

The Rise of Empirical Research in Medical Ethics: A MacIntyrean Critique and Proposal

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Hume's is/ought distinction has long limited the role of empirical research in ethics, saying that data about what something is cannot yield conclusions about the way things ought to be. However, interest in empirical research in ethics has been growing despite this countervailing principle. We attribute some of this increased interest to a conceptual breakdown of the is/ought distinction. MacIntyre, in reviewing the history of the is/ought distinction, argues that is and ought are not strictly separate realms but exist in a close relationship that is clarified by adopting a teleological orientation. We propose that, instead of recovering a teleological orientation, society tends to generate its own goals via democratic methods like those described by Rousseau or adopt agnosticism about teleology such as described by Richard Rorty. In both latter scenarios, the distinction between is and ought is obscured, and the role for empirical research grows, but for controversial reasons. MacIntyre warns that the is/ought distinction should remain, but reminds ethicists to make careful arguments about when and why it is legitimate to move from is to ought.

Keywords: *empirical research, ethics, Hume, is/ought, MacIntyre, Rorty, Rousseau*

I. INTRODUCTION

David Hume famously observed that moral reasoning often begins with the propositions *is* and *is not*, but then shifts to the propositions *ought* and *ought not*. He called for an explanation for “how this new relation can be deduced

from others, which are entirely different from it" (Hume, 2000, III: 1.1). Hume's challenge has echoed down through the centuries in the form of the "is/ought distinction" still invoked by many philosophers and ethicists today. Traditionally, the is/ought distinction has limited the role of empirical research in ethics, suggesting that the empirical observations tell us what something is, but cannot speak to the way things ought to be.

Given this background, it is somewhat surprising that empirical research in ethics has become increasingly prominent in recent decades. For example, the proportion of empirical articles published in ethics journals rose from 5.4% in 1990 to 15.4% in 2003 (Borry, Schotsmans, and Dierickx, 2006, 241). A variety of explanations may account for this growth. First, such articles are appealing because they inform ethical deliberation by describing gaps between espoused ideals and actual practices and by charting the consequences of particular ethical decisions or policies (Solomon, 2005, 41, 43). More controversially, however, some theorists have promoted the status of empirical research by challenging the concept that social sciences are a subsidiary discipline to philosophical bioethics and have pushed to incorporate social sciences into the theoretical level (Hedgecoe, 2004, 128–9). In addition, many have grown dissatisfied with the difficulties in applying abstract theoretical principles to concrete health care dilemmas and have suggested that empirical research may help to foster resolutions when two or more ethical principles are in conflict (Borry, Schotsmans, and Dierickx, 2005, 64; Zussman, 2000, 10). Others note the influence of Clinical Ethics, an approach that focuses on the immediate context of a dilemma and uses empirical research to measure the frequency of ethical problems, the impact of ethical policies, the ways ethical decisions are made, and other questions closely related to the realities of clinical practice. Finally, the prominence of evidence-based approaches to clinical decision making has stimulated attempts to ground clinical ethical decisions in the best available scientific evidence and to test ethical arguments with empirical research methods (Borry, Schotsmans, and Dierickx, 2005, 65–8). Notably, all these motives for promoting empirical ethics are susceptible to the challenge posed by the is/ought distinction.

This apparent paradox—the fact that empirical ethics has ascended in importance despite a well-established opposing philosophical principle—calls for some explanation. A complete account of the breakdown of the chasm separating is and ought would require us to chart both the social and the historical context within which this breakdown occurred, a task well beyond the scope of this essay. Still, we agree with MacIntyre who, in reviewing the history of the is/ought distinction, argues that the two realms are not so far apart. MacIntyre, in reviewing the history of the is/ought distinction, argues that the two realms are not so far apart. They exist fundamentally in a relationship that is clarified by knowledge of the *telos*. This relationship has always existed, although abandonment of a teleological orientation in ethics has clouded the relationship. Thus, he concludes that there are instances in

which knowledge of what something *is* can generate true claims about what it *ought* to do.

