

**Ethics as Education: A Pragmatic Approach to the Role of
an Ethicist in a Democratic Society**

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INTRODUCTION CHAPTER

In recent years ethicists have been moving away from being merely academics. The rise in the use of applied and practical ethics can be seen as attempts at moving ethicists away from working exclusively with moral theories towards working with moral issues. Ethicists are trying to tackle issues directly, as well as taking jobs in clinical settings and ethics committees. Democracies are trying to utilize ethicists in order to help solve moral issues. This seems like a completely logical step, if ethicists have a set of skills that can help solve moral issues then there is no clear reason why this should not be done. Furthermore the rapidly changing globalized world is presenting new and complex issues that democracies need to solve. This leaves a number of questions: what is the best way to utilize ethicists? What roles can they take? Do ethicists have the skills that can contribute to democracies? Does ethical expertise exist? It is these problem that I will attempt to solve in this project.

The main question with which I am concerned is: what role does an ethicist have in a democratic society? Ethicists today serve many different functions, in ethics committees, as academics in university and as social or political commentators, to name a few. Which role should the ethicist have in order to contribute in the best way to a democratic society? This project is meant to look at possible roles and determine which would create the greatest contribution to a democratic society. My conclusion is roughly that ethicists should take on an educational role in society. This is to say that they must focus on passing on the ethical skills they have acquired as a means of promoting the flourishing of ethical skills among the population of a democracy. This is largely based on the work of John Dewey, who argued that education was fundamental part of society, one that should not be overlooked.

I begin by looking at the debate surrounding ethical expertise. Ethical expertise has been a slightly controversial topic, with some thinkers arguing that it does not exist, and that the ethicist is not in a better position to reflect on moral issues than the average person (Cowley 2005). Some go a step further and say the notion of ethical expertise (and in some cases expertise in general) is actually harmful to the democratic value of equality (Scofield 2008). I make the argument that there is a definite set of skills that the ethicist possesses and that these skills point to something that deserves the mantel of expertise. These skills, such as moral sympathy,

knowledge of argumentation, and knowledge of moral theory do put the philosophically trained ethicist in a better position to discuss moral issues. I use the work of Dewey, who argues that morality is about growth and change, and not merely about arguing for certain values. Dewey saw ethics, the skills of reflection or moral sympathy, as the key to becoming a morally stable person (Dewey ML 9). Those who deny ethical expertise fail to make a distinction between morality and ethics, with the former being the values a society holds and the latter being the ability to reflect on these issues. With this kind of understanding it is possible to show there is such a thing as ethical expertise. However those that argue that ethical expertise may give ethicists an unfair 'moral authority' have lodged a valid concern.

From this I begin to look at the values a democracy holds, in order to see if ethicists are in some way harmful to these values. Using Jürgen Habermas's three elements of a democracy (Habermas 2009) I put forth the necessary conditions a society needs to hold in order to be democratic. From this I begin a critique of the liberal conception of democracy using the work of John Dewey. Dewey presented a slightly revised idea of democracy. Dewey saw liberalism as merely a necessary but not sufficient condition for democracy (Pappas 2008 219). Democratic needs positive freedom as well as negative freedom. A democracy cannot merely be free; it must also strive to make its citizens and the society just and moral. Without this a democracy is not truly democratic, as there must always be an active moral purpose in a democracy. Dewey saw morality as a necessary component of democracy with ethics being the key to utilizing that morality; as such, ethicists should be utilized in some way.

With an understanding of democracy in mind it is now possible to see if ethicists in certain roles are beneficial, indifferent or in some way harmful to democratic society. I conclude that the current situation is problematic, as the current situation does not deal with the problem of moral authority. The ethicists are forced to be paternalistic in many settings. The problem becomes a kind of moral authority that ethicists give themselves. I present a number of current roles and attitudes that ethicists currently use. I critique these various roles and say that they are not as good as originally presented. These roles are the guidance giver, who actually gives a decision or evaluation of a decision, and the facilitator who attempts to explain the values a society holds. These are not formal roles, such as being placed as an

academic or in a committee, but social roles. These are the roles that the ethicist has in the greater context of a society.

Throughout this project I will be returning to a specific case study, the new issues surrounding privacy in the Internet age. Using three main examples, the use of information by third parties, the NSA spying scandal in the United States, and the rise of social media I show that under the current roles and attitudes ethicists have cannot solve these new problems. These issues have become apparent with the rise of the Internet and central databases creating a tension between the values of privacy on the one side and security and bureaucratic efficiency on the other. These problems change quickly, much faster than ethicists can keep up with them. More importantly they can only be solved once society, as a whole, can determine which values they truly hold. This cannot be determined for the people, but rather they need to be determined by ‘the will of the people’ in order to have some kind of democratic weight behind it.

At this point I present a new kind of attitude that the ethicist can adopt. This is to have the ethicist see him or herself as an educator as opposed to merely a guidance giver or a facilitator. This attitude is one where the ethicist shifts the focus away from the reflection on the values towards the actual skills of reflection. That is to say the ethicist should not primarily be giving away their reflections, but rather be passing on the skills of the ethicist. This is not merely in formal education but in other forms as well. The ethicists should concern themselves in any formal position they may be in (committee member teacher, academic) as an educator who is focused on empowering people to reflect for him or herself. The focus should not be on the idea that the ethicists have the ability to reflect for the public, but the ability to teach the public to reflect for themselves. It is a shift from passing on the reflections to passing on the ability to reflect.

The educational attitude that the ethicist would adopt leaves them in a position where they are not evaluating the reflections of others. It is about empowering the people to reflect for themselves. This idea is based on the work of John Dewey. Dewey saw himself as an educator and that the value of education in a society is fundamental. Education is never a mere means to an end for Dewey; it is an end in itself. Education was also fundamental for Dewey’s idea of morality. Dewey saw morality as constant growth within a person. People develop their own values throughout their lives, and these values will change over time. Dewey saw this as an important part of morality. The morality of a single person, and society as a whole

will change. Rather than fight that with rigid universal rules, Dewey embraced this change and believed that education, through others or oneself, was the key to creating a morally stable character. A morally stable character is not a constant person with the same values; rather, it is someone who can reflect and adapt their values. Dewey argued that the focus should be on the skills of the ethicist and not morality itself.

Thus the educational attitude that the ethicists should adopt means that the ethicist focuses on skills they have acquired and passing those skills on to the public. This fulfills a role in a democratic society that benefits everyone. If the ethicist should be doing anything in the democratic process it is to give people the skills they need to be better citizens. They should not be giving reflections of their own, but teaching the public to reflect. Furthermore as the ethicists are not teaching values, but skills, they are not being paternalistic but actively promoting the personal autonomy of a democratic citizen in order to allow them to make their own decisions. This can be done through formal education, or ethicists can take this educational attitude to their other positions. They should not merely be giving guidance in ethics committees but passing on the skills to the members of the committee in order to empower them. A focus on education can give the ethicist a beneficial role in democratic society. If one sees a democratic society as a moral one, then the ethicist's job is to promote that moral element of society.

The first chapter will look at the debate around ethical expertise. I will show that both sides of the debate have been talking past each other, with serious accusations being ignored by one side or the other. The second chapter will be my own presentation of ethical expertise, based largely on the work of John Dewey. It will show that a strong skill based approach allows for a better understanding of what ethical expertise is and how it can be utilized.

The third chapter will look to democracy and the values that it should hold. While it is not an intensive look at democracy, I will examine the basic liberal idea of democracy as a means of providing freedom. This chapter will be done to show two things. Firstly it will present what the basic elements of a democracy should be. These elements will be used later as a means to test possible roles an ethicist can take on. Secondly I will argue, using Dewey, that democracies have a moral element. This means that democracies must also actively promote the flourishing of its citizens. A democracy cannot merely provide freedom for its citizens; it should help to enrich their lives.

The fourth chapter will present a number of roles that the ethicist might take on. Before doing that I will to explain an important problem that any role an ethicist takes must address. The ethicist cannot act in a paternalistic way, in that they cannot present a threat to the value equality and elevate themselves to some kind of higher position in society. This is based on the criticisms of Stephen Turner (2001) and Giles Scofield (2008). I will call this issue the problem of moral authority. Any role the ethicist takes must defeat the problem of moral authority. I will introduce the role of facilitator and guidance giver as more traditional roles the ethicist has taken on. It is here that I will also introduce the idea of the ethicist as an educator. I will make a brief argument in favor of the educational role before explaining the case study of big data.

The fifth and final chapter will test each of the roles: guidance giver, facilitator and educator, in a number of ways. Firstly by comparing them to the three elements of democracy that Habermas presents. I will explain whether they are harmful, indifferent or promote those elements in a certain way. I will then examine if they add to the moral purpose of democracy. Finally I will examine a number of ways ethicists in those roles have attempted to examine the problem of big data. This is done to compare the traditional roles against the educational role. I will conclude my project with a number of final thoughts on the ways in which the ethicist as an educator can work.

Methodology

Before going directly into my thesis I wish to make a quick note on methodology. I began my thesis with the argument that there is such a thing as ethical expertise. There is something that can separate ethicists from laypersons. It was while exploring the debate on ethical expertise that I found both sides of the debate seemed to ignore serious claims made by the other side. They were focused on the idea that there was or was not ethical experts, while ignoring what to with ethical expertise, or at least the potential ethical expertise. As I began with the position that there was ethical expertise I wished to find out what kind of role they could then play in a democratic society.

During this examination I kept returning to this problem that deniers of ethical expertise seemed to put forth. It is troubling to think that there may be people who are better at ethics than others. From reading Stephen Turner (2001) and Scofield (2008) I

could understand where their arguments came from. They were concerned that having experts, especially ethical (or worse yet moral) experts would mean having one group of people being better at a kind of practice that everyone takes part in. Everyone experiences morality and ethics in some way, and this is tied directly to how people live their lives. To say one group is better at this fundamental part of the human experience than others is troubling. While they preached a kind of warning about this I saw the concerns in a slightly different way. If it is possible to have ethical experts, why not try to make as many of them as possible? This is where the idea of using education became apparent.

It was from here that I began looking at John Dewey, as a means of using pragmatic ideas to help solve the issues surrounding this debate. I had been impressed by Dewey's ideas of explicitly combining ethics, morality, education, and democracy. As I was connecting the role of the ethicists specifically in a democratic society this kind of system seemed logical. It was from my exploration of Dewey that I began to see the value of education. Dewey's pragmatism and love of education is truly at the heart of this project. It was from Dewey's educational spirit that I began to see the possibilities of the ethicist as an educator.

After determining that this was the kind of role that an ethicists should take on I explored different possibilities on how such a role could be looked at. I determined that if I wished to utilize ethicists in a democratic society, education was the best route to take. From there I began to examine other roles by comparison in order to determine if the educational role had advantages or disadvantages. It became apparent that the educational role was the best role for the ethicists. After this I merely had the task of presenting and defending the idea of the ethicist as an educator.

A Note on Referencing Dewey

To reference Dewey's extensive work I use the following system. ML refers to Dewey's *Theory of a Moral Life* (1908). For his essays I used Jo Ann Boydston's collection of works. I refer to his Early Works and EW, Middle Works as MW and LW as Later Works. Afterward each refers to something other than *Moral Life* I place the volume followed by the page number where the reference may be found. So for example Dewey MW 4:87 would mean Dewey Middle works volume 4, page 87. This is the same system commonly found in intensive works about Dewey, such as Gregory Pappas *John Dewey's Ethics: Democracy as Experience*.

Chapter 1: Ethical Expertise

Introduction

Before I can begin my analysis of what role, if any, an ethicist can play in a democratic society I will begin by looking at what an ethicist is. Who are these ethicists? What makes them unique? To answer that question I will look at the recent debate surrounding ethical expertise. Both philosophers and non-philosophers have been trying to examine whether or not ethical expertise exists. They wish to determine if ethicists can claim the title of expert when it comes to deliberating about moral issues and values. These debates are always framed around the idea of expertise and usually placed in the setting of clinical ethics. The defenders of ethical expertise will argue that the notion of expertise can apply to ethicists, as they have a particular set of tools that make them helpful in debating moral dilemmas. Those who deny ethical expertise either argue these skills are not particular to philosophically trained ethicists, or that the idea of one group of people being more ethical than another leads to problems in the democratic system. This chapter will take a look at both sides of the debate. I will state here that I am a defender of ethical expertise, and while I will critique both sides of the debate I will wait to create my own defense until the next chapter. This will be based on the work of John Dewey, whose work I will continue to return to throughout this project.

There is a second criticism that is often launched against the defenders which looks at whether or not ethical expertise is actually undemocratic. While I will briefly introduce this problem I wish to put that debate aside until a later chapter when I can further expand it. Rather the purpose here is to give an outline of the expertise debate and answer the question of the possibility of ethical expertise. Whether or not ethical expertise has some value to a democratic society will be addressed in the third chapter.

Conceptions of Expertise

Before looking at both sides of the ethical expertise debate it is first necessary to examine the idea of an expert. Both sides of the debate frame their arguments within the notion of the expert. For the most part the debate uses two theories on expertise, those presented by Weinstein (1994) and Dreyfus and Dreyfus (1991). While both took a stance in favor of ethical expertise, those who reject ethical

expertise have taken up their notions of expertise as well, as seen in Scofield (2008) and Cowley (2005). While there are other ideas of expertise, these two models show the difference between an epistemic knowledge based expertise and a skill or performance based expertise. Any examination of the debate will involve looking at these notions of expertise.

Weinstein's notion of expertise is summed up in "The Possibility of Ethical Expertise." In the article Weinstein presents three characteristics that make someone an expert in a given field. These three claims are based on the idea that the expert is separated from the layperson based on the expert's ability to make justified epistemic claims (Weinstein 1994 62). Weinstein also makes the distinction between performance experts who can perform a skill well and epistemic experts who have extensive knowledge about a subject; however, his focus is on the epistemic expert (Weinstein 1994 62). The first characteristic is the ability to make justified claims about a given subject in their given field. It cannot be that being an expert on Russian history gives one the skills to make justified claims about biochemistry (Weinstein 1994 62). The expert can also make these claims without necessarily providing justification. The Russian history expert can make strong claims about the events of the communist revolution, and the layperson will take their word for it; however, if called to give justification the expert would be able to provide it without difficulty.

Secondly an expert is able to take part in the debates within their area of expertise, and can deal with disagreement among each other (Weinstein 1994 63). The disagreements are usually about the relevance of some kind of evidence, and would be confusing to the layperson. The expert can take part in the debates in a way the layperson cannot (Weinstein 1994 63).

Finally there is the capacity to make the strong justified claims when questioned. This means that the expert can make these claims without having to justify them. This is slightly different from the first characteristic of justification, as in this case the expert can be a source of information. One can refer to the expert's claims as a means of their own justification (Weinstein 1994 63). For example as a non-expert in Russian history one could refer to an expert as the justification for their claims about the role Gorbachev played in ending the cold war.

Weinstein does not make these three characteristics directly explicit, but he uses them as the justification for the idea of an expert in an epistemic sense. His arguments for ethical expertise will be taken up in the next section but for now I will

focus on his ideas on expertise. His focus is on the ways an expert can make their claims in a way that is different from a layperson. They can make claims that the layperson may not understand, while at the same time being able to justify them if they are challenged. This ability to make special claims without the need to justify them is what separates the expert from everyone else. His view can be seen as knowledge based approach. The expert's knowledge is the fuel for their expertise. It is because of this vast knowledge that they can provide the justification. Furthermore the point about how disagreements among experts come into play is interesting. Weinstein sees the ability to deal with disagreement as part of expertise. He allows room for disagreement, so long as it is about the justification of claims.

