Applied Ethics

The Past, Present and Future of Applied Ethics

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Contents

Introduction

This collection of essays is the final summation of the Tenth International Conference on Applied Ethics held at Hokkaido University on October 28-30, 2016. The conference was organised by the Center for Applied Ethics and Philosophy, Graduate School of Letters, Hokkaido University (Sapporo, Japan).

The purpose of this collection is to bring together the wide-ranging papers on various fields of applied ethics presented at the conference.

It is our hope that this collection will contribute to further developments in research on applied ethics and promote our Center's mission, which is "to bridge the gap between theory and practice."

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What is Moral Application?
Towards a Philosophical Theory of Applied Ethics

Fabio FOSSA

Introduction

The aim of this paper is to offer some philosophical remarks concerning the concept of moral application in applied ethics. In doing so, I argue in favour of a philosophical approach towards applied ethics as a unitary form of moral experience. In fact every form of applied ethics, no matter how specific, moves from a problem of application and tries to fill a gap between moral theory and practice. This essential unity of applied ethics as a moral phenomenon is of great philosophical interest, since it belongs to the core problem from which moral thinking itself originates. For this reason, what applied ethics may reveal to a philosophical inquiry could provide valuable insight into the nature of moral experience itself. This is why it is important to reflect on what applied ethics is and whether the way in which application is usually framed befits the properties of moral experience or not.

In the first section I submit some preliminary remarks concerning the theoretical requirements to any philosophical approach to applied ethics. In the second section I present how application is commonly understood in the applied ethics debate by discussing the *deductive* and the *procedural* models of application. Both models, however, draw upon a technological conception of application which fails to fit the structure of moral experience. Finally, I briefly sketch out the main features and the future tasks of what seems to me to be the most promising approach to the issue, i.e., the hermeneutic concept of application.

1. Preliminary Considerations

Before tackling the problem of moral application in the applied ethics debate, some preliminary remarks are in order. Specifically, it is necessary to clarify (1) why moral philosophy should take the field of applied ethics into consideration at all, instead of leaving it to other disciplines such as politics or social science; and (2) whether or not it is plausible to address applied ethics as a meaningful whole, i.e., as a bound and determined form of moral experience, so that a *philosophical theory of applied ethics* would be possible.

Although at first sight it may seem otherwise, both points are actually highly controversial. This is why it is critical to deal with them as a first step. In fact, a philosophical discussion of moral application which focuses on applied ethics cannot but rest on specific presuppositions concerning what applied ethics is and

how it is connected to moral philosophy. The preliminary analysis will contribute to spelling out and testing these requirements, thus clearly stating the general conditions of this study. Moreover, it will help realize the philosophical importance of what the applied ethics debate brings to the fore. Finally, it will underscore the reasons in favour of a deeper inquiry into the concept of moral application.

Let us consider the first issue: Is applied ethics something philosophy should care about? As is widely acknowledged, philosophers have struggled—some still do—to recognize applied ethics as a serious philosophical discipline (Beauchamp 1984, Beauchamp 2003, DeMarco & Fox 1986b). Sure enough, there are plenty of reasons to be suspicious of it. As many have pointed out, applied ethics seems to lack the rigour and critical sharpness of moral philosophy, so that it exposes itself too easily to being co-opted by the institutions or practices it wishes to ameliorate (Caplan 1980, MacIntyre 1984, Young 1986). Furthermore, and not surprisingly, many find the concept of "ethicist" (i.e., of an alleged moral expert) and the joint claim by which morality can be taught in classes very difficult to accept (Noble et Al. 1982, Janik 1994, Rorty 2006). In addition to this, some authors think that there is no particular connection between moral philosophy and applied ethics, since the two are different in scope and methodology (Lawlor 2007, Hoaglund 1984, Davis 2009). Others believe that applied ethics does what moral philosophy has always done, but dangerously simplified and misrepresented (Bahm 1982, MacIntyre 1984, Rorty 2006). In conclusion, one might very well think that "true" moral philosophy should leave applied ethics to more politically or socially oriented fields.

However, in my opinion, none of these reasons is sufficient to justify a philosophical rejection of applied ethics. Undeniably, some objections have a strong point, but the field of applied ethics is solid enough to face them and modify itself accordingly. The act of stressing what is missing from the methodology of applied ethics invites us to find new ways for its improvement more than providing final evidence for its rejection. To some extent, this is what has happened in the last forty years. What philosophers still need to work on, then, is a proper understanding of this moral phenomenon, which would help seize the opportunities it offers. In fact, the applied ethics debate has a precious lesson to teach about moral experience.

