

William Aiken &  
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# Introduction

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## Background

Like the first volume in this series (*Values, Education and the Human World*), the present collection of essays grew out of activities of the *Centre for Ethics, Philosophy and Public Affairs*. Since its establishment in 1984 the Centre has run a visiting fellowship programme which in its first twenty years brought some seventy fellows to St Andrews to work on various issues in ethics, moral psychology and social and political philosophy. More than half of this number have come from North America and it seemed apt, therefore, to arrange a conference of former fellows in the United States.

This the Centre did in 2002 with a grant from the *Philosophical Quarterly* and with the hospitality of Chatham College in Pittsburgh, Pennsylvania. The meeting was held in the former residence of Andrew Mellon, the famous Pittsburgh banker and industrialist and sometime Secretary of the US Treasury. As well as providing a beautiful location, having once been home to a major public figure and now being part of an academic institution the setting was apt to the theme of the conference. We are grateful to the President of Chatham Dr Esther Barazzone for permission to use the Mellon House and for her encouraging welcome to the meeting. We are grateful also to the *Philosophical Quarterly* for its financial support of the event.

Given the geographical location of the conference it was to be expected that most participants would be from within the US, but other countries and continents were represented and the contributors to this volume are from Canada, New Zealand and the United Kingdom, as well as from the United States. What unites them intellectually, and what brought them originally to the St Andrews Centre, is a common commitment to the value of deploying the resources of philosophy in the effort to understand and advance discussion of issues of broad theoretical and practical importance.

From the earliest period of the subject philosophers have addressed issues of personal and public values. Pythagoreans, Epicureans and Stoics, as well as Plato and Aristotle, all had things to say about the nature of the public good and what is conducive to it, as well as considering how an individual should live in order to be fulfilled as a human being. The tradition of practical philosophy continued in the West through the middle ages when it was deepened and given systematic treatment in the works of Aquinas and others, and then later in the casuistical tradition which the scholastics inspired. In parallel with these developments may be found Eastern explorations of the individual and common good in Confucianism and Taoism; and then later in the middle east in the traditions of Islamic philosophy.

The European enlightenment and its nineteenth-century democratic legacy saw the merging of Western philosophy and politics in forms that are still with us today. While these originated in the old world they were most extensively realised in the public culture of post-colonial North America. The United States has journeyed a long way in two and a quarter centuries, further perhaps than the European societies from which it originally derived. A decade after the war of independence from Britain a gathering was convened in Philadelphia originally to revise the 1781 articles of confederation. It quickly became clear, however, that something more radical was called for and so emerged the Constitutional convention. The dialectical and rhetorical styles of the contributions to this are immediately recognisable to those familiar with European, particularly British philosophy. The ideas of John Locke and Thomas Reid had arrived in the new world and were shaping its emergent public philosophy.

At the point of the convention's bicentenary in 1987 there was still a sense in the higher reaches of American public culture that questions of policy could and should be resolved by reference to rational deliberation about substantive ends. That is to say it was presumed that policy could be shaped not just by the fair procedures or balanced compromises of liberal contractarianism, but by independently right outcomes, i.e. ones oriented towards objective human goods. Things may now be somewhat different in this respect and they are continuing to change. The demands associated with acquiring the role of world leadership have proved testing of a society that is still developing. The civil rights debate, Vietnam, Watergate, foreign wars, and, certainly not least, the effects of unparalleled affluence have all had an impact upon the ethical confidence of the US. Witness in this connection the domestic demoralisation effected by reports of barbarism perpetrated by the US military in Iraq.

At the same time Europe has faced its own challenges: the adjustment to the decline of industry, the changed expectations of the role of the state, the collapse of the Soviet bloc, new immigration, the changes in

individual and family life, the proliferation of new media, and the impact of science and technology. Since some of these factors operate also in North America and elsewhere, and since the US so dominates the English-speaking world, it is unsurprising that Anglophone philosophers in America, in Britain and in Australasia share common concerns and methods. Some of these are in evidence in the essays that comprise this volume.

### Philosophy, Society and Culture

The first chapter by John Haldane is a version an address, first given a few months prior to the Pittsburgh conference, to the *American Philosophical Association* on the occasion of its centennial. The essay examines the character and standing of American philosophy now and at the outset of the twentieth century as seen (then and now) from a British point of view. A century ago Britain was itself the unquestioned leader of Anglo-Saxon thought. Now, however, as in so many areas, the US is the pre-eminent world power. This status brings prestige and various benefits but it also carries responsibilities. In considering the latter Haldane recalls some virtues of an earlier generation of American philosophers, especially as they were possessed by William James.

