

Philosophical Profiles

Allen Buchanan

James B. Duke Professor of Philosophy at Duke University

IN BRIEF

Allen Buchanan wears many hats. In the Fall, he is the James B. Duke Professor of Philosophy at Duke University. In the Spring, he jets off to Tucson, where he is a Research Professor at the Freedom Center at the University of Arizona. Finally, in May and June he is to be found in London, at the Dickson Poon School of Law at King's College, where he is Professor of Philosophy of International Law. His teaching and research focus on political philosophy, philosophy of international law, social/moral epistemology, and bioethics. We interviewed him on the day he moved into a new flat for his time in London.

DETAILS

Simon Cushing conducted the following interview with Allen Buchanan on 2 June 2014.

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Allen Buchanan

a philosophical profile

Simon Cushing: So your main areas of interest are Bioethics, Human rights, and Social/moral epistemology.

Allen Buchanan: That's correct.

Now, which one did you start out with? It tends to be that people who work in any of those fields just work in those fields but you work in all three.

I work a little more broadly than that now, I work in Political philosophy and Philosophy of International Law as well as Bioethics and Social/moral epistemology and my interest in human rights is sort of one department in my interest in the Philosophy of International Law. I started out as a Political philosopher mainly and then I got interested in Bioethics and then pretty late in the game I got interested in Philosophy of International Law and Social/moral epistemology.

So what drew you in to Bioethics from Political philosophy? Bioethicists tend either to come from Medicine or they start out in Ethics.

Getting into Bioethics was very, very specific and contingent. I was an Assistant Professor at the Philosophy Department at the University of Minnesota, a beginning professor, and I'd never heard about Bioethics or Medical Ethics at the time but I was working in Kantian Ethics, to some extent, and the Chair of the Department came to my office and said "there's a chap at the local hospital who says he's the Director of a neonatal intensive care unit and they're having some ethical problems—would you be interested in going and talking to them?" So I went and visited the neonatal intensive care unit, and talked to the physician who was the Director and to some nurses and yes, they were encountering really serious problems about whether to treat severely disabled newborns or just let them die. And so I started thinking about that and I wondered whether someone had written about those issues. I couldn't find anything that was very good—I found some pretty bad articles written by physicians, and I ended up writing an article called "Medical Paternalism" [*Philosophy & Public Affairs*, Summer 1978] in response to my reflections—both on the actual cases in that unit and on the scanty literature. And that became a pretty well-known article and it got republished a lot and it brought me to the attention of the people who were selecting the Staff Philosophers for the President's Commission on Medical Ethics, and so I became a Staff Philosopher and actually had a business card that had the Presidential seal of the United States.

Now which President was this?

Well it started out under Carter and went on in through Reagan, and so the business card had the Presidential seal and the words "Allen Buchanan PhD—Staff Philosopher to the President's Commission." It was interesting, though, because the Commission

Allen Buchanan

that I was on started in the Carter administration and the Carter appointments to the group of commissioners were, of course, quite different from the ones that later came when Reagan was able to appoint. And there were some real struggles between the professional staff, who was really doing the business of writing the reports, and the Reagan commissioners who didn't want to sign off on the reports that we were writing. There had to be a lot of political work and a lot of persuasion and perhaps even a bit of deception to get them to accept what we were doing, especially on questions about access to healthcare, right to healthcare, that kind of thing. Because the Reagan commissioners were very, very unsympathetic to the idea that there was any such right.

I can't really see, given your background, you being someone who would've been chosen by a Reagan administration.

No, it's interesting the Reagan Administration could, in principle, have sacked the whole staff that had previously been appointed, but they didn't, and it may just be that we were beneath their radar screen. I think one of the reasons we were able to do a reasonably good job on our reports was that we weren't in the limelight and we didn't deal with any issues that directly connected with the abortion debate. Or, at least the connections weren't apparent to the political-types.

Although with severely disabled neonates you'd think...

That later, actually, became a bigger issue for the political right in the United States, the sort of vitalist view that all life is worth preserving and that no life should be ended, that was not firmly on the political radar screen at the time we were operating. We did talk about that, to some extent, and we did have two reports on issues about genetics, including the one on genetic engineering, but at that point people weren't connecting the dots and seeing that it might have some serious implications for the abortion debate. So we were relatively free of any kind of political, direct political influence. That was good.

Yeah, it's interesting that it seems to be—it takes a while for the politics to catch up with the philosophy, but it does catch up. For example, for the longest time one of the responses to a position on abortion that says that a fertilized human egg is a person is to say "well look, they're destroying them by the thousands in in vitro fertilization clinics."

Right, that's right.

But then, you get to the point where Bush appears with this Project Snowflake or whatever it was, where he was advocating the adoption of frozen embryos.

Right, right at one point Bush had this idea that it was all right to use some already existing frozen embryos for some forms of research, but not to create them for the purpose of using them for research. So, there was a lot of dancing around the issues there. But yeah, I think those issues came actually on the radar screen later than that initial Commission that I was on, and that's one reason why I think we were able to operate in some independence from the political debate, and from political pressure.

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Philosophical Profiles

The staff was a group of pretty young people in their late twenties /early thirties/early forties and they came from Economics, Sociology and Medicine and Law and Philosophy and we were working very intensely under pretty severe deadlines, and we published a dozen, book-length reports in the end. And it was very exciting—sort of the making of me as a Bioethicist. Before that, I really wasn't sure whether I would be going very deeply into Bioethics, or, if I did, what I would be doing but that experience not only gave me some credentials, sort of prestigious, but also it deepened my knowledge and made me conclude that I was going to spend at least half of my time, from then on, working in that area.

