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Meta-Ethics in Debates on Public Safety:
A Critical Appraisal of Jonathan Wolff's
Bottom-Up Approach to Applied Ethics

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Jonathan Wolff's book *Ethics and Public Policy: A Philosophical Enquiry* is a welcome addition to a growing literature exploring the relationship between ethics and public policy-making.¹ The book's strengths are three-fold. First, EPP benefits from the lucidity of Professor Wolff's philosophical writing, while rarely losing the profundity and nuance of the issues at stake. Second, drawing from Professor Wolff's experience of contributing to Government advisory committees, EPP is replete with detailed accounts of public debates giving a refreshing richness to the philosophical arguments made. Third, a very good case is made for what Professor Wolff calls, a bottom-up approach to applied ethics. He demonstrates, with skill and authority, the importance of philosophers engaging with the specifics of public debate, including a proper consideration of well-researched empirical studies relevant to the policy area under review—rather than relying on philosophers' half-baked 'common-sense' assumptions which have frequently got philosophers into embarrassing holes, when positions are defended for this or that principle or ethical theory.

Subsequently, my brief comments here should be read with these observations in mind. I have considerable sympathy with EPP's general direction and approach, and acknowledge that

¹ J. Wolff, *Ethics and Public Policy: A Philosophical Enquiry* (London: Routledge, 2011), hereafter referred to as E

Professor Wolff has broken new ground applying ethics and philosophy to public policy analysis and debate. It is also important to recognise that the book was written, in part, for a non-philosophical readership, and so if his target-audience was only philosophers then my concerns below may well have been addressed. Nevertheless, taking EPP at face-value, I focus on its lack of attention to meta-ethics and questions concerning the nature of value pluralism. Certainly, philosophy has important things to say about meta-ethical issues and how different versions of value pluralism affect decision-making. I have argued elsewhere that these considerations are highly pertinent for policy-making, as public debate is often conducted via implicit non-monist interpretations of value commitment.² My contention here is that EPP could have engaged with these issues more explicitly, shedding greater light on the dilemmas and conflicts in public debate and the bottom-up approach to applied ethics. Throughout, I will refer to the chapter on ‘safety’ in EPP (83-108), as this chapter illustrates well how the book may have benefitted from this kind of meta-ethical analysis.

II

What does Professor Wolff mean by a bottom-up approach to applied ethics? In the absence of a chapter explaining this methodology we can elicit his understanding of this approach by

² For example, see Steven R. Smith, *Equality and Diversity: Value Incommensurability and the Politics of Recognition* (Bristol: Policy Press, 2011); Steven R. Smith, “Applying Theory to Policy and Practice: Methodological Problems and Issues,” In S. R. Smith (ed.), *Applying Theory to Policy and Practice: Issues for Critical Reflection* (Aldershot: Ashgate Publications, 2007), 1-18; Steven R. Smith, *The Centre-Left and New Right Divide: Political Philosophy and Aspects of UK Social Policy in the Era of the Welfare State* (Aldershot: Ashgate Publications, 1998), 214-262.

piecing together a range of quotes from EPP, drawing out four general rules underpinning this methodology:

Ethics is, in my view, more like the science of medicine than physics. Theoretical and technical knowledge is important, but there is no reason in advance to think that it can all be stated in terms of clear, simple principles, or made to fit into a single, complete coherent framework, or that every problem can be solved with a complex algorithm (6).

It is becoming increasingly common to distinguish ‘top-down’ (or theory-driven) from ‘bottom-up’ (problem-driven) approaches to applied ethics. This book, naturally enough, aims to be a contribution to ‘bottom-up’ theorizing, where the first task is to try to understand enough about the policy area to be able to comprehend why it generates moral difficulties, and then to connect those difficulties or dilemmas with patterns of philosophical reason or reflection (9).

The methodology implicitly recommended here suggests that when thinking about a practical issue, we should start at the other end: not at the philosophical theories but current disagreements in the public policy area. We need to ask: what do people think they disagree about? And is that the best way of understanding their disagreement? Is there a better way? ... But to do this one has first to become immersed in the debate in which one wishes to intervene (36).

It is implied in the methodology I am suggesting that participants in public debates do not always fully comprehend or perfectly articulate what they disagree about. A simple slogan or principle, while helpful for campaigning, can have a distorting effect on argument (36).

