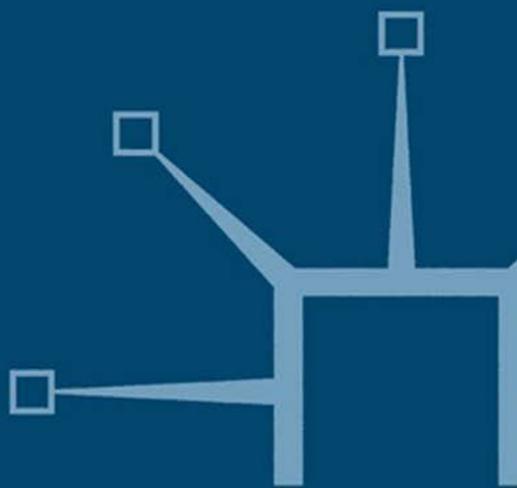


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Thom Brooks



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Series Standing Order ISBN 978-0-230-53797-2 (hardcover)

Series Standing Order ISBN 978-0-230-53798-9 (paperback)

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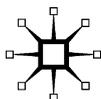
New Waves in Ethics

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palgrave
macmillan



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Softcover reprint of the hardcover 1st edition 2011 978-0-230-23275-4

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First published 2011 by
PALGRAVE MACMILLAN

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Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

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ISBN 978-0-230-23276-1 ISBN 978-0-230-30588-5 (eBook)
DOI 10.1057/9780230305885

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

10 9 8 7 6 5 4 3 2 1
20 19 18 17 16 15 14 13 12 11

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Series Editors' Preface

New Waves in Philosophy Series

The aim of this series is to gather the young and up-and-coming scholars in philosophy to give their view of the subject now and in the years to come, and to serve a documentary purpose, that is, “this is what they said then, and this is what happened.” It will also provide a snapshot of cutting-edge research that will be of vital interest to researchers and students working in all subject areas of philosophy.

The goal of the series is to have a New Waves volume in every one of the main areas of philosophy. We would like to thank Palgrave Macmillan for taking on this project in particular, and the entire *New Waves in Philosophy* series in general.

VINCENT F. HENDRICKS AND DUNCAN PRITCHARD
Editors

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Jonathan Webber is Senior Lecturer in Philosophy at Cardiff University and a Visiting Fellow at Bristol University, United Kingdom. His work draws upon experimental psychology as well as classic and contemporary work in philosophy. He has also published numerous papers in moral theory and a book on Jean-Paul Sartre.

Introduction

Thom Brooks

It is a great pleasure to welcome you to this unique collection. When I was asked by the series editors to edit this book, they had particular goals in mind. One goal is that anyone coming to the study of ethics for the first time should be able to pick up this book, read its pages and become knowledgeable about major debates in this area. A second goal is that this book might serve as a snapshot of the leading upcoming figures in the area of ethics broadly construed, each offering us important analyses that we can use to chart the future direction of their thought afterwards. I certainly hope that *New Waves in Ethics* satisfactorily speaks to these goals. Of course, it would be impossible to cover every debate within any academic discipline and every philosopher likely to be a leading future figure. Nevertheless, I am confident that many of the more substantial debates and issues are addressed in some detail within these pages. Therefore, while I make no claims to completeness, this collection offers major contributions by the leading upcoming figures in ethics on many of the most pressing issues in the field. Readers interested in learning more about topics such as meta-ethics, normative ethics and applied ethics, as well as political ethics and philosophy, will find much in these pages.

This collection of chapters aims to represent the most interesting young professional philosophers, from the United States, the United Kingdom, Canada and elsewhere, working in all areas of ethics today. Each chapter attempts to highlight research topics of particular concern, in terms of both cutting edge issues in the field and more traditional and historical issues covering the full range of work in ethics. Together, the chapters offer not only a significant contribution to the current research interests of the most important young philosophers in this area but also a crucial guide to the development of the discipline

across all areas of ethics. Each contributor to this collection is among a new generation of philosophers and invited on the strength, as well as wider impact and significance, of his or her research. They have already made important contributions across a range of topics, brought together in this book for the first time. In my view, they represent the leading philosophers of tomorrow.