According to MacIntyre, the current state is one in which knowledge of the *telos* has been lost. We propose that there are basically two responses to this, both of which reduce distinctions between *is* and *ought*. One path is to invite people to choose their own ends, an approach promoted by Rousseau, and one that is highly influential in democratic America. The other path, promoted by Richard Rorty, is to walk away from any pursuit of teleological knowledge and to abandon traditional concepts of *ought* and *ought not*. Due to space limitations, we cannot give exhaustive accounts of either Rousseau or Rorty, but we do mention some important points they raise. Despite their limitations, they exemplify dynamics that characterize the contemporary landscape, with important implications for how the relationship between *is* and *ought* is perceived and how empirical research is utilized in ethical debates.

II. MACINTYRE: THE ORIGIN OF THE IS/OUGHT DISTINCTION

In *After Virtue*, MacIntyre offers an account of the origin of the is/ought distinction that highlights the relationship between these two realms. Initially, he says that there existed a three-fold moral scheme that emerged during the classical period and profoundly influenced western thought from the twelfth century through the enlightenment era. First, there is “man-as-he-happens-to-be.” This contrasts with “man-as-he-could-be-if-he-realized-his-essential-nature.” In-between stands ethics, giving counsel regarding how to move from the former toward the latter and how to “realize our true nature and to reach our true end” (MacIntyre, 1984, 52). Each component of this tripartite view requires reference to the other two components in order to be intelligible. Furthermore, the truth or falsity of moral claims can only be evaluated with respect to the other two components.

In Europe’s middle ages, elements of this tripartite structure (particularly concepts of man’s essential nature or *telos*) contained both theological and classical components. Yet, in the late medieval period, doubts arose concerning whether religion or reason could supply genuine knowledge of humankind’s essential nature and true end (*telos*). By the time of Hume, Kant, Adam Smith, and others, these doubts became rejections to varying degrees of “any teleological view of human nature, any view of man as having an essence which defines his true end” (MacIntyre, 1984, 54). Once the concept of man-as-he-could-be-if-he-realized-his-*telos* was abandoned, the relationship between the two remaining elements became muddled. To quote MacIntyre,

. . . the eighteenth century moral philosophers engaged in what was an inevitably unsuccessful project; for they did indeed attempt to find a rational basis for their

moral beliefs in a particular understanding of human nature, while inheriting a set of moral injunctions on the one hand and a conception of human nature on the other which had been expressly designed to be discrepant with each other (MacIntyre, 1984, 55).

MacIntyre considers this climate to be the seedbed from which the is/ought distinction sprang. The disappearance of a clear connection between the precepts of morality and the facts of human nature gave rise to the claim that, “no valid argument can move from entirely factual premises to any moral or evaluative conclusion” (MacIntyre, 1984, 56). MacIntyre credits the Enlightenment philosophers with asserting, “in an argument in which any attempt is made to derive a moral or evaluative conclusion from factual premises, something which is not in the premises (namely the moral or evaluative element) will appear in the conclusion” (MacIntyre, 1984, 57 punctuation altered).

MacIntyre notes further that since the Enlightenment, because the teleological context of moral claims was abandoned, the language of morality persisted, but the words no longer retained their original meanings. Morals became a set of beliefs for which no rational defense could be (successfully) given. *Ought* statements became equated with expressions of desire and ethics as a whole tended toward emotivism.