Understanding real-life examples, and working out the basis of the dilemmas they create, is an essential part of the attempt to come to a resolution of the issues (107).

Accordingly, there is no shortage of philosophers who hope to change the world. But what they sometimes have failed to do is to interpret the world they live in. Often they fail to investigate why it is society does the things it does [...] Of course no one thinks that somehow the world will miraculously conform itself to the intellectual ideal, but philosophers

sometimes fall short of taking up the challenge of thinking hard about questions of the process and, even more importantly, consequences of implementation (191-192).

A philosophical approach to public policy analysis, I believe, will be very likely to go wrong if it starts from the announcement of a set of principles or values claimed to be true. Where should it start then? ... Philosophers arrive on the scene like a (very slow moving) emergency service. There is a problem that needs resolution, if possible. Obviously, therefore, no progress can be made unless the problem is understood (196).

Following the above, four general rules of the bottom-up approach emerge:

(1) *The anti-abstraction rule:* Ethical principles should not be articulated before considering the specific policy issues at stake, as if these principles could, in their abstraction from specific issues, offer complete and watertight solutions to problems and dilemmas in policy-making. Applied ethics, then, is less of an abstract mathematical calculation providing once-and-for-all answers to problems and questions, and more of a trial-and-testing process worked-out in ‘the field’ of policy-making.

(2) *The full description of policy/public debate uncovering moral dilemmas rule:* The policy area and associated public debate should be described in detail first, anticipating that this description will uncover various moral dilemmas and disagreements. Only after this full description occurs can relevant philosophical questions and arguments be raised and applied to illuminate better these dilemmas and disagreements.

(3) *The full description of empirical realities ensuring accurate interpretation rule:* Part of describing the relevant policy area is not only exploring detailed examples of the moral issues at stake to uncover dilemmas and disagreements as identified in

(2), but also to ensure philosophers are able to accurately interpret the world they are theorising about, as they consider these dilemmas and disagreements. Accurate interpretation requires that philosophers accommodate empirical investigations and studies pertinent to the policy area examined, properly informing the premises used when constructing philosophical argument.

(4) *The over-arching applied philosophical analysis rule:* Only after (1)—(3) is implemented can philosophical analysis be usefully applied to public policy, to expose more clearly disagreements in public debate, and even to provide some solutions to the dilemmas and problems policy-makers encounter.

Certainly, a lot could be said about these rules—their more precise definition, how they relate, whether sub-rules are implied, and so on. However, my job here is not to unravel these wider debates concerning bottom-up theorising. Rather, I will assume their coherence as articulated by Professor Wolff, from which I will raise questions about how these rules are specifically implemented in EPP—most notably concerning those meta-ethical considerations outlined earlier.

III

Much of EPP explores directly moral dilemmas and conflicts as these relate to public debates—covering topical issues in, scientific experiments on animals, gambling, drugs, safety, crime and punishment, health, disability, and the free-market. However, there is surprisingly little meta-ethical discussion in the book about the relationship *between* values as these are applied to policy, and especially when the values committed to are thought to be many, and in conflict.

Certainly, public debate is filled with examples of competing ethical positions carrying weight in political argument, leading to conflicts between these positions, and reflecting ethical and political compromises in decision-making. These compromises are often uncomfortable to live with but, for Professor Wolff, this heightens the importance of engaging in philosophical arguments concerning abstract theorising, and how these arguments are applied to policy-making. For example, the chapter on ‘safety’ explores the conflict between utilitarian considerations of cost and maximizing happiness for all/the many, versus absolutist considerations of the sanctity of life for one/the few. Professor Wolff concludes that: “In the end the issue seems to come down to this cold-blooded question: is it worth spending that amount of money to save each life?” (95). However, once this question is addressed, it can be seen how the conflict between utilitarianism and absolutism is a feature of practical decision-making, even if philosophers are uncomfortable making decisions in this context:

Philosophers can retreat, shaking their heads, and refusing to take further part in the discussion. Or they can grapple with the question either of what price we should put on life, or how we can make safety decisions without valuing life. None of these options is likely to be comfortable (108).