It is worth noting a special interest and delight that I have in editing this collection. I have held a long interest in the philosophy of G. W. F. Hegel and the British Idealists.¹ When I was asked to edit *New Waves in Ethics*, I was immediately reminded of the strong resemblance between this series, *New Waves in Philosophy*, and a series edited by the British Idealist philosopher John Henry Muirhead entitled *Contemporary British Philosophy: Personal Statements* (Muirhead, 1924).² While the present collection is not, and does not aspire to offer, a statement regarding British philosophy, but rather the best work in ethics wherever it is found, there remains a strong resemblance. In his editorial introduction, Muirhead offers these wise words:

What has been aimed at in these volumes is in the first place to give the contributors an opportunity of stating authentically what they regard as the main problem of philosophy and what they have endeavoured to make central in their own speculation upon it. (Muirhead, 1924: 8)

This collection aspires to continue this august tradition and with pride.³ Likewise, contributors here were given the freedom to pursue pressing topics of contemporary concern that highlight their research interests and contributions to addressing these problems. There is, then, a tradition in philosophy that this book aspires to continue. This makes the task of editing this book an even greater honour, not least given my admiration for Muirhead's many accomplishments and legacy.⁴

Let me now say something about the particular contents of this book. Chapters cover both historical and contemporary discussions across the full range of ethics broadly construed, from meta-ethics and normative ethics to applied ethics and even political philosophy. Anyone interested in ethics will find much of interest within these pages.

The chapters are roughly grouped together into several clusters. The first concerns modern moral and political philosophy and lessons drawn from history. This begins with Leonard Kahn's "Conflict, Regret, and Modern Moral Philosophy", which seeks to understand how we might make best sense of conflict and regret. We may often feel regret

even when we have performed the morally best action. Kahn offers us an explanation of how modern moral philosophies explain moral conflict and rational moral regret. The second chapter in this cluster is by myself, Thom Brooks. I focus on a philosophical movement, the British Idealists, which has received little attention in an effort to further popularize its genuine appeal. My chapter on “What Did the British Idealists Ever Do for Us?” attempts to provide an answer in the area of theories of punishment. British Idealists offer us a novel approach to understanding punishment that is perhaps as refreshing today as it was when it was originally introduced. Too often penal theorists situate themselves within various camps, whether they be retributivism, deterrence, rehabilitation, expressivism or some other variant. The British Idealists challenge us to look beyond these narrow groupings in attempt to bring them together into one unified theory of punishment. Such a theory has the great appeal of speaking to a wide range of intuitively attractive penal aims while avoiding the problematic costs associated with other theories of punishment (see Brooks, 2010, 2011). Philosophers interested in an exciting alternative to existing theories of punishment (and other theories) should look more closely to the British Idealists as an area of rich future philosophical developments.

The next cluster of chapters concerns choice and motivation. The first chapter in this cluster is “Choosing Well: Value Pluralism and Patterns of Choice” by Chrisoula Andreou. She begins by asking “What should I do?” Andreou explains how we might arrive at good decisions despite being pulled in various directions by a plurality of values and identities. She argues that reason can satisfactorily guide us even where we have incomparable options. The next chapter, Danielle Bromwich’s “How Not to Argue for Motivational Internalism”, does just this in challenging a widely held position within meta-ethics. In contrast, she offers us an explanation of how we should argue for cognitivist motivational internalism instead. Iwao Hirose then argues in “Egalitarianism and Prioritarianism” for a new position he has developed, *weighted egalitarianism*. He argues that this position is superior to prioritarianism and is not undermined by the Levelling Down Objection. Finally, S. Matthew Liao addresses Jonathan Haidt’s theory of moral judgement. Liao asks to what extent our intuitions, rather than reasoning, play a role in determining our moral judgements. Is our reasoning biased? Liao offers us fresh doubts that readers should find highly illuminating.

The third cluster concerns chapters on character and personhood. In her “Dehumanization”, Mari Mikkola addresses the idea of *humanist feminism* and its debate between Louise Antony and Martha Nussbaum.

Mikkola sides with Antony in arguing that we have a need for humanism in feminism and that we can develop such a humanist feminism that can make sense of problems arising from patriarchy without recourse to a genuinely inclusive, ethically thick conception of the human being. This chapter is followed by Christian Miller's "Guilt, Embarrassment, and the Existence of Character Traits". He argues that, while guilt and embarrassment may enhance helping behaviour, they do so in a way that is incompatible with the traditionally understood nature of compassion. Miller offers us an alternative to Aristotelian approaches that is persuasive and revealing.