Bob Brecher reasons that, both liberal 'disinterest' and postmodern disavowal of rationality notwithstanding, intellectuals must in some sense be committed to a notion of truth, however circumscribed. Beyond that he argues that practical rationality underpins theoretical reasoning. He suggests that the question of what is to be done is therefore integral to any 'purely intellectual' issue, and further that the objection that intelligence is fit for any purpose true or false, good or bad, can be answered. According to Brecher intellectuals have a particular public responsibility to speak out – one additional to the general moral responsibility of citizens.

In 'speaking out' one may be required to observe a distinctive idea of public reason. According to John Arthur the commitment to this idea reflects an understanding of political legitimacy, by insisting that public justifications be limited in certain respects. He observes that this is doubly controversial, because the idea itself is sometimes thought unrealistic and misguided. Some argue that it is unrealistic because people cannot ignore other reasons, and wrong-headed in insisting that law, for example, should be blind to race and gender. Against these claims, Arthur argues that at its core public reason is a style of impartiality. Properly understood the controversy is not about public reason as such, but about its application.

What norms of public reason we feel are apt reflect cultural as much as any other influences. In his verse and in other writings clearly addressed to issues and problems concerning the post-industrial moral and spiri-

tual condition the poet W.H. Auden jointly identifies the English romantic William Blake, the American progressive educator Homer Lane and the modern English novelist D.H. Lawrence as ‘healers in our land’. He does so in a way that suggests that they might be held to have been engaged in some common therapeutic project. In the course of a survey of their literary and practical works, however, David Carr seeks to show that despite their undeniably profound psychological insights, their ideas draw on different sources and point in different socio-political, therapeutic and educational directions.

The educational theme is continued in Terry McLaughlin’s essay on the subject of values and schooling. McLaughlin is concerned with the justification of the evaluative influence that schools in pluralist liberal democratic societies exert on their students. While schooling is not, of course, synonymous with education, schools remain important institutional contexts in which education is made available to children and young people, and schooling, like education itself, is inherently value laden. McLaughlin seeks to show that an exploration of the principles and predicaments of teacher example in different schooling contexts throws important light on our understanding of the principles and predicaments relating to ‘common’ and ‘faith-based’ schools, respectively.

This distinction represents one kind of deep cultural difference. In her essay Wendy Donner explores issues surrounding group identity as this is held to bear upon the legitimacy of certain kinds of liberal policies. Liberalism is often criticized as being excessively individualistic and consequently overly concerned with individual identity. Donner, however, argues that liberalism is correct in asserting the primacy of individual identity, and that principled moral agency requires autonomous individuals who reflect upon and choose their group attachments. While we are often deeply immersed in social contexts, and our identities are shaped and constrained by gender, culture, class and sexuality, nevertheless we engage in a process of individuation to construct and change our personal identities, and in so doing become the sort of secure and tolerant individuals who can accept difference in others.

### **Ethics, Economics and Justice**

Andrew Moore begins his essay by inviting us to consider the following case. A patient lies unconscious in hospital and is shortly going to die. At the death, his partner asks the attending doctor to collect and store semen from him, to enable her to try for children after his death with the assistance of IVF. What ought to be done? Moore is here concerned with the ethical significance of the deceased’s consent in potential settings of postmortem reproduction, and to policy regarding such settings. So far as the latter is concerned a plausible account of the purposes of public policy will include the idea that it should oppose unethical conduct, and

not oppose ethically permissible conduct. As Moore notes, however, there is an issue of how to approach these two objectives in contexts where it seems that what would serve one better would serve the other less well.

The challenges facing most of the world's population are more immediate and concern the limitations imposed by poverty. As Geoff Cupit observes, there are considerable inequalities of wealth, political power, education, health care and life-span. While some of these are 'shared around' for the most part this is not so, and some people are much better off overall than others. Cupit examines whether this overall inequality matters. In answer to the question of why we should focus on overall inequality, rather than on specific inequalities he suggests that, providing it makes sense to talk of overall equality and inequality then, if equality is indeed an ideal, it seems reasonable to suppose that it is *overall* equality that is that ideal. This, however, returns us to the issue of whether equality really is a value and leads towards the question of how it may be related to desert, freedom, justice and fairness.

Bart Gruzalski argues that aside from questions of global justice the affluent have reason to modify their material consumption. People often justify the level of First World consumption by arguing that it raises the standard of living. By reference to Amartya Sen's work on capability analysis, Gruzalski reasons that by pursuing their own interest through the purchase of certain classes of highly fashionable goods individuals may actually worsen their lives. He argues that we should therefore encourage development (which does not increase the material bases of our capabilities) instead of growth (which does).