However MacIntyre, hearkening back to the original tripartite (teleological) context of moral claims, argues that, at least in some cases, it is possible to move rationally from *is* to *ought*. In particular, if given sufficient knowledge about someone’s (or something’s) *telos*, he argued that one *can* derive *ought* statements from descriptions of what someone (or something) *is*. For example, from the statement “this *is* a watch,” one may derive a variety of attributes, which it *ought* to possess: timekeeping accuracy, being lightweight, and being small in size to name a few. Furthermore, given knowledge about its present attributes and the *telos* it ought to reflect, one is able to evaluate the truth or falsity of the statement “this is a *good* watch.” MacIntyre applies this pattern to all “functional concepts,” that is, to all concepts, which are defined in terms of the purpose or function, which they are characteristically expected to serve (58). In his own words,

... we define both ‘watch’ and ‘farmer’ in terms of the purpose or function which a watch or a farmer are characteristically expected to serve. It follows that the concept of a watch cannot be defined independently of the concept of a good watch nor the concept of a farmer independently of that of a good farmer; and that the criterion of something’s being a watch and the criterion of something’s being a good watch—and so also for ‘farmer’ and for all other functional concepts—are not independent of each other (MacIntyre, 1984, 58).

From the statement “this *is* a watch” or “this *is* a farmer,” it is possible to make evaluative statements about what sorts of things the watch, or farmer, *ought* to do, as well as evaluative statements about whether it is a *good*

watch, or the person is a *good* farmer. In this way, a strict separation between *is* and *ought* breaks down.

It is worth noting that MacIntyre's bridge from *is* to *ought* leaves important questions unanswered. For example, a watch is an inanimate object, a farmer (or physician) is a rational subject. A normative functional notion of good may be adequate for watches, but rational subjects would seem to require a more precisely ethical understanding of good. Not all norms are moral in nature. Moreover, the question of what makes a good watch is surely far less complex, and certainly far less debatable, than what makes a good farmer. Being a good farmer involves not only raising produce effectively but also negotiating a complex web of social, economic, and ecological relationships.

Similarly, it is not clear that "doctor," "hospital," or "medicine" are merely functional concepts in the way "watch" is. On one hand, it seems reasonable to conclude from the statement, "she *is* a doctor," that she *ought* to be knowledgeable about common diseases and remedies, she *ought* to use her competencies to restore health to those who are sick, she *ought* to listen attentively to patients' concerns, and she *ought* to do these things reasonably well. Related claims may be made about the statements "this *is* a hospital" or "this *is* medicine." On the other hand, MacIntyre describes functional concepts as serving the function they are "characteristically expected to serve," and different moral groups characteristically have different expectations about the functions that doctors, hospitals, and medicine should serve. Indeed, these disagreements animate the field of medical ethics. The same is not true for watches.

According to MacIntyre, knowledge of the *telos* is central for making sense of moral claims, but he also characterizes the current state as one in which that knowledge has been lost. We believe that people generally respond in one of two ways: by making their own goals (to function like a *telos*) or by abandoning teleological concepts altogether. The first approach is found in the writings of Rousseau and the second is advocated by Richard Rorty (discussed in the next section). Both allow for less separation between *is* and *ought* and a larger role for empirical research.

III. ROUSSEAU: GENERATING *OUGHT* FROM *IS*

When a given goal is specified, empirical research provides knowledge about what the current state *is*, that helps people discern how they *ought* to proceed. Yet, American democracy seems also to tend toward a more controversial use of empirical research in which data about what *is* the case with respect to people's desires and opinions is used to infer the goal (*telos* in a more pragmatic and provisional sense) people *ought* to pursue. Jean-Jacques Rousseau, who greatly influenced the founding fathers, seemed to encourage this dynamic.

In *The Social Contract*, Rousseau posited that society emerged as a convention in which people mutually surrendered their natural liberty and united in order to overcome obstacles to their own self-preservation (Rousseau, 2005, 13).

At once, in place of the individual personality of each contracting party, this act of association creates a moral and collective body composed of as many members as the assembly contains voters, and receiving from this act its unity, its common identity, its life, and its will (Rousseau, 2005, 14).

