Actual Ethics

Actual Ethics offers a moral defense of the "classical liberal" political tradition and applies it to several of today's vexing moral and political issues. James Otteson argues that a Kantian conception of personhood and an Aristotelian conception of judgment are compatible and even complementary. He shows why they are morally attractive, and perhaps most controversially, when combined, they imply a limited, classical liberal political state. Otteson then addresses several contemporary problems—wealth and poverty, public education, animal welfare, and affirmative action—and shows how each can be plausibly addressed within the Kantian, Aristotelian, and classical liberal framework.

Written in clear, engaging, and jargon-free prose, *Actual Ethics* will give students and general audiences an overview of a powerful and rich moral and political tradition that they might not otherwise consider.

James R. Otteson is Associate Professor in and Chair of the Department of Philosophy at the University of Alabama. The author of *Adam Smith's Marketplace of Life,* he has held research fellowships at the Institute for Advanced Studies in the Humanities at the University of Edinburgh, at the Centre for the Study of Scottish Philosophy at the University of Aberdeen, and at the Social Philosophy and Policy Center, Bowling Green State University, Ohio. He has also received grants from the University of Alabama, the Atlas Foundation, and the Earhart Foundation.

For Stinkbug, Beetle, and Bear

Actual Ethics

JAMES R. OTTESON
University of Alabama

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Little of what I say here is my own invention. What Newton said of himself is far truer of me: whatever I have been able to see has been by standing on others' shoulders. I have relied on numerous other people's work—so much so, in fact, that I could not hope to credit them all here. Among my central sources are Aristotle, David Hume, Adam Smith, Frédéric Bastiat, John Stuart Mill, and Albert Jay Nock: I hereby give them blanket credit for most of my good ideas.

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JRO
Tuscaloosa, Alabama

Preface

This book is about how you should live. Although it is written by a college professor, it is not primarily intended for other college professors. It is intended instead for the person who has decided to begin thinking a bit more carefully about the nature and justification of moral judgments and about the political principles a sound system of morality would imply.

The book is motivated in part by the fact that a lot of what gets written and taught about how you should live either ignores altogether or gives short shrift to an important moral and political tradition called the "classical liberal" tradition. I believe that this neglect is a mistake: the classical liberal tradition offers a compelling vision of what it means to be a respectable human being, of what a just political state is, and of what people should do to achieve their goals. Or at least I believe it is a compelling vision, and I hope in this book to convince you of that as well. In any case it is worth giving serious consideration. One reason it often isn't given such consideration is perhaps that there is no concise presentation of its fundamental principles that applies them to currently important moral and political topics. That is what this book aims to do.

One reason I believe the classical liberal tradition is compelling is that it is founded on simple, attractive principles that almost everyone endorses, implicitly if not explicitly, in everyday life. Because this tradition no longer receives the public attention it once did, however, there is something of a disconnection between the way people officially talk about morality and the way morality is actually practiced in people's real lives. But I think that our "private" morality has a lot more going for it than it is given credit for. One goal of this book, then, is to bring the simple principles of this private morality into the open so we can take a good look at them,

evaluate them honestly, and trace out their consequences to see where they lead. Another goal is to uncover reasons and arguments supporting what is good about this morality, so that it can be defended if need be, and so that its adherents—as I hope you will become!—will have some confidence in what they believe or have come to believe.

GETTING STARTED

I argue in this book that individual freedom is required for success, and thus happiness, in life. We must develop good *judgment*—a central concept I take pains below to illuminate—and we can do so only when we enjoy the freedom to make decisions for ourselves and enjoy or suffer, as the case may be, the consequences of those decisions. As we shall see, that means that everyone has to leave us darned well alone. But that isn't the paradise it sounds like at first: it also means that others are not required to do anything for us and that they should not clean up our messes. Judgment cannot develop if we are not required to take responsibility for our decisions. If someone else takes the heat when we choose foolishly, there is no incentive for us to stop making similarly foolish decisions in the future. And given our natural laziness, we probably will not decide to take the hard way all on our own. But as we shall see, happiness will usually depend on having taken hard ways.

