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What Experimentalism Means in Ethics

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> The factors which have brought society to its present pass and impasse contain forces which, when released and constructively utilized, form the positive basis of an educational philosophy and practice that will recover and will develop our original national ideals. The basic principle in that philosophy and practice is that we should use that method of experimental action called natural science to form a disposition which puts a supreme faith in the experimental use of intelligence in all situations of life.
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> —*John Dewey and John Childs, "The Social-Economic Situation and Education" (1933)*

In the past, ethical theories have been presented as self-sufficient and holistic. Philosophers have historically been either deontologists, consequentialists, virtue ethicists, divine command theorists, or some other particular theorist to the exclusion of other points of view. In John Dewey's American Pragmatism we see a shift that has gone underappreciated in moral theory, one that I will defend in this essay. Dewey was an experimentalist. In this essay, I will show what I take experimentalism to mean in moral theory. This is important to do, since the very idea of undertaking moral experiments sounds a bit unnerving. The reason one might have this

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feeling is due to the history of unethical experimental practices that have become famous, such as in the Tuskegee syphilis experiments or Stanley Milgram's well-known psychological studies.[1]

To allay fears about the experimentalist's approach to ethics, I will begin with a description of experimentalism's basis in good scientific practice. Surely there have been scientists who have done wrong, but good science learns from the mistakes that others have made and follows a set of important rules for inquiry. Next, I will discuss some of the ways in which experimentalism is an outlook and spirit that America profoundly values in its history and government—*the* American experiment. Then, I will offer an example of the theoretical flexibility necessary for experimentalism as we find it in one of John Rawls's early writings and in the ethical tradition generally. In "Two Concepts of Rules," Rawls presents a sobering defense of utilitarianism in the legislative rule-establishing task.[2] He offers a way to see utilitarianism's consistency with a deontological outlook on punishment and the adherence to rules that we set for utilitarian reasons. Finally, I will conclude with some examples of the ways in which American public policy can be approached with the experimentalist method that so many industries adopt already. For when industry wants to maximize profits responsibly and carefully, businesses find test markets, set up realizable experiments, and perform careful science with profit as their incentive. When a test market does well in one region, similar tests are undergone elsewhere to see whether widespread implementation of products or services would be a good idea. Similarly, in public policy, we frequently bring to other states and sometimes to the federal government those practices and programs that are extremely successful at a particular local level. What will drive inquiry into the best decisions for public policy will not be the profit motive, however, but the noble goal of moral growth.

I. Experimentalism's Origin in Scientific Practice

To understand the meaning and value of experimentalism in moral theory, it is important to see why experimentalism in the sciences is as successful as it is. As Dewey put it, "Experimentalism is the cause of the victories won by science in the physical field, while the social field is kept as a preserve sacred from the free use of experimental procedure. The result is unbalance, distortion, and misuse of the physical fruits of science."[3] To make

use of the greatest lessons of the sciences, we must recognize some key scientific attitudes and approaches.

In an essay called "The Development of American Pragmatism," Dewey notes that the father of the experimentalist pragmatic movement, Charles Sanders Peirce, came to his remarkable idea given his own scientific background.[4] Scientists, even of the highly theoretical kinds, must explain their hypotheses in terms of conceivable future testing. Without the process of the confirmation of hypotheses, science can only make guesses and hope for future possibilities for testing to emerge. In this sense, then, experimentalism in science involves reference to the future, to the fact that our ideas only have meaning in reference to what they would imply given the outcomes of testing and confirmation. It is in this sense that in experimentalism generally, Dewey explained that one ought to "think in terms of action and in terms of those acts whose consequences will expand, revise, test, your ideas and theories. This is the first commandment of the experimental method."[5] Our ideas, Dewey explains, must be considered in light of how they can be applied in the real world, even if not now, at some point at least. Consider that Einstein's theories could not be tested in his day, yet today many of them can be. The point that Dewey would make is that our ideas must concern the realm of what is or will be possible for action. Otherwise, we are stuck in a realm of moral fantasy, which cannot really have bearing on the world in which we live.

