

“Answers to Five Questions on Normative Ethics”

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1) Why were you initially drawn to normative ethics?

I came late to philosophy and even later to normative ethics. When I started my undergraduate studies at the University of Toronto in 1970, I was interested in mathematics and languages. I soon discovered, however, that my mathematical talents were rather meager compared to the truly talented. I therefore decided to study actuarial science (the applied mathematics of risk assessment for insurance and pension plans) rather than abstract math. After two years, however, I dropped out of university, went to work for a life insurance company, and started studying on my own for the ten professional actuarial exams. When not studying, I would often go to the public library and I was drawn to the philosophy section—although I had no idea of what philosophy was about. I there saw *Logical Positivism*, edited by A.J. Ayer. I was interested in logical thinking and I also favored an optimistic attitude towards life (!) and so I thought that the book might be interesting. I checked it out and was absolutely enthralled with the writings of Bertrand Russell, Rudolf Carnap, Carl Hempel and others (if I’m remembering correctly). Of course, I didn’t really understand much of what they were doing, but I did see that they were addressing important problems in a systematic and rigorous manner. I liked it!

I then went on to read most of Bertrand Russell’s books and realized that I had a deep interest in philosophy. Eventually, I returned to university—this time at McGill University in Montreal—

and completed an undergraduate degree in mathematics and philosophy. After a fantastic year traveling around Greece, I went to the University of Pittsburgh intending to study philosophy of language, philosophy of logic, or philosophy of science. The following year, however, David Gauthier arrived at Pitt and I was exposed to his work and that of John Rawls, Amartya Sen, and John Harsanyi. I was very excited by the applications of the theories of rational and social choice to the foundations of moral theory and I decided to focus on moral philosophy. Initially, my focus was on ethical theory (and consequentialism in particular). Later, I became interested in liberty and equality in political philosophy (and left-libertarianism in particular).

2) What example(s) from your work (or the work of others) illustrates the role that normative ethics ought to play in moral philosophy?

I don't really know how to answer this question. So, let me first make some general comments on moral methodology and then identify what I take some of my main contributions to normative ethics to be.

I believe that all the main areas of moral philosophy—metaethics, normative ethics, and applied ethics, for example—can be fruitfully investigated prior to resolution of issues in the other areas. Of course, ideally, we'd resolve the metaethical issues before addressing normative ethics (so that we know what we are talking about!) and ideally the latter would be resolved before addressing applied issues (so that we know what the correct moral principles are!). Given, however, that the issues continue to be highly contested, we can't simply wait for the more basic issues to be resolved. We can fruitfully explore the more derivative issues even if we have to revisit them when more progress is made in more basic issues. Indeed, sometimes the tentative

resolution of derivative issues sheds light on the more basic issues.

I am also a big believer in the method of reflective equilibrium in the justification of our judgements—both in general and for morality in particular. I believe that, for any domain of investigation, abstract judgement about principles and concrete judgements about specific cases must be mutually informed and mutually supporting. Our abstract judgements must have a relatively good “fit” with (in the sense of endorsing) our concrete judgements—otherwise they are not suitably anchored in the reality of everyday experience. Our concrete judgements, however, should not be taken as given. They are often ill grounded. They may be based on false beliefs or confusions. Or they may have been well adapted to past circumstances but not to current circumstances. Neither abstract judgement nor concrete judgements should be considered immune to revision in light of pressure from the other. Sometimes concrete judgement should be revised in light of abstract judgement and sometimes vice versa. The method of reflective equilibrium leaves open how much “weight” to give abstract judgements versus concrete judgements. All it rules out is giving no weight to either.

Let me now summarize what I take to be my rather modest contributions to normative ethics. While in graduate school, Geoff Sayre-McCord got me interested in moral dilemmas. I went on to write two papers in which I argued that we need to distinguish between obligation dilemmas and prohibition dilemmas. Obligation dilemmas are situations in which each of two distinct feasible actions is obligatory. These are not conceptually possible as long as obligation is understood in the strong sense that entails permissibility. Prohibition dilemmas are situations in which no feasible action is permissible. Although standard axioms of deontic logic rules this out, this, I claim, is not a matter of deontic logic and but rather a substantive normative view. Thus, we should reject the axiom of deontic logic (e.g., $\text{Per}(p) \vee \text{Per}(\sim p)$) that rules out prohibition

dilemmas as a conceptual matter and focus more on the substantive moral issue about whether they are in fact possible given the nature of morality. As far as I can tell, only few people have picked up on my view, but it seems exactly right to me.