Using disagreement as example of expertise is Weinstein's strongest claim. A common argument for those who deny ethical expertise is based on the idea that disagreement on moral issues is proof that ethical expertise is impossible. However, under Weinstein's model if one were able to show that the ethicists can handle disagreement, then the ethicist is at least asserting a kind of epistemic expertise.

The second theory of expertise is presented by Dreyfus and Dreyfus in "Towards a Phenomenology of Ethical Expertise" While they are also in favor of ethical experts they present a different idea of expertise. Dreyfus and Dreyfus focus more heavily on the difference between experts and layperson by looking at how the expert becomes an expert. Furthermore their version is based more on skills rather than the epistemic knowledge. Dreyfus and Dreyfus offer five stages of becoming an expert, using the comparison of chess and driving as examples of developing skills (Dreyfus and Dreyfus 1991 232). The first stage is the novice; in this case the person is put in a context free environment where she can recognize risks without experience. The chess player learns the rules of the game; the driver learns what the gas pedal does (Dreyfus and Dreyfus 1991 232). The second stage is the advanced beginner, in which the person is able to see situational aspects. They learn maxims and aspects as opposed to the rules and features a novice knows. In their example the driver knows when to shift gears and a chess player can see pawn structures. However they may not be able to see the reasons behind these maxims and aspects (Dreyfus and Dreyfus 1991 233).

The third stage is competence. In this stage the person can develop a hierarchical view of decision making to deal with a number of different contextual situation (Dreyfus and Dreyfus 1991 233). They choose goals and use the process to

accomplish their goals. Here the performer feels good when goals are achieved, whereas failures feel miserable. The driver will be happy when she successfully gets onto a highway, but nervous when in a skid. The authors summarize competence as “a common pattern: detached planning, conscious assessment of elements that are salient with respect to the plan, and analytical rule-guided choice of action, followed by an emotionally involved experience of the outcome” (Dreyfus and Dreyfus 1991 233-4).

The final two stages are more important for the development of expertise. The fourth is proficiency. This is when the performer no longer reflects as a detached observer, and no longer looks to principles to guide them. Essentially they begin to use prior experience as form of guidance (Dreyfus and Dreyfus 1991 234). The driver knows to slow down on a rainy day without having to decide to do it and the chess player can gain a sense of the positions of her opponent’s pieces or know she should attack but still reflects on the best way to do it (Dreyfus and Dreyfus 1991 234). The final stage is the expert. The expert organizes all these rules and situations based on previous experiences into subclasses that share the same decision and action (Dreyfus and Dreyfus 1991 235). The driver can slow down without thinking, relying on instinct and the chess player makes moves based on intuitions. The expert uses the rules without any thought.

Dreyfus and Dreyfus’s model is more about performance than Weinstein’s model. Weinstein looks to justification as an explanation of why an expert is different from the layperson whereas Dreyfus and Dreyfus look at how one performs a task. There is a lot of overlap as the Dreyfus and Dreyfus expert makes decisions based on their intuition but would be able to justify those decisions if they were required too. What makes them an expert for Dreyfus and Dreyfus is that they can work on instinct. Furthermore Dreyfus and Dreyfus use experience as the developmental tool for how the expert develops their skills. One needs to be experienced in a task in order to become an expert. Weinstein says little on how one becomes an expert, but it would not be a stretch to consider the fact that one would need experience to develop epistemic expertise.

However there is a slight problem with using the idea of expertise. Any notion of expertise is going to separate the expert from the layperson. It will inherently have the idea that one group of people are better at something than another. While this is clearly true for certain kinds of expertise, the idea of an ethical expert can become

troubling as it is a skill or knowledge all people are supposed to have. This kind of tension will always be present in these kinds of argumentation.

Defending Ethical Expertise

With the notions of expertise that are often used in this debate presented, it is now possible to take a closer look at the arguments defending ethical expertise. Firstly are those that believe the expert label can be applied to philosophically trained ethicists. This camp generally looks at the knowledge and reflective skills a philosophically trained ethicist has and claims that these make ethicists experts. Ethicists can deliberate on moral matters. This side of the debate always makes the distinction between ethics and morality. Steinkamp et al. use the best distinction, one that is usually not found in the arguments of the deniers of ethical expertise. For Steinkamp et al. morality refers to “the sum total of substantial moral values, norms, and judgments that are agreed upon within a larger social framework” (Steinkamp et al. 2008 387), whereas ethics refers “to philosophical reflections about morality, typically elaborated into an argumentative system” (Steinkamp et al. 2008 387). This distinction is important; the defenders of ethical expertise are not claiming to be moral experts. The focus is on the reflection and deliberation, not on the sum total of agreed values. This distinction is important to understand in order to see the overall argument in favor of ethical expertise. Making this distinction is what allows the defenders of ethical expertise to show that the disagreement argument is not as strong as deniers argue. Moral disagreement would be different than ethical disagreement.

As mentioned earlier both Dreyfus and Dreyfus and Weinstein defend ethical expertise. For Dreyfus and Dreyfus a person can become ethically competent when one learns the rules of morality, for example not to lie, but becomes an expert when one knows intuitively that there may be times when it is acceptable to tell a white lie (Dreyfus and Dreyfus 1991 237). Weinstein believes that the expert in normative ethics is possible as the expert would be able to make claims quickly about moral dilemmas that they can justify (Weinstein 1994 67). The expert would rely on the skills of deliberation and coherency to make these justified claims. However in terms of performance experts, that of being a good moral person, living a good moral life, and knowing what is required of that is not an area one could be an expert in (Weinstein 1994 71). Thus there is only an epistemic ethical expert that can deliberate

on the rules of ethics and how to make moral claims, but cannot know the means of being a moral person (Weinstein 1994 71).

The two models of expertise presented by Weinstein and Dreyfus and Dreyfus are not mutually exclusive, but generally the defenders of ethical expertise take on one of the two ideas. The epistemic defenders of ethical expertise focus on the ethicist's ability to justify their claims and make arguments. They look to the ethicist's ability to handle disagreements; they can explain these disagreements that occur between ethicists, pointing to different types of argumentation that would be unclear to the layman. Some argue that ethicists are trained to see proper philosophical justifications (Crosthwaite 2001 282). Others focus on the ability to justify their claims, not in the truth-values of these claims (Yonder 1998 13).

The epistemic defenders will focus on the knowledge of the ethicists. While they are using the skills an ethicist has to prove ethical expertise, it is the knowledge that the ethicist has that gives them these skills. However they are all based on taking a strict divide between morality and ethics. The knowledge is in ethics, or more specifically in the reflection itself. That is why defenders, like Yonder, do not put the focus on the truth-value of the claims themselves, but on the justification of the claims. What they are trying to do is avoid claiming that an ethicist is a moral expert. Stating that the ethicist is a moral expert gives the ethicists a kind of moral authority. Whether or not the ethicist would still have a kind of moral authority by having a better knowledge or reflection will be addressed later.

Those that take a more skill-based approach, such as Steinkamp et al. will often make a distinction in the skill level between the ethicist and layperson. The main distinction they make is between moral coping, which would be presented at the competence level and moral deliberation. For Steinkamp et al. ethicists have the tool of moral deliberation, which goes beyond moral coping (Steinkamp et al. 2008 179). Thus the expert's tools go beyond working intuitively at a competent level and rises up to the deliberative model at the expert level. The person with moral competence may say stealing is just wrong, the expert would know exactly why it is wrong. However this deliberative model is still intuitive, but when pressed they can give their justifications for their deliberations. This kind of argument is based on the idea that the ethicist has a specific set of skills that have become intuitive, not merely the knowledge of those skills. It is not enough to have the skills of reflection the expert must also master those skills.

It is different from the epistemic model as the focus is directly on the skills. One needs to go beyond merely justifying their claims; they must also have the ability to master the justifications of their claims. The ethicist must master the deliberation that brought them to their conclusions. It is much like a master chef in a kitchen. The casual cook may be able to read the recipes and make a very delicious meal. But the chef will be able to make the same dish without the recipe based on their intuitive knowledge of how flavors work together.

The distinction between deliberative based approaches and epistemic approaches is subtle, as both take a similar structure. There is something that puts the ethicist in a better position to deliberate or justify moral claims than a layperson. They do not say that the layperson cannot make claims; merely the ethicists will be in a better position to make claims. Their greatest strength is the distinction between morality and ethics. They do not argue that the claims of the ethicist has more moral weight by virtue of them being ethicists, merely that the work they do in ethical deliberation will be more sound. The problem with the defenders is that even with the distinction between ethics and morality they still are placing the ethicist above the layperson in some way. They try to create a difference between moral competence and expertise. While this may be the case they do little to say anything about the problems that this may arise for the democratic value of equality. The ethicists do not want to claim that their conclusions would be better than the layperson's conclusion, but how they reached their conclusions was done in a more expertly manner. They seem to want to argue that ethicists can do something better, but that does not make them better than the layperson. This will be address later when I will expand the problem of moral authority.

Denying Ethical Expertise

In many ways those who deny ethical expertise also take a similar approach to those that defend ethical expertise, in that they base their ideas within the idea of the expert. They take the model of the expert and show that it cannot apply to an ethicist. Some take a different approach attacking the idea of the expert (Turner 2001). Yet once again the debate is framed within the context of the expert. Before going into their arguments it is important to point out that both camps argue that it is possible to be a descriptive expert in ethics. That is to say that one can be an expert in the debates surrounding meta-ethics and descriptive ethics. One can be an expert in subjects such

as moral epistemology or moral realism. Cowley (2005), Weinstein, and Steinkamp et al. are willing to admit to that. This distinction is important to remember later.

I will begin by looking at the arguments presented by Christopher Cowley, who makes a distinction between performance and descriptive experts. This distinction is important because, according to Cowley, the descriptive expert is possible, in the same way one can be an expert in metaphysics or the philosophy of language (Cowley 2005 273). For Cowley it is performance ethics that becomes problematic. In performance ethics there are two types of experts, those who are experts on moral judgments, called normative experts, and those that know the best way to live a moral life, called performance experts (Cowley 2005 274). His inquiry lies mostly with normative experts. His main point is to look at the large disagreement among ethicists as a strong point against the ethical arguments (Cowley 2005 274). It is because many discussions on moral issues ultimately lead to disagreement that ethical expertise is impossible.

Cowley goes further, showing that disagreement is also found in everyday clinical settings. He presents an example of doctor and manager who are in disagreement. The doctor misses a day of work to take care of his sick child, which the manager feels is a breach of contract. The contract states that the doctor can miss work for reasonable reasons. While the doctor and manager normally agree on what a reasonable reason is, regarding the doctor taking care of his child, they are in full disagreement. They both know as much about the situation as is possible. Cowley sees this disagreement as permanent and thinks there is no way to converge on a compromise. He believes these kinds of disagreements are so common that to say one person is right is impossible (Cowley 2005 276). Cowley does recognize there is some agreement regarding ethics, and that we do not behave as if ethics is relative so his argument is not to say ethics is a matter of personal preference (Cowley 2005 276).

Cowley's argument can be seen as means of looking at the Weinstein model of expertise. Cowley is denying that the ethicist can properly justify their claims. Furthermore he believes that in many cases the layperson would be just as equipped to argue against the expert, as the expert is to argue against the layperson. As mentioned earlier Weinstein uses disagreement among experts as proof of expertise through the possibility of high-ended debate; however, Cowley takes the disagreement in ethics to be of a different kind disagreement. The situations that the ethicist debate can be

examined by anyone, it is different from how the scientific community will disagree about the source of black holes (Cowley 2005 278).

Unfortunately Cowley's disagreement argument does not hold up. He is not making a distinction between morality and ethics. The ethicists themselves are not claiming to be moral experts; they are claiming to be ethical experts. They have the skills of deliberation; the disagreement in the example is about the final conclusion of their argumentation. The ethicists would be able to see both sides of the arguments in a way that the physician and the manager cannot. The defenders of ethical expertise put one of the deliberative skills that the ethicist has as the ability to change and modify intuitions (Crosthwaite 2005 282). The skills of the ethicists would allow them to see the source of the disagreement. This is where the ethical expertise comes in. Thus his argument about disagreement does not hold up.

There is another strong claim made by deniers of ethical expertise. Scofield, who is directly responding to Steinkamp et al., attacks the use of the Dreyfus and Dreyfus model. Scofield claims that Steinkamp et al. used a linguistic slight of hand to distinguish expertise and competence, which is placing the experts as being better than non-experts (Scofield 2008 371). This is because Scofield says that the Dreyfus and Dreyfus model cannot apply to the ethicist as the expert in the Dreyfus and Dreyfus model is a doer (Scofield 2008 374). This distinction means that the ethicist would know something about knowing that the non-expert would not. Scofield denies this, and believes that the non-expert would be able to 'hold their own' against the expert in most debates (Scofield 2008 375). Scofield believes that any of the skills an ethicist would use are merely a kind of epistemic power domination. They are simply controlling the language game, and their expertise is a false one (Scofield 2008 378). Thus to truly be an expert is impossible and knowing about knowing is simply impossible. For Scofield to have an ethical expert is to say that there are simply people who are better at knowing what to do than others. This is directly against the democratic value of equality (Scofield 2008 379).

The furthest this argument is taken is in Stephen Turner (2001). Turner takes the idea of expert and explains that they are actually harmful to the values of democracy. He argues that as democracy is supposed to place equality of all members then the expert is troubling to equality (Turner 2001 123). The expert opinion becomes more valuable, which puts public debate in the control of the experts (Turner 2001 125). This is because the experts create the discourse system in which a topic is

debated, eliminating neutrality and creating cognitive authority (Turner 2001 127-8). This results in experts having an authority that was not given to them by the public but created by the experts. Turner feels that this will eventually lead to experts being a hidden hand that will guide society without the consent of the people (Turner 2001 131). Scofield uses this kind of argumentation in application to ethical expertise. The ethicist would have created a system of authority through controlling the discourse that means that their authority over morality is stronger than that of the average person (Scofield 2001 381).

Turner and Scofield have leveled two criticisms against the defenders of ethical expertise. The first is that ethical expertise does not exist, as it is merely a false cognitive authority, as they claim to know something about knowing that the layperson does not. They deny this cognitive superiority and as such there is no ethical expertise. The second claim is that if it were the case that they did have this cognitive superiority it would actually be counter to the ideas of democracy. Democracy requires equality, and saying that there were a group of people that were better than the others would give them a moral superiority.

The first claim does not hold up. They are once again falling into the same pitfall that most deniers fall into. They do not recognize the differences between morality and ethics. Ethicists do not claim to be moral experts. They are ethical experts as they merely have the skills of deliberation. They do not know something about knowing that the layperson does not. They have skills of deliberation that the layperson does not. They can justify their claims in a way the layperson cannot.

The second claim on the other hand, actually holds some weight. It may be the case that the ethicist does have some kind of authority that would be counter to democracy. This is a very serious claim, if ethicists are better at deliberating on ethics than a layperson would this not put them in a better position to be moral? While there is a difference between morality and ethics there is still a connection between the two. Defenders of ethical expertise like to distance themselves from this connection. Even if it is the case that there is a difference between ethics and morality, the connection between the two could mean that the ethicist would be in a better position to be moral. This is not to say they are necessarily more moral, merely they are better equipped to be more moral.