We can see that the experimentalist approach to inquiry generally, and thus in ethics also, calls for people to see their own points of view as fallible, as in a condition that could be revised, otherwise we imply that we are incapable of learning, of making progress. Anyone who doubts the potential for moral progress and learning risks bringing to fruition a devastating self-fulfilling prophecy. Openness to adaptation and the refinement of moral ideas, then, is a crucial component of moral intelligence. At the same time, this moral consideration must always be envisioned in light of real possibilities for action that could be implemented at least at some point in the future.

It is important to distinguish true experimentalism from the simple idea that we often try things in ethics and public policy. True experimentalism carries out tests of a hypothesis and makes adjustments before trying again.[6] In efforts to address moral concerns, then, experimentalism demands that people do not treat themselves as the sole sources of truth and moral consideration. Experimentalism involves recognition of the fact

of individuals' limitations, the fact that no one person has a complete or flawless understanding of ethical concerns. In this light, we see that experimentalism in ethics, as in other spheres, is a theory that is especially democratic. It calls for openness of mind for people to try alternate experiments elsewhere. Just as in science, any person has the potential to provide important insights from his or her own point of view, and in ethics all persons have the potential to contribute profitably to debate.

Among the most important things that experimentalism in moral theory presents is recognition that solutions from earlier times are underdetermining or will need updating for future problems. Consider the debates necessary in politics once the initial U.S. Constitution was signed. What the country would later decide about air travel safety laws or about Internet connectivity and practices could not have been determined in whole even by the wisest of persons. In religious scriptures, furthermore, we can see change over time in the ways that religious beliefs call people to action. Famous examples include Mosaic Law, which demanded that people who light fires on the Sabbath be stoned to death. These ideas were then supplanted in Jesus's call for only those who have not sinned to cast stones. Another example in scripture is the Ten Commandments, which some believe to be less important than what Jesus taught as the one true commandment: to love thy neighbor as thyself. At least according to some religious believers, even the demands of scripture change, therefore.

The need to update our ideas in light of new problems goes hand in hand with the scientific idea that in the process of inquiry, even goals themselves often need to be rethought. Any scientific inquiry will depend on certain accepted beliefs and practices. The anomalies we encounter, which inspire the curiosity that compels us to inquire further, sometimes call us to rethink the beliefs and accepted practices we uphold, but at other times they require that we think of the problems at issue differently. Also, so many of the discoveries we make come as a result of searching for something entirely different from the outcomes of our inquiries. The material that is used in Post-It Notes, for instance, was the result of failed efforts to make a new and improved form of glue.[7]

A few concerns are important to address in arguing for experimentalism in ethics. The first one is that critics may worry about the prospects of true experimentation and of the right attitudes in ethics, when those engaged in moral debates are often found to be competing in power struggles. Professor John Stuhr at the American Philosophies Forum

rightly pointed out about this moment in the present paper that there are no outlooks without frameworks. There are no perfectly objective viewpoints. Thus, the idea of scientific objectivity might be too tempting for some to translate mistakenly into the contexts of ethics. This is true, but while the same issues arise in the sciences, we make great progress with them. So long as we remember the ways that our beliefs factor into the very collection of facts with which our experimental inquiries begin, we can keep at the forefront of our minds the aim to approach ethical inquiry with openness and maximal consideration for the interests and insights of others. The similar challenge for the sciences can be profound, since the sciences are extremely competitive today. Grant funding is difficult to win in the presence of intense competition. Plus, the persons who decide whether one's work is worthwhile for publication or funding are supposed to find any flaws they can in the design of the candidates' experiments, results, conclusions, and so on. One might think that the end goals are more similar in the sciences, however, than what we find in the moral sphere. There too, however, goals of scientific study can vary greatly even when different scientists study the same biological mechanisms. *Why* one intends to study a certain material has a great deal to do with the theories and approaches that scientists will take. The more variety we can get in intelligent consideration of options for scientific discovery, furthermore, the more likely we will be either to stumble upon what we are looking for or to see better how to reformulate the very goals we once pursued.

