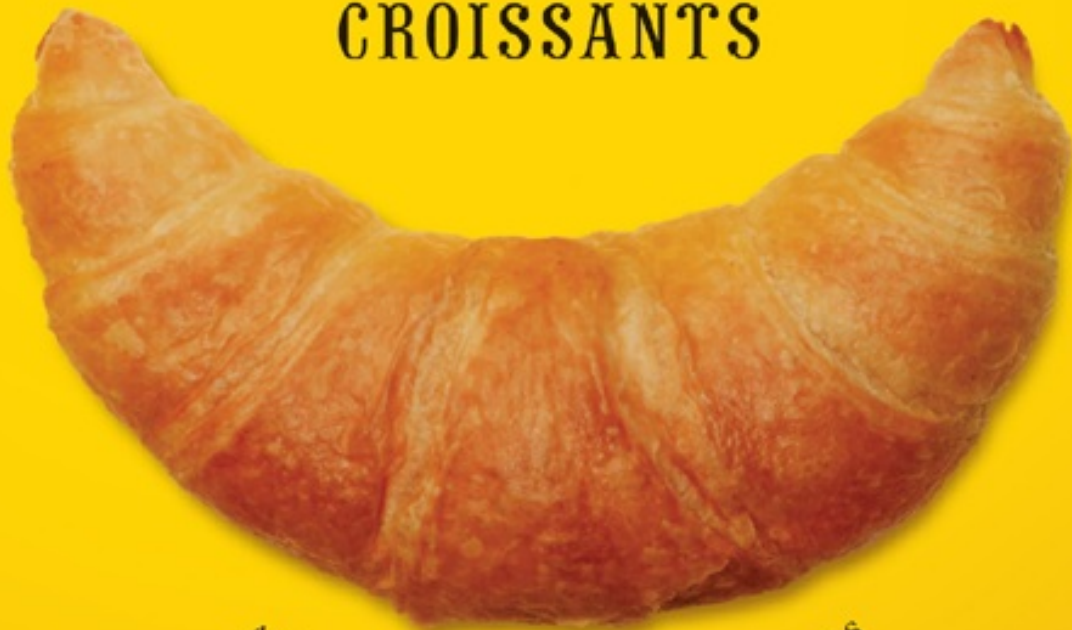


HUMAN
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THE SMELL
OF
WARM
CROISSANTS



AN INTRODUCTION TO ETHICS

Ruwen Ogien

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PREFACE



AN ANTIMANUAL OF ETHICS

This book is a general introduction to ethics.¹

But it has neither the pretension to instruct anyone how to live, nor the mission to teach the history of moral ideas from their origins to our own time, in chronological order.

Its ambition is far more modest: to put at the disposal of those who might be interested in a sort of *intellectual toolbox* enabling them to brave the moral debate without allowing themselves to be intimidated by the big words ("Dignity" "Virtue" "Duty" and the like) and the grand declarations of principle ("You must never treat anyone simply as a means" and so on).

If these titles had not become registered trademarks, I might have called it *Antimanual of Ethics* or *Little Course of Intellectual Self-Defense Against Moralism*.

Since we have to do with a book of philosophy and not a detective novel, I presume no one will be frustrated if I "kill the suspense" by presenting my principal ideas straightaway.

They can be summarized in the form of two propositions:

1. It is not true that our moral beliefs would have absolutely no value if it were impossible to have them rest upon a single, indisputable principle (God, Nature, Pleasure, Feeling, Reason, and so on): in ethics, we can do without "foundations"
2. Conceding a certain form of pluralism of doctrines and methods is the most reasonable option in ethics.

I am obviously not the only one to uphold these kinds of antifoundationalist and pluralist ideas.²

But I would venture to say that the originality of my defense of them lies in the fact of it resting almost entirely upon the critical examination of two basic ingredients of the moral "cuisine": *intuitions* and the *rules of reasoning*.

What is a moral intuition?

What is a rule of moral reasoning?

MORAL CUISINE

Certain moral arguments are extremely simple. They take the form of raw judgments as to what is good or bad, just or unjust, which no one bothers even to justify, since they appear self-evident. For example: When we see a child who is drowning, we try to save him. It would be monstrous to do nothing to help him get out of the water.³ In order to describe these direct, spontaneous, and purportedly self-evident judgments, philosophers have become accustomed to saying that they are *moral intuitions*.

Other moral arguments are more complicated. They bind intuitions together by means

relations of thought, elementary rules of moral reasoning.