Conclusion

The debate around ethical expertise has had two main sides, the defenders and the deniers. Both sides of the argument seem to be talking past each other. The deniers fail to make a proper distinction between ethics and morality. While the defenders of expertise fail to see that there is some level of paternalism in their arguments. This chapter has primarily focused on the possibility of ethical expertise rather than how it may be utilized if it were to exist. Regarding the possibility of ethical expertise than it seems like the defenders have a stronger footing. The main argument that is put forth by the deniers against the possibility of ethical expertise is Cowley's disagreement argument. But this is shown to be false so long as one can make that distinction between morality and ethics.

However the paternalistic problems still seem to persist. Any account will need to have some acknowledgement or solution to the possibility that ethical expertise implies that ethicists are in some ways better at something than the layperson, while at the same time not overtly being paternalistic. I have tried to show that both sides need to take a slightly new outlook. In the next chapter I will attempt to promote a slightly revised approach. I will attempt to use both sides of criticisms into account. Using the work of John Dewey I will present an idea of how one can make a distinction between morality and ethics, while at the same time acknowledging that there is some level of paternalism but that this may be acceptable.

Chapter 2 Dewey's Account of Ethics: A Pragmatic Outlook

Introduction

The previous chapter has tried to show that both sides of the ethical expertise debate have been talking past each other. I wish to spend this chapter presenting a new view of how ethical expertise might be seen. This is a pragmatic skill-based approach to ethical expertise. I will look directly at the skills that an ethicist may have and determine if they can then have the mantle of expert based on these skills. Both sides of the debate around ethical expertise present strong claims. Before presenting my own version, I want to first begin with a different account of morality and ethics: John Dewey's contextualism. Dewey's approach to ethics is very unique in that not only did he tie ethics to morality, but he also tied it to the ideas of growth and education. Morality was never stagnant for Dewey, and education never stopped. Using Dewey I will present a revised version of ethical expertise, one that is not necessarily radical, but certainly pragmatic

Dewey on Morality

John Dewey's idea of morality is different from most moral theories: in fact I would not even necessarily classify it as a moral theory. While he makes normative statements about how to act in social interaction, but he does not present a system of rules on which to live, nor does it give a definitive answer to the question of what a good life is. Rather Dewey provided a set of skills that people could use to provide guidance in determining their own good life. In a sense it is a weak moral theory, as it does not attempt to provide the answers, but rather provide the means for a person to determine their own answers.

There are three key ideas that one needs to understand in Dewey's morality in order to get a grasp of how he views ethics. Firstly is Dewey's devotion to education, which ran throughout the body of his work. I will address his views on education more directly in chapter 4. Secondly that Dewey saw morality as growth. Finally Dewey had a focus on contextualism. Dewey offered a robust version of morality that was well in line with pragmatism. Dewey wrote a lot of his work through textbooks and articles (Pappas 2008 4). However his goal was to offer a kind of positive pragmatism that would actual be of use to his students outside of the philosophy classroom. Arnold Isenberg describes Dewey as "an educationist" who believed

education was the richest part of life (Isenberg iii). Everything Dewey wrote was intended for education purposes as he saw little difference between books aimed at a first year university student and a professional (Isenberg iii). This gives him a unique method of writing where first and foremost his work should be understood as a means of a reflection.

Dewey was well aware of the distinction between ethics and morality. His ethics was presented as a means to achieve morality. Dewey wrote “To study choice and purpose is psychology; to study choice as affected by the rights of others and to judge it as right or wrong *by this standard* is ethics” (Dewey Moral life ix my emphasis). Ethics for Dewey is not the sum total of the values; it is the understanding of these values and evaluating them on their own standards. Morality for Dewey was still the values of these standards but it was also a development within people through the connection to ethics. Dewey considered the context every person is put in as the means in which they would develop morally (Dewey ML x). For Dewey morality was always a process, it is constantly changing, evolving, and developing. Ethics are the skills that are needed to deal with those changes and developments.

This process for Dewey is key because morality can never remain stagnant, as if it does it merely customary morality, stating:

“The intellectual distinction between customary and reflective morality is clearly marked. The former places the standard and rules of conduct in ancestral habit; the latter appeals to conscience reason, or to some principle which include thought” (Dewey ML 9)

True moral growth for Dewey comes from this moral reflection. The growth is meant to maintain what Dewey calls the stability of character (Dewey ML 9). Conduct of a person and their character are connected for Dewey stating:

“Continuity, consistency, throughout a series of acts I the expression of the enduring unity of attitudes and habits. Deeds hang together because they proceed from a single stable self...Reflective morals is that it is conscious of the existent of a persistent self and of the part it plays in what is externally done” (Dewey ML 9)

Moral growth is a means of using reflection to a get level of self-realization in order to act in a way that an agent’s actions are done in accordance to consistent and stable self. While this is not directly called autonomy, one can easily argue this would fit into a present day description of autonomy.

This is where the third part of Dewey comes in. Contextualism was key for Dewey as no self was placed in a vacuum. For Dewey there are three sources of moral

theory: facts and data, history science and philosophy (Dewey ML 23-4). These sources evolve and change as the world does. Dewey was explicit in stating that the values of a new generation will always be different from the generation that precedes it (Dewey ML 20). The current situation will develop and change and as it does the individuals within it must change too. Hence a sense of context is always important. One can only determine one's own values within moments of calm reflection, when one is free of context (Dewey ML 57). What this means is that one must reflect in calm times in order to maintain the stability of character when the context changes. However it is through understanding the context along with the sources of morality that one can reflect on the values themselves. For Dewey the way to maintain this is through education, stating:

“Up to this point we have passed over the social conditions which affect the development of wise and prudent attitudes of mind. But it is clear that the education which one receives not so much the formal schooling as the influence of the traditions and institutions of the community in which one lives, and the habits of ones associates are a profound influence” (Dewey ML 60)

Thus Dewey returns to education as the key to development of the moral self, however; it is an education found in the world and context around oneself. Morality is a process that is continual and contextual, developing through a proper education and reflection.

Dewey does present a means to achieve this morally stable self, which is through the skills that studying ethics can provide. So far Dewey has merely presented a descriptive view of morality. It is how morality plays a role in the self; but Dewey also presents a normative theory in that he gives the means in which a stable self can be achieved. Dewey's contextualism is key to understanding his normative theory. Dewey's contextualism is rooted in experience, as the reason for the adaptation of different rules is routed in experience, however there is a problem. As principles are passed down from one generation to a next they turn into a rigid rule set. When rules are removed from the experience that forged them, the rules lose the value associated with them. Without this experience the rules lose any value, as they have nothing to connect them to experience (Dewey ML 136). For Dewey something that will always prescribe a specific course of action is useless, as it becomes authoritarian, and limits moral freedom (Dewey ML 140). Rather one should continue to live base on principles routed in experience. Dewey sums it up as

“Rules are practical; they are habitual ways of doing things. But principles are intellectual; they are the final methods used in judging suggested course of action...The object of moral principles is to supply the standpoints and methods which will enable the individual to make for himself an analysis of the elements of good and evil in the particular situation he finds himself.” (Dewey ML 141 his italics)

He continues:

“A moral principle, then, is not a command to act or forbear acting in a given way; it is a tool for analyzing a special situation, the right or wrong being determined by situation in its entirety not by the rule as such” (Dewey ML 141 his italics)

Thus Dewey advocates the development of intellectual principles, which work as tools for analyzing situations. The rightness and wrongness are determined by the situation. The focus should be not on rules but on intellectual tools. These tools are found in ethics. This leaves the question of what are the means to be able to have these tools. These tools work with the moral habits that Dewey had expressed earlier. The most specific habit is moral sympathy, the ability to place oneself in the place of others (Dewey ML 130). Dewey calls sympathy “the animating mold of moral judgment” (Dewey ML 130). Thus if one takes into account Dewey’s idea that morality is growth, along with the Dewey’s emphasis on experience it is easy to see why he places such a value on education. Dewey saw the development of the self as fluid; it cannot be a fixed scheme (Dewey EW 4:43). Education for Dewey is an end in itself, it allows for the constant development of the self in order to determine principles through experience and calm reflection. For Dewey reliance on a dogmatic theory would remove experience from the process (EW 4:177). Theories fail when they cannot meet the test of practice (EW 4:188).

Dewey’s view on morality can be summarized as follows: Morality is contextual, fluid, and based on experience. As such the tools of ethics should be principles based on experience in order to inform morality. The right course of action is determined by the situation, not the rules. In order to know how to deal with complex situation one must develop moral sympathy and habits through continual education. Education is an end in itself, one that never is completed. Dewey presented no ideal moral life but rather argued that the reflective moral life is “The power of using past experience to shape and transform future experience” (Dewey Middle Works 11:346). Ethics, for Dewey, refers to the skills one needs to have this morally stable self. With this understanding of Dewey’s ethics, it is possible to make an argument for how ethicist could have expertise.

The Skill Based Ethicist

With this understanding of Dewey's idea of morality I can now present my own view of ethical expertise. I defend ethical expertise under a more skill-based approach to ethics. This is based on Dewey's understanding of both the separation of ethics and morality along with his idea of morality as growth. While he recognized the difference between morality and ethics he was able to understand that they are still very much connected to each other.

Before presenting my approach based on the work of Dewey I shall quickly return to what the deniers and defenders of ethical expertise debated. As I had argued in the previous chapter both sides of this debate seem to be talking past each other. They are using different terminology, resulting in one side failing to see the other directly. The deniers of ethical expertise make a false parallel between ethics and morality. They do not recognize that ethics refers to the reflection on values, as opposed to the values themselves. As a result they assume that ethicists are claiming to be moral experts. Whereas the defenders of ethical expertise fail to see the possible problem of moral authority they may have given the ethicists. While they have separated ethics from morality they fail to understand that ethical expertise implies that they may have some kind of authority over the layperson. The ethicist may be in a better position to reflect on and evaluate moral values, which may be troubling. Thus there are two questions that need to be answered. Firstly is there such a thing as ethical expertise? Are ethicists in a position where they are experts in the field of ethics, or is the layperson just as good at moral deliberation as the layperson? Secondly and more importantly if ethical expertise exists, does it give the ethicist a kind of moral authority?

For now I will stick with the first question, returning to the second one in the fourth chapter. Is there such a thing as ethical expertise? I believe there is. If one uses Dewey's idea of morality then it is clear that an ethicist can exist and that the ethicist can be an expert. Dewey made the distinction between ethics and morality; however his definition, of ethics is slightly different than most defenders of ethical expertise. Steinkamp et al. definition was "philosophical reflections about morality, typically elaborated into an argumentative system." (Steinkamp et al. 2008 387). Dewey's definition was slightly different, as Dewey argued that the focus of ethics was beyond just reflection but specifically related to the skills. Those intellectual skills such as

reflection and moral sympathy, gave people the capacity to then make moral decisions. Morality, on the other hand, for Dewey was growth, not merely the values a society hold at a given time. Those values will change from generation to generation; experiences will change as the world changes. Morality is the experience an agent has with the people around them. Ethics is the ability to learn from these experiences.

With Dewey's approach to ethics and morality in mind then it is easy to get a picture of ethical expertise. There are skills a person can have in terms of reflection on experiences. The ability to be morally sympathetic, in order to see others positions, the ability to read contexts, and the understanding that everyone's experience is different are the skills that an ethicist has. Dewey discusses how moral growth means a person should strive to be morally stable. To be morally stable means to have these skills, and be able to utilize them. If there are set of skills that can be acquired, taught or learned then one can master them.

While there are many skills that an ethicist has there are five specific skills that separate the ethicist from the layperson on which I wish to focus. Peter Singer presented the first three, whereas the final two are based on the work of Dewey. Firstly is the philosophical training in argumentation and the ability to see invalid arguments. Second is the training in moral theory an ethicist has, which gives them a better understanding of the logic of moral argumentation. Thirdly the ethicist has the time to reflect on these issues (Singer 1972 117). The fourth is Dewey's idea of moral sympathy. This gives the ethicist the ability to see other's points of views. Simplified it leaves the ethicist as a professional 'devil's advocate'. Finally there is the ability to read the context of the situation. Context plays a large role in the moral outcome of a situation. The ethicist has the training to read these situations in a way that the layperson cannot.

These skills point to something that the ethicist has that the layperson does not, or at least not at the same level as the ethicist. These abilities allow the ethicist give clear and valid conclusions. This is not to say that a layperson could not learn the skills. Quite the opposite, ethical training would be easy to utilize and teach. Learning the skills of the ethicist would require a kind of training that would be more akin to learning to be the expert driver then becoming the chess grandmaster. Nonetheless, it seems that at the very foundation there are certain skills and ethicist has that separates them from the average person with an opinion about an ethical dilemma. The ethicists, at the very least, can hold the mantle of expert.

The second question on the other hand does not have an easy answer. It may be the case that the ethicist does have a kind of morality authority that they need to address. Any role an ethicist has will have to avoid these kinds of accusations. To do this I will present a more full explanation of the problem in a later chapter when I look to specific roles an ethicist may have. However before I can explain the problem of moral authority or which roles an ethicist may have in a democratic society I will first need to examine the values of democracy. From that I will then see if it is true that the ethicist is in some way counter to the values of democracy

Conclusion

This chapter's focus has been to present my own view on ethical expertise, which is based on the work of John Dewey. It has merely shown that in the debate the defenders of ethical expertise are correct, through proper training and the development of certain skills there is at the very least a difference between the philosophically trained ethicist and the layperson. One must remember that ethics is a set of skills that allows a person to deal with moral situations, whereas morality refers to values. The disagreement argument cannot hold up regarding ethical expertise, simply because it does not make the difference between morality and ethics. Disagreements may exist in morality however the means of argumentation in determining whether or not a moral argument is valid are not disagreeable. A chess game can end in a tie, but if one person does not know the rules of the game it will end up as a mismanaged game. However, the debate presents another challenge that is not always taken up by the defenders of ethical expertise. If it is the case that ethical expertise is possible then would having these experts be a good thing? For now the focus has simply been on the issue of the possibility of ethical expertise. The question is now whether there is a necessity of ethical expertise. The defenders work on the assumption that having experts is a good thing. Before I can address this it is first necessary to look at the values of a democracy. This is done in order to discover which ways an ethicist may be utilize, as well as examining the elements of democracy to see if experts are in some way harmful to a democracy.

Chapter 3: The Values of Democracy

Introduction

To determine what, if any, role an ethicist should be playing in a democratic society there should also be a look at democracy itself. This is not meant to give an in depth account of what is required for a perfect democracy. Rather it is a means to quickly examine what it would mean to be part of a democracy; however I will provide some critique alongside this explanation. It's not surprising that the famous quote from Winston Churchill describes democracy as "the worst kind of government, except for all the others." While this is usually taken with Churchill's cynical optimism in mind, it would not be a far stretch to state that these kinds of sentiments are common (Anderson 2009) Most people, in the west at the very least, value democracy in some way or another. Philosophers try to go beyond the "it is simply better than the other option" mentality. This chapter will quickly try to get at the idea of democracy and why it is we prefer it to the other forms of government.

Most theories today take the liberal conception of democracy. Briefly this is to say that there is a focus on negative freedom, arguing that just democratic societies are a means of providing people the freedom to act autonomously. This is generally considered a minimum requirement. However, I will argue that for a society to be called democratic it must go beyond these minimum requirements. Democracies need a stronger push in order to be worthy of being called a democracy. I will begin with the minimum requirements of democracy that have been expressed, by Jürgen Habermas. Afterwards I will argue, using the work of John Dewey as inspiration, that democracy needs to go beyond the minimum requirements of freedom, and that it actually requires an active moral purpose to be considered a true democracy. Finally I will argue that with the idea that democracies have a moral purpose the question of what role an ethicist plays becomes even more important.