We already have, then, several pieces of the puzzle: freedom and its sometimes painful partner responsibility, judgment honed by experience, and then happiness. That was easy. Well, but as you suspected, it is not quite so easy. This all sounds a little too self-centered, doesn't it? It is all about how *I* can be happy—what about everyone else? What about poverty, the environment, animal rights, affirmative action, public education—in short, what about all the moral matters that concern others? Of course you wondered about these things: these constitute the core topics that have increasingly occupied our ethical attention for years, even decades. And we take them up in due course. But the attention they receive is often disproportionate to their actual importance. That is not to say that they are *un*important—rather that, as I argue, there are more important matters that require your attention before you get around to, or are properly prepared for, thinking about them.

I hope to convince you that we should indeed pay attention to our own lives and our own interests, and get them straight, before we start trying to "make the world a better place." That is not being selfish: it is being prudent. It is also a recognition of human nature, which we cannot

get away from however much we dislike it, and also of the limits of our knowledge and benevolence. Luckily, however, part of that ineluctable human nature is to take a sincere interest in other people—especially our family and friends—which means that by paying attention to our own interests we will simultaneously pay attention to the interests of those others as well. So we do have a natural, though limited, benevolence. Like any other precious but scarce resource, we had better figure out how to use it wisely.

This is all fleshed out in the pages to come, but please be prepared to have some of your intuitions and background beliefs challenged. Please don't let yourself be put off by the arguments just because they might be different from what you have heard or thought before. Figuring out how to lead a good life is the most important thing we do: there is no time to pussyfoot around or sugarcoat the truth. So I take Emerson's advice and let my words hit like cannonballs, come what may. Your job is to engage what I say and evaluate my arguments on their merits, even if that means you take it upon yourself to refute me step by step.

MORAL COMMUNITY AND TALK ABOUT ETHICS

This book is also partly inspired by what I believe is the misleading way ethics, or applied or practical ethics, is often discussed in public forums such as daytime talk shows, news programs, and in newspapers, and as it is sometimes taught on college campuses. In such venues, discussions of these matters are often superficially framed as if there were only two, mutually irreconcilable sides between which one has to choose: the good side versus the bad side, the enlightened side versus the benighted side, the virtuous side versus the sinful side.

Discussions of these matters are usually more sophisticated in college classes, but they too can give some of the same misleading impressions. Sometimes these classroom discussions comprise a series of "issues," also presented as if there were only two opposing views about them (the "pro" and the "con"). Students are then required to read an article on each side of the issue, to talk—or *argue,* in the bad sense of the word—about them, and then to repeat on the test what they have read, perhaps adding a respectful word or two about the professor's own position. Now what, you may ask, is wrong with a course like that?

A course taught this way risks giving the false impressions that (1) there are only two sides to these questions and (2) there is really no reasonable way to resolve them, since there are arguments, responses,

counterarguments, and so on ad infinitum on both sides. Such a course might also give the further false impressions that (3) life is made up of one major moral crisis after another and, most pernicious of all, (4) there is really no consensus about what a moral life is like or about how a person should live. Every one of these is false. The unintended but nonetheless frequent result of teaching a class like this is to foment division among the students that endangers the chance of forming any kind of moral community, to reinforce an unthinking moral relativism and defeatism, and to forever deaden many students to the possibility of substantive moral reasoning, judgment, and resolution.

This book argues that there is in fact widespread agreement on the basic elements of a morally respectable life, and furthermore that this agreement coalesces around the central principles of the classical liberal view. I try to make that case by drawing up a picture of such a life and showing how it applies to and addresses various of life's moral and political matters. I hope that by focusing less on abstract concepts, formal argumentation, and artificially stylized pro-and-con issues than on everyday moral sentiments and experiences the book gives rise neither to the false impressions nor to the confusion that other discussions can.

WHY WRITE — OR READ — THIS BOOK?

