

Five

ULTIMACY PESSIMISM AND THE QUESTION OF AUTHORITY

1. Introduction

I started the fourth chapter of this book with the observation that not all normative expectations that regulate our daily lives are legitimate. I claimed that some of them are inappropriate, unjustified, or inadequate, for instance, because they are determined by unexamined habits, or norms and values we should no longer adhere to once we have examined them critically. I did not discuss that observation because it is quite uncontroversial and discussing it would complicate the already intricate argument of that chapter. In this chapter I want to explicate why we have reason to accept it as an inevitable fact and not as something that might change once we succeed in getting things “right.”

Also I want to argue that, though some of us might reject this argument or the implications drawn from it, this will be especially difficult for the ultimacy pessimists at which the argument of the fourth chapter is directed. As we have seen in chapter three of this book, the ultimacy pessimist worry is that in the absence of a clear picture of what normality is and who the normal human beings are, it might turn out to be the case that every single wrongdoing is performed by an agent who is either to be exempted or to be excused. This appeal to the absence of a clear picture of what normality is, as will become clear below, makes it impossible for them to claim the availability of a clear and definite distinction between wrong actions and actions that disclose a legitimate normative disagreement. Unfortunately, the availability of such a distinction would be the only way to translate their (theoretical) worry into a practical recommendation.

2. The Question of Authority

The ultimacy pessimist commitment to the absence of a clear picture of what normality is and who the normal human beings are, leaves ample room for defending that we can never be sure that our normative expectations of one another are legitimate. Since we are talking about normative communities no single person exists whom can (or should) be authoritative with regard to the “translation” of our values into the normative expectations that regulate our daily lives. (I am not particularly committed to the notion of “translation.” If you do not like this notion you can use, for instance, “expression,” “instantia-

tion” or “interpretation.”). How can one person—or even a set of people—have the correct answer to the question by which normative expectations all participants of some normative community should live?

Note that this is not necessarily a relativist point about the lack of objective truth that values or worldviews have. It is a point about our lack of knowledge of the way in which values and worldviews should be translated into our day-to-day lives, even if it might be hard to deny that a truth to the matter exists. Even in, for instance, religious communities in which the participants embrace a seemingly clear and definite set of values and also agree on the authorities who (or source of authority that) should decide on the controversial issues, plenty of room exists for normative disagreements. The way in which even shared values get their translation is related to every (full-blown) participant in that community, and, vice versa, the acceptance of every individual as a (full-blown) participant in the community is determined by these individuals’ ability and their desire to translate their values in terms of the common framework. Let me give an example.

Suppose, analogous to Paul Russell’s example, that a brain mutation were to occur, making some of us incapable of being sensitive to and anticipating other people’s (invisible) pain (see ch. 2, sec. 2.A; Russell, 1992, p. 299). Those suffering from this disability would be able to adapt their behavior if they encountered explicit signs of agony and requests to bring an end to the pain, but would be unable on their own to imagine the possible injurious consequences of their bodily movements. As long as those people affected with the “insensitivity gene” are a small minority, we can exclude them from our community as deviant human beings. We can try to render them harmless by teaching them the occasions on which pain is likely to occur (in other human beings), we can isolate them in jails or hospitals, and so on.

If the people affected with the insensitivity gene become the majority, we will have to develop other measures to take their inability into account in the normative expectations that regulate our day-to-day lives, by, for instance, developing an elaborate, explicit vocabulary in which to express the anticipation of pain as well as our (unobservable) pains and ailments themselves. Although we might still believe it completely wrong and abnormal not to be able to anticipate other human beings’ (unobservable) pains and ailments—we might even refuse to adapt our behavior to such low standards and only associate with people who are not affected by the insensitivity gene—this has its limit. If nobody without the insensitivity gene is left but you, then *you* become the deviant individual and will be left without a normative community if only because nobody is left for you to constitute a normative community with.

The normative communities that we participate in are not only regulated by normative expectations but also to a large extent constituted by them. This has the surprising and counterintuitive consequence that you can lose your deep responsibility if other people lose the abilities that you had in common with them. Without these abilities your “common normative vocabulary” with them disappears. This corresponds to an important neglected phenomenon in the

literature on responsibility. Frameworks of the moral sentiments exist between people we generally do not judge to be morally responsible individuals, for example, young children among themselves (see Sie, 1998b).

I think that it is counterintuitive that our responsibility is such a purely relational property, because we strongly believe in some core meaning of the notion of “well functioning” or “a normal human being.” We believe, and maybe rightly so, that a truth to the matter exists with regard to the abilities that normal human beings possess. In any case, these considerations—that concern fairly complicated issues about the source and ontology of values—are beyond the scope of this book. The important thing to learn from the example above, is that if the participants in a relationship disagree about the normative expectations that (should) regulate it, the relationship will either change or end. This is relevant not only for such bizarre examples involving insensitivity genes, but also in many day-to-day relationships.

