

On Experimental Philosophy, Morality and Meaning

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Abstract

The emerging field known as experimental philosophy has expanded into moral philosophy: by presenting experimental subjects with vignettes describing scenarios with moral implications, data about people's moral intuitions are gathered and analyzed. This paper examines the adequacy of applying the common methodology of experimental philosophy to the study of moral thought. By employing Raimond Gaita's notion of moral seriousness and his distinction between form and content, it argues that the kind of empirical research on moral intuitions conducted by experimental philosophers fails to take into consideration some fundamental characteristics of moral thinking.

Much moral thinking is not thinking *what to do*, and even when it is it is also an attempt to understand the *meaning* of what we do, which is rarely thinking about the empirical consequences of what we do, or about how our principles stand in relation to those consequences and to one another. It is, most often, an attempt to achieve a deepened understanding of the *meaning* of our actions.

—Raimond Gaita, *Good and Evil: An Absolute Conception*, 264.

1. Introduction

As experimental philosophers are conducting more empirical works which touch on ordinary people's moral intuition, this paper takes a critical look at the role of experimental philosophy in the context of moral philosophy. It attempts to explore a possible source of unease towards the use of experimental philosophy in relation to morality by investigating some implicit ethical assumptions employed by experimental philosophers. With reference to the works of Raimond Gaita,¹ questions regarding the methodology of experimental

¹ My discussion will be based on the following works: Raimond Gaita, *A Common Humanity: Thinking About Love and Truth and Justice* (London and New York: Routledge, 2000); Raimond Gaita, 'Narrative, Identity and Moral Philosophy', *Philosophical Papers* 32 (2003), 261–277; Raimond

philosophy will be raised. Despite the claim of being a form of empirical inquiry, the attempts to conduct research on human being's intuitions on different issues (moral or otherwise) may involve significant value judgements. A central claim in this paper is the view that moral seriousness requires one to stand behind one's words. If this kind of moral seriousness is an essential element of moral reasoning, the way experimental philosophy conducts empirical works on morality is at risk of distorting a significant component of moral reasoning.

In section 2 below, I will introduce a vignette containing the case 'The Magistrate and the Mob' and I will use it as the primary example in the ensuing discussion. Section 3 contains an analysis and an interpretation of this case. The examination of this case continues in section 4, where I apply Gaita's thoughts on morality and moral seriousness to examine a common approach often employed in experimental philosophy. Section 5 elaborates how the notion of form and content, as developed by Gaita, can be used to shed light on the limitations of the use of the experimental approach in moral philosophy. The section that follows contains a discussion of some possible objections to my position and my replies to them.

Before I proceed to present my arguments, a note on the term 'intuition' seems necessary. I accept the view that some traditional philosophers (such as Saul Kripke and John Rawls) refer to intuitions in their philosophical approach. In this context, intuitions can be used as direct evidence to give support to a theory or a claim. Alternatively, a theory or a view that seems to oppose widespread intuitions is considered to be flawed or in need of revision. Experimental philosophy is an outgrowth of this approach and it uses the methodology of the social and cognitive sciences to study people's intuitions.² Although the very claim that traditional philosophers actually rely on intuitions

Gaita, *The Philosopher's Dog* (London: Routledge, 2003); Raimond Gaita, *Good and Evil: An Absolute Conception* (London and New York: Routledge, 2004); Raimond Gaita, *After Romulus* (Melbourne: The Text Publishing Company, 2014).

² See Joshua Alexander, *Experimental Philosophy: An Introduction* (Cambridge, UK and Malden, MA: Polity, 2012). For a general account of the application of experimental philosophy in ethics, see John M. Doris and Stephen P. Stich, 'As a matter of fact: Empirical perspectives on ethics', in F. Jackson and M. Smith (eds), *The Oxford Handbook of Contemporary Philosophy* (Oxford: Oxford University Press, 2005), 114–52. For a recent discussion on the use of intuition in the field of ethics, see David Edmonds, *Would You Kill the Fat Man? The Trolley*

On Experimental Philosophy, Morality and Meaning

in their argumentation is a controversial one, I am not going to enter this debate here.³ Nevertheless, I want to point out that while what exactly constitutes an intuition is open to philosophical disagreement, a philosophical approach that actually makes use of intuition does not have to contain explicit reference to the term ‘intuition’ and its cognates. Just as a piece of racist discourse does not have to explicitly mention the term ‘race’, a philosophical work employing intuition in its argumentative strategy does not have to mention the word ‘intuition’ nor its cognates either. To simplify matters, I would like to refer to a dictionary definition of ‘intuition’: ‘the ability to understand something instinctively, without the need for conscious reasoning’ (*Oxford Dictionary of English*). I propose we should bear in mind that, if philosophers are making claims to the effect that *X* is a view one holds instinctively, without the need for conscious reasoning, pre-reflectively, pre-theoretically, or the like, we have *prima facie* justification to suspect that *X* is an intuitive view.

A qualification should be made here: as experimental philosophy is an ongoing and evolving philosophical project, what I say about experimental philosophy must be of a tentative nature. Future development and further refinement of experimental philosophy may be able to address my criticisms here. Ultimately, the reader needs to judge whether this is likely to take place.

2. A case: ‘The Magistrate and the Mob’

In order to study people’s intuitions, experimental philosophers often present subjects with short passages or vignettes. Subjects are then asked to choose an answer from two possibilities. Alternatively, they are requested to show whether they agree with certain statements on a Likert scale. Although this method has been employed in different branches of philosophy, the vignettes

Problem and What Your Answer Tells Us about Right and Wrong (Princeton, New Jersey: Princeton University Press, 2014), 87–124.