Peter Singer some time ago wrote an influential book called *Practical Ethics*. The book was small, but it packed a wallop: it has gone into a much-expanded second edition and is today among the most commonly used books in undergraduate college "ethics" and "applied ethics" courses, despite the proliferation of imitations defending similar positions. The book's success is perhaps somewhat surprising since it turns out to make recommendations that are often rather *im*practical, not to mention counterintuitive; but nevertheless Singer's book has come to occupy a central place in the canon of contemporary works used in such courses.

What does not exist, however, is a book that takes up many of the same issues and addresses them in a similarly nontechnical, readable way but that does *not* defend the same positions. This book is intended to be just such an alternative. That does not mean that this is an attempt to refute Singer point by point: that would be as tedious to read as it would have been to write. The subjects of concern in this book and in Singer's overlap, but they also diverge in a number of substantial ways; and although this book shares some common ground with Singer's and with others that take roughly "Singerian" lines, you will soon see that this

book stakes out an overall position that is independent from, and at times quite at odds with, theirs.

What I offer here, then, is an alternative vision of what it takes to lead a good and happy life. I believe the vision offered herein is superior to that offered by the Singerians, particularly in regards to what is perhaps the most important issue that a book of this type should address, namely happiness. I only assert this now, but the rest of this book gives lots of reasons supporting my claim. And given the importance of happiness, the stakes are very high. The ancient Greek philosopher Aristotle (384–322 B.C.), one of the principal inspirations for the approach this book takes, says that happiness is the highest, ultimate goal in life, the thing for the sake of which everything else is chosen but that itself is chosen for the sake of nothing else.[1] High stakes indeed. That is why I wrote, and why I hope you read, this book.

PLAN OF THE WORK

The book has nine chapters, broken into three parts. The first part, comprising chapters 1 to 5, lays out what my overall position is. Chapter 1 sketches in general terms what I take to be human 'personhood,' or the thing about us that makes us morally valuable agents. I introduce here several of the concepts that I draw on in the rest of the book, in particular the nature, prerequisites, and importance of 'judgment.' This chapter in fact surveys many concepts, and it thus runs the risk of bombarding the reader. I try to develop an overall conception of 'personhood' and 'judgment,' fleshing it out with examples and illustrations, and occasionally contrasting it with alternative views. Because this chapter is an overview, however, its presentation is not exhaustive. I hope that it provides enough for you to get a clear picture of what the foundations and general implications of my view are, and for you to get a sense of how the view might handle problems or respond to objections. Each subsequent chapter of the book fills in more details of the outline sketched in this one.

In the second and third chapters I extend this notion of 'personhood' and its related concepts by drawing out the political implications I believe they have: the second chapter discusses systems of political organization that I believe are inconsistent with them, the third the system of political organization that I believe is entailed by them. To put my cards on the table: I argue that a proper conception of human 'personhood' implies

[1] In his *Nicomachean Ethics*, bk. I, chap. 7, pp. 7–10.

a state limited to certain specific functions. This is the "classical liberal" state I mentioned earlier. Despite the fact that its defenders are today in the minority, there is a lot of tradition, authority, and evidence on its side, not to mention, as I shall argue, moral attractiveness.

In the fourth and fifth chapters I address one of Peter Singer's central challenges, namely his set of arguments about what moral claims the existence of worldwide poverty makes on us. In chapter 4 I argue that Singer's position faces several difficult problems, and hence that our moral obligations concerning poverty do not quite square with his suggestions. In chapter 5 I present empirical evidence about which political and economic institutions are in fact most beneficial to the world's poor, and I argue that this evidence supports not the welfare state Singer recommended but rather the classical liberal state I defended in chapter 3. I take that as an additional, empirical reason to support the classical liberal state, over and above its coherence with the compelling "principled" conception of moral 'personhood' I argued for in chapters 1 and 2.

In Part II, I turn from the development of my position in general terms to its more practical application. Chapters 6 to 8 address by turns several of the central matters of concern in today's discussions of practical or applied ethics. There are any number of issues in applied ethics that might have been addressed, but unfortunately a selection had to be made. The fact that some issues are left unaddressed should not be taken to imply any sort of negative judgment about them—only that I couldn't very well write a two-thousand-page book. My hope, in any case, is that the concepts developed and defended in Part I combined with a selective application of them in Part II will allow you to get a pretty good idea of how a defender of my position would address other issues as well.

