

Hannah Daru – INCOMPLETE PASSAGE FROM FULL ARTICLE. DO NOT REPLICATE OR CITE.

[...]

Challenges to a Practice-First Method

Anderson provides an excellent critique of the problems encountered in practice and the failures of some popular moral methodologies. I am especially inclined to agree with her critique of reflective equilibrium. I also think that her proposals are potentially quite helpful for evaluating our practices and improving our knowledge. However, I am skeptical of their ability to accomplish everything she claims. In short, I accept her method insofar as it might help us to gain knowledge in order to act more virtuously, but I reject its weak condemnations of wrong action and its time-consuming search for moral principles. It also seems clear that despite Anderson's insistence to the contrary, she still assumes some universals that can only be grounded in empirical observation.

For instance, let us take Anderson's example of slavery. It is morally abhorrent. It has also been part of human history for millennia, all over the globe. If we are to take Anderson's method, then we would expect to see current and former slaves in all of those places making their voices heard and agency known, engaging in "contentious politics" when ignored. Those are not bad actions. It is notable, though, that on her account we would expect to see such "contentious politics" everywhere that slavery is or was practiced. Such an assumption indicates that she is accepting some universal principle, or universalizing some idea about human nature, without explicitly acknowledging it. Further, instead of acknowledging any element of universality, her proposal to depend on the appropriate conversations happening leaves room for error in practice. It is conceivable that in some place where agency is being modeled and contentious practices being engaged, an unsavory conclusion may still be reached. Anderson's pragmatist method does not leave a person in a position to say much beyond observing that collective moral updating on some given matter is, at best, incomplete. Her method, which ultimately focuses on collective moral growth (and the subsequent updating of practices), in a sense weakens any conclusion that the current state of affairs is still wrong. For example, the conclusion in practice may be to keep slavery and so, in a pragmatist's terms of moral growth, that conclusion merely fails to reflect effective, collective moral updating. This is true enough, but it lacks both force in condemnation and a concise justification for why.

There are, then three main points that I wish to address: (1) the assumption of universals concerning human nature in a theory that explicitly rejects any such metaphysical accounts, (2) the time-consuming and unpredictable process of the pragmatist's moral methodology, and (3) the subsequently tenuous relationship with and inability to forcefully express certain moral truths (like that slavery is always wrong). Taking each of those points in more detail, let us turn first to the assumed universals. When people think that it is good for slaves to be freed, they think that for a reason, and that reason is probably not just because the slaves told them so; people tend to doubt others' testimony *all the time*. And, if it is because the marginalized individuals stood up and claimed the dignity that they deserved in another active way, then it is implicit that the reason it was *recognized* was because there was some truth to the matter.

On Anderson's account, what was lacking was the slaves' account of their direct experience that could inform the citizenry's knowledge used in applying moral principles to the laws. A category (e.g., full, rational human) was (arguably quite *willfully*) unknown by the pro-slavery citizens who were listening. And, presumably the current and former slaves conveyed that knowledge, which subsequently forced the audience to change their mental categorization (e.g., "inferior human" to "full, rational human" following the testimonies). That change in category could have resulted in the change in application of moral principles—the effect that Anderson observed. To be sure, pro-slavery individuals should not have needed this sort of exposure to properly categorize the slaves as human beings with agency, people who deserve to be free and treated according to the same moral maxims as other free people. Whatever the case was, though, it is not evident that this example supports Anderson's argument.

We might go around propagating the conclusion (that slaves should be freed and treated with the same dignity as other persons) in a number of ways, which might include the example of having the freed slaves or other minorities speak for themselves. However, what does that show if not some sort of a universal value or kind of equality in human lives and the respect due to each human being? If their expressions earn the respect and dignity that they deserve, is it just because they *demand*ed it, as Anderson suggests? Or, is it rather because they said something *true* about what it means to be a human? We can reach these truths of human nature in different ways, but once it is established that there are facts about human nature that come to the service of justice when applied, then we have a *theory* (and a metaphysically informed theory, at that). The theory is informed by the realities of life, and it should go on to inform our actions. There is also no reason to believe that basic natural facts change, which means that the ensuing *moral* facts are universal if rightly applied. For instance, not eating food or drinking water will always kill people, and that fact will never change. Therefore, the related moral fact stands: in a normal situation we

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ought not to deprive ourselves or those under our power of sustenance. This follows from the simple first principle of natural law—that one ought to promote what is good, like life itself.¹