My dissertation (directed by David Gauthier and much influenced by Shelly Kagan) was on the teleological/deontological distinction and several papers came from it. I argued that, rather than there being one fundamental distinction, there were several. A theory can be *goal-directed* without the goal being moral goodness (e.g., Maximize the number of cows in Manitoba!). An *axiological* theory is one that bases the moral permissibility of actions on their moral goodness (e.g., Perform the morally best feasible action!). It does not require, however, that the moral goodness of actions be based on the moral goodness of their outcomes. It could, for example, be based on the agent's intentions. A *teleological* theory is one that bases moral permissibility of actions on the moral goodness of their *outcomes*. Such a theory need not be *maximizing*; it might be satisficing. If we make the usual assumption that moral goodness is *agent-neutral*, then moral egoism (Maximize your own prudential good!) is not teleological. There are, moreover, different conceptions of what counts as an outcome. Three main possibilities are (1) the entire world history that results (including the past), (2) the entire future history, and (3) only the avoidable future (which excludes events that happen no matter what one does). If outcomes are taken to be the entire world history, then a teleological theory can be based on a theory of moral goodness that is sensitive to historical considerations such as desert.

In 1991, I commented on a paper by Mark Nelson that raised problems for utilitarianism (and finitely aggregative theories generally) when the future is infinitely long. For example, one might have a choice between producing a total of 2 units of happiness at each time and producing 1 unit of happiness at each time. Given that both produce infinite totals, neither of

which is greater than the other, standard versions of utilitarianism say that neither is better than the other. My thinking about this issue eventually led to several papers on the topic. I argued that the judgement that neither action is better than the other is implausible and defended a revised version of utilitarianism that judges 2 at every time as better than 1 at every time in the infinite case (and agrees with the standard view in the finite case). The rough idea is this: One alternative is better than another if and only if there is some time in the future such that, *for all later times*, the consequences of the first alternative *up to that time* are better (e.g., greater total) than those of the second alternative up to that time. This is a somewhat technical problem, but it shows, I believe, some deep tensions between basic moral principles (e.g., impartiality and Pareto efficiency). It turns out that Frank Ramsey discovered this problem in the 1920s and that economists have developed various solutions that are similar to the one I developed (but much more sophisticated!).

Much of my more recent work is in on liberty and equality in the theory of justice. Although this is typically thought of as political philosophy, my view is that it is simply part of normative ethics. The term “justice” is used in different ways, but on one standard usage it stands for those moral duties that we *owe to* individuals (i.e., that correspond to their rights). Justice so understood is that part of ethics that is concerned with *interpersonal* duties. It does not address *impersonal* duties (duties owed to no one).

On the topic of equality, I have argued (with many others) that although equality is a very important moral requirement, it is limited in a number of ways. First, there are constraints imposed by certain rights (e.g., of bodily integrity) on the means by which equality may be promoted. Second, the demand for equality does not require that one promote equality as much as possible (relative to the above constraints); it merely requires that one promote equality

sufficiently (where an independent account is needed of what sufficiency requires). Third, justice leaves room for individual accountability for choices. Thus, although some form of equality is required, equality of *outcomes* is not (since that leaves no room for holding agents accountable for their choices). Equality of life prospects (e.g., initial opportunities for wellbeing) and equality of brute luck advantage are two main possibilities. (Brute luck effects are effects that are not attributable to one's choices; e.g., being struck by unforeseeable lightning as opposed to losing money on a lottery ticket.) Both base the relevant equality in part on *initial* effective opportunities, but only the latter also includes *later* outcome brute luck (brute luck in how things later turn out). I have argued that justice does not require that the effects of (later) outcome brute luck be equalized. Instead, at the level of policy, it will be included for instrumental reasons when, and only when, it is efficient to do so (e.g., when administrative costs are low and it is effective in overcoming risk aversion to social desirable activities). Fourth, equality is relevant only for choosing among Pareto optimal (or efficient) options. (An option is Pareto optimal if and only if it is not possible to make someone better off without making someone else worse off. This is a weak notion of efficiency, which requires no interpersonal comparisons of wellbeing.) For interpersonal morality, that is, equality is lexically posterior to Pareto efficiency (i.e., is relevant only when Pareto efficiency is achieved) and thus we are never required to level down to equality. Thus, it is always permissible to make one person better off so long as no one else is made worse off, even if this results in inequality of outcome. This is called Paretian egalitarianism.

