Ethics, Law, and Cognitive Science

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Biology, Ethics and Moral Reflection Simone Pollo

1. Metaethics, normative ethics and biology

According to a well consolidated tradition in analytical philosophy, moral philosophers can engage in at least two different tasks. They can dedicate their work to analysis about the nature of ethics, that is to metaethics, or to elaborate arguments justifying specific declinations of moral goods, rights and virtues, that is to normative ethics. Of course, philosophers doing metaethics can do also normative ethics, but for a long time they have been intended as separate jobs (to which in the last two decades of 20th Century it has been added applied ethics, that is the application of normative theories to practical cases, such as the bioethical ones)¹. According to the classic understanding of the tasks of philosophical ethics, work on metaethics must be separated from the normative task. This separation has never been understood as a non communication between the two fields. Nevertheless, metaethical analysis has been regarded as a work that could have been done without references to its normative consequences and, on the other side, normative ethics as an enterprise without too much reference to metaethics.

The distinction between metaethics and normative ethics has been often regarded as a dogma for analytical philosophical (and somehow it still is today), even if the possibility to sharply distinguish between the two fields has gradually been put under question. Among the reasons that for long

¹ A brief and useful presentation of 20th Century analytic ethics is: S. Darwall-A. Gibbard-P. Railton, *Toward Fin de siècle Ethics: Some Trends*, in «The Philosophical Review», 101 (1992), n. 1, pp. 115-189.

time allowed to maintain such a distinction there has been the fact that metaethics was almost exclusively understood as the analysis of the language of morals. As well known, pioneers of analytical philosophical ethics understood their work as almost entirely devoted to metaethics and, more precisely, to metaethics intended as an analysis of the language of morals. As a matter of fact this paradigma has been gradually put under question from different points of view and for various reasons². Among the most recent causes that led to such a revision there is a shift that occurred in the field of metaethics in the last years. Metaethical analysis focused on the language of morals have been gradually paired with analysis devoted to the understanding of human moral psychology. Also in this case, there are many reasons for this fact and one of them is the increased interest of moral philosophers in science.

With regard to the contemporary debate, it seems that a strong connection between the theoretical enquiry on ethics and science has been firstly advocated from the side of science. According to E.O. Wilson, the founder of Sociobiology, research on ethics should have been, at least temporary, taken off from the hands of philosophers and given to scientists in order to be «biologicized»³. Wilson's provocative statement has been greatly criticized and sometimes violently rebutted, but its fundamental claim is the very idea founding the most important contemporary view about the role of science in understandings ethics. This idea (that has distinguished predecessors like David Hume) is that the philosophical analysis of morality cannot be seriously and effectively undertaken without a reliable empirical and naturalized knowledge of human beings and their material conditions of life. Biological science, after Darwin, is the best tool we have to know some basic facts about how human beings "work" and why they are as they actually are. Forty years later the publication of Sociobiology. The New Synthesis it can be said that Wilson's dissatisfaction with the traditional philosophical approach to ethics has been seriously taken into account by philosophers themselves. As a matter of fact, many moral philosophers of analytic background have committed their work to a strong bond between philosophical analysis and biological data⁴. This commitment has led to a

² The first and most influential critique to metaethics regarded just as linguistic analysis is that raised by G.E. Anscombe, *Modern Moral Philosophy*, in «Philosophy», 33 (1958), pp. 1-19.

³ E.O Wilson, *Sociobiology. The New Synthesis*, Belknap Press, Cambridge (MA) 1975, p. 562.

⁴ N. Levy, *Empirically Informed Moral Theory: A Sketch of the Landscape*, in «Ethical Theory and Moral Practice», 12 (2009), pp. 3-8.

change both of methods and aims in metaethics. Generally speaking, metaethics is no longer regarded solely and mainly as a conceptual and linguistic analysis, but also (or sometimes exclusively) as a biologically informed enquiry about human moral psychology. From this new perspective the enquiry about the nature of ethics is mostly an effort aimed at two goals: the reconstruction of the moral mind and of its biological genealogy (that is its evolutionary path). This kind of «empirically informed» metaethics is deeply intertwined with the researches of evolutionary biology and cognitive science and it is not amiss to speak of this new metaethics as a cognitive science of morality. This is particularly true when philosophers themselves participate to the design and execution of experiments (as so called «experimental philosophers»⁵ do), but it is true also when there is no direct commitment to empirical research.

