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ETHICS AND UNCERTAINTY: THE GUEST EDITOR'S INTRODUCTION

– Tomasz Żuradzki –

Until very recently, normative theorizing in ethics was frequently conducted without even mentioning uncertainty. Just a few years ago, Sven Ove Hansson described this state of affairs with the slogan: "Ethics still lives in a Newtonian world."[1] In the new *Oxford Handbook of Philosophy and Probability*, David McCarthy writes that "mainstream moral philosophy has not been much concerned with probability," understanding probability as "the best-known tool for thinking about uncertainty."[2] This special predilection for certainty in ethics was surprising since most decisions or evaluations are made both by individuals and policy-makers through the fog of a widely understood uncertainty that includes risk, ignorance, indeterminacy. Therefore, the main task of this special issue and international essay prize competition is to encourage philosophers to rethink the standard paradigm in ethics by redirecting discussions about ethical questions to problems involving different kinds of uncertainty when an individual or a policy maker does not have access to or knowledge about (for example): the relevant facts, the consequences of decisions, the identity of people involved, other people's or her own preferences and decisions, the individuation of actions, the ontological and moral status of some beings, the relevant normative doctrines or value scales etc. Since there has recently been growing interest in topics related to ethics and decision making under uncertainty,[3] we hope the papers in this issue of *Diametros* will supplement some other new publications about the relevance of different kinds of uncertainty for ethics, either on a theoretical level (e.g. the recent symposium on decision theory in *Ethics*),[4] or on a practical level (e.g. the recent symposium on the benefit/risk ratio challenge in clinical research in the *Journal of*

[1] Hansson (2003): 291.

[2] McCarthy (2016): 705.

[3] E.g. in the latest edition of the Philosopher's Annual (2017), a collection of the ten best articles published in philosophy each year, both articles in ethics concern problems involving uncertainty: Bovens (2016) and Voorhoeve, Floeurbaey (2016). See also earlier landmark works on ethics and uncertainty by John Harsanyi, John Rawls, John Broome, Włodek Rabinowicz, among others.

[4] Buchak (2017a); Lazar (2017a); Tenenbaum (2017); Williams (2017).

Medical Ethics).[5] Selecting the winners of the international essay prize competition was extremely difficult and the editors of *Diametros* decided to award three first prizes (6000 PLN each) to Piotr Bystranowski for the paper "Retributivism, Consequentialism, and the Risk of Punishing the Innocent: The Troublesome Case of Proxy Crimes," to Mariam Thalos for the paper "Expectational v. Instrumental Reasoning: What Statistics Contributes to Practical Reasoning," and to John R. Welch for the paper "Coping with Ethical Uncertainty."

In the first paper of this issue of *Diametros*, Jonathan Baron argues that probability provides a conceptual foundation for dealing with uncertainty and that probability based on personal degree of belief "allows us to make sense of the idea that unique events have probabilities." He advises deciding on our best judgments on probability and allows only a very few exceptions from this rule, for example when consequences depend on our judgment itself or when we have good reason to think that our judgment is biased in a particular direction. Finally, discussing some practical examples, he critically analyses decision rules that do not use probability, e.g. the presumption of innocence and the precautionary principle, among others.

Piotr Bystranowski's paper – the joint winner of the international essay prize competition – addresses the differences between retributivism and consequentialism in the context of unintentionally punishing the innocent. Retributivism reveals a strong aversion towards punishing the innocent and requires a high evidentiary threshold in criminal law; consequentialism agrees for the relaxation of a high standard of proof if it may generate better consequences overall. The difference between these views is discussed in the context of proxy crimes that are introduced when the lawmaker decides to criminalize the suspicious behaviour itself, in situations when some behaviour indicates that an individual may have committed a crime but there is uncertainty as to whether the court would treat evidence sufficient for conviction (e.g. illegal gratuities or possession of drugs over the specified quantity). Bystranowski argues that proxy crimes are very much more troublesome for retributivism if it adopts a substantive reading of the presumption of innocence since individuals who commit proxy crimes may not be punishment-worthy.