Thus, in order to denounce the clear conscience of the rich, who do nothing or almost nothing to put an end to famine and the terrible poverty that there is in the world, Peter Singer, a philosopher whose fame rests upon his uncompromising fight against factory farming, advances the following argument: By giving nothing or almost nothing to the organizations that seek to combat famine in the world, you are letting children in many countries die. You are behaving in just as monstrous a fashion as if you were letting them drown before your very eyes in a pond and without lifting a finger to save them.⁴ It would be really very astonishing if the argument sufficed to convince the wealthy to share their wealth. But it is very interesting so far as its construction is concerned. Peter Singer puts on the same moral plane the fact of letting a child who is drowning before your very eyes die and that of letting a child in a distant country die. He asserts that the two forms of behavior are equally monstrous. It is a comparison that is certainly open to dispute. But what interests me is the fact of its appealing implicitly to one of the elementary rules of moral reasoning: *like cases must be treated alike*.

In reality, complex moral arguments always have roughly the same form. They rest, on the one hand, upon simple intuitions relating to what is good or bad, just or unjust, and, on the other hand, upon rules of moral reasoning that tell us how they can be applied.

Intuitions and rules of reasoning are the two basic ingredients of the moral "cuisine." How could we deepen our understanding of moral thought without undertaking a systematic analysis of them, and without trying to answer the philosophical questions they pose?

What are they?

QUESTIONS REGARDING THE RULES AND THE INTUITIONS

Three elementary rules of moral reasoning are well known: "ought implies can" ("no one is held to the impossible"); "one cannot derive an ought from an is" ("one must not confuse judgments of fact and judgments of value"); and, finally, "like cases must be treated alike" ("it is unjust to use two different measures for two different weights").

We can ask ourselves if there are others, if they are sufficiently clear and precise, if they are consistent with one another, and if they are a sort of unassailable "dogma" or proposition open to being contested.

Many questions are also raised with regard to moral intuitions. How are we to know them? Are they the same everywhere and with everyone, or do they differ from one society to the next and from one individual to the next? Are they *innate*, *learned*, or a bit of both at the same time? Are they purely emotional reactions or spontaneous judgments that do not necessarily have an affective content?

What part do moral intuitions play in the justification of grand moral theories?

In order to try to answer these questions, I make extensive use of what we call "experimental moral philosophy"

WHAT IS EXPERIMENTAL MORAL PHILOSOPHY?

Experimental moral philosophy is a discipline still in gestation, and one that mixes the scientific

study of the origins of moral norms in human and animal societies with reflection upon the value of these norms, without our yet knowing exactly in what direction it will ultimately tend or what the nature of its contribution to philosophy (if there is one) will be.⁵

For its most enthusiastic promoters, it is a revolutionary style of investigation that is turned toward the natural sciences with a view to finding the means to clarify or resolve the traditional questions of philosophy.⁶

Other promoters, who are somewhat less enthusiastic, or somewhat less deft, prefer to say that there is absolutely nothing new about this style of investigation. According to them, experimental moral philosophy simply renews the ties between the natural sciences and philosophy, which formerly were very close, and which should never have been sundered since it is thanks to them that human knowledge has progressed.⁷

This is a dispute in the history of ideas into which I do not propose to enter. What interests me is the fact that experimental moral philosophy proposes five classes of empirical data susceptible to making a contribution to moral reflection:

1. Investigations into the moral intuitions of each and every one of us.
2. Investigations into the moral reasonings of each and every one of us.
3. Laboratory experiments regarding human generosity or human cruelty.
4. Psychological researches into the moral development of children.
5. Anthropological accounts of the diversity of moral systems.

It would be absurd, in my opinion, *to decide in advance* that such works would in no way serve to clarify questions of moral philosophy, under the pretext that they have to do with facts and not values or norms, and that there is a yawning abyss between the two kinds of investigation.

For certain philosophers, the opposition between scientific research and moral reflection is no longer defensible. It is a dogma that is dead.⁸ Without going as far as that, we can inquire as to its exact meaning and see to it that it remains open to critical scrutiny.

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INTRODUCTION



WHAT IS THE USE OF THOUGHT EXPERIMENTS?

Imagine a lifeboat caught in a storm, adrift in the open sea. On board are four men and a dog.

All five will die if no man is willing to be sacrificed, or if the dog is not thrown overboard.

Is it morally permissible to throw the dog into the sea simply because it is a dog, without further argument?¹

What do you think?

Let us now suppose that these men are Nazis on the run, perpetrators of barbaric massacres, and that the dog is a heroic rescuer whose actions enabled dozens of persons to escape a terrible death after an earthquake.

Would this change anything in your approach to assessing their respective rights to remain in the lifeboat?