Here I will not attempt a review of various declinations of such a cognitive science of morality. Rather I will try to address a specific issue that is raised by the tight intertwinement of the philosophical understanding of ethics and evolutionary biology. In a nutshell, the aim of this paper is to address the question if the scientific understanding of ethical life can foster moral progress, that is some kind of improvement of real human moral life or if, on the contrary, the scientific comprehension of how morality really works can undermine the potential for human moral reflection and development. The notion of moral progress underlying this question must be clarified. Here "moral progress" is not defined according to its most common meaning, that is the progressive accumulation of some kind of value in the world (like, for example, happiness in an utilitarian framework)⁶. For my present purposes, moral progress must be understood as the development of capacities for moral reflection in actual individual moral agents⁷. The two conceptions of moral progress are not incompatible (as a matter of fact they can be thought as reciprocally bound), but for my present purposes I will assume that moral progress must be defined just at the individual level, that is as the development of individual moral capacities. Given this definition of moral progress, the question to be addressed is whether the scientific understanding of ethics can improve or not the capacities for human moral reflection.

⁵ M. Alfano-D. Loeb, *Experimental Moral Philosophy*, in E.N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Summer 2016 Edition), URL = http://plato.stanford.edu/archives/sum2016/entries/experimental-moral/.

⁶ D. Jamieson, Is there progress in morality?, in «Utilitas», 14 (2002), n. 3, pp. 318-338.

⁷ Il progresso scientifico come progresso morale. Sentimentalismo, oggettività e scienza, in «Rivista di filosofia», 107 (2016), n. 2, pp. 219-239.

Raising this question shows that the borders between metaethics and normative ethics can be blurry and fuzzy, since our views about what ethics is, how moral mind works and from where moral life comes from affect normative ideas and attitudes. More specifically the issue of where the biological understanding of ethics can lead human moral life can be considered part of a more general topic, that is how Darwinism changes our understanding of the world (and therefore also of our moral views and attitudes). Here the focus is on the moral meaning of Darwinism, that is how the Darwinian understanding of ethics changes the way morality itself is experienced by human moral agents. Before facing this issue it is necessary to deepen the notion at the core of moral progress, that is moral reflection.

2. Moral reflection and self-knowledge

The topic of moral reflexivity is an enormous one and for the purposes of this paper it can be treated from two different, but interlaced, perspectives. As a matter of fact, moral reflexivity is one of those research objects that a Darwinian cognitive science of morality treats and tries to explain both reconstructing its core mechanisms and drawing its evolutionary path. Nonetheless, moral reflection is also the theoretical object of the present analysis, that is the notion at the core of this discussion about the connection between scientific knowledge and moral progress. The notion of moral reflection I use here is deeply rooted in empirical findings about human moral mind and it is itself the outcome of the cooperation between philosophical analysis and scientific research.

Generally speaking moral reflexivity is the capacity moral agents have to critically examine their moral reactions and judgements. The nature of moral reflection depends from the more general conception of the moral mind. Into a rationalistic view of moral psychology reflection is regarded as a process of rational evaluation undertaken by the agent about her own motives and beliefs. Furthermore, if the rationalistic moral mind is also placed in a cognitivist and realist framework, moral reflection will be defined as an operation of discovery and knowledge of moral facts that are relevant for the beliefs subjects to examination. Even if rationalistic (and cognitivist) accounts of moral psychology represent a powerful tradition in the history of ethics since ancient times, there is another influential approach, that is the sentimentalist one. Rooted in the work of 18th Century philosophers as David Hume and Adam Smith, contemporary sentimentalist moral psychology seems to be the view more attuned with the data provided by empirical research on the functioning and development of ethics. Ethology, psychology and neuroscience confirm the basic tenet of sentimentalist moral psychology, that is the idea that the core of human moral capacities is made of affective states⁸. Essential part of a sentimentalist account of moral psychology is the role that sympathy plays in it. The attunement to other affective states and reaction is the drive of altruistic and cooperative behavior and this role is confirmed by empirical researches on humans and non-human animals phylogenetically close to us⁹.