Nevertheless, I contend here that not only should difficult questions concerning the conflict between ethical positions be addressed (as illustrated in EPP) we should also examine the conflict *within* ethical systems when values are assumed to be many and conflicting. My main claim is that examining the latter helps our understanding better the character of bottom-up theorising, and how conflict is handled on philosophical grounds when value pluralism is assumed. With risk of over-simplifying, there are three major versions of value pluralism: incommensurability, intuitionism, and lexical orderings.

Incommensurabilists argue that when values conflict, whether these are moral or non-moral values, they are often incomparable.³ Incomparability implies that one value is no greater or lesser than the other value, but neither are these values equal.⁴ For the incommensurabilist, philosophical resolutions cannot be found which ‘solve’ the conflict between these values, because values cannot be weighed against each other, as if there is an appropriate trade-off which can be justified through philosophical reasoning. This kind of justification would imply that values have been compared in the weighing-up of each value, where X amount of P value is defended as equivalent to Y amount of Q value, and so on. Instead, for the incommensurabilist, trade-offs derive from political conflict, where philosophical reasoning at best provides undefeated reasons for particular trade-offs, but cannot supply reasons which defeat all other alternatives.⁵ Certainly, practical difficulties emerge when two options cannot be chosen at the same time, and each alternative is justified for coherent philosophical reasons, but according to the incommensurabilist when a particular option is chosen for one set of reasons, the other set is not invalidated as a result.

What are the implications for public safety and, say, the decision to spend large amounts of money to save relatively few lives (EPP, pp. 87-102)? As previously outlined, according to

³ For one of the earliest and clearest expositions of value incommensurability see Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1988), 321-368; also see Ruth Chang (ed.), *Incommensurability, Incompatibility, and Practical Reason* (Cambridge MA: Harvard University Press, 1997).

⁴ Joseph Raz, *The Morality of Freedom*, 332.

⁵ Also see Joseph Raz, “Incommensurability and Agency,” in R. Chang, *Incommensurability, Incompatibility, and Practical Reason*; and see Joseph Raz, *Value, Respect, and Attachment* (Cambridge: Cambridge University Press, 2001), and my arguments in S. R. Smith, *Equality and Diversity*, 31-58.

EPP, arguments for and against this policy are coherent, reflecting absolutist appeals to saving life as much as possible, and utilitarian appeals to maximising welfare for all/the many. But, if either argument holds weight in public debate and political compromises are made, at first blush, there is a philosophical problem, because both cannot be committed to without inconsistency. Subsequently, for Professor Wolff, there is a clear distinction between philosophers' and policy-makers' standards of argument, given this appeal to inconsistency:

The philosopher's favourite weapon is rather blunted in public policy. This is the appeal to inconsistency ... But in public policy this does not work so well. While one can hope for consistency it would be foolish to expect it, and pointing out inconsistency is not a decisive argument. Here, once more, philosophy and public policy have different standards of argument. (82).

However, my point here is that this distinction can be exaggerated if value pluralism is under-theorised. For example, as just stated, the incommensurabilist tolerates certain forms of inconsistency regarding value commitment, as conflicts can demonstrate value incomparability. Therefore, when two values conflict we need not abandon both *or* either one, to supposedly 'solve' the inconsistency. So, using the incommensurabilist formulation, preserving life at a high cost could be seen as neither better than, worse than, or equal to a utilitarian decision calculating the opposite. It matters that whatever option chosen is for coherent undefeated reasons, but not for reasons which defeats all others. This allows the latter reasons to remain in the 'wings' anticipating that decision-makers might favour alternative options at other times.⁶

⁶ Also see my arguments in S. R. Smith, *Equality and Diversity*, 31-58.

Intuitionists take a different pluralist turn. Trade-offs between moral values are not simply the result of political ‘pushes’, but also the ethical ‘pulls’ of our intuitions concerning the conflict between values. When values conflict we balance them consistent with our intuitions as we weigh-up what is morally acceptable.⁷ This balance implies value pluralism; increases in one value at the expense of another is ethically tolerable, but provided this increase does not extinguish the other value. Similar to the incommensurabilist, philosophical argument cannot explain decision-making ‘all the way down’ and so cannot provide thorough knock-down reasons for certain trade-offs over others. Nevertheless, unlike the incommensurabilist, comparisons between values are made by the intuitionist, as trade-offs assume that the quantity of one value is equivalent to the quantity of another, where X amount of P value is weighed *against* Y amount of Q value, and so on.⁸ Indifference curves are produced indicating more precisely which judgements are acceptable, with shapes and gradients reflecting different intuitions concerning how these values are compared and balanced.⁹

⁷ For seminal expositions of this position, see Brian Barry, *Political Argument – With a New Introduction* (London: Harvester Wheatsheaf, 1993); and James Urmson, “A Defence of Intuitionism,” *Proceedings of the Aristotelian Society*, 1974-1975, 111-119.