³ For recent works in this area, see, for example, Avner Baz, *When Words Are Called For: A Defense of Ordinary Language Philosophy* (Cambridge, Mass.: Harvard University Press, 2012); Herman Cappelen, *Philosophy without Intuitions* (Oxford: Oxford University Press, 2012); and P. M. S. Hacker, *The Intellectual Powers: A Study of Human Nature* (Chichester, West Sussex, U.K.: Wiley-Blackwell, 2013), 436–463.

used can include unusual presuppositions and a multiplicity of philosophical concepts may be involved. Consider the following example:

Murderous Husband:

In Universe A [where all events are causally determined], a man named Bill has become attracted to his secretary, and he decides that the only way to be with her is to kill his wife and 3 children. He knows that it is impossible to escape from his house in the event of a fire. Before he leaves on a business trip, he sets up a device in his basement that burns down the house and kills his family.⁴

The purpose of this vignette is to find out whether subjects consider Bill, who has committed a serious act (which is itself likely to evoke strong emotions), to be morally responsible in a deterministic universe. However, the very possibility of subjects being able to give meaningful answers in response to it hinges on a number of considerations. First of all, they need to be able to understand what causal determinism is about and make the assumption that causal determinism is true universally. Second, they need to have some grasp on the relationship between a causally determined universal and the notion of moral responsibility. Third, subjects' own understanding of the relationship between moral responsibility and other closely related concepts such as blame, punishment and deterrence may affect their choice of answers. What these observations suggest is that the use of vignettes in collecting data about people's intuition is not a simple and straightforward matter. In this paper, I will focus on one particular vignette known as 'The Magistrate and the Mob':

An unidentified member of an ethnic group is known to be responsible for a murder that occurred in a town.... Because the town has a history of severe ethnic conflict and rioting, the town's Police Chief and Judge know that if they do not immediately identify and punish a culprit, the townspeople will start anti-ethnic rioting that will cause great damage to property owned by members of the ethnic group, and a considerable number of serious injuries and deaths in the ethnic population. ...The Police Chief and Judge are faced with a dilemma. They can falsely accuse, convict, and imprison Mr. Smith, an innocent member of the ethnic group, in order to prevent the riots. Or they can continue hunting for the guilty man, thereby allowing the anti-ethnic riots to occur, and do the best they can to combat

⁴ Alexander, *Experimental Philosophy*, 32.

On Experimental Philosophy, Morality and Meaning

the riots until the guilty man is apprehended. ...the Police Chief and Judge decide to falsely accuse, convict, and imprison Mr. Smith, the innocent member of the ethnic group, in order to prevent the riots. They do so, thereby preventing the riots and preventing a considerable number of ethnic group deaths and serious injuries.⁵

In the experiment where this vignette is used, two groups of subjects, 'American of predominantly European descent' and 'Chinese living in the People's Republic of China' were presented with the case above. Doris and Plakias report:

American subjects were significantly more likely to think that the Police Chief and Judge were morally wrong to do as they did and significantly more likely to think that they should be punished for doing so. Additionally, Chinese subjects were significantly more likely to hold the potential rioters responsible for the scapegoating – suggesting that they attributed more responsibility at the level of the collective than did their more individualist counterparts.⁶

According to Doris and Plakias, the findings from this experiment have the potential to be seen as evidence in support of real moral disagreement.⁷ Having presented this case in their article, Doris and

⁵ John M. Doris and Alexandra Plakias, 'How to Argue about Disagreement: Evaluative Diversity and Moral Realism', in Walter Sinnott-Armstrong (ed.), *Moral Psychology* (Cambridge, Mass.: MIT Press, 2008), 323–324, citing Peng, Doris, Nichols and Stich (unpublished manuscript).

⁶ *Ibid.*, 324. Referring to the same work by Doris and Plakias, Kwame Anthony Appiah writes the following: 'Some deeply held convictions [...] turn out to be surprisingly culturally variable, including our repugnance toward teltishment. One study asked students to respond to a "magistrate and the mob" scenario: if authorities don't falsely convict and punish an innocent man, murderous ethnic rioting will break out, resulting in many deaths and injuries. Chinese students were much more likely to consider teltishment in this scenario to be justified than were American students'. (Kwame Anthony Appiah, *Experiments in Ethics* (Cambridge, Mass.: Harvard University Press, 2008), 231, note 21.)

⁷ Another experiment that is seen to give support to the existence of moral disagreement requires subjects to respond to the following: 'A man goes to the supermarket once a week and buys a dead chicken. But before cooking the chicken, he has sexual intercourse with it. Then he cooks it and eats it'. This experiment shows that people with high socio-economic status react to this case differently from people with low socio-economic

Plakias moved on to discuss whether a defusing explanation can be substantiated. My concern here is not whether a defusing explanation is possible. I do not want to challenge the empirical validity and reliability of this experiment either. Instead, I want to concentrate on what it *means* to present this kind of vignette and collect data with reference to some central ideas from moral philosophy. In addition to being a possible case of moral disagreement, Doris and Plakias seem to hint that this case (provided that there is no plausible defusing explanation) lends support to the idea that East Asians (i.e., ‘Chinese living in the People’s Republic of China’) should show more sympathy towards utilitarian thinking. In particular, Doris and Plakias mention the tendency of ‘sacrificing individual interests “for the good of the group”’.⁸ In the next section I will first offer an analysis as to how this case can be interpreted in utilitarian terms and then give my criticisms.

3. Analyzing and interpreting the case

The claim that East Asians, or more specifically ‘Chinese living in the People’s Republic of China’, are more inclined to accept utilitarian ways of thinking is an important one. This claim, if true, would not only indicate something significant about how this group of people respond to ethical issues, it can also have profound implications on their self-conception as a people.⁹ While this is a significant issue, my discussion below leaves it an open question as to whether East Asians or Chinese are actually more sympathetic to utilitarianism. My focus here is the moral significance regarding what it is to use a case such as ‘The Magistrate and the Mob’ in collecting data about moral intuition. Before I proceed, let me first clarify how the case ‘The Magistrate and the Mob’ can indicate the presence of utilitarian thinking. Consider my reconstruction of the case:

status: people with lower socio-economic status tend to find the behaviour of the man more objectionable. See Doris and Stich, ‘As a matter of fact’, 140–141. (See also the experiment related to the ‘culture of honor’ in Doris and Plakias, ‘How to Argue about Disagreement’, 316–322.)

