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A Companion to Applied Ethics

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The Nature of Applied Ethics

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The term "applied ethics" and its synonym "practical ethics" came into use in the 1970s when philosophers and other academics began to address pressing moral problems in society and in professional ethics (especially medical ethics and business ethics). Prominent examples, then and now, are abortion, euthanasia, the protection of human and animal subjects in research, racism, sexism, affirmative action, acceptable risk in the workplace, the legal enforcement of morality, civil disobedience, unjust war, and the privacy of information.

Historical Background

Despite the recent origins of the term "applied ethics," various topics that form its subject matter can be traced to ancient times. For example, liberties to publish controversial opinions, engage in civil disobedience, commit suicide, and choose one's religious viewpoint are matters of perennial interest, as are questions of unjust wars and the moral status of animals. Although moral philosophers have long discussed these problems, it is arguably the case that no major philosopher throughout the history of moral philosophy has developed a program or method of applied ethics. Moral philosophers have traditionally formulated theories of the right, the good, and the virtuous that are set out in the most general terms. A practical price is paid for this theoretical generality: it is usually hazy whether and, if so, how theory is to be applied to generate public policy, settle moral problems, and reduce controversy in controversial cases.

It is not obvious that applied ethics is the offspring of, or even dependent upon, general moral philosophy. Its early successes in the 1970s owed more to arguments directed at pressing and emerging moral problems in society than to traditional theories of ethics. Many individuals in law, philosophical and theological ethics, political theory, and the professions, including medicine, business, engineering, and scientific research, addressed these issues. These individuals were profoundly affected by concerns in the wider society regarding individual liberties, social equality, and various forms of abuse and injustice directed at vulnerable groups. The issues raised by civil rights, women's rights, animal rights, the consumer movement, the environmental

movement, and the rights of prisoners and the mentally ill often included ethical issues that stimulated the imagination of philosophers and non-philosophers alike. (A volume that nicely illustrates the state of one area of interdisciplinary ethical inquiry around 1970 is the massive compendium on research involving human subjects entitled *Experimentation with Human Beings* [Katz, 1972].)

In the late 1960s and early 1970s philosophers increasingly came into contact with people from other disciplines who were interested in moral problems, including those of the health professions, law, business, engineering, and the social and behavioral sciences. Perhaps the most influential fields in the development of a scholarly literature in applied ethics were law and moral philosophy. Many problems of applied ethics have since been framed in the vocabularies of these two disciplines. This is not surprising since moral philosophy and law have common concerns over matters of basic social importance and share various principles, requirements, and criteria of evidence. Law is, in many respects, the public's agency for translating morality into explicit social guidelines and practices and for stipulating punishments for offenses. Case law, in particular, has provided precedents and basic material that are influential in all areas of applied ethics.

During the 1970s and early 1980s a number of philosophers began to fashion their careers around interests in applied ethics – an almost unprecedented development in a profession generally skeptical that "applied ethics" was either a scholarly enterprise or had a future in the university. The late 1970s and early 1980s saw the publication of several books devoted to philosophical treatments of subjects in applied ethics. Virtually every book published in applied ethics prior to the late 1970s had been organized topically, rather than in terms of moral principles or philosophical theories. This orientation changed rapidly in the late 1970s and 1980s.

Problems of Definition

Many philosophers have viewed applied ethics as the attempt to implement either general moral norms or general moral theories with the goal of resolving practical problems. They see theory, argument, and analysis as tools that can be used to examine these moral problems. However, it is today generally accepted that no straightforward movement to practical judgments is possible by appeal either to moral theories or to general moral principles (such as "One ought not to treat people as mere means to the ends of others;" "One ought to keep promises;" "One ought not to inflict harm or risk of harm;" "One ought to treat people fairly and with equal respect;" and "One ought to respect the autonomy of others"). This is the so-called gap between theory and practice. Theory and principles must, it seems, be supplemented in some way by paradigm cases of right action, empirical data, organizational experience, and the like. But in precisely which way(s)? This question helps us see why "applied ethics" is a very difficult notion to understand and define.