The final cluster brings together work in applied and political ethics. The first chapter is "Letting Die by Contract" by Gerhard Øverland. His focus is on the permissibility of letting one person die so that others may obtain a benefit via *hypothetical contractualism*. He argues that critics have failed to satisfactorily demonstrate the implausibility of hypothetical contractualism. In "Knowing Their Own Good: Preferences and Liberty in Global Ethics", Lisa Fuller addresses an important issue in global justice. We citizens in affluent societies are often asked to support various reforms from numerous organizations which all seek to improve conditions for the global poor. What if the global poor disagreed? Fuller argues that our energy should be more attuned to the reforms valued most by the beneficiaries. Nicole Hassoun next argues how we might approach "Making Free Trade Fair". She argues that some subsidies may be an acceptable way of helping the global poor. In addition, such subsidies and purchasing at least some "Fair Trade" products may even be morally required. In his "Taking the Broader View: The Public Interest, Deliberative Democracy and Political Ethics", Ian O'Flynn examines how we can understand something like *the public interest* in a world characterized by diversity and pluralism. Public interest can be a valuable goal in our democratic deliberations, but only if it is independently identifiable: the public interest cannot be whatever the deliberators say it is. The cluster, and this book, concludes with "Climate Change and Public Moral Reasoning" by Jonathan Webber. Climate change is one of today's most pressing concerns. How should our public reasoning best grapple with its complexities and its genuine threat? Webber offers new arguments informed from empirical and philosophical psychological studies that are illuminating and informative for future public policy formulations.

Together, I believe that these chapters cover an impressive range of topics across the full spectrum of ethical work from the pure to the more politically oriented. Moreover, a variety of competing perspectives

and approaches are in play that should challenge and stimulate readers interested in these topics.

In conclusion, I must thank the series editors and, most especially, Duncan Pritchard for kindly inviting me to edit this important book. It is a real honour to be asked to edit a collection bringing together the best new wave of philosophers working in the broad area of ethics today, and I hope that this book has met their lofty ambitions. I must also offer my sincere thanks to my contacts at Palgrave Macmillan and, in particular, Melanie Blair and Pri Gibbons, for their support, warm encouragement and divine patience as this collection came together.

Finally, my biggest thanks must be to the contributors whose work appears in this book for their courtesy, good cheer, promptness and outstanding contributions.⁵

Notes

1. See Brooks (2001, 2003, 2004, 2005a, b, 2006, 2007a, b, 2008, 2010, 2011, forthcoming).
2. On J. H. Muirhead's philosophical contributions, see Brooks (2009).
3. Muirhead also notes the following: "Among those who have found themselves for other reasons unable to contribute is one whose absence is particularly regretted. Mr F. H. Bradley has been by general acknowledgment the foremost figure in British philosophy (perhaps in the philosophy of our time in any country) for the last generation" (1924: 9). Muirhead regretted the unfortunate absence of Bradley in his book, and I regret that this book could not include work by many other leading young philosophers than those contributing here, such as Nomy Arpaly, Elizabeth Ashford, Fabian Freyenhagen, Jonathan Quong and Daniel Star. For example, see Arpaly (2002), Ashford (2000), Freyenhagen (2008), Kearns and Star (2008) and Quong (2011).
4. Muirhead worked for many years as a Chair in Philosophy at the University of Birmingham. Today, this university has named two buildings (including the main library) after Muirhead in recognition of his significance to the university's intellectual life and academic standing.
5. I am here echoing the third series in the *Contemporary British Philosophy* book series edited by H. D. Lewis (see Lewis, 1956: xi). Again, this collection, *New Waves in Ethics*, is not meant to capture only the best ethical work undertaken in the United Kingdom, but – in substantial contrast to the *Contemporary British Philosophy* series – the best work in ethics by whomever and wherever it is found.

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1

Conflict, Regret, and Modern Moral Philosophy

Leonard Kahn

I see it all perfectly. There are two possible situations – one can do either this or that. My honest opinion and my friendly advice is this: Do it, or do not do it – you will regret both.

–Kierkegaard, *Either/Or*¹

1.1 Introduction

I begin this chapter by discussing the difference between outweighing and canceling in conflicts of normativity. I then introduce a thought experiment that I call Crash Dive, and I use it to explain the nature of a certain kind of moral conflict as well as the appropriate emotional response – regret – on the part of the primary agent in this case. Having done this, I turn to a line of criticism opened by Bernard Williams and recently expanded by Jonathan Dancy, according to which archetypal examples of modern moral philosophies such as Kantianism cannot make sense of conflict and regret. Finally, I examine the general structure of such theories and explain how at least some of them can avoid this line of criticism.

1.2 Outweighing and canceling

Let me begin by saying a word or two about what I shall call *reason-giving properties* and *wrong-making properties*, especially about the difference between outweighing and canceling these features, since these matters will play important roles in this chapter.