Values and Characteristics of Democracy

I will begin here by presenting a quick account of why democracy is preferred over other forms of society. In order to do this I will look at why democracy is valued, and what values a democracy holds. It is important to look at what separates a democracy from other forms of societies and to examine the values that all democratic societies hold. While there are numerous competing theories on what makes a just or

democratic society, and what values a democracy should hold there are some agreements on the basic requirements. Before asking how an ethicist can contribute to a democracy, and therefore hold some sort of value to society, it is first necessary to try to find the basic characteristics of a democracy. This is not meant as a robust account of democracy but rather a discovery of the minimal characteristics all democracies share.

The first and most basic requirement is that a democracy should ultimately be governed by something that can be called the ‘will of the people’ (Richardson 2012 92). This is to say that the ultimate authority of the government must come from the people. This can be seen in nearly every constitution of every democracy. This is the driving force at the beginning of any democracy. A democracy is rule by the people for the people. Without this it is a democracy in name only. However democracy is a bit more complex than merely having the will of the people. I shall turn to the work of Jürgen Habermas, who presents three elements that a democracy should also hold.

Jürgen Habermas gave a simple yet comprehensive analysis of the basic elements of democracy. He presents three basic elements, these are: the private autonomy of the citizens; a democratic citizenship based on inclusion of free and equal citizens; and an independent public sphere (Habermas 2009 139-40). Again while there are many different competing theories of democracy Habermas’s three elements seem to provide a simple yet robust explanation of the basic requirements of democracy.

Regarding the first element Habermas describes the private autonomy of its citizens as necessary to insure the equal basic liberties of citizens, legal protection by independent courts and the separation of legislative, judicial and executive branches of government in order to bind public administration to law (Habermas 2009 140). This seems reasonable; any state that fails to meet these requirements would fail to be a democracy. A government where one body controlled the three branches of government would be seen as tyrannical. For example the separation of branches of government provides a means to keep government officials accountable for their actions. Governments that combine all three under one regime¹ would not be considered free and accountable governments. The accountability of government

¹ Or extreme cases like the Democratic People’s Republic of Korea (DPRK) has nearly all forms of government under a single dictator. Showing it is not democratic, not of the people and certainly not a republic.

along with the protection of the autonomy of its citizens seems to be a necessary point for any democratic government. This first characteristic is a means of assuring both the protection of the people and accountability of government.

The second characteristic, that of inclusion and citizenship is a means of providing self-rule to as many citizens as possible. It is to assure rights of association, participation, periodic elections and referendums, competition between different political parties, and the majority principles of representative bodies (Habermas 2009 140-1). Again this is a simple principle that all democracies would need to share on a basic level. A democracy encourages as many people to take part in the political process as possible, while at the same time assuring that all people have the opportunity to provide equal input into that process. Rigged elections, banning political parties, or denying certain citizen voting rights would be seen as anti-democratic. However, this principle does have some discussion about what level of inclusion is necessary. For example, some have argued that democracy should only allow the competent to take part (Arneson 2004, Mills 1956). Furthermore while some democracies will be open to all political parties, sometimes those parties based on certain principles which are deemed immoral have been forbidden;² however, it is because in principle they are against the democratic ideals in the first place.

Finally there is the requirement of an open and independent public sphere. This requires three things firstly, a separation of a tax gathering state from a market-based society. Secondly it means there must be a free and open public press with a diverse media. Finally it requires the guarantee of mass audiences and civil society access to this public sphere and prevent the monopolization of media (Habermas 2009 141). It would be hard to view any society without a free media as a democracy. There are freedom of speech troubles that plague most modern democracies; however, they are not completely hindering free speech. In the extreme cases, for example Mainland China³, it would be impossible to consider those societies as democratic. However, with advances in technology it seems that given certain situations it may be

² For example In North America groups like NAMBLA (The North American Man/Boy Love association) or hate groups like the Westboro Baptist Church have not been outright banned outright, but have been restricted or removed from the public sphere (Ayesha Khan & Michael Blank 2010).

³ The Golden Shield project in Mainland China which blocks roughly 2600 major sites (such as social media sites like Facebook and Twitter) is an example of this. While many countries have harsh restrictions on speech few claim to be democracies (Randolph Kluver & Chen Yang 2007).

impossible to deny people this element of democracy. With the advance of social media and the Internet sharing information on an open playing field is increasing difficult to suppress or least it will be impossible in the future.⁴ Nonetheless the free public sphere is a necessary element of a democracy.

These three elements provide the basic requirements for a society to be considered democratic. These will come in degrees and each society will place more or less value on each one, as well as face problems associated with them. For example the American constitution puts a lot of emphasis on the first amendment (Constitution of the United States), which focuses on free speech and thus the public sphere (McAllister 2010). Yet at the same time United States is dealing with the problems of a slowly growing monopolization on the news media. Canada on the other hand places more emphasis on the element of inclusion by trying to have looser immigration laws and quicker paths to citizenship (Yasmeen Abu-Laban and Judith A. Garbe 2005). Nonetheless Habermas's three elements seem to provide a reasonable foundation for the basics of a democracy.

These basic elements give what seem to be necessary conditions for democracy; however, it does not appear to be sufficient. It would be hard to argue that these kinds of elements could be missing from a democracy. I provided a number of examples, such as freedom of speech issues in Mainland China, or the merging of sections of governments in the DPRK. These elements provide only one part of what a democracy should be. There should also be something within a democracy that goes beyond merely voting, or providing basic freedoms. These elements are all required for a democracy but there also needs to be a reason for valuing them in the first place.

Elizabeth Anderson provides a number of basic values that democracies hold which present a good idea of the basic values in her article "Democracy: Instrumental vs. Non-Instrumental Value." The values are based on whether you see democracy as either a system of membership, a mode of government or a culture (Anderson 2004 214). These three views all work together to show the value of democracy. Regarding membership it is a means of a group for people living together under one common state (Anderson 2004 214). Regarding it being a mode of government this is merely

⁴ An interesting example of this is the recent move in March of 2014 by Turkish government to ban the social media site Twitter. After blocking the website, people quickly used proxy servers to access the site despite the firewall. Furthermore Twitter itself released proxy servers for the Turkish population to bypass the government ban. The ban was lifted in April 2014 (BBC April 3rd 2014 James Reynolds).

how a democratic government functions, be it majority rule or deliberative in nature (Anderson 2004 215). However it is the final view that of democracy being a culture that is most interesting. Anderson gives the following basic definition of democracy as culture stating:

“Voting and deliberation represent alternating moments in a process of provisional decision making-making, the aim of which is simultaneously to learn about what works and to decide upon criteria of what counts as working from the perspective of citizens acting and thinking collectively.” (Anderson 2004 217).

Continuing on she states

“Citizens communicate not just with their representatives and other public officeholders, but with one another, so that they may come to an understanding of what they demand as public not just as isolated individuals.” (Anderson 2004 217)

Here democracy is seen as going beyond just voting; it is a specific process that allows for a flourishing civil society in which all are represented. It is from this that she presents the values a democracy holds.

It is in this sense that the non-instrumental values of democracy that people value are present. Anderson gives four values she feels are shared in all democracies. Firstly there is the mutual respect of equals; this is done through heeding other’s claims, taking them seriously, and valuing each other’s opinions as our own. This can only be accomplished in democracy (Anderson 2004 220). The second value is in relation to the first in that it is found in the knowledge that other forms of government do not have this kind of respect for equals. In undemocratic societies some groups are seen as pariahs, and some as better than others through corrupt power. People value democracy simply because they know the alternatives are terrible. The first of these values is certainly true, democracy does treat people as equals; however, it seems to be based on an idea of equality where each person is treated the same. This is a strange road to take, as it could lead to equality being seen merely as giving each person an equal share. It is an idea of equality that fails to recognize the differences between people and account for those differences; I will comment on this idea of equality later. However this second value, that it is merely better than the other options, while true, is same kind of optimistic cynicism that was mentioned at the beginning of this chapter. Just because it would be a ‘less bad’ option, gives democracy a weak value. There should be something more than merely being “the least bad option” that a democracy should strive towards.

The third value is that of shared goods. There are goods that can be shared in democracies that are not found in the other societies. These goods such as the public sphere or equality are not possible in other forms of society (Anderson 2004 220). Finally there is the collectivity of democracy; democratic societies have people working collectively to better understand themselves and others within the society. Citizens work together to express their autonomy collectively through learning from one another (Anderson 2004 221). In the end the value of democracy is found in that it is a “A mode of collective governance whereby citizens work out together what goals they shall share.” (Anderson 2004 222).

Anderson’s last two views are stronger than the first two. They clearly present an idea of democracy where people are active working towards something. She is presenting it as a kind of process, trying to go beyond mere instrumental values of democracy. She wishes to go beyond that and provide some explanation for why people, in general, want democracy.

Here the basics of democracy can be understood as a state of governance whereby people work together through mutual respect towards the shared goal of creating a free and equal society as a collective public. How this is achieved is up for debate but nonetheless these are the very basic requirements that all democracies must share in order to be considered a democracy. Again there are other forms of government that may be able to achieve some of the values of democracy, but unless it has Habermas’s three elements and the collective culture of respect, equality and collective goals then it is not a true just democracy. However it seems that this may not be enough. The next section will provide something democracies may be missing.

Do Ethics Have a Place in Democracy?

Habermas and Anderson gave necessary conditions. However there is a question that I believe to be overlooked, as it is merely assumed to be true. Does morality or ethics play a role in democracy? This may seem like an obvious answer, it would be safe to assume most people would hold the intuition that morality does have some place, but it should be explored, as there is a direct link between morality and democracy. It is under Dewey’s conception of democracy as a moral experience that it is possible to bring in morality as an essential part of democracy.

Most philosophers seem to work on the assumption that morality and democracy are in some way connected. Habermas is working on the assumption that

the three elements are good in some way, and Anderson is focusing on those values. However neither provided a direct link between democracy and morality. John Dewey saw democracy as requiring more than merely a public sphere or autonomous people. It has an essential moral element. For Dewey democracy is a task (Pappas 2008 247). This task is similar to the idea of democracy as a process, which Anderson describes, however for Dewey it is because democracy has no readymade system but rather works as a way of life. For Dewey there are no readymade criteria for liberty, or equality, but rather there is the experience of knowing that society must work together (Dewey *Later Works* 7:349). Democracy is directly an experience, an experience created through a shared community and our experience within it (Pappas 2008 219).

Dewey tied democracy directly to morality as democracy was also rooted in experience, however democracy is a more community-based experience (MW 9:93). Democracy for Dewey goes beyond a mere political system that safeguards certain rights. Democracy is task, an experience of living together in a communal setting. To merely call it a process is to miss the point. Democracy must be striving towards something. It cannot merely be the freedom to be autonomous citizens. It must have a kind of goal, a goal that would be rooted in experience. Gregory Pappas offers a great explanation of how democracy is experience writing “Democracy as experience means that the primary and ultimate test of democracy as an ideal is the amelioration of presently experienced problems. It also means that democracy strives to have certain enriching and meaningful experience” (Pappas 2008 219). Pappas explains that this experience is what leads to Dewey’s criticism of most liberal theory of democracies which focus on negative freedom, the liberty of free thought information and discussion. This is how Dewey’s democratic theory is distinct.

Dewey rejects the liberal theory argument that people are born autonomous with positive capacity. On the contrary everyone is defined by his or her own context and surroundings. Pappas argues that this positive freedom is “the capacity of an individual to carry out a course of action; it is accomplished by creating certain habits in a particular social environment, but it is not something with which we are born” (Pappas 2008 221). Thus for Dewey a democracy must create the situations that would allow for the development of morally reflective citizens. A democracy for Dewey is not merely the freedom to choose a certain paths; it must promote the intelligence to choose those paths wisely.

Thus there is a connection between democracy and morality for Dewey. A democracy is not ideally democratic if it is not also moral. As morality is the development needed to gain a proper kind of habit, a democracy requires the development of its citizens; otherwise it is not worthy of the name democracy. As mentioned in the previous chapter Dewey saw the self as dynamic, fluid and constantly evolving (Early Works 4: 48). Furthermore the self is realized through one's experience with others. Situations are to be judged based on experience and not on a set of rules meant to guide action. While this could be seen as Dewey abandoning objectivity, it is actually Dewey embracing the collective differences of each person. There is no need for a specific set of rules if one is willing to use these experiences along with moral sympathy and reflection to relate to each situation.

It is Dewey's idea of experience that connects democracy to morality. It is from this connection of experience and morality that ethics can play a role in democracy as well. For Dewey saw ethics as more fundamentally about method. Pappas describes it as

“Instead of looking for criteria and final solutions, ethics should be about method [for Dewey], that is, with how we can become better prepared to obtain quality guidance in making good decisions in the difficult and complex situations that we confront” (Pappas 2008 155).

Ethics is a means of preparing oneself to deal with the experiences that one encounters. Ethics thus plays a direct role in a democracy as well, as democracy is a moral experience and ethics is the method of dealing with those experiences.

Dewey's view of equality clearly reflects this focus on experience. For Dewey equality cannot merely be treating others as equal or giving everyone an equal say. Dewey sees equality as ultimately moral writing “Moral equality means incommensurability, the inapplicability of common and quantitative standards” (MW 13:229). Equality for Dewey is embracing differences as a means of better understanding, and respecting those differences. Combined with Dewey's moral sympathy, equality is a tool that can be used to gain better understanding of each other. Merely trying to give each person an equal say within a democracy is not true equality. It must also be a means of actively trying to understand one another through the differences. Pappas has claimed the ideal of everyone being abstractly treated as the same, would be counter to democracy (Pappas 2008 226).

The most important thing to bring away from Dewey's democracy, especially for the purposes here, is that democracy, like morality, is directly tied to experience.

Democracy is a task not a process; it should be focused on the immediate, without forgetting the possible future goals. Equality is embracing differences and not merely treating each other the same way. The development of the moral self is to take part in a democracy. What Dewey has done is placed morality at the center of democracy. To be a good democratic citizen is to be a moral person. It is from the connection of morality that ethics can be brought into democracy, as ethics is a kind of method of dealing with ones experiences. The development of moral habits is the ability to use tools like reflection and sympathy to understand one's current situation. Dewey places his focus on the present, as he wants to be free of rigid rules and theory. If democracy is a task the focus needs to be on the immediate. Furthermore if democracy is people wanting to find some way of living together and morality can be seen as a means of living together then morality must be part of democracy.

As mentioned earlier Habermas has presented three elements that a democracy requires. What I have tried to do is bring in the idea that ethics and morality are a means of tying these elements together. If one takes the difference between ethics and morality and sees ethics as the tools necessary for reflection and evaluating the values one has, this is already in tune with Dewey's democracy. It makes it so that ethics is the various skills and tools that allow a democracy to maintain a moral purpose. It is the reflection on the values and the evaluation of the situations that democracies try to utilize. Ethics has a specific role in democracy, the more reflective one can be the more contribute the moral purpose of a democracy, under Dewey's model.

Thus Dewey shows that if one wants to consider democracy as any kind of task, one cannot separate it from ethics, as ethics is the reflection on the issues that a democratic process is supposed to tackle. What this means is that if there is the possibility of someone to have ethical expertise, they must have some kind of role within a democratic society, simply because ethics cannot be separated from democracy.

Do Ethicists Have a Place in a Democratic Society?