Finally, the conception of equality that is relevant for the theory of justice is highly sensitive to *sum-total efficiency* (i.e., favoring the greatest total, which is a much stronger notion of efficiency than Pareto efficiency). All measures of equality hold, as does leximin, that benefits

to individuals who remain *below the mean*, no matter how small, take absolute priority (with respect to equality) over benefits to individuals *above the mean*, no matter how large. I argue, however, that a plausible conception of equality for the theory of justice will hold, as does utilitarianism, that the distribution of benefits to *individuals who remain below the mean* should be made so as to *maximize the total benefits*. This gives sum-total efficiency a maximal role in the measure of equality (anything stronger would not be a conception of equality). It avoids any requirement to channel resources to worse off individuals when other individuals below the mean would get greater benefits. On this conception of equality, for example, giving each of two below average people a benefit of two units is more equal than giving a single worse off person a benefit of three units.

On the topic of liberty, I've clarified and defended the thesis of *full self-ownership* and defended a version of *left-libertarianism*. Full self-ownership is simply full ownership applied to the case where the owner and the entity owned are identical. Ownership of an entity consists of control rights (liberty rights to use, claim rights that others not use), compensation rights (rights to compensation if the entity is used without one's permission), enforcements rights (rights to use force to stop others from violating one's rights), transfer rights (rights to lend, rent, give, or sell these rights to others), and immunities to loss of these rights under certain conditions. *Full* ownership of an entity consists of a logically strongest set of ownership rights over that entity that is compatible with someone else having those same rights over the rest of the world. There is, it turns out, some significant indeterminacy in the concept of full ownership, since strengthening rights to compensation and enforcement weakens immunities to loss, and vice-versa. Still, there is a significant determinate core to the concept of full self-ownership, and I have defended its plausibility.

Libertarianism is committed to the natural rights of full self-ownership. This, however, leaves entirely open the moral status of the rest of the world. Right-libertarians (such as Nozick) view it as largely up for grabs by whoever gets there first. Left-libertarians, by contrast, hold that natural resources (all the non-agent resources in the world prior to modification by agents; land, water, air, minerals, etc.) belong to all of us in some egalitarian manner. I have (and am still in the process of) defending a version of equal opportunity for wellbeing left-libertarianism. It holds that individuals have the moral power to appropriate unowned natural resources as long as they pay the full competitive value (based on supply and demand) of the rights that they claim and disburse this payment so as to promote equality of effective opportunity for wellbeing. (Michael Otsuka has also developed and defended a similar view.) This views natural resources as resources to be used for the promotion of equality of opportunity, and further holds the duty to pay the competitive value of rights we claim over natural resources is the only non-consensual source of our duty to help others. Such a view, I have argued, adequately captures the roles of liberty, security, equality, accountability, and prosperity in the theory of justice. Furthermore, it is compatible with the justice of significant state activity (significant taxation, enforcement of rights, provision of public goods, promotion of equality) but not with the justice of the state's prohibition of activities that violate no one's rights.

3) How do studies within scientific disciplines contribute to the development of normative ethics?

Biological, psychological, and sociological knowledge can certainly help us understand the nature of happiness, egoism, altruism, moral motivation, free will, etc. I'm somewhat skeptical,

however, that such knowledge will prove crucial to resolving any fundamental issues of normative ethics. Empirical information certainly informs fundamental normative judgement but it is rarely decisive in any important way.