Though I am primarily concerned with reasons for action, it will be useful to start with reasons for belief. Consider the following scenario: While walking through town one day, Saul sees from afar a man with long hair who is wearing a black T-shirt which advertises the virtues of

a heavy metal band from the 1980s. Since Saul's friend David has long hair and often wears T-shirts like this, Saul concludes that he has a reason to believe that he is looking at David. By *reason to believe*, I mean the state given by a certain relation between an agent, *a*, a property or fact, *F*,² and a belief, *B*, such that

R (*a*, *F*, *B*)

Crudely put, the relation R is that of counting in favor of; more precisely, the property or fact *F* counts in favor of the agent *a* having the belief *B*.³

So Saul has some reason to believe that he sees his friend. Does it follow that Saul ought to conclude that he is looking at David? Surely not, given what has been said up to this point. For the reason provided by Saul's sensory experience provides only a contributory reason (or, as it is sometimes called, a *pro tanto* reason) for belief. As Shelly Kagan (1989: 17) puts it, a contributory reason "has genuine weight, but nonetheless may be outweighed by other considerations." What other considerations? In this case, Saul might have a well-grounded belief that David is away from town today and that, at any rate, David never exposes himself to direct sunlight, while the figure he is observing is doing just that. These further beliefs may provide reasons that outweigh the reason given by the appearance of the hair and dress of the man whom Saul sees. Let us suppose for the sake of illustration that the further beliefs really do provide such reasons and that Saul has no further beliefs that are relevant for determining this matter. As a result, Saul ought to believe that he is *not* looking at David. Yet what is important for our purposes is to see that, even if the reasons associated with Saul's other beliefs outweigh the reasons associated with the look of the man whom Saul sees, the latter reason is not rendered nugatory by this fact. Saul does indeed see someone who looks like David, and this counts in favor of Saul's believing that he really is looking at David even if other available evidence weights more heavily against this belief.

Now let us turn from reasons for belief to reasons for action. By *reason for action*, I mean something very similar to what I discussed above – namely, the state given by a certain relation between an agent, *a*, a property or fact, *F*, and an action, ϕ , rather than a belief, *B*.

R (*a*, *F*, ϕ)

Here the relation R is that of counting in favor of, such that *F* counts in favor of a undertaking ϕ instead of having *B*. Let us suppose that

Saul is considering whether or not he should buy a black T-shirt like David's. Saul notes – correctly – that black goes with everything and that this fact counts in favor at least to some extent of buying the shirt. Now, once again it is sensible to ask whether it follows that Saul ought to conclude that he is looking at David. And, once again, the answer is surely not, given what we have already learned. As before, the reason provided by this feature of the shirt is merely contributory in nature. And, as such, it can be defeated by other considerations, such as that the shirt is very expensive and that advertising the virtues of an over-the-hill band of rockers does not befit the dignity of Saul's station in life. The point I wish to stress here is essentially the same as the point I wished to stress above. Even if it is true that Saul ought not to buy the T-shirt, that which counts in favor of him doing so continues to do so despite this fact.

Let us remain focused on action for a moment. Though we evaluate actions in terms of reasons, we also have many other resources for praising and blaming them, for encouraging or discouraging others to do them, and so on. Especially relevant to this paper are moral rightness and moral wrongness. And, just as certain features can provide contributory reasons for or against a particular action, so too these features can count in a contributory manner for or against the rightness or wrongness of an action. The similarity between reasons for action and moral rightness and moral wrongness is especially manifest with regard to features that I have been calling *outweighing*. In some given case, F might count toward the moral wrongness of an action while at the same time being outweighed by some other property or fact, G, which counts, at least in light of the complete circumstances, decisively in favor of the moral rightness of the action. But if G merely outweighs F, then it does not follow that F does not count in favor of the moral wrongness of the action in question, just as the fashion flexibility of a black T-shirt counts in favor of buying it even in the face of the further reasons not to buy it. (I will offer concrete examples of this phenomenon at work later in this chapter.)

Now let me turn from outweighing to canceling. Reasons for belief will, once more, provide an excellent starting point, though reasons for action are the main goal. Return for a moment to the case in which Saul sees someone with long hair who is wearing a black T-shirt which bears the picture of a heavy metal band on its front. Earlier we concluded – correctly – that Saul's visual experience gives him at least some reason to believe that he is looking at his friend David. But let us modify the case slightly. Suppose that Saul has been given a large dose of LSD and that this fact has made his senses completely unreliable. (It does not matter, of course, whether LSD always has this effect; we need only assume that