Accordingly, it seems doubtful that applied ethics is best defined as the application of general ethical theories to particular moral problems (roughly the definition

offered by Gert, 1982: 51–2). This definition is so narrow that many will not recognize it as reflecting either the appropriate method or content of applied ethics. A weaker and more defensible view is that "applied ethics" refers to any use of philosophical methods to treat moral problems, practices, and policies in the professions, technology, government, and the like. This broader usage makes no commitment to the place of general theories or principles and does not insist on problem-solving as the goal. It may be the most common understanding of the term within the profession of philosophy, but it would be viewed outside philosophy as reflecting a significant disciplinary bias.

A different bias is found in the idea that "applied ethics" is synonymous with "professional ethics." Problems such as the allocation of scarce medical resources, unjust wars, abortion, conflicts of interest in surrogate decision-making, hate crimes, pornography, war and terrorism, whistle-blowing, the entrapment of public officials, intergenerational justice, research on animals, and the confidentiality of tax information extend beyond professional conduct, yet all are topics in the domain of applied ethics. These conceptual questions about the nature of "applied ethics" lead to a consideration of both the content and the methods of applied ethics.

Problems of Moral Content

Three influential types of answer have appeared in the literature on the appropriate sources of content in applied ethics: an internal account, an external account, and a mixed internal–external account. These categories were first fashioned for the analysis of professional ethics, but they can be generalized to other areas, such as institutional and group ethics of all types. The first defends an ethic derived from professional – or institutional or group – practice standards. The second maintains that precepts in settings of applied ethics rely upon and require justification by external standards such as those of public opinion, law, the common morality, religious ethics, and philosophical ethics. The third claims that distinct forms of practical ethics *internal* to professions, groups, and institutions are themselves deeply influenced by broader (external) cultural frameworks.

Internalism

Some philosophers have maintained that established practices provide the primary source of practical ethics. Influential in this literature is Alasdair MacIntyre's use of "practice" to designate a cooperative arrangement in pursuit of goods that are internal to a structured communal life. He holds that "goods internal to a practice" such as those found in the professions are achievable only by engaging in the practice and conforming to its standards of excellence. Standards internal to these professions therefore determine what it means to be a good practitioner. Each profession has a history and specific character that sustains a tradition requiring professionals to cultivate its virtues (MacIntyre, 1984: 17, 175, 187, 190–203).

Howard Brody and Frank Miller offer one form of internalism to explain the foundations of medical ethics:

> Physicians, by virtue of becoming socialized into the medical profession, accept allegiance to a set of moral values which define the core nature of medical practice. These values give rise to at least some of the moral duties incumbent upon physicians in their professional role and indicate the virtues proper to physicians...The *professional integrity* of physicians is constituted by allegiance to this internal morality. (Brody and Miller, 1998: 386)

These writers, and others like them, maintain that moral frameworks in the professions derive from role-specific duties and professional virtues.

No one can reasonably dispute that professional roles incorporate moral obligations and ideals. However, an internal morality notoriously may not be adequately comprehensive, coherent, or even morally acceptable. Tradition and professional standards are no guarantee of moral adequacy; and, unfortunately, professional codes in medicine, business, journalism, engineering, and other fields often oversimplify moral requirements, make them indefensibly rigid, or claim more completeness and authority than they are entitled to claim.

Brody and Miller address this problem by distinguishing between the core moral norms appropriate to a profession and the dogmatic and unsystematic provisions found in many codes of professional ethics. As they see it, an internal morality can and should evolve in the face of social change: *"Even the core* of medical morality must be thoughtfully reevaluated and reconstructed at intervals, and the reconstruction will be carried out by those who live in modern society who are inevitably influenced by societal values as they interpret the history"* (Brody and Miller, 1998: 393–4, 397; emphasis added).

Though correct, this view is fatal to internalism. It shows that internal standards may be shallow and expendable, whereas some external standards are deep and essential. Even current practice standards might be weak and insupportable. We also know from recent history that a meaningful reconstruction of traditional professional and institutional moralities to accommodate cultural change is unlikely to occur by appeal to the internal standards of professional morality.