As I mentioned in the beginning of this essay, a powerful worry critics might have about experimentalism is the fact that "social experiments" in the past have at times been horrifyingly cruel to people used as subjects. Dr. Josef Mengele comes to mind when we think about ethics and experimentation, given that his work was so disrespectful of people that it has come to be the paradigmatic example of immoral science. Countless examples of scientific experiments disrespectful of the people studied and affected can be found, such as in the cases of the Tuskegee experiments.[8]

From these and other devastating examples of disrespect for fellow human beings, the question as a result is this: Should we treat such difficult cases and examples as evidence against intelligence and learning or as opportunities precisely to learn to do better? The clear answer is that the process of intelligence, of experimentalism, dictates that social

and ethical structures be put in place to prevent such terrible occurrences from repeating. Fortunately, today we have a number of such structures, though most likely not enough or not in all relevantly desirable areas. Within universities, some of the most important spheres in which research is done, we have internal review boards that assess proposals for the study of human subjects. Philosophers here have been extremely influential. In particular, "The Belmont Report" is an exemplar of the intelligent moral response to problems that were addressed precisely with an experimental effort to combine insight from a variety of ethical traditions.[9] Taken in the experimentalist spirit, it may well be that the ethical guidelines for research need updating, yet "The Belmont Report" is an example of the effort to address new problems with some old tools as well as with some new ones, in this particular case focused on our treatment of human subjects. We also have policies today about how animals are treated in scientific practice, which are more stringent the more complex the consciousness of the animal. The fact that people may need more developed practices in any such spheres is only evidence for, not against, the processes and virtues of intelligent, democratic experimentalism in moral theory. What will work best will depend on human beings' best efforts to act and legislate morally as we carry out our various duties and activities.

Dewey wrote that "life based on the experimental intelligence provides the only possible opportunity for all to develop rich and diversified experience, while also securing continuous cooperative give and take and intercommunication."[10] Here we see at the same time the call for democratic attention to the value and benefit of all and also the limits of moral action, where some will prefer to fight and avoid the processes necessary for intelligent judgment and debate. Experimentalism involves a crucial attitude necessary for good leadership, one that not only sees what leaders must do as the trying out of ideas but also involves the recognition of those ideas as live and in need of adjustment and reformulation as new problems and challenges arise in the course of public inquiry and engagement. The content of experimentalist ethics, beyond the crucial scientific attitude, is evident in the best practices of scientific process—observation, hypothesis, testing, reformulation, and mutual exchange with others who engage in their own similar efforts. In this sense, experimentalist ethics is a democratic ethics that requires respect for others as sources not only of their own values but also of insight for each other citizen.

It may be helpful here to list some key tenets of experimentalism that I have mentioned so far in this essay. They include at least the following:

1. an attitude of openness to learning through trial and error
2. acceptance that persons of all backgrounds could be sources of insight about ethics
3. agreement that inquiry through good scientific methods will be taken seriously in judging the outcomes of experiments
4. recognition that there is a creative element in hypothesis formation or the framing of problems to be examined and tested, which will always include implications and potential for unwanted bias
5. realization of the limits of human knowledge, both in terms of empirical fact and in terms of moral experimental design
6. preparedness to draw on the valuable tools of various moral theories, without seeing any singular theory as required for all to accept exclusively
7. acknowledgment of the expansive progression of moral consideration beyond the limits of what previous generations respected morally

Surely one could add to this list or refine any one point involved. At the same time, it is helpful to recognize the virtues involved in these processes. What we notice, furthermore, is that experimentalism is at bottom a democratic ethics. This is no surprise, given the origins of experimentalism in Dewey's democratic theory.

Two further matters are worth considering here before moving on to the next section. The first concerns the limits to human knowledge that can be obtained morally, and the second has to do with the challenges of accepting the incrementalism inherent in experimentalism.

First, we have discovered many times why it is that certain things we wish to know cannot be discovered in a way that itself is acceptable ethically. Discovering the extreme abilities of the human body to survive terrible circumstances is something that the Nazis sought to learn through efforts like Mengele's, but they were willing to commit horribly immoral acts for that goal. Surely our scientific practices and justifications for study will evolve over time, but currently we have a strict system for deciding what kinds of science we will allow. We have that system, furthermore,

because of the development of some truly terrible forms of social inquiry that ought not to be repeated. Despite our present limits, however, there may come to be new ways one day of testing things that at one time could only be tested in immoral fashions. Thus, it is not clear whether some things will never be known in an ethical way or whether with enough time and effort scientists will develop new methods that avoid moral problems. Consider, for instance, the move to study adult stem cells and the effect of that move on the controversy regarding embryonic stem cells. If adult stem cells can yield the same effects as their embryonic counterparts, many of the elements of the conflict at issue seem to dissolve. In the end, however, experimentalism must be understood at any given time as a theory, like any other, that is confined by the limits of what we do, can, and ought to know.