The problems involved in sacrificing animals for the good of members of our own species, whatever they may be, do not only arise in moral fictions. In 1984, in the United States, a surgeon proposed to the parents of a baby born with a congenital heart defect and who was faced with the prospect of a very early death that their child be offered the transplant of a baboon's heart.

The operation went ahead. The baby survived, but for no more than a few weeks.

This episode, known as the "Baby Fae" affair, gave rise to a very heated debate.

What certain antivivisection societies condemned out of hand was not the fact that the child had been treated as a sort of guinea pig or the fact that the species barrier between human and baboon had been breached.

What scandalized such societies was rather the fact that it had been deemed natural to sacrifice a living and intelligent animal in a bid to save a baby whose chances of survival were slender in the extreme!²

It seems to me that the majority of philosophers will judge that the "Baby Fae" affair repays close scrutiny, even if they are not specialists in animal ethics.

My sense is that they will be more divided over thought experiments.

Some will tell you that they have nothing against the use of fictions in ethical reflection, so long as they involve rich and open-ended literary works, which lead the reader to become aware of the difficulty of formulating a moral question correctly, rather than schematic examples that tell him in advance what direction his research should take.³

They will perhaps not go so far as to maintain that, in order to understand the moral questions raised by our relationship to animals, we would do better to read *Lassie Come Home* than a somewhat absurd story about a lifeboat with dogs and Nazis, but they will not fall very short.

Others will reject such thought experiments on the pretext that they are so abstract, so far

removed from reality, that from them we can deduce absolutely nothing of any interest or value regarding our own lives.⁴

Are these two arguments well founded?

TOO POOR?

Thought experiments are little fictions, specially devised in order to arouse moral perplexity.

Since we have to do with narratives that are simple, schematic, short, and wholly without literary merit, every imaginable manipulation of the narrative elements serving to advance moral reflection is possible.

For example, in the above story I saw fit, without feeling guilty at having wrecked a work of art, to introduce a small change into the original lifeboat scenario, by saying something about the past of the four men and the dog. It was supposed to serve as a way of measuring the respective importance in our moral judgment of belonging to a species and of individual qualities.

There would be little sense in proceeding in the same fashion with great literary works like *Anna Karenina* or *Madame Bovary*.

No doubt they too are "thought experiments," since they present invented characters, morally complicated hypothetical situations. Yet their contribution to moral reflection seems to arise from the hypothetical situation such as the author has described it, in its particularity with all its details and its complexities.⁵

We would therefore lose everything they are supposed to teach us if we simplified them, as in summaries in Wikipedia or in Pass-Notes, or if we strayed too far from the narrative by posing bizarre questions such as "what if *Madame Bovary* were a man or a transsexual?" or "what if *Anna Karenina* were a housewife?"

Simplified fictions can obviously not play the same edifying role as great literary works. Yet they allow us to identify more clearly the factors that influence our moral judgments, such as belonging to a species or possessing particular individual qualities. In my opinion this is a contribution that is by no means negligible.

TOO FAR REMOVED FROM REALITY?

The second reproach we can level at moral thought experiments is that they are too abstract, too far removed from the problems people face in real life, to give us anything else but the futile, and purely intellectual, pleasure of amusing ourselves with ideas.⁶

The same is said of certain thought experiments in physics.

In a thought experiment in physics, if, in our imagination, we place in fictitious hypothetical conditions a fictitious object that is too different from real objects and too far removed from real conditions, what do we get? Science fiction at best, and at worst fictitious results that will serve no purpose at all, not even to amuse us.⁷

But thought experiments in ethics have nothing to do with thought experiments in physics. Their *ultimate* aim is not to help us to attain a better knowledge of reality, but to know *if there are reasons to keep it as it is or to change it*.⁸

Thus, precise description of the animal condition is of great importance in stimulating

reflection. But it is insufficient *when we ask in what direction things should develop*.

If, for example, we seriously think that animals are not things, what are the implications? Should we not completely forswear owning them, selling them, buying them, and eating them?

Would that not lead to the complete disappearance of all animals that were not wild? That really what we want?

I do not see how, in endeavoring to shed a little more light upon these complicated moral and political questions, we could do without thought experiments.

I should add that, far from being novel, this method has a venerable pedigree.

The most famous moral thought experiment is perhaps the one proposed by Plato, over twenty-four hundred years ago.

PSYCHOLOGY AND PHILOSOPHY

Do you know the story of Gyges's ring? It is evoked by Plato, and all those who have done a little moral philosophy will probably have heard tell of it. For those who may perhaps have forgotten, I will give the gist of it, though mindful that Plato specialists may well raise an eyebrow over points of detail.

