Normative Principles and Practical Ethics: A Response to O'Neill

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ABSTRACT   *This article briefly examines Onora O'Neill's account of the relation between normative principles and practical ethical problems with an eye to suggesting that philosophers of practical ethics have reason to adopt fairly high moral ambitions to be edifying and instructive both as educators and as advisors on public policy debates.*

1. Applying Principles

An illuminating part of Onora O'Neill's paper 'Applied ethics: Naturalism, normativity and public policy' is her examination of the relation between normative (ethical) principles and practical problems.[1] O'Neill begins by observing that normative work is distinct from the empirical and descriptive work undertaken in both the sciences and most contemporary humanities disciplines (despite the anti-naturalistic methodologies of the latter). Whereas empirical and descriptive work aims to ascertain or to explain the truth about some matter, normative work, by contrast, is neither explanatory nor interpretive. It is prescriptive: normative theories hold that aspects of the world should be changed to fit certain descriptions and principles, not vice versa. O'Neill says that, while there is little disagreement over this distinction, there is considerable disagreement over both what it is to *apply* normative principles to practical problems and how normative principles are to guide action. The language of application (as in 'applied ethics') is problematic in two respects, she argues, since this language implies misleadingly that the relation between normative principles and real cases is analogous to the relation between empirical theories and the real cases to which they are applied.

First, whereas empirical or descriptive principles apply to specific cases, normative principles pertain to *types* of cases, because the aim of normative principles is to outline in general terms how certain kinds of activities and enterprises may be well undertaken. Second, whereas the principles in descriptive or empirical inquiries stand in need of revision or rejection when they fail to fit with actual cases, normative principles are not similarly vulnerable to counterexamples. In normative work, O'Neill states, principles and the accounts of the contexts to which they apply do not stand in need of revision or rejection when they diverge from actual cases. Rather, the world is to be reformed so that it better lives up to these normative principles. O'Neill concludes that, whereas the language of application is appropriate in empirical, truth-oriented inquiry because the principles must fit the cases to which they are applied, the language of enactment is required in normative work if we are to move beyond *identifying* the kinds of contexts to which normative principles are relevant to actually *deploying* those principles as guides to action.

This conception of the relation between normative principles and cases requires some refinement, first, to reflect the fact that, although the revision and reformulation of normative principles typically is prompted by pressure from other normative principles and moral values, nevertheless normative principles are not wholly impervious to facts and counterexamples. For example, normative principles tend to be sensitive, in general terms, to the constraints of feasibility. As principles for persons, normative principles tend not to make superhuman demands, though they sometimes push at the boundaries of what is practically possible for persons. When normative principles push too hard at those boundaries, philosophers tend to think that they require revision or reformulation.

Second, it is not only in practical ethics that the language of application may be insufficient or inappropriate for the reasons that O'Neill outlines. The relation between principles and cases in practical or 'applied' ethics bears some similarities to that relation in the unashamedly truth-oriented inquiry of applied mathematics.[2] As a discipline, applied mathematics grants itself quite ambitious practical goals — to offer mathematical models as alternatives to real experiments — even though, like applied ethics, it both abstracts away from and idealises the kinds of cases that it considers.[3] (Concerning idealisation, the most obvious false assumption that applied mathematicians presently make, I am told, is that matter is a continuum (without gaps) and not composed of atoms.) Also, like applied ethics, applied mathematics has a normative or prescriptive dimension. The applied mathematician argues that the oilrig should be built this way, not that way, because her mathematical model indicates that this construction will make the oilrig stronger. Or, the mathematician says that the surgeon should cut here, not there, because her mathematical model indicates that this is where the tumour is. And, the mathematician's recommendations, like those of practical philosophers, are made *ceteris paribus*. The oilrig should be built this way provided that other considerations of cost, materials, time, etc. are not at issue.[4]

One important difference, however, between applied ethics and applied mathematics is that, for applied mathematicians, the practical objectives of the work are largely undisputed, and consequently, the measure by which mathematicians' results are judged also are largely undisputed. If the mathematician's model locates the tumour accurately in nearly all cases, then her results are deemed to be good. In practical ethics, by contrast, the measures by which normative claims are to be assessed is also something that is assessed. This raises the question of whether, and to what extent, weight should be given to any modest consensus amongst moral and political philosophers on how to assess their practical normative recommendations.