Next, there is an important element of scientific inquiry that must be incremental. Consider a child who has an illness. If too many changes take place for her at once, what made her better may not be identifiable without the incremental changes that isolate one factor at a time for testing. Thus, changes, like adjustments to medicines, must sometimes happen incrementally, even though we may have great reason to desire quick change.

To this challenge, we can appoint a representative in Dr. Martin Luther King Jr. He wrote time and again about "why we can't wait."[11] There are social changes that were clearly ones that needed to happen. People over and over told King and other social activists that they were simply impatient. The detractors argued that eventually change would happen but all should come in good time. Even then, too, there were those who thought King was too modest and slow. The point here is that one could worry about experimentalism, since it involves the idea of taking one's deliberate time, being careful to make slow changes at each step.

Several responses here can be offered. The first one is that sometimes in medicine and the sciences we make great discoveries that take time for people to accept. At Harvard, the scholar Louis Agassiz resisted the growing popularity of evolutionary theory, for example. Big change can be called for in the sciences and in experimentation, in other words. For instance, when great problems are revealed for a medical patient, drastic changes can be called for, even if the new efforts are also approached as experimental. Thus, in some senses, experiments need not always change slowly, but only in the context of a line of inquiry that needs particular care. Sometimes practices can be and ought to be revolutionized.

Also, in the sciences, there are many issues that require a serious effort that is not small in order for a threshold to be overcome. When we take as an example the civil rights movement in the United States, there were certain practices so entrenched that the idea of small changes happening slowly over time would be insufficient. Disconfirmations of the evidence in support of change could always be explained away then by the fact that the only real way to make the change happen would be through a profound, radical effort. I submit that there are similar such situations in the sciences.

One example is involved, for instance, in the science and treatment of epilepsy. There are drugs that control different forms of seizures, and each has certain default ranges of acceptable tolerance for most individuals. Occasionally, some individuals have been found to require doses in excess of recommended levels in order to control their seizures. Thus, any individual, small, and normal measure would not be sufficient to control the patient's seizures. Sometimes, therefore, trials require big pushes, carefully controlled, for change to occur. One such example in King's day was the integration of the University of Mississippi, when James Meredith enrolled as the first African American student, surrounded by the National Guard.

The analogy that I think helps in thinking about incrementalism and moral theory is of driving over a curb. When we push on the gas only a little, we may confirm again and again that our obstacle is too large to be overcome. Sometimes, however, we may think with good reason that if we put forward enough effort, we might be able to hop the curb. At the American Philosophies Forum, Professor Jeff Edmonds offered me another dimension for this analogy. He suggested that another way to overcome obstacles is to back up; start movement again while avoiding prior problems, slowdowns, or impediments; and allow our momentum to help as much as added gas helps the immobile car in overcoming the curb.[12] The point of this analogy is that sometimes we may need more gas, such as in some circumstances when a problem simply may need more money—or troops—to overcome. In other settings, we need to start over, reset the circumstance, and come at the same problem again with momentum a new effort that steers clear of problems. This happens, for instance, when a school is closed down only to be reopened with new leadership, teachers, methods, and culture. In different circumstances these solutions have helped alleviate problems. They also offer a way of thinking about the potential problem that one could imagine for experimentalism in the incrementalism that it

generally recommends. When problems are profound and half measures have been tried, it can be perfectly reasonable to think that new momentum and greater effort to jump over or break out of entrenched problems are what is needed.