According to an ancient legend, a shepherd, the ancestor of a certain Gyges, found a golden ring that enabled him to render himself invisible when he turned its setting toward the palm of his hand, and to become visible again when he turned it outward. The ring thus bestowed the power to be visible or invisible at will—and to commit the worst of crimes without being seen or detected!

In book 2 of *The Republic*, one of the characters, Glaucon, speaks and asks us to imagine what two individuals, one assumed to be just and the other unjust, would do if each of them possessed a ring of Gyges.⁹

Would it still be possible to distinguish between them? Would they not behave in exactly the same way?

Would the just man remain honest? Would he refrain from stealing from shop windows when he could do it with impunity? And what would one really think of him, if he remained honest, if he did not profit from the power the ring gave him? Would one not take him, bottom, for some sort of idiot, despite all the praises one would indeed be obliged to heap upon him?

Such are the questions that feature in the narrative.

At first glance, the story of Gyges's ring is a psychological thought experiment, in the sense that it solicits our judgment as to what people will do if placed in a certain hypothetical situation.

We can give it a quasi-scientific form.

Suppose that we offer two persons, one honest and the other dishonest, a ring that enables them to render themselves invisible and to commit all sorts of crimes without being either seen or recognized.

HYPOTHESIS

The honest person will behave in exactly the same way as the dishonest person. There will no longer be any moral difference between the two of them.

JUSTIFICATION OF THE HYPOTHESIS

The only thing that keeps us from being dishonest is the fear of being caught and punished. If the honest person no longer runs the risk of being caught and punished, he will behave in exactly the same fashion as the dishonest person.

Interpreted thus, the thought experiment proposed by Plato does indeed resemble a psychological thought experiment.

It would not be specific to moral philosophy. It might interest a criminologist, or an economist who was conducting research into the motivations behind fraud on public transport or theft in a large department store. Who would pay for their seat on a bus or for their purchases in a large store if they were invisible?

But when we view this thought experiment as a whole, we come to realize that there is nothing psychological about it. It is a *conceptual* inquiry into what it means to be just or to be honest, or, more generally, into the idea of justice.¹⁰ What the experiment in fact aims to show is that a really just person is not one who behaves in a just fashion simply because he is afraid of being caught and punished.

In reality, the aim of the experiment is not to *predict* a behavior in certain hypothetical conditions, as a psychologist might do, but to clarify the idea of justice.

A thought experiment in ethics can serve to show that a psychological problem is in reality a *conceptual problem*. It is, so to speak, one of its philosophical functions. Once we have understood this, a whole range of factual questions that we could pose in regard to it become a little ridiculous. For example: "This story about rings makes no sense. If you steal objects from a large department store while being invisible, that does not mean that the objects stolen will be invisible too. Do you imagine that no one would be surprised at Hermès scarves and Rolex watches floating toward the exit? You are treating people like idiots. You will be caught straightaway!"

Another example: "We do not know enough about the characters involved to be able to answer the question that has been put. You ask if an honest person will become dishonest if he were able to become invisible at will. My answer to you is that it depends upon the people involved. Some honest persons would indeed become dishonest if they could steal or defraud without any risk of being caught. Others, however, would remain honest because they have had a good education or because they would nonetheless be afraid of being caught. Without supplementary information on these persons, their past, their interests, their preferences, and their occupations, all prediction would be futile, even haphazard."¹¹

A third objection might seem more pertinent: "The hypothesis according to which the only thing keeping us from being dishonest is the fear of being caught and punished is an unproven assertion. Without supplementary arguments, the hypothesis is unwarranted."

I nonetheless have the impression that this third objection is as misplaced as the previous one, inasmuch as the rightly disputed hypothesis is itself empirical.

What Plato's thought experiment is in the end supposed to give us is the definition of a moral concept (in this instance, being just).

Thought experiments can, however, be constructed for a very wide range of other purposes.

In present-day moral philosophy, the method of the thought experiment serves above all to identify our moral intuitions with a view to testing the validity of the great moral doctrines.

The standard procedure is as follows:

1. Construct bizarre cases in order to reveal our moral intuitions.
2. Assert that the doctrines which are not to our liking are false, since they contradict these same intuitions.

It is this procedure that interests me.