This is just a brief sketch to highlight the very basic ideas underlying ethical sentimentalism, but they are enough to present what moral reflection is according to this view of moral psychology. Moral reflection in a sentimentalist fashion is not a rational evaluation and examination, but a process of refinement and transformation of the affective states underlying our moral reactions and driving our motives to act. This process of transformation is driven by real life experiences and imagination and it is oriented at that «general point of view» from which morals sentiments aim at be expressed¹⁰. Reaching that point of view is not an isolated process (as in a rationalistic perspective could seem), but it is a somehow "social" enterprise. Moral reflection is not just a reflection of the agent on herself, but it is also (and maybe mainly) a process of social mirroring¹¹. Our moral sentiments and habits must be, imaginatively or actually, defended in front of the social context into we live in. Therefore, moral reflection aims at establishing moral sentiments and reactions that can pass this kind of test. Moral reflection is also a process of finding justifications for our moral sentiments that could be shared by other moral agents.

According to the sentimentalist view moral reflection does not happen in isolation and relying just on the agent's own capacities (like the *lumen rationis*). Sentimentalist moral reflection is fed by a plurality of sources. Among these sources there are the experiences humans do in ordinary and daily life (for example being in touch with other people and their different

⁸ A. Kauppinen, *Moral Sentimentalism*, in E.N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Fall 2016 Edition), URL = http://plato.stanford.edu/archives/fall2016/entries/moral-sentimentalism/.

⁹ F. de Waal, *The Age of Empathy*, Harmony Books, New York 2009.

¹⁰ A presentation of Hume's "general point of view" and of its main interpretations can be found in W. Davie, *Hume's General Point of View*, in «Hume Studies», 24 (1998), pp. 275-294.

¹¹ J.A. Taylor, *Reflecting subjects. Passions, sympathy, & society in Hume's philosophy*, Oxford UP, Oxford 2015.

ways of living) or through imaginative experience (for example by trying to imagine how it is like to be a calf in a factory farm). The set of sources for moral reflection is broad and pluralist. Into this set also science and philosophical ethics are included. Evolutionary biology and cognitive science of morality can be part of the process of moral reflection: both the philosophical and the scientific understandings of the nature of morality can affect moral reflection and shape sentiments, reactions and judgements. The role played by scientific and theoretical analysis in human ordinary moral reflection should not necessarily be direct and straightforward. Scientific theories influence human moral life not just because people read specialistic articles and books, or attend lecture and conferences. Theories leach into popular culture and become part of our ordinary understanding of the world. Even if many aspects of Darwinism are counterintuitive for human minds (for example, the lack of a goal oriented order in nature), it is now part of the understanding of the world of many persons thanks not just to scientific divulgation (think, for example, to the iconic movie Inherit the wind by Stanley Kramer). Therefore, advocating for a role of philosophy and science in ordinary moral reflection does not entail an intellectualistic (and unrealistic) approach to moral reflection.

In particular, the picture of the nature of moral agents emerging from the scientific treatment of morality can meet one basic demand of ethical reflection, that is self-understanding. As a matter of fact, moral reflection is not simply a critical evaluation of one's own reactions, judgments and attitudes, but it is also an assessment of what underlies them, that is the kind of person we are. Moral reflection is also an evaluation of one's own character. The inquiry about the kind of person one is is not just about one's own personal biography but it is broadened beyond the borders of personal life. The question about the kind of person we are goes beyond our present existence in at least two senses. First, one can ask herself how our ancestors heritage shape the kind of person she is (a naive intuition confirmed by science, since our genes contribute to shaping character). The second meaning regards our identity as individuals belonging to a given species. Reflecting on the kind of person we are is also reflecting on what it does mean to be a human being.