II. The American Experiment

It is worth noting that experimentalism is not a national idea, even if in moral theory American philosophers have been among its greatest exponents. It is no coincidence that experimentalism arose in America, however. America has been referred to itself as an experiment. *The* American experiment is precisely its government. In the United States we find among the most powerful examples of the effort to embody intelligent philosophical ideas in the founding documents and Constitution upon which a new society was to be built. The reason for this unique opportunity is the fact of colonists' flight from oppressive government from abroad. The context of avoiding foreign tyranny directed the identities of early founders to rebel against building up a new monarchy, a new centralized authority that would have power over all without accountability or avenues for the redress of harms.[13]

Other societies after revolutions have come to have similar opportunities and moments in which people came together to make use of the ideas of philosophers and other political theorists for addressing the problems citizens had with previous tyrannical regimes. The American founding, as flawed as it was, was an experiment in seeking a basis for consensus across significant difference, built on the fact that a people needs the ability to change its government.[14] The reason it needs to do so is precisely because so far no society has found once and for all the moral ideas that wholly fulfill the lives of its citizens with maximal justice or respect for the diversity of humanity. The only ideal that comes close involves respect for people to be sources of insight about their problems and of potential solutions to each others' problems, which is precisely the ground of democracy and of what in countless passages Dewey called the processes of intelligence, the experimental method.[15]

We often treat founding documents as pillars that are unchanging, but clearly the ability to amend the U.S. Constitution has allowed the document to survive through its changes. If one considers how central a theme and

idea freedom of thought and expression is in the United States, it should be somewhat surprising that its defense was made possible through an amendment to the Constitution, which lacked that protection without the change. Many other crucial American values were only included in the Constitution after the trial and error of early drafts and the many conflicts and wars that followed the creation of a highly imperfect founding document. The living quality of the document, however, has allowed America to progress in the incremental ways that noble social experiments must. Although we often want change to occur more quickly than it does, the strength and longevity of the Constitution can in part be attributed to how difficult it can be to amend it legally. At its heart, then, America truly has accepted the spirit of slow and deliberate experimentation in ethics.

III. Some Flexibility in Recent Moral Theory and Its Roots in the Tradition

In the scholarship on ethics, traditional theories have been for the most part efforts to find a central and single theory that answers the question of what the right action is in any given context. To be sure, some moral theories have a slightly different goal, but they generally rest on the idea that one fundamental principle is what ought to decide either the action to pick or the action to censure. After Dewey's death in the middle of the twentieth century, there was a period when his contributions to moral theory were out of favor in philosophical debates. When John Rawls published a number of influential works in ethics and political theory, he revitalized interest in the fields. Rawls was compelling, among other reasons, because he worked hard to make the most of competing theories, showing how several of them could work together. In his *A Theory of Justice*, for instance, we see elements of intuitionism, deontology, and libertarianism (at least in the liberty principle), not to mention consequentialism and proceduralism. Over time, Rawls found himself moving more and more firmly into the camp of Kantian moral theory, but he doubtless worked to find common ground across differences. More recently, James Sterba has shown the importance of considering practice and the problems we face as crucial starting points for inquiry, in sympathy with experimentalism. In this section, I will show how Rawls and Sterba exhibit Deweyan tendencies to see the value of ideas without accepting the demand to adopt them exclusively. Rawls's essay

offers an exemplary case of making use of apparently conflicting ideas to show how in some contexts one idea helps more than the other and vice versa. Sterba's analysis, which I will cover after Rawls's, takes some starting points of experimentalism and explains them helpfully also, showing that different moral theories tend to take up their competition's claims when cases get tough.

Among the clearest and most explicit instances of this effort is Rawls's essay "Two Concepts of Rules." In it, Rawls argues that legislators should surely consider what rules they could institute that would maximize the happiness of citizens, a consequentialist ideal. At the same time, however, he argued that it would be patently unfair for consequentialism to decide cases in judicial matters. Should a person be punished severely for a small infraction simply because the vast majority of people would like that in this particular criminal's case? Rawls argues that in judicial cases we ought to be retributivists—that we ought to punish people according to what they deserve in light of the laws. Thus, the two concepts of rules concern which direction in time we are looking. Legislators who look forward must consider the maximization of happiness and other good outcomes of policy making, while judges tasked with upholding the demands of justice in the light of a society's laws ought to consider fairness and respect for law as the basis for how to treat individuals.

In this light, Rawls offers a wonderful example of how scholars who are trained in the traditions that have yet to embrace Dewey's insights fully can see the value and potential of building on multiple moral traditions. Rawls shows how we might use apparently conflicting principles for the purposes we have, to address problems for which moral theories are needed.

