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## The Uses and Abuses of Moral Theory in Bioethics

Raymond De Vries

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**Abstract** Moral theory is an important guide to bioethical decision-making, but it can confuse and mislead those who offer ethical advice to clinicians and researchers, delaying decisions that must be made in a timely fashion. In this paper I examine the ways moral theory can lead bioethicists astray. Absent a sensitivity to the empirical realities of ethical problems, moral theory 1) contributes to the disappearance of the persons caught in an ethical quandary, 2) focuses on the puzzle-solving rather than examining the conditions that generate moral problems, and 3) universalizes ethical dilemmas, overlooking local processes for resolving moral questions. Taken together, empirically informed moral theory and theoretically informed empirical research can help bioethicists transcend the is/ought problem in ethical work.

**Keywords** Empirical ethics · Is/ought problem · Sociology of bioethics · Upstream bioethics

What is the proper place of moral theory in the work of bioethics? Moral theory is born in the luxury of reflection and academic debate, in a world where scholars have time to refine their ideas and test them against the ideas of others. Bioethics has a more immediate task. Bioethicists who work in the clinic or on research ethics committees must make decisions in the moment; they cannot publish their opinion and wait for the considered responses of their learned colleagues. Yes, bioethicists call on moral theory in their deliberations, but they must translate the “ought’s” of moral theory to the “is” of the situation they are called on to adjudicate.

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### Mackie's Conceptual Reform Moral Error Theory

Wouter Floris Kalf<sup>1</sup>

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#### 1 Introduction

In the first chapter of his *Ethics: inventing right and wrong*, J.L. Mackie argues for an “error theory” of affirmative moral judgments like ‘giving to the poor is morally obligatory’ (1977: 35).<sup>1</sup> The error is that we talk as if at least sometimes our affirmative moral judgments correctly describe moral properties even though in fact moral properties do not exist. To see how this might happen, first consider our discourse about mid-sized objects, and take the judgment ‘Foxy is a vixen’. Assuming that this and other judgments about mid-sized objects are descriptive judgments, what ‘Foxy is a vixen’ describes is determined, in part, by what the concept *VIXEN* refers to (I use SMALL CAPS for concepts).<sup>2</sup> And since we must analyse *VIXEN* as having female foxes as its referent, ‘Foxy is a vixen’ describes Foxy as having the property of being a female fox. Similarly, take a moral judgment like ‘giving to the poor is morally obligatory’. Assuming with Mackie that this and other moral judgments are descriptive judgments, what ‘giving to the poor is morally obligatory’ describes

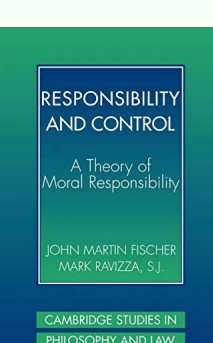
<sup>1</sup> John L. Mackie, *Ethics: inventing right and wrong*, (Harmondsworth: Penguin Books, 1977). Henceforth, references in parentheses are to pages in Mackie’s 1977 *Ethics*. Sections 13 and 14 in this paper closely follow §6.2 in my book on moral error theory: Wouter F. Kalf, *Moral Error Theory* (Basingstoke: Palgrave Macmillan, 2018).

<sup>2</sup> Philosophers in the analytic tradition think about concepts as modes of representation or ways for subjects to think about the objects of their attitudes; see Christopher Peacocke, *A Study of Concepts* (Cambridge MA: MIT Press, 1992), p. 3. This account of concepts is fruitfully contrasted with an account of concepts according to which they are devices for reference. Consider *water* and *H<sub>2</sub>O*: both concepts refer to the same thing (*viz.*, the watery stuff in our lakes and rivers), but they differ in cognitive significance because you can coherently think that ‘there is water in my glass and there is no water in my glass’ is contradictory but that ‘there is water in my glass but there is no H<sub>2</sub>O in my glass’ is not contradictory (I borrow this example from Pekka Väyrynen, *The Level, The Rule, and the Nasty* (Oxford: Oxford University Press, 2013), p. 47). I work with the first theory of concepts because I need to be able to distinguish between different concepts as much as possible, which I will not be able to if I work with the theory of concepts as devices for reference.

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