O'Neill attributes the optimism that philosophers in applied ethics sometimes show about their endeavours partly to the fact that they frame the examples and problems that they consider in terms of established normative systems such as established legal frameworks, professional cultures, or international conventions, which these philosophers do not seek to challenge. The drawback to such moves, O'Neill says, is that they rely at some stage upon an argument from authority or consensus, which can be a dispiriting move since all normative implications of a view thereby are conditional upon acceptance of the established framework, a defect of which philosophers in practical ethics seem to be aware.

However, a consensus amongst scholars trained in a field is not comparable to a qualitative sampling of ordinary opinions. For applied mathematicians, the consensus of their community on the quality of certain results and methods is taken to be decisive

even though often, years after a key result or approach becomes accepted, someone will show that it is inadequate, flawed, or erroneous. If serious moral and political philosophers have a certain expertise about practical normative questions, then it sometimes may be appropriate to lean on the assumption that what, at a basic level, is widely believed or agreed upon within that community should carry weight in the public assessment of any one philosopher's practical recommendations. And this is because, when pressed for additional premises and arguments, the community will be able to supply them.

2. Enacting Principles

After articulating the distinction between *applying* principles and *enacting* principles, O'Neill considers more fully the intricacies of enacting a plurality of normative principles, which, she says, given their indeterminacy, allow not only for many possible enactments, but also for the enactment of many distinct principles. To select amongst various combinations of enactments and to ensure the *joint* enactment of diverse principles, one must exercise practical judgement. The defeasibility and indeterminacy inherent in normative principles, far from hampering the ambitions of practical judgement, in fact support and secure those ambitions by making practically possible the joint enactment of a plurality of principles.

There are many things one might say about this, only two of which will be outlined here; the first supportive, the second more critical. First, O'Neill makes an important observation that too often practical philosophers focus principally on extreme types of cases, such as tragic conflicts and moral dilemmas involving dirty hands, where joint satisfaction of normative principles is contingently impossible. This narrow focus fosters the mistaken impression that a commitment to a plurality of principles and values invariably leads to conflict and tragedy. But, as O'Neill argues in a footnote, even in cases where the claims of some principles cannot be jointly enacted,

> . . . they can nevertheless be acknowledged. Such acknowledgement will require attention to the ways in which remainders arise in the wake of unmet or contingently unmeetable requirements, in and beyond ethical reasoning. It would, I believe, be possible to make the literature on remainders richer and more convincing by concentrating rather less on emotional and attitudinal responses to unmet obligations — remorse, regret, guilt — and rather more on practical responses such as making amends, reparations, renegotiation, compensation, apology and many others.

Philosophers would do well not only to attend to the range of practical responses available in such cases, but also to consider more fully the range of contexts in which a plurality of normative principles and values are or can be successfully deployed. Examining these kinds of contexts in their own right may have a positive impact upon the ambitions of practical judgement. For example, this may bring to light new ways to cultivate and expand the range of non-tragic contexts through coordination, division of labour (where the satisfaction of a principle or set of principles is agent neutral), education, and modelling of good conduct.

Second, more critically, although the language of enactment better accommodates the joint satisfaction of a plurality of normative principles than the language of application

does, nevertheless this language is limited or misleading in that it represents the satisfaction of principles in binary terms. On O'Neill's conception of the deployment of principles, a principle either is enacted or it is not. This conception does not easily accommodate the possibility for degrees of adequacy in the deployment of principles, which is a drawback to this way of understanding the relation between normative principles and practical problems.

3. Edifying and Instructing

O'Neill's paper raises some more general questions about the proper aims and methods of practical ethics because O'Neill reflects upon the ways in which scholars and writers explored practical ethical issues before applied ethics became an established sub-discipline in Philosophy. O'Neill notes that, historically, imaginative literature and humanities disciplines such as history, grammar, and rhetoric often had high moral ambitions; a tradition, she observes, that contemporary practical ethics does not continue:

> Like other contemporary writing in the humanities and social sciences, and indeed like much contemporary fiction, [applied ethics] does not purport to edify or instruct . . . Attempts to provide ethical instruction or edification are likely to be seen as old-fashioned, even naïve, and as making normative assumptions for which no adequate reasons are given, of seeking (at best) to persuade and not to reason. Applied ethics has hoped to do more, and to reach wider audiences.