The value of this opportunity must not be underestimated. Applied ethics stresses what is the most fundamental issue of moral philosophy, that is, the problem concerning the connection of theory and practice in our moral experience—or the problem of application, which is the same. There is no need for moral philosophy unless a certain gap makes it hard to see what it is that we deem good and how it is to be pursued. Applied ethics arises from the same experience in which moral philosophy is rooted. Thus, it ensures immediate access to the main object of philosophical ethics, i.e., moral experience. Moreover, applied ethics as a moral phenomenon utterly belongs to the present historical condition: one pervaded by new technologies, deeply specialized, morally pluralistic, in which new ethical issues require new questions in order to be framed and understood.

Applied ethics provides the possibility for a radical inquiry into moral experience that, at the same time, remains tightly connected with the peculiar features of our contemporary existence. It offers a chance for reconsidering our

knowledge of the elements and structures of morality; a reconsideration that is one with the particular, and yet universal, experience from which the need for moral reflection arises *today*. This is why applied ethics is of great philosophical interest.

For all these reasons, then, moral philosophy should care about applied ethics. Yet, it is not obvious that a philosophical approach to applied ethics is tenable. Many are the differences between the two disciplines. Perhaps the most apparent is that, while moral philosophy tries to develop a general theory of moral experience, applied ethics seems more interested in addressing particular issues appropriately and contributing to their ethical framing or resolution (Hoaglund 1984, Toulmin 1986, Rorty 2006). While the first tends to a single object, the second is varied and diverse in scope; while the first displays a theoretical character, the second exhibits a practical nature. For our purposes, some sort of mediation between the two is needed. Applied ethics may be of some interest to the conceptual study of moral experience only if a *philosophical theory of applied ethics* can be elaborated. Can it?

Even the label I have just resorted to, "philosophical theory of applied ethics," seems to suggest that the approach may be faulted. In several papers, applied ethics is presented as the offspring of a criticism against a detached, abstract or theoretical approach to moral experience (DeMarco & Fox 1986b, Singer 1986, Dare 2012). For this reason, a new step toward theory that moves from inside applied ethics itself might well be seen as a total misunderstanding of what it is all about. However, the possibility of this approach does not depend on the intentions backing up applied ethics, but on the features the field itself displays. So, would it be possible to elaborate a theory of the common contents shared by the many disciplines that spontaneously group themselves under the rubric of applied ethics? Is there any use at all in asking what applied ethics is?

At first glance, it may seem not. Rather than unity, plurality and multiplicity are undeniably much more evident properties of the applied ethics debate. Allhoff (2011) claims that there are no actual links between fields as different as business ethics, medical ethics, bioethics, engineering ethics and so forth. In his opinion, these fields are completely autonomous to one another, since each of them addresses specific issues, is structured in a unique way and works with its own categories. Even a shared and distinctive reference to ethical theory or philosophy in general is quite commonly refuted (Rorty 2006). Hence, it seems that no unity underlies the many fields of applied ethics.

Why the common rubric, then? Even if it is just a convenient tag, there must be a reason behind the need of tying these different undertakings together. I believe that this reason lies in the shared practical ground upon which all forms of applied ethics stand. Applied ethics was initially brought into being in order to face a state of embarrassment, by which practitioners and common people felt suddenly unable to find moral orientation in the execution of their duties. Mostly due to technological progress, the usual ways things were done were transformed and traditional codes of conduct ceased to provide reliable moral guidance (DeMarco & Fox 1986b, Winkler & Coombs 1993b, Chadwick 2012b). Moreover, applied ethics challenges usual practices which before were not realized as morally problematic.

Every field of applied ethics faces a problem of *application*, i.e., tries to fill a gap between something that is happening and how we think it should happen.

This problem, which makes applied ethics so interesting for moral philosophy, is also what unifies all the different inquires that fall under this rubric. It makes no sense to debate the meaning of moral application separately in business ethics, engineering ethics, and so on. Since every field of applied ethics must face the topic in analogous terms, the burden may be shared. So to speak, the problem of application lies at the very *essence* of applied ethics, allowing at the same time to address it as a whole. Incidentally, this also shows why the rubric "applied ethics" is an appropriate one: not because it presupposes a particular way of connecting theory and practice, but because it stands for a discipline by indicating its most inner question. If this is so, a philosophical theory of applied ethics is certainly possible. Its main task would be to clarify what we mean when we talk about moral application[1].