I think the thing about Bioethics is, you come to it thinking “well, it’s just going to be like Ethics, you know, we’ll do most of the class on Kant and Bentham and then we’ll just, you know, apply it.” But once you start teaching it, it’s not like that at all, and actually I see this as being the way that you tend to do things in general, that you get right into the nitty-gritty and the actual facts on the ground and then you sort of build up from that rather than saying “well we know what we think, as a Kantian we’ve got our system here, we’ve decided that Kantianism is the best, because otherwise you’re blowing up fat men in caves, and so now we know what we should do, we apply it to any case.” But that really just doesn’t seem to work when you actually try and do Bioethics.

Yeah, I agree, I think it doesn't work when you try and do most anything of practical importance. I agree. I find it to be much more fruitful to identify the problems as problems that are seen to be problems outside of Philosophy and then see what sort of general philosophical methods of analysis can do by way of eliminating them. When I write I don't tend to just respond to what other philosophers have said, I tend to try to respond to what I consider to be real problems, and in the process of doing that I look to see what other Philosophers have said. But I'm much more concerned with being prompted to think and to write by problems that exist outside the philosophical community that are serious problems, problems about human rights practice or problems about the use of biomedical technologies to enhance human beings, that kind of thing.

So is it helpful to you that you are at three different institutions, one of which is a school of international law? It's easy for philosophers to get caught up in a bubble and just look at/read Ethics or, you know, Philosophy & Public Affairs—which do have an interdisciplinary approach, but they're all still mainly philosophers writing in there.

Yeah, it's really helpful to me, I feel very fortunate that I've been able to work out this three-part position because each of the different places has its own virtues. At Duke University, where I am in the Fall semester, I teach two courses, and I usually teach undergraduate courses. The undergraduates at Duke are really top notch, they're really quite excellent thinkers—they already know how to write well before they get there, they know how to do research; they're very keen, very self-disciplined and it's a real joy in my life to teach courses with them. And then I go to, after the end of the Fall semester, I go to Arizona, to the Philosophy Department, where I used to be a member full-time—I was there a number, almost a dozen years, and I actually left there, really, for family reasons, and always pined to go back there, and so now I can go back for at least part of the year. And, that Department is now rated number one in Political philosophy in

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Allen Buchanan

the *Leiter Report*, for whatever that's worth. It's worth something—I wouldn't take it as gospel. And, there are a number of people there that I enjoy working with and they have some very good graduate students, in Political philosophy, because it is rated so highly. So there I don't have committee work, I don't have teaching, I can just interact with people and do my own writing—I really enjoy it. And, it also gives me a chance to do, for really the first time in my life, some hands-on humanitarian work. I just started doing this two years ago—when I'm there in the Winter and Spring. I belong to a group called "Samaritans," and what we do is we drive as far as we can with an all-terrain vehicle down to the border of Mexico. Then we get out and we backpack in as much water as we can carry and packets of medical supplies and we try to provide assistance to migrants coming across the border through this horrific and harsh environment—the Sonora Desert. In the part of the border, less than a hundred miles, headed just south of Tucson, where the University of Arizona is, more migrants die crossing that area than in the rest of the US border in total, which is 2,500 miles long. There are about 200 sets of human remains found there every year. It's estimated that for every one that's found there are probably four that aren't found. And, it's just a horrific human rights problem. The Border Patrol is often very brutal to these people; they introduced these draconian criminal law processes for them, and, you know, it's one of those things where, you know people are dying and you know you can do something to help some of them. Sometimes we run into people but, most of the time we operate during the daylight because it's too dangerous to be there at night. But, during the day we sometimes encounter people, but we often—we encounter lots of evidence of their having gone through certain areas the night before, lots of debris and things like that. And, we put out water jugs at those places and we write on them the date with a permanent marker and then we come back to see if they've been drunk—to see which trails are being used. And sometimes we run into people who are in extremis, they're dehydrated, they're injured, and we provide medical assistance as best we can, if they need hospitalization and agree to us calling, having disclosed that they will be arrested if they're taken to the hospital. Then we provide that and we use our GPS's to provide the coordinates of human remains that we find so that the Medical Examiner can come out and try to identify them. They identify only a very small percentage of them because the bodies don't hold up very well in that environment. They get desiccated and then the animals tear them apart and scatter them. But it is important to try to identify them for the sake of their families. That's something I started doing and I find it to be very interesting and worthwhile, and it's really given me a much more vivid picture of, I think, one of the two major human rights problems in the United States. The other one is mass-incarceration.

Right, right.

I think that the treatment of migrants is the other big human rights problem in the United States.

Now, do you ever run into law enforcement? I mean, do you get hassled?

Yeah, we run into Border Patrol frequently and the Border Patrol from time to time harasses our group and arrests us on ridiculous charges—we always get out, we have very good lawyers. I think they've taken our group to court about 28 times, and they've always lost. And, the charges would be things like: littering or leaving property on Federal land. Just ridiculous harassment. Some of the Border Patrol people are very nice and some

Philosophical Profiles

of them are really quite obnoxious—they'll dump out the water that we've laboriously carried in. And, then there's also some right-wing militias, who are sort of self-styled "protectors of the border" that you run into now and then, but we don't usually run into them when we're hiking in because they tend to be very fat and unable to do that. They might, you know, at worst, slash your tires where you parked or something but...

Right.

The other big problem is bandits, but the bandits operate almost exclusively at night and mainly on the Mexican side.

Now are those the ones who are human traffickers or drug smugglers?

No, they're just some bandits mainly coming from Nogales, Arizona—Nogales, Mexico and Altar, Mexico, and who just come and prey on the migrants; they rape the women and they steal what little they have. It's really quite horrible. And, there are drug cartel people who sometimes coerce migrants into carrying drugs.

Right.