The question that arises, though, is whether, and to what extent, philosophers in practical ethics may or should make edification and instruction a central (or even peripheral) part of their work. When we consider current teaching practices in moral and political philosophy, for example, we see that philosophers frequently self-consciously shy away from any project of edifying and instructing. Philosophers operating within a liberal framework tend to approach pedagogy as a descriptive project. They tend to aim in their lectures to give a balanced presentation of different views in the literature, highlighting the strengths and weaknesses of arguments for and against different positions, without endorsing a particular view. When engaging with students (and sometimes when speaking publicly) they tend to avoid passing judgement on particular public policies and conscientiously refrain from advancing either their own political views or their considered academic positions. Additionally, many philosophers seem deliberately to discard any aspirations to exhort their students through the study of moral and political philosophy to become better citizens, better friends, better family members, or better people.

This paints an overly simplistic, and perhaps uncharitable, picture of the moral agenda of philosophers working within the liberal tradition. Undoubtedly, we liberal philosophers have many norms that we espouse in teaching and public debate: we care about accuracy, for example. We have many second order norms about how to present material and what kinds of arguments are genuinely good kinds of arguments. But, some philosophers maintain that more than this is required by way of edification and instruction. Jeff McMahan, for one, has said in conversation that he regards

philosophers' attempts to maintain detachment toward, or balanced objectivity about, different views as a poor pedagogical technique since this implies that it does not matter which view a philosopher or a student ultimately defends. McMahan therefore teaches by example. He outlines to his students his own reflective positions on ethical issues and public policies and requires of his students that they engage critically with him and each other.

In a similar vein, Avner de-Shalit maintains that political philosophers cannot afford the luxury of remaining neutral about politics. Taking the collapse of the Middle East peace protest and recent Israeli policies toward the Palestinians as his example, de-Shalit states that political philosophers are in fact obliged to put forward their moral arguments and to provoke their students to use the tools that they as lecturers have given them — such as concepts and theories — to reflect more deeply upon the issues.[5] In his view, it is irresponsible for political philosophers to seek to remain academically neutral (or indifferent) when engaging either with their students or with public audiences.[6] This is because taking one's audience seriously means that one undertakes to empower one's audience to reflect critically on an issue; one seeks to show one's audience that the political philosopher's work is relevant to politics; one argues one's positions openly and genuinely, and one tries rationally to persuade one's audience of one's view.

Moreover, de-Shalit continues, the very fact that political philosophers are *trained* as political philosophers implies that they have special responsibilities, which a liberal commitment to academic neutrality on substantive issues lets them ignore. Just as the trained lifeguard probably will be the first to notice that the person in the water flailing her arms is drowning, and has a special responsibility in virtue of his competence to undertake a rescue, de-Shalit says, so too the political philosopher is trained 'to be sensitive to acts of discrimination, to gender relations, and to reflect upon ethnic relationships and their ethical aspects, and so, is supposed to be the first in society to notice discriminatory policies, and the first to realize in what sense they are unfair'.[7]

The claim that moral and political philosophers both should advance their own positions to their students and should be politically engaged must be tempered by the constraints of academic integrity, which require, amongst other things, that philosophers be sensitive to the needs of students who are new to philosophical inquiry, neither misrepresent nor too quickly dismiss opposing positions, engage genuinely with weighty objections, and endorse their actual considered positions and not ones that are politically expedient to defend. On this last point, Suzanne Uniacke observes in her paper 'What can philosophy say about public policy?' that a practical philosophical issue arises for the philosopher who is actively involved in policy formation: the question is whether a philosopher who seeks to make a direct input in matters of public policy should publicly *advocate* what she regards as a 'less than best' option for reasons that as a moral philosopher she actually rejects, when the policy that she considers to be morally the right policy is publicly unacceptable.[8] If academic integrity is an important part of taking one's audience seriously, then the philosopher should not advocate policies other than those which she finds genuinely philosophically defensible (granting that there can be degrees of defensibility).