This question is critical for both moral philosophy and applied ethics. The reason why moral philosophy should focus on it has already been stated. Besides, applied ethics as a whole cannot but benefit from this line of research, since self-knowledge produces clarity and scientific adequacy. So, a philosophical inquiry into moral application may not only bridge the gap between moral philosophy and applied ethics, thus helping the former to elucidate the distinctive elements and structures of contemporary moral agency; it can also further the self-awareness of applied ethics, so that a better understanding of its own potentiality may be attained.

Now that the preliminary requirements to a philosophical inquiry into the essence of applied ethics have been spelled out, let us turn directly to its fundamental question: what is the meaning of "moral application" in the applied ethics debate?

2. Technological Models of Application

In order to tackle this question, a starting place is required. Although the developmental trend of the applied ethics debate is undoubtedly content-driven, a self-reflective effort may also be pinpointed. However, its relevance is not even comparable to the one achieved by the many fields of applied ethics. In addition, the challenges these fields are bound to face in the near future may seem more

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1   The very first challenge that must be faced in order to develop a philosophical approach to applied ethics consists in choosing knowingly between the several names that have been proposed to signify what is commonly meant by the term "applied ethics." Among the most frequent alternatives are expressions such as "practical ethics" and "case ethics." Some authors judge these expressions to be more appropriate because they avoid taking a stand on the relationship between theory and practice proper of this form of experience. On the contrary, they claim, the term "applied ethics" conveys a confusing image of it (MacIntyre 1984). However, for the reasons just exposed, I deem the term "applied ethics" quite satisfactory.

compelling than any theoretical need for self-reflection. This can be neatly illustrated by comparing the two prefaces by Ruth Chadwick to the first (1998) and the second (2012) edition of the *Encyclopedia of Applied Ethics*. The first preface introduces the reader to the main themes of applied ethics without failing to inform her of the existence of a branch of research concerning

> "(...) whether it is a matter of 'applying' a particular theory to a specific dilemma; or whether phenomena, specific developments, particular cases, can affect the development of appropriate theory; whether there is room for a 'bottom-up' rather than a 'top-down' approach";

or that

> "Some would argue that a central task of Applied Ethics, and one that is prior to the application of theory, is the very identification of the moral dimensions of a situation" (Chadwick 1998b, XXXV).

In the second preface, written 14 years later, Chadwick acknowledges the increase of interest in the many fields of applied ethics fuelled, for example, by historical circumstances such as the 9/11 terrorist attacks or the many issues related to the human genome project[2]. However, when it comes to the theoretical reflection on what applied ethics is, the author simply rewrites the quote mentioned above. As the example shows, although the importance of a theoretical analysis concerning the essence of applied ethics is widely recognized[3], this subject still occupies an awkward position in the applied ethics debate. However, even if (perhaps) of minor interest, a discussion on the meaning of the term "applied ethics", or on the concept of application, has sprung up among philosophers, ethicists and practitioners at least since the end of the 1970s and the beginning of the 1980s. What has been said there?

The first scheme through which moral application in applied ethics has been conceived is the *deductive model* (Bayles 1984). Apart from this label, the same notion is known by many names. Arthur Caplan firstly defined it *the engineering model* (Caplan 1980); others called it *the applied ethics model* (Winkler 1993, Johnson 2003), *the dominant conception* (MacIntyre 1984, Hoffmaster 1991), *the standard model* (Wolf 1994), *the unified approach* (Lawlor 2007) and so on.

The main point of the deductive model consists in interpreting the experience of moral judgment as an inferential process producing "solution by subsumption under general principles" (Caplan 1980, p. 30). The general ethical principles under which to subsume the particular data may come from different schools of ethics—variations on Kantian deontology and utilitarianism are the normative

2 Interestingly enough, she also confesses that she and her team unfortunately had to run a hard selection among all the possible topics in order to edit their more than 3,100 page long *Encyclopedia*.