⁸ Also see Robert Sugden, “On Modelling Vagueness,” in *Aristotelian Society Supplementary Volume*, Vol. 105, no. 1, 95-113.

⁹ B. Barry, *Political Argument*. Also see John Rawls, *A Theory of Justice* (Cambridge (MA): Harvard University Press, 1971), 34-40. It is important to note that the slope of the curve descends from left to right as one value on the vertical Y axis is traded-off against the other value on the horizontal X axis. Moreover, the curve produces a relatively steep descent on the left side with it levelling out on the right, reflecting that a large decrease in an already heavily-weighted value can be justified, even if there is only a relatively small increase in the lesser-weighted value.

Again, concerning public safety, intuitionists could argue that a number of acceptable balances can be found along indifference curves reflecting, say, the conflict between utilitarian and absolutist values. Moreover, these variances help explain the contrasting judgements made at different times concerning the acceptable cost of public safety. Certainly, other factors may be relevant, such as who is seen as responsible for accidents and safety which also vary (EPP, pp. 102-17). Nevertheless, although these factors may change the shape of indifference curves, the character of a trade-off whatever its shape, is understandable in intuitionist terms, relating to what is understood as the right comparative balance between competing values.¹⁰

Finally, lexical orderings of moral values is famously defended by John Rawls in *Theory of Justice*.¹¹ Briefly put, his argument is that competing values can be placed in a hierarchy with a first value being fulfilled as a matter of priority (liberty in Rawls' case), after which another value can be fulfilled, without referring to the first (equality in Rawls' case). The key to lexical orderings is ensuring that each value is satiable, so limits are put on its fulfilment, enabling other values to come into play even if these are lower down the priority listing. With lexical rankings, values are certainly compared (unlike the incommensurabilists), as one value has a higher priority over another, but these values are not being traded-off *against* each other as with the intuitionists. For the intuitionist, indifference curves produce a variety of right balances between conflicting values, so tolerably changing the priority of one value over another, most obviously at the two

¹⁰ Indeed, it is precisely at these philosophical junctures that philosophers can most usefully “grapple with the question either of what price we should put on life, or how we can make safety decisions without valuing life.” (108). And see my arguments in, for example, R. S. Smith, *Equality and Diversity*, 31-58.

¹¹ J. Rawls, *A Theory of Justice*, for example, 3-53.

ends of the curve.¹² Alternatively, lexical orderings place values in an unambiguous line, with a first-ranked-first-served rule applying, blocking a number of answers or ‘balances’ being made right simultaneously. Further philosophical argument is required to justify one *type* of ordering over another. But what is common in all orderings is the constraining of values, with a clear understanding of which value should be fulfilled first before moving to the second.¹³

Concerning public safety, lexical orderings may constrain both the utilitarian and absolutist claims so that a delimited version of each can be fulfilled, allowing both values to be prioritised accordingly.¹⁴ For example, a lexical orderer who puts a constrained absolutist claim first could coherently argue for a greater increase in public spending to protect a relatively few number of people, even if this aggregate benefit is less than the aggregate burden placed on a larger number of people. Nevertheless, the constrained character of this absolutist claim still means that a price is put on a life saved, but with the figure tending to be higher than if the lexical ordering was reversed. So,

¹² At one end of the curve P value has the greatest weighting compared with Q value; whereas at the other end the weighting is reversed, revealing most starkly the changing relative importance of the one value *over* the other, and especially as the curve extends. This notion of *relative* importance highlights again the point of departure with the incommensurabilists, as relativity implies a comparative weighting, given that one value is viewed as more/less important, *compared with* the other value.

¹³ This constraint of principles is necessary for any lexical ordering as J. Rawls explains, *A Theory of Justice*, 40-53.