⁸ Doris and Plakias, ‘How to Argue about Disagreement’, 323.

⁹ There are some complicated issues involved such as group membership, stereotyping and so on. Consider, for example: Who would identify oneself as one who has a tendency of ‘sacrificing individual interests “for the good of the group”’? Who are the Chinese anyway? Can one be Chinese without having such utilitarian sympathy?

On Experimental Philosophy, Morality and Meaning

- PREMISE ONE: If consequentialism is a sound ethical theory, the Police Chief and Judge should condemn Mr. Smith.
- PREMISE TWO: If condemning Mr. Smith, who is innocent, is an unthinkable (absurd) move in morality, the Police Chief and Judge should not condemn him.
- PREMISE THREE: Condemning Mr. Smith is an unthinkable move in morality.
- PREMISE FOUR: The Police Chief and Judge should not condemn Mr. Smith.
- CONCLUSION: It is not the case that consequentialism is a sound ethical theory.

This is a valid *reductio ad absurdum* argument: the soundness of it depends largely on premise three, which establishes whether something is unthinkable and should therefore be rejected. This argument can be seen as a way to express a well-known criticism on utilitarianism: because utilitarianism leads to counter-intuitive (moral) conclusions, it cannot be a sound ethical theory. If the case ‘The Magistrate and the Mob’ can be seen as a *reductio* argument, its relevance to intuition becomes apparent. The very claim that a position (or conclusion) appears counter-intuitive indicates the presence of some intuition. In the *reductio* argument above, the acceptability of the view that ‘condemning Mr. Smith is an unthinkable move in morality’ seems to depend on our intuition: to some people, its wrongness may appear obvious or self-evident.

Examples of *reductio* arguments are abundant in philosophy: their applications can be found in different areas such as metaphysics, epistemology, ethics and political philosophy. While a successful *reductio* can involve a straightforward application of one’s intuitions, there can be complications. What appears to a group as counter-intuitive or acceptable may change over time. In addition, what is considered to be counter-intuitive to one person may be acceptable to another. For example, in the debate concerning the ethical treatment of non-human animals, some arguments lead to conclusions to the effect that the killing of non-human animals is as wrong as the killing of human beings. While some people embrace this type of conclusion, it is considered to be counter-intuitive by their opponents. When such radical differences regarding what is counter-intuitive are present, the success of the *reductio* argument in question becomes indeterminate.

4. Gaita on morality and moral seriousness

Significant differences in intuition are no doubt conceptually possible. As they are pertinent to the strength of particular philosophical arguments which appeal to intuitions, experimental philosophers have a *prima facie* case to do systematic study on them. Putting aside the questions of how common such clashes of intuitions are, and whether they follow any patterns, I would like to redirect our attention to the use of *reductio* arguments in the context of moral philosophy. In my earlier reconstruction of the *reductio* argument from the case 'The Magistrate and the Mob', I characterized the premise 'condemning Mr. Smith is an unthinkable move in morality' as one based on intuition. While this is one way to look at the argument, it seems that the refusal to condemn an innocent person, Mr. Smith, also has a moral tone. Whether it should aptly be termed an intuition or not, saying that condemning the innocent is unthinkable implies that a moral stance is taken. Putting aside the question of whether moral theories in general have to harmonize with people's intuition, the success or failure of the *reductio* actually hinges on this kind of moral stance: something wrong or obviously unethical is simply ruled out. I want to emphasize that this tendency or readiness to rule things out is internal to morality itself. According to Gaita, to rule out something on moral grounds can be understood with reference to the notion of evil: because one fears to become evil, evil thoughts are simply ruled out or there is at least the understanding that they should be avoided.¹⁰ Admittedly, to some people the notion of evil has the connotation of something diabolical. But this need not complicate the matter here. The tendency or readiness to rule out something on moral grounds can be seen as part of the *grammar* of moral reasoning itself: to the extent that an act or a type of behaviour is considered wrong or unethical, ruling it out (*i.e.*, not giving serious thought to it) is part and parcel of seeing it as wrong or unethical. In other words, ruling something out on moral grounds and seeing it as something wrong or unethical are interdependent.

To make sense of this view, take an example: if a person truly believes that rape is an unethical or morally repugnant act, this person

¹⁰ Gaita's thought on the unthinkable and evil has been discussed in Jonathan Glover, 'Insanity, crankiness and evil – and other ways of thinking the unthinkable', in Christopher Cordner (ed.), *Philosophy, Ethics and a Common Humanity: Essays in Honour of Raimond Gaita* (Milton Park, Abingdon, Oxon and New York: Routledge, 2011), 37–48.