In this process, man acquires “moral liberty, which alone makes him truly master of himself; for the mere impulse of appetite is slavery, while obedience to a law which we prescribe to ourselves is liberty” (Rousseau, 2005, 20). By placing the social contract at society’s temporal beginnings, Rousseau suggests that society has always been free to create its laws, and even its moral norms, by listening to the will of the people. Or, if not creating them from scratch, at least universalizing and making normative certain moral beliefs. Of relevance to the *is/ought* distinction, this model suggests that when a group *is* speaking with sufficient unanimity, it can legitimately create or modify its norms about what *ought* to be done.

As a description of the origins of society, or the origins of morality, Rousseau’s model is limited by the observation that no such seminal event took place in recorded history. We cannot demonstrate a presocial or pre-moral human period. However, the model is singularly appropriate as a description of the contemporary medical and bioethical landscape, for there we see individual practitioners (often physicians) joining together to form societies, thereby giving up some measure of personal liberty in order to pursue their own greater interests and those of their patients. Furthermore, inasmuch as bioethics poses new moral questions for consideration (at least regarding the details), these societies must deliberate and perhaps even create new moral norms in a manner much like Rousseau described: listening to each member of society, choosing a course that seems appropriate to the members, and consequently self-prescribing laws and moral expectations. Whether these emerging norms are themselves moral principles or merely tactical policies is debatable, but the process is decidedly reminiscent of Rousseau.

In some ways then, contemporary American bioethics, perhaps due to the influence of American democracy, which was itself influenced by Rousseau, shares Rousseau’s inclination toward the conclusion that particular kinds of *ought* statements can be created from particular kinds of *is* statements; with the most important *is* statement being, “this *is* what the people want.” For when people are free to choose their own destiny, it becomes difficult if not impossible to maintain a clear distinction between *is* statements (e.g., what people want) and *ought* statements (e.g., what should therefore be done). It almost goes without saying that empirical research will have a privileged yet controversial role to play in this setting, feeding not only the application of ethical principles but also the legitimization of those very principles.

MacIntyre notes that Rousseau “takes it for granted that there is a single common good, that the wants and needs of all the citizens do coincide in this good, that there are not irreconcilable social groupings within society” (MacIntyre, 1998, 188). In actuality, democratic processes often result more in pluralism and open disagreement than in unity. Fundamentally discordant viewpoints cannot be synthesized into unifying moral norms. Nevertheless, the democratic process has remained a dominant procedure through which moral norms are politically established, with important consequences for the relationship between *is* and *ought*, and the role of empirical research in medical ethics.

IV. RORTY: COLLAPSING *OUGHT* INTO *IS*

In MacIntyre’s account, the abandonment of a teleological approach, followed by the failure of the moderns to establish a universal and unifying ground of ethics in the eighteenth and nineteenth centuries has led predictably to moral skepticism and emotivism in the contemporary setting. If there is no essential nature, or at least none that can be known, then the plurality of competing ideas about which ends to pursue seems increasingly arbitrary and entirely socially contrived. Theorists begin to question whether, in the absence of a universal moral vocabulary, there is a meaningful difference between the normative statement “This ought to be pursued” and the subjective statement “This is what I think should be pursued,” or even the bald assertion “This is what I want.”

The contemporary philosophical pragmatist Richard Rorty exemplified this line of reasoning when he collapsed *is* and *ought* into a single epistemological category. From his observation that the starting points of any argument are contingent on language and culture (Rorty, 1982, 166), Rorty concluded that efforts to explain or to ground morality, virtue, or truth merely “refer us back to the concrete details of the culture in which these terms grew up and developed” (Rorty, 1982, 173). Consequently, he argued,

. . . there is no epistemological difference between truth about what *ought* to be and truth about what *is*, nor any metaphysical difference between facts and values, nor any methodological difference between morality and science (Rorty, 1982, 163, italics added).

Rorty advocated abandoning efforts to provide rational or philosophical grounding for morality, saying “. . . there is no need to worry, once one has determined what one should do, whether there is something in Reality which makes that act the Right one to perform” (Rorty, 1982, xvi).