Consider this historical example. In the late 1960s the book *A Time to Speak: On Human Values and Social Research* by social psychologist Herbert Kelman was published just as a number of controversial cases surfaced of abuses of human subjects by social scientists (Kelman, 1968). Kelman's book and these cases functioned as wake-up calls alerting social scientists to the fact that they had serious deficiencies in standards of research ethics. Careful attention was subsequently paid to the moral judgments that psychologists should make in carrying out their research and to the many defects of standards in the then prevailing practices. Problems were found in practices such as the experimental deception of subjects, the collection of data on persons in an individually identifiable form, and the use of financial incentives to obtain subjects. It became clear that there were no prevailing practice standards adequate to address these questions.

Externalism

Are there external, by contrast to internal, standards for professional and institutional morality? An external morality is one that incorporates norms and values

that sustain, supplement, or correct those of an internal morality. Public opinion, law, religious institutions, and philosophical ethics have all served (whether justifiably or not) as sources of external morality.

One influential answer in philosophy to the question of which external source is most appropriate is that ethical theory provides the appropriate basis for applied ethics. An example is found in the work of Bernard Gert and Danner Clouser. They maintain that to make sound judgments in applied ethics there must be "a single unified ethical theory." The goal of their theory is to provide "a common framework on which all of the disputing parties can agree" and to give "guidance in circumstances that are not intuitively morally clear." They believe that their theory will alert attentive persons to issues of applied ethics, identify the morally relevant features of circumstances, determine the difference between morally acceptable and unacceptable solutions to problems, and show which conditions are necessary and sufficient to justify the violation of a moral rule (Clouser and Gert, 1990: esp. 231–2; cf. Gert et al., 1997: esp. 3–6, 15–19).

Gert and Clouser do not hold that theory in general supplies appropriate external standards for professional ethics. Only their theory can do so; all other theories are fatally flawed and incapable of sound advice. Proponents of other theories generally assume a similar partisan stance. Independent of this confusion over whether one particular theory is morally authoritative, it is often unclear whether and, if so, how a philosophical theory is to be used to criticize internal standards or address a difficult moral problem. If we could be confident that an ethical theory supplied the best basis, we could work constructively on practical and policy questions by progressively making the norms in that theory more specific. However, at present, we have no such theory, and a general consensus exists that no theory of this description is likely to emerge. Both within and without philosophy the theories that vie for supremacy are more contested than the commitments of the very social morality from which they spring. Even if an individual is convinced that some particular theory is correct (authoritative), he or she needs to deal responsibly with the fact that other morally serious and informed individuals reject this conviction.

Skepticism about the practical relevance of theory is not surprising in light of the fact that philosophers have traditionally tried to explain and justify morality, to clarify moral concepts, to examine how moral judgments and arguments are made, and to array basic principles of morals, not to use normative theories to solve practical moral problems or delineate codes of professional ethics. General theories are ill suited, really unsuited, for practical work because they address philosophical problems that are, in themselves, disengaged from practice. Although about morality, philosophical theories are primarily attempts to understand or unify morality, not attempts to specify its practical commitments.

Mixed internalism and externalism

A third type of approach to the content of applied ethics incorporates elements of both internalism and externalism. It starts with the conviction that moral commitments are implemented in different ways in diverse cultures and groups. Members of the professions and other trusted institutions are bound by moral standards that

are fixed not merely by their membership (an internal morality), but also by the moral standards of the broader culture or community (an external morality). The authority to practice is itself granted by society on the condition that its professions and institutions will in a responsible manner be educated in and adhere to the high moral standards expected by that society. If necessary, professions and institutions are expected to reform their practices so that the prevailing moral rules of the larger society will be honored in practice. These social standards, according to the present conception, will vary from society to society. Internal moralities in the professions will vary accordingly because they are in significant measure dependent upon the external moralities.

A theory of this description has been advanced by H. Tristram Engelhardt. He holds that profound disagreement exists about the nature and requirements of professional practice across larger communities such as Orthodox Judaism, Roman Catholicism, Hinduism, and secular humanism:

> There is no way to discover either a canonical content-full secular morality or the correct morally content-full solutions to strangers when they are not bound by the communality of a shared moral vision that binds moral friends. Moral strangers do not see the world in the same way...Moral strangers [cannot] resolve content-full moral controversies by sound rational argument. Moral friends, on the other hand, are individuals who do share such premises in common. (Engelhardt and Wildes, 1994: 136; see also 135–47)

According to Engelhardt, no content-full morality spans different societies or groups. The outlook of Orthodox Judaism, for example, determines what is acceptable or unacceptable only for that portion of the Jewish nation which accepts its distinctive norms. From this perspective, moral standards of what is obligatory and permissible for professionals in medicine, politics, law, and business derive from the more general moral commitments of a larger community beyond the narrower community of professionals.