On Experimental Philosophy, Morality and Meaning

does not think about raping women constantly. If a person says: 'I know that rape is wrong. However, I choose to spend a lot of time thinking about how to rape women in ways which are most satisfying to me and in ways which are least likely to get me caught.' (Note that an assumption here is that this person is not making this statement in a 'classroom' or 'seminar' context where the wrongness of rape is being debated.¹¹ It is not supposed to be a case of a drunken person speaking nonsense either.) In response to this scenario, we have good reasons to doubt whether this person understands what it means to say that 'rape is wrong'. Or at least we are justified in saying that this person is not sure whether rape is wrong. If considerations pertaining to mental compulsion or disorder can potentially complicate this example of rape, as in the case where someone cannot resist the urge of thinking about rape (e.g., 'I cannot help thinking about rape...'), consider the example of what I would call systematic lying. If we put aside questions regarding whether it is practical or not,¹² it seems that it is possible to live a 'successful' life by using various dishonest means systematically. If one is unwilling to entertain living according to this way, there is at least the possibility that one is doing so on moral grounds, *i.e.*, because one thinks that it is morally wrong. My claim here is not that it is always possible to identify some exact parallels between one's moral beliefs and one's behaviour, or that certain moral beliefs will always find expression in certain types of behaviour. What I am trying to maintain is that clear and well-formulated moral beliefs are potentially *incompatible* with certain types of behaviour which are of great moral import. When moral beliefs and behaviour which is noticeably contradictory to such beliefs co-exist in a person, it makes sense to raise the question whether this person understands the implications of his or her own moral beliefs. Also note that I am not giving moral *beliefs* any special status either. I take the view that being moral is primarily an attribute we ascribe to human beings which is made possible through our own understanding of their beliefs, feelings, character traits, dispositions, decisions, behaviours and so forth.

Ruling something out on moral grounds, or as Gaita calls it, the fear of thinking evil, is an internal aspect of morality: it tells us something essential about what it means to reason morally or what a genuine moral judgement is about. It contrasts with something external to morality such as the appeal to prudential considerations. When

¹¹ Cf. Anscombe's criticism on utilitarianism in G. E. M. Anscombe, 'Modern moral philosophy', *Philosophy* **33** (1958), 1–19.

¹² Consider the proverb 'a liar needs a good memory'.

a person who desires to commit rape or murder decides not to out of the fear of possible retribution or punishment, the behaviour of this person may *conform* to morality, but the justification is external to morality itself. This distinction between what is internal and external to morality is important to our present discussion.¹³ To the extent that experimental philosophers are using vignettes such as the one used in ‘The Magistrate and the Mob’ to collect data about moral intuitions, it seems unlikely that they can distinguish answers based on internal justifications of morality from those which are based on external justifications of morality. The reason is that subjects of such experiments are only required to indicate their level of agreement on a Likert scale in response to fixed questions about the vignettes. The experimental setting does not usually facilitate interactive discussion either. To the extent that experimental philosophers are using this format of experiments, they would not be able to tell whether the answers obtained are of a moral or non-moral nature. If data collected from this type of experimental setting is then categorized as *moral* intuition, the internal and external justifications of morality are likely to be blurred.¹⁴ The outcome is that what is seen as the moral intuitions of subjects becomes a blanket term to cover a variety of moral sentiments: all reactions, no matter whether they

¹³ My position here suggests that there is something distinctive about moral reasoning. The question whether the use of experimental philosophy in areas other than that of moral philosophy can also have an ethical dimension remains. One may say that the application of the experimental approach in aesthetics has no immediate ethical implication. (See, for example, Florian Cova and Nicolas Pain, ‘Can Folk Aesthetics Ground Aesthetic Realism?’, *The Monist*, **95** (2012), 241–263.) This issue, however, needs to be settled case-by-case. For example, although experimental philosophers may focus on epistemological questions alone, the descriptions of experimental subjects (regarding their epistemic status) in their studies may have moral or normative connotations. (See Shaun Nichols, Stephen Stich and Jonathan M. Weinberg, ‘Meta-skepticism: Meditations in Ethno-epistemology’, in Steven Luper (ed.), *The Sceptics: Contemporary Essays* (Aldershot, England and Burlington, VT: Ashgate, 2003), 227–247.)

¹⁴ As a possible example of a philosophical position where no sharp distinction between moral and non-moral intuitions is maintained, see Matt Bedke, ‘Ethics makes strange bedfellows: intuitions and quasi-realism’, in Matthew C. Haug (ed.), *Philosophical Methodology: The Armchair or the Laboratory?* (Abingdon, Oxon, England and New York: Routledge, 2013), 416–434.

On Experimental Philosophy, Morality and Meaning

are made on moral, prudential or psychological grounds, are lumped together as ‘moral intuition’.¹⁵

This emphasis on what is distinct to morality itself is related to another feature of morality highlighted by Gaita. He points out that in moral thinking, it is not always paramount to decide *what to do*: how to *characterize* or *describe* a situation can also be important. To illustrate this claim, Gaita uses remorse as an example.¹⁶ If a person has come to the realization that she has wronged someone, the moral response she experiences should, argues Gaita, be a form of remorse directed towards the victim. So, something akin to ‘What have I done to him!’ or ‘How could I have done this?’ captures what it means to feel remorse. The insight from Gaita is that moral theories seem to have difficulties in giving appropriate characterization or description to this kind of moral sentiment. Instead of focusing on the action itself and the victim, moral theories such as deontology, consequentialism and virtue ethics have a tendency to redirect our moral attention to something such as ‘acting out of respect towards the moral law’, ‘maximizing happiness’ and ‘living a flourishing human life’ respectively. When this happens, the remorse which is meant to be the focus disappears from sight. From this perspective, mainstream ethical theories seem unable to offer a satisfactory description of what it is to feel remorse.

If description matters in moral thinking, the manner in which cases of moral import are described by experimental philosophers merits further investigation. Gaita, following the paradigm of Socrates, argues that moral seriousness requires one to ‘stand behind one’s words’. One way to explain what moral seriousness means is to look at Gaita’s notion of ‘blackboard conclusions’.¹⁷ Suppose, by mere chance, someone comes across a blackboard in a classroom or in the street with moral arguments written on it. This person studies the premises and conclusions of these arguments and she notices that the arguments are valid and sound. Should this person follow these

¹⁵ Someone sympathetic to the methodology of experimental philosophy may object to my criticism above by saying that what is needed to tackle the problem is the use of more refined empirical experiments which are sensitive enough to differentiate intuitions which are based on moral justifications from intuitions based on non-moral justifications. In response to this objection, a lot depends on whether experiments that employ an *empirical* approach, *i.e.*, one that presupposes a clear distinction between subjects and objects, are well-suited to understand morality. I return to this issue in my discussion on form and content in section 5 below.

