensus does occur it is often coincidental. This coincidence of agreement is because moral agents acknowledge a *thin* minimalism that may have nothing to do with the moral debate. This *thin* agreement is not because the discussants reach some common framework to which diverse moral agents can ultimately appeal. Moral minimalism is not foundational. As Walzer argues "it is not the case that different groups of people discover that they are all committed to the same set of ultimate values… Often enough, what goes deepest for one group … is likely to mean little to another."[55]

The earlier example of the RTC's deliberations on stem cell harvesting illustrates what Walzer means by *thin* moral minimalism. It is clear that the theologian's concern over stem cell harvesting was based on deeply held views concerning the moral status of an embryo. It is equally clear that the scientist held no such views; thus the destruction of embryos for stem cell harvesting caused him no moral qualms. At the start of this chapter the four-principle approach was described as a useful but not definitive guide for decision making, and this impasse illustrates this point. In the stem cell debate, the principle of nonmaleficence can be usefully employed by the theologian in ways that the scientist can appreciate, primarily by

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[55] Walzer, *Thick and Thin*, 18.

showing why the Hippocratic principle ought to apply to embryos in the same way that it is applied to babies or infants. Similarly, the scientist can appeal to beneficence in ways that the theologian can appreciate, primarily by showing the potential for stem cells to be utilised in medicine. No amount of reflective equilibrium can produce a shared agreement between the theologian and the scientist in regards to the status of the embryo.

Walzer argues that "the value of minimalism lies in the encounter it facilitates, of which it is also the product," but such encounters do not "produce a thick morality."[56] In other words, the RTC encounter does not produce *thick* moral agreement about stem cell harvesting because the rational discussants involved share incommensurable views about the moral status of embryos.

The role of the RTC in Western Australia is to regulate a series of protocols that had already been decided upon via rule of law agreements that form the basis of a liberal democracy. After extensive deliberation, the Australian Federal Parliament decided in favour of stem cell harvesting (2002) and a few years later also voted to allow therapeutic cloning of embryos for research purposes (2007).[57] For both the theologian and the scientist, the encounter is the RTC process itself. The fact *that* they participate shows that they share a *thin* minimalist appreciation for the role that an ethics committee plays in a liberal democracy.

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[56] Walzer, *Thick and Thin*, 18-19.
[57] See *Research Involving Human Embryos Act 2002*, and the *Human Cloning and Other Prohibited Practices Amendment Bill 2007*.

The PBE method is usefully *thin* and provides enough coherence for a consensus over general issues but it is too *thin* to provide consensus in cases that involve diverse and *thick* narrative accounts of the moral issues at stake. In other words, a *thin* consensus between diverse moral agents over some moral issues is possible because the diverse theories of justification coincide in such a way that the moral agents can align themselves to a common position. However, this consensus breaks down in complex issues because not enough similarities in the justificatory process exist to allow for a common position to be held. So in the RTC case, the agreement is about process because the role of a regulatory body such as the RTC is to cross-check the IVF clinics in WA. This involves making sure that clinics do not succumb to economic pressure by ignoring the strict regulatory requirements over IVF protocols (age, health, relationship status, etc.).[58]

The Beauchamp and Childress model breaks down in complex cases because the choice to elevate one principle over another is not a self-evident outcome of reflective equilibrium. Even in a simple case, the decision to elevate one principle over another is not because it is self-evident that one ethical principle trumps another. Rather, it is because the case is simple enough that no real juggling needs to take place and because the decision makers agree on which principle best supports their own teleological or ideological objectives. A case in point is the routine decision that health professionals make to override the decision of a drunk but injured patient who says he does not want to be treated. If asked to justify the decision, using the four-principles, the health workers could argue that they

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[58] IVF clinics routinely complain about strict monthly reporting requirements required by the RTC.

elevated beneficence over autonomy because patient autonomy is diminished by drunkenness. In this simple case, the principles provide a descriptive justification for a decision that has already been made, rather than a prescriptive justification for a decision that ought to be made. The consensus among health workers about this type of action is not because medical beneficence self-evidently trumps patient autonomy. Rather, the consensus among health workers exists because treating such a patient in this manner is consistent with the promotion of patient health. In complex cases the application of principles is fraught with difficulties because each of the stakeholders in a difficult case would have their own reasons for arguing why one principle is more crucial than other.

4.5 Nonmaleficence or Beneficence: The Quinlan Case

The case studies in the first five editions of *Principles of Biomedical Ethics* are appropriately used as discussion starters and appear, without commentary, at the back of the book. In the sixth edition Beauchamp and Childress weave the case studies into the chapters devoted to an explanation of the four-principles. They have done this with the now famous Karen Quinlan case,[59] which involves issues of medical nutrition and hydration (MN&H) and physician-assisted death. This case is woven into the justification of the reason why a rational moral agent ought to elevate the principle of beneficence, in some cases, over the normal "do no harm" prohibition in medicine. Beauchamp and Childress conclude their analysis of this case with a statement that is appropriately *thin*: "healthcare providers may

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[59] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 160.

legitimately withhold or withdraw MN&H under some conditions."[60] There is not

much to argue about in such a general statement because even in a Catholic health

system, where MN&H is normally obligatory, withdrawal of artificial nutrition

and hydration is permissible for dying patients.[61]

Beauchamp and Childress think that the withdrawal of MN&H should be

considered a legitimate option for some non-dying patients, such as in the Karen

Quinlan case, and in doing so they argue that the principle of beneficence

overrides the normal medical principle of nonmaleficence in such cases. The

problem here is that even if one agrees with the removal of MN&H in the Quinlan

case, what aspects of this case can be used to highlight the same response in other

cases? The Quinlan case involved an intricate mix of familial, medical, and legal

issues unique to that case. The decision to withdraw treatment in the Quinlan case

involved medically-assisted death because the patient was eventually allowed to

starve to death more than ten years after artificial respiration was removed.

The final court decision to allow the removal of the feeding tube provided parity

in the USA over the type of medical intervention that constitutes life support, so

that both hydration and nutrition could now be considered an optional form of

life-support in the same manner that artificial respiration is optional. In the USA

the Quinlan case served as a *persuasive precedent* in common law. However, the

beholding obligation for anyone who appeals to this case as a precedent is to show

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[60] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 162.
[61] Offices of the Congregations for the Doctrine of the Faith, *Responses to Certain Questions of the United States Conference of Catholic Bishops Concerning Artificial Nutrition and Hydration* (Rome: August 1, 2007).

how and why the Quinlan case satisfies the *persuasive precedent* requirement. Using the legal process to resolve complex cases has its own drawbacks, not the least of which is the length of time for the process to take its course. Some philosophers argue that decisions ought to be made much earlier because once the decision is made to choose death the ten-year wait for passive euthanasia to take its effect is unreasonably burdensome. In connection with the Quinlan case Singer argues that once the decision is made to allow a person to die, the medical professionals should actively ensure "that it comes in the best possible way"[62] and therefore mercy killing ought not be ruled out for some cases. The old legal maxim, "hard cases make bad law," applies to complex ethical issues as well and for roughly the same reasons. Complex cases are rarely so similar that the justification for elevating beneficence over nonmaleficence in one case necessitates the same decision in another. The following section will show that when advocates of the PBE model use particular cases to illustrate why one principle ought to trump another they presume that both the facts of the case and the decision to elevate one principle over another emerge impartially from the process of reflective equilibrium.

4.6 Principle-Based Health Ethics in Australia

The Beauchamp and Childress model has been incorporated into Australian health care primarily through the work of Kenneth R. Mitchell and Terence J. Lovat.[63]

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[62] Singer, *Practical Ethics*, 213.
[63] Kenneth R. Mitchell and Terence J. Lovat, *Bioethics for Medical and Health Professionals: History, Principles, Case Studies* (Wentworth Falls: Social Science Press, 1991).

Mitchell and Lovat substantially borrow the Beauchamp and Childress justification for the PBE model and similarly focus on decision making for medical and health professionals. They presume the efficacy of Beauchamp and Childress' model of decision making and refer to the "fundamental bioethical principles" when they state that "such an approach … will bring order and coherence and enable generalization across issues from diverse areas of medicine."[64] They further state that "bioethics is not a matter of beliefs, emotions or opinions" but rather an "intellectual inquiry motivated by a concern for what should be decided" and "guided in this search for the 'right and wrong of it' by the fundamental values and moral principles which come from inquiry into general normative ethics."[65] This strong series of claims about the objectivity of the PBE model is not defended in the text other than by showing how the principles are applied to particular cases.

In a subsequent publication, but with a new contributing author,[66] these authors make more explicit the distinction between moral philosophy and ethics, primarily because they want to distinguish ethical analysis in health care from the type of ethical analysis in psychology, sociology, and theology.[67] The authors make several bold claims that they think distinguish practical ethics from the broader concerns of morality found in psychology, sociology, and theology. They claim, first, that practical ethics is of "greater significance than law, politics or self-interest"; second, that principles used are universalisable; third, that practical

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[64] Mitchell and Lovat, *Bioethics for Medical and Health Professionals*, 23-25.
[65] Mitchell and Lovat, *Bioethics for Medical and Health Professionals*, 12.
[66] Kenneth R. Mitchell, Ian H. Kerridge and Terence J. Lovat, *Bioethics and Clinical Ethics for Health Care Professionals* (Wentworth Falls: Social Science Press, 1996).
[67] Mitchell et al., *Bioethics and Clinical Ethics for Health Care Professionals*, 14.

ethics is broadly concerned with "human well-being and the maintenance of a peaceful society"; fourth, that practical ethics is concerned with the role of reason and moral justification; and fifth, that practical ethics is prescriptive of what moral agents "should do" rather than "can do."[68]

The claim that ethics is of greater importance than law, politics, or self-interest requires further explanation if it is to be accepted at all. Aristotle, for instance, disputes the separation of ethics from politics primarily because ethics presupposes a cooperative *polis*. Politics, in the sense that Aristotle understood it, is the most authoritative science because the purpose of the other disciplines is to contribute to the flourishing of the *polis* itself. Thus for Aristotle practical ethics is primarily concerned with social habituation, and the role of reason is not therefore a purpose-independent concept.[69]

The claim that ethics uses principles that are universalisable is qualified by the statement that "moral concepts, principles, and action-guides apply to all persons equally."[70] Few moral philosophers accept this view of universalisability as its stands. Universalisability, in a Kantian sense, applies to the strength of the moral imperative, and, in the utilitarian sense, to the impartial motivation of the decision maker.[71] Neither of these two concepts of universalisability imply that a universalisable argument ought to apply to "all persons equally."[72]

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[68] Mitchell et al., *Bioethics and Clinical Ethics for Health Care Professionals*, 14.
[69] Aristotle, "Nicomachean Ethics," 1094[a], 339.
[70] Mitchell et al., *Bioethics and Clinical Ethics for Health Care Professionals*, 14.
[71] Singer, *Practical Ethics*, 11-12.
[72] Fairness in employment does not mean that one should employ blind bus drivers.

When Mitchell et al. suggest that health care professionals can no longer rely on traditional values or professional codes of practice, because modern medicine has changed, they appeal to something that is supposedly more basic or foundational than what professional codes can offer. They want to deal with the changes in medicine by accepting a basic level concept of principles and then apply the principles to particular cases in what they describe as a "more rational manner."[73] This supposedly more rational approach to ethics involves the application of the PBE model to particular cases. To make this explicit, Mitchell et al. provide case studies for each of the chapters devoted to the four-principles. This has the effect of guiding the reader to adopt a particular type of case study for the principle that, in the authors' view, is the most appropriate. However, while the PBE model does provide action guides for decision making in simple cases, it provides no objective test for determining why one principle fits a case better than another, particularly in complex cases.

In the first edition of their text Mitchell and Lovat used a famous medical case to illustrate why the principle of nonmaleficence ought to be overridden by the combined weight of autonomy and beneficence in some cases of end-stage disease.[74] The case involves a young woman dying from ovarian cancer and a resident in a gynaecology-oncology ward. In 1988, the *Journal of the American Medical Association* (*JAMA*) published a report on this case written by an unnamed medical resident entitled "A Piece of my mind: It's over Debbie."[75] The

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[73] Mitchell et al., *Bioethics and Clinical Ethics for Health Care Professionals*, 13.
[74] Mitchell and Lovat, *Bioethics for Medical and Health Professionals*, 126.
[75] George Lundberg ed., "A Piece of my mind: It's Over Debbie," *Journal of the American Medical Association* 259/2 (1988): 259-272.

report recounted the resident's decision to euthanise (with a morphine drip) a young woman dying of ovarian cancer. The report was primarily his personal account of dealing with her request when she said, "Let's get this over with." After being published in *JAMA* the case was subsequently recorded on several on-line pro-euthanasia websites to show how the compassionate side of medical practice can sometimes justify voluntary euthanasia and physician-assisted death. Mitchell and Lovat appear to have used this case in this context because most of the case studies in the chapter on nonmaleficence are devoted to physician-assisted death. In the commentary on the "It's over Debbie" case, Mitchell and Lovat state, "Other medications could have been used to relieve the patient's suffering and enable her to rest comfortably."[76] This commentary seems to be directed at the resident's decision to euthanise the patient using morphine. Given that the patient was already on a morphine drip, the clinical decision to overdose a dying patient using morphine is unwise. In this case the resident achieved his desired result but this was more by good luck than good clinical practice.[77] The morphine issue, however, is one of several clinical issues that this case raises, all of which go unacknowledged in the Mitchell and Lovat account.

Mitchell and Lovat appear unfamiliar with the furor that this case attracted when the anonymous resident's article was first published in *JAMA*. Rather than being

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[76] Mitchell and Lovat, *Bioethics for Medical and Health Professionals*, 126.
[77] See Claud Regnard, "Double Effect is a Myth Leading a Double Life," *British Medical Journal* 334 (2007): 440. "Evidence over the past 20 years has repeatedly shown that, used correctly, morphine is well tolerated and does not shorten life or hasten death. Its sedative effects wear off quickly (making it useless if you want to stay unconscious), toxic doses can cause distressing agitation (which is why such doses are never used in palliative care), and it has a wide therapeutic range (making death unlikely). The Dutch know this and hardly ever use morphine for euthanasia."

seen as a compassionate doctor's response to patient suffering, many surgeons and oncologists saw it as a classic case of malpractice. Most blamed the editor, Dr. George Lundberg, for publishing an anonymous report by a resident doctor. Doctors also objected to the flippant and simplistic presentation of a complex medical and ethical issue. Clinical objections focused on the actions of the resident, primarily because a medical resident should not be euthanising a patient he has met only recently and of whom he has no medical history other than a bed chart. Furthermore, the decision to euthanise the patient was not discussed thoroughly with the patient, or with the older woman that the article refers to as being in the room at the time. The furor over this case was significant enough for the *New York Times* to publish a special supplement that questioned the ethics of both the physician and the medical journalists involved in the case.[78] In this supplement, Dr. Mark Siegler, Professor of Medicine and Director of the Center for Clinical Medical Ethics at the University of Chicago, argued that the report "did a disservice to the medical profession by giving the appearance of sanctioning the physician's behavior." Similarly, Dr. Arthur Caplan, Director of the Center for Biomedical Ethics at the University of Minnesota, suggested that the action of the resident was a severe indictment on the training residents were receiving. He rejected the actions of the resident primarily because it was an irresponsible abuse of power that was done without consultation.[79]

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[78] Isabel Wilkerson, "Essay on Mercy Killing Reflects Conflict on Ethics for Physicians and Journalists," Special supplement, *New York Times* (February 23, 1988): 16.
[79] Wilkerson, "Essay on Mercy Killing," 16.

Even more disturbingly for the anonymous author and the editor, the State Attorney's office in Chicago, where *JAMA* is published, issued a grand jury subpoena requesting that the editor hand over all documents associated with the case because the state prosecutor wanted to indict the author on a charge of manslaughter.[80] *JAMA* in turn sought to establish legal protection for itself and the author by challenging the grand jury subpoena and claiming journalistic privilege, a stance highly unusual in medical publishing where peer review is dominant.

Clearly this case does not allow for the straightforward juggling of principles that the PBE model promotes because the facts of the case were interpreted by the resident in ways that are incompatible with good medical practice. Mitchell and Lovat removed this case from the subsequent edition of their text, but this omission also illustrates the main problem with principle based decision making. The principles are *thin* moral concepts that are useful for helping a health professional to understand the issues involved, but they do not combine readily into a uniform process of reflective equilibrium. One reason for this is that the individual observer will bring his or her own *thick* interpretation of both the principles and how they should be applied to a particular case. A second problem is that the facts of the moment may not necessarily tell the whole story, as highlighted by the *JAMA* case.

A complex case such as the one above challenges Mitchell and Lovat's claim that principles enable "order and coherence" because the impartial decision maker can

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[80] The State Prosecutor did not proceed with the charge because the editor of the *JAMA* refused to divulge the name of the author.

generalise across diverse disciplines of medicine.[81] There is no order or coherence here because there is no independent method of juggling principles. When Mitchell, Lovat, and Kerridge argue that ethics is not about professional codes but about principles, they present an impoverished view of practical ethics.[82] Dr. Siegler and Dr. Caplan objected to the actions of the resident so vociferously because his actions were inconsistent with professional practice. If and when doctors decide to alleviate the suffering of a dying patient they ought to be constrained by professional standards of medical practice. This means that the treatment options that the resident can choose from should be comparable to that offered by another resident doctor for a similar patient under the same conditions. In the *JAMA* case the patient would have been under the supervisory care of an oncologist or palliative care specialist. At the very least, the resident should have consulted a senior clinician to seek advice, and it is entirely possible that the consultant may have suggested a process with a similar outcome. Furthermore, a patient should be consulted whenever a proposed intervention might result in death.

The *JAMA* case illustrates why complex cases are rarely amenable to the PBE model of decision making. A similar problem arises in the chapter that Mitchell, Kerridge, and Lovat devote to the abortion issue. The authors acknowledge the complexity of the abortion issue and they also acknowledge that they differ in their respective positions.[83] They suggest that even with this complexity they can

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[81] Mitchell and Lovat, *Bioethics for Medical and Health Professionals*, 23.
[82] Mitchell et al., *Bioethics and Clinical Ethics for Health Care Professionals*, 13.
[83] Mitchell et al., *Bioethics and Clinical Ethics for Health Care Professionals*, 238.

make one important point, that the "moral, legal, social and political division" within society is unlikely to be resolved by legislation because it is difficult "to see how such diametrically opposed viewpoints could ever reach consensus."[84] The presumption here is that legislation is designed to resolve opposing points of view, but this misconstrues the role of legislation. Legislation on abortion does not resolve the moral question on abortion but it does resolve the impasse that results from this division.

When presented with the four-principles, people opposed to abortion will inevitably elevate the principle of nonmaleficence over autonomy because they preface the debate with the claim that protecting the life of an innocent human being is a defensible rational position. Similarly, those who think that abortion should be decriminalised inevitably elevate either beneficence (for reasons of harm minimisation) or autonomy (for reasons of choice). The PBE method offers no mediation in complex cases because a rational observer is not impartial and the decision to elevate one principle over another is not the product of reflective equilibrium.

4.7 Conclusion

The criticism of principle-guided ethics is not directed at principles per se. Rather, it is because critics of principle-guided ethics think that Beauchamp and Childress overstate the applicability of principles in complex situations. Toulmin, for

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[84] Mitchell et al., *Bioethics and Clinical Ethics for Health Care Professionals*, 238.

instance, argues that principles are often not that necessary in debates over complex moral issues.[85] Writing as a staff member on the *National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research*, Toulmin writes that agreement on a case by case basis is possible even when people disagree over the ethical principles. Toulmin and Jonsen (also a member on the above Commission) are critical of principle-guided ethics, suggesting instead a return to casuistry:

> Increasingly, then, over the last twenty years serious discussions of the moral problems that arise out of social conscience and public policy have moved in a taxonomic direction. As in the days of Ciceronian and Christian casuistry, a feeling for the features of moral experience that led Aristotle to put ethics in the realm of *praxis* and *phronesis*, not *theoria* and *episteme* ... has reentered the moral debate.[86]

The attempt to turn the PBE decision making protocol into the standard model of bioethics has failed because it lacks the explanatory power of the standard model approach used in the sciences. A standard model in science involves three major characteristics.[87] First, it acknowledges a consensus of rational discussants (scientists) over the foundational premises and boundary assumptions on which evidence derived from the scientific method is evaluated. Second, a standard model has vast explanatory power and can therefore be used to evaluate other models or theories. Third, a standard model is always open-ended, capable of being refined or even overturned.

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[85] Stephen Toulmin, "The Tyranny of Principles: Regaining the Ethics of Discretion," *The Hastings Center Report* 11/6 (1981): 31-39.
[86] Albert R. Jonsen and Stephen Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: University of California Press, 1988), 306.
[87] See Chapter 2.

It is clear from the sixth edition of *Principles of Biomedical Ethics* that Beauchamp and Childress remain committed to the idea that practical ethics is based on an epistemologically valid form of foundationalism: "applied ethics … is the attempt to interpret general norms [the four-principles] for the purpose of addressing particular problems and contexts… General norms are usually only starting points for the development of *concrete* norms of conduct."[88] The PBE method is meant to act like the standard model approach used in other disciplines but it lacks the three characteristics outlined above. First, there is no consensus among moral philosophers that the PBE method is the preferred method of moral decision making. Second, it lacks the explanatory power of a standard model. Beauchamp and Childress make the bold claim that the function of common morality and reflective equilibrium is to "provide a *basis* for the evaluation and criticism of groups or communities whose customary moral viewpoints are in some sense deficient,"[89] but there is no indication in recent literature on the PBE model that this foundationalist goal has been reached. Third, the PBE method is too remote from the type of moral evaluation that Toulmin and others advocate. The major criticism of the PBE model is not that it is not useful but rather too grand. As Oliver Rauprich points out with respect to the Beauchamp and Childress common morality model:

> It is neither convincing as a moral foundation nor well compatible with a standard coherentist justification. I suggest that the authors should give up the foundational account for a more modest account of common morality as

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[88] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 1-2 (italics added).
[89] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 387 (italics added).

a resource of well-established moral insights and experiences, which have proved generally valid but neither sufficient nor infallible.[90]

Clearly Beauchamp and Childress' contribution to the discussion of complex ethical issues has been extensive, but Rauprich's more limited expectation for common morality reflects the *thin* acceptance of common morality principles. The fact that principles are *thin* does not mean they are insignificant. *Thin* minimalism provides moral agents with what Walzer calls "the rules of engagement that bind all speakers,"[91] or what Stuart Hampshire has called "a *thin* notion of procedural justice … the conditions of mere decency."[92]

Jonsen makes a similar point in his criticism of Singer's preference utilitarian equality principle:

> the ethics of bioethics is not a clean, closed system of rational argument. No theory dominates bioethics, and no methodology has one universal acceptance. While a few bioethicists, such as Princeton professor Peter Singer, adhere to such a system (in his case to a strictly logical utilitarianism), most bioethicist today are improvisers, drawing from various forms of philosophical and theological ethics the elements that seem suitable for the argument at hand.[93]

From an Aristotelian perspective, the right thing to do in a given case is to allow oneself to be constrained by the *praxis* of the teleological activity (medicine, law,

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[90] Oliver Rauprich, "Common Morality: Comment on Beauchamp and Childress," *Theoretical Medicine and Bioethics* 29 (2008): 43-71 (43).

[91] Walzer, *Thick and Thin*, 12.

[92] Stuart Hampshire, *Innocence and Experience* (Cambridge: Harvard University Press, 1989), 72-78.

[93] Albert R. Jonsen, *Bioethics Beyond the Headlines: Who Lives? Who Dies? Who Decides?* (Lanham: Rowman and Littlefield, 2005), 20-21.

politics, etc.) and the *phronesis* or practical wisdom of time, place, and circumstance (habituation). As Jonsen says above, this is not a "clean, closed system of rational argument" because it does not provide black and white answers, but it does provide a *thick* level of practical guidance within particular practices. The next chapter will reconstruct the meta-narrative of practical ethics advocated in Singer's version of preference utilitarianism.

Chapter 5: Preference-Guided Enquiry

5.1 Introduction

The previous chapter argued that the PBE model is a useful but not definitive tool for decision making in practical ethics. This chapter will make the same claim about Peter Singer's version of practical ethics. In Australia, Singer's contribution to the discipline of practical ethics has been even more influential, due primarily to the legacy of British utilitarianism. Singer began writing not long after the birth of the practical ethics revolution, and his main contribution to practical ethics is the principle of equality, a decision making protocol based on a type of preference calculus. He is a serious thinking social activist and few philosophers seem to be as committed to social change as he is.[1] In his most recent publication he argues that moral agents ought to extend their care for the poor, using the principle of universalisation, to all people who are suffering, irrespective of where they live.[2]

Following his utilitarian predecessors, Singer argues that rational moral agents ought to extend their circle of moral consideration to all sentient animals, those that can feel pain, and then give higher moral consideration to humans and

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[1] Peter Singer's book *Animal Liberation* is credited with launching the Animal Liberation movement. See Peter Singer, *Animal Liberation: A New Ethics for Our Treatment of Animals* (New York: A New York Review Book, 1975).
[2] Peter Singer, *The Life You Can Save: Acting Now to End World Poverty* (Melbourne: Text Publishing Company, 2009).

animals that are self-aware, "capable of abstract thought, of planning for the future, of complex acts of communication."[3]

In the PBE model a rational decision maker is encouraged to use common morality principles. This is not the case in Singer's version of practical ethics because he does not appeal to moral principles that are knowable or real. Singer's practical ethics promotes the role that reason can play in sorting out moral dilemmas by advocating a decision making protocol that he calls the "principle of equality" or "equal consideration of interests."[4] An impartial moral agent uses this principle of equality to calculate both quantitative and qualitative interests of all stakeholders in order to achieve preference or interest satisfaction.

Singer's form of practical ethics pivots on the facts of a given case being knowable and therefore capable of being adjudicated from a preference utilitarian standpoint. As with the PBE model, this simple formula is both a strength and a weakness. In order for the equality principle to work as Singer posits, the facts of a given case must be knowable "real-world" facts, facts that are self-evident to an impartial observer. Herein lies the main problem with this model of decision making. Far from being self-evident, the facts in complex cases are often in dispute.

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[3] Singer, *Practical Ethics*, 61.
[4] Singer, *Practical Ethics*, 11, 12-14, 21-26, 83, 286; applied to animals, 56-57, 62, 63, 64, 67; to disability, 52-54, 189; to the fetus, 164; and to non-self conscious beings,131.

This chapter will reconstruct the decision making protocol advocated by Singer by showing, first, why he thinks ethics should be grounded in evolutionary altruism and the principle of universalisation and, second, why he thinks that the role of reason implies preference consideration. The reconstruction will show that, as with the Beauchamp and Childress principle-guided model of decision making, Singer's version of practical ethics is a useful but not definitive method of ethical decision making. The shifts in Singer's thinking over the principle of equality also serve to illustrate how difficult it is to formulate a standard theoretical approach that solves problems in a complex discipline like ethics.

5.2 Ethics and the Principle of Universalisation

Singer's analysis in *Practical Ethics* begins with a *thin* recognition of the principle of universalisation. He then extends this out to a *thick* explanation of the role that reason plays in decision making, via the principle of equality and the role of the impartial observer. Singer appropriately describes this new method of decision making as ambitious and tentative.[5] The tone of *Practical Ethics*, apart from comments directed against rule-based[6] and religious perspectives on ethics, provides a tentative exploration of how preference calculus and the principle of equality can be consistently applied to specific issues. With the publication of *The Expanding Circle,* however, Singer revises his dismissive attitude toward rules. He now recognises that equal consideration of interests, on its own, does not

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[5] Peter Singer, *Practical Ethics*, 12, 14.
[6] Peter Singer, *Practical Ethics*, 3.

provide a workable model for practical decision making because "we lack the time and information" for the "long and involved calculations" required.[7]

This change in attitude toward rules is one example of how Singer's argument for a practical ethic has evolved.[8] Another shift in emphasis occurs over his initial appeal that the principle of universalisation serves as a basis or foundation for ethical decision making. In *Practical Ethics* the starting point for moral evaluation is the principle of universalisation, primarily based on a broad recognition among philosophers and other thinkers.[9] A few years later, in *The Expanding Circle*, Singer argues for a biological explanation of why we have ethics, based on the emerging idea that some ethical behaviour might be hard-wired into the human genome through the process known as evolutionary altruism.[10] Singer argues in *Practical Ethics* that the rational agent builds on the inherited evolutionary altruistic tendency by applying the principle of equal consideration of interests. In *The Expanding Circle* he modifies this somewhat to argue that the rational extension to evolutionary altruism is the principle of impartial consideration.

For Singer, this new "simpler idea" is that ethics "evolved out of our social instincts and our capacity to reason," and once rational thinking takes over, the principle of equality expands the circle of consideration to all self-aware beings.[11] This new look at ethics shows, first, why altruistic behaviour provides an

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[7] Singer, *The Expanding Circle*, 161.
[8] MacIntyre argues that epistemic shifts like this occur when moral theorists discover for themselves or are forced to acknowledge by others that the epistemic basis of their theory is not as certain as they once thought (see Chapter 6).
[9] Singer, *Practical Ethics*, 11-14.
[10] Singer, *The Expanding Circle*, 16-27.
[11] Singer, *The Expanding Circle*, 111.

explanation of why ethics exists in human society and, second, why the principle of equality offers the best model for applying rational thinking to this basic starting point.[12] In *The Expanding Circle* three propositions support this new look at ethics. First, ethics is rooted in the altruistic behaviour of our human ancestors.[13] Second, the capacity for rational thinking enabled humans to extend their own self-interestedness into a set of behaviours that takes into consideration the interests of all stakeholders.[14] Third, there is now no justification for limiting this type of ethical analysis to humans, so the circle of consideration should be expanded to include other sentient and self-aware animals.[15]

Singer argues that because ethics is part of our biology, the tendency for humans to codify ethics is therefore a natural outgrowth of biological altruism.[16] However, once humans begin to make rational choices, the principle of equality trumps altruistic choices because altruistic behaviour can lead to discrimination against others. A rational agent must go beyond evolutionary behaviour and simple rule-following to the point where the good for one self-aware being (qualitatively calculated) should be considered as having no greater value than the good for another.[17] Singer maintains that this new way of thinking provides a scientific explanation for ethics that is now necessary because religious and non-religious thinkers agree that solutions to ethical dilemmas should be sought "outside religion and independently of belief in God."[18]

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[12] Singer, *The Expanding Circle*, 84-85.
[13] Singer, *The Expanding Circle*, 1-22.
[14] Singer, *The Expanding Circle*, 87-124.
[15] Singer, *The Expanding Circle*, 120.
[16] Singer, *The Expanding Circle*, 29.
[17] Singer, *The Expanding Circle*, 100.
[18] Singer, *The Expanding Circle*, x.

5.3 Ethics and Reciprocity

Singer begins his justification for a scientific solution to ethical dilemmas with an introduction to E. O. Wilson's sociobiological justification for ethics.[19] He accepts Wilson's explanation regarding the foundation for ethical behaviour but rejects his further suggestion that ethical premises can be derived from biological foundations, as this step involves a naturalistic fallacy.[20] Singer argues that the science of sociobiology has something to offer the study of ethics because it provides an explanation of how altruism began to manifest in different species and also why ethics evolved in human social interaction.[21] Sociobiology explains why rules or canons of behaviour prohibit some actions and allow others, but it cannot determine the ethical efficacy of these actions.[22] Singer explains how acts of reciprocity have produced several types of altruistic behaviour among social animals – kin altruism, non-related reciprocal altruism, and group altruism – although he thinks that group altruism plays only a minor role.[23] These tit-for-tat relationships seem to be a necessary survival instinct for social animals, and this instinct is now commonly referred to as the *principle of reciprocity*.

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[19] Edward Osborn Wilson, *Sociobiology: The New Synthesis* (Cambridge: Harvard University Press, 1975).
[20] Singer, *The Expanding Circle*, 74.
[21] Singer, *The Expanding Circle*, 29.
[22] Singer, *The Expanding Circle*, 80-81.
[23] Elliot Sober and David Sloan Wilson provide an alternate view on group selection in *Unto Others: The Evolution and Psychology of Unselfish Behavior* (Cambridge: Harvard University Press, 1999), 416.

The genetic tendency to help kin can be extended to a reciprocal relationship between non-related members of a species, or even of a different species, if for some reason a benefit is gained from working together. For instance, reciprocal altruism occurs when monkeys groom each other. Altruistic instincts might also help to explain the human motivation to help a stranger in trouble. Reciprocity does not mean that the groomed monkey or the human stranger will one day return the favour. Rather, because reciprocal altruism is so widely practised among long-lived social species such as apes and humans, an individual who acts altruistically can reasonably expect this level of cooperation from another member of the same group if he or she is caught in a similar situation.[24] Altruistic behaviour in animals appears similar to types of behaviour affirmed among humans (self-sacrifice, heroism, generosity, cooperation). Singer is probably right that human cooperative behaviour provides a precursor for the prescriptive "ought-type" language of ethical theory. The moral prohibition against murder, for instance, came a long time after the pragmatic recognition that this type of killing was ultimately self-destructive.