The deep moral thesis at work in this account is skeptical: there are no substantive foundations of a secular applied ethics, and, lacking such foundations, there are no foundations of any sort of applied ethics other than historical roots in communities. No internal morality ever escapes its roots in the external morality of particular cultures (Engelhardt and Wildes, 1994: 137–8; Engelhardt, 1996: 105–24).

This account shows insight into the relations between external and internal moralities, but it has many weaknesses. By emphasizing diversity, it is easy to overlook basic similarities; that is, to neglect the core of near identical moral goals, interests, and commitments that exist among well-trained professionals from different cultural backgrounds. For example, physicians all over the world share goals and techniques of healing, palliation, rehabilitation, removing discomfort, diagnostic testing, and the like. There is a shared moral viewpoint (however limited) and shared norms of professional practice across these communities.

Paradoxically, this theory also overstates the degree of shared agreement within "the communities of moral friends" that form the primary resource of the account. The theory envisions a cohesive, pervasively shared uniformity in each community

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of friends, which enables a stable and reliable agreement regarding the goal of the professions and professional ethics. However, in communities of almost any size, there exists a pluralism of viewpoint. These communities are not lacking in subgroups with different moral points of view and hopes to revise prevailing conditions, practices, and codes. Changing circumstances of urbanization, education, industrialization, the evolution of civil rights, and the like make for fluid circumstances in these communities, with a consequent need to reassess moral positions.

Another weakness is that this mixed internalist–externalist account effectively precludes cross-cultural, that is, cross-community, judgments. The validity of moral norms and judgments depends in this account on their endorsement by a community; no transcendent principle warrants cross-cultural appraisal. It follows that there are no universal human rights that protect individuals. Human rights are by definition valid claims that are justified by reference to morally relevant features of human beings, not by reference to communal standards.

It is also difficult to see how, in this theory, morally warranted public policy is to be fashioned in a pluralistic society. It is easy to see how this theory can account for private policies in private institutions, but its inability to explain, justify, and criticize public policy makes it seem out of touch with the modern world and unable to apply ethics to our deepest social problems.

Problems of Method and Justification

Several models of method – sometimes called methods or models of justification – have been discussed in applied ethics. Three of the most influential models are treated in this section. The first model approaches justification and method from a top-down perspective that emphasizes general norms and ethical theory. The second approaches justification and method from a bottom-up perspective that emphasizes moral tradition, experience, and particular circumstances. The third refuses to assign priority to either a top-down or a bottom-up strategy.

Top-down models

In the first model pre-existing general norms are applied to new particular situations. This model conforms to the way in which virtually all persons learn to think morally: its method involves applying a general rule (principle, ideal, right, etc.) to a case that falls under the rule. The following is the deductive form involved in "applying" a rule:

1. Every act of description A is obligatory.
2. Act b is of description A. Therefore,
3. Act b is obligatory.

This model seems plausible in the simple case of a judgment brought directly and unambiguously under a rule or a principle, but it also suggests, less plausibly, an ordering in which theories and general principles enjoy priority in ethics over

traditional practices, institutional rules, and case judgments. While much in the moral life conforms roughly to this conception of moral priority, much does not.

There are several problems with this moral-priority thesis. First, moral judgments in hard cases almost always require that we make the norms themselves more specific (see the section on "Problems of Specification" below) before we can bring a particular instance under a covering rule or principle. In the process of specifying norms and in making particular judgments we often must take into account factual beliefs about the world, cultural expectations, judgments of likely outcome, and previous precedents to help fill out and give weight to rules, principles, and theories. There is no clear moral priority in these cases. Second, the facts of a situation can also be such that no general norm (principle or rule) clearly applies, and the different moral norms that can be brought to bear on a set of facts may yield inconclusive results. For example, destroying a non-viable human embryo or fetus does not clearly violate rules against killing or murder, nor does the rule that a person has a right to protect bodily integrity and property clearly apply to this moral issue. Even if we have our facts straight, the choice of facts and the choice of rules that one person deems relevant will generate a judgment that is incompatible with another person's choice of facts and rules. Selecting the right set of facts and bringing the right set of rules to bear on these facts are not reducible either to a deductive form of judgment or to the resources of a general ethical theory.