3 To which Chadwick contributed in first person (Chadwick 2009).

standpoints most frequently discussed. Principles may also be drawn by recourse to different methodologies, for example by deductive reasoning on what is right or good (Bahm 1984, Gert 1984), or by inductive inferences from pools of considered moral judgments (Daniels 1979, Winkler 1993, DeMarco 1997). Furthermore, the model works with both monistic and pluralistic approaches to ethical theory. In the first case, application is understood as putting to use what our true, universal, and therefore exclusive, moral theory shows to be worthy of respect and appreciation. In the second case, which Chadwick (2009) called the *fruits of theory approach*, application is understood as using different ethical theories as tools in order to analyse a situation from multiple angles and shed light on our obligations. Whatever their origins, principles are specified in the encounter with the cases they are called on to deal with. Consequently, it follows that the different fields of applied ethics are content-driven specifications of general ethical theories. In conclusion, the deductive model does not account for the determination of principles, but for their application. Here, application stands for the subsumption of the many data displayed by a concrete case under normative moral categories in order to deduce a solution to the problem at hand.

Since its first appearance in Caplan (1980) the deductive model has been harshly criticized, mostly due to its abstractness, rigidity, and inadequacy to representing the inner logic of moral experience (Toulmin 1981, MacIntyre 1984, Bayles 1984, Hoffmaster 1991). Though its influence on practitioners and the public seems still to be strong (Cattorini 2014), its theoretical abandonment is more or less complete (Beauchamp 2007).

What is the alternative? Given that the assumption of any singular normative stance is problematic, due to its rigidity and partiality, and given that pluralism seems to be an unavoidable condition to the current ethical debate, perhaps the discussion about application should be shifted from a normative ground to a more practical one. That is what the *procedural model* of applying ethics suggests: to put aside normative considerations in favour of a carefully studied procedure, the application of which would help control moral disagreement and would lead to joint decision (Hare 1986, van de Poel and Royakkers 2007, Muresan 2011). The task is now to develop a neat, effective and simple procedure that can successfully guide the ethical subjects step by step through the collection, analysis, classification, and processing of morally significant data in order to produce a widely shared, rational and therefore moral solution.

As long as it is acknowledged as pertinent, every ethical consideration can take part in the procedure, no matter the theoretical background in which it is rooted. It is not a reflection upon principles, but the decision-making procedure itself, that determines the weight a particular moral opinion deserves. In addition to this, the procedure puts to work analytical techniques which identify the components of a situation, and logical reasoning tools that help connect them to the appropriate set of consequences. The aim is to elaborate different scenarios and be able to choose among them, impartially and impersonally. The ethicist must not be an expert in ethical theory, but a technician who knows how to apply a procedure and how to manage every step of it (Muresan 2011). As Tim Dare writes, "Her skill

is procedural rather than substantive" (Dare 2012, 170).

This model has its critics, too (Norman 2000). However, the task of assessing the adequacy and limits of the two models exceeds the scope of the present work. For our purposes, it is necessary instead to focus on how both the deductive *and* the procedural models portray the concept of application. In fact, although the two models are very different from one another, they both share a common reference to a *technological* framing of the concept of application.

The connection between technology and applied ethics is very complex indeed. As mentioned earlier, technology is one of the factors which caused the rise of applied ethics. Moreover, the epistemic structure of technological science—or a possible understanding of it, with which I will deal soon—is often invoked as a blueprint for applied ethics. This general trend impinges on the two models of application as well. The deductive model of applying ethics is usually understood as a moral imitation of the technological way of thinking (Caplan 1980, Kopelman 1990). Consequently, it is often introduced by means of an analogy between two relations: the one that exists between theoretical and applied science and the one between theoretical and applied ethics. The elements of the analogy, so it is argued, are connected by a similar reasoning, that is, as we have already seen, subsumption of cases under general principles and predictive deduction. In this perspective, applied ethics tests theories by getting in touch with concrete situations, just like any other empirical science. So, as Bahm (1983) writes, we do need ethical engineers: skilled technicians who know how to put ethical theories into practice and know when to declare the inadequacy of some theoretical account. Though it can be argued that this line of thinking not only misrepresents moral experience, but also the engineering way of working and the relation that obtains between theory and practice in modern technological science, the idea of the ethicist as a skilled technician, a carpenter who knows how to use her toolbox well, was not an unsuccessful one (Edel 1986, Harris 2009).