¹⁶ See Gaita, *Good and Evil*, xxi–xxii.

¹⁷ *Ibid.*, 308–330.

arguments and accept the ‘blackboard conclusions’? Gaita thinks that given the fact that the ‘blackboard conclusions’ are presented in such an impersonal manner, it is unlikely that they can have an impact on how people think morally. What gives support to this claim is the idea that when one tries to assess arguments presented in the ‘blackboard’ manner, one has little clue as to what it amounts to if one actually lives by such arguments. The urge to see what it is like to follow an argument fully in reality, to Gaita, amounts to the requirement of knowing how one can stand behind one’s words. In the absence of the realization of this requirement, it is far from clear how one can judge whether the person making a moral claim or argument is being serious or not. Gaita puts forward a corollary of this experience in the following way. While we may have come across a view or claim made by different people repeatedly, it is perfectly possible that we are unable to be moved by it. When this happens, one may say that the view or claim remains mere words to us. However, the same view or claim, when expressed by someone with moral authority or a kind of moral presence, may come to acquire new meaning to us. If this captures something important about the nature of morality, the implications on moral reasoning and moral education are profound. To complete this picture, Gaita himself has argued repeatedly in his writings that thinking about values takes place in an idiom where form and content are inseparable.

Before I proceed to explain what the inseparability of form and content amounts to, let me take another look at experimental philosophy in light of the notion of ‘blackboard conclusions’ above. The case of ‘The Magistrate and the Mob’ appears to be a case where one is invited to do some thinking and reach ‘blackboard conclusions’. The case is described in an impersonal manner: the subject asked to respond to the case has no concrete relationship with the case while the victim described is not a concrete individual either. In addition, the subjects seem to be asked to pass judgement on an imaginary case without knowing the implications of what it means to give an answer. As subjects who take part in the experiment have little idea of how the experimental findings are going to be used by experimental philosophers, it is far from clear how one can stand behind one’s words in relation to this particular experimental setting. When a subject can pass judgements on the moral acceptability of punishing an innocent person and provide experimental philosophers some ‘data’, whether this same subject will *act* in accordance to his or her judgements remains totally in the dark. One may even suspect that the judgements or answers given by a subject in an experimental setting may have no impact on the subject’s real life. From this

On Experimental Philosophy, Morality and Meaning

perspective, the setting of the experiment itself is liable to obscure moral seriousness because its design contains no specification as to whether the notion of moral evil is taken into consideration when a judgement is passed. When a subject is asked to give simple, short answers to an imaginary scenario with apparent moral impact, it is entirely possible to evade a *first-person, dialectical* response to the scenario in question because one is not required to give further justifications. Not only is it the case that the subject is not actually asked to justify his or her case, had the subject of the experiment wanted to give a serious response or to engage in an in-depth discussion, the experiment setting does not seem to allow that to happen. Instead, the way vignettes are used to collect data seems to suggest that *anyone*, serious or otherwise, can meaningfully pass judgement on moral cases. This apparent democratic stance provided by the experimental approach seems to be possible only at the cost of moral seriousness.

5. On form and content

Gaita insists that reflection on meaning and value has to be conducted in an idiom where form and content are inseparable. This insistence is closely connected to his distinction between ‘the realm of facts’ and ‘the realm of meaning’. To Gaita, while investigations within ‘the realm of facts’, such as scientific research, provide participants with the option of resorting to a factual and ‘objective’ approach, it is not possible for one to simply ‘stick to the facts’ when one is engaging with issues pertaining to meaning.¹⁸ Before I make an attempt to show that the use of vignettes by experiment philosophers is an example of an idiom where form and content are separable, it is worth having a go at pinpointing what Gaita’s position implies.

Concerning cases where form and content are separable, it is possible to abstract the content and express it in a formulaic manner without any loss of cognitive content. Consider the case of logic. The logical form of a valid argument can be expressed in words or various systems of symbols. To understand the concept of validity,

¹⁸ The discussion on form and content and the contrast between ‘the realm of facts’ and the ‘realm of meaning’ form a major theme in Gaita’s works and they can be found in different places in his writings. For form and content, see, for example, the chapter on ‘Moral Understanding’ in *Good and Evil*. His more recent work *The Philosopher’s Dog* contains illuminating discussions on the realms of facts and meaning.

it is actually a requirement to abstract the form from the content of an argument. A student of logic demonstrates that he or she comprehends the notion of validity when he or she can test the validity of an argument even if it involves the use of fantastical or far-fetched premises and conclusion. This harmonizes with the view that deductive validity is essentially a formal concept. It is the *relationship* between premises and conclusion that guarantees the validity of an argument. The content is only instrumental in assigning truth or falsity to propositions and it is therefore only of secondary importance.

One way to express the idea that form and content are inseparable is to say that *how* a thought or an idea is expressed is paramount. In other words, the manner in which a thought or an idea is conveyed is as important as the thought or idea itself. However, this does not fully capture the meaning of the claim regarding the inseparability of form and content. For, the emphasis on how something is expressed or the manner in which it is expressed seems to suggest that what is added to the thought or idea is simply some form of embellishment or some additional effect. Accordingly, a thought can be put in a manner which can be seen as polite, ironic, pompous, sarcastic or the like. Here how the thought or idea is expressed seems to serve some pragmatic function only, as if the style or manner of expression is selected in order to create some desired effect.

In the short story *The Death of Ivan Ilyich*, the dying protagonist struggles to understand the meaning of his own death. Tolstoy's description of what went on in Ivan Ilyich's mind seems able to cast light on the inseparability of form and content:

Ivan Ilyich saw that he was dying, and he was in continual despair.