THREE WAYS OF CONCEIVING OF MORALITY

Deontologism and consequentialism are the two main theories in contention within present-day moral philosophy.¹²

Deontologism (from the Greek *deon*, "duty") is to a large extent inspired by Kant. According to this theory, there exist *absolute constraints upon our actions*, things that we *should never do*: "do not lie" and "do not treat a human person simply as a means" are examples of this kind of constraint.¹³

For a consequentialist, what counts morally is not blindly respecting such constraints but rather acting so that there is, *in total, the most good or the least possible evil in the universe*. Indeed, if in order to attain this goal it is necessary to free ourselves from these constraints, we must do so, or at any rate attempt to do so.¹⁴

The most famous consequentialists are the utilitarians. For the latter, the good is pleasure and what we must do is produce the most pleasure and the least pain for the greatest number. We can, however, be consequentialist without being utilitarian. It is sufficient that we not reduce the good to pleasure.

For some time now, these two great theories have been confronted with the spectacular return of a more ancient conception, namely, a *virtue ethics* inspired by Aristotle.¹⁵ It is sometimes called "aretist" (from the Greek *arete*, "excellence"). A virtue ethics of this kind asserts that the only thing that matters morally is *personal perfection*, being someone who is good, a person of good character, generous, affectionate, courageous, and so on. The rest—that is to say, showing respect for great principles or working for the greatest good of the greatest number—is secondary. For virtue ethics, morality does not only involve relationships with others, since it is also a concern for one's own self. It must preach temperance as regards the pleasures, the monitoring of desires and of emotions, and so on.

What is the best moral theory? Is it possible to amend them? Do several different versions of these theories exist?¹⁶ Which is the most reasonable? Must we prefer the one that is most in harmony with the greatest number of moral intuitions?

Can a moral intuition serve to disqualify one or another of these moral theories, much as certain physical facts serve to wreck a scientific hypothesis?

In order to refute the idea that all swans are white, it suffices, by and large, to show that there exists a black swan (which has not been colored by a practical joker).

In order to refute Kantian ethics, which absolutely excludes any right to lie, even out "humanity"¹⁷ is it sufficient to recall the intuition granting you permission to lie to cruel murderers who come looking for an innocent hidden in your house?

In order to refute utilitarian ethics, is it sufficient to recall the intuition that forbids you to have an innocent hanged, even if it is to save a large number of human lives?

In order to return virtue ethics to the pigeonhole of outmoded moral ideas, is it sufficient to recall the intuition which requires of us that we not put on the same plane the concern for self and the concern for others, murder and suicide, and, more generally, the harm done to others and the harm we cause ourselves?

MUST WE DEMOCRATIZE THOUGHT EXPERIMENTS?

The philosophers have often found no better way of discrediting a moral theory than to say it: "It's absurd. It contradicts our ordinary intuitions!"¹⁸

Even supposing we admit that this is a pertinent objection, we still need to know what these "ordinary" intuitions actually are. Numerous philosophers are content simply to say "we think," "one" thinks, "most people" think, "no one" thinks, without asking themselves whether this is not simply what they and a few colleagues in their philosophy department think.

It is worth saying that this is not always for want of rigor. Some, indeed, reckon that they are not obliged to give a concrete or sociological meaning to the notion of an "ordinary intuition."

They may reckon that the notion, in their use of it, does not refer to the spontaneous judgments of the *majority of people*, but to the "well-formed" judgments of persons who are "enlightened," "well-informed," "aware of moral questions" capable of "neutralizing their own interests" and their "prejudices" and so on.¹⁹

There exists, moreover, a venerable elitist tradition in moral philosophy, in the characterization of persons who were deemed competent to voice an ethical opinion, whose "intuitions" were held to count in any moral debate.²⁰ But why give more weight to the judgments of this "moral elite" than to those of each and every one of us?

Another way of presenting "ordinary" intuitions, entailing no reference whatsoever to the ideas of each and every one of us, consists in claiming that they are propositions it would be irrational not to accept.²¹

Is it true, though, that all persons who are rational, well informed, and aware of moral questions would accept these propositions? Must we not in fact conduct concrete and systematic research in order to know whether this is so?²²

It is with these questions in mind that a number of philosophers open to the empirical disciplines have begun to take an interest in the works of sociologists and psychologists that bear upon the spontaneous moral judgments of all manner of different people across the world, philosophers and nonphilosophers, as well as people of different ages, gender, educational attainments, religions, languages, cultures, and social categories.

They have undertaken to put to the greatest number the strange questions that professional philosophers used to ask themselves (and other philosophers):²³

"Is it permissible to kill one person in order to remove his organs and thereby save the lives of five other persons awaiting a transplant?"

"Is it permissible to divert a trolley that threatens to kill five persons onto a siding upon which only one person will be crushed?"

"Can incest be practiced in all innocence?"

"Is it immoral to clean a toilet with the national flag?"