Even the procedural model looks up to technological science. In fact, its rejection of any normative stance is inspired by the so-called value-freeness, impartiality or impersonality of scientific thinking. Technological science knows its objects by controlling them, that is, by reducing them to measurable terms and cause-effect relations, by breaking them down to their elementary components, by artificially reassembling them, and, finally, by elaborating affordable previsions about their development or behaviour (Jonas 1974, 1984, 2000). The procedural model tries to face the challenges posed by moral cases in an analogous way. Moral experience is, first of all, a confused object that calls for clarification and need to be handled carefully. The most effective way to do this is to apply an analytic procedure that help reorganize its contents and formulate trustable previsions of its future states, so that the entire process may be adequately managed and the most suitable solution found.

Both models, then, seem to presuppose a *technological concept of application*. According to this viewpoint, "to apply" means to use theory as a tool to solve practical problems. "To apply" stands for "to use," "to put to work" a theoretical structure capable of collecting data, elaborating trustworthy previsions, managing

the relative phenomena, and getting results. The characteristics of the case at hand must be subsumed under an inferential framework—be it normative or procedural—and processed. Therefore, the criteria by which a theory must be assessed are typically instrumental, i.e., those criteria by which we usually evaluate tools: effectiveness, efficiency, speed, user-friendliness and so on. If ethical theory is just an instrument, a means to an end, it must be evaluated and developed accordingly.

By and large, ethics has to be reformulated by appealing to the epistemological structures of technological, or "applied", science. So, up to a certain point, there may be moral experts. Facing a moral problem, then, does not seem to require anything more than some form of technical expertise. Similarly, morality must be reducible to a set of skills and rules that needs to be properly applied. Rules and procedures make the whole process self-evident, and, therefore, verifiable. Application in general, moral application included, is the impersonal execution of *functions* by experts who stick to fixed rules. According to this account, the task of applied ethics would be to foresee possible strategies of action that satisfy our moral sensitivity by recourse to the "moral toolbox," just as engineers use their knowledge to cope with the resistance of reality and conform it to their blueprint. Applied ethics would be, then, a *problem-solving* activity by means of logically verifiable *decision-making* techniques.

Conceiving moral experience in instrumental terms, however, is highly problematic. The reason for this can be illustrated by reflecting on the concept of use (Jonas 2000, § VIII; 1979, § III). "To use something" means "to put a tool to work in order to achieve an end." The end I choose is the fundamental element that determines both the selection of tools and their mode of employment. This is to say that the existence and value of a tool entirely depend on the purpose the tool is supposed to serve. I decide which tools to utilize by taking into consideration the purpose of my activity and the condition of my tools, which, again, is assessed with reference to my purpose. If I want to hang a painting on the wall, then I need to hammer a nail into it; thus, I will take out of my toolbox nails that fit the texture of the wall and the weight of the painting, as well as the best hammer I have.

When the job is done, I can evaluate my performance in two different ways. To begin with, I can question if the function (i.e., hammering nails into walls) could have been executed more efficiently. This kind of assessment is intrinsic to the instrumental act: it evaluates the execution of a function in instrumental terms. Otherwise, I can check whether the outcome of my performance satisfies my expectations and tastes or not (for example, if it was really a good idea to hang that particular picture on that particular spot on the wall). In so doing, I assess the adequacy of my act in compliance with what I deem right and wrong, good or bad, beautiful or repulsive, appropriate or inappropriate.

The two sorts of assessments are evidently dissimilar. The instrumental evaluation is completely end-dependent: it measures how efficiently a given goal is attained. For this assessment to be possible, the purpose of the act must be already set. The scope of the evaluative process is to measure the overall efficiency of the performance in order to improve it, i.e., to make it more efficient. This assessment

reveals the existence of an independent logic that intrinsically belongs to the concept of use and determines every instrumental phenomenon. This is the same logic that guides the progressive development of our technologies: every time a new device is released, its main improvements concern power and efficiency in executing functions. When I work on a tool (or a standard procedure) I abstract from the autonomous purpose-setting activity that brings people to the tool I am developing. I simply assume that someone, in the process of achieving her own goal (of which she is responsible), may need to do something which can be facilitated by using my tool. I just pick any possible function (for example, hammering nails into walls *per se*) and build a tool that makes it easier to do that. All I need to care about is efficiency in the execution of functions.