All this said in support of Rawls does not imply that he had gained from Dewey's insights fully. Rather than considering the historicity of problems and seeking to address present and looming social concerns, Rawls began his early inquiries looking for a theory that would resolve problems not for society but for the social contract tradition, which he argued could withstand the problems that had been raised for it.[16]

I have focused here on Rawls as an example of some ideas that we find in Dewey's work. The reason for this is that Rawls is typically identified with other traditions than the classical Pragmatists. It is worth pointing out here that other philosophers show some ways in which different ethical theories can work together, come to the same conclusion, and ultimately make use of each others' advantages in addressing problems. For instance,

in James Sterba's recent book, *The Triumph of Practice over Theory in Ethics*, the author writes that "traditional theories of ethics, be they Aristotelian, Kantian, Millian, or whatever, have come to be revised and reformed in such a way that, at least in their most defensible formulations, they no longer differ in the practical requirements they endorse."[17] Although he does not come to the point in the same way as I do here, through Dewey, it appears that Sterba and I would agree that practice is a crucial matter for the consideration of theory. I think that he and I might disagree insofar as genuine moral conflicts can remain between different moral theories, which means that the most defensible theories do not so easily come to the same thing. What does seem to happen, though, which is the matter on which Sterba and I agree, is that theorists from various viewpoints take up the views of competing theories in addressing the toughest issues. To make this point clear, and thus to demonstrate why practice and taking problems as starting points for ethical inquiry are so important, I will give a few examples of the kinds of interdependence I mean here.

In a presentation he gave at the Midsouth Philosophy Conference in Memphis in February 2010, noted consequentialist Alastair Norcross explained that he could not understand people who would defend Kantian moral theory. Surely he knows the reasons that Kantian moral philosophers offer, but he means that he cannot identify with the intuitions they have that Kant's ethics is truly the best one to take up. Although I see problems with taking Kantian theory as singularly the best approach to ethics, I find in Rawls's "Two Concepts of Rules" reason to see the importance of Kant's deontology in considering the punishment of citizens for doing wrong in violation of the law. It cannot be the best thing, it seems to me, that punishment be based only on popular will or majority vote. We would have a patently unfair system prejudiced against minority points of view and practices. In such cases, we see the reason why we want a constitutional democracy, not a simple majority-rule-style democracy. The excesses of mob mentality, which may bring about greater overall happiness in one case or another, need to be controlled with limits on what popular movements can do to individuals in the minority. To this point, Norcross responded with an explanation that has to do with character, sounding highly Aristotelian in reference to the virtues and hierarchies of goods for individuals. In the hierarchical analysis of goods and elements of character that consequentialists sometimes accept in response to tough cases, however, we come to see the crucial importance of rules and of limits on

what maximizes pleasures and pains for the largest number of people, a deontological limit in the end.

Kantian moral philosophers can feel equally frustrated with the problems of utilitarianism's excesses. At the same time, however, Rawls shows us that it becomes difficult to make sense of how a deontologist would choose policies that must be forward looking. While there may be issues to be resolved morally in which there are contradictions of some people's wills or of the dehumanization of others, it seems as though consequentialists have the upper hand in recommending which policy to pick over another. One answer Kantians might give is that some issues are not moral ones, but clearly certain choices are better or worse with public funds, more responsible, bringing about greater good for more people than others. To this challenge, a Kantian philosopher might revert to matters of duties, seeing a hierarchy of them to consider in weighing what must be done. When this happens, however, we must start to weigh the value of the consequences of policies for the targets of our greatest duties in such a way that it starts to sound a good bit more consequentialist than we typically take deontologists to be. Also, the matter of which duty is greater for individuals starts to sound Aristotelian in nature. So, when pushed, deontologists can come to sound like consequentialists also.

Virtue ethicists sometimes are treated as entirely different from Kantians and consequentialists, since they are often particularists, seeing value in relation to contexts and the nature of the agent or object in question. At the same time, they take happiness to be a central aim of human life. This view sounds a great deal like consequentialism. As a theory, too, virtue ethics takes humanity to be interrelated as fundamentally rational animals, different from all other species because of our ability to reason. Thus, virtue ethics in that sense is highly similar to deontology and often sees virtues in life in relation to duties we have to others.