This is how experimental moral philosophy was born.²⁴

EXPERIMENTS ON BEHAVIORS

Experimental moral philosophy is not only concerned with thought experiments. It is also interested in experiments on behaviors, where it encounters other obstacles.

Thought experiments, those of philosophers and those that are subjected to the sagacity of everyone, do not pose any moral problem.

There is no harm in wondering what one should *think* of a person who refuses to take his car the victim of a road accident who is bleeding profusely, *so as not to ruin his brand-new leather seats*.²⁵

We can put the question to a host of people with a fairly good chance that they will answer us calmly, if they have the time to spare.

Experiments on so-called moral or immoral behaviors are not so innocent from the moral point of view.

Arranging a *mise-en-scène* in order to assess how drivers *really* behave when going past the heavily bleeding victim of an accident is not without risk.

What would the reaction be of someone held up to ridicule for preferring to save his brand-new leather seats rather than a human life? We cannot be certain that this experiment would amuse.

The idea of performing experiments on behaviors in order to confirm hypotheses of "human nature" is in fact ancient.

Kant was keen on this exercise, although he perhaps did not have much of a talent for it. One of his hypotheses was that a woman will sulk for longer if we tell her that she is old (that's objective) than if we treat her as ugly (that's subjective).²⁶

One could consider the experimental study of so-called moral or immoral behaviors to be a research program that is designed to test hypotheses of the same kind, but where the interest in these hypotheses is more evident, while the methods used are a little more serious and a little more respectful.

In what respect might this scientific program concern moral philosophy? According to certain researchers, the best service that these experiments on behaviors could render moral philosophy would be to help it to eliminate the more unrealistic theories, those that take absolutely no account of "human nature"²⁷

Yet they can also help to rid us of all manner of clichés regarding "human nature" Certain well-known experiments show that it takes very little to get you to behave like a monster: a experimenter in a white coat who gives you orders in a firm but polite voice, a role as prisoner and the uniform that goes with it, and, hey presto, you are ready and willing to torture your fellow human being!

However, other experiments, somewhat lesser known, tend in quite another direction. They show that precious little is likewise needed for us to behave like saints: the smell

warm croissants that puts us in a good mood, a little free time stretching ahead of us, and so on.²⁸

Before advancing grandiose claims as to a purported "natural inclination" of man to do evil (or good), we should perhaps take an interest in the results of these modest experiments.

It is at any rate one of the questions that experimental moral philosophy also raises.

The majority of the nineteen cases that I present in the first part of this book belong to the "corpus" of experimental moral philosophy.

I have tried to present the others in such a way that they could, in the future, be the subject of this kind of research. They lend themselves to being studied by means of the methods of experimental moral philosophy, even if hitherto they have not been handled thus.

Among the philosophers who are interested in these case studies, some have a profound reverential attitude toward the methods and results of everything that claims to be "scientific" (statistical inquiries, speculations on the natural history of our species, cerebral imaging, and so on).

Others are completely uninterested in normative questions, that is to say, in what is just or unjust, desirable or undesirable. They are content simply to record these biological, psychological, or social facts without wondering how they might contribute to the elaboration of morally acceptable norms.

Yet I believe that this research can be put to other uses, without relinquishing a critical sense as regards their outcomes, and without renouncing normative concerns.

the previous case studies regarding lives worth living. Its point of departure is a series of fairly famous experiments known as the "Life Raft," the purpose of which is to make us reflect on our tendency to consistently favor the members of our own species.

The Utility Monster concludes this discussion by pushing the utilitarian argument further, to the point of absurdity.

A Violinist Has Been Plugged Into Your Back particularly interests me because it demonstrates the importance of thought experiments in moral debate. More specifically, it modifies the terms of the philosophical discussion surrounding abortion. Philosophers who contest the right to abort rely upon the idea that fetuses are persons, whose right to life is beyond dispute. This imaginary case, which derives more from science fiction than from a news item, allows us to envisage the possibility that, even if fetuses were persons, the voluntary interruption of pregnancy would still be legitimate. We could view it as an act of self-defense against aggression threatening existence itself or the quality of life. The whole question would then be that of knowing the conditions under which self-defense would be legitimate.

I have assembled under the title Frankenstein, Minister of Health a series of hypotheses concerning the future of human nature, were certain scientific projects to be implemented (reproductive human cloning, the genetic enhancement of human physical and mental capabilities, the freezing of ova, and so on)

The aim here is to assess the merits of the argument that says that we must not "tamper with nature" or "take ourselves for God."

The reactions to these thought experiments also enable us to assess our propensity to employ the slippery slope argument in this domain.