The top-down model also creates a potentially infinite regress of justification, a never-ending demand for final justification, because each level of appeal to a covering precept requires a higher level to justify it. If standards are unjustified until brought under a justified covering precept, it would appear, on the assumptions of this approach, that there are no justified principles or judgments. In theory, we could handle this problem by presenting a norm that is self-justifying or one that it is irrational not to hold, but proof that some norms occupy this status and that they justify all other principles and rules is not a demand that current ethical theory is well equipped to meet.

Bottom-up models

Some writers in applied ethics center their attention squarely on how practical decisions are made, rather than on general principles and theories. They believe that moral reasoning and justification proceed bottom-up, not top-down. They point to our use of existing social agreements and practices, insight-producing novel cases, and comparative case analysis as the starting-points from which we commonly make moral decisions. They also depict an evolving structure of moral beliefs based on exemplary lives and narratives, experience with hard cases, and analogy from prior practice.

Bottom-up models potentially include several distinct methodologies. Casuistry has been the most widely discussed in applied ethics, but various forms of pragmatism, particularism, and other methods may also qualify. Proponents of these approaches see moral principles as derivative in the order of knowledge, not primary. That is, the meaning, function, and weight of a principle derive from previous moral struggles in particular circumstances (Jonsen and Toulmin, 1988). For example, physicians once

regarded withdrawing various life-saving technologies from patients as acts of impermissible killing. But progressively, after dealing with many agonizing cases, they and society came to frame many of these acts as forms of permissible allowing to die or even as morally required acts of acknowledging refusals of treatment. All practical moral rules about killing and letting die arise and are refined over time; they never become more than provisionally secure points in a cultural matrix of guidelines. A society's moral views find their warrant through an embedded moral tradition and a set of procedures that permit and even foster new insights and judgments.

An analogy to the authority operative in case law is sometimes said to be at the heart of this method: when the decision of a majority of judges becomes authoritative in a case, the judgments in their decision are positioned to become authoritative for other courts hearing cases with similar facts. Defenders of bottom-up reasoning see moral authority as analogous: social ethics develops from a social consensus formed around cases, which can then be extended to new cases without loss of the accumulated moral wisdom. As a history of similar cases and similar judgments mounts, a society becomes increasingly confident in its moral conclusions and acknowledges secure generalizations (rules, principles) in its evolving tradition of ethical reflection.

Case analysis, which is central to casuistry, has long been used in law schools and business schools. Training in the case method is widely believed to sharpen skills of legal and business reasoning as well as moral reasoning. One can tear a case apart and then construct a better way of treating similar situations. In the thrust-and-parry classroom setting, teacher and student alike reach conclusions about rights, wrongs, and best outcomes in cases. The objective is to develop a capacity to grasp problems and to find novel solutions that work in the context: knowing how to reason and act is more prized than knowing that something is the case on the basis of a foundational rule.

The case method in law has come to be understood as a way of learning to assemble facts and judge the weight of evidence, enabling the transfer of that weight to new cases. This task is accomplished by generalizing and mastering the principles that control the transfer, usually principles at work in the reasoning of judges. Use of the case method in business schools springs from an ideal of education that puts the student in the decision-making role after an initial immersion into the facts of a complex situation. Here the essence of the case method is to present a situation replete with the facts, opinions, and prejudices that one might encounter and to find a way of making appropriate decisions in such an environment.

As with top-down theories, serious problems lie in wait for a defender of bottom-up theories. First, defenders sometimes write as if paradigm cases or particular circumstances speak for themselves or inform moral judgment by their facts alone. Clearly they do not. To move constructively from case to case or to attend to the relevant features of a particular situation, some recognized rule of moral relevance must connect the cases or situations. The rule is not part of the case or situation, but rather a way of interpreting and linking cases or situations. All analogical reasoning requires a connecting norm to indicate that one object or event is like or unlike another in relevant respects. The creation or discovery of these circumstance-linking norms cannot be achieved by analogy itself. Bottom-up accounts

therefore seem to presuppose principles, rules, or maxims as essential moral elements in the case or set of facts at hand.