Singer makes the forceful claim that because human social behaviour parallels forms of altruism observable in other social animals, it is therefore implausible to deny that "human ethics has its origin in evolved patterns of behavior [altruism] among social animals."[25] According to Singer, animals act altruistically, humans act altruistically, and so by inference human ethics must have derived from human altruism. This strong claim is not without difficulties, however, because it is

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[24] Singer, *The Expanding Circle*, 17-18.
[25] Singer, *The Expanding Circle*, 29.

indeed plausible to deny the proposition: ethics if and only if altruism. While it seems true that ethics includes altruistic behaviour, to argue that ethics has its origin in altruistic behaviour seems too strong given present knowledge of gene-shaped human behaviour. The attempt to establish a link between genes and behaviour produced an early form of genetic determinism such as the alleged gay gene[26] and the psychopathic gene.[27] More recent work reveals a more nuanced and complex relationship between genes and human behaviour.[28]

Singer acknowledges another problem that arises from claims about altruism: "we can understand why reciprocal altruism should prosper after it gets established, it is less easy to see why the genes leading to this form of behavior did not get eliminated as soon as they appeared."[29] Known as the paradox of altruism, this problem presents a difficult challenge for any theory that links altruism with a genetic explanation for ethics because altruistic behaviour contradicts some aspects of natural selection.[30] For example, animals that act altruistically by warning of approaching danger would get killed first, and thus the biological drive towards altruism should diminish due to natural selection.

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[26] Dean H. Hamer, Stella Hu, Victoria L. Magnuson, Nan Hu, and Angela M. L. Pattatucci, "A Linkage Between DNA Markers on the X Chromosome and Male Sexual Orientation," *Science* 261 (1993): 321-327.

[27] Hervey M. Cleckley, *The Mask of Sanity: An Attempt to Reinterpret the So-Called Psychopathic Personality*, first edition (St. Louis: C.V. Mosby, 1941).

[28] See Walter Glannon, "Moral Responsibility and the Psychopath," *Neuroethics* 1/3 (2008): 158-166, and Theodore Millon, Erik Simonsen, Morten Birket-Smith, and Roger D. Davis eds., *Psychopathy: Antisocial, Criminal and Violent Behavior* (New York: Guilford Press, 1998).

[29] Singer, *The Expanding Circle*, 18.

[30] Elliott Sober doubts the validity of claims about evolutionary ethics on this basis. See "Evolutionary Altruism, Psychological Altruism, and Morality: Disentangling the Phenotypes," in M. H. Nitecki and D. V. Nitecki eds., *Evolutionary Ethics* (Albany: SUNY Press, 1993): 199-216.

A further problem arises with the way evolutionary altruism in animals is assessed. Even a careful researcher can read altruistic characteristics into animal behaviour when it might not be warranted. A recent study of meerkats, the pin-up species for altruistic behaviour in animals, reported very different findings than previous meerkat studies.[31] This report found that after 2000 hours of observation, not one example of warning-call altruism was observed. This group of researchers argues that guard-duty among meerkats was not an organised activity but something that meerkats did when they were not eating. In short, basically they were watching out for themselves.[32] If this is the case, then perhaps the evolutionary drive towards this type of behaviour is driven by selfish genes, not altruistic ones.

The discipline of sociobiology has itself only recently emerged as a distinct discipline, and two of its main proponents, E. O. Wilson and Richard C. Lewontin, are in sharp disagreement about what conclusions should be drawn from sociobiological studies.[33] The study of the connection between the evolution of genetic tendencies and sociobiological behaviour is too inconclusive to draw strong conclusions about ethical behaviour among humans.

Singer's argument therefore, that altruistic behaviour provides the foundation for why we have ethics, seems to be a reasonable hypothesis, but it belongs to a field

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[31] T. Clutton-Brock, A. F. Russell, L. Sharpe, A. J. Young, Z. Balmforth, and G. M. McGilrath, "Evolution and Development of Sex Differences in Cooperative Behavior in Meerkats," *Science* 297 (July 2002): 253-256.

[32] Clutton-Brock et al., "Evolution and Development of Sex Differences," 253-256.

[33] See Tom Bethell, "Against Sociobiology," *First Things* 109 (January 2001): 18-24.

of study that is still in its infancy.[34] Twenty-five years after the publication of *The Expanding Circle,* debate over the evolutionary basis of ethics still has a long way to go.[35] There is no consensus among scholars about how altruism works or even whether it does form the basis of ethics as Singer posits.[36] Singer acknowledges that even if some consensus does develop concerning evolutionary altruism, it will only explain why we have ethics, not why one explanation of ethics is better than another.

Although the argument for ethical altruism takes up half of *The Expanding Circle*, it is tangential to the main argument that Singer promotes. He recognises that central questions about ethics and values are untouched by the biological explanation for why ethics exists.[37] For Singer, the development of rational thinking eventually opened up the possibility that humans could make ethical choices. Initially these choices were driven by customary morality or cultural preferences, but then the extended use of the principle of universalisation expanded this circle of consideration to included all human stakeholders, regardless of geography or culture.

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[34] See Elliott Sober, "Evolutionary Altruism, Psychological Altruism, and Morality," 204–205; and Michael Ruse and E. O. Wilson, "Moral Philosophy as Applied Science," in Elliot Sober ed., *Conceptual Issues in Evolutionary Biology*, second edition (Cambridge: MIT Press, 1994), 421-438.
[35] See "Prospects for an evolutionary ethics," in Elliot Sober, *From a Biological Point of View: Essays in Evolutionary Philosophy* (Cambridge: Cambridge University Press, 1994): 131-142; and Michael Byron, "Evolutionary Ethics and Biologically Supportable Morality," Proceedings of *Twentieth World Congress of Philosophy: Philosophy Educating Humanity 1998*, accessed 24 October 2007, http://www.bu.edu/wcp/Papers/TEth/TEthByro.htm.
[36] Douglas Allchin, "Morality Sans Fitness: Aesthetics and Reframing the Evolutionary Problem of Ethics," paper presented at the *International Society for the History, Philosophy and Social Studies of Biology* (July 1997).
[37] Singer, *The Expanding Circle*, 68.

Singer argues in *The Expanding Circle* that further progress is possible by converting the concept of moral impartiality into a formal decision making protocol that gives equal weight to the interests of all stakeholders, human and non-human:

> We can progress toward rational settlement of disputes over ethics by taking the element of disinterestedness inherent in the idea of justifying one's conduct to society as a whole, and extending this into the principle that to be ethical, a decision must give equal weight to the interests of all affected by it.[38]

This passage is a bit clumsy because Singer does not mean that equal weight should be granted to the interests of all the stakeholders. In his model, some interests do outweigh others, and the justification for this different weighting is more cogently presented in *Practical Ethics*.[39] However, before he sets out why the equality principle explains what ethics is, when reason is allowed to play its legitimate role, he begins *Practical Ethics* by showing firstly what ethics is not.

5.4 What Ethics is Not: Four False Assumptions

Singer states that many people make false assumptions about ethics. First, they assume that the study of ethics is a "set of prohibitions particularly concerned with sex"; second, they assume that the study of ethics is "noble in theory but no good in practice"; third, they assume that ethics is "intelligible only in the context of religion"; and lastly, they assume that ethics is "relative or subjective."[40] These

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[38] Singer, *The Expanding Circle*, 100.
[39] Singer, *Practical Ethics*, 21.
[40] Singer, *Practical Ethics*, 2.

four false assumptions about ethics provide the background to Singer's fuller account of what practical ethics ought to be according to the principle of equality.

The first false assumption that people make, according to Singer, is to think that ethics is a *set of prohibitions particularly concerned with sex*. He says this misconception about ethics and morality is still defended by Bishops and "traditional moralists."[41] He refers here to the preoccupation of some bioethicists with issues of sexual morality such as promiscuity, homosexuality, and pornography. Singer argues that there are more important moral issues. On this he is probably right, but this does not mean that one can dismiss religious concern for sexual morality so arbitrarily. For instance, a Bishop's concern regarding sexual morality might be theologically *thick* but still be consistent with a *thin* concern for general human wellbeing. A serious thinking Bishop's concern for sexual morality could be part of an intricately argued theory of natural law. Or perhaps, following Kant, the Bishop's concern over sexual issues could be driven by standard categorical imperatives. It is even possible that the Bishop's concern could have a utilitarian basis, such as harm minimisation, because promiscuity does increase HIV infection rates. The Bishop's concern for sexual morality is also consistent with a latter claim made by Singer himself:

> We found that we must concede that those who hold unconventional ethical beliefs are still living according to ethical standards if they believe, for any reason, that it is right to do as they are doing.[42]

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[41] Singer, *Practical Ethics*, 1-2. Singer makes a similar charge against the Bishop in *Rethinking Life and Death*, 4.
[42] Singer, *Practical Ethics*, 10.

Singer's claim that ethics is *not simply a set of prohibitions* particularly concerned with sex seems justified, but one should not assume that these concerns are devoid of rational thinking. Singer could argue that the Bishop's views are unpopular (perhaps by showing how sexual freedoms have changed) or he could highlight what he considers to be more important matters, but using the Bishop to illustrate a narrow sex-based focus of moral deliberation is disingenuous and unfairly caricatures religious scholarship.

The second false assumption that Singer challenges is that ethics is *an ideal system that is noble in theory but no good in practice*. This seems to be the primary motivation behind his advocacy for the principle of equality. Singer is not content to argue points of moral theory in the classroom, and few modern philosophers practise what they preach as consistently as he does. Utilitarian philosophers, at least well-known ones, seem committed to making a practical difference. Bentham made significant contributions to civil government and the legal profession, and he was actively involved in both the abolitionist movement and in the elevation of women in British society. Similarly, Mill also advocated strongly on behalf of women, he was active in developing proportional representation, and he argued strongly that the state should be constrained from asserting undue control over the liberty of an individual.

Singer sets the scene for *Practical Ethics* by suggesting that the failure of an ethical system based on rules does not necessarily lead to the failure of ethics as a practice. He argues that doing ethics by simple rule following is not justified

because sometimes rules need to be broken. The weakness of deontological or rule-based ethics seems obvious to utilitarian philosophers. A theory that incorporates conflicting moral duties contains a theoretical weakness because a rational agent cannot apply one moral rule without overriding another. Singer cites the familiar Jews in the attic scenario to show that when rules conflict, rational consideration becomes consequentialist. His point is that when those he calls "traditional moralists" defend rules, they are really defending a particular or subjective moral code, rather than one that is both universalisable and objective.[43]

For Singer, a system of ethics that does not work in practice suffers from a theoretical defect, because "the whole point of ethical judgments is to guide practice."[44] These are important observations because they set a substantial goal for a theory of ethics that has proved difficult to achieve in the past. Significantly, the latter part of this chapter will show that Singer's equality principle suffices as a *thin* moral principle but fails when applied to complex moral issues.

The third false assumption, that ethics is *intelligible only in the context of religion*, is a familiar criticism, and Singer cites Plato's *Euthyphro* to defend the claim that ethics must be rationally justifiable, not simply an appeal to the gods. Singer's explanation of why the study of ethics should be treated independently of religion is misleading, however, because he again presents an unfair caricature of the religious position. He states that the motivation for being ethical, according to

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[43] Singer, *Practical Ethics*, 1.
[44] Singer, *Practical Ethics*, 2.

religious ethics, is to avoid roasting in hell.[45] This claim might be an appropriate

description for a television evangelist, but it is not appropriate for the scholarly

thinking about ethics found in many religious traditions. The Bishop, for instance,

if he is Catholic, is unlikely to use the concept of hell as justification for moral

behaviour. Catholic tradition does acknowledge rules and principles, but this is

done on the basis of a long tradition of natural law theory in both philosophy and

theology.[46]

According to Singer, the fourth false assumption that people make is to think that

ethical claims are *either subjective or relative*. The bulk of *Practical Ethics* is

devoted to explaining how rational thinking thwarts claims that ethical decision

making is either subjective or relative. Singer rejects the traditional meaning of

subjectivism, namely, that judgments about human conduct are limited to personal

perception. He is, however, a subjectivist in the utilitarian sense because he agrees

with the claim that humans have a subjective motivation to pursue pleasure and to

avoid pain. But this form of subjectivism is rationally extended to a form of

ethical egoism.[47] This motivation promotes an initial desire for preferences or

interests to be satisfied on a subjective basis. However, once humans begin to

think ethically, the motivation to have one's own preferences satisfied ought to be

extended to all relevant stakeholders. Singer does not defend ethical objectivity in

the traditional sense because he claims that:

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[45] Singer, *Practical Ethics*, 4.
[46] Charles E. Curran, *The Catholic Moral Tradition Today: A Synthesis* (Washington: Georgetown University Press, 1999), 137.
[47] Singer, *Practical Ethics*, 319-320.

Ethical truths are not written into the fabric of the universe: to that extent the subjectivist is correct. If there were no beings with desires or preferences of any kind, nothing would be of value, and ethics would lack all content. On the other hand, once there are beings with desires, there are values that are not only the subjective values of each individual being. The possibility of being led, by reasoning, to the point of view of the universe provides as much "objectivity" as there can be.[48]

Singer agrees with Sidgwick that a rational moral agent ought to make decisions from the detached point of view of the universe:

The ethical point of view does, as we have seen, require us to go beyond a personal point of view to the standpoint of an impartial spectator. Thus looking at things ethically is a way of transcending our inward-looking concerns and identifying ourselves with the most objective point of view possible – with, as Sidgwick put it, "the point of view of the universe."[49]

Having outlined what Singer thinks ethics should not be overly concerned with, the next section will reconstruct the way he thinks ethics should be done, once reason is allowed to play its proper role. This reconstruction will show that Singer's three-step process for preference-based decision making provides a useful but not definitive method of moral enquiry. It will also show that the most significant weakness of the principle of equality is that it exhibits aspects of a noble theory that does not work in practice, at least for many complex issues.

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[48] Peter Singer, *How Are We to Live? Ethics in an Age of Self Interest* (Melbourne: Text Publishing, 1993), 231.
[49] Singer, *Practical Ethics*, 334.

5.5 What Ethics Is: The Role of Reason

In both *Practical Ethics* and *The Expanding Circle* Singer argues that solutions to moral dilemmas are possible by appreciating the role that reason plays using what he calls a *new understanding of ethics*.[50] He tackles some of the most intractable issues in practical ethics using this decision making method, and his statement on abortion below illustrates his confidence in the process.

> In contrast to the common opinion that the moral question about abortion is a dilemma with no solution, I shall show that, at least within the bounds of nonreligious ethics, there is a clear-cut answer and those who take a different view are simply mistaken.[51]

This is a bold claim because among the various arguments for and against abortion, no argument has achieved the statues of being *the* solution based on rationality *qua* rationality. Later in this chapter, Singer's solution will be shown to be plausible within the confines of preference calculus, but it also contains several basic assumptions that undermine his bold claim.

According to Singer, resolving ethical disputes is done by taking the impartial point of view and extending this to a type of equality that gives equal weight to the like interests of all relevant stakeholders.[52] This *new understanding* involves a three-step process of moral enquiry. Rational agents should, first, universalise self-interestedness by acknowledging the interests of other stakeholders; second,

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[50] Singer, *The Expanding Circle*, 148-173.
[51] Singer, *Practical Ethics*, 137.
[52] Singer, *Practical Ethics*, 21.

determine both the quantity and the quality of these interests; and, third, act in a way that promotes preference satisfaction overall. Singer's explanation for the role of reason in ethics is kept simple because his primary concern is to show how the principle of equality works. This is partly due to his target audience, but it is also because he thinks that the "proof of the pudding lies in the eating" as far as preference utilitarianism is concerned.[53]

Step 1: Ethical Action and Universalisation

Singer's first step of moral deliberation defends the claim that ethical conduct is acceptable only from a point of view that is universal. He cites Moses' version of the golden rule, the Stoic concept of a universal natural law, Kant's categorical imperative, and the utilitarian ideal that every stakeholder counts as one as justification for the claim that ethics involves universalisation of some sort.[54] The principle of universalisation is also referred to appropriately as the *principle of fairness* because it expands the consideration of ethics to all humans, such as in the *Universal Declaration of Human Rights*.

If Singer is right to suggest that some non-human animals exhibit self-awareness, then it would also seem reasonable to expand the circle of ethics to include them as well. The practical difficulty is how one decides where to draw the line between those animals and humans who are only sentient (cats, dogs, human fetus) and those animals and humans who are self-aware (humans over 2 years,

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[53] Singer, *Practical Ethics*, 8.
[54] Singer, *Practical Ethics*, 11.

chimps, dolphins). A pig, for instance, is not technically self-aware, although this may be due to a human preference for visual self-awareness. If, as seems to be the case, pigs, dogs, and cats differentiate themselves using their sense of smell, then the self-awareness circle might include many different species of animals. Singer does acknowledge that trying to calculate the qualitative interests of animals and humans is a difficult problem, and this issue will be dealt with later in this chapter.[55]

Singer explains that while most ethical theories take universalisation for granted, no single form of universalisation has been agreed upon. He is right that the principle of universalisation provides a boundary condition for ethical thinking that is removed from local or particular concerns. To this extent, the oldest expression of universalisation, "treat others only as you consent to being treated in the same situation," is as timeless as moral theory gets. Harry Gensler describes the Golden Rule as "wisdom of the ages" because it has been replicated in numerous and diverse human communities.[56]

Taken literally, however, the golden rule is absurd, which is why both Kant (a non-consequentialist) and Sidgwick (a consequentialist) sought to formalise this basic principle of fairness into a philosophical maxim. So, the principle of universalisation is best understood as a tool that philosophers use to identify the boundary of ethical theory, rather than as a means to solve moral problems. A major thinker like Kant uses three different formulations of the categorical

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[55] Singer, *Practical Ethics*, 61-63.
[56] Harry J. Gensler, *Formal Ethics* (New York: Routledge, 1996), 104-105.

imperative in an attempt to provide a prescriptive or formal approach to universalisation. His explanation of the categorical imperative illustrates the problems associated with pushing the principle of universalisation too hard. As a descriptive principle of fairness, universalisation remains a useful concept because it connects a moral claim with all the relevant stakeholders, but as a prescriptive tool it is incapable of solving complex moral dilemmas.

The failure of theories of ethics to agree on how to apply the principle of universalisation does not dissuade Singer from attempting an equally bold initiative.[57] He argues that precisely because ethics takes a universal point of view, a rational agent can accept that a moral action is never justified if it attempts to argue from the standpoint of a partial or sectional group. Therefore, the first step in Singer's version of moral enquiry is to accept that ethical actions have to be universalisable. Singer argues that deontological forms of universalisation are too demanding and that the only way to resolve Kantian-type rule conflicts is to formulate a complex hierarchy of rules or commands. He claims that the consequentialist approach is untouched by complexity problems because the emphasis is on goals.[58] Significantly, he does not say, at this early stage, why emphasising goals rather than duty reduces complexity. Later in this thesis this claim will be shown to be too bold, largely as a result of Singer's subsequent recognition of the impractical complexity of preference calculus in *The Expanding Circle*.[59]

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[57] Singer, *Practical Ethics*, 8.
[58] Singer, *Practical Ethics*, 3.
[59] Singer, *The Expanding Circle*, 161.

Singer argues that universalisation is a useful first step in ethics because it helps to differentiate claims about ethics from claims about personal or cultural preference. He illustrates this by showing how racism is thwarted by the principle of universalisation. Both consequentialists and non-consequentialists provide cogent arguments against racism, and the connecting principle for Singer is the principle of fairness or universalisation, even though the respective theoretical traditions may share almost nothing else in common. In other words, the principle of universalisation provides a *thin* justification for extending the boundary of ethical consideration to all humans – and perhaps some non-humans. From a historical perspective, this seems appropriate because many moral philosophers have used the principle of universalisation as the starting point of moral evaluation, even though they have had different perspectives on what constitutes universalisable moral argument.

However, the idea that one should universalise ethical deliberation in this way does have its critics. Toulmin argues that the Modern shift from particular concerns toward universals was a retrograde step because it rejected important Middle Age and Renaissance conceptions about ethics that followed Aristotle in claiming that the Good lacked universal form. Toulmin says the move toward principles of universality had its genesis in the seventeenth-century hope that ethics might achieve a formal theoretical status.[60] He claims that the Enlightenment shift toward universals was part of a general shift away from four

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[60] Toulmin, *Cosmopolis*, 30-35.

different kinds of practical knowledge advocated in Renaissance humanism: the oral, the particular, the local, and the timely. He further claims that the focus of philosophical enquiry during the Modern period ignored particular and local concerns because philosophers were searching for a higher-order foundation for ethics, one that was abstract, timeless, and universal.[61] Toulmin further argues that this search for an epistemic foundation for ethics was misguided precisely because practical philosophy should give timely consideration to oral, particular, and local concerns.[62] In effect he advocates a conception of rationality that targets the pragmatist concern for appropriate reasonableness between rational discussants, rather than one that is disconnected and impartial. Toulmin agrees with Rorty that strong foundationalist claims need to be rejected because they preclude a type of thinking that fits the practical rationality necessary for disciplines like medicine and law.[63]

Dancy is another philosopher who rejects the focus on moral universalisation. He claims that grounding ethical decisions in moral universalisability is mistaken because it ignores the difference that new knowledge can make to a given case.[64] Because this new knowledge may be sufficient to cause a change of mind about moral action, it calls into question what were previously thought to be sufficient reasons for moral judgment. Dancy claims that we should not be driven from case to case by universalisable moral judgments because we cannot be certain about the particular facts of a case on which moral action is judged.[65] In the same way

[61] Toulmin, *Cosmopolis*, 35.
[62] Toulmin, *Cosmopolis*, 186.
[63] Toulmin, *Cosmopolis*, 33.
[64] Dancy, *Introduction to Contemporary Epistemology*, 240.
[65] Dancy, *Introduction to Contemporary Epistemology*, 240.

that an experimental scientist can never be certain that experimental probability leads to facts, a moral agent will not be sure that a universalisable moral rule should be applied to a particular case. Dancy argues that ethics does not need "a suitable supply of moral principles" because practical rationality is about particular cases and should always be open, revisable, and conditional to the complexities involved.[66]

This is the problem Kant overlooks when he tries to justify how one categorical imperative can be used to trump another. In his essay, *On a Supposed Right to Tell Lies from Benevolent Motives,* Kant defends the moral duty to be truthful to a murderer, even when lying could prevent harm. He states that honesty and truthfulness are a "sacred and unconditional command of reason, and not to be limited by any expediency."[67] Kant is responding to critics who claim that moral imperatives are not absolute. Modern philosophers also reject the absolute commands of reason that Kant attached to the principle of universalisability. For example, MacIntyre argues that as long as one is creative, absurd propositions such as "let everyone except me be treated as a means" can be turned into categorical imperatives.[68] This proposition seems blatantly immoral but it is consistent with all formulations of Kant's categorical imperative.

In Singer's case, however, he does not use the principle of universalisation in this formal sense. Rather, he uses it as a principle of fairness, to show how ethical

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[66] Dancy, *Ethics Without Principles*, 5-7.
[67] Immanuel Kant, "On a Supposed Right to Tell Lies from Benevolent Motives" (1797), in Thomas K. Abbot, trans. *Kant's Critique of Practical Reason and Other Works on the Theory of Ethics*, sixth edition (London: Longmans, Green and Co., 1954), 361.
[68] MacIntyre, *After Virtue* (2007), 45.

thinkers differentiate between ethical claims that are universal and other claims that are not. The fact *that* they universalise is Singer's justification for taking this first step in moral enquiry. Given this limited understanding, it seems to provide an appropriate boundary for articulating moral claims.

Step 2: Ethical Action and Preference Utilitarianism

After grounding ethics in the principle of universalisation, Singer's second step of moral enquiry is to adopt what he calls a broadly utilitarian position.[69] He follows Sidgwick in claiming that from the "point of view of the universe," it is self-evident that the good of one individual counts the same as the good of another.[70] In so doing, Singer argues that we can no longer limit ethical consideration to humans and that the circle of ethics should therefore be expanded to include all sentient beings at one level and self-aware beings at another.[71] He explains that the motivation to include sentient and self-aware animals in ethical consideration is simply an extension of the type of arguments now used to oppose racism. When rational thinking eventually acknowledged that the colour of a person's skin was irrelevant to ethical concerns, treating people differently for that reason was no longer acceptable. For Singer, the time has come to expand the circle of ethics as far as the sentience boundary, because this is the only reasonable comparison that can be made between humans and other species.[72]

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[69] Singer, *Practical Ethics*, 12.
[70] Henry Sidgwick, *The Methods of Ethics* [1874], seventh edition (London: Macmillan, 1907), 382.
[71] Singer, *Practical Ethics*, 55.
[72] Singer, *Practical Ethics*, 58. He has in mind here previous claims about species separation based on the use of tools, capacity for rational thinking, and, more recently, the capacity for language.

In many institutions this recognition has already taken place. In Australia, research institutions are required to consider the suffering that animals may experience in the process of the research. It is routine now for animal research ethics committees to reject applications that fail to take animal suffering into consideration. When *Practical Ethics* was written, Singer had in mind pharmaceutical and cosmetic companies who, until relatively recently, gave no serious consideration to the suffering caused to their animal research subjects. Singer's method of explanation, however, seems unnecessarily provocative, and this sometimes masks the point he is trying to make:

> If experimenters are not prepared to use orphaned humans with severe and irreversible brain damage, their readiness to use nonhuman animals seems to discriminate on the basis of species alone.[73]

Singer is not suggesting that experimenters ought to start using disabled humans as research subjects. He is making the point that a severely disabled child has less capacity to suffer (sentience) than many research animals. Singer's thought experiment highlights a significant problem associated with preference calculus. The child in the case above must be orphaned because Singer appreciates that a non-orphaned child has parents whose interests need to be considered. This accommodation to the loss felt by parents provides a key to appreciating why Singer's disabled infant illustration fails on utilitarian grounds. If one takes into consideration the interests of parents then one ought also to take into

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[73] Singer, *Practical Ethics*, 65.

consideration the interests of unrelated members of the community who feel uncomfortable about using disabled children in this way. If so, then the interest calculus is weighted against using disabled children. A fuller account of the problems associated with the principle of equal consideration of interests will follow later in this chapter, but the following description highlights the problem in the above case:

> The principle of equal consideration of interests acts like a pair of scales, weighing interests impartially. True scales favour the side where the interest is stronger or where several interests combine to outweigh a smaller number of similar interests; but *they take no account of whose interests they are weighing*.[74]

The capacity to suffer is used by Singer as a short-hand category for sentient beings. Because the capacity to suffer is not restricted to humans, a rational agent ought to accept that the subjective human preference to avoid suffering must, in some sense, also be accepted for all sentient beings.[75]

> The essence of the principle of equal consideration of interests is that we give equal weight in our moral deliberations to the like interests of all those affected by our actions. This means that if only X and Y would be affected by a possible act, and if X stands to lose more than Y stands to gain, it is better not to do the act. We cannot, if we accept the principle of equal consideration of interests, say that doing the act is better, despite the facts described, because we are more concerned about Y than we are about X. *What the principle really amounts to is this: an interest is an interest, whoever's interest it may be*.[76]

[74] Singer, *Practical Ethics*, 22 (emphasis added).
[75] Singer, *How Are We To Live?*, 262.
[76] Singer, *Practical Ethics*, 21 (emphasis added).

The reason that Singer's thought experiment about using disabled orphans as research subjects can be rejected, on preference utilitarian grounds, pivots on the last sentence in the quote above. When Singer claims both that "true scales favour the side where the interest is stronger or where several interests combine to outweigh a smaller number of similar interests" and that "an interest is an interest, whoever's interest it may be," he seems not to appreciate how this impacts on his animal suffering argument. At some stage, the amount of preference satisfaction achieved by causing animals to suffer could conceivably be overridden by a greater number of people who benefit from the research. Were this to be the case, preference calculus justifies animal suffering.

Singer's description of a sphere or circle of interest[77] is similar to cost-benefit protocols commonly used in a stakeholder analysis.[78] The aim of stakeholder analysis is to map the stakeholders and then to give equal consideration to their concerns. Equal consideration does not imply that the interests of all stakeholders are granted equal value. There are often valid reasons for overriding the interests of a small number of stakeholders if the benefits gained from doing so are substantial, so equal consideration does not necessarily imply equal treatment.

The difference between Singer's preference circle and other stakeholder models is the recognition of the individual interests of non-human stakeholders. In other stakeholder models, animals are lumped together in species groups. In Singer's

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[77] Singer, *Practical Ethics*, 18.
[78] For example, the office of the Public Sector Standards Commissioner in Western Australia makes extensive use of stakeholder protocols in administering the *Public Sector Management Act 1994*.

version of interest calculation, the individual cow, sheep, or chicken has interests that ought to be given equal consideration in the same way as that offered to individual humans.[79] A chicken counts for something because it can suffer and therefore the decision to use a battery-hen model of egg production must weigh the amount of individual chicken suffering against the amount of interest satisfaction from farmers and people who eat eggs. If eggs can be harvested from hens not held in cages, for little extra cost, then it seems reasonable to choose this method. A method of egg harvesting that does not require a battery of hens appears to diminish only marginally the interest of egg eaters, whereas the suffering of the battery hens appears significant. Because hens are sentient creatures, Singer's second step of moral evaluation seems valid, at least to some extent.

The idea that one should expand the circle of ethics to include animals is a reasonable extension to traditional arguments that limit ethics to human concerns only. Singer argues that because there is no justification for refusing to take any interests into consideration, the "limit of sentience (using the term as a convenient, if not strictly accurate, shorthand for the capacity to suffer or experience enjoyment or happiness)" is the only defensible boundary of concern for a moral agent.[80] The difficulties associated with implementing this aim might diminish its impact, but it still seems a reasonable goal to pursue. Bentham's

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[79] Singer, *Practical Ethics*, 132.
[80] Singer, *Animal Liberation*, 58.

claim, that if a being can suffer, it should be given ethical consideration is arguably still the best formula for the ethical consideration of animals.[81]

Step 3: Ethical Action and the Principle of Impartial Concern

Singer's third step of moral enquiry requires a moral agent to calculate interests or preferences in a manner that achieves the most preference satisfaction for all stakeholders on an impartial basis. It is this third step toward preference satisfaction that brings into focus the calculus problems referred to earlier. The practical problem of calculating equal consideration of interests is critical, and Singer's initial contention that ethics must work in practice is seriously compromised, at least for complex cases.

This section will reconstruct Singer's explanation of how equal consideration is applied by an impartial rational agent. Using his own examples, the reconstruction will show that the equality principle is not straightforward. According to Singer, a rational agent ought to acknowledge the principle of universalisation, expand the circle of ethics to include all stakeholders (human and non-human), and then apply the principle of equality to the stakeholders on an impartial basis. Singer describes his position as both "ambitious" and "tentative."[82] It is indeed ambitious to think, given several millennia of moral thinking, that a new version of

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[81] Jeremy Bentham, *Introduction to the Principle of Morals and Legislation* (Oxford: Clarendon, 1789), 400.
[82] Singer, *Practical Ethics*, 14.

utilitarian calculus can achieve what other theories of ethics have thus far failed to accomplish.

In *Practical Ethics* Singer is appropriately tentative because he is attempting to show how a consistent utilitarian position deals with ethical issues unresolved using traditional methods of ethical decision making. He states that the principle of equality is a basic ethical principle, not an assertion of fact, because it takes seriously the interests of the stakeholders for their own sake.[83] The defence of this claim takes up only four clearly argued pages in *Practical Ethics*. Singer argues that the principle of equality, or equal consideration of interests, has four characteristics:

- Equal consideration of interests gives equal weight to the like interests of all affected by an action because an interest is an interest, no matter whose interest it might be.

- Equal consideration of interests acts like a pair of scales, weighing interests impartially and favouring the side on which the interests are stronger [qualitative calculus] or on which several interests combine to outweigh a smaller number of similar interests [quantitative calculus]; but it takes no account of whose interests are being weighed.

- Equal consideration of interests prohibits making our readiness to consider the interests of others depend on their abilities or other characteristics, apart from having interests.

- Equal consideration of interests is a minimal principle of equality because it does not dictate equal treatment.[84]

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[83] Singer, *Practical Ethics*, 21.
[84] Singer, *Practical Ethics*, 21-23.