Rorty’s approach has at least two important implications for the place of empirical research in ethics. First, it shifts attention from questions about which moral viewpoints are right and wrong, to questions about the practical implications of holding different viewpoints. He argued, “. . . it is the

vocabulary of practice rather than of theory, of action rather than contemplation, in which one can say something useful about truth” (Rorty, 1982, 162). Empirical research is well equipped to explore questions about practice and action. It excels at answering questions such as What are people doing? What aspects do people find effective and beneficial? Are patients more satisfied with approach A or B? What is likely to happen if people choose one over the other?

Second, Rorty’s approach does not view conversation about moral beliefs as a means to an end (i.e., consensus, therein making further conversation unnecessary). Rather, it views continuing the conversation as its own end (Rorty, 1982, 171–2). He proposes that by continuing to play vocabularies and cultures off against each other, we may “produce new and better ways of talking and acting—not better by reference to a previously known standard, but just better in the sense that they come to *seem* clearly better than their predecessors” (Rorty, 1982, xxxvii). Again, empirical research is well equipped for this sort of task. Because there are seemingly endless viewpoints to examine and measure as well as a myriad of ways to interpret the findings, empirical research methods (statistics, opinion surveys, and qualitative inquiries) provide abundant fuel for continuing conversations about ethics.

MacIntyre has high praise for Rorty as a philosopher and as a person (MacIntyre, 2008), and he and Rorty agree that contemporary philosophy is a failed project in a state of disarray. Yet, the two draw sharply contrasting inferences from the failure of that project. Rorty advocates abandoning yesterday’s questions.

Philosophy, Truth, Goodness, and Rationality are interlocked Platonic notions (xv) . . . Pragmatists think that the history of attempts to isolate the True or the Good, or to define the word “true” or “good,” supports their suspicion that there is no interesting work to be done in this area. . . . So pragmatists see the Platonic tradition as having outlived its usefulness . . . they do not think we should ask those questions anymore. . . . They would simply like to change the subject (Rorty, 1982, xiv).

MacIntyre, on the other hand believes the way forward requires looking to the past.

The identity of philosophy today . . . is inexplicable, perhaps unintelligible, unless we recognize that we have not—*happily* have not—been able to avoid reliance on those continuities which derive from the reading and rereading of Plato and Aristotle. And that is to say that any historical account of philosophy’s unity which begins, as Rorty in effect does in his book [Philosophy and the mirror of Nature], with Descartes—let alone with Reichenbach, with whom his history of analytical philosophy begins—is likely to be misleading (MacIntyre, 1982, 134).

In addition to criticizing Rorty’s history for starting much too late, MacIntyre says Rorty mistakenly divorces philosophical arguments from their original social and historical contexts, wherein lie the only possibilities for recognizing

why one ethical perspective is rationally superior to rivals (MacIntyre, 1982, 268). Indeed, treating the great thinkers of the past as though they are sitting around the same table, commenting on the same topics (MacIntyre, 1982, 11), would lead anybody to question the coherence of philosophy and doubt the possibility of showing the superiority of any one perspective.

V. DISCUSSION VIS-À-VIS MACINTYRE

MacIntyre certainly does not endorse the departures from teleology seen in Rousseau and Rorty. He has made the point repeatedly that when teleological and metaphysical goals are abandoned, society has a hard time knowing what it is seeking, let alone how to find it. The society drifts toward the emotivism that MacIntyre sees dominating the present ethical landscape, even among those who do not see themselves as emotivists (MacIntyre, 1984, 20). This emotivism holds that “all evaluative judgments and more specifically all moral judgments are *nothing but* expressions of preference . . . and agreement in moral judgment is not to be secured by any rational method[s], for there are none” (MacIntyre, 1984, 12). Given the (apparent) absence of ultimate criteria for evaluating or defending various moral commitments, the only recourse for society is to choose its own rules and to continue interminable discussions about various moralities.