If moral application is understood as the execution of functions, then moral philosophy must be evaluated as if it were a tool, i.e., by its efficiency. However, the task of moral experience is not just to perform an act of application in the most effective way. More importantly, we try to understand how a particular goal is connected to the ultimate end of human life and to the values we deem worthy of respect and affirmation. Moral experience, then, has to do with the second type of evaluation we saw earlier. This is why the technological or instrumental concept of application is unfitting in ethics. When we talk about moral application, the autonomous purpose-setting act which motives and gives meaning to my action must always be taken into account. If efficiency takes the lead, then a heterogeneous end-dependent logic overrides the very moral content upon which ethics is based.

If this is right, "to apply" has to stand for something else in ethics. The concept of application cannot be reduced to the logic of instrumentality, but has to deal with the autonomous purpose-setting agency presupposed by instrumental activities. Every function is executed within the context of a purpose-setting action and within the domain of meaning it settles. Modern technological science develops itself in an automatic way, following its own inner logic, since its inner goal is efficiency. So, it does not need—at least, again, from an inner perspective—anything more than an instrumental concept of application. On the contrary, moral application must encompass autonomous purpose-setting agency as well, which in turn settles the moral sense of the instrumental activities it supports, including technological science. Technology, hence, is an instrumental activity (Johnson 2003): its moral sense is understandable only if we ask why it is practiced, and if we compare its motives to the present state of affairs. Technological models of application, in conclusion, cannot submit a tenable account of the relation of theory and practice proper to moral experience. Application, in ethics, has primarily to do with the reasons that give moral meaning to our behaviours (Gadamer 1980, Jonas 2000).

3. Hermeneutics: A Theory of Application

Both the deductive and the procedural models have given rise to a heated debate in which several objections have been raised. However, at least to my knowledge, a complete critical analysis of the technological models of applied ethics has yet to be adequately developed. To take a first step in this direction, I believe it possible to pinpoint at least three patterns behind these objections. These patterns in turn all hint at a completely different framing of the concept of application. This new perspective may help overcome the deadlock of the technological approach sketched out in the previous section, but at the same time it carries its own load of problems.

The objections to the technological models of applied ethics raised in the debate may be approximately summarized as follows:

The *wisdom vs. skills* argument

As already seen, the point of moral experience consists in reflecting on the relation that obtains between the achievement of practical ends and the respect and affirmation of values we deem worthy in themselves. However, no empirical science can determine once and for all the contents of the ultimate ends of humanity or deduce the values that consequently follow from them. The determination of ends and values is inseparable from their practical pursuit and concretisation. This matter pertains to moral experience and moral reflection: no empirical science can settle it. For these reasons it seems incorrect to reduce the complexity of moral experience to a set of skills the recourse to which is enough to work out our moral quandaries. Technical and moral attitudes express different modes of our existence. As technicians we need skills, expertise, tools, resources and a given purpose, so that we can figure out how to achieve this purpose best. As moral agents we need *wisdom*, i.e., a particular kind of knowledge or experience that provides us with insight into what we consider right and good; a kind of knowledge the contents of which are inseparable from the very practice inspired by it (Noble et Al. 1982, Rorty 2006).

The *judgment vs. procedure* argument

Although some merit must certainly be recognized in procedures even in relation to moral experience, it seems that something else is needed to act morally. This "something else" usually goes under the name of *judgment*, which draws upon the Aristotelian concept of *phronesis*. This concept is supposed to mark the difference between the mechanical execution of functions and the free act of deliberation that weighs alternatives or expresses evaluations in accordance with moral values[4].

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4   It is certainly true that most of the time one step of the procedure (frequently one of the last steps) is dedicated to the exercise of "judgment." The combination of judgment and procedure, however, is not unproblematic. The whole point in calling upon judgment, wisdom and practical knowledge is to draw a neat line between what can be translated into methodological guidelines, rules, schemes or procedures and what cannot. Hence, these two forms of rationality display entirely conflicting logics. Procedures may cooperate with the exercise of practical knowledge if and only if the faculty of judgment keeps control over the procedures. In this case, the use of procedures—or machines, as in Whitby (2011)—as moral deliberative assistants is hardly questionable. However, the latest trend in the formalization

The core idea is that, as long as moral experience is concerned, there is neither a formal rule to stick to, nor any inferential scheme that logically represents it. The performance of moral judgment is a *lawless* one, to which everyone is always exposed and that we all learn by experience. This point is often made by referring to the judge's finesse in applying the law or the physician's prowess in applying its knowledge while diagnosing. This kind of finesse or sensibleness is related to wisdom or, better, it is not possible to take them separately. To be able to perform sensitive judgments is a sign of moral wisdom, i.e., of some kind of knowledge about what really matters and how to concretise it. The capacity to justify these judgments adequately, moreover, is a sign of moral insight (Toulmin 1981, Bayles 1984, Cattorini 2001).

