

Marcus Arvan. *Rightness as Fairness: A Moral and Political Theory*. Palgrave Macmillan 2016. 271 pp. \$100.00 CDN (Hardcover ISBN 9781137541802).

This is an ambitious book. Its aim is to provide foundations for moral normativity. It offers basic principles of rationality, morality, and politics. Its author makes contributions to moral and political philosophy as well as applied ethics. It is, for all it aims to do, a relatively short book, and at times very complex matters are treated all too briefly. This is a book worth reading for philosophers in the fields it covers. On the other hand, due to the quick treatment of some key issues, the book does not fulfill all of its many ambitions. It does, however, provide ample material for philosophers to consider.

Arvan calls his novel account ‘Rightness as Fairness.’ Rightness as Fairness is a moral and political theory, meant to resolve differences between several accounts of morality and politics. Arvan develops a framework of negotiation that aims to resolve problems in applied ethics. The main part of the book opens with a section on methods in ethics. Arvan complains that previous ethical theories are based on what seems true to the theorist in question. The principle of utility may seem true to the utilitarian; the categorical imperative seems true to the Kantian. How do we decide between these competing contentions? The account Arvan gives here—on which moral theorizing has historically always been grounded in what seems true to the individual at the time—is not entirely fair to centuries of moral theorizing. He makes the highly questionable claim that intuitionists, rationalists, practical reason theorists, and others have always fallen back on just putting forward what seems true to them.

Moral theorists have done at least something more than just appeal to what seems true to them. There have been attempts to ground morality on reason or freedom or some other matter; or to make a case for general moral theories based on verdicts on particular cases; or, as in the case of Rawls, to offer a reflective equilibrium account on which one goes back and forth between general moral principles and specific moral contentions. It is not the purpose of Arvan’s book to survey all prior moral theories, but his dismissal of past moral theorizing as grounded merely in what seems true to the moral theorist is unfair. He need not caricature past moral theorizing to make the case for his own account.

Arvan’s proposed methodology for developing theories in ethics emphasizes the following: reliance on uncontroversial moral observations, coherence both within the theory and with facts outside of the theory, explanatory power, as well as unified, parsimonious, and fruitful explanations of ethical phenomena. Arvan is drawing on principles that have good standing in scientific theory selection. It would be hard to take issue with some of the principles that Arvan appeals to here, such as coherence. One would want to have a coherent moral theory. Other of these principles, such as reliance on observation and explanatory power, can be called into question.

Arvan calls the most widely-accepted, obvious moral observations ‘firm foundations’ for theorizing in moral philosophy. The scientific parallel to these firm foundations is empirical observation. It is observational evidence, Arvan contends, that gives science its epistemic respectability. To make progress in ethical theorizing, we should appeal to moral observations. Arvan helps himself to the term ‘observation’ in the moral case, where he seems to be talking not about anything perceptual or quasi-perceptual, but about what people tend to accept as true. There is some relevant skepticism about moral observation that Arvan does not address here. He does not discuss Gilbert Harman’s well-known work on moral observations. If Harman is correct, and moral observations are, to put it roughly, better understood as reflections of our own individual mindsets than as discoveries of fact, there are grounds to be skeptical of the ideas that firm foundations can be found in moral observation. That Arvan does not take account of this is surprising, especially given his own

expressed sympathy in the book with the idea that mind-independent moral facts are not necessary to explain moral beliefs.

Just as observation is relevant to science, so is explanatory power. Is explanatory power relevant to ethics? The appeal to explanatory power holds that a theory should explain facts and observations that are known. One could raise doubts about the role of explanation in this context. Is morality in the game of explaining, as opposed to doing something like justifying? That this is so is at the very least controversial.

While there are some reasons to be skeptical about some of Arvan's methods, he makes an admirable effort to find methods that will produce advances in moral theory. However, given some significant differences in ethics and science, the appeal to scientific methods is somewhat questionable. The fruit of Arvan's methods is what he contends is the basic principle of morality. Somewhat surprisingly, the one and only principle that is the product of these various methods is a principle of instrumental morality:

If one's motivational interests would best be satisfied by Φ -ing, then it is instrumentally rational for one to Φ . (3)

Arvan holds that we can reduce all morality to instrumental normativity, and that instrumental normativity in turn can be reduced to non-normative facts. He makes the bold claim that his account allows us to reduce normative 'ought' claims to non-normative 'is' claims. He contends that this is so because the matter of what is a means to an end is a perfectly natural matter. For instance, it might be that in order to get something I want, such as retiring young, I ought to save for my future. The fact that saving for the future will increase the likelihood of an early retirement is clearly a non-normative fact. However, this latter fact isn't the same as the matter regarding what I ought to do. So this view of Arvan's seems confused. It seems to run together two different things: (1) the non-normative fact that Φ -ing will promote my goals; and (2) the normative principle that I ought to Φ if I want to satisfy my goals. The latter is normative and not the same as the former. Yet Arvan seems to treat these as expressing the same fact. He claims, without fully developing a theory, that one can give an semantic analysis of (2) in terms of (1). This seems unlikely. Claims about instrumental norms and claims about what is an adequate means to an end do not mean the same thing. At times in the book, Arvan makes very bold attempts to do philosophically interesting things like derive an 'ought' from an 'is' without sufficiently fleshing out arguments that would, if it is even possible, achieve this.

Arvan goes on to derive several moral principles from this principle of instrumental rationality. The moral principles he derives are, despite his commitment to parsimony, quite complex. Arvan offers principles on which we should recognize that our own interests, both the interests of our present selves and our future selves, can be the same as those of any other sentient being. It follows from this that we ought to pursue those interests that are instrumentally rational for all beings to agree upon. Arvan's principles of morality, based on instrumental rationality, parallel the formulations of the categorical imperative due to Immanuel Kant. Arvan claims his own novel principles are superior, based on his theory selection criteria, to those of Kant. This differs from Kant, of course, in treating instrumental morality as the basis for morals rather than another matter entirely.

Arvan draws on Rawls as well, contending that there is a Rawls-esque original position from which we can figure out what one is required to do to comply with the basic principles of morality. Arvan uses this original principle to derive principles of noncoercion, beneficence, and fairness in negotiation. These principles are supposed to allow us to reconcile consequentialism, deontology, contractualism, and virtue ethics.

Negotiation looms large in Arvan's account of fairness. To resolve an ethical issue, he contends, it is not enough to engage in armchair philosophizing. Instead, one must engage in actual negotiation with others based on the sort of principles he has articulated. Arvan uses this negotiation-based account to aim at resolving thorny issues in applied ethics.

Not only does Arvan promise that his moral theory will reconcile differences between ethical theories such as consequentialism and deontology, he suggests that his theory allows reconciliation between a range of perspectives in political philosophy: libertarianism, egalitarianism, and communitarianism. Arvan's negotiation-based account is supposed to not allow for any extreme form of these views, but instead a way to accommodate elements of each through negotiation over political matters. Arvan's emphasis on negotiation is novel and interesting. It provides an alternative to one model of moral theorizing, that is, first-person armchair moral theorizing. If his views on negotiation are correct, whether the views he presents on morality are the right ones should be subject to further negotiation and discussion.

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