So it's a very, very bizarre, wild, heavily militarized place—the Border Patrol has surveillance drones, fixed wing aircraft, helicopters, Border Patrol on horseback, Border Patrol on foot, Border Patrol in all-terrain vehicles. They have electronic sensors on the trails that are disguised to look like rocks. It's the most incredible expenditure of money that's not working. That's the... But anyway, so that's one of the things that makes it—in addition to the intellectual stimulation, with the Political Philosophers, that makes it interesting and then when I come to London in May, I love Kings College, London, especially the Law faculty, the Philosophy faculty is very good too. And, I'm learning a lot from the excellent international lawyers here, which I need to do—I'm not trained as an international lawyer, but I am interested in Philosophy of International Law so I get easy access to pick people's brains on that. And, fortunately a number of the international lawyers at Kings are also philosophically trained, so it's easy for me to talk to them.

That's good.

And, of course, London is fantastic, if you can get someone to give you a free flat in Covent Garden.

In Covent Garden? My God—that's amazing.

It's really quite incredible, yeah—it's something I could not possibly afford, so it's wonderful and it makes it easier for me to travel and do different things in Europe too, obviously, if I were here than having to come all the way from the other side.

So, basically you don't sleep. I mean, obviously you don't need sleep.

Oh, that's not true, that's not true, I sleep—I don't sleep well, but I do sleep. But, you know, this is not like traveling to a number of places every week or two for a few days. I come and I stay awhile.

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Right, well two months...

Well two months is the shortest. I mean, I'm in Arizona for more like four months, then I'm at Duke for longer than that so...

Right.

It's not as stressful as it sounds and so far, at least, I think it's worth it—it hasn't always been fun for us, but it's certainly worth it, I'm enjoying it. And again, I feel very, very fortunate, because I get exposed to a lot of different kind of people. For example: a couple of days ago I went to a conference on Marxism and Global Justice at LSE and I wouldn't have gotten anything like that at Arizona or in North Carolina. So that was really interesting.

Your earliest work was on Marx's critique of liberalism right?

That's right, yeah. I think I was invited to this LSE conference as sort of a dusty old exhibit on loan from the museum of analytical Marxism. Myself and Richard Miller, we were the old silverback males, from the earlier era writing on this stuff. And then everybody else was the, sort of, young, very enthusiastic, Marxist kind of Political philosophers from all over Europe and the UK.

Well I hope analytical Marxism hasn't dropped totally out of favor...

You know I think it almost did and it's a shame. I think what would've given it legs, to last longer, would've been if at the time it was going on global justice had been squarely on the philosophical radar screen—and it wasn't, that came later. The whole move from looking at the individual state to looking at the global context, global institutions, global economic order and all of that, it came later. It came after analytic Marxism had subsided, and I hope that now the interest in global justice is going to rejuvenate some interest in Marxist theories about exploitation and about unjust social structures or at least alienating, or oppressive social structures. And that it might infuse some new blood into the discussions about global distributive justice.

Now, about, I don't know, ten years ago, was when Liberal Nationalism was sort of in high gear with Will Kymlicka and people like that, I remember reading something he wrote at the time that said "it's approaching something of a consensus now, that liberal nationalism is correct," and Brian Barry wrote that book [Culture and Equality] saying "Oh no, it isn't!" What do you think of that view?

Well, it depends on what you mean by "Liberal Nationalism." If you mean a kind of view that David Miller holds or Thomas Nagel, I find this a very problematic view—that is, there are people who hold that within one state there are strong requirements of egalitarian distributive justice, but they think there's virtually no requirements for distributive justice at the international level, global level. And I find the arguments for this to be, you know, extremely problematic. I mean I'm sensitive to the idea that the standards of justice may be different at the domestic level, than at the global level, I think Rawls is right about that. But these positions that I see as more extreme liberal nationalist views that any sort of serious distributive obligations end at the borders of the state, I don't find this to be at all plausible. I think that the task really is to develop a reasonable, kind

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Philosophical Profiles

of, cosmopolitan view that recognizes that there are differences between justice at the domestic level and justice at the international level, but which is not as constrained and lean about what goes on at the global level as the positions of Miller and Thomas Nagel and people of that sort, I think that's the task. For one thing, I'm not even convinced that at the domestic level the appropriate principles of justice are as strongly egalitarian as some of these people think. They tend to say "oh yes, that's obvious—Rawls was right about that," you know some-sort of egalitarian distribution, fine, true for the domestic case, and then they say, they try to give arguments why it's not true globally. But I don't really get out of the first stage. I'm more, I guess, in the area of some-sort of a, probably not terribly worked out, sufficientarianism view at the domestic level—that, equality of status and political equality, or at least significant constraints on political inequality, are very important at the domestic level. But that distributive equality is only important insofar as it serves those kinds of interests, and I don't think it's necessary to achieve, nor to achieve political equality or recognition of equal basic status, that you have to have strictly egalitarian distributive processes. I think some constraints on distributive inequalities are important.

There were various different threads in the liberal nationalism as I remember. There were some people who argued for, some kind of—it was more focusing on the state as an institution of democracy and it wasn't focusing on what Kymlicka called—Kymlicka pressed this distinction between state and nation, and focused on, you know, "nations need states," and he was this culturist guy—that you have to preserve your culture. Whereas [David] Miller's stuff is more about the welfare state—that the only way we can have this wonderful thing, the welfare state, is in these small, not necessarily culturally homogenous, but we already have this sense of fellow feeling and sense of, you know, that we're all in this together, but you can't get that internationally.

Yeah, I think there're really two strains of Miller's argument. One is just what you said, that he thinks that it's just a fact about us, a psychological fact that it's only within some sort of bounded national group that we can have sufficient fellow-feeling and solidarity to make a welfare system work. But he also thinks that there's something about the nature of a nation which entitles the people of the nation to give first priority to their own concerns, and which severely limits their obligations to people outside of the group. Sort of on the analogy of being a family, there's this especially robust, moral relations that exist within the family and properly acknowledging them requires recognizing that obligations to people beyond that group are quite limited. So those are the two aspects of his liberal nationalism.

Right.

But you're right, Kymlicka's view is really quite different, it was that he thought that liberal theory at the level of the state needed to recognize multi-culturalism and recognize that most states have more than one nation.