The *question* vs. *solution* argument

If this is the case with moral experience, it makes no sense to think of applied ethics as a problem-solving activity by means of decision-making techniques. The possibility of a widely shared solution to a moral case lies in how the case itself is framed. So, from a moral perspective, raising questions about what we do seems more important than providing solutions. To some extent, since there is no final and complete knowledge of the contents of morality, the very idea of moral experience as the management of issues that need to be fixed is a misrepresentation. Again, since moral experience has nothing to do, at least directly, with measurable or composite objects, the idea that a moral case is to be solved by the application of analytic-synthetic procedures misses the point. Applied ethicists care about the recognition and framing of moral quandaries, so that moral agents (applied ethicists included) may reflect upon them and search for orientation. To raise a good question is the most important step to recognizing the moral sense of a situation and trying to affirm it through action. The problem-solving structure seems too narrow a scheme to represent moral experience, and a deceptive one too, since the ethicist would be too easily mistaken for a moral problem solver who frees practitioners and laymen from the burden of thinking morally and taking responsibility (Caplan 1983, Beauchamp 1984, Norman 2000).

These objections surely are not lacking in internal coherence or number. However, they are lacking in unity and, therefore, in fertility. In fact, the conclusion they come to most of the time is the abandonment of any reference to the concept of application—to the advantage of what, I am not sure. What is pivotal to notice now is that all these objections bear a common reference to a very specific philosophical

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of moral experience points to the replacement of the "lawless" performance of judgment with automatic executions of functions. In this case, which the field of *machine ethics* has already begun to explore, the situation is clearly inverted: procedures take the lead over judgment and practical wisdom. So much so that some authors in the field of machine ethics already pushes to frame human moral experience in robotic terms. This peculiar form of over-identification between human beings and machines is a product of the aforementioned tendency. I thank Prof. Michael Davis and Ryo Chonabayashi for their remarks in this regard.

trend, i.e., Hermeneutics, which really deserves to be thoroughly discussed.

As seen earlier, the discussion on the concept of application within the applied ethics debate either stands for a technological model of application or rejects the whole topic, claiming that no application ever happens. Nonetheless, behind the most significant objections to the technological models lies a common reference to philosophical hermeneutics, that is a *theory of application*, as Gadamer was writing about during the same decades which saw the rise of applied ethics (Gadamer 1980; see also Gadamer 1982, 1998, 2004 and Cattorini 2001, 2014). All that remains to be done is to try and see whether the way in which Gadamer presents the act of interpretation as application may play a positive role in understanding what applied ethics is.

It is not possible to go deep into Gadamer's theory now. Nonetheless, its main features may be briefly sketched as follows. To some extent, the act of interpretation is analogous to moral judgment. There is no subsumptive mechanism for interpretation and no straightforward application occurs in the act of disclosing the meaning of a text in a particular situation. No rule or scientific methodology can lead the interpreter to secure success. Application, here, has a completely different meaning: it is not an inferential act that may be formalized, but a descriptive concept. The hermeneutical notion of application, in other words, informs of the conditions which make any event of understanding possible. On the one hand, the interpreter is always applied to the specific situation in which she lives and in which she encounters the text. She cannot depict herself as an absolute, impersonal subject. The interpreter is a concrete person: she was raised in a particular culture and she is determined by personal interests. However, she can reflect on her own presuppositions and, up to a point, become aware of her own historical determination. Conceptual self-analysis is the first step towards the recognition of something as interesting in itself, since it helps formulate questions about what matters. The same questions, of course, tell us something about what matters to us, i.e., about ourselves as historical subjects. Gadamer calls this self-analytical side of understanding—which is inseparable from the other side I am going to deal with next—*wirkungsgeschichtliches Bewußtsein*, historically effected consciousness.