¹⁴ Putting constraints on either absolutist or utilitarian claims initially may look odd, as both are often presented as maximising principles, and so are unconstrained. However, I argue below that a commitment to either in a certain lexical ordering still allows the moral premise at the heart of each ethical position to be expressed, even if a lexical ordering requires their constraint.

a lexical orderer who puts a constrained utilitarian claim first could coherently argue for a decrease in public spending, if the aggregate benefit is less than the aggregate welfare burden on a larger number. Nevertheless, the constrained character of this utilitarian claim still means that a limit would need to be set on the gains of the larger number of people (relating, for example, to the quality and significance of these gains for individuals in the larger group). The tendency to lower the costs of safety will though be justified from this lexical ordering on the grounds that constrained utilitarian calculations should hold sway first, *before* other conflicting principles come into play.

IV

Where do these meta-ethical considerations lead us regarding the bottom-up approach to applied ethics defended by Professor Wolff? In conclusion, I will briefly outline how these considerations relate to this methodology and the wider lessons about its application to public debate and policy-making. As identified, there are four main rules to bottom-up theorising: (1) The anti-abstraction rule (2) the full description of policy/public debate uncovering moral dilemmas rule (3) the full description of empirical realities ensuring accurate interpretation rule, and (4) the over-arching applied philosophical analysis rule.

Regarding (1) the anti-abstraction rule, certainly getting to grips first with the detail of policy debate can expose well the central moral dilemmas and conflicts relating to public debate and policy formation. However, the claim here is that meta-ethical considerations articulated in their abstract form offer additional ‘critical tools’ for analysing policy—that is, concerning the philosophical character of these dilemmas and conflicts and how these may be variously interpreted. This leads to (2), the full

description of policy/public debate uncovering moral dilemmas rule, where policy description helps us understand better disagreements in public debate. Again, the claim here is that a more abstract description of these dilemmas and conflicts can operate from the ‘philosophical end’ as and when additional meta-ethical arguments are exposed. This further philosophical exposition can help explain how and why the same decisions can be differently justified according to each meta-ethical perspective; where different decisions are differently justified according to each meta-ethical perspective; or, where different decisions are justified according to the same meta-ethical perspective. Regarding (3), the full description of empirical realities ensuring accurate interpretation rule, certainly describing empirical realities grounded in good quality empirical research is a necessary component of properly structured philosophical interpretation, as assumptions made in philosophical argument are reliably informed. Nevertheless, factual description cannot reveal how the *same* facts (for example, the fact of value pluralism)—however accurately described or presented—are often variously interpreted by contrasting meta-ethical perspectives. So, while reporting in detail the fact of value pluralism is essential when describing matters relating to public opinion and debate (as EPP so vividly demonstrates), this reporting does not necessarily tell us that much about how value pluralism can be variously interpreted *philosophically speaking*.¹⁵

Recognising that the same facts can be interpreted differently gets us to (4), the over-arching applied philosophical analysis rule, and to more general lessons about bottom-up theorising. Certainly, when rules (1) to (3) are adhered to, philosophical analysis becomes more pertinent and meaningful for real-world

¹⁵ Also see my arguments in R. S. Smith, “Applying Theory to Policy and Practice,” 1-18.

policy-making. However, abstract meta-ethical debates concerning the relationship between values allow top-down theorising to come back into play, albeit in a reconstituted form. It will be in a form that does not naively assume the possibility of ‘off-the-shelf’ ready-made philosophical solutions to dilemmas and conflicts of the kind Professor Wolff quite rightly criticises. Nevertheless, it does provide further philosophically abstract analysis concerning the over-arching theoretical structure of public debate. This latter type of abstraction is firmly connected with real politics as it assesses directly specific issues concerning policy-making. However, it also helps to map more precisely the philosophical terrain as applied to these issues, so not only uncovering why the tensions and conflicts within public debate occur (as identified in EPP), but also how these tensions and conflict can be differently interpreted by both policy-makers and philosophers alike (as identified here).

Finally, given this possibility of having various interpretations of the fact of value pluralism exposed through abstract philosophical argument, perhaps it is more accurate to view applied ethics as neither top-down or bottom-up. Rather, it might be seen as a symbiotic *process* between the two approaches—where the role of abstract theorising and the full description of real world policy-making are not two ends of an either/or pole as implied by the terminology of bottom-up and top-down, but are always best viewed as operating simultaneously.

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