Who Am I Without My Organs? addresses the question of personal identity from the ethical perspective. What are the implications for our ways of conceiving of human "responsibility" and "dignity," the relations we establish between our persons, our bodies, and the organs or particles of which they are composed?

In order not to break completely with my earlier philosophical preoccupations, I present one thought experiment on sexuality. It aims to challenge our tendency to hierarchize the reasons we might invoke for having a sexual relationship, whereby love is placed at the top of the scale.

Finally, I propose two thoughts titled respectively It Is Harder to Do Good Intentionally Than It Is to Do Evil and We Are Free, Even If Everything Is Written in Advance, which are designed to tease out our intentions concerning the reality of our liberty and the moral importance of the idea of intention. I use them to draw certain conclusions regarding the difference between metaphysical and ethical thought experiments.

Experiments on Behaviors

In moral philosophy, experiments on behaviors have but one purpose, namely, to evaluate *virtue ethics*, an ancient notion revived with loud fanfare in contemporary moral debate. According to an ethics of this kind, there are exemplary moral "personalities," which remain such irrespective of the context. Yet experiments on behaviors seem to show that such personalities do not exist. There is thus no such "hard kernel" of the personality, something

stable, unified, and unvarying from one situation to the next.

The idea that there could be “monsters” or “saints” anywhere else but in fairy tales and legends is therefore illusory.

Trivial or insignificant factors could alter our conduct in a “moral” sense (as with behaviors whereby assistance is given, which is altruistic, helpful, generous, and so on) or else in an “immoral” one (as with destructive behaviors, which are violent, cruel, or humiliating).

The experiment I have chosen to represent destructive behaviors is famous. Devised by Stanley Milgram, this experiment is supposed to reveal the mechanisms underlying *submission to authority*. Though one of the earliest thought experiments, it remains authoritative (which is the very least you would expect).

Another experiment, conducted in the same spirit, is due to Philip Zimbardo. Here volunteers play the part of prison warders, the aim being to see how far, and how rapidly, they come to behave as badly as those whose roles they have assumed.¹ The experiment is not a cause for optimism. It did not take certain volunteers very long to become sadistic little executioners. All “reality TV” seems to take its inspiration from this same experiment.

I have set Zimbardo’s experiment to one side, not because it is unduly depressing, but because the one devised by Milgram seems to me to suffice.

For helping behaviors, I present a number of small experiments. The least known, but not the least interesting, studies *the influence of the smell of warm croissants on human happiness*.

Because it seems to me unjust that this experiment has attracted so little comment, I took it as the title of the original, French edition of the present book.

To what extent do these experiments affect virtue ethics? This is the question that everyone—among those concerned with such matters—asks themselves.

One final observation, of an aesthetic rather than a conceptual order. My case studies vary markedly in length, a fact that may offend those who cherish balance and harmony. Some are very long, others very short, and still others somewhere in between. It is easier to justify length than brevity.

Thus, the case of The Killer Trolley has generated a staggering quantity of sometimes utterly baroque variants. It has sparked a huge number of studies and debates (with millions of hits on the World Wide Web), sometimes so sophisticated that only a few initiates are still able to follow them. We have got to the point that we can say ironically, although with a modicum of truth nonetheless, that a new scientific discipline—*trolleyology*—has been born. The number of pages I devote to scrutinizing this case reflects the success of this “discipline.”

Alongside these lengthy expositions, I give some very short case studies accompanied by equally short questions. This does not necessarily mean that the debate surrounding the cases in question is any less rich.

I have simply sought to use such cases in order to introduce or to conclude succinctly a series of cases. For example, The Utility Monster serves to round off a sequence of reflections on utilitarianism, while Emergencies serves to introduce a set of questions on the opposition between killing and letting die.

1

EMERGENCIES



Is it acceptable to kill an imprudent pedestrian in order to avoid letting five severely injured people, whom you are rushing to the hospital, die?

SCENARIO 1: FAILURE TO RENDER ASSISTANCE TO A PERSON IN DANGER

You are dashing to hospital with, in your car, five people who have been seriously injured in an explosion. Every second counts! If you waste too much time, they will die.

All of a sudden, you see by the roadside the victim of a terrible accident, who is bleeding profusely.

You could save this person too, if you were to load her into your vehicle. If you fail to do this, the victim of this accident will certainly die. But if you do stop, you will waste time, and the five persons being rushed to hospital will die.

Should you stop even so?