Right.

And that liberalism had been papering over that and not taking seriously the need for supplementing individual rights with group rights, for the appropriate kinds of...

Allen Buchanan

It all seemed to boil down to language for him though. That was always the example he pressed...

That's because he's Canadian!

Right, right...

He was really, you know, he was in the grip of the Quebec separatist movement that was very robust at the time he was a young man. And there it took, to a large extent, the form of debates about group language rights.

Now, I think this would be a good time to talk about human rights, because that's some of your most recent work is on human rights, and perhaps talk about the distinction between moral human rights and international/legal human rights.

Well, first of all I think that it's unfortunate that a lot of philosophers just use the phrase "human rights" without making it clear whether their talking about moral human rights or international/legal human rights. And it's important to distinguish because what's true of the one may not be true of the other, and I think that failing to distinguish them clearly at the outset of your theorizing can lead you to make some problematic assumptions that can lead you astray. I think that there is a concept of moral human rights which has no—there's no conceptual connection to international law, perhaps not even any conceptual connection to law. It's just the old natural rights idea that there are some universal moral rights that we all have by virtue of our humanity or something like that. And I think it's a perfectly respectable concept, I think it's appropriate if a philosopher wants to develop a theory of moral human rights of that kind. I think that's perfectly ok. I think that's fine but, I think also that there's, you know, nowadays, at least since 1945, maybe from the inter-war period, a different idea of human rights which is the idea of international human rights that either are rights in international law or it's thought they should be. And, that conception of human rights has a conceptual connection to the idea of limiting sovereignty, but I think the earlier conception doesn't. I mean, it might imply that, but it's not there on the surface. It doesn't assume the earlier conception, the natural rights conception, doesn't assume a system of states, it makes perfectly good sense to apply it even if there were a world state, or, if there were no state, it makes sense to talk about natural human rights. So, I would like to avoid what I call "conceptual imperialism," and not say "well, this is *the* concept of human rights." John Tasioulas does that with respect to this natural law conception that has no necessary connection to sovereignty or the state system he says "well that's *the* concept of human rights." And then Charles Beitz on the other hand has a more international, contemporary international practice oriented, and he says "well this is what human rights are." He doesn't say "this is a separate concept, different from the earlier one." And, I think they're both guilty of conceptual imperialism, I think they should just shake hands and say "well these are two different concepts" and then ask "what's the relationship between them." I think that it's a mistake to assume that for something to be a justified international legal human right it has to correspond to a pre-existing moral human right.

So, what example would you see of something that was an international/legal right but not moral?

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Philosophical Profiles

Ok, I think that there might be a good case, and I'll give another example in a minute, but there might be a good case for having, in international human rights law, a right to periodic holidays with pay. Perhaps. But I'm not convinced there's a pre-existing moral human right to periodic holidays with pay.

Shame.

Another example you might find more compelling, I think that both in domestic law and in international human rights law, it makes sense to have a legal right to health or the conditions for health. And, it's a right that the duties fall on the state—let's just take our domestic legal system. Duties fall on the state, and something like a duty to try to promote the health of the citizens, or something like that. Now, when most people think about what a legal right like that ought to look like, say at the domestic level, or at the international level, they think that the state—the duty bearer, should be required to provide certain public goods that are important for health. Like herd immunity through compulsory vaccination programs. Now, I think that it's a stretch to say that any individual has a moral right to those public goods, because, to produce those public goods requires massive social investment and it requires limiting the liberty of lots and lots of people. And I'm not convinced that the interest of any particular individual, considered in isolation, are morally sufficient to generate duties on the part of the state or anybody else, to provide those public goods. I don't think this a problem with legal rights because I think with legal rights it's perfectly appropriate, when you're trying to justify the duties that are associated with legal rights, to appeal to the interests of many people. I don't think that's true in the case of moral rights—if you follow something like Raz's view about moral rights the idea is that A has a moral right to X if and only if there's some aspect of A's interest that are morally important enough to ground all of the associated duties of the right. So I think that there probably is a moral right to health, but I think that its scope is much narrower than the scope of an appropriate legal duty to health, because I think that by their nature moral rights have a more limited set of associated duties, if it's true as Raz says, that the duties in the case for the moral right have to be grounded solely in the interest of the individual right holder.

So, you could say you have a moral right to something that we're going to call "health," but the content of "health" is going to vary according to the sophistication of the institutions or the technology or whatever.

Yeah, and also, in the case of the moral right, the associated duties—the moral duties—will be ones that have to be grounded exclusively in the moral importance of the interest of that individual right holder. But, in the legal case, the associated duties can be grounded in the importance of the interests of many, many people. And so the scope of duties, in the case of the legal right, can be much greater than that of the moral right. And so that's why it's a mistake to assume that legal rights have to mirror moral rights in the sense of having the same content and the same duties. I think it's perfectly appropriate, in a legal system, domestic or international, to have legal rights that have quite robust and demanding sets of associated duties—much more robust and demanding than could be justified in the case of moral rights. If, again this is assuming that, you know, when the moral rights we're talking about here are ones that have what are called "directed duties"—the associated duty is owed to the right holder. And, Raz thinks that the only way to explain how the associated duties, in the case of the moral

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Allen Buchanan

right, could be owed to the right holder is to show that, somehow, they're grounded in the moral importance of the interest of the right holder. But, you don't have to do that for legal rights. Legal rights are instruments, and they're important reasons for giving individuals legal standing, assigning legal rights to them. But when it comes to justifying the associated legal duties there's no reason to restrict yourself just to the importance of serving the interest of the right holder.

I'm trying to think if there's anything problematic about this, and I'm just thinking that maybe this, sort of, incentivizes people in desperate circumstances to make their interests important to other people. So, for example, I don't know, this is an off the top of the head, but, you know, you might actually want the United States to think that your country, your very impoverished country has become a hotbed for terrorist organizing so that they come in and build schools or something like that.

