Philosophy in Review

Philip Kitcher, "Moral Progress"

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Philip Kitcher. *Moral Progress*. Oxford University Press 2021. 200 pp. $29.95 USD (Hardcover ISBN 9780197549155).

'They didn't give us the vote. We took it.'

So says a narrator in the recent PBS documentary about the enormity of opposition overcome by sheer persistence in the struggle for female suffrage.

In *Moral Progress* (2021, the 2019 Munich Lectures with comments), Philip Kitcher draws on John Dewey to develop a pragmatic naturalist approach to moral philosophy, following his *The Ethical Project* (2011). Kitcher's method draws on notable developments, in particular the success of slavery abolitionism, improved opportunities for women, and increasing tolerance of same-gender relationships.

How might that method reflect the striving, and fierce conflict, of the suffragist movement, the Stonewall riot, the American Civil War? Kitcher's commentators in *Moral Progress* raise this question, with one writing 'The history of much moral progress . . . has not been fundamentally a history of conversation at all, but a history of power: the wielding of power by the dominant against the oppressed, and the eventual seizing of that power, or some small part of that power, by the dominated.' But this model of conflict, deriving from Marx and Weber, does not neatly fit the multiple conflicts of the past, or especially of the present.

Moral Progress follows Kitcher's tightly argued and sweeping genealogical history in *The Ethical Project*. This review focuses on the methodological issue, what lessons are implied by this history, and on the recent problem of national and global polarization that Kitcher has yet to address. In the United States, which has just brought about the reversal in June 2022 of *Roe v. Wade*, we can observe a gathering conservative antipathy towards same-gender relations, a failure adequately to respond to gun violence even against young children, negative attitudes toward underlying differences of race and national origin, and a turn toward authoritarianism in one of the two major political parties.

Moral progress becomes harder to define in a struggle among radically opposing—and shifting—views. Kitcher rightly rejects the 'Discovery View' (15) that it consists in the finding of mind-independent moral truths. In his alternative account, individuals and societies make moral progress as they amend their practices to identify problematic situations. Ultimately, they overcome moral problems through conversation. In emphasizing the need for sympathetic understanding of others through 'ideal' conversation, he echoes ideas developed by Kant, Rawls and Habermas, while insisting that his methodology, unlike ideal theory, is intended for use by real people in the real world (remarks reported in conversation with Julia Herman on the philosophy blog 'Justice Everywhere,' on October 13, 2019).

It is unfortunate that this discussion has come to rely on only two opposed versions of 'real people' naturalism. One is the model of discourse and rational deliberation, the other of raw power conflicts among opposing groups. The latter model, deriving from Marx and Weber, is unclear on how resolutions are 'seized' by the powerless. Neither model holds realistic prospects for resolving

the multiple disputes and problems driving global polarization. Neither ideal conversation, nor 'eventual seizing of power,' provide an explanation for the actual adjustment of prior fixed preferences that is often required.

The phenomenon of interest here is the potential for a Deweyan *transformation* of presumably firm preferences among opposing sides, in the resolution of extended conflicts. Conflict is accompanied by discourse, which Marxists tend to ignore, but preferences are grounded in habits, which discourse theory underestimates. Can shared habits change? Social habits, or shared patterns of conduct, resist adjustment in response to discourse alone. Yet habits and preferences *do* demonstrably adjust in the process of conflict resolution. The very definition of a problem is adaptable, and the terms of debate can and will change over time.

Kitcher attributes enormous, indeed plenary, agency to ideal conversation. He sees progressive changes of the past as unnecessarily slow and unsteady—moral progress could have been faster and more thorough, had a methodology been applied called 'democratic contractualism,' outlined in 11 steps. (These steps are listed at the end of this review.) When a situation is defined as morally problematic, moral inquiry proceeds in a manner designed to include all stakeholders to proceed toward an inclusive resolution. Kitcher's methodology includes measures to seek a joint 'justified acceptance of a situation as problematic' (30). It includes periodic reviews of the status quo independent of actual complaints of or perceptions of a problem. Philosophers play a role in assuring that such questioning of the status quo is undertaken on a regular basis.

The aim of naturalism is toward the actual, not the ideal. The suffragists were not invited to 'converse,' but Kitcher counts that as a correctable error. Insofar as their path was an exchange of views, it was pushing hard against opposing habits and beliefs. Some men argued women were too delicate for such a change; they thought 'it is unwise to risk the good we already have for the evil which may occur.' When Virginia Louise Minor's registration to vote in St. Louis in 1872 was rejected, she appealed to the Supreme Court. Nine male justices declined to interpret the 14th Amendment's 'all persons' to include women. An ensuing harsh exchange of views was drawn from experience: Jane Addams, in a speech before the Chicago Political Equality League in 1897, declared 'I am not one of those who believe – broadly speaking – that women are better than men. We have not wrecked railroads, nor corrupted legislatures, nor done many unholy things that men have done; but then we must remember that we have not had the chance.'