At one level, this minimal description serves as an appropriate introduction to the type of preference calculus Singer advocates. He introduces the equal consideration of interests model by arguing that "the universal aspect of ethics … does provide a persuasive, although not conclusive, reason for taking a broadly utilitarian position."[85] He also provides an appropriately tentative epistemological limitation on the role that equal consideration of interests plays in rational ethical deliberation:

> This tentative argument for utilitarianism corresponds to the way in which I shall discuss practical issues in this book. I am inclined to hold a utilitarian position, and to some extent the book may be taken as an attempt to indicate how a consistent utilitarianism would deal with a number of controversial problems.[86]

Given these limitations, *Practical Ethics* achieves this limited aim because the bulk of the book is devoted to explaining how a preference utilitarian applies equal consideration of interests to complex issues. Singer's tentative defence of preference utilitarianism mitigates the calculus problems referred to earlier. With the publication of *The Expanding Circle*, however, Singer provides a more nuanced philosophical defence of the principle of equality, and he is bolder about equal consideration of interests as a decision making protocol.[87]

In *The Expanding Circle* Singer also changes the name of the calculus required in preference utilitarianism. In *Practical Ethics* the focus is on equal consideration of

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[85] Singer, *Practical Ethics*, 12.
[86] Singer, *Practical Ethics*, 15.
[87] The second edition of *Practical Ethics* (1993) provided no substantive changes to the basic argument behind the equality principle in the first edition.

interests but this phrase is confusing because, as Singer says, "Equal consideration of interests is a minimal principle of equality in the sense that it does not dictate equal treatment."[88] This confusion is partly due to the imprecision of Singer's description of equal consideration of interests. For instance, in *The Expanding Circle* the principle of equality is described as a decision making protocol that gives "equal weight to the interests of all affected by it."[89] This statement implies that all interests have equal weight, but this is not what he means. The essence of the principle of equality is expressed more cogently in *Practical Ethics* where he states that an impartial decision maker should give "equal weight" to the "like interests" of all stakeholders.[90] This is because some stakeholders have stronger interests than others. However, the epistemological problem here is that a decision that involves both quantitative and qualitative evaluation of interests requires inside knowledge of the stakeholders. This requirement bears directly on the concept of impartiality, which Singer claims is indispensible for preference satisfaction.

In *The Expanding Circle* Singer describes the process of impartial ethical consideration in several ways: as "the principle of impartial consideration," as "an objective point of interest of all," as an "imperative of impartial reason," as the "viewpoint of an impartial spectator," as an "appeal to impartial rationality," as a "standpoint of impartial reasoning," and as "the standpoint of impartial

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[88] Singer, *Practical Ethics*, 23.
[89] Singer, *The Expanding Circle*, 100.
[90] Singer, *Practical Ethics*, 21.

concern."[91] The following reconstruction will use his phrase, "principle of impartial consideration," to mean the process of applying equal consideration of like interests from an impartial perspective. In *The Expanding Circle* Singer combines the biological explanation for ethics with a revised account of impartial consideration of interests.[92]

As discussed earlier Singer defends evolutionary altruism as the basis for rational thinking in ethics. He then argues that reason progressed from altruistic acts to acts defined by customary rules and traditions. For Singer, the principle of equality is the next logical step that reason must take if it is to progress. In *The Expanding Circle* Singer makes a series of bold assertions concerning the practical application of the principle of impartial consideration. For example,

> We can progress toward rational settlement of disputes over ethics by taking the element of disinterestedness inherent in the idea of justifying one's conduct to society as a whole, and extending this into the principle, that to be ethical, a decision must give equal weight to the interests of all affected by it.[93]

Inherent in this bold claim is that *if* rational agents use the principle of impartial consideration in ethical thinking *then* progress can be made towards resolving complex ethical issues. This argument resembles the appeal to a standard model approach referred to previously. This resemblance is strengthened when Singer further argues that the principle of equal consideration of interests stands

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[91] Singer, *The Expanding Circle*, 109, 153, 155, 156, 157, 158, 165. In this book Singer does use the concept of equal consideration of interests but as a precursor to the process of impartial consideration.
[92] Singer, *The Expanding Circle*, xi.
[93] Singer, *The Expanding Circle*, 100.

"alone"[94] and is "unique" as a "rational basis for ethical decision making."[95] In short, ethical behaviour evolved out of our social instincts and progressed, once the capacity to reason developed, to give a rational agent a broader point of view, which allowed interest calculation to be done on an impartial basis.[96] By combining the altruistic origin of ethics with an understanding of impartiality, one arrives at what Singer calls a *new understanding of ethics*.[97] This is the same position he advocates in *Practical Ethics,* but he makes it more assertively in *The Expanding Circle*. He is now convinced that progress toward rational solutions for moral issues is possible by taking the idea of impartiality and extending it to give equal weight to the like interests of all affected stakeholders.[98]

Singer makes a further strong claim when he argues that "wherever there are rational, social beings, whether on earth or in some remote galaxy, we could expect their standards of conduct to tend toward impartiality, as ours have."[99] The claim that a rational social being in another galaxy would also give equal weight to the like interests of all affected stakeholders seems overstated. There is no obvious evolutionary requirement that a rational social being in another galaxy would have a sense of self at all, let alone one similar to humans. It is quite possible that a rational being, without a sense of self, would have an evolutionary advantage. For instance, a rational being with a strong social network, but without a sense of self, would probably be more efficient in its decision making because

[94] Singer, *The Expanding Circle*, 109.
[95] Singer, *The Expanding Circle*, 111.
[96] Singer, *The Expanding Circle*, 109.
[97] Singer, *The Expanding Circle,* 148-173.
[98] Singer, *The Expanding Circle*, 100.
[99] Singer, *The Expanding Circle*, 106.

its evolutionary fitness would be driven by goals associated with a collective good rather than the privatised good associated with individuals. If life on Earth serves as a type-case for how life evolves generally, then Singer's claim seems overstated because social animals with a sense of self are rare. The most common and successful evolutionary model of social cooperation on this planet is the type of cooperative behaviour found among non-self-aware beings.

Singer's other claim, that equal consideration of interests is the only "rational basis for ethical decision making" is also overstated. This bold assertion is strange given the acknowledgement in *The Expanding Circle* that preference calculus has several practical difficulties, an acknowledgement confirmed by the case studies in the next section of this chapter.

The *new understanding of ethics* promoted in *The Expanding Circle* provides a different set of conditional statements associated with the principle of impartial consideration than that offered in *Practical Ethics*. For instance, in *Practical Ethics* Singer is dismissive of the need for rules, but in *The Expanding Circle* he recognises that rules are necessary for social interaction. In *Practical Ethics* he says that a system of rules breaks down because it has to develop an increasingly hierarchical structure of complex rules to resolve conflicts.[100] In *The Expanding Circle*, however, Singer now acknowledges that the principle of impartial consideration is too demanding so that some common morality rules are now required.[101] Because a rational agent could always do something more, impartial

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[100] Singer, *Practical Ethics*, 3.
[101] Singer, *The Expanding Circle*, 161.

consideration is too demanding or, in Singer's words, the principle of impartial consideration is an "ethic for saints" when most of us are sinners.[102] Singer seems to recognise, with his saints and sinners analogy, that a fully impartial rational being is not going to be found among humans. An impartial rational thinker with a sense of self also seems like a contradiction in terms because a being with a strong sense of self will have desires and motivations that inhibit its capacity for making decisions solely on the basis of the principle of impartial consideration.

The *new understanding of ethics* defends the need for a set of rules for the following reason. Common morality rules are necessary because they trade on a "feeling for others" rather than on an "impersonal concern for all."[103] This is a significant shift given the "proof of the pudding" justification for equal consideration of interests in *Practical Ethics*.[104] This conditional application for impartial concern has its own set of problems. For instance, on what basis does an impartial agent decide which common morality rules to obey and which not to obey? The following case studies used by Singer illustrate how the application of the equality principle fails the "proof of the pudding" test.

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[102] Singer, *The Expanding Circle*, 159.
[103] Singer, *The Expanding Circle*, 159.
[104] Singer, *Practical Ethics*, 8.

5.6 Impartial Consideration of Interests: Practical Case Studies

Case 1: Battery Hens or Economic Profit

Even in simple cases preference calculus can be complicated so that establishing objective criteria on which to assess the quantitative and qualitative interests of the stakeholders is challenging. The battery hen example, referred to previously, illustrates this point. For instance, it is not clear how an impartial agent can decide what criteria to use for both quantitative and qualitative preference satisfaction between the farmer and the hens. According to Singer, self-aware beings are normally entitled to greater consideration within the circle of interest because self-aware beings can fit the experience of suffering, or even the potential to suffer, into an extended awareness of their own lives.[105] For example, it could be the case that the loss of production to the farmer is so substantial that it would bring a significant level of suffering to himself, his family, and his employees. Because farmers, employees, and other family members have qualitatively greater capacity for suffering than hens, the process of preference or interest satisfaction must be weighted in their favour, at least on an individual basis.

If this is the case, then the farmer's extended awareness of his own suffering, the loss of his livelihood, and the impact on his family may lead to preference satisfaction (qualitatively considered) in their favour, even when compared to hundreds of caged battery hens. Although it seems counterintuitive, it also seems

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[105] Singer, *Practical Ethics*, 73.

possible that hens in cages are not as stressed as humans think because research on battery hen stress cortical levels is ambiguous.[106] However, even if one grants a significantly higher stress level to battery hens, at what point do combined hen interests outweigh combined human interests, impartially considered?

Case 2: A Case of Competing Loyalties

A similar calculus problem arises in the sick father illustration that Singer uses to show how impartial consideration ought to be applied.[107] He describes a situation in which he has an existing dinner appointment with three friends but his father phones and tells him that he is sick. Singer acknowledges that the decision to visit his sick father or to keep his dinner appointment is a matter of judgment, because the preferences of the various stakeholders "do not come with labels attached."[108] He claims, however, that an impartial observer can arrive at a "reasonably confident verdict" by imagining himself in the position of each of the various stakeholders. He can then weigh up the respective preferences and take the action that provides the most preference satisfaction.[109]

There are several practical problems in this apparently simple case that impact on the efficacy of the principle of impartial consideration as a method of rational decision making. For instance, Singer does not consider the relationship between himself and the other stakeholders to be morally significant, because the element

[106] Shaniko Shini, "Physiological Responses of Laying Hens to the Alternative Housing Systems," *International Journal of Poultry Science* 2/5 (2003): 357-360.
[107] Singer, *The Expanding Circle*, 101-102.
[108] Singer, *The Expanding Circle*, 161.
[109] Singer, *The Expanding Circle*, 101-102.

of disinterestedness precludes this.[110] However, he also says that because he knows his father and his friends well, he can confidently say that his father's preference to be visited outweighs the combined preferences of the other four stakeholders (himself and his three friends). If inside knowledge of the stakeholders is necessary for preference satisfaction, however, in what sense is the decision disinterested?

A further problem arises with the application of the principle of impartial consideration because it is not clear how or why Singer's decision to visit his own father provides practical guidance in similar cases. In Singer's example, he is convinced that the regret of his friends is less significant than the disappointment of his father. Even if one concedes that Singer is right because he knows his sick father and his friends well, the process of impartial consideration does not take seriously enough several other factors that can influence rational decision making. For instance, it ignores issues of projection and manipulation that can and do take place within familial relationships. It ignores the impact a domineering father might have on the son's decision making capacity. For example, the son knows from past experience that his father gets angry if he does not visit when asked to, and this could influence his decision making. In this scenario, the father's preferences are strong-type preferences, but they are also selfish and manipulative. According to the principle of impartial consideration, the son would have to concede to this selfish behaviour because "true scales" favour the stronger interests without taking into account whose interests are being weighed.[111] Singer

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[110] Singer, *The Expanding Circle*, 109.
[111] Singer, *Practical Ethics*, 22.

appreciates the difficulty of establishing the facts on which to base the principle of impartial consideration, but he still maintains that impartial consideration can "test the soundness" of ethical choices.[112] Given the practical problems highlighted above, it is difficult to know what it might mean to "test the soundness." The decision to ignore emotional, psychological, relational, and historical alliances in favour of preference satisfaction is both a theoretical and practical problem with the principle of impartial consideration model of rational decision making.

Case 3: Warriors and Nut Gatherers

In another illustration Singer uses a dispute over scarce resources between warriors and nut gatherers. He contends that the respective claims of the warriors and the nut gatherers can only be evaluated by appealing to something other than self-interest (such as the warriors need more energy for fighting than nut gathers do for gathering nuts).[113] He argues that a warrior is entitled to a larger share of nuts, and that this decision is impartial because it compares energy requirements necessary for fighting and for nut gathering. This justification is impartial as far as energy requirements are concerned because all warriors get the same amount of nuts.[114]

Singer then argues that because both warriors and nut gatherers make a claim for more nuts, a valid decision would be one that can be justified to warriors, nut

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[112] Singer, *The Expanding Circle*, 102.
[113] Singer, *The Expanding Circle*, 93.
[114] Singer, *The Expanding Circle*, 93.

gatherers, and the community in general. Customary morality in this sense, according to Singer, is a "system of rules and precepts guiding our conduct towards one another, supported by widely shared judgments of approval … and disapproval."[115] Here again we see a significant shift in thinking between the justification for equal consideration of interests in *Practical Ethics* and the justification for the principle of impartial consideration in *The Expanding Circle*.

Anne Maclean rightly shows that Singer's warrior/nut gatherer consideration is compatible with the recognition of warriors' requirements, but this type of impartiality is different from that required by the principle of impartial consideration.[116] Maclean argues that Singer equivocates on the meaning of impartial consideration, between the decision to accept that moral standards must be disinterested or impartial and the suggestion that impartiality implies equal consideration.[117] She argues that when Singer makes a moral judgment between the respective needs of warriors and nut gatherers he argues for a decision that is acceptable to all members of the group, a type of customary morality.[118] McLean is right here because customary rules are impartial in one sense, because they apply to every situation of the same kind, but they are also partial in another, because they are derived from a particular communal understanding of why warriors ought to get more nuts than the nut gatherers. The type of impartial judgment necessary for the principle of impartial consideration is not like this

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[115] Singer, *The Expanding Circle*, 92.
[116] Anne Maclean, *The Elimination of Morality: Reflections on Utilitarianism and Bioethics* (New York: Routledge Press, 1993), 52.
[117] Maclean, *The Elimination of Morality*, 52.
[118] Singer, *The Expanding Circle*, 94.

because the moral agent places herself in the role of all the stakeholders in order to work out which action provides the most preference satisfaction.[119]

Case 4: Earthquake Triage

Singer offers a further justification for the equality principle with two illustrations of what one ought to do when confronted by victims of an earthquake when one has limited resources. In the first case Victim A has a crushed leg and is in agony while Victim B is in slight pain.[120] In this case Singer argues that equal treatment (one shot of morphine each) will not do because A will still be in great pain after only one shot of morphine. More pain is relieved by unequal distribution because A is in considerably greater pain than B. Singer states that this type of assessment "is in line with the principle of declining marginal utility," a guiding principle that "for a given individual, a set amount of something is more useful when people have little of it than when they have a lot."[121] When coupled with the principle of equal consideration of interests, more weight is granted to individual preferences if greater overall preference satisfaction can be achieved by unequal treatment. Thus, in this case Singer suggests that the preference value of A is greater than that of B.

There is not much to argue about in this case as long as the facts of the case are as given. It does seem reasonable to give A all the pain relief, but whether one needs

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[119] Maclean, *The Elimination of Morality*, 58.
[120] Singer, *Practical Ethics*, 24-25.
[121] Singer, *Practical Ethics,* 24.

the justification of preference calculus, or any ethical justification at all, is a moot point. One could argue that this case illustrates a practical rather than an ethical dilemma. If the decision maker decided to give one shot of morphine to each patient, she could hardly be described as committing an unethical act, given the emergency setting.

To illustrate how preference satisfaction works in a more complex setting, Singer alters the scenario so that Victim A has now lost a leg and is in danger of losing a toe while Victim B has an injured leg that can be saved.[122] Once again, the rational decision maker only has enough medical resources to treat one patient. Singer argues that the rational impartial observer should treat the less seriously injured person first, Victim B, because it is worse to lose a leg than it is to lose a toe.[123] In this case Singer claims that one should not use the principle of declining marginal utility because treating the less serious patient provides more preference satisfaction. This is because the more seriously injured patient has already lost a leg and the scarce resources can only be used to save a toe, whereas, by devoting the resources to the less seriously injured person, a leg is saved.

This account is obviously a thought experiment, which Singer uses to illustrate how complex situations require different types of reasoning. The problem with his account, however, is that it relies on the facts of the case being known to the impartial rational observer. Ethical decision making using equal consideration of interests involves a subjective analysis by the rational agent of the qualitative and

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[122] Singer, *Practical Ethics*, 25.
[123] Singer, *Practical Ethics*, 25.

quantitative preferences of individual stakeholders. The subjective nature of equal consideration and the difficulty of consistency are symptomatic of problems associated with the predictive calculations necessary in all forms of utilitarianism. Utilitarian theories in general pivot on the ability of the rational agent to ascertain correctly the product of the calculus: for Bentham it is the pain/pleasure calculus; for Mill it is the quality of happiness; and for Singer it is preference satisfaction. It is for this reason that Singer refers to himself as a cognitivist, at least as far as ethics is concerned, because preference calculus requires that the facts of a given case are in some sense knowable by the impartial observer.[124]

Singer uses the two cases above to illustrate what an impartial observer ought to do in an emergency. His rational solution is not what would happen in a real emergency, however, because in a real emergency the person with scarce resources is a paramedic who by definition is not an impartial observer. A paramedic trained in emergency medicine knows that facts of triage medicine can be elusive. It is for this reason that the actions of an individual paramedic ought to be governed more by training and precedent than by rational preference satisfaction.[125]

This case illustrates the practice-guided type of enquiry that will be advocated in Chapter 7 because the paramedic works within the tradition of medicine or, more specifically, emergency triage, so that she is guided by established "internal

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[124] Peter Singer, "A Response," in Dale Jamieson ed., *Singer and His Critics* (Oxford: Blackwell, 1999), 269-270.
[125] Paramedics know that a patient making noise may be at less risk than someone who is quiet.

goods" of emergency practice.[126] As a paramedic, she is not the arbiter of what

constitutes "good" decision making in emergency situations. She is responsible

for making the decision about who to treat and not to treat, but even here there are

specific action guides within the practice of triage medicine. Hence, a paramedic

does not make impartial decisions based on facts but acts according to standard

triage protocol. The most common form of triage uses a colour-coded

prioritisation system. A triage officer in charge might already have tagged

patients. The triage officer makes a judgment call about the severity of injuries

and tags each patient with a card folded in one of four ways.[127]

1. RED   Top priority: Casualties whose injuries are
considered life-threatening.

2. YELLOW   Second priority: Casualties whose injuries are
not considered life-threatening but need
treatment prior to transport.

3. GREEN   Walking wounded: Casualties who are able to
walk and can be transported from the scene.

4. BLACK   Dead: left for certification by a medical officer.

Good decision making in triage medicine conforms to good practice, and good

practice is determined over time by generations of people trained in emergency

medicine. Triage (sorting) is thus a pragmatic tool used by paramedics to make

emergency medical decisions because the concept of good medicine is a

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[126] Triage is a military word meaning to sort or separate casualties according to the extent of their injuries and the urgency of treatment required. *Training manual* (St. John Ambulance Australia, 1999).
[127] St. John Ambulance Australia, *Training manual*.

historically extended practice and therefore not amenable to the impartial consideration of a rational agent.

If the facts of the first simple case are taken for granted, then the decision maker using either the equality principle or medical triage would probably do the same thing. In the second, more complex case, however, the rational preference decision maker risks making a wrong decision, on utilitarian terms, because Victim A may in fact be more seriously injured than first thought. If, for the sake of explanation, the diagnosis of A is wrong, because he has an aortic tear as well as having lost a leg, then his life-saving treatment would trump, on preference utilitarian terms, the leg-saving treatment that Victim B requires. In a complex situation, the predictive requirements of utilitarianism necessitate that the rational agent make sound judgments about preferences on an impartial basis when it is probably not possible to do so.

The paramedic using triage protocol, on the other hand, would be considered to have followed good practice even if she misses the aortic tear and treats Victim B first. All that the paramedic need do is to act in a way that is consistent with standard triage practice. Diagnosis at emergency sites must of necessity be based on professional judgment, and if the judgment of the triage officer turns out to be wrong, this does not make the actions of the triage officer bad practice; it simply means an unfortunate decision was made in a difficult situation. Adding complexity to the simple scenarios that Singer uses is not an exercise in pedantry

because complexity provides a more realistic boundary for the types of ethical decision making common in medicine.

5.7 Conclusion

Several problems arise in relation to Singer's argument for preference calculus, primarily because he overstates the efficacy of his version of preference utilitarianism in a pluralist society such as Australia. If one accepts both Singer's initial argument in *Practical Ethics* that the study of ethics should not promote *noble theories that do not work in practice* and also his latter concession from *The Expanding Circle* that the decision to take "seriously the idea of impartial concern for all would be impossibly demanding,"[128] then the only conclusion one can draw from this is that the principle of equality should not be promoted. Certainly one should not be as assertive as Singer is when he claims that the equality principle allows progress towards settling disputes over ethics,[129] that impartial consideration is the only rational basis for ethics,[130] and that the principle of impartial consideration is a uniquely rational basis for ethical decision making.[131]

These overstated claims for the role that reason plays in practical ethics serve to illustrate Williams' concern that simplification in ethics is a mistake, because moral deliberation is necessarily complex and engages human characteristics other than the capacity for rational thinking. In this regard, Singer's version of practical

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[128] Singer, *The Expanding Circle*, 159.
[129] Singer, *The Expanding Circle*, 100.
[130] Singer, *The Expanding Circle*, 109.
[131] Singer, *The Expanding Circle*, 111.

decision making suffers from a problem similar to the Beauchamp and Childress model. The moral life is too complex for the type of decision making model that Singer promotes. While it is certainly a good idea to give serious consideration to the interests of all relevant stakeholders, Singer's claim that impartial consideration allows progress towards solving complex moral dilemmas is overstated.[132]

The focus of this thesis is the *cash value* or *practical consequences for human conduct* of decision making protocols in practical ethics. From this pragmatist perspective, Singer's preference utilitarian decision making protocol has diminished cash value in a pluralist society. When Singer presents his version of preference utilitarianism as something like a standard model of ethics for rational agents, he overstates its efficacy, at least in a pluralist society. There is no consensus among philosophers, the primary rational discussants in moral philosophy, that Singer's principle of impartial consideration is as efficacious as he contends. Moreover, in a pluralist society, the equality principle lacks the explanatory power necessary for it to trump other theories of ethics.

Another significant problem with Singer's equality principle is that it is ambiguous. This ambiguity relates to whether Singer is a cognitivist or a non-cognitivist, as far as ethical truths are concerned. In a series of essays published in 1999, Singer responded to Frank Jackson's claim that he was a non-cognitivist in relation to moral truth because Jackson assumed that Singer's version of

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[132] Singer, *The Expanding Circle*, 100.

preference utilitarianism has the same non-cognitivist basis as Richard Hare's moral prescriptivism.[133] For Hare, a utilitarian conclusion can be achieved so long as one knows the facts of a given case and is prepared to universalise ought-type statements to maximise the preferences of all concerned. Jackson interprets Singer's explanation in *Practical Ethics* as a non-cognitivist appeal to inferences that are not true in the epistemic sense but which do contain prescriptive force or ought-status.[134] In reply, Singer says that Jackson is wrong to refer to him as a non-cognitivist. While he does agree with Hare that moral statements contain imperatives, Singer states that he follows Sidgwick in claiming, "it is a self-evident truth that from 'the point of view of the universe,' the good of one individual is of no greater significance than the good of another."[135] Thus, as far as Singer is concerned, there is at least one important ethical judgment that is self-evidently true, which is why he would not call himself a non-cognitivist.

Singer's appeal to "the point of view of the universe" was addressed in Chapter 1 so it suffices to repeat here Williams' point that the disengaged or impartial moral agent is precisely what one does *not* want when dealing with complex moral issues.[136] The four case studies above illustrate this point. In the first case, while it seems counterintuitive, it is possible that healthy hens in battery cages are less stressed than healthy free-range hens. In the case of competing loyalties, Singer

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[133] Hare's claim in *Moral Thinking* is that a rational agent can derive utilitarian conclusions from facts using the logic of words used in moral deliberation. Richard M. Hare, *Moral Thinking: Its Levels, Method, and Point* (Oxford: Oxford University Press, 1981). Hare was Singer's doctoral supervisor.
[134] Frank Jackson, "Non-Cognitivism, Validity and Conditionals," in Dale Jamieson ed., *Singer and His Critics* (Oxford: Blackwell, 1999), 18-19.
[135] Singer, "A Response," 270.
[136] Williams, *Ethics and the Limits of Philosophy,* 110.

ignores the emotional and psychological issues that impact on the strength of preference satisfaction. A strong preference can result from being selfish, or narcissistic, or even cruel, so a rational agent should not satisfy these preferences simply because they are strongly held. In the triage case, the complexity of the second scenario diminishes the ability of a rational agent to provide the most preference satisfaction because the facts of the case are too complicated. In this case the practice of triage medicine offers a superior decision making protocol than the principle of impartial consideration. In the long run, moreover, the utility of triage medicine is superior to preference calculus because it is driven by a teleological imperative (health) that is useful in many different settings.

Perhaps the major difficulty with Singer's position is one he recognises. Toward the end of *The Expanding Circle* he acknowledges that "taking seriously the idea of impartial concern for all" is "impossibly demanding," because there is always something else we could have done better, and so some common morality rules are required because an "ethic of rules" places appropriate limits on what is expected of a moral agent.[137] Further on in the same passage Singer offers another reason for having rules, namely, that we "lack the time and information needed" for "long and involved calculations."[138] This more realistic assessment of impartial consideration is in stark contrast to his earlier assessment in *The Expanding Circle* that "standards of conduct" for self-aware beings anywhere in the universe will "tend toward impartiality, as ours have."[139] Having recognised

[137] Singer, *The Expanding Circle*, 159.
[138] Singer, *The Expanding Circle*, 161.
[139] Singer, *The Expanding Circle*, 106.

that impartial consideration of interests is too demanding, he goes full circle and says that some "common morality" rules are therefore now required.[140] Rules are now necessary for the following reasons:

- To limit moral obligations
- To make them more personal
- To educate the young
- To reduce the need for intricate calculations
- To control the temptation to bend ethical calculations in our own favour
- To build a commitment to truthfulness that is essential for communication.[141]

Singer maintains that rules are now "normally useful and normally to be obeyed but always ultimately subject to critical scrutiny" from the standpoint of impartial concern.[142] He does not seem to appreciate that this appeal to rules that are normally to be obeyed but sometimes can be overridden lacks rational application unless one knows in what circumstance they ought to be overridden. This problem is most clearly seen in his book on life and death issues, which is devoted to debunking the traditional ethics of "Bishops and conservative bioethicists" who argue for the sanctity of life principle.[143] Singer, like Kant before him, argues that the time has come for a Copernican revolution in applied ethics, and the way to do this is to find a new set of rules or commands that are not based on sanctity of life principles.[144] He calls this revolution "the new approach to life and death."[145] The problem for Singer is that the old approach, a system of rules associated with

[140] Singer, *The Expanding Circle*, 161.
[141] Singer, *The Expanding Circle*, 163.
[142] Singer, *The Expanding Circle*, 165.
[143] Singer, *Rethinking Life and Death*, 4.
[144] Singer, *Rethinking Life and Death*, 188-189.
[145] Singer, *Rethinking Life and Death*, 219.

respect for the sanctity of life, exhibits all the characteristics of a system of rules that he claims ought normally to be obeyed. As a result Singer's advocacy for the principle of impartial concern lacks application in a pluralist society because common morality rules are too *thin* to be used in a way that provides progress towards settling disputes over ethics.[146] Consensus over *thin* moral rules breaks down when these rules are applied to complex cases because rational discussants derive their views from a diverse array of incommensurable moral positions. The point of departure for the next chapter is MacIntyre's explanation of the conceptual incommensurability of rival moral arguments, like those above, and his historicist justification for an alternative tradition-guided approach to moral enquiry.

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[146] Singer, *The Expanding Circle*, 100.

CHAPTER 6: TRADITION-GUIDED ENQUIRY

6.1 Introduction

The central claim of this thesis is that in a pluralist society, a practice-guided form of moral enquiry offers greater explanatory power – over both the agreements and the disagreements within practical ethics – than other forms of moral enquiry because it trades on a *thin* consensus within practices that already exists. This chapter will focus on one of the most strident critics of the contemporary approach to decision making in practical ethics, Alasdair MacIntyre. In an essay with the provocative title, "Does applied ethics rest on a mistake?," MacIntyre answers in the affirmative.[1] He claims that the basic mistake is the attempt to make decision making impartial and disinterested, based on a construction of the self that is independent of a moral agent's personal history and sense of purpose. The central claim of MacIntyre's essay is that the kind of activity that is presumed in decision making protocols used in practical ethics does not exist, at least not in a form that can produce rational agreement.[2] This lack of agreement, for MacIntyre, leaves moral philosophy in a state of crisis.

This chapter will first outline MacIntyre's "moral crisis" thesis directed at contemporary approaches to practical ethics. A reconstruction of his tradition-guided methodology will follow, through his three major publications on this

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[1] MacIntyre, "Does Applied Ethics Rest on a Mistake?", 498-513.
[2] MacIntyre, "Does Applied Ethics Rest on a Mistake?", 509-510.

theme, in which he makes the case that the crisis is so dire that the time has come to return to an earlier from of moral enquiry (Aristotelian Thomism). Two propositions concerning MacIntyre's tradition-guided methodology will be defended in this chapter. First, it will be argued that although MacIntyre's case for tradition-dependent rationality is sound, the consequences that flow from this realisation are not as devastating as he thinks. Second, it will also be argued that the commitment MacIntyre makes to a revised form of Thomism is not sustained, even on his own terms.

6.2 Epistemological Crisis and Moral Enquiry

In the Prologue to the third edition of *After Virtue*, MacIntyre states that he has not yet found any reason for abandoning his central thesis that the Modern expression of ethics is deprived of context.[3] By context he means an Aristotelian-style context of "practical beliefs and of supporting habits of thought, feeling, and action … a context in which moral judgments were understood as governed by impersonal standards justified by a shared conception of the human good."[4]

MacIntyre argues, following Aristotle, that practical reasoning of this sort works because adherents to a tradition (generals, judges, surgeons or natural scientists) recognise that skills associated with their particular practice are communicated by case-histories and precedents rather than by set precepts. Moreover, MacIntyre argues that "the precepts cannot be understood except in terms of their application

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[3] MacIntyre, *After Virtue* (2007), iv.
[4] MacIntyre, *After Virtue* (2007), iv.

in the case-histories; and the development of the precepts cannot be understood except in terms of the history of both precepts and case-histories."[5] So for MacIntyre, the "teaching of method" within a tradition is "nothing other than the teaching of a certain kind of history" in which a practice has evolved.[6]

MacIntyre's historicist approach to understanding morality pivots on the idea that human beings are essentially story-tellers and that moral principles and rules are constituted *by* and constitutive *of* a broader *narrative* or *tradition*. He claims that a moral agent can only answer the question, "What am I to do?" once she has established the story or stories in which she is embedded.[7] Because an individual's search for the moral life is conducted within specific traditions, conclusions drawn are constitutive of, and constituted by, a particular narrative explanation of the moral life. Objective rationality for MacIntyre is therefore found "not in rule-following" but in "rule-transcending" and "knowing how and when to put rules and principles to work and when not to."[8]

MacIntyre's teleological emphasis for moral enquiry stands in contrast to his pessimistic assessment of Modern moral philosophy. The hypothesis that MacIntyre advances in *After Virtue* is that the language of morality is in a "state of grave disorder."[9] In the chapter entitled "The Nature of Moral Disagreement Today and the Claims of Emotivism," MacIntyre explains that the disorder in

[5] Alasdair MacIntyre, "Epistemological Crisis, Dramatic Narrative and the Philosophy of Science," *The Monist* 60 (1977), 453.
[6] MacIntyre, "Epistemological Crisis," 453-454.
[7] MacIntyre, *After Virtue* (2007), 216.
[8] MacIntyre, *After Virtue* (2007), 216.
[9] MacIntyre, *After Virtue* (2007), 2.

moral enquiry can be seen in the adversarial mode of contemporary moral debate: militarism *or* pacifism, a right to bodily integrity *or* abortion is murder, justice as a form of socialism *or* justice as defined by the free market.[10] MacIntyre argues that there are three characteristics of the disordered state of contemporary moral debate. First, using a concept adapted from the philosophy of science, MacIntyre suggests that rival moral arguments are conceptually incommensurable:

> Every one of the arguments is logically valid or can be easily expanded so as to be made so; the conclusions do indeed follow from the premises. But the rival premises are such that we possess no rational way of weighing the claims of one as against another… From our rival conclusions we can argue back to our rival premises; but when we do arrive at our premises argument ceases and the invocation of one premise against another becomes a matter of pure assertion and counter-assertion.[11]

The second characteristic of contemporary moral debate, according to MacIntyre, is that each of the moral discussants thinks that his or her respective propositions are based on impersonal rational argument:

> the appeal is to a type of consideration which is independent of the relationship between speaker and hearer. Its use presupposes the existence of *impersonal* criteria—the existence independently, of the preference or attitudes of speaker and hearer, of standards of justice or generosity or duty.[12]

The third characteristic is that the conceptually incommensurable premises of rival arguments all have diverse historical origins. Some appeal to "Aristotle's

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[10] MacIntyre, *After Virtue* (2007), 6-7.
[11] MacIntyre, *After Virtue* (2007), 8.
[12] MacIntyre, *After Virtue* (2007), 9.

account of the virtues," some to a Marxist "concept of liberation," some to a Lockean concept of rights, and some to a "view of universalisability" following Kant or the "moral law" following Aquinas.[13] In an earlier essay entitled "Why is the search for the foundations of ethics so frustrating?" MacIntyre's discontent with applied moral philosophy had already been articulated:

> Premises about moral law with a Thomistic and biblical background are matched against premises about individual rights that owe a good deal to Tom Paine, Mary Wollstonecraft, and John Locke; and both are in conflict with post-Benthamite notions of utility. I call such premises incommensurable with each other precisely because the metaphor of weighing claims that invoke rights against claims that invoke utility, or claims that invoke justice against claims that invoke freedom, in some sort of moral scale is empty of application. There are no moral scales … hence moral arguments terminate very quickly and in another way are interminable.[14]

MacIntyre also encapsulates his distrust about the idea of moral progress in the title of *Whose Justice? Which Rationality?* Here again he argues that the attempt to replace authority with reason should be rejected because the Modern appeal to principles that are "undeniable by any rational person," independent of "social and cultural particularities," is a mistake since neither the Enlightenment thinkers nor their successors could agree on what these undeniable principles are.[15] Here again MacIntyre contends that moral philosophy of the Modern period failed to see how connected moral arguments are to the historical tradition from which they emerge:

> What the Enlightenment made us for the most part blind to and what we now need to recover is … a conception of

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[13] MacIntyre, *After Virtue* (2007), 10.
[14] MacIntyre, "Why is the search for the foundations of ethics so frustrating?", 16-17.
[15] MacIntyre, *Whose Justice?*, 6.

rational enquiry as embodied in a tradition, a conception according to which the standards of rational justification themselves emerge from and are part of a history in which they are vindicated by the way in which they transcend the limitations of and provide remedies for the defects of their predecessors within the history of that same tradition.[16]

Two years later MacIntyre published the third book on the same theme with the title, *Three Rival Versions of Moral Enquiry*. Once again he emphasises the disorder of contemporary moral debate:

Debate between fundamentally opposing standpoints does occur; but it is inevitably inconclusive. Each warring position characteristically appears irrefutable to its own adherents; indeed in its own terms and by its own standards of argument it *is* in practice irrefutable.[17]

MacIntyre claims that the Enlightenment vision for a clear and distinct method of moral enquiry has remained largely unfulfilled. Moral enquiry has instead evolved into distinct forms of emotivism, by which he means evaluative moral judgment based on expressions of personal preference, attitudes, or feelings.[18] MacIntyre thinks that emotivism describes the state of moral argument because it accurately describes what happens in the search for impersonal and objective criteria for moral action.