The interpreter's search clarifies how the meaning of a text in particular, but in general as well, must be categorized. Meaning is not a material object the interpreter finds and exhibits to others so they also can see it for what it is. It is not even a sheer projection of the self, or a collection of considered judgments, or a subjective agreement obtained through procedures and negotiation. Meaning manifests itself in the form of an appeal that asks for consideration, care, and concretization *in the particular situation in which it resounds*: it calls for a dialectical connection with an interpreter that is interested in its contents. Its universality is always correlated to a specific case in which it reveals itself to the ears of a properly prepared interpreter. The universal content of meaning does not exist apart from its applications. Though the meaning of a text is always the same, it exists only in its own consecutive encounters with different interpreters, that is, in its own *effective history* [*Wirkungsgeschichte*]. The meaning of a text is undistinguishable from its many proper interpretations: it *becomes* these

interpretations, remaining nonetheless one in itself. Then, meaning is always applied to the situation in which it becomes perceptible to the interpreter's ears.

From this perspective, no gap seems to divide theory and practice. The hermeneutic experience is grounded in a concept of application that is alternative to the one active in technological experience. On the contrary, Hermeneutics reminds us of Aristotle's practical philosophy. Theory, here, is not a tool we use to solve issues; it describes the conditions in which practice takes place. The performance of interpretation, just as the one of moral judgment, cannot be framed by recourse to the conceptuality of use. It needs to be conceived of in terms of an experience in which the subject is caught by something that asks for respect and realization, the meaning of which is universal and yet particular, applied to what is currently going on. Application must be thought of not as a subsumptive act that matches particular data to general rules in order to deduce solutions, but as an overall dimension in which it is possible to perceive what matters and to lend it our voices and our actions. The pursued end and values are not external to application. On the contrary, ends and values define its very terms. Moral application describes how a moral subject takes on herself what she deems worthy of respect and tries to affirm it in a particular situation. That is why moral experience cannot be framed by reference to the concept of use. The kind of involvement Gadamer ascribes to the hermeneutical experience is the same one applied ethicists seek in order to overcome the gap of theory and practice they have to face. While dealing with different sides of human experience Hermeneutics and Applied Ethics may very well have reached the same core. On this basis, what Gadamer wrote about the hermeneutic experience may serve as a blueprint for a philosophical theory of applied ethics.

To stand a chance, however, a hermeneutic theory of applied ethics must be at least as appealing as the technological one. As already stated, the categories of use, problem-solving, procedure, function, mechanism, skill and so forth are unfitting to the properties of moral experience. Since moral application must include the self-determination and concretization of ends and values it seems that moral experience cannot be boiled down to any productive use of tools or execution of functions. While we always need to ask ourselves to what purpose we use something, acting morally is an end in itself though this end may be hard to define. Yet, the spirit that holds applied ethics up is a very practical one. Applied ethics cares about solutions, effectiveness, and operational methodologies. It is drawn to the ideas of a teachable set of skills and a trustworthy professional figure that can help practitioners deal with moral issues. A hermeneutic theory of applied ethics must reconsider these aspects and adjust its own structures to these demands, which I think belong to the very essence of applied ethics. By doing that, it may also produce a better understanding of the social and political components of applied ethics, as distinct but also linked to the moral component.

In addition to deepening the theory of moral experience and moral value by analogy with the hermeneutical experience and the structure of effective history, a philosophical theory of applied ethics inspired by the hermeneutic concept of application shall not ignore the specific details of our moral condition and

the requests it puts forward. In so doing, it could promote our understanding of what it means to act morally in a technological world and contribute to provide contemporary moral philosophy with a proper perspective towards our present condition. While we know (by and large, at least) the outcomes of the technological account of moral experience, we still ignore what the hermeneutic perspective may reveal not just to the applied ethics debate but also to our general understanding of contemporary moral experience[5].

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5 As a consequence, the conclusion of this paper cannot but be tentative and open-ended. Reframing the problem of application in hermeneutical terms requires not just a significant change of perspective, which may result in a revision of well-established concepts such as the very idea of a method for facing morally problematic situation, or the interconnected notions of expertise and education, or the problem-solving structure as a model for moral experience; it also requires an inquiry into the link that binds Hermeneutics to moral experience and, in particular, to applied ethics. What I wish to stress now is that Hermeneutics, being a theory of application which refuses any reference to the language of instrumentality, *may* provide valuable insights into the nature of applied ethics and, by the same token, contribute to an overall review of the meaning we attach to expressions such as "values", "objectivity", "normativity", "dialogue", "moral experience", and so on. What may be said in this respect, however, demands a great deal of work, which cannot be taken any further here. I wish to thank my anonymous reviewer for suggesting this clarification.

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