As the 1918 flu spread among soldiers toward the end of World War I, women surged into the U.S. workforce, undercutting arguments that they were too fragile or mentally unfit. Unequal pay and working conditions galvanized their cause. On Aug. 18, 1920, the 19th Amendment, passed by Congress the previous June, was ratified by Tennessee, the final necessary state. Today, with *Roe* overturned, and as the 'me-too' movement and its counter-reaction demonstrates, the struggle for women's equality is ongoing. Rather than a conflict between discrete groups for a share of power, the ongoing struggle is better explained as a further conflict of habits and beliefs.

Many contemporary conflicts are among opposing preferences that arise from a clash of views of the future. There is robust opposition over the very idea of progress which is newly evident; we are again in a period of ubiquitous conflict, and a period also of potential transformation. Conflict

among opposing preferences is evident in problems large and small, and conflict can lead to adjustment of preferences. Response to conflicts can promote social transformation, and operate as an ordering process outside of the formal public sphere.

Conflict is a negative obstacle, but a potentially positive force where conversation fails to change preferences and habits. Take two quite different contemporary examples: the general polarization of our domestic politics along party lines, and by way of contrast, the specific issue of medical assistance to a willing patient's death. For many years the euthanasia issue was ill-defined, until Dr. Kevorkian devised a program to challenge the status quo, using a device that only a patient could activate. Then there occurred a period of engagement and reassessment of the complex array of medical, legal, family and other issues surrounding medical assisted death.

At Dr. Kevorkian's trial, two principal arguments drew from whether a particular death was suicide or homicide — personal autonomy vs. the 'right to life.' Both sides were galvanized by abstract ideological reasoning. While the general matter is still not settled for the wider public, compared to the struggle over abortion it has reached a stage of comparative stability. Public debate over assisted death continues, but has been adapted to a new set of criteria. This phenomenon of adjustment, what I have called 'transformation of the reasons environment,' is the alternative to conversation. The critical question is how this process implicates democratic values.

Both of these examples are shared conflicts that have spanned years, and have already effected transformations in American society; and both continue to do so. While political polarization does not appear anywhere near resolution, the special problem of assisted death has visibly gone from a more problematic stage to one of increasing resolution, after having been given impetus by the prosecution and conviction of Dr. Jack Kevorkian for homicide in 1999. Twenty-five years later, there is a surprisingly widespread web of legally recognized regimes permitting assisted death under special conditions. It took his prison sentence to open up the topic to considerations beyond homicide versus suicide.

Philosophy in the 21st century has its own struggles. Dewey's pragmatic naturalism, widely ignored until Richard Rorty's *Philosophy and the Mirror of Nature* in 1979, has mounted a comeback against analytic models and ideal ethical theories. Kitcher's effort is a welcome contribution for American pragmatists, a now growing community that kept Dewey's naturalism alive during years when the APA was dominated by analytic philosophers. But since Rorty, Dewey scholarship has given less emphasis to Dewey's concern for transformations that must occur in conflict resolution. Kitcher does stress the need for change, as a putative result of ideal conversation. But the contemporary clash among liberals and conservatives involves radically distinct views of how moral progress is even obtainable. If 'naturalism' refers to the actual world, pragmatism needs a revised theory of conflict and its resolution.

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The principles of democratic contractualism (34-68):

1. A situation is prima facie morally problematic if there is some individual or group of individuals who resent the fact that the accepted moral framework permits it.

2. If a situation is prima facie problematic, and if its problematic status is urgent, it should initiate moral inquiry.

3. Properly pursued moral inquiry initiated by a prima facie problematic situation consists in an ideal conversation appropriate to that situation.

4. If a challenge is brought to members of a particular group, then it counts as urgent just in case a fully inclusive, optimally informed deliberation among representatives of the different perspectives within the group, committed to presumptive sympathy with the challengers, would endorse that challenge as one of the urgent candidates for moral inquiry.

5. A group's moral inquiries into challenges are justified just in case (i) each of the challenges investigated belongs to the set of urgent candidates, and (ii) there is no challenge selected for investigation such that some challenge not selected is unanimously ranked as more urgent by the deliberation through which the urgency of challenges is measured.

6. A situation is justifiably taken to be problematic just in case a properly pursued moral inquiry initiated by that situation would generate the conclusion that it is indeed problematic.

7. An ideal conversation appropriate to a prima facie problematic situation is a discussion in which the perspectives of all the stakeholders with respect to that situation are represented, in which proposals for responding to the situation are only considered if they, and the judgments put forward in their support, are consistent with the best information available in that situation, and in which the participants are mutually engaged.

8. A proposal is a justified resolution of a problematic situation just in case the transition from the problematic situation to that proposed would be endorsed in an ideal conversation in which the perspectives of stakeholders with respect to both situations were represented.

9. A change in moral practice is progressive just in case it would be retained in an indefinitely proceeding sequence of justified resolutions.

10. Even in the absence of challenges, societies should periodically assess whether restrictions on the appropriateness of ideals of the self for some subgroups can be justified. As in other cases of moral inquiry, urgency is measured through attempts to estimate the suffering and confinement caused if the orthodox assumptions about appropriateness of ideals turned out to be unwarranted.

11. Any moral inquiry in which claims about the proper restrictions on ideals of the self are employed to support the view that the *perspectives of the challengers* should not be targets of sympathetic engagement should generate a secondary inquiry into the aptness of those ideals for people who are currently viewed as unsuited to adopting them.