You know, that's interesting—I don't think that anybody has, I've never heard anybody bring that up. I think it's an interesting question, because it puts pressure on what we mean by saying that certain interests are morally important enough to ground duties, right? And I think, when people think of that, they don't think of the kind of case that you're talking about where someone has acted in a way so-as to magnify the importance of an interest.

Yeah, because if the rights that get respected under international/legal law are the ones that are important to a lot of people, well there's a lot of people, you know, whose rights are going to be—whose moral rights are going to be ignored because they're not important on the world stage.

Well, important here, I think we're sort of struggling with what's meant by "important," I mean, I don't think "important" here is to be understood as "believed to be important." It's supposed to be some sort of objective notion of being important—I think that's the Razian idea, and it's my idea, that when I say that in the case of legal rights, the interest to the importance of which you could appeal in order to justify the associated duties are not restricted to the interests of the individual rights holder—they could be large groups of people.

Right, but I'm wondering which groups. So if I'm saying you want—suppose you're someone in dire straits somewhere in the world, you want your right to be of interest to, say, the United States because they've got the resources.

I see what you mean. So, you can make it in their interest by threatening in some way...

Right.

Sort of creating problems or something like that. Again, you know, I really haven't thought about this interesting idea...The question is, is there some notion of objectively important moral interests that you can use that will avoid, will preclude that kind of strategic, let's say, strategic creation of importance. It's moral blackmail basically, what you're talking about it's...

Philosophical Profiles

Right, well whenever you have an argument for humanitarian intervention, Kosovo or wherever, the usual critics say “well if you’re going to intervene there why aren’t you intervening in all these other places? You’re really only intervening there because of oil,” or because of whatever.

Or because it’s on, you know, Europe’s doorstep...

Right—there’s no oil in Kosovo as far as I know.

Yeah, you know, that’s very interesting because, and I can’t remember the fellow’s name now, but there has been a political scientist who’s written that there’s a kind of a moral hazard involved in humanitarian intervention if you set one of the standards for humanitarian intervention as being high levels of human rights violations then people may try and provoke those. And, I think, actually the case of Kosovo is actually a good example. The Kosovo Liberation Army was very smart. They knew that if they knocked over a few Serbian police stations that Milosevic would overreact enormously, and they knew because the West hadn’t stopped him in the case of the Bosnian atrocities, that the West was likely to intervene this time, if Milosevic acted excessively. And the result was that they got NATO to fight their war for them, the KLA did, and it worked remarkably well.

Now, but you talk about tactics, some tactics, like that in your piece about justifying revolution [The Ethics of Revolution and Its Implications for the Ethics of Intervention,” Philosophy & Public Affairs, Fall 2013] in where there are some horrible calculi involved by revolutionary leaders because they will sacrifice the people they’re supposed to be representing because/so that it will further their cause. Whether by trying to cause this kind of conflict to arise, or by settling leadership decisions...

Or getting intervention support from interveners, right? You can provoke the regime to commit atrocities.

Right.

Then you can mobilize more people to become part of the revolution, but you also get the sympathy of potential interveners.

Let me see, so, we haven’t talked about social/moral epistemology—perhaps you could explain what that is.

Ok, I’ll start by giving one definition of social epistemology, without the moral part. People often think of social epistemology as the systematic comparison of alternative institutions or social practices insofar as they have an effect upon a formation of belief, or revisions of beliefs, or the dissemination of beliefs. So, you might think about things like public school systems having this kind of effect on what people believe, or religious institutions or practices. Now I’m particularly interested in those beliefs that we have that are crucial for our moral performance, that is beliefs which, if we get them wrong, can seriously undermine our capacity to react morally. So, one such belief might be a belief in the natural inferiority of women or blacks, because this kind of belief can influence our moral status judgments, our judgments about who’s equal to whom, and what our moral obligations are to different groups, depending on whether they fit into

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these different categories of being natural inferiors or natural superiors. Another kind of factual belief that can have pretty bad moral implications, bad influence on behavior, is beliefs about your own nation. Many people have very sanitized versions of the history of their nation... So, if you've been indoctrinated in your public school history book textbook to believe that the United States was always in the right and always was rescuing the world from evil...

Are you saying it wasn't? Good thing you're in London right now...

Well, when I think about what I learned about US history in public school in the United States it just makes me nauseous.

There was a TV show from the 70's—School House Rock, and the most famous animation from them is a little animation about how a bill becomes law—you might have seen this? But anyway, another one was a little song called "Elbow Room," and it was about manifest destiny, and it showed these people, you know, pilgrims sort of sauntering across the United States...

That's exactly what I'm talking about.

Right, and no Native Americans, the only sign of Native Americans was an arrow appeared through somebody's hat and that was it for manifest destiny, basically America's there for us to—and this was from the 70's when...

Incredible. No, there's a really nice book called—oh let's see what it's called...*Why Everything You Learned in American History is Wrong*. And it just goes through a dozen of the most widely used history textbooks in the United States, different editions of them over time, and points out how completely indoctrinating they are, and how mistaken they are, and how they contribute to this attitude of American exceptionalism—which I think is morally very toxic. So that's the kind of thing, you know, distorted nationalist views, distorted views about races or about gender, these are kinds of factual beliefs that can have very serious consequences for our moral behavior. And, they're obviously influenced by the kind of institutions we live under—we're all very epistemically dependent, for all of our beliefs, on other people. But, we're not just dependent on them as individuals; it's through their roles in different social practices, and we're operating with implicit epistemic norms, we're deferring to certain people as qualified to know the truth about what women are like or what blacks are like or whatever. So, the idea is to apply the resources of social epistemology to focus more on the question of these morally important beliefs, and to ask the question about whether different social arrangements might help us to get them better, get better beliefs of that sort.