Sven Ove Hannson's paper distinguishes two meaning of the word "uncertainty": epistemic ("something is not known by the agent") and agential ("something has not been decided by the agent"). It analyses cases when it is unclear for an agent whether or not she presently has control over her own future actions, as

[5] See, e.g.: Buchak (2017b); Eyal (2017); Hare (2017); Kamm (2017); Kumar (2017); Wilker (2017).

in this simple example: "Can I open the box of chocolates and take just one single piece?" Hansson claims that there is a sensible pragmatic solution to this type of situation that maximizes the agent's chances of success: an agent should try "to look at herself from the outside, and choose the control or no-control approach in the way that a benevolent observer would have recommended."

Keith Hyams discusses when, according to luck egalitarians, inequalities may be just. In the Dworkinian approach (hypothetical choice) they are just when they arise either from chosen risks or from risks against which agents would not have insured themselves. In the Cohenian approach (actual choice) they are just to the extent that they eventuate from actual choices, including actual choices to take risks. Hyams argues that this first approach is better, and introduces a "two-stage model" that distinguishes, "first, whether or not the choice to take a risk ought to be treated as an inequality-justifying event, and second, separately, whether or not the eventuation of the chosen risk ought to be treated as an inequality-justifying event." He argues that not all chosen risks are inequality-justifying events.

Sylvie Loriaux notices that relatively little attention has been paid to uncertainties in global justice theories and she identifies four kinds of uncertainties that could potentially have an impact on the nature, content and very existence of global duties. The first type concerns the real or possible causes of global injustices and this uncertainty stems from the impossibility of establishing that the present state of global injustice has been caused in the past or by the existing global institutional order. The second type comes from uncertainty about the real and possible consequences of alternative courses of action, in particular, which actions could work in the context of international humanitarian or development aid. The third concerns the 'imperfect' character of certain global duties and stems from uncertainty how to allocate the duties corresponding to so-called social and economic human rights, or the impossibility of determining *at present* what role particular global actors should play in the pursuit of global justice. The final type is related to the anarchical character of the international sphere, and stems from the impossibility of predicting how other states will behave.

Kristin Shrader-Frechette uses recent research on diesel particulates to demonstrate that some researchers and governmental agencies mischaracterize either situations of decision-theoretic mathematical or scientific uncertainty (defined in terms of purely-subjective probabilities) as situations of risk (defined in terms of reliable, often frequency-based, probabilities), or situations of risk as those of uncertainty. As an example of this second mischaracterization, Shrader-Frechette highlights the methodological flaws in the US Environmental Protection Agency who characterize confirmed, quantifiable, severe diesel-vehicle-exhaust

risks as uncertain, and treats this risk analogically, for example, to thousand-year predictions of future terrorist attacks at dangerous radiological sites. This mistake contributes to inadequate regulation and completely preventable, diesel-induced deaths. The paper concludes by outlining two normative strategies for curbing misrepresentations of risk or uncertainty, and aims to demonstrate that epistemology and philosophy of science should not be divorced from real-world ethics.

Miriam Thalos' paper – the joint winner of the international essay prize competition – highlights the fact that risk-numericalizing theories of decision (that is, utility theories that offer numericalized representations of risk) are inadequate as instrumental theories of reasoning. Her starting point is the famous example by Paul Samuelson who reported that he once offered a colleague a win $200 / lose $100 wager on a fair coin toss. The colleague declined the bet, but declared a willingness to accept 100 such bets together. Samuelson argued that this pair of choices was inconsistent and his colleague ought to accept such a bundle if (and only if) he is willing to take each bet in the bundle individually. In her paper, Thalos argues that this sort of consistency is not worth having: "some sequences are acceptable, even if none of the single plays are individually acceptable" and vice versa "some sequences are unacceptable despite each of its individual plays being individually acceptable."[6]