Although MacIntyre does not endorse the is/ought distinction—he challenges the existence of “facts” that are devoid of values and are capable of being interpreted in the absence of a preexisting philosophical framework (MacIntyre, 1984, 79–84)—neither does he advocate the type of breakdown in the is/ought distinction that marks contemporary ethical reasoning to the extent that it attempts to follow popular demand. Rather, drawing on a unique interpretation of Hume’s is/ought passage, MacIntyre advocates using philosophy and rational arguments to build defensible connections between *is* and *ought*.

Hume is not in this passage asserting the autonomy of morals. . . . He is asserting that the question of how the factual basis of morality is related to morality is a crucial logical issue, reflection on which will enable one to realize how there are ways in which this transition can be made and ways in which it cannot (MacIntyre, 1978, 122).

Rather than sidestepping the is/ought distinction, MacIntyre invites direct engagement and careful negotiation to work through the is/ought divide or at least recognize why and where this cannot legitimately be done.

This speaks to what we believe is the chief pitfall for empirical researchers in ethics. There is a risk of making transitions from *is* to *ought* without providing explanation or argument and therefore without public recognition of the limitations inherent to each transition. For example, by assuming (rather than arguing) that society establishes its own *telos*, ethicists avoid essential

questions about how that *telos* is established, its relation to metaphysics, and whether it will be merely the product of bureaucracy. By assuming that the populace freely and rightly chooses its morals, ethicists avoid questions about whether such choices will be uninformed and rash (Socrates: “it is agreed on by all . . .” Diotima: “Do you mean by all who do not know, or by those who know?” Plato, 2000, 221). There are better and worse arguments for moving from *is* to *ought*, but when the arguments are implied and left unspoken, it is hard to distinguish the good from the bad.

A limited way forward, then, is to raise awareness of the *is/ought* distinction and to encourage more explicit conversations about when it is and is not appropriate for ethicists to construct evaluative conclusions from empirical research findings. To be sure, we do not suspect that the *is/ought* distinction has been forgotten; most ethicists have at least rudimentary philosophical training. Yet, in a field comprised practitioners with such diverse backgrounds as philosophy, social science, medicine, law, and theology, participants are likely to have different understandings of the *is/ought* distinction and operate with different notions of its importance for contemporary ethical concerns.

One possible strategy for raising awareness and illuminating movements from *is* to *ought* would be to encourage empirical researchers to spend more time in dialogue with ethical theories when they present their findings, just as theorists are expected to discuss empirical findings when they present their arguments. Although this goes against the trend of empirical researchers presenting just the facts, it does more justice to the observation that no facts interpret themselves. It also raises awareness that there are often “normative tints coloring fact-gathering enterprises” (Nelson, 2000, 13) and acknowledges that empirical inquiries are sensitive to the values of those directing and conducting the work. Were researchers to propose normative interpretations of their findings and admit that this is what they are doing, it might result in more transparent presentations. The audience would be able to weigh underlying beliefs and goals alongside the empirical findings, gaining a clearer picture of what was accomplished and why, and whether the author’s move from *is* to *ought* statements is justified. Admittedly these procedural suggestions fall well short of MacIntyre’s aspirations to recapture teleological conceptions of morality, but they might at least help people make better sense of the here-and-now ethical decisions that must be made.

Hume’s *is/ought* distinction has stood the test of time in the sense that for centuries, it has challenged ethicists to recognize and explain any shifts from descriptions about what *is* to proposals for what *ought* to be. Yet, what has also stood the test of time is ethicists’ tendency to make that very shift, suggesting a persistent intuitive link between *is* and *ought* that remains even in the face of Hume’s challenge. We have tried to make explicit what some of these cognitive bridges might be, so that they may be subjected to more rigorous evaluation. If our assessment is correct, then the growth of empirical

research is not necessarily due to simple philosophical error but is fed in part by changes in philosophical starting points, especially regarding the existence and discoverability of the *telos* of medicine and all its parts and participants.

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