Well, now the internet, of course, is a huge source of beliefs. It seems like now it's much easier to cocoon yourself in an echo room. I mean, people seek out, I'm guilty of this myself—I find myself looking at left/ liberal webpages. But it becomes kind of ludicrous—you see that they're putting up things just to push your buttons and get your pulse racing. After a while I have to stay away from them because I know that they will take a piece of news and then they will, sort of, spin out its more lurid elements. Or they will say "have you heard what Rush Limbaugh just said?"—I don't really care what Rush Limbaugh says but they make you want to because they want

Philosophical Profiles

you to get this, kind of, apocalyptic view of how bad things are getting, and they're doing this on both sides.

Exactly. Yeah, I grew up in Little Rock, Arkansas at a time when it was, literally, an apartheid society. There were laws forbidding blacks and whites to marry, there were laws that prohibited blacks from drinking out of the same fountains that whites drank out of, or using the same toilets, top to bottom laws restricting the rights of blacks to vote, restricting their economic opportunities—it was absolutely horrible. And it was, when I was very young, it was a kind of a cocoon; it was very hard to get contrary views, or any perspective to what was going on, it was kind of a homogeneity of belief. I was fortunate enough to be in high school during the 60's—early to mid-60's, when there was a lot of cultural upheaval and people were beginning to question authority. And then another good piece of luck that I had an older brother, four years older, who got a scholarship and went to Columbia University in New York, and came back with a greatly expanded consciousness.

See that's why you don't want to send your kids off to college—this is what happens to them.

That's right; this is what happens to them. So I eventually got enough critical distance to be able to become skeptical about a lot of the things that I'd been taught to believe. But now we have a situation where, though potentially at least, you'd think more people would be in the situation to appreciate a diversity of different views and to question the assumptions they had grown up with. But then comes the internet, as you said, which you think should be great for this, but in fact what people often use it to do is just seek out views like their own. And there is a documented phenomenon that when people who are like-minded, especially on political views, interact only with each other their views become more extreme—it's the polarization effect. So, I think this is very dangerous. Now, I'm hoping that this is just kind of a childhood illness of the internet, that eventually people, or at least some people, will develop better ways of using the internet—to become more critical and they'll develop, together, some new epistemic norms will evolve that will be suitable for that kind of thing.

Right.

I suspect that's already happened with some people, but that with many people it's never going to happen. So, I think this is a really serious problem—I worry about it a lot. And, I know I'm subject to it too, you know I greeted Piketty's new book with great enthusiasm—at last, we're going to have a conclusive reputation of these people who say that either there's no serious problem of inequality or, you know, inequality wealth and income doesn't matter, or something like that. And, so I just started reading the book, but I was, I must say, when I heard initial reports about how great it was, of course coming mainly from the left sort of sources, I didn't question it.

Right.

I was already ready to be convinced by this book, before I had read it or before I'd heard a dissenting word. And now there's this huge rash of objections. He got his data wrong etc. I'm not yet in a position to evaluate that, but I do know that before that happened

Allen Buchanan

I was much too quick to have an entirely favorable attitude toward the book, because it was congruent with what I already believed.

Yeah, I don't know that you can avoid that. I grew up in England and we're very used in England to the idea that your paper will be biased. I mean, you don't pick up the Daily Mail and think "oh, it will give me a positive view of the Socialist Worker movement." But, the TV was supposed to be neutral and both the BBC and the ITV did tend to be very—you know, the news was always presented in a very non-sensationalistic way. And you would have very sober news anchors and...

That's the way it used to be with the major television news in the United States...

Until Rupert Murdoch...

That's right, that's right—entirely different. Now, of course, as you know, there were biases before, but there was sincere effort to avoid that sensationalism—and that's gone.

But now, of course, you have to have a kind of robust notion of moral human rights to make this claim that there is a truth out there to be found. I mean, otherwise you're in a relativistic position where one person's view of another group cannot be questioned from the view point of the other group.

Yeah, I agree. You have to have some notion that there are some objective moral truths, and I think that the human rights movement assumes that that's correct—it's based on that assumption. Now the moral truths don't have to be timeless and eternal; I think one difference between the old conception of natural rights and the modern conception of human rights is that with natural rights they were thought of as things apply to people simply by virtue of their humanity and hence that they're rights that could be ascribed to you in a pre-institutional setting, they could be rights ascribed to people 10,000 years ago...

Because you're God's property...

That's right, that's right. But, the modern notion is one which does assume that there are some basic interests that are important for everyone's welfare, but they can view the interest as being historically conditioned. And, they also view the rights as providing protections of those basic interests against standard threats—and what counts as standard threat can change over time, so these are two ways in which modern human rights are more contingent/historically rooted than the old natural rights conception. But, it still conveys a notion of objectivity, that is, for us here and now these are the interests that are constitutive of human well-being, at least for most people, and these are the standard threats to them in our world at this time.

Right.

So here are the rights we need to protect against those standard threats to those basic interests. But, you're right. It's not compatible with any kind of robust relativism, ethical relativism. I think it's compatible with ethical pluralism, that is, that there's more than one reasonable, or valid morality, it's just got to be that there's some overlap, at least in the margins, between the valid moralities that provides enough purchase to have it

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Philosophical Profiles

make sense to have universal international legal standards for how states ought to treat their people, basically, which is what international human rights are.

It's funny, when I was an undergraduate I was very drawn to radical philosophies of science, like, I don't know if you're familiar, I mean Kuhn of course, Feyerabend and people like that, and I found those exciting, because those scientists think they're so great, but then when you take up a job teaching and you encounter people saying, "well, that's just your opinion, how can you grade me down/you're grading me down just because I disagree with you," and suddenly you get this very robust notion of objective facts—"No! There are objective facts!" And, it does seem to me that there has been this movement like, obviously there's a lot of money behind it but, like opposing climate science or something like that where they say, "There's no such thing as objective science anymore, you're just pushing the point of view that fits your agenda," I mean, I never quite understand what the agenda is—I can understand the agenda of oil companies, but the agenda of...