Emotivism is the doctrine that all evaluative judgments and more specifically all moral judgments are *nothing but* expressions of preference, expressions of attitude or feeling, insofar as they are moral or evaluative in character.[19]

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[16] MacIntyre, *Whose Justice?*, 7.
[17] MacIntyre, *Three Rival Versions of Moral Enquiry*, 7
[18] MacIntyre, *After Virtue* (2007), 11-12.
[19] MacIntyre, *After Virtue* (2007), 11-12.

It is the emotivist forms of contemporary practical ethics that MacIntyre finds most problematic. The preoccupation with principles in practical ethics illustrates the fragmentation of moral enquiry that MacIntyre contests. In the four-principle approach of Beauchamp and Childress, the moral agent is encouraged to juggle principles on an impartial basis and then to produce a rational account of the juggling process, justifying why one principle trumps another in a given case. Similarly, with the equality principle advocated by Singer, a moral agent takes into account established moral rules, the qualitative and quantitative interests of all the stakeholders (present and future), and then impartially evaluates which set of interests trumps all others. In contrast, MacIntyre asserts "that in [present-day] moral argument the apparent assertion of principles functions as a mask for expressions of personal preference."[20]

MacIntyre's assessment of what a moral agent ought to do, given the present state of disorder in contemporary moral enquiry, is to reengage with a historicist method of moral enquiry that can be traced back to Aristotle. In the Prologue to the third edition of *After Virtue*, MacIntyre provides an interesting biographical note that sheds light on a transition in his thinking between 1981 when *After Virtue* was first published and 1988 when *Whose Justice? Which Rationality?* was published. He states that when he wrote *After Virtue* he was already an Aristotelian but not yet a Thomist, but that he became a Thomist soon after because he became convinced that "Aquinas was in some respects a better

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[20] MacIntyre, *After Virtue* (2007), 19. See Christopher Stephen Lutz, *Tradition in the Ethics of Alasdair MacIntyre: Relativism, Thomism, and Philosophy* (Lanham: Lexington Books, 2004), 82-87. Lutz provides an extended explanation of the way MacIntyre connects emotivism to relativism.

Aristotelian than Aristotle, that not only was he an excellent interpreter of Aristotle's texts, but that he had been able to extend and deepen both Aristotle's metaphysical and his moral enquiries."[21]

This transition will become clearer as the following section unpacks MacIntyre's tradition-guided method of enquiry. The aim of his historicist methodology is to reorient moral enquiry:

> If the characteristics of our own moral arguments which I have identified—most notably the fact that we simultaneously and inconsistently treat moral argument as an exercise of our rational powers and as mere expressive assertion—are symptoms of moral disorder, we ought to be able to construct a true historical narrative in which at an earlier stage moral argument is very different in kind.[22]

6.3 Tradition-Guided Enquiry

MacIntyre's thinking on tradition-guided enquiry has evolved through the publication of three major works on moral theory: *After Virtue* (1981), *Whose Justice? Which Rationality?* (1988), and *Three Rival Versions of Moral Enquiry* (1990). This historicist emphasis was evident in earlier material, however, where MacIntyre claimed that "moral concepts are embodied in and constitutive of forms of social life."[23] Nevertheless, the application of this model to Aristotelian and then Thomistic traditions evolved during the publication of the above trilogy.

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[21] MacIntyre, *After Virtue* (2007), x.
[22] MacIntyre, *After Virtue* (2007), 11.
[23] Alasdair MacIntyre, *A Short History of Ethics* (New York: Collier Books, 1966), 1.

After Virtue: A Study in Moral Theory (1981, 1984, 2007)

A pessimistic assessment of moral argument provides the starting point of MacIntyre's most significant contribution to moral theory, *After Virtue*. He describes the language of morality as being in a "state of grave disorder" because some of the assumptions about rationality associated with the Cartesian or Modern period are unreliable and others are simply fictional.[24] However, for MacIntyre the main weakness of the Modern period was a failure to appreciate the role that history and tradition play in the way moral concepts are utilised.

The impartial observer status, for instance, is fictional, according to MacIntyre, because a moral agent is already embedded in a social milieu in which the boundary conditions of rational argument have been defined in specific ways. He further claims that the Modern attempt to remove concepts such as truth and reality from their teleological framework deprives these terms of the only context in which they can be made "fully intelligible and rationally defensible."[25]

Once these foundationalist assumptions are rejected, MacIntyre argues that the attempt to weigh one moral argument against another, on some impartial basis, breaks down because the so-called *point of view of the universe* is local, timely, and subjective for each moral agent.[26] He suggests that because protagonists in a moral debate can draw conclusions from valid inferences, the metaphor of

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[24] MacIntyre, *After Virtue* (2007), 2.
[25] Alasdair MacIntyre, *Phi Sigma Tau* Lectures (1990), published as "First Principles, Final Ends, and Contemporary Philosophical Issues," in Kelvin Knight ed., *The MacIntyre Reader* (Cambridge: Polity Press, 1998), 198.
[26] MacIntyre, "Why is the search for the foundations of ethics so frustrating?", 17.

weighing competing moral claims against each other, such as rights against utility or justice against freedom, does not work. The reason for this failure is that there are no moral scales that a moral agent can use to show how one moral argument trumps another.[27] MacIntyre argues that because protagonists in a moral debate do not often agree on the foundational premises on which the debate is conducted, agreement is therefore either rare or accidental. The more common characteristic of moral debate, according to MacIntyre, is that moral argument gives way to an "increasingly shrill battle of assertion with counter-assertion."[28]

After Virtue is a dogged either/or presentation of Aristotelian teleological morality or no morality (except on Nietzsche's terms). Nietzsche's legacy is evident in the first chapter, entitled "A Disquieting Suggestion," where MacIntyre argues that most of what passes for moral argument since the Enlightenment needs to be rejected.[29] The climax of *After Virtue* is a comparison between Nietzsche's scathing attack on moral objectivity and Aristotle's practical *telos*.[30] MacIntyre argues that it was Nietzsche, more than any other philosopher, who perceived correctly that objective moral claims were really expressions of a subjective will.[31] Richard Neuhaus describes MacIntyre's position as a choice between the teleological virtues of Aristotle and the moral nihilism of Nietzsche, but this

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[27] Alasdair MacIntyre, "Truthfulness, Lies and Moral Philosophers: What we can learn from Mill and Kant," in Grethe B. Peterson ed., *The Tanner Lectures on Human Values* XVI (Salt Lake City: University of Utah Press, 1995), 307-361.
[28] MacIntyre, "Why is the search for the foundations of ethics so frustrating?", 17.
[29] MacIntyre, *After Virtue* (2007), 5.
[30] See Richard Bernstein, "Nietzsche or Aristotle: Reflections on Alasdair MacIntyre's *After Virtue*," *Soundings* 61/1 (1989): 6-41.
[31] MacIntyre, *After Virtue* (2007), 113.

misrepresents MacIntyre.[32] MacIntyre agrees with Nietzsche that the objective status of moral concepts such as natural rights and utility is fictitious, so he is not suggesting that a moral agent has to choose between Aristotle and Nietzsche.[33] Rather, he argues that because Nietzsche is right about the epistemic failure of Modernity, Aristotle's practical rationality offers a more productive alternative for the moral life.[34]

MacIntyre gives three reasons why moral debate is in such disarray. First, a complex moral argument employs specific normative and evaluative concepts, and there is no rational way to adjudicate between competing moral claims. Second, independently of one another, competing moral arguments falsely purport to be based on concepts that are impersonally rational. Third, contemporary moral debate lacks awareness of the historical transition of meaning that occurs over time to moral concepts such as justice or moral duty.[35] Given the parlous state of moral enquiry, MacIntyre advocates a return to a type of tradition-guided enquiry, first, by appreciating the setting in which moral precepts were first used and have since evolved and, second, by evaluating how well a moral tradition supports what he calls the *telos* of a "whole human life."[36] MacIntyre argues that this historicist method is not relativistic because moral progress is possible once the Aristotelian teleological link between the self and social identity is made.[37]

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[32] Richard John Neuhaus, "The Idea of Moral Progress," *First Things* 95 (1999): 21-27. This claim also misrepresents Nietzsche because many scholars now argue that Nietzsche was a moral idealist and not a moral nihilist.
[33] MacIntyre, *After Virtue* (2007), 70.
[34] MacIntyre, *After Virtue* (2007), 113. MacIntyre is critical of Nietzsche over what he calls the "dangerous fantasy" of the *Übermensch.*
[35] MacIntyre, *After Virtue* (2007), 10.
[36] MacIntyre, *After Virtue* (2007), 202.
[37] MacIntyre, *After Virtue* (2007), 32-33.

The link between rationality and culture in *After Virtue* is the main reason why MacIntyre was initially considered to advocate a type of moral relativism, but this claim misrepresents his position. MacIntyre does advocate a form of epistemological relativism, but he is not a moral relativist, primarily because he agrees with Aristotle that a teleological purpose is the primary motivation for human flourishing.[38] The charge of relativism is partly due to the time MacIntyre took to explain the distinction between moral pluralism, which he endorses, and moral relativism, which he does not. Several years following the publication of *After Virtue* he published articles that deal directly with the confusion between pluralism and relativism, where he defends a type of moral enquiry that evaluates the historical benefits of pluralism from a teleological perspective.[39]

MacIntyre advocates a teleological approach precisely because of the failure of the Enlightenment to provide objective criteria for moral deliberation. This teleological emphasis transcends the limited goods of particular practices because it constitutes the good of a unified human life. MacIntyre argues that the search for moral virtue is constituted within a particular tradition and is constitutive of a search for the *telos* of the whole human life for the individual concerned. For MacIntyre, a teleological account of ethics should involve what he calls a fundamental contrast between "man-as-he happens-to-be and man-as-he-could-be-

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[38] Lutz, *Tradition in the Ethics of Alasdair MacIntyre*, 65-69.
[39] See Alasdair MacIntyre, "Moral Pluralism without Moral Relativism," in Klaus Brinkmann ed., *Ethics: The Proceedings of Twentieth World Congress of Philosophy* (Bowling Green: Bowling Green State University, 1999), 1-8, and "Moral Relativism, Truth and Justification," in Luke Gormally ed., *Moral Truth and Moral Tradition: Essays in Honour of Peter Geach and Elizabeth Anscombe* (Dublin: Four Courts Press, 1994), 6-24.

if-he-realized-his-essential-nature."[40] As such, *After Virtue* involves an historical analysis of various traditions and a tentative conclusion about which tradition he thinks best serves the *telos* of the whole human life.

For MacIntyre, practical rationality in a living tradition is made coherent through the application of internal goods over time. Rational analysis of a living tradition, therefore, involves an ongoing socially embodied discussion between practitioners and others about the goods that are constitutive of that tradition.[41] MacIntyre argues that a living tradition will go through various epistemological crises, and he uses this transition stage both to examine how well the tradition deals with its own epistemic claims and also to compare how well one moral tradition stacks up against another.[42]

Changes in the methodology associated with utilitarian calculus illustrate for MacIntyre how a moral tradition deals with its own epistemic shortcomings. Bentham's hedonistic utilitarianism was reformulated by Mill primarily because an objective standard for calculating the quantity of pleasure could not be sustained, and thus an alternative hypothesis that recognised qualitative differences between pleasures was required.[43] Similarly, Singer's argument for preference utilitarianism transcends some of the epistemic problems associated with Mill's higher quality pleasure calculus. MacIntyre claims that understanding

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[40] MacIntyre, *After Virtue* (2007), 52.
[41] MacIntyre, *After Virtue* (2007), 222.
[42] MacIntyre makes the connection between an epistemological crisis and the history of an argument more explicit in *Whose Justice?*, 364-366.
[43] MacIntyre says "Mill's whole tenor of thought is that of a utilitarian who cannot avoid any of the difficulties which this doctrine raises, but who cannot conceive of abandoning this doctrine either." MacIntyre, *A Short History of Ethics*, 235.

the history of justification in a moral argument is integral to a living tradition like utilitarianism, because contemporary moral claims are derived from "historically extended, socially embodied" arguments about the internal goods that "constitute that tradition."[44]

Behind the teleological purpose that is integral to long-lived human societies, MacIntyre says a central thesis begins to emerge, namely, that humans are story-telling animals. So the key question for a moral agent is not, "What am I to do?," following Kant and Bentham, but to ask, "Of what story or stories do I find myself a part?" following Aristotle.[45] MacIntyre contends that because stories are essential to understanding the unity of a person's life, questions about moral good are best understood in the context of how an individual can fulfil the teleological expectations in these stories. The unity of a human life is the unity of a narrative quest "embodied in a single life."[46]

The narrative quest, according to MacIntyre, is a search for the final *telos* of human life, a search that enables moral virtues to be understood in the context of a teleological Good. These virtues are described by MacIntyre as dispositions that are necessary both to "sustain practices" and to form character because they supply a moral agent with both "self-knowledge" and an "increasing knowledge of the good."[47]

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[44] MacIntyre, *After Virtue* (2007), 222.
[45] MacIntyre, *After Virtue* (2007), 216.
[46] MacIntyre, *After Virtue* (2007), 218.
[47] MacIntyre, *After Virtue* (2007), 219.

This two-sided quest can be explained further. In the first instance, MacIntyre acknowledges that a moral agent is involved in a quest for a set of virtues that sustain, in Aristotelian terms, the *telos* of human flourishing (courage, honesty, respect, etc.). The primary disposition towards a teleological concept of virtue also sustains a moral agent in the secondary pursuit of a set of goods that are internal to particular practices such as medicine, philosophy, painting, or architecture.

The primary pursuit of human flourishing is deliberately vague in Aristotle because he maintains that a moral virtue such as courage is the mean between extremes of foolishness and cowardliness. According to this definition, courage is a state of character that is conditionally measured with respect to the right time, the right people, and for the right ends.[48] MacIntyre argues that the good life must transcend Aristotle's metaphysical idea of happiness. For MacIntyre, the good life also involves a secondary pursuit that enables a moral agent to "understand what more and what else the good life for man is."[49] This secondary pursuit, for MacIntyre, involves a narrative account of the internal goods that sustain a practice. Virtuous actions require a disposition to achieve the goods that are internal to the practice and also to sustain the practice in its teleological quest. For MacIntyre, the virtues "find their point and purpose" in the way they define the internal goods that sustain relationships within a practice.[50]

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[48] Aristotle, "Nicomachean Ethics," 1094ᵃ, 339-340.
[49] MacIntyre, *After Virtue* (2007), 219.
[50] MacIntyre, *After Virtue* (2007), 223.

These internal goods sustain both the form of life and the traditions in which an individual finds him or herself engaged.[51] The concept of a "practice" in MacIntyre's work is sufficiently nuanced and useful to warrant it being quoted in full.

> By a "practice" I am going to mean any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.[52]

Tradition-constituted enquiry is therefore a type of analytic method that examines both the primary and secondary pursuits of a tradition by focusing on its own narrative account of its practices. A practice, moral or otherwise, is made intelligible, according to MacIntyre, only from within a "larger and longer history of the tradition through which the practice in its present form was conveyed to us"; thus the history of a single life is therefore characteristically "embedded" and "made intelligible" in "the larger and longer histories of a number of traditions."[53]

MacIntyre uses the first eight chapters of *After Virtue* to defend his initial claim concerning the parlous state of moral enquiry. The centerpiece of *After Virtue*, both literally and philosophically, is chapter nine, where MacIntyre explains why Nietzsche and Aristotle, albeit in different ways, offer a way forward. The way

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[51] MacIntyre, *After Virtue* (2007), 223.
[52] MacIntyre, *After Virtue* (2007), 187.
[53] MacIntyre, *After Virtue* (2007), 222.

forward in chapters ten through seventeen is based on two central premises that tentatively point to a new method of enquiry. First, he explains how Nietzsche perceived more clearly than anyone else why the attempt to provide a foundation for moral enquiry based on reason alone had failed. Second, he explains why a renewed appreciation of Aristotelian virtues is necessary to overcome this failure.[54]

The eighteenth and final chapter is subtitled "Nietzsche or Aristotle, Trotsky and St Benedict" and contains an appeal to return to forms of life in which the moral virtues can be sustained. MacIntyre argues that moral enquiry is now at a turning point, for if his account of contemporary moral discourse is accurate, then "what matters at this stage" is to establish what he calls "local forms of community" that can sustain us through the "new dark ages" that are already upon us.[55] The end of *After Virtue* seems equally as pessimistic as the beginning because MacIntyre claims that the predicament we find ourselves in will not be solved without establishing a form of moral community that is consistent with what he calls "another – but doubtless very different – St. Benedict."[56]

Even sympathetic readers of *After Virtue* found this conclusion unsatisfactory. After strenuously arguing that reason is itself tradition-dependent, MacIntyre's tentative conclusion contains an appeal to a particular tradition within Catholicism, one he thinks offers a paradigmatic community for nurturing the

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[54] MacIntyre, *After Virtue* (2007), 257.
[55] MacIntyre, *After Virtue* (2007), 263.
[56] MacIntyre, *After Virtue* (2007), 263.

moral life. Whether or not he is right about the Benedictine community carries

little significance because he does not defend the claim. This concluding sentence

of *After Virtue* reads like an unconvinced attempt to avoid the relativistic

comparisons of traditions. It appears that MacIntyre attempts to deal with his own

version of an epistemic crisis because once having deconstructed Modernity he

seems inclined to want more certainty about the moral life than Aristotle offers.

In the Postscript to the second edition of *After Virtue*, MacIntyre responds to

critics of the tradition-guided approach and reminds readers that the search for a

rational solution to moral dilemmas remains an epistemic problem, regardless of

whether one agrees with his analysis of any particular tradition, positive or

negative. MacIntyre says he is not the first to articulate that the "evaluative and

normative concepts" of moral philosophy cannot be found except as embodied in

the "historical lives of particular social groups" that have evolved over time.[57]

This evolution of moral argument is sometimes internal, because the premises on

which moral argument is conducted are themselves refined, and sometimes

external, because moral discourse interacts with other forms of argument.

Gilbert Meilaender exemplifies a common criticism of MacIntyre's concluding

paragraph when he claims that in the time since *After Virtue* was written,

MacIntyre has not "made much progress in pointing us to actual communities of

the sort he has in mind."[58] Meilaender's criticism of MacIntyre does have some

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[57] MacIntyre, *After Virtue* (1984), 265.
[58] Gilbert Meilaender, "Dependent Rational Animals: Why humans need the virtues and the MacIntyre Reader," *First Things* 96 (1999): 47-55.

initial currency because tradition-guided enquiry contains a self-limiting condition, namely that a moral agent is characteristically embedded in several different traditions. This criticism is not shared by more sympathetic readers of MacIntyre's work. John Horton and Susan Mendus edited a series of papers devoted to MacIntyre's work and they argue that MacIntyre has given serious consideration to the two main criticisms associated with the central thesis of *After Virtue*. They argue that in two subsequent publications, *Whose Justice? Which Rationality?* and *Three Rival Version of Moral Enquiry* MacIntyre does attempt to show how a "dynamic interaction of rival traditions may provide room for critical reflection on a tradition and the avoidance of relativism."[59] Whether he achieves this aim is the subject of the next two sub-sections of this chapter.

Whose Justice? Which Rationality? (1988)

MacIntyre's second book in this series, *Whose Justice? Which Rationality?*, is not technically a sequel even though he responds to some of the perceived weaknesses of *After Virtue*. With the publication of this work MacIntyre continues his attack on Modernity and provides a substantial defence of tradition-guided enquiry. The questioning title "*Whose justice?*" and "*Which rationality?*" focuses on his main assertion about practical reasoning, namely, that practical reasoning over a moral concept like justice, and indeed the concept of rationality itself, depends on the social milieu in which these terms are used, because both the theory and practice

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[59] John Horton and Susan Mendus, "Alasdair MacIntyre: *After Virtue* and After," in J. Horton and S. Mendus eds., *After MacIntyre* (Notre Dame: University of Notre Dame Press, 1994), 12.

of justice and rationality can only be conceptualised in time and place.[60] Using the concept of justice, MacIntyre attempts to show that while the *thin* or common use of the term is easily understood, its use as a *thick* moral maxim is not so straightforward because there are at least three rival accounts of justice – inalienable human rights, social contract, and some standard of utility.[61] Because there exists a basic incommensurability between these three concepts of justice, MacIntyre argues that the Enlightenment period results in a new set of philosophical conflicts that replaced the old religious conflicts.

The title of *Whose Justice? Which Rationality?* (hereafter *Whose Justice?*) asks two questions that encapsulate what MacIntyre thinks is the main problem with the Modern understanding of moral enquiry. Whose form of justice should the moral agent accept, and which concept of rationality provides sufficient justification for overcoming other rival accounts? The fact that diverse conceptual concepts of justice exist at all is sufficient, as far as MacIntyre is concerned, to show that practical reasoning cannot be divorced from its own history.[62]

The Modern vision of moral agents who disavow allegiance to any particular theory of morality and abstract themselves from their particular social relationships is misleading, according to MacIntyre, because the requirement of disinterestedness is itself already partisan to a liberal individualist account of rational thinking. The neutrality of the Modern concept of rationality is a facade

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[60] MacIntyre, *Whose Justice?*, 9.
[61] MacIntyre, *Whose Justice?*, 1.
[62] MacIntyre, *Whose Justice?*, 9.

because it ignores what MacIntyre refers to as the "inescapably historically and socially context-bound character" that the theory and practice of practical rationality must have.[63]

Contemporary writers in practical ethics, at least those who argue that rational thinking can resolve moral dilemmas, seem to have forgotten that their Modern predecessors tried and failed to achieve a very similar task.[64] MacIntyre has shown that Hume's appeal to passions, Kant's appeal to the categorical imperative, and the various manifestations of the principle of utility were all attempts at providing moral agents with irrefutable action guides for rational decision making.[65] The fact that contemporary consequentialists and non-consequentialists seem immune to each other's epistemological claims seems to be a source of increasing frustration for MacIntyre.

The conveners of a philosophy conference in 1991 were probably surprised or perhaps a little disturbed by MacIntyre's keynote address. The conference theme concerned the demise of abstract principles and the renaissance of tradition, but MacIntyre claimed that nothing of the sort has happened. He argued that in spite of numerous philosophers agreeing with the epistemological problem he presented in *After Virtue*, namely, that moral claims can only be intelligible from within the "particularities and contingencies of historical movements," little has changed in the way practical rationality is currently being portrayed.[66]

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[63] MacIntyre, *Whose Justice?*, 4.
[64] See Singer, *The Expanding Circle*, 148.
[65] MacIntyre, *Whose Justice?*, 176.
[66] Alasdair MacIntyre, "What Has Not Happened in Moral Philosophy?", *The Yale Journal of Criticism* 5 (1992): 193-199. MacIntyre cites Foucault, Vattimo, Nussbaum, Williams, and Rorty,

The main theme of *Whose Justice?* is to show how moral progress becomes possible by giving consideration to a different type of moral disagreement, a disagreement that occurs within a tradition. MacIntyre argues that moral progress within a tradition becomes possible via an internal form of disagreement that he calls an "epistemological crisis."[67] So while the introduction to *Whose Justice?* reintroduces the reader to the dire state of moral debate, the main focus of the book is to provide a more substantial defence of tradition-guided enquiry than that offered in *After Virtue*.

MacIntyre follows Kuhn and others in arguing that the history of scientific progress provides a useful comparison for the type of tradition-guided progress he advocates for moral philosophy.[68] He claims that philosophers often acknowledge that scientific progress is essentially linked to its history but do not seem to recognise that a similar type of historicity is required to defend arguments in moral theory.[69] Resolution of an epistemological crisis in science enables contemporary scientists to understand their predecessors more intelligently and also provides a more coherent explanation of the problem at hand.

Once again following Kuhn, MacIntyre uses Galileo's experience with the newly invented telescope to show what happens when a scientific crisis arises. He

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but only from this epistemological perspective. He acknowledges the diversity between these thinkers on other issues associated with moral action.

[67] MacIntyre, *Whose Justice?*, 364-366 and 327. See also MacIntyre, "Epistemological Crisis, Dramatic Narrative and the Philosophy of Science," 453-72. MacIntyre's description of progress after an epistemic crisis resembles Kuhn's description of progress after "revolutionary" science and Rorty's description of progress after "abnormal" discourse.

[68] See Lutz, *Tradition in the Ethics of Alasdair MacIntyre*, 47.

[69] MacIntyre, "Epistemological Crisis," 453-472.

contrasts Galileo's link with a scientific tradition, in which previous narrative accounts of astronomical observation played a vital role, with what he calls "Descartes' assumption" that a rational observer can know nothing unless his thinking is grounded in a "presuppositionless first principle."[70] When Galileo observed Jupiter's moons over several days, he was able to confirm Copernicus' skepticism over what was then the prevailing Ptolemaic orthodoxy. MacIntyre argues that this type of resolution enables science to progress, first because it showed why the argument for a geocentric universe was no longer tenable and, second, because it opened up the possibility of confirming the heliocentric model.[71]

MacIntyre's point is that scientific progress rarely occurs independently of its own tradition, so from this perspective the revolution that occurs between Kuhn's normal and abnormal science is overstated. For MacIntyre, scientific progress occurs within a tradition, and a new standard model evolves precisely because the new model provides greater explanatory power than its predecessor. MacIntyre thinks that the same historical links can be seen in moral theory. Moral justification is constituted *by* and constitutive *of* a particular narrative tradition, which implies that doctrines, theses, and arguments require historical contextualisation.[72] MacIntyre argues that tradition-guided enquiry follows a four-stage process that enables a moral agent to understand how an argument has been

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[70] Alasdair MacIntyre, *The Task of Philosophy: Selected Essays*, Volume 1 (Cambridge University Press, 2006), 9.
[71] MacIntyre, *The Task of Philosophy*, 10.
[72] MacIntyre, *Whose Justice?*, 354.

constructed over time and how present maxims or rules have been influenced by interaction with other ideas.

The first stage involves recognising that moral enquiry is essentially historical and concerns how the argument has gone thus far, particularly in relation to the often changing status of its first principles. Second, because moral claims are advanced linguistically, a moral agent needs to understand what moral terms meant in the past and what they mean now. Third, tradition-guided enquiry provides a moral agent with an understanding of the diversity of traditions and an appreciation that each tradition has its own method of rational justification. Finally, a moral agent using "tradition-constituted" and "tradition-constitutive" enquiry can only explain how such enquiry works via historical examples.[73]

MacIntyre provides four sample traditions associated with Aristotle, Augustine, Aquinas, and Hume to show that each tradition has its own historical justification for justice and practical rationality. The choice of these traditions rather than others reflects his main theme that an appeal to a tradition involves a moral agent in a search for where he or she has come from. In MacIntyre's case, these four traditions probably reveal his heritage and also provide the necessary historical background for why he eventually posits that one of the traditions offers greater explanatory power than the others.

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[73] MacIntyre, *Whose Justice?*, 8-10.

Having appreciated the essential historicity of a moral tradition, MacIntyre argues that the moral agent is then in a position to compare traditions from a teleological perspective. This teleological focus was present in *After Virtue*, where MacIntyre argues, following Aristotle, that ethics is the search for the "essential nature" of a human being, but his explanation of what is meant by this is vague.[74] He states that the teleological aspect of moral enquiry is essential because it transcends the internal goods of a given practice or tradition and engages the moral agent in a quest for the teleological good of a "whole human life."[75] However, because the individual human cannot be divorced from his or her own history, the normative concepts of moral philosophy are, for MacIntyre, a socially constructed community enterprise. Given that moral argument is socially constructed and tradition-dependent, how does a moral agent transcend this constraint in order to fulfil his or her essential nature?[76] This problem is not discussed in *After Virtue*, apart from the vague reference to a new St. Benedict in the last sentence.

In the preface to *Whose Justice?*, MacIntyre responds to the central criticism leveled at *After Virtue* and commits to making this teleological focus more explicit. He seeks to provide an answer to two key questions that arise from tradition-guided enquiry. First, "what makes it rational to act in one way rather than another?" and second, "what makes it rational to advance and defend one conception of practical rationality rather than another?"[77]

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[74] MacIntyre, *After Virtue* (2007), 52.
[75] MacIntyre, *After Virtue* (2007), 202.
[76] MacIntyre, *After Virtue* (2007), 263.
[77] MacIntyre, *Whose Justice?*, ix.

As mentioned previously, MacIntyre initially reminds readers of the epistemological problem in moral theory and then presents the case that a moral tradition is vindicated or not by how it responds to an epistemological crisis. However, this internal review only explains how a moral tradition succeeds or fails on its own terms, and it does not explain why a moral agent should choose one long-lived moral tradition rather than another. So the major focus of *Whose Justice? Which Rationality?* is to provide a tradition-guided comparison of four distinct traditions – Aristotelianism, Augustinianism, the Scottish Enlightenment and Liberalism – with the specific goal of discovering which tradition best supports the *telos* of the whole human life.

The organisational structure of *Whose Justice?* is similar to that of *After Virtue*. After setting the scene for the state of moral crisis in *After Virtue*, MacIntyre uses the central chapter to show how Aristotle's practical reasoning transcends Nietzsche's critique of Modernity. Similarly, in the first nine chapters of *Whose Justice?*, MacIntyre sets the scene by offering a tradition-guided comparison of the four traditions mentioned above. He then uses the central tenth chapter, entitled "Overcoming a Conflict of Traditions,"[78] to show how moral progress is possible between two incommensurable or rival traditions by using a two-stage process for moving beyond disagreement.

The first stage occurs when adherents of a tradition understand the central thesis of a rival tradition – on its own terms. The second stage occurs when these

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[78] MacIntyre, *Whose Justice?*, 164-182.

adherents recognise that a rival tradition has resources that can help to explain anomalies or to correct defects in its own position. MacIntyre argues that this type of resolution is rare because adherents of a tradition rarely exhibit what he calls the "gift of empathy" that allows for such reasonable consideration.[79]

The rarity of this type of resolution is exemplified by MacIntyre himself because his description of a tradition that does transcend itself is left until the final pages of the book. In the chapters following his explanation for overcoming conflict between traditions MacIntyre reverts to his main thesis that the perspectival nature of practical rationality and justice can be seen by comparing three distinct historical epochs. He begins with the period associate with Aquinas and his synthesis of Aristotle and Augustine,[80] followed by the Scottish Enlightenment and the emergence of an educated public,[81] and lastly he describes a period of transition associated with what he calls "Hume's Anglicizing subversion" and the emergence of liberalism.[82]

As with *After Virtue*, MacIntyre's intricately woven historical account in *Whose Justice?* is not without its own set of assumptions. As with all complex historical accounts, the careful reader does not accept any single account as authoritative, and philosophers, historians, and theologians have criticised MacIntyre on this account.[83] However, MacIntyre's point regarding tradition-guided enquiry is not that his method of doing history gives a moral agent access to an authoritative

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[79] MacIntyre, *Whose Justice?*, 166-167.
[80] MacIntyre, *Whose Justice?*, 183.
[81] MacIntyre, *Whose Justice?*, 241.
[82] MacIntyre, *Whose Justice?*, 281.
[83] The specifics of this criticism will be outlined later in the chapter.

narrative. Rather, he seeks to show how the authoritative narrative of a moral concept like justice changes within and between traditions, and this realisation allows a moral agent to understand his or her own life within the context of a broader teleological purpose. MacIntyre begins his explanation of how one transcends a tradition with the synthesis of Aristotle and Augustine achieved by Aquinas. His main aim is to show how Aquinas transcended both of them. MacIntyre argues that Aquinas shows that Aristotle's account is "radically defective" because it does not recognise the "Augustinian understanding of fallen human nature."[84] MacIntyre states that Aquinas' account of practical rationality is "only fully intelligible, let alone defensible" when it is understood from within "an extended and complex tradition of argument and conflict that included far more than Aristotle and Augustine."[85]

There is a hint here, though probably not much more than a hint, of the psychological process that MacIntyre seems to have gone through. Long before he converted to Catholicism, MacIntyre's pessimism over moral philosophy seems to be predicated on the vagueness of Aristotle's explanation of the *telos* of the whole human life. When MacIntyre claims that Aquinas shows how "radically defective" Aristotle's account of the human *telos* is, the illustration of this defect is "fallen human nature." This obvious theological concept is attributed by MacIntyre to Augustine, but it also might explain the gradual transition in MacIntyre's thinking toward the overt Thomism that he advocates in *Three Rival Versions of Moral Enquiry*.