If some of de-Shalit's comments on the role of moral and political philosophers are correct, then the study and teaching of moral and political philosophy does not, and should not, merely seek to cultivate an ability to reason about complex issues. It also must have grander moral ambitions to be edifying and instructive, at least in the sense

that philosophers should exhort their students and each other not only to carry out good philosophical reasoning, but also to take responsibility for their opinions by being publicly engaged in some way, and ultimately to become better citizens and better people through their philosophical reflection.

Many philosophers would be wary of the view that the study of moral and political philosophy does in fact make one a better person. Some might also be wary of the view that this branch of study enables one to judge better than others how people ought to act. Some might say that the study of moral and political philosophy at most makes one sensitive, at an abstract and general level, to certain considerations that bear upon all things considered assessments of how to act.

Whatever view we take of the edifying and instructive potential of practical philosophy inevitably will inform our assessment not only of the kind of contribution that moral and political philosophers can make to public debates about policy, but also of the proper aims of practical ethics and political philosophy as academic disciplines. More specifically, whatever conclusions we draw about both the proper role of philosophers as lecturers and the potential for the study of moral and political philosophy to be edifying will carry over onto our assessment of the proper role of practical philosophers as philosophers in public policy formation. If it seems to us pretentious or conceited to suggest that practical philosophers have special responsibilities in virtue of their training to be politically and socially engaged (and sometimes should be deferred to), then applied ethics and political philosophy have retreated from any professed high moral ambitions. If, however, moral and political philosophers are the 'trained lifeguards' on at least some practical ethical matters, then it would seem that their assessments of normative aspects of public policy debates should be regarded, in some sense, as authoritative.

One difficulty, of course, as noted above, is that much of the material about which moral and political philosophers might be said to be (in some sense) authorities are deeply disputed topics within philosophy. And this partly explains the reluctance some philosophers show toward both being publicly engaged and espousing their views outside academic seminars and journals. But, perhaps philosophers should be more forthcoming about their distinctive qualifications to profess opinions on public policy formation. Perhaps, it is not only the dual nature of the empirical and normative demands that practical philosophers face, but also their heightened self-reflection upon those demands that make them well-placed to contribute to debates about public policy.

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Acknowledgements

NOTES

1 Onora O'Neill, 'Applied ethics: Naturalism, normativity and public policy', *Journal of Applied Philosophy* (2009): this issue.

2 Comparing applied ethics to applied mathematics is perhaps dangerous territory to trespass onto if it is the case, as some philosophers claim, that it is fruitless to seek insights about ethics through reflections on mathematics. In metaethics, for example, some have argued that there is reason not to draw too much from a comparison with mathematics. Cf. Jonathan Lear, 'Ethics, mathematics, and relativism', *Mind* 92 (1983): 38–60. However, these concerns may be less relevant in a comparison of the practical pay-off of applied ethics and applied mathematics.

3 For example, when modelling the fracture of a metal, the applied mathematician makes the (false) assumption that the material is 'brittle' (i.e. that there is no damage prior to fracture). The only materials that genuinely are brittle are glass and all materials at 0 temperature (Kelvin). In metals, there are many very small and localized 'dislocations' of the 'pure metal lattice'. But one can give a 'pi over thumb argument' that, if the damaged zone is sufficiently small in relation to the whole body, then the theory of brittle fracture still gives reasonable answers. For a second example, under some idealized conditions, the applied mathematician can construct an algorithm for the solution of a large nonlinear system and prove that it is very efficient. But, the mathematician also uses the same algorithm even if her conditions are not satisfied yet the algorithm still works in 99% of all cases.

4 Also, as an aside, whether the applied mathematician's work is theoretical or practical depends partly upon one's academic perspective. To the engineer, the applied mathematician's work is theoretical. To the pure mathematician, the applied mathematician's work is practical.

5 Avner de-Shalit, 'Teaching political philosophy and academic neutrality', *Theory and Research in Education* 3, 1 (2005): 97–120.

6 de-Shalit cautions that he does not advocate paternalism; he does not say philosophers should indoctrinate their students or public audiences. Rather, the aim is to empower students to be active, politically engaged, critical, and alert. Empowerment essentially is transferring the focus of the debate from the philosopher to the audience — students and readers.

7 De-Shalit op. cit. p. 112.

8 Suzanne Uniacke 'What can philosophy say about public policy?' (forthcoming).