I listen to Rush Limbaugh to find out what the other...

Because your blood pressure isn't high enough?

I can only do it in short doses, but here's the view: the view is that scientists are disproportionately liberal. That's probably true because highly educated people usually are...

Well as Stephen Colbert put it, "reality has a well-known liberal bias..".

Maybe so, but it's certainly, at least higher education does—not actually in the United States, not college education, college educated people are disproportionately Republicans, but post-graduate degree people were disproportionately more liberal. So, that premise is true, but then the next premise they add is that this liberal bias, which is really a bias in favor of big government and against the market, against corporations, leads them to misinterpret or even deliberately falsify, their data about climate change. Now, I think what's wrong with this argument is not the first premise—I think that scientists are probably more often liberal than not. It's the second premise because what Limbaugh fails to understand is that what's distinctive about science, as a knowledge producing activity, is that there's a scientific community that has very high epistemic norms—it has all sorts of epistemic norms and practices which are designed to reduce the risk of bias, and vastly underestimates all that. Now, I'm not saying that those kinds of practices within the scientific community completely eliminate liberal bias—I don't think so. But you can't understand the nature of that epistemic community and think that, therefore, simply because people have liberal political views it's going to thoroughly corrupt the scientific opinions of the vast majority.

And, I think there is this, sort of, obstreperous streak in some liberals of, "I'm going to criticize my own crowd, because, you know, just to show my bona fides..".

Not just liberals, it's how people make their careers as academics, right? There are huge incentives built in for the younger generation to sort of "make their bones" to use the Mafia term, by gunning down the older generation, right? I mean, there are built in

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incentives for contesting the orthodox wisdom, and I think that people like Limbaugh just don't understand at all either what academia's like, how competitive it is, or what science is like, they have no conceptions of what science is.

My dissertation advisor was a student of Rawls's and she said that Rawls dreaded going out to give talks because he said, "oh, it's going to be another bloodbath," because whenever he went out, you know, it was just constant...And, he's the most influential American political philosopher—I mean, he's, sort of, the liberal lion, and yet, all he got was grief.

Well, that's a very good example, because he was such a major figure that was really where you could "make your bones" by trying to criticize. But also, I knew him and he was one of the most gentle people. He didn't like controversy and it was an act of courage for him even to go in public and give a paper, because he knew people were going to criticize him. And, he was overly deferential—he caved in to objections, at least in public, when he shouldn't have, because he had such incredible humility and wanted so much to avoid conflict.

Yeah, yeah, you hear that...

He would actually say, "Well, I think you may be right about that..." even when I know he didn't really believe that. He was an interesting guy.

Before I let you go I want you to say something about this [Beyond Humanity?], because this is perhaps the sexiest thing from, I would say, the general population's point of view that you have written.

Have you seen the other book? There's another book that I have that's called *Better than Human*, that's actually a trade book, or was supposed to be a trade book—it's a much shorter, clearer and funnier and livelier version of that book, but with some new things...

Oxford University Press is not liking you right now.

But *Better than Human* is not a dumbed down version—it's a different book, because it's my first effort to write a really short book that, I hope at least, would appeal to a much wider audience. And, I found it to be great fun to write it actually. But anyway, I'm happy with that book you just held up.

Glad to hear it.

It's more scholarly than the other—the other book has no footnotes... I've just got a bibliography basically.

Well perhaps I could ask you a specific question? To explain the difference between "post-humans" and "post-persons."

Ok. Well, I think that given the biologist notion of species, it's quite possible at some point *homo sapiens* will be replaced by some new species. Either...

The X-Men!

Philosophical Profiles

It's pretty unlikely that some other branch of the primate line is going to evolve into something that will replace us, but we might evolve into something that's sufficiently different from the way we are now—that at some point future biologists would say, "Ah-ha, now it's a new species" because they'd be post-humans. Now, it's an open question, we don't know enough from the description of the case so far, to know whether those post-humans would become post-persons or not. I think it's likely they'd be persons; they'd just be non-human persons. If you think of personhood as something that is distinct from being human in the biological sense, you think of persons as beings that have conception of themselves, they can act for reasons, they can sometimes recognize that they ought not to satisfy their desires, they have agency. Well, at that level of description, if that's what it is to be a person, you could imagine there could be persons that weren't human beings. I mean if you watch *Star Trek* they encounter non-human being persons all the time. They might be, morphologically, really quite different from us, they might be a big, gelatinous sphere, and they wouldn't have anything like human form. But, if they had the right sort of neural network and stuff, they could do all the stuff that we could do by way of agency, acting on reason. So, I'd be happy to say they're persons; they're just not human persons. So that's a possibility for some alien life-form encounter...

But they would be persons though—what's a "post-person?"

That's a good question. I can't make sense of the idea of a post-person frankly. I have an article that appeared in *Philosophy & Public Affairs* [Fall 2009] called "Moral Status and Human Enhancement," where I try to make sense of the idea of post-persons, and I really can't come up with anything...

So it's not a label that you invented, it's out there in the literature?

It's something that people have assumed that could occur, but I don't think they've thought it through. What they've imagined is that through modifying ourselves, using biomedical means, or through ordinary evolution, there might be a successor to us which is not merely post-human but is post-person in this sense: that it would have/ they would have a higher moral status than us, in the way that we have a moral status greater than rats say. So if you think of personhood being those beings that have a—what we now consider first class moral status compared to non-persons like rats, then the idea is, through biomedical engineering could one part of the human line become post-persons in the sense that they would have a higher moral status than what we now take to be the highest moral status, that of persons. And, I think it's easier to say that than it is to make sense of it.

Right.

And so I'm just a little skeptical about whether that's a problem...

Yeah, it sounds like that's an idea that people who are scaremongers about enhancement would come up with.

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I think that's right. Francis Fukuyama said, "Maybe we'll use our biomedical technology to create some new beings who are built to have saddles on their backs, and others to ride them," and that there might be some post...