Ethics should have some kind of role in democracy, as a democracy should try to promote a moral purpose. If a democracy should be an attempt at creating a moral society then a democracy should be actively promoting morality, which is best done using ethics as a method. The question then becomes do ethicists have a place in this democratic society? It seems like it would be a quick intuitive leap to state that if

ethics has a place in democracy than surely the ethicist has one as well. I will quickly make an argument to justify this leap.

It is already the case that in society people with expertise are utilized to benefit the whole of society. If someone has medical expertise they are placed in the medical field. Those with carpentry expertise are placed in construction roles. As a society it is known that if a person has some kind of skill they utilize those skills to fulfill a need that society has. Now there is obviously debate on how to reward fulfilling this role, for example in capitalist societies they are rewarded with pay. That debate is beside the point. What is important is that in a society if there is a societal need and someone with the expertise to help fulfill that need then that person is to take on such a role as to fulfill it.

As mentioned in the earlier sections democracies are, on some level, systems put in place as a means of ruling over people; however, it is a rule made by the people. They are designed in such a way that the 'will of the people' is what guides society in order to solve certain issues. These issues can be governmental, economic, environmental et cetera. However the main point is that democracies have an active moral purpose and thus should be in some way promoting the values that they wish to hold. This is one of the functions of a democracy.

Now this leaves two needs to be filled. Firstly is the necessary need of determining those values that a democracy wants to promote. There are several values that were mentioned earlier. There is the value of collective reasoning, the value of personal autonomy, and the value of equality to name a few. However these values will change and evolve. Dewey had recognized this change and embraced it. Dewey argued that each generation evolves and changes the values of the previous one (Dewey ML 20). This was why he stressed the promotion of principles and reflection in order to deal with these changing times. What this means is that even if there are set values a democracy might hold, the specific values will change, along with the meaning of what those values are. There will always be a need to reflect on and develop those values.

There is a second need, which will need to be fulfilled. This is solving the moral issues that society will face. Once again Dewey recognized that with changing times comes different problems. This is best categorized with the recent rise in the use of the Internet. The Internet has led to many new questions about what values society wishes to hold. Is privacy as important to people today as it was a hundred years ago?

Are people willing to sacrifice privacy for security in the face of a globalized world? New moral issues will always come up. These issues will not have readymade answers for them. This is because morality is based on experience, and as the way people experience the world changes so will the values that are held. Thus there is a need for either a guide or the means to allow the citizens of a democracy to reflect on these issues for themselves.

This need comes from the fact that a democracy is supposed to hold something that can be called the ‘will of the people’ (Richardson 2012 92). The people would thus need to be informed about moral issues in order to make justified claims about what values they hold in the face of these issues. Thus it has returned to the moral purpose. There is a need for a democracy to have a morally informed population if they will maintain a strong ‘will of the people’ that is both informed and moral.

Finally in the previous chapter there was the argument that such a thing, as ethical expertise exists. This expertise is the skills to reflect on and become informed about moral issues. These skills are what allows the ethicist to reflect and deliberate on this moral issues in an expert way. These moral issues are what a democracy is set up to try to solve. Thus as societies use people with expertise to fulfill needs that a society has and that one of these needs a society has is the explanation, solving and informing of moral issues a society must solve. Therefore Ethicists have the expertise that would be useful in fulfilling the need to reflect on moral issues.

Thus there is a place for ethicists in a democratic society due to its moral purpose. If democracies wish to solve and evaluation moral issues, they should utilize ethicist as they have the expertise to help with these issues.

However this leaves a specific problem left over. If it seems like the ethicist should be used in helping solve moral issues and reflect on the values of a society, but a democracy is supposed to hold something that can be called the will of the people would it not be paternalistic to then have ethicists making the decisions? Ethicists would be doing the reflecting for the people, when it should be that the people’s values are reflected in the democracy. To do it for them could be seen as anti-democratic. This is the problem of moral authority. In the next Chapter I will directly address the problem of moral authority. For the purposes of this chapter it is enough that I have shown that ethicists should have a place in democratic society.

Conclusion

This chapter has focused on the idea of democracy. I have shown that there is a moral purpose to democracy, which is neither a radical nor controversial idea. Most philosophers work on the assumption that there should be a moral element in society. Sometimes it is viewed as creating a just society, but being a moral society means actively promoting human flourishing. There is still much to say on the subject of morality within democracy.

However what I have shown so far is that democracies have a moral purpose, and democracies should be actively promoting this moral purpose through the promotion of human flourishing. As ethics is about reflecting on these values and there is a need to reflect on these values and there are people who have the skills to make them experts on this kind of reflection then society should utilize them in such a way that they can help fulfill the need for the reflection on these values.

The next chapter will present a number of possible ways for the ethicists to fulfill these roles. It will also present a number of conditions that the ethicist will need. The role cannot fall to the problem of moral authority, in other words it cannot in any way threaten the possible value of equality. An ethicist cannot work paternalistically. These problems and conditions will be address in the next chapter.

Chapter 4: The Possible Roles of an Ethicist

Introduction

So far I have attempted to show two things. Firstly there is such a thing as ethical expertise. This is an expertise based on certain skills that an ethicist has acquired through philosophical training. It gives them the ability to reflect in a way that the layperson cannot. Secondly, democracy has an inherently moral purpose. A democratic society should be moral. This is because the idea that democracy is merely providing some kind of freedom for people within it does not go far enough. True democracies should be actively promoting the well being and flourishing of its citizens. From this I have argued that the ethicists should have a specific role in democracy because of this moral element. The ethicist has skills that could be utilized in a way that may actively promote these moral values.

However this leaves a problem. Deniers of ethical expertise point out that this could give ethicists a kind of moral authority. This moral authority may actually be harmful to democracies, as it seems to make ethicists better at being moral than the layperson. Neither the ethicists nor the deniers of ethical expertise want to have the ethicists acting in a paternalistic way. Thus this leaves the question can the ethicists contribute to society in a way that can avoid being paternalistic? Can the ethicist avoid the problem of moral authority? This chapter will explain the problem of moral authority then present a number of roles the ethicists could possibly have.

What is Required for a Role?

Before going into what roles the ethicist will actually have I wish to first specify what I am talking about by roles. The role itself is not a specific job the ethicist has, it is not when they work in academia or on an ethics committee. What I mean by role is the same as the roles professions in general can have. Police for example have the role of enforcing and upholding the law. This is shared with other professions; lawyers and judges hold this role of upholding the law as well. These are the kinds of roles an ethicists could have.

I am using the word role as opposed to duty or profession for a number of reasons. I do not want to associate any kind of normative weight to the idea of a role. It should not be the case that they have some kind of duty, which is normative, to fulfill these rules. It is simply that a role is a job that would be best fulfilled by a

person or group of people with a specific set of skills. These are not merely jobs that need to be fulfilled but there is no explicate normative duty to fulfill them.

A duty on the other hand would be different. For example parents have a duty to take care of their children. Physicians have a duty to help their patients in any way that they can. Duties come after fulfilling roles. When a society has a need of some kind, then someone fulfills a role to take care of that need in some way. It is only after they have established those roles that the duties come in. There is a need in society to have people who understand how to heal the sick, thus we have the physicians who have skills that can fulfill that role. We need people to procreate and continue on the society and customs, thus you have parents come in to fulfill that need. Once the role has been accepted then duties come with the acceptance of that role. There is never an obligation or duty to fulfill the role.

The point is that there are desires or needs in society that need to be fulfilled. Thus certain roles are put in place to take these roles on. They can be fulfilled in a number of ways. Once a specific group has fulfilled the role then normative duties can come into play. What I wish to do here is look for a kind of role that a philosophically trained ethicist can bring to a democratic society. As mentioned in the previous chapter society needs to understand and solve moral issues. These are the kinds of roles I wish to present as possibilities for ethicists. I will present a number of different roles that can fulfill this need in society. However before I present these I wish to quickly return to and explicate the problem of moral authority.

The Problem of Moral Authority

Before we can begin examining whether there is a role that ethicists can fulfill in a society we must first expand the problem that many deniers of ethical expertise express. This problem was presented by both Scofield and Turner in the first chapter which states that the notion of ethical expertise, or expertise in any matter, is problematic for the democratic value of equality. As all democracies value equality there is the problem that if one group of people were better at understanding morality then they would be superior in some way. Scofield presented it as one group of people knowing something about knowing that others did not (Scofield 2008 374). Turner expanded the problem by arguing that expertise has an influence on policy making through the virtue of their expertise (Turner 2001 135). Furthermore he saw it merely as a cognitive authority that experts invented by creating their own rules to govern

knowledge that the public cannot access (Turner 2001 128). The problem can be seen as the idea that if there were those with ethical expertise then their conclusions would have a kind of special moral status. It assumes that by controlling the ability to deliberate on ethics the experts would hold control on the moral outcomes.

The common response to this problem is that it assumes a false parallel between ethics and morality. As discussed in the previous chapter ethics is the reflection on values, whereas morality is the values themselves. They are not the same thing but they do have some kind of influence on each other. Turner was discussing experts in general as opposed to ethical expertise. To apply his theory to ethics, and not merely morality, would be to state that those rules and deliberative models that ethicists use are the cognitive rules that are not accessible to the general public. Turner would argue the skills or rules of the game are not accessible to the public and thus ethicists would hold a cognitive authority in deliberating about morality. Scofield applies this directly to ethicists by stating that everyone can access the true rules of morality and thus the authority that philosophically trained ethicists have is a false one (Scofield 2008 375). Essentially the rules and authority are false, which means that ethical expertise is not real, and that the layperson could hold their own against the ethicists. While Scofield apparently is using this to show that ethical expertise is false, it at least presents the question of whether or not ethical expertise have a special status. Madison Powers describes this as people using an ethicist's stamp of approval as an "intellectual brand name" (Powers 2005 205).

At the same time there seems to be an assumption made by the defenders of ethical expertise that by having developed these skills they are better suited to make moral decisions than a layperson. This is not to say that ethicists believe that the layperson cannot make decisions, nor that they would be unable to even take part in moral discussions. Rather it simply means that they would be in a better position to understand the subtleties of the moral issue at hand. It still seems to be a kind of authority, and while most ethicists would not want to be paternalistic and state they should not be making the decisions it does create a kind of moral elevation, which is, at best, uncomfortable.

Powers sees this problem as well and has tried to express caution when it comes to seeing ethicists as being able to solve all moral problems. She compares the current idea of using ethicists as possible decision makers to the situations that Jeremy Bentham was living in when he was working on his utilitarianism. He was concerned

that certain judges in England were coming to a decision based on a process that was not accessible to the public (Powers 2005 307). Powers warns that if ethics is seen as methods of decision-making processes then bioethicists and ethicists in general fall to the same criticism that Bentham had against the judges in England (Powers 2005 310). Power's worry is that ethicists rely on the "ancient faith," the belief that once the perfect moral theory is found disagreement will end (Powers 2005 310). Powers merely concludes that one should express caution when dealing with expertise as the constant refinement of method will ultimately be guided by the political motives of ethical experts (Powers 320). Thus there seems to be a tension, if ethical expertise is present does this give them more authority than those who are merely ethically competent?

Essentially the problem of moral authority can be summed up this way: as there is a democratic value of equality, and there is the idea that a democracy requires something that can be described as the 'will of the people', then it must be that each person has some kind of equal say. This becomes especially true when one brings in the moral element that Dewey presents. Democracies should be inherently moral and should work to solve moral issues. Thus if the moral values are agreed upon by collective roles then it should not be the case that one group of people has more say than any other group. However as ethicists have a set of skills that can be called ethical expertise they may be in a position to understand and possibly solve moral issues in a better way. Yet to act in a way that they are making a decision on moral issues is problematic as democracies must still be ruled by something that can be called the 'will of the people' as well as not taking away the right for other people to have a say in the matter. Thus ethicists cannot act in a paternalistic way, as this would be counter to the democratic value of equality.

Any role the ethicist has cannot be paternalistic as then it would be harmful to democracy. Thus the roles that an ethicist can take on as a means of benefiting society cannot be from unfounded authority. This authority cannot affect the will of the people.

The Possible Roles of an ethicist

With an understanding of what a role is and an understanding of the problem of moral authority it is now time to introduce some possible roles ethicists can have in a democratic society. In his article "No One is an Ethical Expert: Long Live Ethical

Expertise” (2010) Julian Bagini presents a number of roles an ethicist can play. Bagini is focused on ethicists within a clinical setting; however, it seems like these roles could be applied to a much wider setting if need be.

The first role is the guidance giver in which a proposal for what to do is given by the ethicist. This is then divided into two kinds of guidance givers: The directed and delegated. The directed guidance giver interprets and implements the guidelines for a given institution, through mission statements, or codes of conduct. The delegated guidance giver, on the other hand, creates these guidelines in the first place (Bagini 2010 16). In the democratic setting an ethicist could be a directed guidance giver through helping review public policies, or by making comments on court rulings. Regarding the delegated guidance giver, ethicists can help the courts make legal decisions in a given moral issue.

Madison Powers also presents a number of superficial roles the ethicist could possibly take that may not have to do with their ethical expertise. She points to politicians who wish to get consultations to delay decision making, journalists wishing to give themselves approval from an “intellectual brand name” or for corporations to gain public approval (Powers 2005 205-6). However she argues the main role of the ethicist, which for her is in bioethics and clinical setting, is to help solve moral dilemmas. What is important to take from Powers is that it may be problematic to have ethicists merely as a stamp of approval. The guidance giver would need to be wary of being used in such a way.

The second role is the facilitator. In this case the ethicist’s role is not to come up with definite solutions to problems but rather to work as a guide to help people think for themselves. In a clinical setting this would be helping patients and doctors come up with solutions to conflicts that they have without actively giving a definite answer (Bagini 2010 16). In a wider democratic setting this could be done through being a moderator in political debates or writing articles for newspapers discussing both sides of a given issue in the public debate.

Furthermore there is Henry Richardson who tries to place the role of experts, in general within democracy. Richardson’s focus is on collective reasoning as a means to reasonably create democratic legitimacy by determining the “will of the people” (Richardson 2012 92). For Richardson there is a tension between the experts access to knowledge that might not be available to the general public and the collective reasoning of the public (Richardson 2012 102). Richardson offers the

solution that the experts are useful so long as they are defeasible and can be contested. With these restrictions the expert's role would be to provide the information that a layperson could not (Richardson 2012 107). In terms of ethicists this could mean that their role would be to provide the details about a moral dilemma that a layperson could not easily see. This could be seen as an expansion of the facilitator role Bagini describes.

While the facilitator and the guidance giver are the kinds of roles that are usually presented in the debate, before moving on to test these roles I wish to present my own role. This is a role in which the ethicist seems him or herself as an educator. What this means is that an ethicist focuses on passing on the skills they possess as opposed to utilizing the skills themselves. This will be described in detail in the next section.

Ethics as Education

Finally I wish to now present my own idea for a role that the ethicist can take on which is the ethicist as an educator. In this case an ethicist does not focus on presenting explanations for the values of a society, rather they focus on the skills that allows for understanding of the values. This means not explaining morality but passing on the skills of the ethicist. They cease to primarily deliberate on moral issues, but rather embrace the idea of education. This will be called the ethicist as an educator, or educational role.