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[84] MacIntyre, *Whose Justice?*, 205.
[85] MacIntyre, *Whose Justice?*, 205.

For MacIntyre, any historical analysis of Aquinas' thought that is detached from his own tradition in the search for some neutral position of rationality or authority does not make sense.[86] Aquinas' great strength was that he provided a synthesis of Aristotle and Augustine and showed how the strengths of two rival traditions can be reformulated once the inadequacies of each tradition are appropriately understood. Aquinas enabled moral theory to progress, according to MacIntyre, because he was able to "identify the limitations" and to "integrate the strengths and successes" of both Aristotle and Augustine into a more coherent moral scheme.[87]

MacIntyre's next example of tradition transcendence is the Irish Presbyterian philosopher, Francis Hutcheson, during the Scottish Enlightenment. MacIntyre argues that Hutcheson, like Aquinas, sought to transcend the Aristotelian concept of prudence because the Aristotelian appeal to *telos* required a higher sense of moral excellence. He does this, according to MacIntyre, by arguing that a "moral sense" is required for a rational person to transcend the limitations of Aristotelian teleology.[88] This moral sense enables a moral agent to reason correctly and to reach a consensus on what the law of nature is and therefore over what the principle of justice requires. MacIntyre contends that the concept of "moral sense" provided, at least for a short time, a new foundation for the study of moral

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[86] MacIntyre, *Whose Justice?*, 205.
[87] MacIntyre, *Whose Justice?*, 207.
[88] MacIntyre, *Whose Justice?*, 276.

philosophy and the philosophy of law because it articulated the idea that correct reasoning was possible.[89]

MacIntyre's final example of tradition transcendence concerns a period he refers to as "Hume's Anglicizing subversion" and involves the transition from Scottish Protestantism to liberalism.[90] Hume's dislike of religious tradition is well established, as is his commitment to the "passions" rather than to some uniform conceptualisation of rationality. MacIntyre states that Hume's account of practical rationality is broadly compatible with Aristotle's, at least when it concerns the impact of social order on rational thinking. So the individual's role in articulating how a moral concept such as justice is implemented is diminished, for Hume, because there is no neutral standpoint that shows why one appeal to justice is better or worse than another.[91]

MacIntyre argues that Hume's Aristotelian conception of prudence was incompatible with the "traditional Scottish view" and thus caused generations of Scottish philosophers to articulate their views with Hume's skepticism in mind.[92] However, for MacIntyre, the fact that Hume frames his description of the passions in ways removed from any theological justification also shows why understanding the time and place in which he lived is so important. MacIntyre argues that Hume distanced himself from his own Scottish heritage and began to articulate principles of the "dominant English social and cultural order."[93] Thus, according to

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[89] MacIntyre, *Whose Justice?*, 278-279.
[90] MacIntyre, *Whose Justice?*, 281.
[91] MacIntyre, *Whose Justice?*, 320.
[92] MacIntyre, *Whose Justice?*, 322.
[93] MacIntyre, *Whose Justice?*, 324.

MacIntyre, understanding Hume's account of philosophical theorising, as with the other thinkers, requires "a particular type of social setting."[94]

MacIntyre's historicism is primarily directed at analysing how a tradition deals with its own epistemological crises and how it interacts with rivals. He refers to this method as "tradition-constituted" and "tradition-constitutive" enquiry because it analyses a moral tradition from an historical standpoint, examining how and when moral maxims were formed or reformed.[95] MacIntyre maintains that a central characteristic of a long-lived moral tradition is that it evolves through three stages. The first stage of a tradition is relatively stable because the relevant beliefs, texts, and authorities go relatively unchallenged. The second epistemological crisis stage occurs when inadequacies of various types are identified but not remedied. The crisis can stem from internal or external arguments that are of sufficient strength to warrant re-evaluation of constitutive beliefs. The third stage occurs when adherents of a tradition acknowledge the inadequacies that prompted the epistemological crisis and begin to formulate new ideas to overcome the problem.[96] For MacIntyre, a good indicator of a moral tradition in danger of collapse is when adherents of a tradition become preoccupied with refuting rather than recognising the epistemological problems pointed out by others. MacIntyre argues that a tradition that is not open to criticism of its epistemic premises will find that "the pressures of skepticism

[94] MacIntyre, *Whose Justice?*, 325.
[95] MacIntyre, *Whose Justice?*, 9-10. Michael Polanyi advocates a similar type of methodology to MacIntyre known as "tradition-dependent analysis." Polanyi's use of "tacit" knowledge provides a similar practice-centred (action-oriented) analysis of knowledge claims in science. See John Flett, "Alasdair MacIntyre's Tradition-Constituted Enquiry in Polanyian Perspective," *Tradition and Discovery: The Polanyi Society Periodical* XXVI/2 (1999-2000): 6-20.
[96] MacIntyre, *Whose Justice?*, 355.

become more urgent" and the refutation of the skeptic takes on a primary importance.[97] He further argues that a tradition that remains open to the possibility of change can resolve an epistemological crisis, even when key facets of its epistemic foundations are challenged. When adherents acknowledge the need to reformulate a problem belief, while retaining substantive continuity with the original tradition, their position is strengthened by the crisis.[98]

The final chapter of *Whose Justice?*, entitled "Contested Justices, Contested Rationalities," sums up the argument for tradition-guided rationality and contains a surprisingly forthright appeal to the strength of one particular moral tradition over others. MacIntyre begins by restating his central thesis, that the ideas of Aristotle, Aquinas, and Hume are inescapably linked to the conflicts and social life in which they were embedded. For MacIntyre, this is not a peripheral or accidental fact because in order to understand the "distinctive conceptions of justice and practical rationality elaborated by each thinker," one has to appreciate the "historical context of tradition, social order, and conflict out of which it emerged."[99] MacIntyre acknowledges that if his thesis is correct, then a moral agent can only ever speak from within his or her own tradition because of the "story-filled" narrative of human formation. So when faced with a moral conflict, MacIntyre argues that a moral agent has two choices; one can either "begin speaking as a protagonist of one contending party" or one can "fall silent."[100]

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[97] MacIntyre, *The Task of Philosophy*, 6-9.
[98] MacIntyre, *Whose Justice?*, 167 and 355.
[99] MacIntyre, *Whose Justice?*, 390.
[100] MacIntyre, *Whose Justice?*, 401.

MacIntyre chooses the first option and argues that, for himself, a synthesis of Aristotelian Thomism provides the most appropriate teleological answer to his initial epistemological questions, Whose Justice? and Which Rationality?[101] His decision to begin speaking as an apologist for Aristotelian Thomism seems to be muted and defensive in one sense, almost as if the shadow of relativism still haunts, but authoritative and assertive in another. He seems defensive when he says that a book that ends by telling people where to begin does not seem to have achieved much.[102] However, he also encapsulates this new beginning in authoritative terms in the final few paragraphs where he states that the Thomistic tradition is able to deal with its epistemological crises better than other traditions. Thus adherents of the Thomistic tradition can be confident that "their tradition has been confirmed in its encounters with other traditions."[103]

Christopher Lutz argues that understanding this personal dimension of MacIntyre's work is pivotal if one is to appreciate the story-filled justification for Thomism that emerges in his writing. Lutz thinks that MacIntyre's advocacy for Thomism is the latest in a series of epistemological shifts in his intellectual journey. Lutz argues that MacIntyre moved through distinct phases in his thinking and writing, from a fideist Christian Marxist in his youth, to an analytic atheist during his early academic years, and more recently to Catholicism. The shifts in MacIntyre's thinking are not viewed negatively by Lutz because they are indicative of both the story-filled character of a moral agent that MacIntyre

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[101] MacIntyre does allude to this shift in the preface to *Whose Justice? Which Rationality?* when he states that he was wrong about Aquinas in *After Virtue* because he now thinks that Aquinas does offer a unified account of the virtues.
[102] MacIntyre, *Whose Justice?*, 401.
[103] MacIntyre, *Whose Justice?*, 403.

advocates and the type of practical reasoning that deals appropriately with epistemological crises.[104] Whether or not Lutz's interpretation of MacIntyre's personal crises is accurate, the incomplete appeal to Thomism in *Whose Justice?* did make MacIntyre re-consider his position and set the tone for a third book in which he provides a more nuanced defence of Aristotelian Thomism.

Three Rival Versions of Moral Enquiry (1990)

The third book in MacIntyre's trilogy analyses three rival versions of moral enquiry as background to a more nuanced defence of the closing appeal to tradition and the Thomistic synthesis in *Whose Justice?* In the text of *Three Rival Versions of Moral Enquiry* (hereafter *Three Rival Versions*), based on his Gifford lecture series (1988), MacIntyre once again begins with a pessimistic assessment of the current state of moral debate.[105] He argues that in the hundred years since the death of Gifford it is hardly controversial to claim that disciplines such as astronomy and chemistry have made significant and continuing progress. However, one cannot say this about natural theology, according to MacIntyre, particularly as far as the foundation of ethics is concerned, because there is no agreement over what rational progress within the study of ethics ought to be.[106]

Thus he begins *Three Rival Versions* in now familiar terms and describes Modern academic philosophy as a means for a more accurate and informed discussion

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[104] Lutz, *Tradition in the Ethics of Alasdair MacIntyre*, 2, 21-26.
[105] Adam Lord Gifford (1820–1887) established the Gifford lectures to promote the study of Natural Theology.
[106] MacIntyre, *Three Rival Versions of Moral Enquiry*, 9-10.

about moral problems, rather than a discipline that offers progress toward their resolution. In *Whose Justice?* MacIntyre had noted that disagreement over moral issues among professors of philosophy is as sharp and irremediable as among others.[107] Thus, the attempt to circumvent religious concepts of morality with impartial rational enquiry failed, not because the religious concepts were correct but because the theories of ethics based on rational enquiry turned out to be equally tradition-dependent and disputatious. He further contended that Enlightenment epistemology deprived the moral agent of a method of rational enquiry in which the "standards of rational justification" emerge from its own history.[108]

In the first lecture, and thus the first chapter of *Three Rival Versions*, MacIntyre provides a similar explanation for the problematic assumptions in contemporary moral enquiry already provided in *After Virtue* and *Whose Justice?*, so only a brief summary is offered here. First, he reminds his audience that in the history of the Gifford series there had been no agreed-upon set of "first premises or principles" among the contributors.[109] Second, he argues that when a foundation of ethics is advocated, the formulations and conclusions reflect the individual preferences of the Gifford lecturer. Third, he claims that when contributors do ground ethical theory in one conception of moral agency rather than another, they offer only a limited set of resources for establishing what conclusions one should draw from this foundation.[110]

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[107] MacIntyre, *Whose Justice?*, 3.
[108] MacIntyre, *Whose Justice?*, 7-8.
[109] MacIntyre, *Three Rival Versions of Moral Enquiry*, 9-10.
[110] MacIntyre, *Three Rival Versions of Moral Enquiry*, 9-10.

For MacIntyre, the level of disagreement exhibited by the Gifford contributors is symptomatic of a lack of consensus in academic philosophy in general over what constitutes moral argument.[111] So a stark presentation of the state of moral enquiry once again sets the scene for MacIntyre's justification for taking a historicist approach. Subsequent lectures, and hence chapters, of *Three Rival Versions* are devoted to restating the problem and possibilities of moral argument previously articulated in *After Virtue* and *Whose Justice?* by showing how rival traditions can learn from one another. The three types of moral enquiry analysed in *Three Rival Versions* are different from those offered in *After Virtue* and *Whose Justice?*, but the tradition-guided methodology is the same. Thus a brief outline will suffice to show how MacIntyre attempts to establish the link between one tradition, Aristotelian Thomism, and the *telos* of the whole human life. His idiosyncratic style once again presents an intricately woven explanation of why some traditions succeed or fail, on their own terms, and why Aristotelian Thomism offers a way forward, on teleological grounds.

The first version of moral enquiry that MacIntyre explores is a way of thinking about moral theory that he describes as "Encyclopaedia," represented by the Ninth Edition of the *Encyclopedia Britannica*. The second version, referred to as "Genealogy," is represented by Nietzsche's *On the Genealogy of Morals*. The third version, "Tradition," is represented by the Thomistic synthesis and Pope Leo XIII's *Aeterni Patris*. MacIntyre argues that tradition-guided enquiry enables

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[111] MacIntyre, *Three Rival Versions of Moral Enquiry*, 11.

moral agents to understand the internal goods of their own tradition, but also to have a greater appreciation of the internal goods of rival traditions. For MacIntyre, the epistemological incommensurability between the encylopaedist and the genealogist concerning rationality and moral progress justifies his argument for the role that tradition should play in moral enquiry.[112]

MacIntyre states that the encylopaedist views the history of moral philosophy as a unity, progressing steadily from Socrates through to Descartes, Kant, and onwards. Descartes, the archetypal thinker for the encylopaedist, presents rational enquiry as "impersonal, impartial, disinterested, uniting, and universal."[113] However, this is exactly the type of rational thinking that the genealogist, following Nietzsche, rejects. Genealogy rejects the encylopaedist concept of rational truth and consequently the genealogist rejects the claim that rational justification produces ethical precepts such as duty, obligation, the right, and the good.[114] MacIntyre claims that the incommensurable gap between the encylopaedist and genealogist presents two alternatives, both of which are unsatisfactory as far as rational thinking is concerned. Reason is *either* "impersonal, universal," and "disinterested," *or* it is the "unwitting representation of particular interests, masking their drive to power by its false pretensions to neutrality and disinterestedness."[115]

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[112] MacIntyre, *Three Rival Versions of Moral Enquiry*, 58 and 170.
[113] MacIntyre, *Three Rival Versions of Moral Enquiry*, 59.
[114] MacIntyre, *Three Rival Versions of Moral Enquiry*, 42.
[115] MacIntyre, *Three Rival Versions of Moral Enquiry*, 59.

For MacIntyre, the encylopaedist concept of moral progress is unsatisfactory because it is based on the illusion that "the point or purpose of rational debate is to establish truths."[116] However, the genealogical approach is also unsatisfactory because it is internally incoherent. The genealogist claim, that truth is perspectival, is self-refuting because the methodology used by the genealogist to critique the encylopaedist requires a moral agent to stand outside of his or her own tradition.[117]

For MacIntyre, both the encylopaedist and the genealogist fail on their own terms. The internal failure for the encylopaedist is evident because no agreement has been forthcoming over what moral progress is,[118] and the internal failure for the genealogist is evident because the genealogist conception of self is itself narrative-dependent and therefore parasitic on the very traditions it seeks to supplant.[119]

The tradition-guided alternative that MacIntyre articulates culminates in the claim that a dialectical synthesis of Aristotelian Thomism provides a more appropriate way forward for pursuing the *telos* of the whole human life, primarily because it succeeds on its own terms whereas the encylopaedist and the genealogist do not.[120] He defends this view by arguing that Aristotelian Thomism has the capacity not only to critique other traditions but also to be self-critical. This ability to be self-critical, according to MacIntyre, provides the Thomistic tradition with an inbuilt flexibility that allows it to deal with its own epistemological crises in a

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[116] MacIntyre, *Three Rival Versions of Moral Enquiry*, 172.
[117] MacIntyre, *Three Rival Versions of Moral Enquiry*, 36, 42, 54.
[118] MacIntyre, *Three Rival Versions of Moral Enquiry*, 173-174.
[119] MacIntyre, *Three Rival Versions of Moral Enquiry*, 214-215.
[120] MacIntyre, *Three Rival Versions of Moral Enquiry*, 146.

way that takes seriously the concerns of other traditions.[121] The Thomistic tradition accepts that moral claims are embedded in the history of diverse social narratives, and this realisation invokes an understanding of morality that, in MacIntyre's words, "is never more than sketched in outline."[122]

6.4 Conclusion: MacIntyre's Teleological Vision

MacIntyre's commitment to the self-critical aspects of the Thomistic tradition evolved during the process of writing the trilogy of books on moral enquiry outlined above. The changing status of his epistemological position is consistent with tradition-guided enquiry because it shows that he does attempt to deal with the criticism leveled at *After Virtue* and *Whose Justice?* However, because his style of writing includes an intricately woven historical narrative, it is difficult to identify the link between the narrative justification of internal goods (practices) within a given tradition and the *telos* of a life that realises its essence.[123]

With this difficulty in mind Bradley Kallenberg provides a useful simplification of what he refers to as MacIntyre's "master argument," particularly in the way *narrative*, *practice*, and *tradition* are linked to the central idea of moral progress or virtue.[124] Kallenberg shows that there is a triadic relationship between

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[121] MacIntyre, *Three Rival Versions of Moral Enquiry*, 181.
[122] MacIntyre, *Three Rival Versions of Moral Enquiry*, 194.
[123] MacIntyre, *After Virtue* (2007), 52.
[124] Bradley J. Kallenberg, "The Master Argument of MacIntyre's *After Virtue*," in Nancey Murphy, Bradley J. Kallenberg, and Mark Thiessen Nation eds., *Virtues and Practices in the Christian Tradition: Christian Ethics after MacIntyre* (Harrisburg: Trinity Press International, 1997), 7-29. See also Jean Curthoys, "Thomas Hobbes, the Taylor Thesis and Alasdair MacIntyre," *British Journal for the History of Philosophy* 6/1 (1998): 1-24.

MacIntyre's three key historical concepts and the idea of moral virtue. MacIntyre's tradition-constituted method includes three major concepts of moral enquiry – narrative, practices, and tradition. *Narrative* is the story-filled description of what good character means within a tradition; *practice* is a co-operative human activity with established internal goods recognisable by practitioners; and *tradition* is an authoritative account of precepts and principles extended over time that have survived epistemic crises of the past.[125]

The moral self, for MacIntyre, is a socially constructed entity. Therefore, a single life is always embedded in a longer and deeper history of moral agency than can be supported by the various forms of emotivism that dominate contemporary moral enquiry. Kallenberg argues that MacIntyre's commitment to a form of Aristotelian Thomism is necessarily linked to a particular narrative justification of how and why Thomism is sustained as a social practice. He argues, however, that there was much that was unfinished in MacIntyre's explanation of moral agency at the end of *After Virtue* and that not all of these problems were addressed in subsequent publications.[126] Kallenberg seems to be alluding here to commentators who were not so generous in their assessment of the synthesis MacIntyre provides between Aristotle and Aquinas. In the same way that the conclusion of *After Virtue*, with its appeal for a new St. Benedict, attracted criticism, MacIntyre's parting advocacy in *Whose Justice?* for the Thomistic tradition has been criticised by philosophers and theologians from both the Aristotelian and Thomistic traditions.

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[125] MacIntyre, *After Virtue* (2007), 222.
[126] Kallenberg, "The Master Argument of MacIntyre's *After Virtue*," 28-29.

MacIntyre's reconstruction project pivots on two key practical issues that diminish his historicist narrative. First, the present state of moral enquiry is not as dire as MacIntyre depicts, primarily because there is more agreement among moral philosophers than he concedes. Second, his idiosyncratic style of writing diminishes the historicist claims he makes against rival traditions, primarily because it relies on a consensus regarding Aristotelian Thomism that has yet to be realised. MacIntyre's pessimism over the present state of moral enquiry is important because it provides the starting point for his tradition-guided enquiry. However, the apparent failure of the Enlightenment project is, for MacIntyre, focused too finely on incommensurability and difference between traditions. When MacIntyre states that professors of philosophy disagree with each other just as much as other people do over a concept like justice, he overstates the problems associated with this level of disagreement.[127] While it is clear that professors of philosophy exhibit a diversity of conclusions about moral claims, this is exactly what one should expect in a complex discipline like moral philosophy. When MacIntyre portrays practical ethics as a shrill battle of "assertion with counter-assertion" and states that agreement is both "rare" and "accidental," he misrepresents what happens when moral debate is conducted among serious thinkers, even when they do come from diverse philosophical traditions.[128]

Certainly some ethical disputes exhibit the shrillness that MacIntyre refers to, but it is also common for serious thinkers from diverse ethical traditions to agree on

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[127] MacIntyre, *Whose Justice?*, 3.
[128] MacIntyre, "Why is the search for the foundations of ethics so frustrating?", 17.

many things. Perhaps the reason this often goes unacknowledged is that when people have a common view on moral issues, they do not spend time debating why they agree, whereas when people disagree the debate can be interminable. This is the point made earlier, that a moral concept like justice has pragmatic cash-value, when understood as a *thin* moral principle, because it plays out in practical ways independent of the belief systems of the various moral agents. For instance, there is *thin* agreement among serious thinkers that a moral agent should not be deliberately cruel, that keeping another person as a slave is wrong, that tyrannical governments should be discouraged, and that a person should be considered innocent until proven guilty.

This *thin* level of moral agreement is more pervasive in moral enquiry than MacIntyre acknowledges. For example, Singer's most recent book, *The Life You Can Save*, bears a strong resemblance in the practical suggestions it makes for overcoming global poverty (fairer distribution and a simplified life) to Ron Sider's 1990 publication, *Rich Christians in an Age of Hunger*.[129] When confronted by images of global poverty, one could easily imagine the utilitarian philosopher and the Mennonite theologian standing side-by-side because, independently of their respectively *thick* philosophical or theological justifications for alleviating poverty, they share a common *thin* perception that something is deeply wrong.

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[129] Cf. Peter Singer, *The Life You Can Save: Acting Now to End World Poverty*, and Ronald J. Sider, *Rich Christians in an Age of Hunger: Moving from Affluence to Generosity* (London: Hodder and Stoughton, 1990).

When MacIntyre asks, *Whose justice? Which rationality?*, he seems to overstate the level of disagreement in moral enquiry because he is focused on the inability of moral enquiry to reach agreement on a *thick* interpretation of justice. A similar overstatement seems to occur with his appeal to the "epistemological crisis." While the warning is useful, because it shows how epistemological claims within a tradition evolve, MacIntyre's evaluation of the epistemological transitions within a tradition seems overly pessimistic. Accepting incommensurability between rival truth-claims does not lead ineluctably to the "failure of Modernity" that MacIntyre posits. The failure, if it can be called a failure at all, provided a necessary reappraisal of epistemic limits in theological and cultural applications of moral theory. MacIntyre does not give enough credit to the desires and motivations behind the so-called failure. The "Enlightenment project" might have failed in an epistemic sense, as MacIntyre posits, but it has also produced remarkable advances in almost every practical discipline of human endeavour.

MacIntyre often uses the British utilitarian tradition, particularly the transition from Bentham to Mill, to illustrate how a tradition can be motivated to change once its epistemological inadequacies are acknowledged. He views the epistemological transition from Bentham to Mill to Sidgwick more critically than he ought to. He views the history of utilitarianism as one epistemic crisis after another, but this view does not seem to appreciate that each of the utilitarian reformers made significant socio-political contributions. Even if the foundationalism of utilitarian philosophers did evolve in response to a series of "epistemological crises," as MacIntyre claims, it would still seem disingenuous

not to acknowledge their achievements. From a pragmatist perspective, a more useful option is to examine how utilitarian theory cashes out, in each of its variations, independent of the foundationalist assumptions.

The philosophy of science provides a good illustration of this type of pragmatism. It would be disingenuous to view the transition between Newton and Einstein negatively simply because Einstein's concept of special relativity overturned Newton's concept of absolute space and time. In the tradition of cosmology, Newton's argument for absolute space and time is treated with respect because it helped set the agenda for a more complete understanding of the physical universe offered by Einstein.[130] A similar claim can be made about the British utilitarian philosophers in particular and even with utilitarian theory in general. Even if the epistemological assumptions of Bentham and Mill are exaggerated or even wrong, this does not necessarily diminish their contributions. Clearly this is not what MacIntyre advocates, however, because his concern over the parlous state of moral philosophy is intricately linked to the idea that Modern moral philosophy has become disengaged from virtues associated with human flourishing.[131] His explanation for how a moral agent can re-engage with the virtues involves a *thickly* woven narrative synthesis between Aristotle and the Thomistic tradition. The complexity of his account creates its own set of problems, however, because it relies on a consensus on Aristotelian Thomism that has not been forthcoming.

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[130] Newton is reputed to have said, "If I have seen farther than others it is because I have stood on the shoulders of giants," though the context of this quote is disputed.

[131] See Hilary Putnam, *Truth and History* (Cambridge: Cambridge University Press, 1981), 148. Putman argues against this view when he claims that in the ideal world a flourishing life can be achieved through a plurality of ends. Putman argues that belief in a "pluralistic ideal is not the same thing as belief that every ideal of human flourishing is as good as any other."

In a collection of essays devoted to MacIntyre's tradition-guided method, the editors describe his appeal to Aristotelian Thomism as ambiguous and lacking clarity.[132] Horton and Mendus conclude that even sympathetic scholars who accept many of MacIntyre's claims about the socially constructed self are less inclined to accept his argument that this realisation has any important normative consequences for moral enquiry.[133] For instance, Martha Nussbaum, a noted Aristotelian scholar, was originally sympathetic to the account that MacIntyre offered in *After Virtue*, but she was openly critical of the transition he made between *After Virtue* and *Whose Justice?* In a review of *Whose Justice?* entitled "Recoiling from Reason," Nussbaum rejects MacIntyre's Thomistic turn because she thinks that Aristotle's concept of moral virtue is deliberately vague.[134] For Nussbaum, Aristotle's concept of *eudaimonia* contains a "rough idea of human flourishing," but this provides enough guidance so that both the "instrumental means to that end" and the realisation of the "kind of life" that results from this flourishing can be fulfilled. She uses the example of medicine to illustrate this when she says that a doctor has an instrumental end (medical school) but also a moral end, "What counts as being a 'good' doctor?"[135] So "good" refers to both an account of the practice (medicine) and an account of the attitudes and demeanour of the practitioner (doctor). Nussbaum's evaluation of Aristotle seems appropriate

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[132] Horton and Mendus, "Alasdair MacIntyre: *After Virtue* and After?" in Horton and Mendus eds., *After MacIntyre*, 4-13.
[133] Horton and Mendus, "Alasdair MacIntyre: *After Virtue* and After?", 4-13. See also David Miller, "Virtues, Practices, and Justice," in Horton and Mendus eds., *After MacIntyre*, 250.
[134] Martha C. Nussbaum, "Recoiling from Reason," Review of Alasdair McIntyre's *Whose Justice? Which Rationality? New York Review of Books* 36/19 (1989): 36-41.
[135] See "Martha C. Nussbaum," in Andrew Pyle ed., *Key Philosophers in Conversation: The Cogito Interviews* (London: Routledge, 1999), 239-256.

because it reflects his description of the *telos* of human activity (*eudaimonia*) as a life-time project.

For Aristotle *eudaimonia* satisfies the criterion of the ultimate end but the virtues that strive toward that end are left open, even vague, because they differ from one society to another and even from one individual to another. For instance, the act of attempting to save a drowning person is courageous for a swimmer but can be foolishness for a non-swimmer. For Aristotle, the mean between excess and deficiency is a broad middle-road whereby the active content of moral action depends on circumstances. A moral agent acts "for the right person, to the right extent, at the right time, with the right motive, and in the right way," depending on what one is aiming to achieve.[136] It is this vagueness that Nussbaum finds so appropriate because it is deliberately *not* prescriptive. MacIntyre is not content with a vague teleological end for a discipline like medicine. He agrees that good practice is what counts for being a good doctor, but virtues expressed solely in terms of the internal goods of a practice are not sufficient to achieve the goods that provide individual human lives with their *telos*. MacIntyre is concerned that without a unifying form of life that is itself purposeful, the individual may find himself or herself embedded in social traditions that are harmful to human flourishing. This is why MacIntyre states so starkly that "without an overriding conception of the *telos* of a whole human life, conceived as a unity, our conception of certain individual virtues has to remain partial and incomplete."[137] Thus he seeks to go beyond the Aristotelian concept of instrumental goods

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[136] Aristotle, "Nicomachean Ethics," 1109ᵃ, 354.
[137] MacIntyre, *After Virtue* (2007), 202.

because he thinks that virtuous practice is necessarily linked to the *telos* of the whole human life.

MacIntyre agrees with Aristotle that "good" habits are derived from the *telos* of being human and he makes several claims about ethics as a result. First, he thinks that there is a fundamental contrast between "man-as-he happens-to-be and man-as-he-could-be-if-he-realized-his-essential-nature." Second, he states that the discipline of ethics is a science "which enables human beings to realize their essential nature." Third, he suggests that this view of ethics "presupposes some account of potentiality and act, some account of the essence of man as a rational animal and above all some account of the human *telos*."[138] Once he seeks to go beyond Aristotle's *thin* concept of flourishing, with a thickly woven Thomistic narrative, MacIntyre ends up with the same epistemological problem that he had previously perceived as problematic in other accounts of moral enquiry. In other words, he rejects the epistemological approach in practical ethics because there is no consensus on what premises are foundational, but his tradition-guided account also lacks consensus, both on the historical narrative he offers and on the claim that the Thomistic tradition succeeds where others fail. Without this consensus, it would seem that his version fails to overcome the assertion and counter-assertion that he finds so problematic in moral enquiry.

MacIntyre is not content with the *thin* expression of human flourishing that Aristotle provides because he thinks the normative claims of ethics are diminished

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[138] MacIntyre, *After Virtue* (2007), 52.

if human flourishing is not thickly articulated in something like Thomistic terms. A significant difference between MacIntyre and Aquinas is that Aquinas' account is unapologetically and openly theological, whereas MacIntyre thinks the Thomistic tradition should be accepted because it succeeds as a tradition on its own terms, without the metaphysical assumptions. However, for MacIntyre's Thomistic version of Aristotelianism to succeed, on its own terms, it needs to achieve a level of consensus about the specific practices of the Aristotelian-Thomistic tradition. Thus far this level of specificity between Aristotle and Aquinas has not been forthcoming, and some of the most strident critics of MacIntyre's position are Thomistic scholars. For instance, John Haldane, a Thomistic scholar, recognises the contribution that MacIntyre made with *After Virtue* but, like Nussbaum, he is skeptical of the transition to Thomism in *Whose Justice?* Haldane's main concern with *Whose Justice?* is that it presents an historical account of moral enquiry that is relativistic and internally inconsistent with the type of metaphysical realism that Aquinas advocates. Haldane suggests that people who were initially inclined to follow MacIntyre with the tradition-guided enquiry of *After Virtue*, such as communitarians like Michael Sandel and Charles Taylor, might be less inclined to take the next steps offered in *Whose Justice?* and *Three Rival Versions* because it involves accepting the authority of the Magisterium, an essential component of the Thomistic and therefore Catholic tradition.[139]

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[139] John Haldane, "MacIntyre's Thomistic Revival: What Next?", in Horton and Mendus eds., *After MacIntyre,* 91-107.

The problems that Nussbaum and Haldane highlight in MacIntyre's Aristotelian-Thomistic synthesis relate to the same epistemic problem, albeit for different reasons. Nussbaum is concerned that MacIntyre misrepresents Aristotle because Aristotle's explanation of *eudaimonia* is *thin* enough to accommodate cultural difference in ways that MacIntyre's *thick* explanation of flourishing does not.[140] Similarly, Haldane thinks that MacIntyre misrepresents Aquinas because Aquinas' metaphysical realism is inconsistent with a process of rational enquiry that is solely tradition-dependent. Haldane has two primary concerns with MacIntyre's tradition-dependent or story-filled concept of truth. First, it is too relativistic and leaves MacIntyre with no other option than to compare traditions. Second, it fails to acknowledge that Aquinas was a philosophical and moral realist, a type of theological foundationalist, a position MacIntyre rejects.[141]

Disagreement over the foundational premises of moral enquiry is the reason why MacIntyre went down the path of tradition-guided enquiry in the first place. However, his tradition-guided methodology ends with an epistemological crisis of its own. If MacIntyre is right that the Thomistic principle of justice derives from a particular type of practical rationality, then this should be self-evident to Thomistic scholars such as John Haldane. The fact that this level of agreement has not been achieved within Thomistic scholarship provides sufficient justification for rejecting MacIntyre's further claim that the Thomist tradition succeeds when other traditions fail. MacIntyre commits himself too strongly to the thesis that a

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[140] Nussbaum, "Recoiling from Reason," 36-41.
[141] Haldane, "MacIntyre's Thomistic Revival: What Next?", 105.

lack of agreement in practical ethics can only be overcome once agreement has been reached over the essence of human flourishing.