Well that idea is as old as The Time Machine, H.G. Wells; they had the ones who lived above the ground and ones that...

Yeah, it's a very old idea. I guess I tend to think that it's hard to get a coherent spelling out of what a post-person would be like. Or, to put it differently, what a higher moral status than that of the one we now accord to persons.

And, it's a little confused because if they were genuinely of a higher moral status then we would have to treat them with...and it would be right to treat them better.

It would be right and they would treat us properly, right?

Right.

That's exactly the point, that's exactly the point. If they really have higher moral status then they ought to be treated better, in some respects, than we are, or treated differently. And also, if they're fully enhanced then they won't exploit us or use us for fire wood or...

Because, after all, we don't exploit the rat.

Simply because we're less worthy than they are. They won't do that, they'll treat us as is appropriate given the kind of beings we are. And, who could complain about that?

Well, I guess the rats could complain, if we're treating them appropriately.

They might have irrational resentment, but they would have nothing, really, to complain about.

They love smoking and running around mazes.

Well, you know, mice are luckier. Mice have been the beneficiaries of all the most advanced cancer technologies.

That's true; you have very old mice now.

They can do all sorts of things now.

Maybe they're the post-persons that are coming.

I don't know but they've been enhanced, at our expense. We fully funded their enhancement.

So, in general, as I see it, your position is: the usual arguments against enhancement are based on some kind of confused notion of what is natural, which we should've abandoned long ago, some confused conception that we haven't been altering ourselves anyway, in this time with every technological advantage, or with changes

Philosophical Profiles

in nutrition or whatever. It's been going on forever anyway. We don't think it's a bad thing that we are living much longer and that we are taller and stronger than our forbearers. But, the main worry that people have, is that we'll have this fight, that does seem plausible given that rich people are already using plastic surgery, or tinkering with their kids to make them blue-eyed, you know, gods/post-persons. And, your response to that is the suggestion of the Global Institute for Justice in Innovation?

Well, let me make a...let me back up. First of all, I think this is a serious concern—the inequality concern, is a serious concern. It's just that I think people are a bit too quick in taking it as an overwhelming reason against efforts in enhancement, for a couple of reasons. First of all, I think, some enhancements will become affordably available pretty quickly. Pharmaceutical enhancements especially, because once they go off patent drugs become extremely cheap. But, there are also some other kinds of technologies, like cell phones, which have become widely available to lots of people, much more quickly than anybody thought. So, I think, you can't make sweeping generalizations, you have to look at the particular mode of enhancement and ask whether it's likely—if it's left to market forces, to simply be the prerogative of rich people, or whether it will be likely to diffuse to others. Now, with some enhancements, especially cognitive enhancements, or other enhancements that would increase productivity, I think that governments are going to become interested in their people having this. They're going to view them like basic education, or like immunization, or basic health care—things that enable their citizens to be more productive. And so, they may not view them simply as private market goods, to be available according to the ability to pay, they may subsidize them, at least up to a certain basic level—in the way they do with education or basic public health care. So, I think there are a number of reasons to not make the sort of meat-axe assumption that “well of course enhancements are going to exacerbate existing social inequalities.” Cognitive enhancement drugs that we now know about, have an interesting feature—they give the biggest boost in cognitive performance to those at the lowest end of the normal distribution of cognitive abilities. That's a good thing.

Yeah, so that's an equalizing force.

Yeah, if you're worried about inequality that sounds good to me, right? I just want to take a deep breath and step back and say “look, there are serious problems about lack of access, but let us not assume that they're overwhelming.” And, then you mentioned the Global Institute for Justice in Innovation. We have to think about whether we can develop new ways of acting that will help us identify enhancements, or other innovations that are valuable to a lot of people, and speed up their diffusion. And, one of the ways their diffusion can be retarded is by monopoly pricing for people who have the intellectual property rights. And there are a number... in the essential medicines controversy there are a number of different proposals on the table—Thomas Pogge's Health Impact Fund, vouchers, all sorts of different arrangements to try to mitigate this problem that some very valuable innovations, particularly medicines, won't be available to some of the people who need them most, because the patent holder can charge monopoly prices that people can't afford. And, so we shouldn't view the intellectual property rights system as a fixed/ natural thing that couldn't be modified. We need to think about how it could be adapted or supplemented in ways that will enable us to identify those enhancements, or other innovations, that really should be widely disseminated, and then do things to

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increase their being spread out among all people. But, I don't want to underestimate the problem—I think it's a huge problem. I think that, especially if Piketty is all right, that social and economic inequalities are increasing, inequalities in wealth and income are increasing, then if enhancements are a purely market good, if they're not subsidized by the government say, it's going to be a big problem.

You could say it's already the case that rich people have huge advantages, I mean, their kids go to the best school. When I was a kid I went to, they call them "public schools" in England, just to be perverse, but they're private schools. And, I noticed people, who I didn't think were particularly smart in the school I went to, and this might be related to this social/moral epistemology—but because of the expectations, and because of the atmosphere that you will succeed, and in fact, people—this is amazing, people got teased, at my school, if they didn't do their homework.

Well, that kind of peer pressure, that kind of culture of learning is so important. It's just really, really, incredibly important and it creates, you know, the expectations are...

Right, so rich people already have that and so you can see that their chances are already way higher and this is just...they're going to do this. If they exist they're going to do this.

Of course there are. I think that's right and, there are people who just were born, in first world countries, for the most part, already have such huge advantages over people born in the poorest countries, that I'm not convinced that whatever differences might occur, because of differential access to biomedical enhancements, is ever even going to approach that difference.

Right.

It might or it might not. But still it is a problem if you think there's already this kind of arbitrary inequality, then this could make it worse, could make it worse.

I want to thank you, this was great. Thank you very much for being our guinea pig.

Well, thank you. It's really a pleasure.