So far, I have only covered the dominant points of view in ethics, to show how they often want to have their cake and eat it too—to claim great difference with other theories and yet to accept what their conflicting viewpoints say in the tough cases or when pushed. One more such example is worth mentioning. In mainstream discussion of ethics in the United States, there are still many people who hold to something of a divine command theory, the view that what is good is simply what God commands. The more intellectual versions of this theory, such as Glenn Graber's in his essay "In Defense of a Divine Command Theory of Ethics," want at the

same time to admit that they will not give reason for God's goodness, since he is good by definition, but then they want to explain it nonetheless.[18] In Graber's case, he explains that God gives us commands and that He is good because He also follows them. He is righteous, according to Graber, because He follows his own commands. Not only does scripture call this view into question, but the point here is that each moral theory tends to have limits that are troubling.

The fundamental problem in ethics cannot really be that our ethical theories individually are imperfect. *The* problem in ethics is that actions, decisions, policies, and other things in the world are worse than they could be, and we need to figure out how to make them better. There are problematic situations that intelligent thinking can help to ameliorate, and our ethical theories frequently help us do just that. The fact that some theories come to exhibit limits does not mean that life needs to conform to theory; rather, as Sterba has argued and as Rawls gives us an example, we must make the best use of theory to understand and address the problems we confront in the world. That, at bottom, is the claim of experimentalism in ethics.

IV. Applying Successful Private Practices in Public Affairs

Although business is not without its tragic historical mistakes, in many cases, profit-seeking industries make use of some of the important practices of experimentalism. The competition for limited markets inspires in many successful businesses a respect for measured and carefully considered efforts to bring the greatest value to customers in a most appealing way. Plus, businesses often design hypotheses, bringing in consultants to add to the diversity of voices that contribute to hypothesizing about how best to achieve certain overall goals of product delivery, cost minimization, and profit maximization. Then, products are in countless cases tested over and over for the purposes of safety or for establishing through controlled experiment what the most effective processes will be for filling a community's needs. New commodities like toothpaste or beverages are often tried out in communities whose conditions will be ideal for determining the applicability of lessons for other, related areas of application or sales. In this light, we see in industry the potential for highly intelligent observation, hypothesis formation, experiment planning, testing, evaluation, reformulation, and implementation.

Businesses clearly respect to varying degrees the relevant constituencies affected through their activities. On the positive side, some companies make it a point to maximize the kinds of democratic insights that scholars like Dewey would advise. For instance, one of the most influential CEOs of the United Parcel Service is known for having experienced driving the company's trucks, delivering parcels.[19] The motivation behind this practice is the fact that leadership of a multilevel organization requires interaction and communication with people and practices at all levels, as well as testing and reformulation of the various ideas that affect all relevant ways in which the business could be improved. Differences in perspective, in other words, are crucial to take into account if one wants to manage a vital, adaptive business that makes the greatest use it can of potential new ideas.

There are a number of ways in which public policy in regard to ethics already engages to some extent in a number of the elements of experimentalism. Whenever a community gives its best effort to frame and respond to a problem, we find the seeds of progress for larger communities. With great frequency, states devise laws to address new, pressing problems that then can be compared with similar efforts in other states. From that analysis, comparing and contrasting the benefits of the different approaches to solving problems, policy analysts can formulate recommendations for how further states could benefit from similar policies. Currently, for instance, a number of communities are benefiting or suffering due to charter school legislation. Arizona is believed to have designed legislation that has produced some of the most questionable results, while Minnesota's results are superior. Policy analysts have been working to see where they can identify the differences, if any, that are due to the quality of the relevant legislation in the difference states.[20] This is the sort of work to which philosophers can contribute a great deal more than they do presently and with great benefit.

For those who would read my comments regarding business as only positive and optimistic, I would certainly agree that in some cases businesses, like private individuals and governments, have done wrong. In response to these wrongs, however, the court system has taken up the role of providing financial incentives for industry to do what has been established as right given prior conflicts. Lawsuits and financial damages have in many instances forced industries to create safer products and healthier and more sustainable practices. We can see, then, the important role of public institutions in experimentally and incrementally shaping and reshaping social practices to make powerful organizations behave morally.

Nevertheless, where industry and experimentalism in public policy can learn from each other for mutual benefit, they ought to do so.