In the depths of his heart he knew he was dying but, so far from growing used to the idea, he simply did not and could not grasp it.

The example of a syllogism which he had learned in Kiezwetter's *Logic*, 'Caius is a man, men are mortal, therefore Caius is mortal,' had seemed to him all his life to be true as applied to Caius but certainly not as regards himself. That Caius – man in the abstract – was mortal, was perfectly correct; but he was not Caius, nor man in the abstract: he had always been a creature quite, quite different from all others. He had been little Vanya with a mamma and a papa, and Mita and Volodya, with playthings and the coachman and nurse; and afterwards with Katya and with all the joys and griefs and ecstasies of childhood, boyhood and youth. What did Caius know of the smell

On Experimental Philosophy, Morality and Meaning

of that striped leather ball Vanya had been so fond of? Was it Caius who had kissed his mother's hand like that, and had Caius heard the silken rustle of her skirts? Was it Caius who had rioted like that over the cakes and pastry at the Law School? Had Caius been in love like that? Could Caius preside at sessions as he did?

And Caius was certainly mortal, and it was right for him to die; but for me, little Vanya, Ivan Ilyich, with all my thoughts and emotions – it's a different matter altogether. It cannot be that I ought to die. That would be too terrible.

That was the way he felt inside himself.¹⁹

From the standpoint of the character Ivan Ilyich, the syllogism 'All men are mortal. Caius is a man. Therefore Caius is mortal' is logically valid. Regarding its cognitive content, it is indisputable to Ivan Ilyich (and perhaps most human beings as well). As a syllogism used in the context of logic (*i.e.*, Kiesewetter's *Logic*), it is very likely that it is nothing more than an example of a valid argument. As such, its cognitive content can be abstracted from its form: another valid syllogism with a different content would serve its purpose in Kiesewetter's *Logic* equally well. From this perspective, it is little wonder why Ivan Ilyich is unable to discern any deeper meaning about mortality from the syllogism itself.

If the syllogism alone is unable to illuminate the meaning of mortality to Ivan Ilyich (or any human being), it can only show that the meaning of mortality is something that cannot be captured by a syllogism which has a separable form and content. (Here the perspectives of Ivan Ilyich and that of Leo Tolstoy are radically apart: while Ivan Ilyich is portrayed as someone at a loss to find meaning in a syllogism, Tolstoy is able to show us *through* the situation of Ivan Ilyich why it is the case.) Ivan Ilyich's inability to find meaning from the fact does not signal any failure on his part. To him, the syllogism is valid and it has a true content, however, its abstract and universal nature fails to address the meaning of mortality. This explains why it is incapable of saying anything meaningful to Ivan Ilyich at this point. When Ivan Ilyich refuses to see himself as an 'abstract man' such as Caius, it brings to the fore something essential about him, namely, what it is to be a human being. His difficulty in coming to terms with his own mortality is not a result of some factual error or psychological disorder. What Ivan Ilyich needed

¹⁹ Leo Tolstoy, *The Death of Ivan Ilyich* (London: Penguin Books, 1995), 53–54.

was not more facts about himself or the world, or some drug (or food) that can keep his rational mind functioning. Instead, he lacks a perspective where he can make sense of his own death and by implication, his own life. In this sense it is a perspective grounded exclusively in the first person perspective: no person in the world can develop such a perspective for him. This shows that his insistence in seeing himself as different from Caius pertains to his very identity: it is actually part of what it means to see himself as a unique individual with a distinct past. His refusal to identify himself merely as an 'abstract man' is not something *contingent* about him, it actually *defines* what kind of being he is. Had Tolstoy ended the story by writing: 'Eventually, Ivan Ilyich accepted his mortality because he managed to revitalize his logical reasoning by reminding himself that, in relation to his mortal nature, he is no different from Caius', he would have changed the story so drastically that its meaning would have become totally lost. Similarly, it would be a caricature of Tolstoy's passage above if we were to paraphrase it by saying that *because* Ivan Ilyich does not see himself as an 'abstract man' *therefore* he faces problems in understanding his own mortality. Ivan Ilyich's inability to see himself as an 'abstract man' like Caius is part and parcel of his identity. The kind of quandary facing Ivan Ilyich can only make sense to a being with such a self-conception.²⁰

²⁰ The view that serious moral thinking *essentially* involves ruling certain things out can be further elucidated with reference to the notion of moral identity. A person who subscribes to some ethical theory or ethical principle is, by definition, someone who has made some choices regarding the ethical theory or principle. This ethical choice, no matter how minimal or ephemeral it is, commits the person to *some* ethical positions. Such ethical positions can be seen as some form of anchor, without which it is not possible to ascribe the ethical theory or principle to the person in question. What this suggests is that some anchor or thoughts that are considered unthinkable are constitutive of one's ethical identity. The unwillingness to dispense with some principle or the refusal to entertain ideas regarded as unethical is part of what it is to be someone serious about ethics. Consider Gaita's case where a man robbed a woman and slashed her baby. In doing so he caused the death of the baby and immense trauma to the mother. Now, suppose one responds to this case by saying: 'Well, I know that most people would find this act ethically wrong or simply evil but it all depends. If you are a utilitarian of a particular kind it is conceivable that under some very unusual circumstances this act may be considered not so evil. Or if you happen to come from a culture with radically different views on women and babies you may also have different feelings about this act...' At this point, rather than trying to engage with the utilitarian and relativist arguments, I want to say that it is not entirely