There is, however, one scientific discipline that has a lot to contribute to normative ethics. This is normative economics and social choice theory in particular. In the early 1950s, Kenneth Arrow (now a Nobel laureate) proved that it is impossible for the moral (or social) ranking of alternatives (e.g., states of affairs) to satisfy several seeming plausible conditions (transitivity, completeness, Pareto efficiency, non-dictatorship, and independence of irrelevant alternatives). This was an amazing result. Since the 1970s, Amartya Sen (another Nobel laureate) and a significant group of normative economists have greatly expanded the power and range of application of social choice theory. They have systematically clarified issues such as ordinal vs. cardinal wellbeing, interpersonal comparability of wellbeing, equality, sufficiency, rights, freedom, and justice in the space of resources rather than wellbeing. I believe that normative ethics has much to learn from such work. Of course, a lot of this work that takes the form of technical theorem-crunching and this is unlikely to be helpful to normative ethics. Nonetheless, the best work in this area is based on simple and intuitively plausible axioms. The axioms always need to be philosophically assessed, but having crisp statements and results greatly enhances the possibilities of seeing the core issues clearly.

4) What do you consider the most neglected topics and/or contributions in normative ethics?

I wouldn't say that following issue has been neglected, but I do think it is still underdeveloped.

What exactly is the difference between an impersonal duty (owed to no one) and an interpersonal

duty (owed to someone)? This reduces to the question of what it is to *owe* someone a duty. A natural answer is that the person *has a right* that you perform an action that fulfills the duty.

What, however, is it for an individual to have a right against someone? Two broad families of theories of rights have been developed. The choice-protecting family holds that rights protect choices and thus that only autonomous agents have rights. The interest-protecting family holds that rights protect interests and thus that even animals can have rights. My own view is that (1) at the conceptual level, we should recognize both kinds of rights as possible, (2) we should also recognize the conceptual possibility of various hybrids as well, and (3) at the normative level, some kind of hybrid theory is the most plausible. We have, I would argue, rights that protect *both* our choices and our interests, with the protection of choices as lexically prior to the protection of interests. For sentient individuals with no autonomy, this is equivalent to an interest-protecting account. For autonomous agents, however, such an account allows that, where neither consent nor dissent is given (e.g., when there is no time to obtain consent, or when the agent is temporarily unconscious), the interests of the right-holder determine whether a right is violated. Consent, however, is sufficient for non-violation, and dissent is sufficient for violation. Obviously, all this is highly controversial. I merely mention it as an example of where further work is needed.

5) What are the most important problems in normative ethics and what are the prospects for progress?

Although it is more a question of metaethics, the nature of critical normativity is one of the most basic unresolved question in philosophy in general. This issue is not particular to moral

philosophy. It also includes, for example, prudential normativity and epistemic normativity. It raises issues both about the metaphysics of normativity and of the methodology/epistemology thereof. The issue has been explored at great length with respect to moral normativity (moral realism, non-naturalism, non-cognitivism, etc.), and I'm inclined to think that whatever is correct with respect to morality is also correct generally. Although we've made lots of progress in understanding what the core issues are and what the main positions might be, there is nothing close to agreement. I'm not very optimistic about our being able to solve this one, but we must proceed, I believe, on the presupposition that it can be solved.

One of the most basic problems in normative ethics proper concerns the criteria for moral standing. Do fetuses have moral standing? Do humans that have no potential for experiences (e.g., anencephalic babies or other upper brain dead individuals)? Do possible future people? Do non-human animals? My (very foggy) tentative view is (very roughly) that moral standing is action-relative (a very non-standard view!) and that individuals have moral standing relative to an action if and only if they have some potential for wellbeing (now or in the future) if the action is performed. Upper brain dead individuals have no moral standing relative to any action. Individuals (including non-human animals and sentient fetuses) that already have the capacity (as opposed to potential) for wellbeing have moral standing no matter which action is performed. Presentient fetuses do not have moral standing relative to an action in which they are aborted prior to sentience (and thus are not wronged by such action). A presentient fetus does, however, have moral standing relative to an action for which there is some chance that it will acquire the capacity for wellbeing. This is all messy and complex and I'm here only hinting at a possible position. The main point is that the issue of moral standing is absolutely central to normative ethics. Although it's a difficult issue, I believe that genuine progress is possible. Let's hope!

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