Although MacIntyre's conclusion about Aristotelian Thomism has not proved to be decisive for moral enquiry, his historicist methodology is beneficial precisely because it places the moral agent in a particular context. Rational enquiry is possible because internal goods are understood within a narrative account of a particular practice or tradition. The next chapter will show why a pragmatic and practice-centred approach to practical ethics offers a more useful model for moral enquiry in a pluralist society. Practice-guided decision making trades on (a) a *thin* consensus about the *telos* of the whole human life together with the practices that sustain that end and (b) a *thick* application of internal goods within those practices.

CHAPTER 7: CONCLUSION – PRACTICE-GUIDED ENQUIRY

7.1 Introduction

Chapter 1 of this thesis opened with Toulmin's claim that scientists often reach agreement about common tasks, no doubt as a result of the standard model approach to scientific research that has developed over the last century. As Toulmin points out, however, this same level of agreement has not been forthcoming in philosophy.[1] Because Australia is demonstrably pluralist, its religious, philosophical, and moral language is unavoidably varied. This lack of agreement is particularly noticeable in moral philosophy because in a pluralist society the variety of moral traditions diminishes the capacity for any one moral claim to trump all others. Drew Leder makes this point when he links the conflict over a practical ethics text to "the sheer number of different interpreters reading it, and the widely divergent training and concerns they bring to bear," let alone the lack of "clear *social* consensus about how events are to be interpreted."[2]

Moral pluralism impacts on a society in various ways, not the least of which is the diversity of seriously held views that manifest whenever a complex moral issue is discussed. Conflict over practical ethics in a pluralistic society is to be expected, and the tendency for some writers to simplify moral argument or to caricature

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[1] Toulmin, *Cosmopolis*, 10.
[2] Drew Leder, "Toward a Hermeneutical Bioethics," in DuBose et al. eds., *A Matter of Principles*, 244.

another's line of reasoning ought to be avoided. Graham Cole contends, for instance, that Singer caricatures Christian moral philosophy with his comparison between the sanctity of life, which he rejects, and the principle of impartial concern, which he supports.[3] At the same time, Singer's own views are sometimes caricatured or overblown to such an extent that they are almost unrecognisable. Susan Lufkin Kranz does this when she argues that Singer's thinking is "clearly an affront to our common humanity" and that his views will downgrade the central status of human beings so that ethics "will come to an end and the values of the marketplace or some other horror will fill the vacuum."[4] Criticism such as this is misplaced, first, because it fails to do justice to the serious consideration of common morality that Singer advocates and, second, because it exaggerates the impact that philosophers and philosophy texts have on moral engagement. Even if Singer's views were as draconian as Kranz contends, his views are unlikely to sway moral agents to such an extent that only horror remains.

The motivation that drives utilitarian philosophy since Epicurus – and he too was unjustly maligned as a hedonist – is to make decisions that produce the greatest amount of good, broadly conceived as pleasure or happiness. The most common form of this type of decision making protocol is the various versions of cost-benefit analysis routinely used in politics. A society that utilises available resources for the benefit of the greatest number of people incorporates a type of welfare socialism that seems reasonable on many grounds. Utilitarian philosophy

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[3] Graham Cole, "Singer on Christianity: Characterized or Caricatured," in Gordon Preece ed., *Rethinking Peter Singer: A Christian Critique* (Downers Grove: Inter-Varsity Press, 2002), 95-105.
[4] Susan Lufkin Kranz, *Refuting Peter Singer's Ethical Theory: The Importance of Human Dignity* (Westport: Praeger, 2002), xiv and 15.

does incorporate the type of "complex form of socially established cooperative human activity"[5] that MacIntyre equates with a practice. Given this, one can appreciate how and why utilitarian thinking evolved over time. Clearly, it has not achieved the status of a new standard model for ethical decision making that Singer envisaged,[6] because this would involve a consensus among moral philosophers that has not been forthcoming. All moral philosophers appreciate the role that a broadly conceived hedonic calculus plays in ethics, but most view this type of thinking as one aspect of moral deliberation rather than the defining principle of moral action that utilitarian philosophers advocate. The contention of this thesis is that Singer's impartial consideration of interests is useful but not definitive in a pluralist society because it takes for granted too many things on which there is no common agreement.

Chapter 2 made the case that the lack of agreement regarding a standard model of moral theory diminishes the capacity of any one theory to trump its rivals, at least in a pluralist society. Problems of incommensurability arose early in the Modern period as rival consequentialist and non-consequentialist theories sought to replicate the success of scientific theories by finding a moral theory that all rational people could appeal to. However, this attempt to find common ground for moral thinking was, for many philosophers, misguided. The study of ethics in a pluralist society ought to engage moral agents in a different type of thinking. This is the point Williams makes in an essay entitled "Knowledge, Science, Convergence," where he states:

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[5] MacIntyre, *After Virtue* (2007), 187.
[6] Singer, *Rethinking Life and Death*, 187ff.

> The basic idea behind the distinction between the scientific and the ethical, expressed in terms of convergence, is very simple. In a scientific inquiry there should ideally be convergence on an answer, where the best explanation of the convergence involves the idea that the answer represents how things are; in the area of the ethical, at least at a high level of generality, there is no such coherent hope.[7]

This discontent with the absence of moral coherence was compared with the relative coherence provided by standard models in science. A standard model in science is one for which there is substantial agreement over its boundary conditions or assumptions and, more importantly, it exhibits vast explanatory power for linking real-world observations to currently available theories. Moral philosophy has never had a *standard model* of enquiry, primarily because two key components are missing. First, there is no unifying theoretical agreement over how moral enquiry ought to be conducted and, second, this lack of a unifying theory limits the explanatory power of moral enquiry in complex issues.

Philosophers from diverse philosophical perspectives argue that the focus on epistemological issues during the Modern period was important but ultimately proved inconclusive. From a pragmatic or non-foundationalist perspective, a rational agent can side-step epistemology by asking questions such as, "What does it mean to describe something as true?" and "How does this truth cash out in practice"? The chapter introduced several philosophers who contended that a shift

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[7] Bernard Williams, "Knowledge, Science, Convergence," in Christopher W. Gowans ed., *Moral Disagreements: Classic and Contemporary Readings* (London: Routledge, 2000), 131.

in emphasis that is more open to "phenomenology, hermeneutics, narrative ethics, casuistry, and virtue ethics"[8] is now required in moral enquiry.

MacIntyre, one of the most strident critics of contemporary practical ethics, argues that the *conceptual incommensurability* between rival moral arguments dominates moral enquiry.[9] This lack of a unifying theoretical model of moral enquiry is seriously problematic if one thinks, as MacIntyre does, that moral enquiry ought to deliver much more than it has thus far achieved. Several other philosophers discussed in chapter 2 provide an optimistic contrast to MacIntyre's dire assessment. Rorty, Williams, Dancy, Bernstein, and Toulmin agree with MacIntyre that epistemological claims during the Modern period were overstated, but they are not as pessimistic about the problems for moral enquiry that result from this. Rorty rejected the neutrality of moral claims and suggested that a consensus of rational discussants ought to be the goal of moral enquiry because this is the most objectivity we can hope for.[10] Williams argued that the attempt to simplify moral enquiry was misguided, suggesting rather that "Perhaps we need as many concepts to describe it as we find we need, and no fewer?"[11] Bernstein suggested that the *Cartesian anxiety* of Modernity needs to be exorcised so that a moral agent can move beyond both objectivism and relativism.[12] Toulmin suggested that moral agents need to find ways of moving on from the "received view of Modernity" when he claims that the task now is "to reform, and even

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[8] Albert R. Jonsen, "Foreword" in DuBose et al., *A Matter of Principles*, xvii.
[9] MacIntyre, *Whose Justice?*, 6.
[10] Rorty, "Pragmatism, Relativism, and Irrationalism," 719-738.
[11] Williams, *Ethics and the Limits of Philosophy*, 17.
[12] Bernstein, *Beyond Objectivism and Relativism*, 165.

reclaim, our inherited modernity, by *humanizing* it."[13] Finally, Jonsen and Toulmin suggest that when a moral agent accepts that moral enquiry involves the realm of "*praxis* and *phronesis*," rather than "*theoria* and *episteme*,"[14] the motivation for resolving complex ethical issues is less urgent.

The type of moral enquiry advocated by Williams, Toulmin, and Bernstein in this thesis seems more appropriate for a complex pluralist society because ethical decision making is relative, in the descriptive sense, to the stories that define us. Williams' concept of "relativism from a distance"[15] engages human beings in a conversation about what it means to be a moral agent. For Williams, such a conversation is more edifying because it focuses on what moral agents have in common rather than what separates:

> Morality is not one determinate set of ethical thoughts. It embraces a range of ethical outlooks; and morality is so much with us that moral philosophy spends much of its time discussing the difference between these outlooks, rather than the difference between all of them and everything else.[16]

Chapter 3 argued that the motivation for attempting to make moral decision making *thicker* than is either possible or appropriate was driven by both a Cartesian anxiety over concepts such as truth and objectivity, and a technical anxiety over developments in the sciences. These twin anxieties led to forms of practical ethics that ignored the history of moral debate when they appealed to the

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[13] Toulmin, *Cosmopolis*, 180.
[14] See Jonsen and Toulmin, *The Abuse of Casuistry*, 306.
[15] Williams, *Ethics and the Limits of Philosophy*, 162.
[16] Williams, *Ethics and the Limits of Philosophy*, 174.

role that reason ought to play. Robert Baker contends that the ahistoric and rationalistic presentations in bioethics texts is similar to that used in philosophy of science text books three decades ago. He takes the opening paragraph of Kuhn's *Structure of Scientific Revolutions* and substitutes the words *science* and *scientific* with *bioethics* to illustrate the "sterility of the ahistoric, rationalist applied ethics model of bioethics" that he claims is "embraced by most standard bioethics textbooks."[17]

> History, if viewed as a repository for more than anecdote or chronology, could produce a decisive transformation in the image of [bioethics] by which we are now possessed… The aim of [contemporary text] books is persuasive and pedagogic; a concept of [bioethics] drawn from them is no more likely to fit the enterprise that produced them than the image of a national culture drawn from a tourist brochure or a language text.[18]

Baker's suggestion here is that the attempt to turn bioethics into a rational science ignored the history of debate over rationality and science. He argues that "moral negotiation" involves a consensus "on some conflict resolving solutions or norms" in a manner that "often involves compromising with others, rather than convincing them of the correctness of one's views."[19]

Robert Stern makes a similar point when he claims that historicism in ethics can be compared to the post-Kuhnian philosophy of science that "increasingly abandoned the connection between truth, rationality and progress."[20] He goes on

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[17] Robert Baker, "Bioethics and History," *Journal of Medicine and Philosophy* 27/4 (2002): 447.
[18] Baker, "Bioethics and History," 474.
[19] Baker, "Bioethics and History," 449-450.
[20] Robert Stern, "MacIntyre and Historicism," in Horton and Mendus eds., *After MacIntyre*, 150.

to suggest the historicist claim that an individual human life, defined by historically extended local practice (culture), is similar to what Kuhn, Feyerabend, and others insist occurs amongst members of the scientific community working within particular theoretical frameworks of understanding. Historicist claims that rationality and moral concepts like justice are culturally dependent are similar, according to Stern, to the claims of philosophers of science that scientific truth is theory dependent. Science offers no neutral or transcendent basis for making claims about absolutes. Thus the attempt to turn ethics into a science is based on false assumptions about science itself. The neutrality of science, so appealing to bioethics writers attempting to overcome the partial divide associated with "traditional" ethical dilemmas, has turned out, according to Stern, to be neither "neutral" nor "impartial," except in a highly qualified sense.[21]

Chapter 4 reconstructed and critiqued one of the most popular versions of moral enquiry currently promoted. Through six editions of *Principles of Biomedical Ethics* (PBE), Beauchamp and Childress promoted a form of common morality based on four prima facie principles. The PBE method appeals initially to a set of norms, such as "do not kill," because these norms are applicable to rational agents everywhere.[22] The second feature of the PBE method is the appeal to rules of obligation (nonmalevolence, honesty, integrity, etc.) because, according to Beauchamp and Childress, "A person is deficient in moral character if he or she lacks such traits."[23] The third feature of the PBE method involves a cluster of four

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[21] Stern, "MacIntyre and Historicism," 150.
[22] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 3.
[23] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 3.

prima facie principles – autonomy, nonmaleficence, beneficence, justice – and two subsidiary rules – confidentiality and veracity.[24] The PBE method also incorporates a decision making protocol known as *wide reflective equilibrium*. This process, according to Beauchamp and Childress, incorporates principles and rules from "all plausible moral judgments, principles, and relevant background theories" and from "as wide a variety of kinds and levels of legitimate beliefs as possible."[25] They go on to state that from this perspective "moral thinking is analogous to hypotheses in science" because it has the ability to "test, modify, or reject" moral arguments.[26] This comparison is forced, however, because the consensus in science trades on a level of agreement about the boundary assumptions of the discipline that is missing in moral enquiry.

The chapter began by claiming that the PBE method is a useful but not definitive evaluative process for moral decision making. This claim was defended by showing how the four-principle method can be usefully employed in a pluralist society because the four prima facie principles serve as a *thin* form of moral communication for stakeholders from diverse moral traditions. However, the chapter also showed that the principles are not definitive in complex cases. When faced with a complex issue, weighing one prima facie principle against another, via the process of reflective equilibrium, does not produce agreement. This is because moral agents make decisions based on the narrative content of their own lives, so the principles act as placeholders for a moral position that is already held.

[24] Beauchamp and Childress, *Principles of Biomedical Ethics* (2009), 16-17.
[25] Beauchamp and Childress, *Principles of Biomedical Ethics* (2001), 399.
[26] Beauchamp and Childress, *Principles of Biomedical Ethics* (2001), 399.

This lack of specificity is only problematic when the utilisation of principles in practical ethics is overstated. In healthcare ethics, for instance, several critics now refer pejoratively to the PBE model as the "Belmont principles," the "Georgetown mantra," or simply to "principlism," because the principle-based method of moral enquiry was presented in high-profile cases as a means of resolving complex ethical issues.[27]

Chapter 5 presented a similar case against the most popular Australian version of practical ethics, Singer's preference utilitarianism. As with the PBE model, preference utilitarianism was shown to be a useful but not definitive guide to moral decision making. Singer's concern for the role that reason ought to play in practical ethics has evolved, quite reasonably, over the course of his writing. However, this evolution has also increasingly diminished the efficacy of his primary decision making protocol, referred to as the *equality principle* or the *principle of impartial concern*. As with the PBE model, Singer initially overstated the efficacy of the equality principle when he claimed that it allows progress towards settling disputes,[28] that it is the only rational basis for ethics,[29] and that it is a uniquely rational basis for ethical decision making.[30]

Singer's description of the concept of equal consideration of interest is relatively straightforward. He argues that self-interested rational agents, using the principle

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[27] See "The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research," commissioned by *The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research*, U.S. Department of Health, Education and Welfare (Washington: Government Printing Office, 1978).
[28] Singer, *The Expanding Circle*, 100.
[29] Singer, *The Expanding Circle*, 109.
[30] Singer, *The Expanding Circle*, 111.

of universalisation, ought to concede the same self-interestedness to others. Given this, he then argues that the equality principle "acts like a pair of scales, weighing interests impartially … but *they take no account of whose interests they are weighing*."[31] However, Singer's preference-guided decision making protocol has problems similar to Bentham's pain/pleasure calculus and Mill's higher quality pleasure calculus. This chapter showed that, after initially arguing that a rule-based understanding of ethics does not work, Singer eventually concedes that rules are in fact necessary for the moral life. He does this because he recognises that the principle of impartial concern involves calculations that "we lack the time and information" for the "long and involved calculations" required.[32] Given his acknowledgment of the calculus problems associated with the principle of impartial concern, the chapter closed by showing that Singer's initial argument, that the equality principle is the *only rational basis for ethics*,[33] was overstated and that complex moral issues involve more than preference utilitarian concerns.

The conclusions drawn from the reconstruction of decision making protocols in chapters 4 and 5 showed that both methods are useful but that neither achieves the aim of providing definitive solutions to complex moral dilemmas. Both principle-guided enquiry and preference-guided enquiry are best understood as tools that can be used to engage moral agents in a conversation about ethics, rather than as tools that can be used to solve complex moral dilemmas.

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[31] Singer, *Practical Ethics*, 22 (emphasis added).
[32] Singer, *The Expanding Circle*, 161.
[33] Singer, *The Expanding Circle*, 109.

Chapter 6 reconstructed a third and very different type of moral enquiry, namely, the tradition-guided approach advocated by MacIntyre. As previously stated, MacIntyre is one of the most strident critics of practical ethics. He maintains that contemporary moral enquiry fails to appreciate both the conceptual incommensurability between rival moral arguments and the role that history plays in the formation of these arguments. He claims:

> It was a central aspiration of the Enlightenment … to provide … standards and methods of rational justification by which alternative courses of action in every sphere of life could be adjudged just or unjust, rational or irrational, enlightened or unenlightened. So, it was hoped, reason would replace authority and tradition.[34]

MacIntyre's solution involves a reconstructive project that acknowledges how moral claims made in the present are part of a longer and deeper historical narrative account of the moral life. This historicist account contrasts two questions that impact on both the PBE model and Singer's preference utilitarianism. MacIntyre claims that instead of asking, "By what principles am I, as a rational person, bound?" moral agents ought to ask, "By what principles are we, as actually or potentially rational persons, bound in our relationships?"[35] This link to social relationships is integral to understanding his account of moral enquiry. He contends that it is through the "institutionalized relationships of established social practices" that moral agents discover goods that are "internal to those practices" and also "give point and purpose to those relationships."[36]

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[34] MacIntyre, *Whose Justice?*, 6.
[35] MacIntyre, "Truthfulness, Lies and Moral Philosophers," 352.
[36] MacIntyre, "Truthfulness, Lies and Moral Philosophers," 352.

This teleological link to social practices is pivotal in MacIntyre's account because it provides the motivation for establishing the *telos* of the whole human life. It also provides a key to understanding why he thinks Aristotelian Thomism succeeds where other traditions fail. However, MacIntyre's tradition-guided method also seems to overstate what is possible and, more importantly, what is necessary once moral philosophy is viewed as a means for understanding the moral life rather than as a prescriptive method for solving complex ethical issues. When MacIntyre posits that ethics presupposes three narrative steps, "some account of potentiality and act – some account of the essence of man as a rational animal – and above all some account of the human *telos*,"[37] he constructs a tradition-guided explanation for this narrative life that is *thick* at every level. A key focus of his tradition-guided enquiry is to explain the role that practices and virtues (internal goods) play in enabling a moral agent to understand and to negotiate her life-situation. For MacIntyre, virtues that are necessary for excellence within a practice must also be consistent, at least to some extent, with the *telos* of the whole human life. Knight echoes this teleological link in reference to *After Virtue* when he claims that:

> characterization of the virtues in terms of practices is necessary, but not sufficient for an adequate specification. Virtues are also to be understood as qualities required to achieve the goods which furnish individual human lives with their *telos*. And I argue that the unifying form of an individual life, without which such lives could not have a *telos*, derives from its possessing some kind of narrative structure. Individual human lives however are only able to

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[37] MacIntyre, *After Virtue* (2007), 52.

have the structures they do because they are embedded within social traditions.[38]

Furthermore, for MacIntyre, a practice that does not taking into consideration virtues necessary for human social dependency is deficient:

> no account of the goods, rules, and virtues that are definitive of our moral life can be adequate that does not explain – or at least point us towards an explanation – how that form of life is possible for beings who are biologically constituted as we are, by providing us with an account of our development towards and into that form of life. That development has as its starting point our initial animal condition.[39]

The chapter on tradition-guided enquiry argued that MacIntyre's advocacy for Aristotelian Thomism was important from a personal perspective because it provided the latest installment of his life-story, and this is consistent with his claim that humans are "story-telling" animals.[40] In one important respect, however, the appeal to Aristotelian Thomism is inconsistent with MacIntyre's earlier claim concerning the concept of a practice. For MacIntyre, a practice involves accepting both standards of excellence and the achievement of goods that are internal to the practice, both of which require an appeal to authority:

> To enter into a practice is to accept the authority of those standards and the inadequacy of my own performance as judged by them. It is to subject my own attitudes, choices, preferences and tastes to the standards which currently and partially define the practice.[41]

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[38] Kelvin Knight, "The Claims of *After Virtue*," in Knight ed., *The MacIntyre Reader*, 71-72.
[39] Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Open Court Publishing, 1999), x.
[40] MacIntyre, *After Virtue* (2007), 216.
[41] MacIntyre, *After Virtue* (2007), 190.

MacIntyre's reconstructive project concludes with an intricately woven claim in *Three Rival Versions* that a new form of Aristotelian Thomism is required to overcome problems of moral enquiry because this tradition has been shown to have the facilities for dealing with epistemological crises that other traditions do not. MacIntyre's gradual progression towards Aristotelian Thomism, in the three books devoted to tradition-guided enquiry, indicates how difficult his project is, insofar as he is reluctant to make explicit his increasingly *thick* narrative account of the moral life that is inherently theological.[42] The problem for MacIntyre is that academic research – in this case the study of Aristotle and Aquinas – is, broadly speaking, a practice, because academic study involves a "coherent and complex form of socially established cooperative human activity."[43] Academic research of this type develops internal goods (virtues) about the texts that are considered reliable, the hermeneutic issues associated with translations, and numerous other issues. This chapter closed by arguing that if MacIntyre's reconstructive project was a product of the standards of excellence within the practice of scholarship, then Aristotelian and Thomistic scholars ought to agree with his Aristotelian Thomistic synthesis. This level of synthesis has not been forthcoming, however. J. B. Schneewind illustrates this when he contends that MacIntyre's attempt to overcome the grave state of disorder to which he alludes at the beginning of *After Virtue*, a disorder that has left moral debate unsettlable at one level and interminable at another,[44] has failed. In Schneewind's view,

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[42] MacIntyre's reluctance to be explicit about the *Catholic* Aristotelian Thomism that his conclusions indicate is an aspect of Haldane's criticism. See Haldane, "MacIntyre's Thomistic Revival," 91-107.
[43] MacIntyre, *After Virtue* (2007), 187.
[44] MacIntyre, "Why is the search for the foundations of ethics so frustrating?", 16-22.

MacIntyre has failed to show that the historical study of those traditions, to which his book is largely devoted, has anything special to offer toward the resolution of the current issues whose "interminability" he took as his starting point. Only the genuine use of the resources of a given tradition, showing that it actually yields a practical solution we can all accept, could do this. And even then those outside the tradition would not accept the solution because it was generated by the tradition. They would accept it because it struck them as reasonable.[45]

7.2 Ethics as Conversation: *Thin* Universals and *Thick* Practices

Whatever the *telos* of the whole human life is – and this has proved difficult to define – Aristotle's cautiously *thin* approach to unpacking human flourishing seems appropriate. Clearly there are survival needs that humans need to meet before they can flourish, and it is regrettable that two millennia after Aristotle a third of the human population still has to focus on "flourishing" at this level. For Aristotle, human flourishing (*eudaimonia*) begins with a rough sketch of the good life that is filled in with more detail depending on what activity or practice a rational agent engages in.[46] For this reason, a rational agent ought not look for more precision than the activity or practice allows.[47]

Aristotle seems to have in mind here that prudence or practical wisdom involves skills acquired over time. Young men, for instance, can become "geometricians

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[45] J. B. Schneewind, "MacIntyre and the Indispensability of Tradition," *Philosophy and Phenomenological Research* 1/1 (March 1991): 168.
[46] Aristotle, "Nicomachean Ethics," 1098[a], 343. Sarah Broadie and Christopher Rowe's commentary on this passage states that for Aristotle "excellent rational activity is the happy-making ingredient of a happy human life, which has to include other goods only because, unlike a divine life, it is mortal and dependent on a physical and social environment," in *Aristotle: Nicomachean Ethics, Translation, Introduction, Commentary* (Oxford: Oxford University Press, 2002), 278.
[47] Aristotle, "Nicomachean Ethics," 1098[a], 343.

and mathematicians," but Aristotle thinks that a "young man of practical wisdom cannot be found."[48] The reason for this is that intelligent young men can understand mathematics because mathematics requires knowledge, but not skill. Practical wisdom, on the other hand, requires both knowledge and skill and therefore young men have not had the time necessary to develop the skills associated with a complex social activity.

MacIntyre's concept of a practice can be usefully employed in the same prudential sense because the standards of excellence required in long-lived practices such as medicine, law, and politics require a *thick* habituation of knowledge and skills, gleaned and developed over time, in a manner that is consistent with their respective ends (health, justice, and civil society). This section builds on the reconstructive project of the previous chapters by showing how *thin* moral agreement allows sufficient consensus with respect to *thick* practices, even in the midst of serious moral disagreement.

Conversation in a Pluralist Society

Given that Australia is a pluralist society in which no moral theory or tradition is held in common, practice-guided enquiry provides a pragmatic alternative. Practice-guided enquiry reconceptualises MacIntyre's concept of a practice within the tradition of philosophical pragmatism associated with James, Dewey, and Rorty. Reconceived in this way, practice-guided enquiry engages people in a

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[48] Aristotle, "Nicomachean Ethics," 1142ᵃ, 391.

conversation within a social space between the incommensurability of their respective rival arguments. This alternative approach attempts to build on *thin* agreements in a pluralist society by taking seriously Rorty's concept of philosophy as conversation:

> The notion of culture as conversation, rather than as a structure erected upon foundations, fits well with this hermeneutical notion of knowledge, since getting into a conversation with strangers is, like acquiring a new virtue or skill by imitating models, a matter of φρονησις rather than επιστημη.[49]

For Rorty this type of consensus is not only the best that philosophical objectivity can hope for but also, and more significantly, all that is necessary for moral philosophy to progress. This pragmatic approach overcomes the illusion of foundationalism because it works within established social and political frameworks. These frameworks replace what Rorty calls the "notion of knowledge as the assemblage of representations" with a pragmatist awareness of what people actually do.[50] Practice-guided pragmatism of this type facilitates three different types of conversation that can be edifyingly employed in a pluralist society.

The first type of conversation focuses on *thin* teleological agreements that people in a pluralist society share – and also that most moral theories endorse – namely, a shared awareness of virtues that sustain a civil community: justice, kindness, peacefulness, civility, beneficence, integrity, respect, etc. This primary conversation unites human beings from different cultures because the discussion

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[49] Rorty, *Philosophy and the Mirror of Nature*, 319.
[50] Rorty, *Philosophy and the Mirror of Nature*, 126.

is about issues that impact on all people, in every culture. Because the conversation over *thin* universals transcends the boundaries of culture, it is pragmatically useful because it invites people who are generally different from one another to focus on a requirement they share in common, the flourishing of civil society.

The second type of conversation builds on the first by focusing on those practices within a pluralist society on which there is already substantial agreement. In a stable pluralist society, people disagree over many things: religion, party politics, sport, and, perhaps most intractably of all, moral issues. In the midst of this disagreement, however, there is also considerable agreement that practices such as medicine, law, education, and politics (in the Aristotelian sense) sustain a civil society. Rorty refers to this type of pragmatism as "epistemological behaviorism" because it invokes knowledge gained from social practices.[51] He further argues that this social justification of belief, following Sellars and Quine, is the normal conversational discourse that happens amongst knowledgeable peers in particular social practices.[52]

The third type of conversation involves a discussion about the internal goods that sustain practices such as medicine, law, education, and politics. Because this type of discussion entails internal goods, it also entails actions, behaviours, rules, protocols, etc., that MacIntyre rightly suggests are "historically extended" and

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[51] Rorty, *Philosophy and the Mirror of Nature*, 176.
[52] Rorty, *Philosophy and the Mirror of Nature*, 9.

"socially embodied" within specific practices.[53] One result of this commitment to take history and tradition into account, according to MacIntyre, is that "human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended."[54] Conversation such as this is, first and foremost, a conversation among practitioners, but it engages others whenever the internal goods of a practice intersect or clash with those of another.[55]

In a liberal pluralist society, the concept of philosophy as conversation involves dialogue over the things that moral agents hold in common and also dialogue over things that are conceptually incommensurable. Many of the contentious issues in moral debate are incapable of resolution from a moral perspective. A liberal society supports this diversity, but this diversity is not unrestrained because liberty is not an absolute moral principle. The attempt to codify the relationship between individual liberty and the prevention of harm to others is not without practical difficulties, as shown in chapters 4–6.[56] The motivation to codify practical ethics stems from a Cartesian anxiety that the space between conceptually incommensurable moral theories needs to be filled if we are to avoid moral chaos.

The rationale for a conversational and practice-based focus for moral enquiry is that the moral space between rival theories of ethics in a pluralist society is not as problematic as is often portrayed. In the same way that cultural difference does

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[53] MacIntyre, *After Virtue* (2007), 222.
[54] MacIntyre, *After Virtue* (2007), 187.
[55] The conflict between medicine and law over Jehovah Witnesses and blood transfusion, referred to earlier, illustrates this interaction.
[56] The practical difficulties are also evident when moral agents attempt to incorporate Mill's harm principle or the language of rights as a decision making protocol.

not deny common human imperatives, moral difference ought not to deny common moral imperatives. The *thin* moral universals that human beings share are often lost in the intractability associated with the focus on divisive issues of practical ethics. Acknowledging the pluralism in a liberal society involves an acceptance that moral agents can rarely be separated by the legitimacy or otherwise of their respective moral arguments. Serious thinking moral agents hold opposing views on a range of complex moral issues, but they also hold many things in common. Pluralism invokes a conversation about shared common values because cultural and moral difference never completes the separation between one rational agent and another.

If Sir Martin Rees is right, our shared common values are going to be sorely tested as this new century unfolds. Rees, Astronomer Royal in Britain and noted astrophysicist, published in 2003 a book entitled *Our Final Century: Will the Human Race Survive the Twenty-first Century?*[57] in which he claims the odds for human survival beyond the twenty-first century to be 50/50. As an astrophysicist, Rees is acutely aware that life on planet Earth is at risk of destruction from several natural disasters that are beyond the control of human beings. Most of his academic work has been dedicated to understanding and explaining cosmic catastrophes such as gamma-ray bursts, cannibal galaxies, and the destructive power of black holes. The destructive power of these naturally occurring events is manifestly greater than anything humans have developed or will develop in the future. *Our Final Century* addresses none of these concerns, however, because the

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[57] Martin Rees, *Our Final Century: Will the Human Race Survive the Twenty-first Century?* (London: Heinemann, 2003).

risk of destruction from such means is small. Rees' book is a restatement of the 1960s concern over technical anxiety writ large. He fears for the future of humans, and even for a planet that is habitable for life, based on what he thinks the odds are for an industrial accident involving genetically engineered viruses or nanotechnology. Rees offered a $1,000.00 bet (immediately taken up) that some time in the first twenty years of the new century a catastrophic accident caused by biotechnology would kill more than one million people.

Few doomsayers are as well credentialed as Rees. His concern over human technical imperatives is shared by many, but laying odds on human destruction has caught people short before. In the 1960s Paul Ehrlich and others warned that human population growth was outstripping the capacity of food production so that by the 1970s and 1980s millions of people would be starving to death.[58] Ehrlich's dire predictions did not eventuate because farmers across the world increased production to match the growth of human population. Although Ehrlich was wrong about the date of population catastrophe, he was not wrong about the problems associated with exponential population growth. The power of exponential numbers is well known to mathematicians, but it has only recently been seen as a problem for human populations. The human population did not reach one billion until sometime during 1850, but it took less than two hundred years to record the second billion. Since then the doubling ratio has been halving so that the six billion doubling ratio for the year 1999 was down to 35 years. At present the doubling rate of human population is approximately 30 years, but

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[58] See Paul Ehrlich, *The Population Bomb* (New York: Ballantine Books, 1968).

some stabilisation is occurring, particularly in wealthier countries where the rate of natural increase is zero or below (birth rate minus death rate = rate of natural increase).

The United Nations Population Division now estimates that if stabilisation continues, human population will double to 9.7 billion by 2150 and stabilize at 10 billion some time after.[59] Much of the debate associated with the growth of human population has focused on the ability of the planet to sustain a set number of people. Ehrlich was clearly wrong about 5 billion and even the 10 billion that the United Nations predicts may be sustainable if new farming techniques continue to develop. Because stabilisation in the rate of natural increase within a human population occurs routinely in healthy populations, the United Nations set a series of Millennium Development Goals, one of which was to halve world poverty by 2015.[60]

The qualifying condition used by the UN, *if stabilisation continues*, does not seem possible, however, without the type of technical developments in farming and agricultural genetics that Rees warns against. Genetically modified organisms (animals and vegetation) offer great potential, but there is significant fear, particularly in Europe, that the harms outweigh the benefits.[61] Australia may provide a case study for the future because thousands of hectares of previously arable land are now no longer in production due to the combined effects of

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[59] United Nations Population Division, *The World at Six Billion* (Geneva: United Nations, 1999).
[60] United Nations, *Millennium Development Goals 2015: Make it Happen* (Geneva: United Nations, 1999).
[61] In 2003 the European Parliament introduced strict farming legislation with the aim of making Europe a GMO free collective.

overuse, poor tilling methods, and a changing climate. If this scenario plays out on a global scale, the present stabilisation of human population will diminish because poverty drives up population. Ehrlich's exponential population bomb may yet explode after 2050, doubling to 20 billion in less than 20 years.