On Experimental Philosophy, Morality and Meaning

What Tolstoy manages to capture here is how a syllogism devoid of meaning can appear to a person of flesh and blood. By depicting Ivan Ilyich's predicament, Tolstoy's writing brings home a particular need of human beings, namely the need to discern meaning from their existence. When reflection on meaning can go on, as the passage from Tolstoy has itself demonstrated, it cannot ignore the fact that it is some particular individuals that it is addressing. A work of art, a musical composition, a piece of prose or fiction may speak to some particular individuals but not others, the fact that such works do not have universal appeal should not diminish their importance. For the distinct character of such works is precisely to address individual human beings. It is no accident that a mere truism such as the one expressed by the syllogism does not speak to individual human beings. Another way to put this is to say that concerning meaning and value, there is no such thing as a universal form or style. In addressing issues regarding meaning and value, human beings are not just attempting to make factual discoveries, they are also engaging in a *reflective* search for a perspective where they can identify with a voice which can speak with or for them.²¹

While forms of art such as literature and poetry can be seen as paradigmatic cases where form and content are inseparable, it is also possible to see resemblances between forms of art and other forms of human activities. A conversation between two human beings can no doubt be one that is formulaic and devoid of sensitivity and creativity. However, when two human beings enter a dialogue where they are interacting with each other in a responsive way, it is inappropriate to say that they are merely exchanging information or following

clear as to *whom* we are dealing with: is it a morally serious person, or simply anyone? For, the inability to articulate a substantial stance points to the fact that the person seems not to be speaking for himself or herself: anyone could have made such a reply and to the extent that they are making this kind of reply, their moral identity remains elusive.

²¹ Another way to look at my position here is to focus on the distinction between facts and meaning. The case of Ivan Ilyich resembles the situation of some human beings: to them, their own mortality seems more like a notion or a piece of information in their head and they are actually reluctant to confront it. When this is the case, acknowledging the *fact* that one is mortal seems perfectly compatible with being blind to the meaning of one's mortality. If no such gap between fact and meaning existed, we could expect that questions of value would be solved with the discovering of more facts. This distinction between facts and meaning suggests that 'the realm of facts' and 'the realm of meaning' are radically distinct.

social etiquette. Instead, their dialogue may go beyond the level of information and allow them to understand both each other and themselves: that they can ‘speak’ to each other as opposed to conversing to each other suggests that their particularity and individuality have received their due recognition. As it happens, the people taking part in this form of dialogue may be surprised to see that it can lead them to places that they could not have foreseen.

If form and content are indeed inseparable in the idiom where reflection on meaning takes place, experimental philosophy will then face a challenge. The common practice of experimental philosophy involves the use of vignettes and subjects are asked to give simple answers in response to fixed questions. In order to guarantee validity and reliability, the vignettes and the questions are usually presented in a manner where subjects are given only what experimental philosophers consider to be the minimal amount of information necessary for them to make a decision.²² From this perspective, experiments are meant to be *universally* valid for subjects with different backgrounds (provided that they have the mental competence to comprehend basic concepts expressed in simple language). Due to this universal character, experiments designed this way are also inherently *abstract*: due to the particular design of experiments and the wording of vignettes, experimental subjects are instructed (or forced) to give their response (or answer) in an abstract way, *i.e.*, in isolation or in separation from other ideas and concepts.²³ The likely outcome of this methodological maneuver is that experiments are unable to make contact with the personal and particular character of experimental subjects. As experimental philosophers strive to design universally valid and reliable experiments, no particular human beings have been addressed. The fact that experiment subjects can only give abstract answers in response to vignettes prevents them from forming a larger picture in a narrative

²² Cf. The notion of minimal narrative in Gaita, ‘Narrative, Identity and Moral Philosophy’, 261–277.

²³ In his critique of experimental philosophy, Baz points out that experimental philosophy’s major methodological flaw lies in an artificial separation of semantics from pragmatics. In other words, when experimental subjects are asked to choose between the answers ‘REALLY KNOWS’ and ‘ONLY BELIEVES’ in response to a Gettier case, they are required to apply the terms ‘to know’ and ‘to believe’ with reference to their meaning (semantics) alone without being able to refer to the wider context where such terms are actually used (*i.e.*, their pragmatics). The implication, argues Baz, is that subjects put in such a situation actually lack the contextual resources to apply the terms in the same way they apply them in ordinary circumstances. (See Baz, *When Words Are Called For*, esp. 87–133.)

On Experimental Philosophy, Morality and Meaning

space (in ‘the realm of meaning’) where they can discern meaning. Given this universal and abstract character of experiments, it is open to question as to how issues of meaning can be addressed properly. In dealing with issues related to meaning, not only is it important for subjects to be able to voice what they think, it is also paramount for them to fully understand the meaning of what they have actually said. Refinement of experimental setting is certainly an option for experimental philosophers. However, the manner regarding how the experimental setting can be improved is crucial. Contrary to the claim that *more* empirical experiments using vignettes and the like should be used, the consideration of form and content suggests that a different *kind* of ‘experiment’, or ways to collect data, is needed.²⁴ Rather unsurprisingly, there seem to be existing methods where the moral intuition of different people (philosophers or non-philosophers) can be collected, though in a time-consuming and often ‘messy’ manner. Philosophical cross examinations, or the method of *elenchus* as practiced by Socrates, qualitative interviews conducted in the social sciences, study of cultural ‘texts’ or artifacts such as literary work, popular music, advertisement, movies and so on are ready-to-hand examples. What is significant is that such ways of gathering information do not always presuppose or aim at objective accuracy: questions put to subjects are not just employed to elicit ‘answers’: through an interactive dialogue with their subjects, researchers can also discover something important about themselves, such as their own prejudices and limitations. If the identity of experimental subjects as *moral* beings is fully acknowledged, an inherent short-coming of the experimental approach can be made obvious. For, only questions that are responsive to the particularity of human beings are able to allow human beings to say something meaningful about themselves in response to them. If experimental subjects are treated as sources of empirically testable ‘data’, there is a risk that such ‘data’ may not fully reflect their human and moral qualities.