SCENARIO 2: KILLING THE PEDESTRIAN

You are dashing to hospital with, in your car, five persons who have been severely injured in an explosion. Every second counts! If you waste too much time, they will die. But all of a sudden, you see in the middle of the road a pedestrian crossing in an imprudent fashion. If you brake you will skid and waste time, and the five persons being rushed to hospital will die. If you do not brake, you will kill the pedestrian. Should you brake even so?¹

The hypothesis of the philosophers who invented or commented upon this experiment is that the majority of people will reckon that these two cases are not morally equivalent.

They will be more indulgent toward the driver who leaves a wounded person by the roadside to die than toward the one who kills a pedestrian, *even though the consequences are exactly the same.*

Is this difference in moral approach justified?

The philosophical debate surrounding the distinction between killing and letting die provides us with a few pointers for our attempt to answer this question.²

KILLING AND LETTING DIE

For some consequentialists, there is not a profound moral difference between killing and letting die. The outcome is the same in either case, since the victim dies.

Aretists (the friends of virtue ethics) and deontologists (the friends of Kant, among others) are not in agreement. For the aretist, you have to be a horrible individual to kill with your own hands (or with your own steering wheel), whereas anyone, or nearly anyone, can let a person die by way of calculation or through negligence without their being particularly morally repugnant.³ Hence the harsh reaction toward someone who kills and the relative indulgence shown to someone who lets a person die.

But this explanation turns the *moral* distinction between killing and letting die into a *psychological* difference, which may pose a problem for those who take the two to be radically opposed.

It is on the basis of the criterion of intention that the deontologist distinguishes between killing and letting die. According to the deontologist, we cannot settle for evaluating an action in terms of its consequences without taking intentions into account. If we could do so, we would no longer be able to distinguish between killing someone by cutting him or her in half with a chainsaw, with the intention of punishing him or her (because he or she has not paid their debts, for example), and fleeing the scene of this horrible crime without attempting to bring succor to the victim, with the intention of saving one's own life.

Intention possessing a central moral value for the deontologist, he will naturally ascribe such an importance to the distinction between killing and letting die, and reject the consequentialist's skepticism regarding the question.

Yet there are cases in which we can readily see the difference between killing and letting die, but with greater difficulty discern the difference in intention.⁴

1. You are impatient to inherit from your uncle. You find him on his own and at home, lying in his bath, the victim of a heart attack. A doctor could still save him. You do not call a doctor. It is clear that, without killing your uncle, you are letting him die. It is also clear that you wish to get rid of him so that you can inherit.

2. You are impatient to inherit from your uncle. You crush him with your car. It is clear that you are not content to let him die. You are *killing* him. It is also clear that you wish to get rid of him so that you can inherit.

If the deontologist remains on the plane of intention, how can he distinguish between the first case, which is an example of letting someone die, and the second, which is an example of killing, since the intention informing the action is the same, namely, getting rid of the uncle in order to inherit?

More generally, that is to say, independently of consequentialist, aretist, or deontological explanations, we may wonder whether it is possible to save the moral distinction between killing and letting die in cases in which the effort required in order to not let someone die is negligible.

What moral difference would there be between killing a child and letting the child die, if we could save the child simply by clicking once on our computer?⁵

Even the deontologists and aretists would have to admit that, in such cases, the moral distinction between killing and letting die is nonexistent.

In order to persevere with the same line of argument, or, in other words, in order to show that the conflict between consequentialists, deontologists, and aretists over the distinction between killing and letting die could be transcended, we might venture the hypothesis that the

conflict does not depend upon the principles involved but *upon the point of view adopted when describing the action*.

In reality, when philosophers address the distinction between killing and letting die, they often adopt the agent's perspective: ambulance drivers in a hurry, unscrupulous heirs, and doctors whose patients are suffering from terminal illnesses. From this point of view, the difference between killing and letting die does often appear glaringly obvious.

Yet if we put ourselves in the victim's or the patient's shoes, things look quite different: the pertinence of the distinction between killing and letting die becomes less obvious.

Thus, for the terminally ill patient who wishes to go on living, it matters little whether the doctors intervene actively in order to cause him to die or whether they let him die by terminating the care that was keeping him alive. The patient *wants neither the one nor the other option*. He judges both of them to be equally bad. From his point of view as a patient who does not want to die, the moral difference is nonexistent.

The same argument should apply to the case of a terminally ill person who *no longer wants to live*. It matters little whether the doctors intervene actively in order to cause him to die or whether they let him die by curtailing the treatment that was keeping him alive. The patient *wants either option*. He judges both of them to be equally good. From his point of view as a patient who no longer wishes to live, the moral difference is nonexistent.⁶

If the above hypothesis is correct, we might then wonder: if there is no *moral* difference for the patients, why should there be one for the doctors?

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