In the last paper in this issue of *Diametros*, John R. Welch – the joint winner of the international essay prize competition – recalls Kant's life-saving lie, where an agent doubts "whether it would be a crime to lie to a murderer who asked us whether a friend of ours whom he is pursuing has taken refuge in our house." In order to calculate the expected utilities of lying and telling the truth, the agent would need to know the probability that the murderer believes the agent and the utilities of the various outcomes. And this is, of course, impossible in any similar real-life situation. Nevertheless, Welch argues that there is a decision-theoretic approach that has a fighting chance of being applied in conditions of information poverty. To apply it, the concept of probability must be generalized as plausibility and that of expected utility as plausibilistic expectation. Welch argues that his approach is able to cope with the uncertainty endemic to most ethical decision making. He argues that both the deontologist and the consequentialist attempt to attain some good, and they can both be understood as maximizers of plausibilistic expectation, although they aim at different types of goods.[7]

[6] Cf. Lazar (2017).

[7] The editorial work on this issue of *Diametros* was partially supported by a grant of the Ministry of Science and Higher Education in Poland, National Programme for the Development of Humanities, no. 0177/NPRH4/H3b/83/2016.

References

Broome J. (1991), *Weighing Goods. Equality, Uncertainty and Time*, Blackwell, Oxford.

Buchak L. (2017a), "Taking Risks behind the Veil of Ignorance," *Ethics* 127 (3): 610–644.

Buchak L. (2017b), "Why High-Risk, Non-Expected-Utility-Maximising Gambles Can Be Rational and Beneficial: The Case of HIV Cure Studies," *Journal of Medical Ethics* 43 (2): 90–95.

Dreier J. (2004), "Decision Theory and Morality," [in:] *The Oxford Handbook of Rationality*, A.R. Mele, P. Rawling (eds), Oxford University Press, Oxford: 156–181.

Eyal N. (2017), "How to Keep High-Risk Studies Ethical: Classifying Candidate Solutions," *Journal of Medical Ethics* 42 (2): 74–77.

Hansson S.O. (2003), "Ethical Criteria of Risk Acceptance," *Erkenntnis* 59 (3): 291–309.

Hare C. (2017), "Risk and Radical Uncertainty in HIV Research," *Journal of Medical Ethics* 43 (2): 87–89.

Kamm F.M. (2017), "The Morality of Risks in Research: Reflections on Kumar," *Journal of Medical Ethics* 43 (2): 128–131.

Kumar R. (2017), "Contractualist Reasoning, HIV Cure Clinical Trials, and the Moral (Ir)Relevance Of the Risk/Benefit Ratio," *Journal of Medical Ethics* 43 (2): 124–127.

Lazar S. (2017a), "Deontological Decision Theory and Agent-Centered Options," *Ethics* 127 (3): 579–609.

Lazar S. (2017b), "Anton's Game: Deontological Decision Theory for an Iterated Decision Problem," *Utilitas* 29 (1): 88–109.

McCarthy D. (2016), "Probability in Ethics," [in:] *The Oxford Handbook of Philosophy and Probability*, A. Hájek, C. Hitchcock (eds), Oxford University Press, Oxford: 705–737.

Rawls J. (2003), *A Theory of Justice* (Revised Edition), Harvard University Press, Cambridge (MA).

Tenenbaum S. (2017), "Action, Deontology, and Risk: Against the Multiplicative Model," *Ethics* 127 (3): 674–707.

Voorhoeve A., Fleurbaey M. (2016), "Priority or Equality for Possible People?" *Ethics* 126 (4): 929–954.

Wikler D. (2017), "Must Research Benefit Human Subjects if it is to be Permissible?" *Journal of Medical Ethics* 43 (2): 114–117.

Williams J.R.G. (2017), "Indeterminate Oughts," *Ethics* 127 (3): 645–673.