²⁴ Recall the case discussed by Doris and Stich (in ‘As a matter of fact’) regarding the man with the chicken. Doris and Stich seem to think that the apparent moral disagreement between people of high and low socio-economic statuses regarding this case calls for more ‘systematic empirical investigation’. Instead of going along with this suggestion, I want to say that a different kind of dialogue, aimed at mutual moral understanding, seems more promising.

6. Objections and replies

In this section, I will briefly deal with three possible objections to the positions I have developed in this paper.

The first objection is concerned with the characterization of the exact role of experimental philosophy. While I have tried to argue that the use of empirical experiments in the study of moral intuition does not take into consideration the notion of moral seriousness, it could be objected that experimental philosophy does not actually deal with *moral* intuition. Instead, it only examines people's pre-reflective intuitions regarding moral cases. My reply to this objection is that provided that experimental philosophers are trying to evoke people's intuitions regarding a scenario with moral implications, they cannot avoid taking a stance regarding what moral thinking amounts to. The chance of eliciting pre-reflective intuitions in response to moral cases also seems slim. For, the boundary between a pre-reflective and reflective intuition is vague and indeterminate: experimental subjects are, after all, human beings who live in social environments where they are constantly exposed to influential moral theories or ideologies. The ultimate use of experimental findings is also relevant here, to the extent that experimental philosophers are using people's pre-reflective intuitions (if they can be collected) to describe their *moral* thinking, experimental philosophy cannot deny that they are not dealing with morality.

Admittedly, the very idea of moral seriousness and the readiness to rule out something on moral grounds are controversial matters and they may appear to be moralistic. The second objection focuses on these issues and the objection may go like this: 'You point out that moral seriousness requires a person to rule out something on moral grounds. If a person appears to be unable to do so, you consider this to be an indication of a lack of moral seriousness. The problem with this line of thought is that it is a case of *argumentum ad hominem*: you are not making an attempt to deal with the opinion or the argument of the person. Instead, the requirement of moral seriousness implicitly suggests that some *persons* are morally superficial or morally corrupt. Who is to judge what it is to reason morally anyway? The charge that experimental philosophy pays inadequate attention to moral thinking seems to be a case of moralizing: moral thinking takes many forms and it is not always necessary to take a moral stance towards people's moral intuitions.' In reply I would like to point out that taking moral matters seriously is internal to moral thinking itself – it seems incoherent to identify a case of moral importance and not attend to it. Given that experimental

On Experimental Philosophy, Morality and Meaning

philosophers are interested in finding out something important about people's moral thinking, concepts that are indispensable to moral thinking need to be given due recognition. If experimental philosophy fails to rise to the conceptual demands of morality, it is something to be acknowledged.

The final objection might be seen as a charge of elitism. The picture of moral thinking I have developed in this paper associates moral thinking with the use of serious, ongoing philosophical dialogues and to a lesser extent the use of idioms where form and content are inseparable. The objection may highlight the fact that this particular portrayal of moral thinking is elitist: not only does it require a lot of time and resources, it may turn out to be the case that ordinary people do not reason morally in such a manner. It could be further pointed out that ordinarily, people respond to ethical perplexity in a 'pragmatic' manner. From this perspective the depiction of moral thinking in this paper is unrealistic. In order to respond to this charge, something no less than a comprehensive account of moral thinking is needed so it is not possible for me to achieve that here. Still, I would like to make two related points. Firstly, the actual manner in which people make their moral decisions is not static or fixed. In other words, it is possible for people to change their moral thinking in various ways, though not always in a positive manner. To the extent that people's moral thinking has some relevance to moral philosophy, how moral philosophy itself (understood broadly) conceptualizes moral philosophy has a role to play in how people think morally. Secondly, I would like to emphasize the fact that the objections raised here contain some implicit moral presuppositions. The claim that 'ordinary people' think about moral issues in such and such a way is itself both an empirical and conceptual claim: it describes what people do in reality and it delineates the boundary between moral and non-moral thinking. To further investigate how people actually think about morality, it is essential to clarify conceptually what it is to think morally. As empirical works on moral thinking presuppose some way of identifying instances of moral thinking, it has to pay attention to important conceptual issues.

7. Conclusion

Experimental philosophy often involves the use of vignettes to gather data about people's intuition and there are actual cases where people's moral intuitions are studied with the aid of vignettes which contain morally significant ideas or scenarios. By focusing

Hektor K. T. Yan

on the case ‘The Magistrate and the Mob’, this paper explored the ethical presuppositions behind the use of this kind of experimental strategy. I argued that so long as experimental philosophers are conducting empirical research on people’s moral intuition, certain important characteristics about moral thinking or moral reasoning ought to be taken into account. In particular, I tried to highlight the fact that moral seriousness requires that a person making a moral claim should stand behind his or her words. If this formulation of moral seriousness is indeed an integral part of moral thinking, the common experimental design used by experimental philosophers faces the risk of obscuring its importance. In addition, by re-applying the notion of form and content in the context of experimental philosophy, I cast doubt on whether the usual methodology employed in experimental philosophy can be adequately used in the explorations of issues concerned with meaning and value. If the arguments presented in this paper are plausible, experimental philosophers may need to reconsider their readiness to employ their standard empirical approach in their study of moral intuition.²⁵

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²⁵ I would like to thank my colleague Ho-mun Chan for introducing experimental philosophy to me. Older versions of this paper have been presented previously at the American Philosophical Association Eastern Division Meeting in December 2012, the Moral and Political Philosophy Research Seminar at the University of Helsinki in March 2014, and the Philosophy Colloquium at University of Wales Trinity Saint David in April 2014. I would like to express my gratitude to the audience at these occasions for their constructive comments and suggestions. Lastly, I would like to thank Samantha Wray for her ongoing support and advice.