"Paradigm cases" and "morally relevant features of circumstances" seem to combine facts that can be generalized to other situations (for example, "The employee blew the whistle on some other employees") and settled values (for example, "Knowledgeable employees have a right to disclose the wrongdoing of other employees.") The settled values are analytically distinct from the facts of particular cases. The more general the central values or connecting norms, the closer they come to the status of general principles or rules.

Bottom-up accounts also encounter problems where there exist conflicting analogies, judgments, and case interpretations. Defenders stress that cases and particular circumstances point beyond themselves and evolve into generalizations, but they also may evolve in the wrong way if they were improperly grounded from the outset. Bottom-up accounts have no clear methodological resource to prevent a biased development of cases or a neglect of relevant features of cases.

These problems lead to questions about the justificatory power of these accounts. How does justification occur? Is it merely by social convention and analogy? Might not different analogies and novel cases generate competing "right" answers? Without some stable framework of norms, there seems to be a lack of control over judgment and no way to prevent prejudiced or poorly formulated social conventions. This criticism is a variant of the much-discussed problem that bottom-up accounts lack critical distance from cultural blindness, rash analogy, and mere popular opinion. Identification of the morally relevant features of a case depends on those who make judgments about cases, and these individuals could operate from a partiality, predisposing bias, or prejudicial use of analogy that is unchecked by a stable system of impartial principles and human rights.

The heart of the problem may be that these accounts present a method without content; that is, a tool of thought that displays the fundamental importance of case-comparison and analogy in moral thinking, but that lacks initial moral premises. It is certain that we reason morally by analogy almost daily, and we are often confident in our conclusions. However, such analogies also often fail, and analogies never warrant a claim of truth or certainty. This method, then, leaves us with the problem that no matter how many properties two circumstances initially share, an inference from the first circumstance to yet another property in the second circumstance may mislead or produce false statements.

Coherentism

"The top" (principles, theories) and "the bottom" (cases, particular judgments) are both now widely regarded as insufficient resources for applied ethics. Neither general principles nor particular circumstances have sufficient power to generate conclusions with the needed reliability. Principles need to be made specific for cases, and case analysis needs illumination from general principles. Instead of a top-down or bottom-up model, many now support a version of another model, variously referred to as "reflective equilibrium" and "coherence theory."

John Rawls's celebrated account of "reflective equilibrium" has been the most influential model of this sort. In developing and maintaining a system of ethics, he argues, it is appropriate to start with the broadest possible set of considered moral judgments about a subject and to erect a provisional set of principles that reflects them. Reflective equilibrium views investigation in ethics (and theory construction) as a reflective testing of moral principles, theoretical postulates, and other relevant moral beliefs to make them as coherent as possible.

"Considered judgments" is a technical term referring to judgments in which moral beliefs and capacities are most likely to be presented without a distorting bias. Examples are judgments about the wrongness of racial discrimination, religious intolerance, terrorism, torture, and political conflicts of interest. These considered judgments occur at all levels of generality, "from those about particular situations and institutions through broad standards and first principles to formal and abstract conditions on moral conceptions."

Even the considered judgments that we accept "provisionally as fixed points" are, Rawls proposes, "liable to revision." The goal of reflective equilibrium is to match, prune, and adjust considered judgments in order to render them coherent with the premises of our most general moral commitments. We start with sound judgments of moral rightness and wrongness, and then construct a more general and more specific account that is consistent with these paradigm judgments, rendering them as coherent as possible. We then test the resultant action-guides to see if they yield incoherent results. If so, we readjust these guides or give them up and renew the process. We can never assume a completely stable equilibrium, so the pruning and adjusting can be expected to occur continually (Rawls, 1971: 20ff, 46–50, 579–80 [1999 rev. edn: 17ff, 40–5, 508–9]; 1996: 8, 381, 384, 399).