The importance of this kind of self-inquiry is stressed by many traditions in ethics and we can track it back to the Greek exhortation "Know thyself!". A reconstruction (also a very sketchy one) of its importance and role in the history of ethical views is far beyond the scope of the present paper. Here I just want to highlight its role in the specific view endorsed here, that is sentimentalism. In fact, another key feature of the neo-Humean naturalistic sentimentalism endorsed here is the role played by the notion of character¹². More precisely sentimentalism must be intended as a kind of perfectionist ethics, that is a view about morality that stresses not only the agents' behavior, but also the attention of the agent herself on the development and flourishing of her own character¹³. Self-knowledge is entailed not only by moral reflection oriented to evaluate the correct conduct but also (and maybe mainly) by reflection aimed at developing one's own character.

3. Know thyself! Really?

The picture of moral psychology (and of ethics in general) emerging from the intertwinement of philosophical analysis and science can contribute to individual moral reflection and, eventually, to moral progress (understood as the refinement of personal capacities for moral reflexivity). This idea establishes a connection between scientific data and theories (more precisely, the philosophical understanding of scientific data and theories) and moral life. This link falls under the the old and controversial topic of the relation between facts and values. I move from the premise that even if "values" (a term to label the different declinations of normativity) cannot be directly deduced from facts (a term to label the different declinations of descriptivity), the separation among the two domains is greatly blurred. The connection between facts and values I am endorsing is not an ontological one (this is not the kind of topic to be faced here), but it is a connection that inhabits moral psychology. Moral reflections and evaluations are soaked in facts. If I want to question from the moral point of view the kind of person I am, that is if I want to reflect on my character and my stable set of moral sentiments, many "facts" will be taken into account and some of them will be descriptions of myself as the particular individual I am and as a member of the human species.

Since the sources for moral reflection are various and different this does not mean neither to advocate for a substitution of moral reflection with

¹³ W. Donner, *The Liberal Self: John Stuart Mill's Moral and Political Philosophy*, Cornell UP, Ithaca 1991.

¹² E. Lecaldano, *The Passions, Character, and the Self in Hume*, in «Hume Studies», 24 (1998), pp. 275-294.

scientific knowledge nor to state that scientific data and theories are directly prescriptive. On the contrary, this means that a scrupulous moral agent should consider into her processes of moral reflection also what comes from science and that can be of interest for the particular reflection she undertakes. More precisely, for the purposes of this paper I will examine the role that Darwinian biology and cognitive science of morality can have for moral reflection. I will pose the question whether data from such a science can foster or not moral progress (in the meaning above specified).

Traditionally the relation between darwinian biology and ethics is a controversial one. Darwin himself clearly foresaw the explanatory capacities of his theory for ethical and social behavior (a large part of The Descent of *Man* is devoted to the moral and social faculties) and also its revolutionary consequences on the normative level¹⁴. Nonetheless, the connection between Darwin's theory and ethics has been immediately misunderstood. The most striking example is represented by the one who is rightly regarded as the first and most passionate advocate of Darwin's theory, Thomas H. Huxley, the so called "Darwin's bulldog". When facing the theme of Darwinism and ethics Huxley substantially missed the potential of Darwin's work for ethical analysis and established an argument that survived long after him, deeply affecting the debate about the relation between Darwinism and ethics. In a nutshell, Huxley claimed that the laws governing evolution can produce just competition, egoism, violence. According to Huxley, it is the cultural human enterprise of ethics that can master the lack of discipline of our biological nature and produce order, just like a gardener take care of the garden and disciplinate the exuberance of life to give it a precise order¹⁵. Notwithstanding the sincere and passionate commitment for Darwin's theory, Huxley is responsible of having introduced one of the most serious misunderstanding about darwinism that affected its reception until today. Essentially, Huxley identified the law governing the biological evolution with the "law of the jungle" where the survival of the fittest is equivalent to the survival of the strongest. After Huxley many others made the same error and built a tradition of thought stating both that the source of our moral life must be found elsewhere than in our biological nature and that no useful hint for moral reflection could come from science.