In chapter 6 I argue that public schooling should be abolished. Not that *education* should be abolished, only that *government funding* of it should be. I realize that this proposition may strike you as incredible—it did me too when I first encountered it. But the argument and evidence supporting this radical view eventually persuaded me. In this chapter I present the argument and evidence for your evaluation. Perhaps you will be surprised, as I was, at just how strong the case is.

Chapter 7 tackles the tangle of issues surrounding the nearly universal human practice of including some in their groups and excluding others from them. When is this morally objectionable and when not? When should the state step in, and when not? I argue that the notions of 'personhood' and 'judgment,' along with the classical liberal state they entail,

give us a helpful roadmap to navigate these issues and develop plausible positions on them.

Chapter 8 broaches the topic of "rights," including whether there are any "natural" rights, and then proceeds to examine two areas where a common claim today is that we need to extend rights-based protections: to people who wish to engage in "alternative" lifestyles and to nonhuman animals. Although I remain something of an agnostic about the existence of natural rights (at least for the purpose of the discussion), I argue that the conceptual tools we have developed in the book nonetheless allow us to make some headway in these areas too.

Finally, Part III of the book is its conclusion, consisting of just one chapter. In chapter 9 I formally take up happiness. Throughout the book one of my arguments in support of classical liberalism is that there is no single conception of the good—or perhaps I should say, no single conception of the Good—that applies to everyone, and hence that no single conception of the good should be enforced by the state. Along the way I rely on a similar argument about happiness to justify my not saying anything substantive about it either – that is, until the end of the book. In this chapter I finally say what I believe can be said about what happiness consists of and how people can achieve it. My pluralism about 'goodness' limits what I can say about 'happiness,' but given human nature and the realities of human existence I believe that general contours of human happiness can be sketched.

LOTS AND LOTS OF CAVEATS

Before you read the book there are several things I should tell you up front so that you know what you are getting into.

First, this book does not pretend to lay out all the various positions on any given issue, objectively giving the chief arguments in support of and objections to each. There are several excellent books that do that already, including in particular Gordon Graham's *Eight Theories of Ethics* and James Rachels's *Elements of Ethics*.[2] This book is instead a largely one-sided presentation of the basic elements of the view I find most compelling. I put the arguments in the best light I can, and although I entertain objections at regular intervals, I do not exhaustively present or examine alternative

[2] See also Hugh LaFollette's anthology *Ethics in Practice* and Louis Pojman's anthology *The Moral Life,* both of which contain carefully reasoned discussions of most of the issues raised herein.

views. So please do not read my book thinking it gives you an overview of all, or even several, reasonable positions on the issues it takes up. It should not therefore be read in lieu of other books, such as Singer's *Practical Ethics,* that argue their own points of view; it should rather be read in addition to them.

Second, I proceed on the assumption that many of the people reading this book will not be familiar with its positions, with the premises on which those positions rest, or with the implications they have. For that reason I have written it largely as a *primer* or *introduction* to the position and, as I mentioned, a complement or perhaps counterweight to more prevalent views such as Singer's. Hence the book is not the final word: it is only the first word, or perhaps the first few words. I invite the reader to continue the investigation of the matters discussed herein. To assist in that endeavor, I provide at the end of each chapter a bibliography listing all the works I refer to or rely on in the text and footnotes, as well as other works taking various positions that you can consult to examine the issues further. If you are reading this book as part of a college course, your professor will no doubt also stand ready to assist you with further reading.