Once a universal truth and subsequent moral law is established, then it is possible to consider the other flaws with Anderson's method—namely, (2) and (3) above. The pragmatic method is time-consuming because it requires “experiments in living.”² Instead of appealing to a universally known conclusion, or at the very least universally knowable premises, the emphasis is put on collective learning and subsequent moral updating. Of course, this can happen on a natural law account, and may sometimes be necessary, but it should not be the primary focus. The goal of the natural law ethicist is to help argumentative opponents to see the truth of the matter and see in concrete terms *why* something like slavery is wrong. The goal of the pragmatist is also to expose people to some truth—or at least some preferable state of affairs—but the moral updating she describes, while it may come with some personal conversion as a result of experience, it might also seem to *depend* on personal experience. That could be time-consuming if we are to convince everyone that, say, slavery is wrong, but it also makes it more difficult to articulate one's conviction that it is wrong.

Is it wrong only because I feel something deep inside when I think I see someone showing his or her agency? What is the foundation of that feeling or inclination? Is it stable? Can I extrapolate that feeling from slavery to some other equally bad situation, such as genocide? What about other situations involving human dignity that might not be quite the same life-and-death matter but are related, like a moral defense of labor laws that prohibit excessive labor, the labor of juveniles, or unjust compensation for time and risk? A natural law argument about human dignity would have no trouble with quickly constructing an argument, but it is less clear that a pragmatist's methodology would be equally as time-efficient and grounded in something concrete. This makes a pragmatist argument for just labor laws, for instance, potentially more complicated and less certain in conviction.

By contrast, an alternative that appeals to universal properties of human life, such as the capacity for reason, would ground ethical norms like dignity and respect. Anderson, of course, steers clear of the metaphysical territory. One might counter the metaphysical model with her proposal for including a variety of voices and recognizing morality as an “experiment in living.”³ I concede that it is important to evaluate individuals' experiences and consider how those experiences reflect upon the execution of a moral theory. I worry, though, that trying to hear every perspective in the process of forming moral beliefs lands us in rather muddled philosophical territory. Here, the cacophony of differing views and experiences lead us to confusion and even contradiction. By contrast, because certain things are consistent throughout all human beings, the opportunity for bias in a theory based on those related natural facts is radically diminished, if not eradicated. Smaller matters—like etiquette, or what words to use to be most respectful to different groups—can engage those many different voices. In major, life-defining and life-dependent issues, like the impermissibility of slavery, though, we cannot risk coming to different conclusions simply because of whatever mere preferences might emerge in the course of discussions and demonstrations with all of the different, representative groups.

[...]

Conclusion

I am promising a lot about natural law here. It is to be expected that there are doubts about effectiveness. No one has yet seen a utopia, no matter what ethical system was put into practice explicitly or not. I suggest, though, that this comes down to two factors: (1) bad theory and (2) imperfect human beings. There is no doubt about the wrongness of the theories espoused by the cruelest of world leaders who tortured their own citizens or arbitrarily killed people. But, even assuming we lived in a world that ascribed to the perfect, most truth-filled theory, we still have to recognize human imperfection. People make mistakes, they fall short of good reason, they desire to do the wrong things, they wear socks with sandals... We are only as good as our theory is in practice. When the practice seems to fall short, then we do have to evaluate. A good theory is never the end of the story, but it does provide a solid foundation that is not subject to uninformed whims and the varying social norms that are the root of so much contention in public discourse.

In the end, even in my disagreement with substantial parts of the pragmatic method that Anderson employs, I still think that she gets a lot right. Her method asks what I take to be the right questions and is motivated by what I take to be of utmost importance to philosophy—*living life*. In the natural law method, life informs theory. Theory informs our actions in practice, whether we acknowledge its role or not. If we continue to find biases and feel social inequalities, then evaluating practices is

¹ See, for instance: Thomas Aquinas, *Summa Theologiae, Treatise on Law: The Complete Text*, trans. Alfred J. Freddoso (South Bend, IN: St. Augustine's Press, 2009), I-II.94.2.

² Anderson, “Moral Bias and Corrective Practices,” 23.

³ Anderson, “Moral Bias and Corrective Practices,” 23.

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the place to start, and this includes listening to the voices of minorities and those who are still oppressed. However, when we focus too much on representing different views, we forget everything that we have in common. In an effort to include everyone and represent the whole, we end up parceling it and getting a fractured big picture. A naturalist *theory* that appeals to certain basic and common truths will serve us much better in our moral deliberations than will a practice-based, discursive method modeled after practices that are successful in other realms.