¹⁴ J. Rachels, Created from Animals. The Moral Implications of Darwinism, Oxford UP, Oxford 1990. See also D.C. Dennett, Darwins's Dangerous Idea. Evolution and the Meaning of Life, Simon & Schuster, New York 1995.

¹⁵ T.H. Huxley, Evolution and Ethics, and Other Essays, Macmillan, London 1894.

A large amount of data and theoretical analysis has undermined and dismissed both these tenets and the biological roots of altruism and cooperation are nowadays a consolidated area of research (thanks also to the "infamous" sociobiology). Nonetheless, what cognitive science of morality has to say about ethics is not only that – like all other human features – moral life is biologically rooted and it subjected to the mechanisms of biological evolution. As said before, placing moral life under the focus of science leads to a better picture of the core of moral psychology, stressing its affective nature. Nonetheless, the empirically informed portrait of human morality can also yield "unpleasant" consequences for our reflection and self-understanding and, at a first sight, undermine the possibility of moral progress as defined before. Here I will list two topics that seem to undermine the possibility of moral flourishing because of the conclusions one can draw from them about the "nature" of human beings and of moral life.

First, the recognition of the biological and evolution-driven nature of morality can be the ultimate argument against any kind of realism and ontologically grounded claim for objectivity about moral judgements. This is the core of the so called *Evolutionary Debunking Arguments* (EDA) aiming at showing that, given the historical and contingent nature of the evolutionary process that originated morality, moral realism is untenable¹⁶. Of course, arguments against moral realism are not a novelty. They can be tracked back to philosophers previous to Darwin and also many contemporary declinations are not dependent from the biological understanding of morality. The novelty of EDA is represented by their strong empirical commitment. Antirealism produced by EDA is not just a metaphysical claim (or a linguistic analysis of moral statements), but it is the rigorous consequence of seriously taking into account our best explanations about how morality came into the world. Beside the theoretical differences of the various EDA, they make clear that nowadays claiming a moral realist thesis is untenable. The cost of moral realism is placing somehow morality outside the evolutionary genealogy of morality and this is a too onerous price since it disconnects the understanding of moral life from the best tool we have to grasp the key features of human beings. The role of this undermining of moral realism in moral reflection will be examined later on.

The second issue that has a controversial outcome is the "conservative"

¹⁶ For a useful review and discussion, cf. E. Severini, *Evolutionary Debunking Arguments* and the Moral Niche, in «Philosophia», 44 (2016), pp. 865-875.

picture that seems to spring out of an evolutionary account of morality¹⁷. Evolutionary accounts of morality seem to produce a too restrictive depiction of human moral capacities. Since altruism and cooperation have been selected for their evolutionary advantage in the specific conditions in which our ancestors lived, it is unlikely that our present capacities sustaining moral sentiments and behavior could be stretched far beyond the boundaries of those conditions. In other terms, strong and inescapable bounds are imposed upon our moral life. If these bounds are truly ineradicable then the challenges of contemporary human life will be never satisfactorily met. How can moral agents selected for altruism and cooperation in small groups face the demands of a globalized life conditions where the outcomes of our daily actions affect people far beyond our sight (as in the case of our behaviors promoting pollution)? In general our biological constitution seems to bind us to a limited altruism and to a sympathy that can not be easily enlarged beyond our proximate circles.

4. Moral progress and the first-person point of view

The two topics briefly sketched above provide an uneasy material for moral reflection. When reflecting about ourselves as moral agents and members of the human species we seem to be trapped into both relativism and impotence. On one side moral life appears to be a historical and contingent product where no moral truth can be found. On the other side, our moral capacities seem to be constitutionally flawed and unable to meet the demands of great ideals such as universal benevolence and altruism. What kind of gain can be obtained from the moral lesson of Darwinism? Maybe we should embrace a Nietzschean view about genealogies¹⁸ and condemn the recalling of the past as a burden for individual creativity and self-expression. At a first sight it could seem that it would be better for moral reflection to do without the knowledge of the evolutionary path of our moral mind and its core mechanisms and limitations. For if we take seriously what the cognitive science of morality we could be trapped in a very restrictive view about our potential to develop our character and to shape our

¹⁷ Cf. A. Buchanan-R. Powell, *The Limits of Evolutionary Explanations of Morality and Their Implications for Moral Progress*, in «Ethics», 126 (2015), pp. 37-67.