The ethicist as an educator means an ethicist's role is not to provide an understanding of moral values, but rather to promote the skills for one to understand the values themselves based on experience. This is based on the work Dewey, who had an intense focus on education. Dewey places education as an important part of both democracy and ethics. As stated earlier education is an end in itself, and morality is growth. Thus education is essential to developing moral habits. Dewey saw democracy as being about experiences, especially regarding day-to-day interactions. Thus the test of democracy is how these relations and the democratic process affects experiences. Once again a huge focus needs to be placed on Dewey's understanding of moral growth. For Dewey, morality was constantly changing which places great importance on each generation developing its own set of values (LW 11:54). Dewey recognized that the values were constantly changing as time passes, and to ignore this

would be problematic. Dewey's focus on growth is undeniably fundamental to understanding his moral theory.

It is also a means of avoiding the problem of the ancient faith that Powers talked about. The ancient faith is the belief that a single moral code will eventually be discovered. Dewey's idea of ethics education does not have this problem, as it is about promoting skills to create a morally stable self. There is no moral theory, only the skills to understand one's own idea of morality. Morality is connected to experience, and experience always changes. There can be no ancient faith for Dewey.

This is where Dewey's focus on education lies. Dewey advocates the importance of education as a tool for students to develop these moral habits, which help them to understand their relations with those around them. As democracy is an understanding of these relations, moral education is fundamental to democracy.

Dewey openly embraces the idea that ethics should be taught to students, with a focus on high school students. It is specifically a focus on teaching ethical skills, not merely teaching the rules of morality (EW 4:55). Dewey would reject teaching moral rules, as rules do not work due to their rigid unreflective nature. Morality should be based on experience and thus the principles one is guided by should reflect one's own experience (Dewey ML 136). Ethics for Dewey are the tools of moral reflection (Dewey ML 136). Dewey saw ethics as the statements on human relations. It is not a matter of what to do, but how to decide what to do (EW 4: 56). Dewey argued that students should be actively taught how to reflect on the ideals of one's society and relations as a means of developing their own moral sympathies (EW 4:57). The students need to learn to develop and improve the morality of the previous generations (EW 4:59-60). Finally students must learn to use ethics in order to inform the other subjects (EW 4:61).

Thus for Dewey a democracy without education, particularly a moral education could not be called a proper democracy. Dewey had a focus on growth and development, so it is very logical leap to argue in favor of a robust education. But it is important to remember that for Dewey teaching ethics was not a means of merely teaching the rules of a society, or even the values of a society. What it is meant to do is to teach the means to reflect on those values. Without the reflection and the development of moral sympathy a democracy is missing something critical. Dewey argues that a democracy is a moral society, stating:

“Is it not the reason for our preference that we believe that mutual consultation and convictions reached through persuasion, make possible a better quality of experience than can otherwise be provided on any wide scale...I do not see how we can justify our preference for democracy and humanity on any other ground.” (LW 13:18).

For Dewey democracy is a moral endeavor. Without actively trying to develop the ethical skills of the citizens misses the reason people want a democracy is in the first place. People want democracy as it makes for a better experience through understanding, thus people should always be taught how to maximize this understanding. For Dewey it was a clear that the best way to do this is through education.

This is the idea that drives the ethicist as an educator. In this case the ethicist focuses on the skills of the ethicist and teaching people who come to them those skills rather than providing answers to the problems. It is about passing on skills as a means of promoting human flourishing. This is not merely for times when the ethicist is called for help, but in general ethicists should focus on educating those around them on the skills the ethicist has as a means to improve the whole of society. This can be done directly in classrooms, or indirectly by adapting an educational attitude.

Case Study: Big Data

Before going on to put each of these roles to the test, I wish to present a case study as a means of giving the roles a kind of test. The case study I will examine is the recent problems facing the world due to the growth in data collection technology. With the Internet and the centralization of computer databases personal information is both stored and accessed in a much faster way than ever before. The Internet has revolutionized the way databases work, along with the ways people communicate and work with each other. Unfortunately this has left a number of unanswered questions. With everyone's data left open to the world it becomes increasingly easier to gain information about people that may or may not be private. Simply put the technology is moving faster than the legislation. There are a number of problems that are becoming apparent. This case study will examine a number of issues involving what will be referred to as “Big Data” and examine why ethicists are not in a proper position to make the decisions on how to handle these changes. These are problems that can only be addressed democratically. Hopefully this case will help show how ethicists in different roles can work.

The Problem of Big Data

The main problem that has left people uncomfortable regarding the idea of big data is that through the rapid increase in the reliance on big databases to make information more readily available has left the privacy of individual people on the decline. There are two sides of the coin that are quickly noticeable. Having centralized access to large databases is convenient and fast. It allows, in theory, for bureaucratic processes to move faster through the use of such things as computer matching techniques (Kuserow 1995). These techniques allow government agencies to match existing sets of data into one database in order to have equal access to things such as, credit reports, social security, and bank accounts. On the other side of the coin there is the fact that with this increase in databases the access to this information is more easily available meaning it can be easily accessed perhaps without consent of the parties involved (Shattuck 1995). This was the original concern when computer ethics was first being discussed in the early days of the Internet. It seems like a tension between bureaucratic efficiency, in order to bring about the services that a company or government wants to offer, and the privacy of customers and citizens. In many ways this has continued in the same manner, unfortunately there is a new problem that was not foreseen.

There is a theory in technology development studies that appears to be coming true called Moore's law. Simply speaking Moore's law states that roughly every 18-24 months technology doubles in processing speed and memory, with size being cut in half. Originally presented in 1965 the trend appears to have continued up until 21st century (Coffman 2002). Furthermore there appears to be a similar trend in Internet usage and content as well (Coffman 2002). What this means is that the Internet itself is growing faster than computer ethics can keep up. To show how this is working it is best to look at three specific problems or events in recent years that show how big data has changed the way people view privacy.

Social Media

There is currently very little written on the use of social media, as it is a relatively recent phenomenon. With the launch of Facebook in 2004, Twitter in 2006, along with countless others people seem to rely more and more on these website for a variety of things. From connecting with friends, to examining job prospects, to promoting a creative endeavor, there are new uses for social media every day.

The interesting thing about social media sites is that in order to participate people must willingly post at least some basic information about themselves. While these sites give options on what to post, in order to actively participate one must post their own information to the site. One can see this as giving up privacy in order to access other's information. Either way it seems that more and more people are willing to make this sacrifice. Social media is voluntary in many ways and people are willingly giving up their information to these sites.

There is a secondary problem, which is that once this information is voluntarily given to these sites the users have little to no control over it. Users are to agree to 'terms and conditions' in order to participate. The problem is that the terms and conditions are often unread by users. Facebook's 14000-word terms and agreements statement allows them to own your content and sell it to advertisers. It states at one point

"You give us permission to use your name, profile picture, content, and information in connection with commercial, sponsored, or related content (such as a brand you like) served or enhanced by us. This means, for example, that you permit a business or other entity to pay us to display your name and/or profile picture with your content or information, without any compensation to you. If you have selected a specific audience for your content or information, we will respect your choice when we use it" (Facebook Inc. Terms and Conditions of use)

This means that by using the program a user has agreed to have any information that is posted to be freely available to advertisers. This is a problem as on the one hand the user did give consent when joining the site; however, it seems unlikely that it was informed consent. According to one report it would take approximately 30 workdays to read every terms and agreements contract an average person agrees to in a single year (Cranor 2008). It would be difficult to argue that this informed consent.

PRISM⁵

In a June 6th 2013 article of the British newspaper *the Guardian* and the American paper *The Washington Post* government whistle blower Edward Snowden

⁵ For the purposes of simplicity this will focus only on the initial discovery of the PRISM program and not the subsequent scandals, follow ups and reveals. Nor will it examine the actions of whistleblower Edward Snowden. Rather it is merely an example of how large quantities of data are being used in a way that was impossible a few decades earlier.

revealed to the world that the United States government had been collecting data on a massive scale for clandestine efforts. The American National Security Agency or NSA had been keeping track of massive amounts of information of American citizens including emails, file transfers, web history et cetera. This was done for security purposes as a means of searching for foreign terrorist suspects. What the program allowed the NSA to do was to access anyone's data provided by Internet services such as Google, Apple, Skype and Yahoo without prior warrant. The original article claims that there have been over 77'000 intelligence reports that used the PRISM program as a source (Guardian June 6 2013).

It is currently difficult to discuss the PRISM scandal as the full extent of power of these kinds of security programs are still being uncovered at the time of writing, thus the full extent of the program is still unknown. However it is important to stress that this program offers a number of questions about the importance of privacy. It is easy to see the quick responses that were leveled against the program. One side found it to be a massive invasion of personal privacy and a large government overstep, while the other side makes the argument that if one has nothing to hide then they have nothing to fear.

Third Party Use of Data

There is a recent increase in advertisers using cookies and web history to track personal information of customers as a means of determining what services the customers would like or would possibly like. This can be seen in social media sites that use key words in a person's personal profile to determine what advertisements should be used. Companies can choose who would see their advertisements based on what users do online. For example the online shopping site Amazon, will give a customer suggestions of new purchases based on previous purchases, or even products the customer has looked at. Using algorithms Amazon will look at different purchasing patterns of other customers in order offer suggestions that a customer may want to purchase. (JP Mangalindan "Amazon's Recommendation Secret" Fortune Magazine)

Social media sites have recently been selling the information that has been collected to advertising agencies. Advertisements are displayed based on previous search histories and which sites the user visited. In order to watch a video online users are required to watch an advertisement first. This advertisement was chosen based on

search history. As stated earlier, the terms and agreements in social media sites that users agree to allow the sites to use the information posted on personal profiles for advertisement purposes. There are two sides to this problem as well; on the one hand people may not want their data being sold without their consent. Yet on the other hand this service will provide the customers with direct access to the products and services they are more likely to want. Advertisers having been doing this with small focus groups for years, they are merely able to do it on a much larger scale.

What These Examples Show

The purpose of showing these examples is to show the inherent tension that is present with the massive increase in big data. They show that one of the major questions in the so-called “information age” is whether people value privacy over values like convenience or security. Each example presents a unique problem in the development of big data. Social media shows that people seem to voluntarily give up information about themselves to take part in a wider experience and to gain the information of others; however, it hardly seems as though they know the full extent of what they are agreeing to in the terms and conditions contracts. The PRISM example shows that governments may be too tempted to use the new technology to gain a better grasp of security, while at the same time people might be perfectly willing to sacrifice their privacy for the sense of security it may provide. The use of Big Data by third parties for capitalism or research shows that people may sacrifice their personal information for better services.

What is interesting about this problem is that it is not merely a question of which is more valuable privacy or efficiency, but rather what does the population actually value more. Furthermore this problem has a wide range of difficulties regarding whether everyone can agree on the values. If enough people are willing to support programs like PRISM, would that mean those that do not support PRISM are allowed to go opt out of this program in some way? This is not simply a problem of the tyranny of the majority. If a program like PRISM is implemented then there is no way to remove oneself from it. Social media sites seem to require that people participate on some level in order to take part in modern social structures. At the same time social media sites like Twitter allow a wide variety of information to be accessed quickly, in a way that was completely impossible only a decade ago.

Regarding this problem of big data it is possible to look at what the philosophically trained ethicists would be able to say about these issues. This can best be done by looking at the way in which authors have been writing about the value of privacy. While the issue is relatively recent some authors have predicted it as early as the 1970s.

Conclusion

This chapter has merely presented a number of roles that an ethicist could take on in the democratic society. Firstly there is the guidance giver. In this case the ethicist makes decisions or helps create the rules of a society. This could also be in the form of an intellectual brand name, where the ethicist is merely a stamp of approval for premade decisions. In such a case they will come in to examine premade decisions in order to see if there were any flaws. Secondly is the ethicist as a facilitator in such a case they are examining or explaining the values that societies hold. Finally is the ethicist as the educator in which the ethicist presents the skills of the ethicist and tries to educate people to utilize the skills for themselves. I also presented the case of big data. The next chapter will be to put these roles to the test. I will attempt to show which of these roles will both benefit society in the greatest way. Furthermore it will also see if any of these roles will fall victim to the problem of moral authority in that they give the ethicist some kind of unjustified moral authority.

CHAPTER 5: Testing the Roles

Introduction

The previous chapter I presented a number of possible roles that an ethicist could take on. These roles have been the ones previously assigned to ethicists in clinical settings, or on committees. I then presented a new role for the ethicist, in which they take on the role and spirit of an educator. The educator role is where the ethicist focuses on the skills of the ethicist; in order to pass on those skills to the public or those they work with rather than using those skills to come to conclusions. In this chapter I wish to test out these roles by seeing whether or not these roles are useful to a democratic society. To do this I will look at the elements of democracy that were presented in the third chapter. If these elements were some how compromised then such roles would not be effective in a democracy. Furthermore it may be the case that the roles are not harmful to the elements of democracy; however, they should promote the values in some way or another.

I will also use the case study of big data that had been presented in the previous chapter to work as a kind of litmus test. This case study will show how ethicists may work in the context of a certain issue. This case is a real problem that is currently plaguing democratic societies. It shows the conflict in values that ethicists should be trying to solve, or help to solve in some way. If such roles cannot truly contribute to this debate in a democratic way then the role of the ethicists is not useful to democracies.

I will conclude this chapter by returning to the educational role and reexamining it against the facilitator and the guidance giver. While I made an argument for the educational role as the best option for the ethicist to contribute to democracy in a satisfying way, I believe it is necessary to explicate why exactly the educational role is specifically fine-tuned for democracy. This will also be a chance to expand the role, and show how it could possibly be used. The educational role is more than an ethicist working in a classroom. It is also an attitude that the ethicist can take into any profession, where they work to raise the ethical skills of those around them.

Guidance giver

As mentioned earlier the guidance giver is the role that has the ethicist actively giving direction and coming to conclusions about moral issues. There are two forms of the

guidance giver: the directed and the delegated. The former is in charge of interpreting rules or guidelines. In such a case an ethicist would look to the values already held in society and argue which one is more important for the whole of society in a given issue. This is probably the most commonly thought of role for an ethicist. It can be seen in the way that the ethicist works as a kind of moral guide for society. The ethicist could be given a specific moral issue to examine, and after deliberation they would present what they believe to be the best course of action. In this case the ethicist is working to create the conclusions, based on their expertise of analysis and reflection.

The delegated guidance giver is slightly different. In this case the ethicist actually creates these guidelines or values (Bagini 2010 16). This would work in a similar way to the directed but in this case the ethicists conclusions are about the values themselves. This would be the ethicist working, still as guide, but more directly arguing for values a society should hold. They would not need to directly look at a moral issue in such cases, but look more to values a society might hold. In such cases they could present an already preexisting value and argue for a stronger form of it. They could also use this in a democratic system to help write how laws or treaties. They would be actively helping to form the rules and regulations of a social order itself. This could be in form of laws or trying to promote a value in a society.

The question is if either of the guidance giver roles would be a useful role for the ethicist to take on. It is best to look at some of the basic elements of a democracy and see if they are in anyway are harmful or beneficial. Firstly is the element of personal autonomy. How could an ethicist work towards improving personal autonomy or assuring the personal autonomy of the citizens of a democracy? It seems like having an ethical expert making decisions about the citizens is paternalistic. But this would need to be done in such a way that it is not taking power away from the people. I very much doubt defenders of ethical expertise want the ethicists to rule like a Platonic philosopher king, but would giving the ethicist a guidance giver role harm personal autonomy?

Richardson's restrictions could become useful in this case. Richardson wanted there to be a kind of fail safe put in place so the expert could not extort power. In a sense the ethicists would need to be in a position where they could be refuted. The guidance giver, if in a complete decision making process would be paternalistic, it would seem to fall to the problem of moral authority. It is the exact kind of problem

that Turner worried about; giving an ethicist too much decision making power would be problematic. There would need to be some kind of balance.