To take an example in the ethics of organ transplantation, imagine that we are attracted to each of two policies: (1) distribute organs by expected number of years of survival (in order to maximize the beneficial outcome of the procedure), and (2) distribute organs by time on the waiting list (in order to give every candidate an equal opportunity). As they stand, these two distributive principles are not coherent because using either will undercut or even eliminate the other. We can retain both (1) and (2) in a theory of fair distribution, but to do so we will have to introduce limits on both principles together with accounts of how to specify our commitments and balance these commitments against other commitments. These limits and accounts will, in turn, have to be made coherent with other principles and rules, such as norms regarding discrimination against the elderly and the role of ability to pay in a just scheme for the allocation of expensive medical procedures.

We have no reason in applied ethics to anticipate that the process of achieving moral coherence will either come to an end or be perfected. A moral framework adequate for applied ethics is more a process than a finished product; and moral problems such as developing the most suitable system for organ procurement and distribution should be considered projects in need of continual adjustment by reflective equilibrium. We should assume in applied ethics that we face a never-ending search for incoherence and for novel situations that challenge our current moral framework (Rawls, 1971: 195–201 [1999 rev. edn: 171–6]).

One problem with this general model is that a bare coherence of norms never provides a sufficient basis for justification because the body of substantive judgments and principles that cohere could themselves be morally unsatisfactory. This points to the great importance, but also the great difficulty, of starting with considered judgments that are themselves morally justified. These considered judgments presumably will have a history rich in moral experience that undergirds our confidence that they are credible and trustworthy; but how is one to justify such a claim in the case of any proposed set of considered judgments? After all, the persons, codes, institutions, or cultures from which the premises descend may not themselves be highly reliable. For example, the Hippocratic tradition, the starting-point in medical ethics for centuries, has turned out to be a limited and generally unreliable basis for medical ethics.

In addition, vagueness surrounds the precise nature and scope of the method of appeals to coherence. A philosopher seeking coherence might be pursuing one or more of several different interests: evaluating public policy, constructing a moral philosophy, improving his or her personal set of moral beliefs, and so on. The focus might be on judgments, on policies, on cases, or on finding moral truth. It is also not clear how we should and should not achieve coherence, or how to be sure that we have done so.

In light of the differences in the models explored in this section and the diverse literature in applied philosophy, it is questionable whether applied ethics has a distinct method or type of justification. Applied philosophers appear to do what philosophers have always done: they analyze concepts, examine the hidden presuppositions of moral opinions and theories, offer criticism and constructive accounts of the moral phenomena in question, and criticize strategies that are used to justify beliefs, policies, and actions. They seek a reasoned defense of a moral viewpoint, and they use considered judgments and moral frameworks to distinguish justified moral claims from unjustified ones. They try to stimulate the moral imagination, promote analytical skills, and weed out prejudice, undue emotion, false authority, and the like.

From this perspective, differences between traditional ethical theory and applied ethics can be easily exaggerated. In philosophy journals that publish both applied and theoretical work, no sharp line of demarcation is apparent between the concepts and norms of ethical theory and applied ethics. There is not even a discernible continuum from theoretical to applied. The applied–theoretical distinction therefore needs to be used with caution (Beauchamp, 1984: 514–31; Gert, 1984: 532–48).

Problems of Specification

It is now generally agreed in literature on the problems addressed in the previous two sections that specific policy guidelines and truly practical judgments cannot be squeezed from abstract principles and general ethical theories alone. Additional content must be introduced from some quarter. General theories and principles, if used at all, must be made specific for contexts; otherwise, moral guidelines will be empty and ineffectual. The implementation of these general norms must take account of feasibility, efficiency, cultural pluralism, political procedures, uncertainty

about risk, non-compliance by disaffected parties, moral dilemmas, and the like. In short, theories and principles must be specified for a context.

Specification should not be understood as a process of producing general norms; it assumes they are already available. It is the process of making these norms concrete so that they can meaningfully guide conduct. Specification requires reducing the indeterminateness of the general norms to give them increased action-guiding capacity, while retaining the moral commitments in the original norm. Filling out the commitments of the norms with which one starts is accomplished by narrowing the scope of the norms, not merely by explaining what the general norms mean. The scope is narrowed, as Henry Richardson puts it, by "spelling out where, when, why, how, by what means, to whom, or by whom the action is to be done or avoided" (Richardson, 2000: 289; see also Richardson, 1990: 279–310).