One other note in this connection. Because it is meant to be a primer, this book may at times strike you as containing simply what common sense or "the wisdom of the ages" would recommend. (I certainly hope what I say will comport with common sense, though that is not the point of this potential objection.) But just because something has a long pedigree, or when stated seems obviously true, does not mean that it is unimportant or not worth repeating. Arithmetic has a long pedigree, and its elements, when stated, seem obviously true; but everyone still needs to be taught it before moving on—you can't master calculus, or even algebra, without it. Or take grammar: you cannot write good prose, or appreciate good literature, without having first mastered the basic rules of grammar; they are no less important for being elementary, and they are the necessary first step. The same is true about many issues in politics and morality. Yet, as is increasingly the case with grammar,[3] too often people are *not* made aware of the fundamentals involved. That is, they do not know exactly what the proper principles are and hence are unsure about, or make mistakes in, thinking about how to apply them. People proceed right on to try to write moral and political poetry without basic moral and political grammar. The result can be mistakes that could have been avoided. So in this book, and especially in Part II, I draw out the conclusions of what

[3] See David Mulroy's excellent *The War against Grammar*, esp. chap. 4.

I believe and hope are our commonsense but still important—and often forgotten or neglected – moral principles, supplemented with what some recent empirical evidence has shown or suggested, in the hopes that readers can use those principles and that evidence as foundations for further reflection and investigation.

Third, I draw liberally on the ideas and research of other people. If I can claim originality, it is perhaps in the book's particular organization and presentation; but this book would not have been possible without the work of a great deal of other people. I list in the Acknowledgments many of those people; I also give credit in the text where appropriate. But the general disclaimer is necessary at the beginning.

Finally, a cautionary word about the book's style and method. I have striven to make the book interesting and engaging to read. That means that, as I mentioned earlier, I have tended to avoid formal argumentation, abstract constructions, and artificial formulations, and to focus instead on presenting an overall picture of a good and just life, on simple principles and commonsense judgments, and on everyday examples. It also means that I have interspersed some humor throughout the book. In so doing I have followed the lead of Shaftesbury, the late-seventeenth-century philosopher, politician, and raconteur, when he wrote: "I am sure the only way to save men's sense or preserve wit at all in the world is to give liberty to wit. Now wit can never have its liberty where the freedom of raillery is taken away, for against serious extravagances and splenetic humours there is no other remedy than this."[4] Writing with humor (or *attempting* to write with humor) runs certain risks, however: humor can be misunderstood, it can be mistakenly taken literally, and it can even be found offensive by some who might think that politics and morality are no laughing matters. If so, why, one might ask, use it at all? Here is Shaftesbury's answer:

> [W]it will mend upon our hands and humour will refine itself, if we take care not to tamper with it and bring it under constraint by severe usage and rigorous prescriptions. All politeness is owing to liberty. We polish one another and rub off our corners and rough sides by a sort of amicable collision. To restrain this is inevitably to bring a rust upon men's understandings. It is a destroying of civility, good breeding and even charity itself, under pretence of maintaining it.[5]

[4] Anthony Ashley Cooper, Third Earl of Shaftesbury (1671–1713), *A Letter Concerning Enthusiasm to My Lord ******, contained in his 1711 *Characteristics of Men, Manners, Opinions, Times*, p. 12.

[5] *Sensus Communis, an Essay on the Freedom of Wit and Humour in a Letter to a Friend*, in *Characteristics*, p. 31.

For some readers, moreover, avoidance of formal argumentation is the same as, or tantamount to, weakness in argumentation. Professional academics, and professional philosophers in particular, are trained to look for and find fault in arguments—and we are very, very good at it. Shaftesbury anticipated this risk as well: "It is certain that in matters of learning and philosophy the practice of pulling down is far pleasanter and affords more entertainment than that of building and setting up. Many have succeeded to a miracle in the first who have miserably fallen in the latter of these attempts. We may find a thousand engineers who can sap, undermine and blow up with admirable dexterity for one single one who can build a fort or lay the platform of a citadel."[6] Although I would not claim that my book *quite* counts as a "miracle" of "building and setting up" (that was humor), nevertheless I did decide that writing an introductory-level book that is enjoyable, and indeed provocative, to read was worth the risk of leaving some professional academics ultimately unsatisfied. You may in the end judge that I erred *too* much on the side of readability, simplicity, and raillery. If so, go write your own book. (That was humor again.)

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[6] *Miscellany III*, in *Characteristics*, p. 395.