If one looks to the element of equality once again there is a similar situation to personal autonomy. If they take on a guidance giver role it becomes problematic. By being the decider of rules ethicists seem to be stating that their arguments and reasons are stronger than those of the layperson. Once again there is the problem of moral authority. Democracies should come to conclusions together, respecting everyone's values in a fair and equal way. To give ethicists a special status because of their expertise seems to putting them in a kind of elevated position. Their opinions are worth more because of their expertise.

Finally there is the public sphere. In this case a guidance giver is not as problematic. In this case, ethicists could promote a specific conclusion on a moral issue. In such cases they would be able to give conclusions as a means of a promoting what they feel would be the most moral decision or course of action that the public should take. So long as Richardson's constraints, that the experts can be refuted, are implemented then it may be permissible. However, here Scofield and Turner would be skeptical as to whether this could be done without affecting the equality of the citizens. It would be fine so long as the ethicists are not making the decisions for the citizens but rather providing an argument for the public sphere. So long as it is not a paternalistic decision but merely a contribution to a public debate then the ethicist can be seen as valuable, especially if there are multiple ethicists with multiple views. In such a case they would be actively working to make a stronger and more robust public sphere, so long as others still have access to it.

Finally there is the moral purpose that gives democracy a more specific value. Morality within a democracy is means to inform the other elements, the way it does this is through utilizing ethics to encourage people to determine their values. The reason why Dewey put in the moral purpose was because the goals of a democracy are inherently moral. Morality needs to inform the other elements, through the use of ethics. Regarding the moral purpose using the guidance giver as a moral guide may seem tempting, but once again they cannot claim to be authorities on living a moral life, as morality is contextual. In such cases guidance givers would need to tread lightly in order to not overstep their authority.

But how would the guidance giver deal with the case study mentioned earlier? To do this I will take an example of an ethicist working in guidance giver role to solve

this issue. I will look at the arguments presented by two ethicists who outline positions in the debate between privacy and security. I will begin by looking at James Moor. Moor first tries to present a view of privacy. For Moor privacy is both intrinsically and instrumentally valuable. For Moor privacy is an expression of the core value of security (Moor 2006 254). Moor argues all societies need some level of security in order to flourish. Once the society begins to flourish on a higher level with complex social structure with less intimacy then privacy because a new form of security (Moor 2006 254). Thus for a computerized age Moor proposes a restricted access view of privacy. This view is that the right people can only access a person's personal information at the right time (Moor 2006 257). Moor's means of providing this is to give people as much controls over their personal information as possible, while at the same time having the people who may utilize that information the access they need (Moor 2006 257).

Rule et al. argue for a slightly different side of the debate. They present the values of security and bureaucratic efficacy as important. They argue that there are reasons to believe that people have demanded certain levels of surveillance on themselves. They point to the idea that criminal records were created by the majority opinion that it is necessary to track and record criminals (Rule et al 1994 318). Rule et al. even argue that there is no form of personal data that could not be useful for bureaucrats to use for social control (Rule et al. 1994 319). They argue that the concerns about privacy arise from times when there are a small number of large gatherings of information, (for example one large database as seen in the PRISM scandal) rather than a many smaller local collections (Rule et al. 1994 319). Overall the ethicist have presented a decent account, at least, of the basics of what people are concerned with regarding the problems that big data have presented.

Both have presented some kind of a conclusion. Moor presents the publicity principle, which states that everyone involved in using the personal information should fully understand the rules that are being put forth (Moor 2006 259). Rule et al. also offer a solution in terms of security stating that there must be times when less information should be necessary for public and private enterprises to function properly (Rule et al 1994 326). However these solutions offer nothing in terms of real solutions, yet they all put forth some kind of normative conclusion.

There are a few issues that become more apparent if one remembers Moore's law. Moore's law shows that the trends of Internet use are continuing to grow at rate

that the ethicist may be unable to keep up with. This is not to say it moves too fast to think about the issues but rather, the means at which they are expressing their opinions are not fast enough. But the practical concerns are not as important as the more normative concerns.

It is possible to see some kind of paternalism sneaking in. The ethicists are looking at the values then presenting some kind of conclusion. They are not openly stating that these are rules and this is how it should be. Nor were these ethicists placed directly in an authoritative role. Rather they are presenting an idea of the way things should be, which is not surprising as they are normative conclusions. If the ethicist were to take conclusions in the privacy debate strongly on one side or the other stating this is the moral action to do one can see how paternalism creeps in. I do not want to accuse them of taking on a specific authoritarian attitude in anyway. However the ethicist is taking a definite position and giving it the moral stamp of approval, which could be given more weight because of their status as experts.

In a way it is not contributing much apart from presenting a new viewpoint for the democratic public sphere. However it has an extra push from their status as experts. People need to solve this issue in a democratic way. They need to determine which they value more: privacy or security. The ethicists have merely presented a position that the population could take. At best it is just presenting a single view, with the hope of convincing some people. It is not openly paternalistic, but it is troubling.

The guidance giver is the most paternalistic of all the roles, but it may avoid the problem of moral authority if restrictions are put in place. However in terms of actively helping the moral element of democracy it does very little. It is merely presenting a few solutions from a number of different angles. While helpful, in good times, other roles may be more useful.

Facilitator

The facilitator role is slightly different than the guidance giver. The facilitator role is much more descriptive in nature. In such a case the ethicist would be in charge of presenting the values society already holds and give them some kind of explanation. The ethicist is facilitating the values. They do not reach conclusions. They can comment on values, but they look to them and try to provide the reasons for those values. For example they would explain that the reason people value equality is because it is a means of providing a fair share for all people.

How could the facilitator contribute to the elements of democracy? In terms of personal autonomy they would be quite helpful. By trying to give explanations to the values that people hold they would allow people to understand those values better. They seem to be actively promoting personal autonomy. With an understanding of why they hold certain values people can understand themselves in a more informed way. Personal autonomy thrives on self-understanding. This is one of the reasons Dewey wanted democracy tied closely to education, as a democracy is supposed to support human flourishing (Dewey LW 18:13). There does not seem to be an apparent problem regarding personal autonomy in the facilitator role.

Nor are there obvious problems regarding equality. The facilitator role is a way of circumventing the problem of moral authority by avoiding conclusions. They are merely providing some kind of explanation for the values a society holds. They are not relying on the intellectual stamp of approval. They are not trying to state their conclusions are better, or even necessarily that their explanations of values are better. The facilitator is merely trying to actively promote understanding. In terms of equality they are not being harmful, nor are they being beneficial. In this case they merely appear to be neutral.

The public sphere seems promising once again. Under the facilitator role the ethicist can work to give a better understanding to the debates that are taking place within the public sphere. For example by moderating debates among politicians or writing articles for newspapers that give accounts of both sides of an argument would allow the public to gain a better understanding of a given issue. It seems like they are providing explanations of the values in order to promote the public sphere. So far it seems that the ethicists is in a good position as a facilitator

Things seem to look good for the ethicist as a facilitator. However when one puts this role to the test some problems begin to arise. The facilitator would take on the problem of big data by attempting to explain the values that the people hold in the debate. To test the facilitator role I have taken a few theories of privacy to see how the ethicist fairs as a facilitator.

There are a number of theories on privacy, which can be seen as attempts by ethicists to facilitate or explain the value of privacy in the problem of big data. Some were written well before this problem has become apparent; however, there were indications that these kinds of problems were a least foreseeable. Centralization of data and computer matching technology was the start of the trends in big data, so the

tension between effectiveness and privacy were apparent even in the early days of the Internet (Kuresow 1995). I will present two different theories of privacy; one can also look to Moor from the previous section, as a means of exploring this tension in order to understand how ethicists have attempted to examine this problem of big data and privacy. Both seem to deal with the question of why people value privacy and what use it is to people.

Firstly there is James Rachels in his article “Why Privacy is Important” who tries to create an instrumental value to privacy. While his article is from the 1970s, it has been republished and updated as a means to explain the early stages of the problems of big data. Rachels states that he wants to determine an accurate representation of why it is that people value privacy (Rachels 1975 353). He believes that people have a sense of privacy, which cannot be explained in merely wanting to avoid being embarrassed or disadvantaged in some way (Rachels 1975 353). For Rachels privacy is important because people have different behaviors for different settings determined by different social relationships (Rachels 1975 354). People wish to control these different relationships between people, much the same way people talk about their work lives and their family lives (Rachels 1975 354). One’s role in different social settings will affect the way people behave and having certain information could affect how people behave. Breaches of privacy stop this kind of control over what information people have and are violation of maintaining that kind of behavior in different groups. Rachels summarizes it as:

“Thus we have good reasons to object to anything that interferes with these relationships and makes it difficult or impossible for us to maintain them in the way we want to. Because our ability to control who has access to us and who knows what about us allows us to maintain the variety of relationships with other people that we want to have, it is, I think one of the most important reasons we value privacy.” (Rachels 1975 356)

This is a very instrumental idea of privacy. It is a way of maintaining separates selves that exist within different settings. People value privacy, as it is essential for them to control how they maintain the various relationships they have in the various aspects of their lives. Rachels admits this is rather specific to western culture (Rachels 1975 352). People place value on things like keeping “work” and “home” life separate. For Rachels people value privacy because one needs privacy to maintain these relationships.

Deborah Johnson chooses to look at a more intrinsic way of valuing privacy. Johnson presents privacy as a central part of autonomy. For Johnson one of the necessary conditions that are needed in order for autonomy to be realized for individuals is privacy (Johnson 1994 89). This is similar to Rachels idea that privacy is needed to maintain certain relations, however Johnson then takes this a step further. If these different relations and actions are necessary for maintaining autonomy then privacy is a necessary component of autonomy. Johnson then makes the legitimate leap in logic to say that if we value autonomy intrinsically then the necessary competent of privacy must also be intrinsically valuable. Johnson argues that it would be impossible to have autonomy without privacy and as such privacy is also intrinsically valuable (Johnson 1994 89).

There appear to be some normative concerns regarding ethicists trying to evaluate the problems of big data as a facilitator. The examples mentioned at the end of the previous chapter show that this is a concern that affects everybody. The problem of big data seems to be present more in the problem that people are unsure of what they truly value at this time. The rapidly changing world of centralized bureaucratic systems has happened before people have given any thought to what has happened. The problem in 'terms and agreements' contracts being too long and complex has had people give consent to systems that they do not understand. At the same time it seems like people are forced to take part in some of these systems even if they would not make the conscious decision to do so. People did not give their consent to being watch under the PRISM program. People may be forced into using social networks through social pressure without evaluating the consequences. Any way that one looks at this problem it returns to the fact that this problem of big data boils down two main concerns: The system changing at a rapid unpredictable speed, or people being unable to see which values they hold more closely. This seems like the facilitator might be helpful in this type of scenario.

At this point a problem becomes apparent if the ethicist takes on a facilitator role. Ethics is part of philosophy, and the value of philosophy is based on the normative values of the truths that philosophy discovers (Shafer-Landau 2007 63). This means that as the facilitator the ethicist is trying to explain the problem they do it through philosophy itself, which cannot escape its normative nature. Any time an ethicist was to try to explain a value they will ultimately do it through normative terms. They cannot merely explain the problem. This is because the philosophically

trained ethicists will need to use philosophical tools to explain the problem. Their strength is in the philosophical training, but at the same time it is through philosophy that they cannot help but express normative conclusions. To merely explain an objective description of the problem is not truly the concern of an ethicist, that is the role of the journalists. There is a catch-22; the philosophically trained ethicist can use philosophy to explain a problem, but it through this philosophical analysis that they will ultimately come to a normative conclusion.

The facilitator role also faces a practical problem. Moore's law shows that the Internet is growing at an extremely fast rate. The ethicist simply may not be able to get the explanations of moral issues out to the public fast enough. However there is the second greater concern, which is that democracy requires that the 'will of the people' be the source of any kind of authority. The ethicist may not be able to explain these issues without giving some kind of opinion or bias. That is simply not the way philosophy works. The greatest value of philosophy is found in the normative value of its truths (Shafer-Landau 2007 63). The ethicist is philosophically trained; to work within a facilitator role is to take part philosophy, which only has value if it is placed within a normative framework.

The arguments that were given for why privacy is important in the face of bureaucratic efficiency and security all concluded that privacy is something to be valued and must be protected. The attempts to explain why it is that privacy is important will all result in normative conclusions. As ethics is part of philosophy and ethics is thus evaluated on the same level as philosophy, ethics cannot escape the normative value of its truths either. Thus even in a facilitator role and ethicist still acts in paternalistic manner. The ethicist is attempting to explain the problem will need to at least imply some kind of solution in order take part in philosophical nature of ethics.

Educational Role

The final role, and my own contribution to the debate is to present the ethicist as the educator. The proposed role is that an ethicist should be first and foremost an educator. This means an ethicist should not have a primary focus on deliberating on moral issues, but rather teaching people the ethical skills that are required to deliberate on the issues. They should teach people the skills of moral argumentation, moral sympathy, calm reflection and analysis of values. The basic idea is simply that

if more people within a democracy were able to deliberate on the issues then they would have a better understanding of the problems and values within their community. With a better understanding they will then be able to work better as singular community. This is based on an assumption that the more ethically educated a society is the better off it is. It is already known that the more educated a population the better off it is, There then seems to reason to not extend that education towards ethical deliberation as well.

As mentioned earlier while the facilitator seems promising, it runs into the problem that the ethicist cannot necessarily escape the philosophical normativity in ethics. The solution to this is not to simply try to divorce ethics from philosophy. That would be absurd, as philosophy is central to ethics. Shafer-Landau proves this in “Ethics as Philosophy: A Defense of Non-Naturalism.” By arguing for a defense of moral realism Schafer-Landau argues that ethics is clearly a part of philosophy, as philosophers are the people who become ethicists (Shafer-Landau 2007 64). Furthermore the skills that an ethicist has that show there is such a thing as ethical expertise are based in philosophy. Singer specifically calls them philosophically trained ethical skills (Singer 1972 117). There is a clear connection so rather than divorce ethics from philosophy one must look to a different distinction.

The other roles of a philosophically trained ethicist run into problems regarding the elements of democracy. The guidance giver becomes paternalistic and facilitator problematic due to its normative elements. However the educator role does not have these problems because it shifts the focus away from morality per se and directly towards the skills of the ethicist. This is because when one takes Dewey’s idea of experience seriously the shift is an easy and obvious one to make.

As Dewey tied democracy and morality to experience one should base what an ethicist does within experience. Democracy for Dewey, and in most versions of democracy is a kind of process. For Dewey it was specifically a task, but the important point to recognize is that democracy is constantly changing and evolving. However, the nature of morality for Dewey is also growth. The task of morality should be to stimulate this growth in order to deal with the immediate problems of a current situation, a situation rooted in experience. Putting experience at the center of morality and democracy means that the teaching or the use of anything dogmatic is ultimately flawed (EW 4: 117). The ethicist as an educator moves away from moral theory. Thus the ethicists as an educator cannot use any kind of normative theory.

Their focus is on the tools and skills needed to be able to reflect. They are not teachers of morality; they are teachers of ethics. Furthermore they are not facilitators in a classroom. They would not explain the values per se, but rather teach students to explain the values themselves.

Dewey's dedication to education is summed up perfectly when he writes:

“It is so very largely as to the process of education; and if I were asked to name the most needed of all reforms in the spirit of education, I should say: ‘cease conceiving education as a mere preparation for later life, and make of it the full meaning of the present life’” (EW 4:50).