¹⁸ F. Nietzsche, On the Uses and Disadvantages of History for Life, in Id., Untimely Meditations, Cambridge UP, Cambridge 1983.

behavior. For sure it seems to be a very restrictive view if compared to the great ideals of conduct embedded in some of our moral traditions. Notwithstanding this fact it is still possible to give reasons to advocate for an empirically informed moral reflection.

Our moral reflectivity is structurally committed to "truth", that is it aspires to meet the world as it really is. Even if the scientific understanding of human nature undermines some moral ideals, it is the most correct depiction we can have. The commitment of the moral point of view and reflection to a reliable account of the world is an "oddity", that is a fact that we must simply recognize. Our moral reactions, sentiments and judgments aim at being attuned with the best depiction of the world we can attain. Part of the claim to objectivity of moral judgement is the claim that those judgments must be fit to the world as it really is (for example we can affirm that something is good for someone also because we also expect to know something true about how that individual is done). At a first sight, it seems that this commitment of the moral point of view to a reliable account of reality could cause a short circuit for moral reflection. In fact, on one side it states the impracticability of any realistic claim in ethics and on the other side affirms that the recognition of this impracticability is the most reliable horizon into which place morality and therefore moral reflection. As naturalized moral agents, we seem to be "trapped" into a contradiction: on one side we are bound to attune our moral reactions to the more realistic picture of reality we can get and on the other side we find that into this picture there is no solid ground for any kind of moral reality and that human moral capacities have strong biological ties.

The presumed contradiction is the outcome of the influence of traditional view on ethics claiming that with an ontologically guaranteed justification morality is lost (something like "if God is dead then everything is permitted"). Contrary to appearances, an empirically informed moral reflection can actually falsify such a claim. When we see ethics from the third person point of view (that is a theoretical and scientific perspective) we correctly see a world where no moral "truth" is ultimately guaranteed and. Nonetheless, we as human beings are used to live the moral life also (and mainly) from the first-person point of view. We make the experience of being social animals capable of empathy, moral sentiments and concern for other human and non-human beings. We make also experience of the limits of our moral capacities and the third-person perspective confirms them and helps us to correctly understand them At the same time, however, we find that these capacities can improve and develop, given some favorable conditions. Among these conditions there is also a moral reflection that allows us to appreciate ethics from a third person point of view. Science can enlighten some of the conditions required to foster moral flourishing. Putting side by side the third and the first person allows us to better understand the very nature of our moral capacities and to promote their flourishing as one of the peculiar challenges that characterize our life as human animals.

Abstract

In recent years moral philosophers have increasingly paid attention to the development of scientific researches about the functioning of moral mind. Placed into the framework of Darwinian evolutionary theory the cognitive science of morality aims at discovering the core mechanisms of the moral faculties and the evolutionary path that produced them. The intertwinement of cognitive science and philosophical ethics has led to a new understanding of metaethics. Embedding cognitive science in such an investigation switches the focus from the more traditional analysis of the language of morals to the functioning of moral mind. Whereas the contribution of such empirical researches to metaethics is clear and considerable, the role of cognitive science with regard to normative ethics is much more difficult and obscure. Even if the fact/value separation ought to be intended in a soft and non dogmatic way, the normative "use" of empirical findings about human moral minds is a puzzling and slippery task. Rather than being a direct source of norms and values, the understanding of moral psychology carried out by cognitive science contributes to the task of moral reflection insofar as it is a form of self-understanding. Part of the practice of moral reflection that is critically weighing up and evaluating one's own habits, attitudes and moral responses – is the understanding of one's own nature, both as a specific individual and as a member of the human species. My aim will be to discuss whether the cognitive science of morality could be regarded as a modern answer to the ancient exhortation "know thyself" and, therefore, whether advancements in such science could lead to moral progress.

Keywords: metaethics; science; moral progress; moral reflection; sentimentalism.

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