

Ethics for Fallible People

Dissertation Summary

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In our daily lives, we're often unsure what being moral requires, and our moral decision-making is far from perfect. But we need to act anyway. There is a growing philosophical literature on how to navigate moral uncertainty. But much of it is concerned with what it's *rational* to do in the face of that uncertainty, employing decision-theoretic models to address that question. I argue that, while we can learn significantly from this work, it's ultimately a mistake to treat moral uncertainty as a problem about rationality. Instead, I take up the question of how to try to be moral – while fallible and uncertain – and treat it as a problem that's moral all the way down. I offer an approach, not in terms of rational norms, but in terms of higher-order, *moral* norms. And I argue that being reckless when navigating our imperfection and uncertainty is, itself, morally wrong: we have a moral responsibility to use good procedures for trying to be moral. These responsibilities present a wide swath of under-explored moral norms. In the later chapters of my dissertation, I suggest that exploring these norms, and employing my account of moral uncertainty, can shed light on a variety of problems in normative ethics and social philosophy – everything from practices of toleration to exceptions to moral rules in high-stakes cases. Allowing high-stakes exceptions, for example, can seem arbitrary or *ad hoc*. But I argue that making these exceptions is actually a good strategy for trying to be moral. And we have a moral obligation to use good strategies.

My account distinguishes norms of two types. What I call “procedural oughts” are moral norms concerning how we try to satisfy any other set of moral norms, given the challenges we face in discovering their content. For example, should we avoid activities that *might* be wrong, just in case? When must we devote more time and energy to researching related facts or contemplating the moral principles at stake? When can we just push ahead, saying “it’s probably fine”? “Substantive oughts” are all non-procedural, moral norms (that is, those that don’t concern how to ethically approach some other set of moral norms). For someone unsure about vegetarianism, for instance, the substantive ought would concern whether it’s wrong to eat meat, and the procedural oughts would concern how to navigate our uncertainty about that substantive question (whether we’re obligated to read Peter Singer and learn more about animal neurology, whether we should “hedge our bets” and become vegetarians just in case eating meat is wrong, and so on).

The first chapter of my dissertation sets up this framework, and argues that using bad procedures for trying to be moral is, itself, morally wrong. Further, being lucky enough to satisfy substantive oughts doesn’t ensure that we’ve satisfied procedural oughts, and one type of ought isn’t reducible to the other. If we are lucky but reckless, typically we’ve still done something morally wrong, much as violations of due process are wrong, even when they lead to the punishment of a guilty party.

In Chapter Two, I consider the content of procedural norms, and raise difficulties for one natural thought: can’t the existing literature on what it’s rational to do in cases of moral uncertainty be repurposed to tell us which procedures we *morally* ought to use in these cases? I argue that while this work on rationality provides useful insights, it cannot, by itself, settle what we procedurally ought to do. Much of this work has addressed questions about rationality using expectation-maximizing versions of decision theory (or close variations on it). These models will offer guidance that’s not well-suited to moral questions about these cases, in part because it’s not clear that we morally ought to

maximize anything when navigating moral uncertainty – the personal sacrifices required by many maximizing accounts would be greater than is plausible or morally called for, I suggest. There are alternative decision theoretic models available, and it's possible to develop others. But in order to select an approach that is well-suited to these cases, we first would need to settle more foundational, moral questions – about, for example, what we should be willing to give up (from abortions to business opportunities) in order to reduce the risk that we're doing wrong. And these foundational disputes are the questions that interest me. I draw on these considerations to propose a pluralistic account, with a provisional list of factors that will matter in determining the content of procedural norms.

Once the substantive/procedural oughts approach is developed and defended, I begin putting it to work. Chapter Three applies my view to norms of interpersonal toleration. We can sometimes constrain others' autonomy to stop them from doing wrong – restraining someone to prevent them from engaging in a violent attack, for example. But it's also common to think that we should tolerate some behaviors in our friends and acquaintances, even though we take them to be serious wrongs. In this vein, many staunch opponents of abortion or meat-eating compare these activities to murder, but nevertheless avoid coercing their friends who make other choices. I argue that the difference between cases that do and don't call for toleration isn't adequately explained by available accounts, including those that focus on the harm done by the tolerated activities or on the value of autonomy. Instead, I propose a set of features shared by those cases in which toleration is appropriate and argue that those features cause intervening to carry a special risk of moral wrongdoing – one that will sometimes make intolerance a violation of procedural oughts.

Chapter Four examines cases in which extreme consequences are often taken to override ordinary moral norms. Many think there are moral duties that hold irrespective of the consequences, until those consequences exceed some threshold level – that we shouldn't kill innocent people in order to produce the best consequences, for example, except when those consequences involve saving millions of lives. This view is known as "threshold deontology." While clearly controversial, threshold deontology has significant appeal. But it has proven quite difficult to provide a non-*ad hoc* justification for it. I provide a new justification, arguing that acting like a threshold deontologist is a good strategy for being moral, given our own imperfect moral knowledge. And failing to use good strategies for being moral is, itself, morally bad.

In the fifth chapter, I move to the social and institutional context, using the concept of procedural oughts to clarify and call attention to an under-appreciated moral problem. In a complex world, we constantly delegate decision-making power to lawyers, financial advisors, and others – including power over morally significant decisions. I argue that our institutions and social practices are set up such that this delegation often leads to bad procedures and a greater risk of wrongdoing, and I examine some of the difficulties that result from this dynamic, ultimately raising moral concerns about the traditional structure of principal-agent relationships.