Education is not the preparation of skills to benefit oneself in life later; it is a means of understanding the present. Life cannot be separated from its experience, and Dewey knew this better than anyone.

The question is would this role be as problematic as the facilitator or the guidance giver. Regarding the first element that of personal autonomy it is clear that ethics education is beneficial. Ethics can be seen as a type of self-realization. Dewey saw education as an end in itself, one that is meant as a key step of self-realization (Dewey EW 4:50). Education is about creating a full and present life and the ability to reflect on one's experience to determine the values. If one takes this as the true goal of education, then surely it is the case that as an educator the ethicist is actively promoting personal autonomy.

Regarding the second element, that of inclusion, once again the educator role seems to work well. So long as ethics education is available to all people then it would not be actively against equality. Furthermore the act of educating would allow people to gain a better understanding of the world around them. It would be giving people the tools to take part in the democratic process. Habermas argued that a democracy should be actively attempting to bring as many people into the process as possible (Habermas 2009 140-1). The tools that would be taught by the ethicist would allow them to take part in the process in a much more profound way.

There is an extra benefit that can be given here towards the idea of inclusion. As mentioned earlier one of the important skills that should be taught is the development of a moral sympathy. Dewey writes “*the formation of a sympathetic imagination for human relations in action*; this is the ideal which is substitute for training moral rules, or for analysis of one's sentiments and attitude in conduct” (EW 4:57 his italics). One of the key skills is a moral sympathy. One of the problems that

the democracy is meant to tackle is the idea that all people should be treated equal. This is the value of equality, and any act of exclusion is dismissive to democracy. To develop a moral sympathy would allow people to gain a better understanding of each other that would lead to more people being treated not merely as equals but as fellow human beings. The recent emphasis on human dignity in things like Universal Declaration of Human Rights is based on people wanting to respect each other as people. A developed moral sympathy is a key element to this mutual respect. Thus once again the ethicist as an educator is promoting a value of democracy.

Regarding the final element, the public sphere, the same thing has happened. The skills of ethics are the means on which one can deliberate about and understand morality. The public sphere is the place where all people can go to deliberate. When the public is better at understanding and reflecting on values then it is clear that the whole system will improve. A higher level of deliberation will create a more robust understanding in the public sphere. This last element seems so obvious that the discussion on it can end here. The ethicist as an educator is directly promoting and improving the quality of discourse within the public sphere.

It seems that the ethicists as an educator is in no way counter to the elements of democracy, and is in fact actively promoting each of these elements. However the question might still remain, do they retain an unearned moral authority? No, they do not because they are completely shifting the focus away from morality towards ethics. The ethicist as an educator does not make decisions on moral issues; they cannot, as that would be to go against the nature of education. Education, so long as it is viewed as an end itself, is teaching not the dogmatic rules, but the ability to self-actualize rules within the students. The goal, as Dewey would describe would be “to get [the students] into the habit of mentally constructing some actual scene of human interaction and of consulting that for instruction as to what to do” (EW 4:57). The ethicist would not give normative guidance, but the means for the students to guide themselves.

This is what the defenders of ethical expertise have been attempting to do in the discussion. To show that the ethicists are not making normative assertions is impossible so long as they are taking part in the discussion themselves. The fear is found in the idea that the ethicist would be placed above the layperson. The ethicist as an educator is not a means of lowering the ethicist to the general population’s level; it is a means of raising the population to the level of the expert. In such a case the

ethicist is working directly in ethics, in that they are promoting the means on which to do ethics. They are not teaching morality. To teach morality is to merely give the rules and values a society holds. This is why a facilitator role does not work on a wide scale, because to merely reiterate the rules removes oneself from ethics itself. Morality needs to be based on experience, and this experience is within the immediate world. Hence Dewey's hatred of dogmatic rules, they lose their meaning once they are engrained in compliancy and removed from experience. Education is different, as it is not the teaching of moral values: it is the teaching of the ability to self-actualize the values themselves.

Ethicists are currently able to show why certain values are held in high esteem, but they cannot help but give normative conclusions. As stated earlier, if an ethicist takes on a guidance giver role than they run the risk of being paternalistic. An ethicist giving the answer to what the sum total of these values means is the same as the corporations of government using the information gathered from big data without consent. Big companies are looking at the people using social media or agreeing to long terms and conditions as proof that the people value the benefits of social media and bureaucratic efficiency. Ethicists do the same by stating that there is a reason for the value of privacy and therefore people need to put that ahead of bureaucratic efficiency. The real solution to these problems can only arise through democratic deliberation; however, if an ethicist gives their explanations they will do it in normative terms. Only once people have established what value they hold for themselves is it then possible to find solutions through democratic means. Democracy is meant to work as a task, a task of discovering collective solutions to collective problems. Clearly the problems of big data are collective issues, and as such require the collective democratic solutions.

Regarding the problem of big data the ethicists do not currently offer a direct solution to the problem. They can present the sides of the argument that are needed for people to make informed decisions, but it will still have weighted normative conclusions. It seems that if ethics were an essential part of democracy then it would be important for ethicists to take some kind of active role. Even if ethicists are able to give people the direct objective information about these issues, the people still need the skills to understand and deliberate on these issues. Essentially the people still must take part in the democratic process. They cannot merely be given the facts then expected to make a solution without contemplation. They need the tools to deliberate

on these issues. Ethicists can provide the tools that allow the citizens to make the final decision in an informed way.

This is not to say that the ethicist is not to do other kinds of work. Most ethicists are currently working within committees and ethics boards. Surely they have a place there. However this is a focus on the ethicist's role within the wider framework of a society. The ethicist as an educator means that the ethicists should be focusing on raising the level of the ethical skills of the general population. It is an educational attitude in which they should focus in promoting self-actualization among the wider population. The ethicist would present only moral facts, and facts can inform morality. Dewey had presented four things that inform morality: facts and data, history, science and philosophy (Dewey ML 23-4). The ethicist can present moral facts, necessary historical context, scientific data et cetera. They will not present any kind of argument. Rather they will present the facts in order to allow their audience to come to their own conclusions based on those facts. If the ethicist has done their job they will have taught their audience how to use skills of an ethicist to reach their own conclusions.

An educational attitude is a matter of shifting focus. Currently an ethicist has the tendency to look at the problem and determine the solution using a set of skills. An educational attitude is to a means of promoting others to do the determination for themselves. It is making the task of educating others as a primary goal in the ethicist mind. The focus is on the skills and passing those skills along. They no longer view those who ask ethicists for help as 'customers' and see them more as 'students.' For example if an ethicist were to write a column for a newspaper on an issue the ethicist would present the relevant facts along with ways that the population can reflect on those facts. The ethicists would view the column as a kind of a textbook. They are presenting a problem and the means that enable the public to solve that problem.

What would the ethicist as an educator say regarding case study of big data? So far I have only hinted at possibilities. But that is because the ethicist as an educator would not want to directly comment on an issue like this. The ethicist as an educator would try to get people to find out which value they hold as more important, either privacy or security. Rather than try to explain each individual value to the population they will present the moral facts then take a neutral stance and step back to allow the people to utilize the skills of reflection. They would try and teach people to discover the moral values relevant to the issue.

If ethicists are actively promoting the skills of the ethicist, they would teach the students merely the moral facts along side the skills. They will not explain the values. For example they would want to inform the population of the issues of terms and conditions agreements. They would not state which values are involved, they would only give a description of the context of the situation. Afterwards they will try to get the people to reflect for themselves to see if whether they are willing to continue with the way the Internet collects data or band together for collective change. The difference is that the ethicist is not giving specific rules to help the people determine what they prefer, but rather are giving people the skills necessary for people to determine their own rules.

The point would be to recognize that this is a democratic problem that requires a democratic solution. Rather than providing an explanation of the values of privacy or security, and why they hold those views, the ethicist must teach the students to reflect on the values themselves. If the ethicist as the educator has fulfilled their role in this case the ethicists would pass on the skills of moral sympathy and ethical reflection onto the general population. The population would then utilize these skills to reach their own conclusions.

This would also be able to circumvent the problems of Moore's law. The Internet may be moving to fast for a small group of ethicists to reflect on it and present it to the population. But if society has the skills to reflect on it together as the issues arise then even in rapidly changing times a democracy has a population with the skills ready to face those challenges.

The ethicist also does not fall into the problem of the ancient faith under an educational role. The ethicist is not looking for one set of rules or values that will guide people, it is teaching a set of skills that can be useful for people to determine the values for themselves. Values are always going to change; these skills are the ability to deal with this change. Nor is it to say that there is a specific set of skills that should always be taught. Certain skills may be useful in some societies and useless in others. The skills themselves are not set either; they are fluid and changing along side society. There is no ancient faith in a final theory, only embracing the constant change in society.

They would not give out rules about privacy or security but rather guidelines that will allow the people to think for them. Guidelines such as: the information shared on social media should be the same information you would be willing to give a

stranger or do not post something about someone else you would not want them to post about you. General guidelines that are not rigid rules would allow people to better understand the consequences of their actions online. The ethicist as an educator is about promoting self-actualization.

The ethicists are promoting a way for people to understand the issues surrounding big data so they can make the decisions on what to do. They can then take these decisions to the voting booth. If the population can inform themselves and determine which values they hold they can then pass that information on when voting. Furthermore they can more acutely decide which issues are more important for elected officials. With a better understanding of their own values the population can avoid being taken in by empty political rhetoric.

The problem could also be addressed through the educational attitude. If the ethicist were asked to consult on a committee that was dealing with privacy and security, they would not merely present both sides of the argument. The ethicist as an educator would try to encourage the moral sympathy of the other members of a committee to see how each value impacts each of the committee members. They would not present arguments for the value of privacy in contrast to the value of security. They would rather encourage and provoke the moral sympathy of the other committee members. Pushing them along to discover and evaluate the values for themselves. Just as the teacher has not done their job if they simply give the answer to the math problem, the ethicist has not done their job if they simply give an explanation of a value. An educational attitude is always about encouraging the development of ethical skills.

An educational attitude is also not merely being a teacher. The educational attitude means embracing life as a student as well. The ethicist should always be reflecting on their values and experiences. They would view education as an end in itself, and thus would always be looking to learn in order to develop their own moral sympathies and moral habits. This also means expanding their skills in other settings. An educational attitude means seeing one's own education as something that is never complete, but a constant opportunity for growth and development.

In a sense the ethicist as an educator is a play on the old saying "give a man a fish he will eat for a day, teach a man to fish and he will eat for a lifetime." It is an attitude that can inform any specific profession the ethicist may take. In the end this is a new mentality that the ethicists need to adopt in order fulfill an active role in

democracy. It does not fall to the problem of moral authority, it actively promotes every element of democracy and it allows for the flourishing of society.

Conclusion

Of the three possible roles presented in the previous chapter the ethicist of the educator appears to be the winner. It is a new kind of attitude that the ethicist can adopt. It can be seen as a direct role in which ethicists begin working in classrooms or as an attitude that can inform other roles. An ethicist could possibly work as a facilitator, so long as it is a means of educating about the skills while explaining the values. The value of education cannot be understated. Education is not a means but a final end in itself. Dewey summarized it perfectly when he argued that society should “cease conceiving education as a mere preparation for later life, and make of it the full meaning of the present life” (EW 4:50). When the ethicist adopts the role of the educator then they can then take on a great and powerful duty. To actively promote the flourishing of the citizens within a society through education will provide the ethicist with a truly valuable place in society.

Conclusion

In the previous chapter I attempted to examine a number of roles that the ethicist could play in a democracy. They were the two kinds of guidance-giver, the facilitator and finally the educator. The guidance giver is paternalistic, provided there are no restrictions. They could either be making decisions directly or possibly by creating and enforcing laws and rules for society. The guidance giver does nothing to promote the values of democracy. The facilitator role seems more possible unfortunately it still runs into the problem of moral authority. By explaining the problems directly the ethicist cannot help but take some kind of normative stance. This is due to their philosophical training, which is both their weakness and strength. Finally I introduced the role of educator. Under such a role the ethicist takes on an educational attitude where they do not promote moral conclusions, or explain moral values but rather focus on teaching the skills of the ethicist.

I have concluded that the ethicist should adopt an educational attitude in order to fulfill the moral needs of a democratic society. They should have the goal of human flourishing in mind. The best way to fulfill this is to be an educator. I wish to make a few final statements to end my arguments. There are a number of ways the ethicist can take on an education role. Firstly there is the practical means in which the ethicists would work directly in a classroom.

Simply put the ethicist in an education role would be teaching ethics on several levels throughout a student's educational experience. They would teach ethics in a similar to the way that civics classes are already taught. Most democracies give students, usually in high school, classes on the democratic process. These are the classes that teach students the basics of how their country's government works. For example in Canada they will teach students the parliamentary system and how the voting system works; whereas, in the United States they will teach the Electoral College and the primary system. These are the basic skills that would be needed for a student to know how and why to vote once they reach voting age.

The ethics class would work in a similar way. It would be a means of teaching the students how to deliberate on moral issues in every day life. It would be teaching the tools, not the values themselves. There are currently classes where the rules or values of a society are taught. Those found in religious schools, or extracurricular activities. Sunday schools, madrassas, The American Boy Scouts, are usually used as

substitutes for ethics classes in many places. It is felt that teaching a student the values of a society will make them moral citizens. This is not the case as it engrains the already established rules, rules that could be divorced from experience.

There is a second way this role can be fulfilled, which is to take on this role by adopting an educational attitude. The current spots that ethicists occupy could continue but in different paradigm. They should still maintain a presence on ethics committees, where they can take on an educational attitude. They would work alongside expertise in other fields for committees, similar to Bagini's approach of being only part of a wider group of experts (Bagini 2010 25). In something like an ethics committee the ethicist would use an educational attitude to stimulate a high level of debate by promoting the members with expertise in other fields to reflect on issues. In clinical settings an ethicist would encourage patients who must make tough decisions to use personal reflection using the skills passed on by the ethicists, as opposed to giving them explanations of the options. In a way it is similar to how a teacher encourages the student to learn to solve the math problem on their own, the ethicist in a consulting capacity would teach those around them to create their own conclusions.

Ethics reports would no longer be written like judgments, or suggestions for improvement. An ethics report should be written like a textbook. They should be manuals on reflections. Ethicists would no longer give stamps of approval, as they would not be passing judgment but encouraging people to master the skills to judge for themselves. They would teach people how to understand the world around them. Exactly how this educational attitude is adopted does not matter. For example they may take on a Socratic style in which the ethicist asks questions as a means of stimulating debate. They encourage those around them to reflect through the Socratic method, by asking people to explain why they hold certain values, or made a specific decision in order to make them reflect on each value and decision. They may also work with a kind of storyteller method. They could create scenarios for people to share their experiences within the group as a means of promoting moral sympathy. The main goal will be to promote the ethical ability of the general population.

Education is an important part of not only democratic society but also the world at large. It is an end in itself. Dewey recognized this in the late 19th century, and it is a terrible tragedy that his focus on education has been overlooked. Earlier in this project I have shown that ethical expertise exists, and that it is based on a set of skills. It would be absurd to not want as many people to have these skills as possible. When

the ethicist embraces an educational role they can pass these skills to the wider population. I do not believe this is a radical position. It is known that the more educated a population is the better off it is. Education is key to understanding and improving the values that people already hold. This is often overlooked, and people forgot the true purpose of education. Education does not exist for the benefit of the students. It does not exist for the benefit of the teachers. It exists for the benefit of society. Society functions better with an educated population. There can be no greater honor for an ethicist than to dedicate their life to the flourishing and enrichment of their society through education.

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