Absolute poverty,[62] therefore, is arguably the most significant crisis currently faced by moral agents. It seems reasonable to presume now, as Singer and others have done, that the moral concern we extend to others, via the principle of universalisation, ought no longer to be restricted to national borders. From another perspective, however, overcoming absolute poverty is now also a personal or self-interested crisis because it has become a survival issue. If the population does not stabilise by 2050, then human population growth has the potential to result in 5-10 billion people living in absolute poverty. This raises the specter of poverty-linked transmission of viruses that are potentially catastrophic for humanity. The potential for this to occur ought to incite moral agents, and people concerned for their own self-interest, to engage in conversation via the *thin* moral considerations we hold in common, considerations that focus on our shared humanity.

Conversation and Thin Universals

For people now living in large cities, moral enquiry as a *thin* conversation about universals involves consideration of social cooperation between numbers of people unimaginable for ancient philosophers. The level of human cooperation

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[62] The term *absolute poverty* is used to describe populations whose daily existence is compromised by lack of food, clean water, or shelter.

(engaged pluralism) necessary in a large city is often undervalued. Living in a city with millions of other human beings involves a level of cooperation as significant as living in an aboriginal village or a small isolated community of families.[63] The social relationships are generally not as close, but the level of cooperation is as great, or even greater, due to the amount of human interaction that is necessary when vast numbers of humans live together. In large cities the capacity for human cooperation is often overlooked and is probably masked by media concentration on statistically small levels of violence and other forms of social conflict. Whether or not large human populations are sustainable long term is yet to be determined, but the perception that a larger population leads to more violence and dysfunction is routinely overstated.[64] Significant moral thinkers seem to recognise, independently of time and place, that the oldest moral maxim of all, treat others as you would want to be treated, is a necessary condition for long-lived human cohabitation.[65] Without this teleological imperative, slavery would be indistinguishable from poverty relief. More significantly, in a large pluralist city, this eudemonic *telos* does not need to be prescriptive because a *thin* consensus seems all that is required for the *polis* to function reasonably well.

Humans are a remarkably cooperative species. Therefore the *thick* prescriptive *telos* of the whole human life that MacIntyre appeals to seems to be both an

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[63] Twenty cities have populations of more than 10 million and the top five have populations of 20 million or more: Tokyo, Japan (28,025,000); Mexico City, Mexico (18,131,000); Mumbai, India (18,042,000); Sáo Paulo, Brazil (17, 711,000) and New York City, USA (16,626,000).
[64] David Indermaur states that "the popular understanding that violence in this country [Australia] has increased dramatically and consistently in recent years is unfounded," in "Violent Crime in Australia: Interpreting the Trends," *Trends and Issues in Crime and Criminal Justice*: 61 (Canberra: Australian Institute of Criminology, 1996): 6.
[65] Gensler, *Formal Ethics*, 104-105.

unrealisable and, more importantly, unnecessarily complicated goal to set for moral enquiry in a pluralist society. This does not imply that a *thick* prescriptive awareness of the moral life is unrealisable or unnecessary for rational moral agents. A rational agent who thinks seriously about moral issues is going to develop a *thick* understanding of the moral life, leaning toward one tradition rather than another because the process of developing this awareness involves greater familiarity with some moral traditions rather than others.

MacIntyre is also right to argue that acknowledgement of the *telos* of the whole human life is necessary for ethics because such an acknowledgement mediates between those practices that promote human flourishing (e.g., medicine) and those practices that do not (e.g., racism).[66] When he states that ethics presupposes "some account of potentiality and act," "some account of the essence of man as a rational animal," and "above all some account of the human *telos*," he does so because he argues that there is a "fundamental contrast" between "man-as-he-happens-to-be" and "man-as-he-could-be-if-he-realized-his-essential-nature."[67] MacIntyre's attempt to make this third account, the *essential nature* of human beings, more explicit through the comparative analysis of traditions is clearly consistent with his claim that humans are story-filled animals. However, the justification he offers for why one *thick* story trumps others has proved to be inconclusive. When MacIntyre claims that professors of philosophy disagree over ethics as much as other people do,[68] he does not seem to appreciate sufficiently

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[66] Racism is a "coherent and complex form of socially established cooperative human activity through which the goods internal to that form of activity are realized," but it cannot be a practice that promotes human flourishing. See MacIntyre, *After Virtue* (2007), 187.
[67] MacIntyre, *After Virtue* (2007), 52.
[68] MacIntyre, *Whose Justice?*, 3.

that disagreement over *thick* moral issues does not preclude *thin* agreement on many others.

The solution to competing traditions of ethics in a pluralist society, therefore, is not to advocate how or why one tradition trumps others, as MacIntyre does, but to recognise the limitations of moral epistemology and to set goals of sufficient pragmatism. This pragmatic approach limits what can be said about moral knowledge in a pluralist society to a consensus based on *thin* agreement about the values that sustain human flourishing. In a modern pluralist society, a *thin* level of agreement is evident about many aspects of human action in spite of the lack of agreement over their respective epistemic justifications. Even if this *thin* level of agreement is restricted to cooperative behaviour, and even if this level of agreement was all that could be said about ethics, it remains a significant force for human cooperation. The *thin* conversational approach to ethics outlined above seems pragmatically more useful, as a minimalist starting point for moral conversation, because it trades on common human teleological imperatives and a common awareness shared by most forms of ethical theory. From a pragmatist perspective, this *thin* moral minimalism provides sufficient social cooperation for *man-as-he-happens-to-be* because of existing agreement over practices that contribute to the flourishing of the *polis*.

In this context, the rule of law, highlighted in Chapter 3, provides a *thin* level of moral conversation because it does not arbitrate on why one moral argument is superior to another. The rule of law is a mediation process that involves a series of

political, legal, and socially established end-points that attempt to resolve conflict. When this mediation process is used to address moral issues, it cannot arbitrate on the rational efficacy of the arguments involved. The rule of law can and does make rulings that have moral implications, but these rulings are primarily procedural. In Australia, for instance, the parliamentary debate referred to earlier, over whether spare IVF embryos ought to be made available for non-reproductive purposes, was decided by a conscience vote of federal parliamentarians after more than a year of public consultation. The decision to allow embryos to be used for therapeutic purposes is not the *right* decision from a moral perspective because the concept of rightness is argument-dependent. It is, however, the right decision from the perspective of the rule of law because due process has been followed. Moral agents who disagree with the outcome do not often object to the process because they accept that the rule of law plays an important role in a modern pluralist democracy such as Australia.

Another example of a contemporary conversation over *thin* moral universals is the various civil and political protocols adopted by member States of the United Nations. Historically, the language of human rights was based on foundationalist natural law assumptions that rights are basic or universalisable to all humans. This epistemological position has been an easy target for consequentialists and non-consequentialists alike. Bentham famously declared, in an attack on rights language entitled *Anarchical Fallacies*, that "natural rights is simple nonsense: natural and imprescriptible rights, rhetorical nonsense – nonsense upon stilts."[69]

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[69] Jeremy Bentham, "Anarchical Fallacies," in John Bowring ed., *The Works of Jeremy Bentham Volume* II (Edinburgh: William Tait, 1843), 501.

MacIntyre is similarly caustic when he declares that "the truth is plain: there are no such rights, and belief in them is one with belief in witches and in unicorns."[70]

This criticism is directed at the foundationalist assumptions of rights language. When the *Declaration of Independence* (1776) declares that the truth of rights language is "self-evident," that "all men are created equal," and that humans "are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness,"[71] it contains several epistemological claims. However, none of the foundationalist claims, which were meant to authenticate or validate the *Declaration*, is *self-evident* for the same reason that belief in unicorns is not self-evident, since they are nowhere to be found. It is not self-evident, in an epistemological sense, that all men [humans] are created or that they are equal. Neither is it self-evident that God endowed humans with unalienable [unchangeable] rights of life, liberty, and the pursuit of happiness. Clearly, from an epistemological perspective, the rhetoric of the *Declaration* alludes to more epistemological certainty than it can defend.

A similar issue arises in relation to the United Nations 1948 *Universal Declaration of Human Rights* (UDHR). The UDHR makes a strong epistemological claim in the *Preamble* to "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family" as the "foundation of freedom, justice and peace in the world."[72] From an

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[70] MacIntyre, *After Virtue* (2007), 69.
[71] *The Unanimous Declaration of the Thirteen United States of America* (1776).
[72] United Nations, *The Universal Declaration of Human Rights* (December 10, 1948).

epistemological standpoint, this statement is problematic because it appeals to the inalienability of basic rights for all humans. However, if one accepts that rights are truly inalienable, and therefore immune from change by civil, religious, or political whim, then the 30 articles routinely clash with other moral imperatives. For instance, Article 3 claims that "everyone has the right to life, liberty and security of person," but this is problematic because "everyone" ought not to include people who are deliberately cruel. Similarly, Article 18 claims that "everyone has the right to freedom of thought, conscience and religion," but once again this "everyone" ought to exclude religious practice that is demonstrably cruel. Lastly, Article 19 claims that "everyone has the right to freedom of opinion and expression … and to seek, receive and impart information and ideas through any media and regardless of frontiers," but "everyone" ought not to include publically expressed opinions that are overtly racist or sexist. Once one acknowledges that *universal* does not imply *all* humans and that *inalienable* does not imply *immune from change*, then the strength of the UDHR claim is diminished from an epistemological perspective.

However, if one views the UDHR as a *thin* rhetorical statement – a statement forged in the midst of a post-WWII, post-nuclear, and post-holocaust conversation about the future – then the epistemological problems are less important. Given that the original natural law foundation of rights language is well-known to be epistemologically problematic, the contemporary appeal to civil and political covenants that the United Nations now use seems appropriate. Civil and political covenants trade on an agreement about the rule of law that countries either accept

or reject. In this sense, the UN *Convention on the Political Rights of Women* (1952) is *based* on a *thin* social consensus between member States that more could be done to elevate the status of women. In the civil and political sense, the UDHR provides a *thin* moral minimalist consensus of the type referred to throughout this thesis. This *thin* agreement does not imply that member States will agree on what the *Political Rights of Women* entails in detail, but it does imply that, having signed the declaration, these States do consider that this issue evokes a conversation worth having.

When *thin* minimalist claims are combined with *thick* maximalist practices in a pluralist society, the language of morality provides substantial explanatory power over the moral life because it allows for a social resolution of complex moral issues, even in the midst of serious moral disagreement. The next section will contend that a *thick* moral maximalism is also possible over many practices in a pluralist society, once agreement has been achieved that the practice itself contributes to a *thin* sense of human flourishing.

Conversation and Thick Practices

Practice-guided enquiry engages moral agents in a conversation at the point at which consensus on moral issues breaks down. This method takes for granted Williams' claim, referred to earlier, that complexity and conflict is a basic fact of moral deliberation because moral deliberation involves a complex mix of local

and universal concerns.[73] The practice-guided approach focuses on a level of agreement that has already been achieved. This is because a practitioner, by virtue of internal standards of excellence within a practice, accepts the authority of those standards in a way that overrides his or her own choices, preferences, or tastes. Practice-guided enquiry does not seek to establish whether actions are right or wrong; rather, it seeks to establish whether actions are consistent with internal goods as defined by the practice. For example, a good medical practitioner is one whose actions and behaviour are consistent with the practice of medicine because a consensus, forged over time, has already been established with respect to actions and behaviours that conform to the *telos* of medicine (health).

The self-authenticating *thick* standards of a practice have *practical consequences for human conduct* because practitioners have access to an established set of internal goods that are historically extended in a manner that is consistent with the teleological imperative of that practice.[74] Conversation within a practice is *thick* because it involves historically extended argument about the internal goods (virtues) that define it. MacIntyre is right that an account of a practice that does not take seriously the *telos* of the whole human life is deficient, but he makes too much of this necessary evaluative condition. A rational agent can develop a *thick* understanding of a practice while maintaining only a loose or even vague connection with the *telos* of a whole human life.

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[73] Williams, *Morality*, 23-24.
[74] Quine and Ullian articulate five characteristics of rational persuasion for scientific practice that can be usefully employed by practitioners of all stripes: coherence, simplicity, fecundity, predictive ability, and generality. They contend that "this type of discourse produces a body of scientific knowledge that is sufficiently organized to exhibit appropriate evidential relationships among its constituent claims." See Willard V. O. Quine and Joseph Ullian, *The Web of Belief* (New York: Random House, 1978), 3-11, 42-43.

MacIntyre's description of a practice is relatively straightforward but the activities that he thinks constitute a practice have since been broadened because his description was too narrow. He thought that architecture was a practice but bricklaying was not (because bricklaying is a skill).[75] Hauerwas, whose father was a bricklayer, questions how MacIntyre draws this fine distinction between a practice and a skill.[76] Hauerwas insists that bricklaying is a practice because it has both a narrative history and a set of internal goods that constitute what it means to be a *good* bricklayer.[77] Perhaps MacIntyre was not sufficiently aware of internal goods that pertain to bricklaying but those who lay brick, or have fathers who do so, are. A pluralist society involves activities that might not normally be recognised as practices in the formal sense, like medicine and law, because many activities exhibit roughly the same commitment to internal goods, extended over time, that formal disciplines do. If Hauerwas is right, that laying brick is indeed a practice, then perhaps it is best not to differentiate too narrowly between practices and skills. The type of habituation Aristotle has in mind is useful here because he links the internal goods of routine activities, such as bridle-making or sitar playing, to their historically extended goals of horsemanship and musicianship.

Rorty's concept of a practice is also useful because he links the concept of practice to Kuhn's concept of *normal science* when he claims that "we can get epistemological commensuration only where we already have agreed-upon

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[75] MacIntyre, *After Virtue* (2007), 187.
[76] Stanley Hauerwas, *After Christendom?* (Nashville: Abingdon Press, 1991), 101.
[77] Hauerwas, *After Christendom?*, 101.

practices of inquiry"; furthermore, this commensuration is not because practices are true but because "when a practice has continued long enough the conventions which make it possible – and which permit a consensus on how to divide it into parts – are relatively easy to isolate."[78] Conversation about complex issues within practices is necessarily *thick* because they are based on established conventions. Rorty argues that participating in these *thick* conversations is "normal discourse" and necessary for a rational agent to understand a culture, a practice, a theory, or a language.[79] Commensuration is possible at the level of *normal discourse* for practices such as politics, medicine, or law because these practices have long enough histories for the conventions which govern them to become established.

"Abnormal discourse," in this constructivist sense, may call into question the received view and, if successful, can move the conversation in a completely different, or revolutionary, direction. *Abnormal discourse* is edifying, according to Rorty, because its "strangeness" can "aid us in becoming new beings."[80] For Rorty, this hermeneutic dimension to knowledge is neither a new discipline nor a new method for taking over when epistemology fails; rather, it is an "expression of hope that the cultural space left by the demise of epistemology will not be filled – that our culture should become one in which the demand for constraint and confrontation is no longer felt."[81]

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[78] Rorty, *Philosophy and the Mirror of Nature*, 320.
[79] Rorty, *Philosophy and the Mirror of Nature*, 320.
[80] Rorty, *Philosophy and the Mirror of Nature*, 360.
[81] Rorty, *Philosophy and the Mirror of Nature*, 360.

Often, the internal goods within a practice are modified or even rejected as a result of abnormal interaction with other practices. Sometimes this happens voluntarily, because practitioners recognise the validity of an opposing argument or suggestion; at other times a change to an internal good within a practice will be non-voluntary, because external rational agents provide sufficient justification to force a change. The advocacy, rejection, and subsequent reinstatement of medical lobotomy illustrates how normal (internal) and abnormal (external) interaction can lead to change within a practice.

In 1949, Antonio Egas Moniz was awarded a Nobel Prize for his work on medical lobotomy, and thousands of patients underwent a variety of procedures that attempted to alter the personality of troubled patients by interfering with their brain chemistry, usually by surgical means. Walter Freeman developed a technique that included tapping an ice pick through the eye socket because he thought that by doing so he altered a patient's brain chemistry which made them more passive. Most of his work was poorly researched and after 1960 his technique in particular, and lobotomy in general, fell into disrepute within medicine.

Much of the criticism over lobotomy came from people whose expertise was external to the discipline of psychosurgery, primarily people working in psychiatry, neuropsychology, and other non-surgical behaviour modification disciplines. Eventually research showed that psychosurgical techniques, such as lobotomy, do not alter a patient's behaviour for the better and the technique was

subsequently banned in many countries. In recent years, however, a specialised form of temporal lobotomy was developed to treat patients who suffer from seizures of various types. This involves destroying a part of the brain that causes the seizure and this technique has proved to be very successful. The changing status of a technique such as lobotomy illustrates the type of normal and abnormal conversation that occurs within a *thick* practice such as medicine. The next sub-section examines the role that internal goods play in practices extended over time.

Conversation and Internal Goods

MacIntyre's concept of a practice has been adapted and utilised by a variety of scholars from various disciplines.[82] It primarily involves a consensus among practitioners on the internal goods which are realised in the application of standards of excellence. MacIntyre contends that internal goods of a practice "can only be identified and recognized by the experience of participating in the practice in question."[83] Without this practical experience one is incompetent to adjudicate which actions or behavious are internal goods and which are not. Nancey Murphy and George Ellis use MacIntyre's concept of a practice to promote a cosmological argument for ethics. They agree with MacIntyre that a moral agent needs to locate practices within the *telos* of human life because "practices and life stories … are evaluated morally in relation to the *telos* of human life" and "the actual content of

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[82] The pragmatic concept of practice has also been advocated by other philosophers in Chapter 2 of this thesis (Toulmin, Williams, Colapietro, Bernstein, Rorty).
[83] MacIntyre, *After Virtue* (2007), 188-189.

the ethic [its internal goods] depends on the telos or purpose derived from the theology or metaphysics at the topmost level."[84]

James McClendon similarly uses the concept of a practice for articulating the role that stories play in religious practice for what he calls the *life-shaping* convictions of practitioners. For McClendon,

> There *is* no "essence" of religion; religions are neither … all more or less true nor … all more or less evil. It follows that generalizations about religion are generally mistaken, since religions differ in kind, and only concrete, sympathetic historical and empirical study can tell us about any particular religion. We may call this *practical theory* of religion … in the sense that its concern is the life-shaping (as I will say, the convictional) *practices* religions embody. So religions are not to be identified with their abstract teachings, far less with their "errors."[85]

McClendon uses game playing to illustrate how religious practices can be understood by focusing primarily on the teleological practice of ethics as defined by its practitioners. Game playing is a teleological activity that involves players in standards of action and adherence to rules. The game of chess, for instance, has a long established social history in which the complex system of rules and etiquette were developed. These rules and etiquette are the internal goods of the game, and a chess player needs to understand them to be considered proficient. McClendon thinks that game playing illustrates how social practices evolve and how the

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[84] Nancey Murphy and George F. R. Ellis, *On the Moral Nature of the Universe: Theology, Cosmology, and Ethics* (Minneapolis: Augsburg Fortress, 1996), 116-118.
[85] James Wm. McClendon Jr., *Systematic Theology: Doctrine* (Nashville: Abingdon Press, 1994), 421.

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internal goods, extended over time, are modified.[86] In chess, for instance, the rules of the game have remained relatively static and few changes have been introduced in several hundred years, probably because the game usually involves only two people and very few spectators.[87] Team games and games with large audiences, on the other hand, often evolve significantly over time to take into consideration new technical developments, greater fitness, and corporate requirements relating to television sponsorship.

McClendon uses game playing to illustrate how MacIntyre's concept of a practice can be utilised in complex disciplines. In the same way that game playing requires some form of teleological imperative that gives point and purpose to the activity, and also some rules of engagement that define how the game ought to be played, McClendon argues that MacIntyre's concept of a practice can be usefully employed in complex disciplines. The following section will offer a tentative reconstruction of the *thin* and *thick* application of practice-guided enquiry for the practice of medicine. The rationale for advocating a practice-based approach for medicine is that it refocuses decision making toward its internal goods and its teleological imperative.

The focus of practice-guided ethics is the actions of a moral agent from an historical or tradition-guided standpoint. The individual moral agent is therefore not impartial but should, if he or she has been trained sufficiently, be partial to the

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[86] James Wm. McClendon Jr., *Systematic Theology: Ethics* (Nashville: Abingdon Press, 1986), 162-167.
[87] Some versions of competition chess now have time-limits between moves.

internal goods of medicine. Medical ethics is a co-operative behaviour in which internal goods are determined by evolving practices over time. Relating this practice-first approach to medical decision making involves looking at what happens when the "switches are thrown" in medicine. A practice in medicine has a "life of its own" because some things work and some things do not. Theories about treatment of certain diseases are confirmed or otherwise by clinical trials initially and then by practice extended over time. Procedures, diagnoses, and even bedside manners become established as "internal goods" because they have a pragmatic history of effectiveness. In short, they seem to work.

7.3 Medical Practice: *Thin* Telos and *Thick* Internal Goods

MacIntyre argues that to enter into a practice is to accept the "authority of those standards"; to accept the "inadequacy of my own performance as judged by them"; and to "subject my own attitudes, choices, preferences and tastes to the standards which currently and partially define the practice."[88] A pragmatic practice-guided approach to understanding the internal goods of medical practice requires three levels of competency that relate to the three different types of moral conversation referred to previously:

1. a *thin* historical competency to appreciate how and why the *telos* of health is consistent with human flourishing;

2. a *thick* practical competency that measures actions (knowledge, skill, and behaviour) of a practitioner against the normal discourse of *internal goods* associated with the historically extended *telos* of health; and

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[88] MacIntyre, *After Virtue* (2007), 190.

3. a social competency of openness to abnormal discourse that accepts that even the most cherished *internal goods* of medicine might be shown to be inconsistent with its own standard of excellence (health) and, perhaps more importantly, an openness to other standards of excellence.

In contemporary terms, the use of best-practice standards goes some way to facilitating practice-guided enquiry. The concept of best practice in a clinical situation is not always obvious because best practice for the surgeon may promote a different action from best practice for the oncologist, and both may be restricted by best practice of a hospital administrator working within budget constraints. However, as long as health is the focus, the decision to provide surgery, or chemical therapy, or even to restrict or deny treatment because of budget constraints can all be said to be good practice if they conform to established internal goods that have historically justified the practice concerned.

When Aristotle argues that "every art and every inquiry, and similarly every action and pursuit, is thought to aim at some good,"[89] he uses medicine to illustrate how this teleological imperative ought to be understood. He defends this by suggesting that there is general agreement about the teleological imperative of medicine because it is obvious to a rational agent, particularly when he is ill, that health is a necessary though not sufficient aspect of human flourishing.[90] Edmund Pellegrino and David C. Thomasma describe this teleological imperative for medicine succinctly:

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[89] Aristotle, "Nicomachean Ethics," 1094[a], 339.
[90] Aristotle, "Nicomachean Ethics," 1095[a], 340. For Aristotle, the art of politics is superior to medicine because a student of politics has to understand what it takes for people to live in a civil society and therefore the student of politics must understand the human soul as well. See Aristotle, "Nicomachean Ethics," 1101[b], 347.

the ends of medicine are ultimately the restoration or improvement of health and, more proximately, to heal, that is, to cure illness and disease or, when this is not possible, to care for and help the patient to live with residual pain, discomfort, or disability. There are many decisions along the way to these ends, but in each decision there is a fusion of technical and moral elements... But this good is more than simple medical good; it includes the patient's perception of good—material, emotional, or spiritual.[91]

Rorty similarly states that medicine is considered a practice because it involves a consensus on "agreed upon practices of inquiry" and has "continued long enough" for the "conventions which make it possible" to be intelligible.[92] Pellegrino and Thomasma emphasise the purpose-driven aim of medical practice when they posit that the chief aim of medicine ought to be a process directed at the good of the patient. They acknowledge that medicine can be studied scientifically, but this is not what they call the "justifying principle" of medicine.[93] The justifying principle of medicine is the health of the patient or the health of a community of patients if community health is in focus. In this pragmatic sense, the internal goods of medical practice are constitutive *of* and constituted *by* the teleological imperative of health. Given this teleological imperative for health, Paul Hoyt-O'Conner argues that MacIntyre's concept of practice can usefully be employed because medicine is a historically extended practice with clearly defined internal goods (virtues).

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[91] Edmund D. Pellegrino and David C. Thomasma, *Virtues and Medical Practice* (New York: Oxford University Press, 1993), 52-53. See also Edmund D. Pellegrino, "The Four Principles and the Doctor-Patient Relationship: The Need for a Better Linkage," in R. Gillon ed., *Principles of Health Care Ethics* (Chichester: John Wiley & Sons, 1994), 353-365.
[92] Rorty, *Philosophy and the Mirror of Nature*, 321.
[93] Edmund D. Pellegrino and David C. Thomasma, *A Philosophical Basis of Medical Practice* (New York: Oxford University Press, 1981), 147. See also Erwin H. Ackerknecht, *A Short History of Medicine* (Baltimore: Johns Hopkins University Press, 1981).

Since Alasdair MacIntyre's landmark book *After Virtue*, there has been renewed interest in the role of the virtues in the moral life and attention paid to reappropriating the Aristotelian notion of 'practice.' Recent reappropriations of the virtues and virtue theory in medical ethics have contributed to conceiving more adequately the nature of good medicine.[94]

Clearly medicine is a practice that has achieved this level of acceptance because it has historically established internal goods defined by its own standard of excellence (health) and is consistent with what MacIntyre refers to as the "human powers to achieve excellence" (his description of human flourishing).[95] A less cumbersome descriptor for medicine is to say that the *telos* of medical practice (health) is consistent with the broader concept of human flourishing (*eudaimonia*) and that a good practitioner requires this historical awareness in order to appreciate how medical practice fits into the broader teleological concerns of human flourishing.

Medicine: Normal Conversation and Internal Goods

Health practitioners cannot be judged according to the *telos* of a whole human life (*eudaimonia*) because medicine is practised by people with different life-stories who therefore have different views on what constitutes a flourishing life. Once agreement has been reached that medicine is a practice consistent with human flourishing, however, it becomes transparent that the internal goods of medicine are those agreed-upon actions, behaviours, and rules that promote the specific

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[94] Paul Hoyt-O'Connor, "Virtue and the Practice of Medicine," unpublished paper delivered at the Twentieth World Congress of Philosophy, *Bioethics and Medical Ethics* (Boston, 1998).
[95] MacIntyre, *After Virtue* (2007), 187.

telos of health. In medicine, actions of practitioners (doctors, nurses, etc.) are judged either good or bad according to the *thick* internal goods of medical practice. A second practical competency is necessary, therefore, because a virtuous medical practitioner is one who measures her actions (knowledge, skills, and behaviour) against the accepted internal goods of medical practice. Once again, it was Aristotle who first articulated how the concept of an internal good can be understood within the specific teleological imperative of a practice. For Aristotle, the healing art of medicine does not consist solely in learning the skills associated with applying the knife, because a prudent doctor has to learn when not to apply the knife as well,[96] and this takes time and habituation.

In this context, a practitioner is not responsible for deciding the status of internal goods within medicine because they have already been historically extended long before she arrived on the scene. The *telos* of health provides a goal of sufficient pragmatism for a range of internal goods to be achieved without the practitioner having to worry about the *telos* or purpose of the whole human life. The pedagogical emphasis for a young medical practitioner should, therefore, initially be focused on teaching her what to do, because it may be years before she can fully appreciate how to connect what she is engaged in now with medicine as a purpose-driven activity. The term *general practitioner* implies knowledge and skills, but it also implies behaviour and relationships because actions of health practitioners (internal goods) occur in a particular social context (hospitals, clinics, etc.). The role of a practitioner is not to make decisions about what is right

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[96] Aristotle, "Nicomachean Ethics," 1137[b], 385.

and wrong but to make decisions that are consistent with good practice. In a pluralist society, actions of an individual medical practitioner, at least as far as medicine is concerned, have already been defined by medical tradition and are therefore not contingent upon the religion or culture of the practitioner. MacIntyre's explanation of a *practice* is similar to Rorty's explanation, following Kuhn, of *normal discourse*. Likewise, MacIntyre's concept of an epistemic crisis that leads to a change of practice is similar to Rorty's use of abnormal discourse. Rorty's abnormal discourse is a hermeneutic study "from the point of view of some normal discourse," a "line of argument" in which conversation is an essential component because it is not possible to "understand the parts of a strange culture, practice, theory, language, or whatever, unless we know something about how the whole thing works."[97] So the focus in practice-centred enquiry is to use historicist analysis of actions that pertain to the case from the point of view of the internal goods or normal discourse that pertain to the practice concerned.

Medicine: Abnormal Conversation

Because medicine is a practice with an established understanding of internal goods, the *telos* of human flourishing is all that is required for the individual practitioner to recognise with some humility that his or her current practice is linked to those who have gone before, both the good and the bad. She should also exhibit a social competency of openness because the history of medicine is replete with examples of malpractice where health professionals failed to live up to the

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[97] Rorty, *Philosophy and the Mirror of Nature*, 320-321.

teleological imperative for the patients or for their profession. It is for this reason that abnormal conversation is necessary when evaluating a practice because people within a practice often fail to see, or do not have the ability to see, wider implications of their actions.

In Australia, one method of keeping a cross-check on medical professions is by legislation in the form of professional practice Acts of parliament. In Western Australia, for instance, the recently revised *Medical Practitioners Act* runs to 156 pages and covers numerous aspects of professional behaviour. Its stated objects are as follows:

> (a) to ensure that only properly qualified and competent persons practise medicine and to regulate the practice of medicine by those persons; and
> (b) to establish, maintain and promote suitable standards of knowledge and skills among medical practitioners, for the purpose of protecting consumers of medical services provided by medical practitioners in Western Australia.[98]

Codification of medical practice though Acts of parliament is necessary due to the scale and diversity of roles that health professionals have. The professionalisation of medicine also comes at a price, however, as practitioners have to devote a significant proportion of their income to membership in professional associations that protect their interests. Medical practice is under closer scrutiny than most practices, which is appropriate for a complex and diverse discipline that impacts on people so directly. Several layers of peer review process, the focus on

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[98] Western Australian Parliament, *Medical Practitioners Act 2008*.

"evidence-based" practice, epidemiological studies, macro-economic issues, the privacy act, and even the threat of legal action can all lead to changes being made to medicine as a practice. The actions of a practitioner must be consistent with the internal goods of medicine but at the same time be open to, and constrained by, other forms of moral enquiry. This places emphasis on the action itself (good or bad) rather than the reasons behind the action (right or wrong). A consensus is possible because good and bad actions are objective when one is working within a *thick* practice such as medicine.

7.4 Conclusion

This thesis began by stating that a practice-guided approach to moral enquiry enables theory *to touch* practice by focusing attention on a type of consensus that transcends traditional theological and philosophical conflicts. In a pluralist society, a practice-guided approach to complex ethical issues provides a greater level of accountability and transparency because actions of stakeholders are judged against the history of a practice. This approach argues that moral pluralism should be embraced because diversity in a liberal democracy is to be expected.

When conflicts arise in moral enquiry, particularly in practical ethics, it is common for debate to stagnate because rational discussants hold conceptually incommensurable views over the moral issues concerned. This thesis has highlighted several issues where practice-guided enquiry examines the space between rival moral arguments. First, it takes seriously the narrative history of

competing moral traditions because moral debate of any note occurs between serious-thinking rational agents. Second, it acknowledges the importance of the history of decision making within traditions to which moral practitioners belong, or find themselves for a time. Third, it recognises that decisions are not arbitrated by the individual moral agent, thereby diminishing the role of the impartial observer so crucial in theory-centred practical ethics. Fourth, the narrative of particular traditions, those practices and internal goods or virtues that constitute "good" behaviour, provide guidelines against which the actions of a particular moral agent can be judged. In a pluralist society, practice-guided enquiry offers a more practical model for decision making than ethical rule following.

Practice-guided enquiry trades on MacIntyre's explanation of the role that practice plays as an evaluative tool for comparing one tradition with another. However, the comparative analysis of practices from a pragmatist perspective has a more restricted emphasis. This restricted emphasis for practical ethics is because consensus at the level of practice is possible even when there is none at the level of religious belief or philosophical argument. This is an important distinction in a pluralist society because it trades on a *thin* consensus about long-lived social practices such as medicine, law, and politics. This *thin* consensus over the value of such practices is possible even in the midst of *thick* religious, philosophical, and cultural disagreement.