Suppose, for instance, that we want to become friends with the people next door, but they qualify—at best—as perfect neighbors. They do not even come near to fulfilling the normative expectations we have of friends; they are friendly and polite but not, for instance, open and honest with us. After a few drinks on a Friday evening, we bring the matter up and our neighbors are completely surprised, not because of our intention to become friends, but because of our conception of “true friendship.” They already believe that our mutual relationship is one of true friendship and have no idea what they are being reproached for. If we do not reach a common understanding of the way in which “friendship” should be translated into behavior that suits us all—either by discussing the matter or by adapting our behavior toward one another (the neighbors could become slightly more open after the conversation, we could become less demanding, and so on)—we will cease to have a friendship and, in the best case, return to being good neighbors again.

We will cease to have a normative community of equal and reciprocal participation without the consent of the participants concerned. It might still be that the neighbors regard us as friends although we regard them only as neighbors; it might also be that different normative expectations—somewhere in between neighborhood and friendship—continue to regulate our relationship. In some sense a normative community will still exist after a decisive normative disagreement, although it will not be a community of friends.

With these examples I do not mean to side with an individualistic interpretation of social phenomena over and against a holistic one (see for a nice summary of these matters Gilbert, 1998). The only point here is that a game that needs two participants cannot be played by a single player. For reciprocal normative expectations to regulate anything at all, we need at least two consenting participants. How we should perceive of the ontology of this relation brings numerous difficulties with it, that I must leave aside.

3. Ultimacy Pessimism in Practice

In the case of friendship, a decisive normative conflict as described above is perhaps sad, but not insurmountable. We can accept that some people have different ideas about friendship, even if we believe that our own ideas are superior. Much harder to handle are normative disagreements in the domain where the normative expectations are not restricted to behavior that people prefer or demand from some particular individuals (their friends), but are demands directed toward each and every normal human being (as was the case in our example of the insensitivity genes). These kinds of normative disagreements cannot be handled by ending the common relationship or participation in a community, because they are about what every normal human being ought or ought not do.

This is especially worrying for ultimacy pessimists. Their concern is that if determinism is true, wrong actions should be regarded as the actions of malfunctioning human beings. But how are we to distinguish between wrong actions and actions that disclose a legitimate disagreement with the normative expectations transgressed? From the point of view of people who believe that the normative expectations transgressed are legitimate, both kinds of actions appear to be wrong—both deviate from how “we” (evaluators and/or onlookers) expect a normal human being to behave. This would not be a problem if we knew who the normal human beings are or, closely related to this, what the culpable choices, the right things, and the right reasons are (see ch. 3, sec. 2.C.i and sec. 3.A.i.). That knowledge would enable us to distinguish between a wrong action that breaches legitimate expectations (a truly wrong action performed by a malfunctioning human being) and an ADND (a *prima facie* wrong action performed by a normal human being).

However, as we saw in chapter three, ultimacy pessimists use our general inability to firmly establish who the normal human beings are (in so far as that is independent of how they behave and act) to doubt the existence of EBAs. Those who accept the ultimacy pessimist argument of the third chapter cannot but admit to lacking the required knowledge that could lead to the practical efficacy of their position, the knowledge required to distinguish between wrong actions and ADNDs.

To complicate matters for the pessimist, this lack of a firm grasp of who the normal human beings are at the same time establishes the inevitability of acknowledging that some ADNDs are legitimate. For, if we admit that we do not know who the normal human beings are, and, related to this, that we do not know exactly what the legitimate normative expectations are, we cannot exclude the possibility that some people who act contrary to our normative expectations are acting according to different, equally legitimate norms and values.

This is not to claim that all deviant actions that seem wrong might be ADNDs, or that every normative expectation that we believe to be legitimate might not be so. It is to claim that we cannot as a rule exclude the possibility

that some deviant actions that seem wrong are ADNDs, or that some expectations that seem legitimate might actually not be in that class. Therefore, we should not treat people who act in a deviant way that looks (terribly) wrong, as though they are malfunctioning individuals (who do not possess the RR abilities to a sufficient degree relative to the circumstances).

4. Conclusion

Ironically, of all people especially ultimacy pessimists are unable to observe the care they recommend to those who believe that we are as a rule responsible human beings and that that fact cannot be undermined by a general thesis such as determinism. The care that we should think twice before we assume people to possess the RR abilities (to a sufficient degree relative to the circumstances) whenever they act in a way that to us looks (terribly) wrong. Since the main premise in the ultimacy pessimist argument is that we lack a clear picture of what normality is and who the normal human beings are, they have no argument to exclude the possibility that some so-called wrongdoings might in fact disclose a normative disagreement. As a consequence they cannot object to the conclusion that we should assume people to possess the RR abilities (to a sufficient degree relative to the circumstances) even when they act in a way that to us looks (terribly) wrong, unless we have specific reason to assume otherwise. This conclusion, as might be clear, is opposite to the initial worries that informed their pessimism: That our blame for wrongdoers might be unwarranted, because every single wrongdoing is performed by an agent who is either to be exempted or to be excused.

If we consider the ultimacy pessimist position seriously, it eventually leads to an affirmation of the practice of responsibility we are already committed to. The practice of blaming, resenting, and/or being indignant about people who are in relevant respects just like us, but who fail to act as we believe they should have acted.