Conclusion

The future of ethics will surely include adherents to absolutist theories about right action, and this is not a problem. After all, the debates we will have about how best to promote the ethical society will be informed through the efforts of people to figure out for themselves what the best principles are for judging matters. Even challenges to democracy itself will continue to arise. Fortunately, this is in fact a good thing, according to Dewey. He writes that "it may be that the best thing which can happen to the ideal of democracy is to be put on the defensive. For then it will no longer remain a vague optimism, a weak benevolent aspiration, at the mercy of favorable circumstances. It may become a compact, aggressive and realistic intelligence directing circumstance."[21] This often cited passage in Dewey's work is worth repeating, since it distills the value of experimentalism, the fact that the best thing for society, for pursuing the moral community, is challenge, is the task of seeking reasons to support one solution over another. Only through that process can we be most assuredly called to respect others as sources of insight and communal responsibility in the practices of moral self-governance.

NOTES

1. See James H. Jones, *Bad Blood: The Tuskegee Syphilis Experiment* (New York: Free Press, 1993). See also Stanley Milgram, *Obedience to Authority: An Experimental View* (New York: HarperPerennial, 1974).
2. John Rawls, "Two Concepts of Rules," *Philosophical Review* 64, no. 1 (1955): 3–32.
3. John Dewey and John Childs, "The Social-Economic Situation and Education," in *The Later Works of John Dewey* (*LW*), vol. 8, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1986), 43–76, at 67.
4. John Dewey, "The Development of American Pragmatism," in *The Later Works of John Dewey*, vol. 2, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1984), 3–21.
5. John Dewey and John Childs, "The Underlying Philosophy of Education," *LW* 8:92. Also published in William H. Kilpatrick, ed., *The Educational Frontier* (New York: Century Co., 1933), 287–319.

6. See *LW* 8:95.

7. Jim Connell, Gary C. Edgar, Bill Olex, and Robin Scholl, "Troubling Successes and Good Failures: Successful New Product Development Requires Five Critical Factors," *Engineering Management Journal* 13, no. 4 (December 2001): 35–39.

8. See Jones, *Bad Blood*. For more, see also Jonathan D. Moreno, *Undue Risk: Secret State Experiments on Humans* (New York: Routledge, 2001).

9. See "The Belmont Report," available at the National Institutes of Health Web site, http://ohsr.od.nih.gov/guidelines/belmont.html.

10. *LW* 8:101.

11. Martin Luther King Jr., *Why We Can't Wait* (New York: Signet Classics, 1963/2000).

12. I am most grateful to Professor Edmonds for his lovely expansion of my analogy here.

13. It is true that there were some colonists who thought that the United States should have a monarch for a ruler, but that is beside the point here. For comments on getting past the monarchist movements of the later eighteenth century, see Robert Spiller, *Literary History of the United States* (New York: Macmillan, 1948), 220.

14. See Ben Franklin, "I Agree to this Constitution with All Its Faults" (September 17, 1787), in *Essential Speeches* (Great Neck Publishing), retrieved from EBSCOhost, 2003.

15. For more on this concept, see my entry titled "Intelligence," in *American Philosophy: An Encyclopedia*, ed. John Lachs and Robert Talisse (New York: Routledge Press, 2008), 403–5.

16. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), xvii.

17. James Sterba, *The Triumph of Practice over Theory in Ethics* (New York: Oxford University Press, 2005), 1.

18. Glenn Graber, "In Defense of a Divine Command Theory of Ethics," *Journal of the American Academy of Religion* 43, no. 1 (1975): 62–69.

19. See Morgan Lewis Jr., "Globe Trotter: How CEO Mike Eskew Helped Grow UPS from a Ground-Only Package Delivery Service in 37 States to a Supply Chain Management Giant in 200 Countries," *Smart Business Atlanta*, 2003, http://www.sbnonline.com/Local/Article/5503/66/0/Globe_trotter.aspx.

20. See Arnold F. Shober, Paul Manna, and John F. Witte, "Flexibility Meets Accountability: State Charter School Laws and Their Influence on the Formation of Charter Schools in the United States," *Policy Studies Journal* 34, no. 4 (2006): 563–87.

21. John Dewey, "Social Absolutism," in *The Middle Works of John Dewey*, vol. 13, ed. Jo Ann Boydston (Carbondale, IL: Southern Illinois University Press, 1983), 311–16. The piece was originally published in *New Republic* 25 (1921): 315–18.