Pluralism brings with it many benefits and challenges. Learning to live peaceably in the midst of serious disagreement can be a struggle but it is a struggle worth

having. Bernstein contends that learning to live with and among people of rival incommensurable traditions is "one of the most pressing problems of contemporary life."[99] He further states,

> There are no algorithms for grasping what is held in common and what is genuinely different. Indeed, commonality and difference are themselves historically conditioned and shifting… In this sense the plurality of rival incommensurable traditions imposes a *universal* responsibility upon reflective participants in any tradition – a responsibility that should not be confused with an indifferent superficial tolerance where no effort is made to understand and engage with the incommensurable otherness of "the Other."[100]

One way of dealing with the *universal responsibility* to which Bernstein refers is to bypass the *thick* conceptual incommensurability of rival moral arguments by appealing to what Walzer refers to as *thin* moral minimalism. This *thin* moral minimalism has been appealed to throughout this thesis to show that rival moral arguments that are conceptually incommensurable at one level can be commensurable at another. Further, even when moral arguments are conceptually incommensurable at the level of practical ethics, a resolution of complex moral debate is still possible by focusing on the relationship between *thin* universals and *thick* practices.

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[99] Bernstein, *The New Constellation*, 66.
[100] Bernstein, *The New Constellation*, 66.

BIBLIOGRAPHY

Ackerknecht, Erwin H. *A Short History of Medicine*. Baltimore: Johns Hopkins Press, 1981.

Allchin, Douglas. "Morality Sans Fitness: Aesthetics and Reframing the Evolutionary Problem of Ethics." Paper presented at the *International Society for the History, Philosophy and Social Studies of Biology* (July 1997).

Aristotle. "Nicomachean Ethics." In *Great Books of the Western World*, edited by Mortimer J. Adler. Chicago: William Benton, 1952.

Baker, Robert. "Bioethics and History," *Journal of Medicine and Philosophy* 27/4 (2002): 447-474.

Beauchamp, Tom L. "Methods and Principles in Biomedical Ethics." *Journal of Medical Ethics* 29 (2003): 269-274.

Beauchamp, Tom L., and James F. Childress. *Principles of Biomedical Ethics*. New York: Oxford University Press, 1979, 1983, 1989, 1994, 2001, 2009.

Beauchamp, Tom L., Denis G. Arnold, and Norman E. Bowie. *Ethical Theory and Business*. Eighth edition. New York: Oxford University Press, 1994.

Bentham, Jeremy. *Introduction to the Principles of Morals and Legislation*. Oxford: Clarendon, 1789.

_____. "Anarchical Fallacies." In *The Works of Jeremy Bentham*, Volume II, edited by John Bowring, 489-529. Edinburgh: William Tait, 1843.

Bernstein, Richard. *Beyond Objectivism and Relativism: Science, Hermeneutics, and Praxis*. Philadelphia: University of Pennsylvania Press, 1983.

_____. "Metaphysics, Critique, and Utopia." *Review of Metaphysics* 42 (December 1988): 255-273.

_____. "Nietzsche or Aristotle: Reflections on Alasdair MacIntyre's *After Virtue*." *Soundings* 61/1 (1989): 6-41.

_____. *The New Constellation: The Ethical-Political Horizons of Modernity/ Postmodernity*. Cambridge: Polity Press, 1991.

Bethell, Tom. "Against Sociobiology." *First Things* 109 (January 2001): 18-24.

Blackburn, Simon. "Richard Rorty." *Prospect* 85 (April 2003): 58-64.

Bledsoe, G., and G. Li, "Trends in Arkansas Motorcycle Trauma after Helmet Law Repeal." *Southern Medical Journal* 98/4 (2005): 436-440.

Boydston, Jo Ann, ed., *John Dewey: The Later Works*, Vols. 1–17. Carbondale: Southern Illinois University Press, 1990.

Brando, Robert B. ed., *Rorty and His Critics.* Malden: Blackwell, 2000.

Broadie, Sarah, and Christopher Rowe. *Aristotle: Nicomachean Ethics, Translation, Introduction, Commentary*. Oxford: Oxford University Press, 2002.

Butler, Sharon. "High Energy Physics: An Introduction." *Global Science Forum: Organisation for Economic Co-operation and Development* (June 2002): 1-4.

Byron, Michael. "Evolutionary Ethics and Biologically Supportable Morality." Proceedings of *Twentieth World Congress of Philosophy: Philosophy Educating Humanity 1998*, electronic version published online, May 1999. Accessed 24 October 2007, http://www.bu.edu/wcp/Papers/TEth/TEthByro.htm.

Cates, Diana Fritz. *Choosing to Feel: Virtue, Friendship, and Compassion for Friends*. Notre Dame: University of Notre Dame Press, 1997.

Cavalli-Sforza, L. Luca, and Marcus W. Feldman. "The Application of Molecular Genetic Approaches to the Study of Human Evolution." *Nature Genetics* 33 (2003): 266-275.

Chalmers, Alan. *What is this thing called science?* Third edition. St. Lucia: University of Queensland Press, 1999.

Childress, James F. "Principles-Oriented Bioethics: An Analysis from Within." In *A Matter of Principles: Ferment in US Bioethics*, edited by Edwin R. DuBose, Ronald Hamel, and Laurence J. O'Connell, 72-98. Valley Forge: Trinity Press International, 1994.

Cleckley, Hervey M. *The Mask of Sanity: An Attempt to Reinterpret the So-Called Psychopathic Personality*. St. Louis: C. V. Mosby, 1941.

Clutton-Brock, T., A. F. Russell, L. Sharpe, A. J. Young, Z. Balmforth, and G. M. McGilrath. "Evolution and Development of Sex Differences in Cooperative Behavior in Meerkats." *Science* 297 (July 2002): 253-256.

Colapietro, Vincent. "The Pragmatic Turn: A Practical Turn toward Human Practices in their Irreducible Multiplicity." *Techné* 7/3 (2004): 19-30.

Cole, Graham. "Singer on Christianity: Characterized or Caricatured." In *Rethinking Peter Singer: A Christian Critique*, edited by Gordon Preece, 95-105. Downers Grove: Inter-Varsity Press, 2002.

Couvalis, George. *Philosophy of Science: Science and Observation*. London: Sage, 1997.

Curran, Charles E. *The Catholic Moral Tradition Today: A Synthesis*. Washington: Georgetown University Press, 1999.

Curthoys, Jean. "Thomas Hobbes, the Taylor Thesis and Alasdair MacIntyre." *British Journal for the History of Philosophy* 6/1 (1998): 1-24.

Dancy, Jonathan. *An Introduction to Contemporary Epistemology*. Oxford: Blackwell, 1985.

_____. *Ethics without Principles*. Oxford: Clarendon Press, 2004.

Davidson, Donald. *Inquiries into Truth and Interpretation*. Second edition. Oxford: Oxford University Press, 1984.

Davies, Paul. "Hoyle-Narlikar Theory of Gravitation." *Nature* 224 (1970): 270-271.

Dewey, John. *The Quest for Certainty: A Study of the Relation of Knowledge and Action*. London: Allen and Unwin, 1930.

Dodig-Crnkovic, Gordana. "Theory of Science," *Real Time Research Centre Report*, Mälardalen University Sweden (2001): 1-100.

Drahos, Peter. "Ethics Committees and Medical Research: The Australian Experience." *Medicine and Law* 8 (1989): 1-9.

DuBose, E. R., R. Hamel, and L. J. O'Connell, eds., *A Matter of Principles: Ferment in U.S. Bioethics*. Valley Forge: Trinity Press International, 1994.

Ehrlich, Paul. *The Population Bomb*. New York: Ballantine Books, 1968.

Elliot, C. *Bioethics, Culture and Identity: A Philosophical Disease*. New York: Routledge, 1999.

Ellul, Jacques. *The Technological Society*. New York: Vintage Press, 1967.

_____. *The Technological Bluff*. Grand Rapids: Eerdmans, 1990.

Feyerabend, Paul. *Problems of Empiricism: Philosophical Papers*, Vol. 2. Cambridge: Cambridge University Press, 1981.

Fine, Arthur. "Science Made Up: Constructivist Sociology of Scientific Knowledge." In *The Disunity of Science: Boundaries, Contexts, and Power*, edited by P. Galison and D. Stump, 231-254. Stanford: Stanford University Press, 1996.

_____. "Does science give us truth?" *The Examined Life*, video production by John Allman. Pasadena: Intellcom, 1998.

Finnis, John. "The Rights and Wrongs of Abortion: A Reply to Judith Jarvis Thomson." *Philosophy and Public Affairs* 2/2 (1973): 117-145.

_____. "Abortion and Health Care Ethics." In *Bioethics: An Anthology*, edited by Helga Kuhse and Peter Singer, 17-24. Oxford: Blackwell, 1999.

_____. "The Priority of Persons." In *Oxford Essays in Jurisprudence*, edited by Jeremy Horder, 1-16. Oxford: Oxford University Press, 2000.

Flett, John. "Alasdair MacIntyre's Tradition-Constituted Enquiry in Polanyian Perspective." *Tradition and Discovery: The Polanyi Society Periodical* XXVI/2 (1999-2000): 6-20.

Gensler, Harry J. *Formal Ethics*. New York: Routledge, 1996.

Gibbard, Allan, and Simon Blackburn. "Morality and Thick Concepts," *Proceedings of the Aristotelian Society*, Supplementary Volume 66 (1992): 267-283, 285-229.

Gibney, Mark, ed., *Open Borders? Closed Societies? The Ethical and Political Issues*. New York: Greenwood Press, 1988.

Glannon, Walter. "Moral Responsibility and the Psychopath." *Neuroethics* 1/3 (2008): 158-166.

Goodin, R. E. *Utilitarianism as a Public Philosophy*. New York: Cambridge University Press, 1995.

Goodin, R. E., and P. Pettit, eds., *A Companion to Contemporary Political Philosophy*. Oxford: Blackwell, 1995.

Gordon, M. "Risking Political Death but Undeterred." *The Age* (10 August 2006): 1-2.

Guignon, Charles B., and David R. Hiley. "Biting the Bullet: Rorty on Private and Public Morality." In *Reading Rorty: Critical Responses to Philosophy and the Mirror of Nature and Beyond*, edited by Alan Malachowski, 339-364. Oxford: Basil Blackwell, 1990.

Haebich, Anna. *For Their Own Good: Aborigines and Government in the South West of Western Australia 1900-1940*. Perth: University of Western Australia Press, 1992.

Haldane, John. "MacIntyre's Thomistic Revival: What Next?" In *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre*, edited by John Horton and Susan Mendus, 91-107. Notre Dame: University of Notre Dame Press, 1994.

Haldane, J. B. S. *Possible Worlds and Other Essays*. London: Chatto and Windus, 1927.

Hamer, Dean H., Stella Hu, Victoria L. Magnuson, Nan Hu, and Angela M. L. Pattatucci. "A Linkage Between DNA Markers on the X Chromosome and Male Sexual Orientation." *Science* 261 (1993): 321-327.

Hampshire, Stephen. *Innocence and Experience*. Cambridge: Harvard University Press, 1989.

Hansen, Michele, Jennifer J. Kurinczuk, Carol Bower, and Sandra Webb. "The Risk of Major Birth Defects after Intracytoplasmic Sperm Injection and In Vitro Fertilization." *The New England Journal of Medicine* 346/10 (2002): 725-730.

Hare, Richard M. *Moral Thinking: Its Levels, Method, and Point*. Oxford: Oxford University Press, 1981.

Harris, David. "The Benefits of Particle Physics." Editorial, *Symmetry* 5/6 (2008): 2.

Harris, John. *The Value of Life: An Introduction to Medical Ethics.* London: Routledge & Kegan Paul, 1985.

Hartshorne, Charles, and Paul Weiss, eds., *The Collected Works of Charles S. Peirce*, Volume 5. Cambridge: Harvard University Press, 1980.

Hauerwas, Stanley. *After Christendom?* Nashville: Abingdon Press, 1991.

Hauerwas, Stanley, Nancey Murphy, and Mark Nation, eds., *Theology without Foundations: Religious Practice and the Future of Theological Truth.* Nashville: Abingdon Press, 1994.

Hayne, Kenneth. *Dispute Resolution and the Rule of Law: Sino-Australian Seminar*. Canberra: High Court of Australia, 2002.

Health Research Institute. *Personalized Medicine: The Emerging Pharmaco-genomics Revolution*. Global Technology Centre, 2005.

Horton, John, and Susan Mendus, eds., *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre*. Notre Dame: University of Notre Dame Press, 1994.

Horton, John, and Susan Mendus. "Alasdair MacIntyre: *After Virtue* and After?" In *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre*, edited by John Horton and Susan Mendus, 4-13. Notre Dame: University of Notre Dame Press, 1994.

Hoyt-O'Connor, Paul. "Virtue and the Practice of Medicine," unpublished paper delivered at the Twentieth World Congress of Philosophy, *Bioethics and Medical Ethics* (1998).

Human Rights and Equal Opportunity Commission. *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. Canberra: Australian Government Publishing Service, 1997.

Husserl, Edmund. *The Crisis of European Sciences and Transcendental Phenomenology.* Evanston: Northwestern University Press, 1954.

Illich, Ivan. *Medical Nemesis: The Expropriation of Health*. London: Marion Boyars, 1975.

Indermaur, David. "Violent Crime in Australia: Interpreting the Trends," *Trends and Issues in Crime and Criminal Justice* 61, 1-6. Canberra: Australian Institute of Criminology, 1996.

Jackson, Frank. "Non-Cognitivism, Validity and Conditionals." In *Singer and His Critics*, edited by Dale Jamieson, 18-37. Oxford: Blackwell, 1999.

James, William. *Pragmatism: A New Name for Some Old Ways of Thinking.* New York: Longman, Green and Co., 1907.

Jonsen, Albert R. "Foreword." In *A Matter of Principles: Ferment in U.S. Bioethics*, edited by E. R. DuBose, R. Hamel, and L. J. O'Connell, ix-xvii. Valley Forge: Trinity Press International, 1994.

_____. *The Birth of Bioethics*. New York: Oxford University Press, 1998.

_____. *Bioethics Beyond the Headlines: Who Lives? Who Dies? Who Decides?* Lanham: Rowman and Littlefield, 2005.

Jonsen, Albert R., and Stephen Toulmin. *The Abuse of Casuistry: A History of Moral Reasoning.* Berkeley: University of California Press, 1988.

Kallenberg, Bradley J. "The Master Argument of MacIntyre's *After Virtue*." In *Virtues and Practices in the Christian Tradition: Christian Ethics after MacIntyre*, edited by Nancey Murphy, Bradley J. Kallenberg, and Mark Thiessen Nation, 7-29. Harrisburg: Trinity Press International, 1997.

Kant, Immanuel. *Groundwork of the Metaphysics of Morals*, translated by H. J. Paton. London: Random House, 1948.

_____. *Critique of Pure Reason*, translated by J. M. D. Meiklejohn. London: Henry G. Bohen, 2003.

_____. "On a Supposed Right to Tell Lies from Benevolent Motives" (1797). In *Kant's Critique of Practical Reason and Other Works on the Theory of Ethics*. Sixth edition. Translated by Thomas K. Abbot. London: Longmans, Green and Co., 1954.

Kantorovich, Aharon. *Scientific Discovery: Logic and Tinkering*. Albany: State University of New York Press, 1993.

Kee, Pei-Teing. "Refusal to Consent to Treatment on Religious Grounds." *E-Law: Murdoch University Electronic Journal of Law* 2/2 (1995). Accessed 17 December 2008, http://www.murdoch.edu.au/elaw/issues/v2n2/kee221.html.

Knight, Kelvin, ed., *The MacIntyre Reader*. Cambridge: Polity Press, 1998.

Kranz, Susan Lufkin. *Refuting Peter Signer's Ethical Theory: The Importance of Human Dignity*. Westport: Praeger, 2002.

Kuhn, Thomas. *The Structure of Scientific Revolutions.* Chicago: University of Chicago Press, 1962.

Kuhse, Helga, and Peter Singer. "The Moral Status of the Embryo." In *Peter Singer: Unsanctifying Human Life*, edited by Helga Kuhse, 181-187. Oxford: Blackwell Publishers, 2002.

Kuhse, Helga, ed., *Peter Singer: Unsanctifying Human Life*. Oxford: Blackwell Publishers, 2002.

Leder, Drew. "Toward a Hermeneutical Bioethics." In *A Matter of Principles: Ferment in U.S. Bioethics*, edited by E. R. DuBose, R. Hamel, and L. J. O'Connell, 240-259. Valley Forge: Trinity Press International, 1994.

Levine, Carol. "Analysing Pandora's Box: The History of Bioethics." In *The Ethics of Bioethics: Mapping the Moral Landscape*, edited by Lisa A. Eckenwiler and Felicia G. Cohn, 3-23. Baltimore: Johns Hopkins University Press, 2007.

Lipton, Peter. "Inference to the Best Explanation." In *A Companion to the Philosophy of Science*, edited by W. H. Newton-Smith, 184-193. Oxford: Blackwell, 2000.

Lundberg, George. "A Piece of my mind: It's Over Debbie." *Journal of the American Medical Association* 259/2 (1988): 259-272.

Lutz, Christopher Stephen. *Tradition in the Ethics of Alasdair MacIntyre: Relativism, Thomism, and Philosophy*. Lanham: Lexington Books, 2004.

MacIntyre, Alasdair. *A Short History of Ethics*. New York: Collier Books, 1966.

_____. "Epistemological Crisis, Dramatic Narrative and the Philosophy of Science." *The Monist* 60 (1977): 453-472.

_____. "Why is the search for the foundations of ethics so frustrating?" *Hastings Center Report* 9/4 (1979): 16-22.

_____. *After Virtue: A Study in Moral Theory*. Notre Dame: University of Notre Dame Press, 1981, 1984, 2007.

_____. "Does Applied Ethics Rest on a Mistake?" *The Monist* 67 (1984): 498-513.

_____. *Whose Justice? Which Rationality?* Notre Dame: University of Notre Dame Press, 1988.

_____. *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition*. Notre Dame: University of Notre Dame Press, 1990.

_____. "What Has Not Happened in Moral Philosophy?" *The Yale Journal of Criticism* 5 (1992): 193-199.

_____. "Moral Relativism, Truth and Justification." In *Moral Truth and Moral Tradition: Essays in Honour of Peter Geach and Elizabeth Anscombe*, edited by Luke Gormally, 6-24. Dublin: Four Courts Press, 1994.

_____. "Truthfulness, Lies and Moral Philosophers: What we can learn from Mill and Kant." In *The Tanner Lectures on Human Values* 16, edited by Grethe B. Peterson, 307-361. Salt Lake City: University of Utah Press, 1995.

_____. "First Principles, Final Ends, and Contemporary Philosophical Issues." In *The MacIntyre Reader*, edited by Kelvin Knight, 171-201. Cambridge: Polity Press, 1998.

_____. "Moral Pluralism without Moral Relativism." *Ethics* (Proceedings of Twentieth World Congress of Philosophy: Philosophy Educating Humanity, 1999), edited by Klaus Brinkmann, 1-8. Bowling Green: Bowling Green State University, 1999.

_____. *Dependent Rational Animals: Why Human Beings Need the Virtues*. Chicago: Open Court Publishing, 1999.

_____. *The Task of Philosophy: Selected Essays*, Volume 1. Cambridge: Cambridge University Press, 2006.

Maclean, Anne. *The Elimination of Morality: Reflections on Utilitarianism and Bioethics*. New York: Routledge Press, 1993.

Masterman, Margaret. "The Nature of a Paradigm." In *Criticism and the Growth of Knowledge*, edited by Imre Lakatos and Alan Musgrave, 59-89. Cambridge: Cambridge University Press, 1970.

McClendon, James W., Jr. *Biography as Theology: How Life Stories Can Remake Today's Theology.* Nashville: Abingdon Press, 1974.

_____. *Systematic Theology: Ethics*. Nashville: Abingdon Press, 1986.

_____. *Systematic Theology: Doctrine*. Nashville: Abingdon Press, 1994.

McDermott, John. J., ed., *The Writings of William James: A Comprehensive Edition*. Chicago: University of Chicago Press, 1977.

McFadden, Johnjoe. "Very Strange but True." *The Guardian* (8 January 2001).

Meacham, Stewart. "The Social Aspects of Nuclear Anxiety." *American Journal of Psychiatry* 120 (1964): 837-841.

Meilaender, Gilbert. "Dependent Rational Animals: Why humans need the virtues and the MacIntyre Reader." *First Things* 96 (1999): 47-55.

Mill, J. S. *Utilitarianism, Liberty, and Representative Government.* London: J. M. Dent, 1910.

Miller, David. "Virtues, Practices, and Justice." In *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre*, edited by John Horton and Susan Mendus, 245-264. Notre Dame: University of Notre Dame Press, 1994.

Millon, Theodore, Erik Simonsen, Morten Birket-Smith, and Roger D. Davis, eds., *Psychopathy: Antisocial, Criminal and Violent Behavior*. New York: Guilford Press, 1998.

Mitchell, Kenneth R., and Terence J. Lovat. *Bioethics for Medical and Health Professionals: History, Principles, Case Studies*. Wentworth Falls: Social Science Press, 1991.

Mitchell, Kenneth R., Ian H. Kerridge and Terence J. Lovat. *Bioethics and Clinical Ethics for Health Care Professionals*. Wentworth Falls: Social Science Press, 1996.

Mouffe, Chantal. "Deconstruction, Pragmatism and the Politics of Democracy." In *Deconstruction and Pragmatism: Simon Critchley, Jacques Derrida, Ernest Laclau, and Richard Rorty*, edited by Chantal Mouffe, 1-12. London: Routledge, 1996.

Mouffe, Chantal, ed., *Deconstruction and Pragmatism.* London: Routledge, 1996.

Murphy, Nancey. "Scientific Realism and Postmodern Philosophy." *British Journal for the Philosophy of Science* 41/3 (1990): 290-303.

Murphy, Nancey, and George F. R. Ellis. *On the Moral Nature of the Universe: Theology, Cosmology, and Ethics*. Minneapolis: Augsburg Fortress, 1996.

National Health and Medical Research Council. *Maternal Mortality Working Party Report on Maternal Deaths in Australia 1991-93*. Commonwealth of Australia, 1988.

Neuhaus, Richard John. "The Idea of Moral Progress." *First Things* 95 (1999): 21-27.

Nussbaum, Martha C. "Recoiling from Reason," Review of Alasdair McIntyre's *Whose Justice? Which Rationality? New York Review of Books* 36/19 (1989): 36-41.

Oderberg, David S. *Moral Theory: A Non-consequentialist Approach.* Oxford: Blackwell, 2000.

_____. *Applied Ethics: A Non-consequentialist Approach.* Oxford: Blackwell, 2000.

Okin, Susan Moller. "Reason and Feeling in Thinking about Justice," *Ethics* 99/2 (1989): 229-249.

Oreskes, Naomi, ed., *Plate Tectonics: An Insider's History of the Modern Theory of the Earth*. Boulder: Westview Press, 2003.

Peirce, C. S. "How to Make Your Ideas Clear." *Popular Science Monthly* 12 (1878): 286.

Pellegrino, Edmund D. "The Four Principles and the Doctor-Patient Relationship: the Need for a Better Linkage." In *Principles of Health Care Ethics*, edited by Raanan Gillon, 353-365. Chichester: John Wiley & Sons, 1994.

Pellegrino, Edmund D., and David C. Thomasma. *A Philosophical Basis of Medical Practice*. New York: Oxford University Press, 1981.

_____. *Virtues and Medical Practice*. New York: Oxford University Press, 1993.

Pigliucci, Massimo. "Charles Darwin: The Evolution of Evolutionary Theory." *Philosophy Now: A Magazine of Ideas* (Jan/Feb 2009). Online edition, accessed 22 February 2009, http://www.philosophynow.org/issue71/71pigliucci.htm.

Popper, Karl. *The Logic of Scientific Discovery.* New York: Harper & Row, 1965.

Putnam, Hilary. *Truth and History*. Cambridge: Cambridge University Press, 1981.

Pyle, Andrew, ed., *Key Philosophers in Conversation: The Cogito Interviews*. London: Routledge, 1999.

Quine, Willard V. O. "Two Dogmas of Empiricism." *Philosophical Review* 60 (1951): 20-43.

Quine, Willard V. O., and Joseph Ullian. *The Web of Belief*. New York: Random House, 1978.

Rauprich, Oliver. "Common Morality: Comment on Beauchamp and Childress." *Theoretical Medicine and Bioethics* 29 (2008): 43-71.

Rawls, John. *A Theory of Justice*. Cambridge: Harvard University Press, 1971.

_____. *Political Liberalism*. Cambridge: Harvard University Press, 1999.

Rees, Martin. *Our Final Century: Will the Human Race Survive the Twenty-first Century?* London: Heinemann, 2003.

Regnard, Claud. "Double Effect is a Myth Leading a Double Life." *British Medical Journal* 334 (2007): 334-440.

Reich, Warren T. "A New Era for Bioethics: The Search for Meaning in Moral Experience." In *Religion and Medical Ethics: Looking Back, Looking Forward*, edited by Alan Verhey, 96-119. Grand Rapids: Eerdmans, 1996.

Reid, John. White Paper: *Our Inheritance, Our Future: Realising the Potential of Genetics in the NHS.* Department of Health, June 2003.

Ridley, Aaron. *Beginning Bioethics: A Text with Integrated Readings*. New York: St. Martin's Press, 1998.

Rollin, Bernard E. *The Frankenstein Syndrome: Ethical and Social Issues in the Genetic Engineering of Animals*. Cambridge: Cambridge University Press, 1995.

Rorty, Richard. *The Linguistic Turn: Recent Essays in Philosophical Method.* Chicago: University of Chicago Press, 1967.

_____. *Philosophy and the Mirror of Nature.* Princeton: Princeton University Press, 1979.

_____. "Pragmatism, Relativism, and Irrationalism." *Proceedings and Addresses of the American Philosophical Association* 53 (1980): 719-738.

_____. *Contingency, Irony, and Solidarity.* Cambridge: Harvard University Press, 1989.

_____. *Objectivity, Relativism, and Truth: Philosophical Papers*, Volume 1. Cambridge: Cambridge University Press, 1991.

_____. *Truth and Progress: Philosophical Papers*, Volume 3. Cambridge: Cambridge University Press, 1998.

_____. "To the Sunlit Uplands." *London Review of Books* 24/21 (2002): 31.

Ross, W. D. *The Right and the Good*. Oxford: Clarendon Press, 1930.

Ruse, Michael, and E. O. Wilson. "Moral Philosophy as Applied Science." In *Conceptual Issues in Evolutionary Biology*. Second edition, edited by Elliot Sober, 421-438. Cambridge: MIT Press, 1994.

Ryan, Alan. "Liberalism." In *A Companion to Contemporary Political Philosophy*, edited by Robert E. Goodin and Philip Pettit, 291-311. Oxford: Blackwell, 1995.

Saunders, Cheryl, and Katherine Le Roy, eds., *The Rule of Law*. Melbourne: Federation Press, 2003.

Schmitt, F. "Epistemology and Cognitive Science." In *Handbook of Epistemology*, edited by Ilkka Niiniluoto, Matti Sintonen, and Jan Woleński, 870-871. Dordrecht: Kluwer Academic Publishiers, 2004.

Schneewind, J. B. "MacIntyre and the Indispensability of Tradition." *Philosophy and Phenomenological Research* 1/1 (March 1991): 165-168.

Seeskin, Kenneth. *Autonomy in Jewish Philosophy*. New York: Cambridge University Press, 2001.

Shini, Shaniko. "Physiological Responses of Laying Hens to the Alternative Housing Systems." *International Journal of Poultry Science* 2/5 (2003): 357-360.

Sider, Ronald J. *Rich Christians in an Age of Hunger*. London: Hodder and Stoughton, 1990.

Sidgwick, Henry. *The Methods of Ethics*. Seventh edition. London: Macmillan, 1907.

Singer, Peter. "Sidgwick and Reflective Equilibrium." *The Monist* 58 (1974): 490-517.

_____. *Animal Liberation: A New Ethics for Our Treatment of Animals*. New York: A New York Review Book, 1975.

_____. *Practical Ethics.* New York: Cambridge University Press, 1979, 1993.

_____. *The Expanding Circle.* New York: Farrar, Straus & Giroux, 1981.

_____. *How Are We to Live? Ethics in an Age of Self-Interest*. Melbourne: Text Publishing, 1993.

_____. *Rethinking Life and Death: The Collapse of Our Traditional Ethics*. Melbourne: Text Publishing, 1994.

_____. "A Response." In *Singer and His Critics*, edited by Dale Jamieson, 269-335. Oxford: Blackwell, 1999.

_____. "Ethics and Intuitions." *The Journal of Ethics* 9 (2006): 331-352.

_____. *The Life You Can Save: Acting Now to End World Poverty*. Melbourne: Text Publishing Company, 2009.

Singer, Peter, and Deane Wells. *The Reproductive Revolution: New Ways of Making Babies*. Oxford: Oxford University Press, 1984.

Singer, Peter, and Renata Singer. "The Ethics of Refugee Policy." In *Open Borders? Closed Societies? The Ethical and Political Issues*, edited by Mark Gibney, 111-130. New York: Greenwood Press, 1988.

Sober, Elliott. "Evolutionary Altruism, Psychological Altruism, and Morality: Disentangling the Phenotypes." In *Evolutionary Ethics,* edited by M. H. Nitecki and D. V. Nitecki, 199-216. Albany: SUNY Press, 1993.

_____. *From a Biological Point of View: Essays in Evolutionary Philosophy*. Cambridge: Cambridge University Press, 1994.

Sober, Elliot, and David Sloan Wilson. *Unto Others: The Evolution and Psychology of Unselfish Behavior*. Cambridge: Harvard University Press, 1999.

Sosa, Ernest. "The Raft and the Pyramid: Coherence verses Foundations in the Theory of Knowledge." *Midwest Studies in Philosophy* 5 (1980): 3-25.

Stern Robert. "MacIntyre and Historicism." In *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre*, edited by John Horton & Susan Mendus, 146-160. Notre Dame: University of Notre Dame Press, 1994.

Stout, Jeffrey R. *The Flight from Authority: Religion, Morality, and the Quest for Autonomy*. Notre Dame: University of Notre Dame Press, 1981.

Styer, Daniel F. *The Strange World of Quantum Mechanics*. Cambridge: Cambridge University Press, 2000.

Thiel, John. *Nonfoundationalism.* Minneapolis: Fortress Press, 1994.

Thompson, Ian E., Kath M. Meia, and Kenneth M. Boyd. *Nursing Ethics*. Fourth edition. Edinburgh: Churchill Livingstone, 2001.

Thompson, James. "Threat of Nuclear Warfare." In *Encyclopedia of Stress*, Vol. 3, edited by George Fink, 66-70. San Diego: Academic Press, 2000.

Toulmin Stephen. "The Tyranny of Principles: Regaining the Ethics of Discretion." *The Hastings Center Report* 11/6 (1981): 31-39.

_____. *Cosmopolis: The Hidden Agenda of Modernity.* Chicago: University of Chicago Press, 1990.

_____. "Theology in the Context of the University." *Theological Education* 26/2 (Spring 1990): 51-65.

Urmson, J. O. *Aristotle's Ethics.* Oxford: Basil Blackwell, 1988.

Van Huyssteen, J. W. *The Shaping of Rationality: Toward Interdisciplinarity in Theology and Science.* Grand Rapids: Eerdmans, 1998.

Von Dietze, Erich. *Paradigms Explained: Rethinking Thomas S. Kuhn's Philosophy of Science.* Westport: Praeger, 2001.

Wajcman, Judy. *Techno Feminism*. Williston: Wiley-Blackwell, 2004.

Walzer, Michael. *Thick and Thin: Moral Argument at Home and Abroad.* Notre Dame: University of Notre Dame Press, 1994.

Wear, Stephen. *Informed Consent: Patient Autonomy and Physician Beneficence within Clinical Medicine*. Boston: Kluwer Academic Publishers, 1993.

Wilkerson, Isabel. "Essay on Mercy Killing Reflects Conflict on Ethics for Physicians and Journalists," Special supplement. *New York Times* (February 23, 1988): 16.

Williams, Bernard. *Morality: An Introduction to Ethics.* Cambridge: Cambridge University Press, 1972.

_____. *Moral Luck*. Cambridge: Cambridge University Press, 1981.

_____. *Ethics and the Limits of Philosophy.* London: Fontana Press, 1985, 1993.

_____. *Making Sense of Humanity and Other Philosophical Papers 1982–1993.* Cambridge: Cambridge University Press, 1995.

_____. "Knowledge, Science, Convergence." In *Moral Disagreements: Classic and Contemporary Readings*, edited by Christopher W. Gowans, 130-139. London: Routledge, 2000.

_____. *Truth and Truthfulness: An Essay in Genealogy*. Princeton: Princeton University Press, 2002.

Wilson, Edward Osborn. *Sociobiology: The New Synthesis*. Cambridge: Harvard University Press, 1975.

Winston, Robert. *The Baby Makers: The Story of IVF*. Bendigo: Video Education Australia, 1999.

Women's Health Victoria. *Termination of Pregnancy: Frequently Asked Questions* (2006). Client Information Flyer.

Wurman, Richard Saul. *Information Anxiety*. New York: Doubleday, 1989.

Yoder, John H. *Body Politics: Five Practices of the Christian Community Before the Watching World.* Scottsdale: Herald Press, 2001.

Zasler, Nathan D., Douglas I. Katz, and Ross D. Zafonte. *Brain Injury Medicine: Principles and Practice*. Richmond: Demos Medical Publishers, 2006.