For example, without further specification, the principle "respect the autonomy of competent persons" is too spare to handle complicated problems of what to say or ask for in clinical medicine and research involving human subjects. A mere definition of "respect for autonomy" (as, say, "allowing competent persons to exercise their liberty rights") might clarify one's meaning, but would not narrow the general norm or render it more specific. Specification is a different kind of spelling out than analysis of meaning. It adds content. For example, one possible specification of "respect the autonomy of competent persons" is "respect the autonomy of competent persons after they become incompetent by following their advance directives."

When, in the case of this particular specification, one subsequently encounters difficulties involving vague advance directives, one could specify further as follows: "Respect the autonomy of competent persons (after they become incompetent) by following their advance directives if and only if the directives are clear and anticipate the circumstances at hand." As other problems emerge, the process of specification will continue. That is, already specified rules, guidelines, and policies will be further specified to handle new or more complex circumstances. This progressive specification is one way to practice applied ethics, and it may be the best way.

In progressive specification, there must remain a transparent connection to the initial norm that gives moral authority to the string of norms that develop over time. There is always the possibility of more than one specification being reasonable, and it is possible that different parties will offer different specifications. These competing specifications may all be attractive and justifiable. Of course, not all specifications are justifiable. The pronouncements of professional associations (in their codes, policies, and case judgments) have often been as arrogant and imperious as they have been biased and self-protective. Professional authority can, in this way, protect shoddy moral reflection. In the process of specification, over-confidence in one's specifications is a moral vice that can have profound consequences.

Moral disagreement in the course of formulating specifications is inevitable in some contexts. In any given problematic or dilemmatic case, several competing specifications are virtually certain to be offered, but alternative specifications need not be a matter of regret any more than they are in other contexts in which reflective persons offer alternative solutions to practical problems. This observation takes us to the subject of how we should view a situation in which well-intended, discerning, and knowledgeable persons find themselves in disagreement.

Problems of Conflict and Disagreement

Moral disagreements emerge in the moral life from several different sources. These include disagreements over which specification is appropriate, factual disagreements (for example, about the level of suffering that an action will cause), conceptual disagreements, scope disagreements about who should be protected by a moral norm (for example, whether fetuses or animals are protected), disagreements resulting from a genuine moral dilemma, disagreements about which norms are relevant in the circumstances, and disagreements about the weight of the relevant norms in the circumstances.

It should not be presumed in a context of disagreement that at least one party is morally biased, mistaken, or otherwise deficient. Conscientious and reasonable moral agents who work with due diligence at specification and reasoning about moral problems sometimes understandably disagree. The parties may disagree about whether religious values have any place in political affairs, whether any form of affirmative action is viable, whether physician-assisted suicide is ever acceptable, and dozens of other issues in applied ethics.

When evidence is incomplete or different sets of evidence are available to different parties, one party may be justified in reaching a conclusion that another party is justified in rejecting. We cannot hold persons to a higher standard than to make judgments conscientiously and coherently in light of the relevant basic and specified norms together with the available evidence. Of course, tolerance for some norms rightly has its limits. The method of specification offered in the previous section needs enrichment by an account of moral justification that will help distinguish justified and unjustified specifications. The models of method and justification discussed in earlier sections may be our best resources in this endeavor, but, if so, these resources stand in need of further development to be of real practical assistance in applied ethics.

Conclusion

A robust confidence in and enthusiasm for the promise and harvest of applied ethics is far from universal. Many are unconvinced that traditional philosophical ethics or contemporary ethical theory can play any significant role in case analysis or in policy or professional contexts. There is, for reasons discussed throughout this chapter, skepticism that philosophical theories even have practical implications (or applications). However, these suspicions may rest on misconceptions of the nature of applied ethics. No morally serious individual doubts the importance of the issues treated in applied ethics, and virtually everyone familiar with work in the field can cite some examples of outstanding applied work. The better view is that adequate conceptions of the method and moral content of applied ethics remain a project in the making.

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