In the essay that follows, Jim Child observes that while the dramatic technological changes of the last fifty years have already had profound consequences for the organisation of economic and social life, those introduced by the internet portend even greater change and threaten traditional political structures. The vast new capacity to process and store information, and the ability and speed of the internet together challenge the concepts of private property and of the nation state. Child surveys recent developments, reviews something of the history of political thought, and explores the problems and prospects now facing us.

Technological innovation always carries social risks, as indeed does any significant material development. Often, however, it is argued that while it is known that there will be some consequent harm if a power plant is built or a new product introduced the risk to anyone in the risk pool is extremely slight compared to the benefits conferred. This is often taken to be a deciding factor in introducing the plant or product into the community. Richard Brook argues that since the probabilities considered are epistemic rather than objective this argument fails. His conclusion is that there is no moral difference between a 'statistical death' and

an 'identifiable death'; and that the only consideration should be the total number of likely deaths and injuries.

### **Rights, Law and Punishment**

Issues of public policy arise in fields now structured by the idea of rights. Rex Martin argues that civil rights, as political rights universal within a given society are important, and that they can be justified in relation to what is of benefit to each and all of its citizens. He also seeks to develop the notion of full-bodied human rights under three headings: as requiring effective normative justification; as having authoritative political endorsement; and as requiring to be maintained by conforming conduct and, where necessary, by governmental enforcement. He then applies this notion to particular cases considering to what extent the idea of human rights can be particularised to different cultural preferences and histories.

A compelling complement to this examination is provided by Lisa Portmess who considers the case of military tribunals as courts providing neither military nor civilian justice but a distinctive, and contested, parallel legal system with different standards of evidence. Prior to the attacks on the US of September 11, 2001, these issues might have seemed of somewhat specialised interest but the detention of terrorist suspects and their delayed trial has brought the justice of military tribunals to the forefront of public discussion. Lisa Portmess argues that as pressure for greater due process intensifies, with higher standards of evidence, the likelihood increases of indefinite detention of suspects without trial, or of trials in which incrimination by group affiliation substitutes for absent evidence.

Trials lead either to acquittal or to conviction and hence to punishment. It is an ancient and still pressing question of what justifies the latter. Anthony Ellis sets out a theory of punishment according to which it is justified as a form of deterrence. Traditionally deterrence theory has been interpreted as holding that offenders are punished to deter others (or themselves). This invites the objection that it involves an unacceptable use of people. Ellis refines the broad deterrence approach to argue that it would be legitimate, in self-defence, to issue to potential aggressors a threat which in normal circumstances once issued could not fail to be implemented; and he holds that, ideally, this is what our criminal justice systems are like.

Ellis concurs with the view that retribution is an unacceptable warrant for judicial punishment. Jonathan Jacobs argues in contrast that punishment is not merely a strategy of social regulation but is also a mode of public address to rational agents, and part of its moral justification is that it is so. Yet some individuals are rational, responsible agents, even though on account of their characters they are unable to recognise why

some of their actions are wrong. Jacobs argues that even so it can be morally legitimate to punish them though they do not, and perhaps cannot, recognise the justice of their being sanctioned.

By tradition the ultimate punishment imposed by society upon those who have violated its laws is the death penalty. Once this was a sanction dispensed for a variety of crimes, but by stages it tended to be reserved for murder and then in some jurisdictions to be dispensed with altogether. Dan Farrell observes that the two most common justifications for capital punishment are the retributive argument and what he terms the 'societal-self-protection argument'. Although the first is the more popular of the two among the public in general, Farrell concentrates upon the second according to which capital punishment is both necessary and justified as a way of preventing (or at least reducing the incidence of) harm to the innocent. He does so because while he judges that there is little chance of changing opinions on the retribution argument he thinks that with regard to the other there is some reason to believe that philosophical progress on the issue of capital punishment is possible.

### Conclusion

Readers will judge for themselves what progress is achieved in each of the essays; but we would encourage them also to consider the collection as a totality; as a contribution to the general project of bringing philosophy to the public sphere where matters of common interest are discussed with a view to making or to changing policy. The individual contributors and the editors have their own, sometimes conflicting, views on particular issues; but they are as one in believing that philosophy has a public role and that it is important that professional philosophers seek to discharge it. The present volume and that referred to at the outset (*Values, Education and the Human World*) are the first two sets of St Andrews Studies in Philosophy and Public Affairs. It is planned that future volumes will carry the task of examining issues of importance and broad interest into other areas, as well as revisiting some of those already explored.