

## INTERVIEW WITH BARRY HOFFMASTER (UWO)

From 1991 to 1996 Barry Hoffmaster was the Director of the Westminster Institute for Ethics and Human Values in London, Ontario. He served as President of the Canadian Bioethics Society in 1994-95. He is a co-author of *Ethical Issues in Family Medicine* (1986), the editor of *Bioethics in Social Context* (2001), and a co-editor of *Health Care Ethics in Canada* (2004) and *Clinical Ethics: Theory and Practice* (1989). Hoffmaster is currently Professor of Philosophy at the University of Western Ontario and the Associate Editor of the *Canadian Journal of Law and Jurisprudence*.

This interview focuses on Hoffmaster's views concerning the relationship between the empirical and the normative, as expressed in his latest paper, co-authored with Cliff Hooker, "How experience confronts ethics", published in May 2009 in *Bioethics*. In this paper, Hoffmaster and Hooker (2009: 214) argue:

Analytic moral philosophy's strong divide between empirical and normative restricts facts to providing information for the application of norms and does not allow them to confront or challenge norms.

For Hoffmaster and Hooker, this is a mistake that derives from the conception of formal reason that dominates analytic philosophy. They defend a richer, more expansive conception of non-formal reason in which empirical work "can be recognized not just as essential to bioethics but also as contributing to normative knowledge" (2009: 214).

**Praxis:** One of the examples you use in your paper regards situations in which women are faced with the problem of deciding whether to try to become pregnant after receiving genetic counseling because they are at increased risk of having a child with a genetic disease. You describe the approach traditionally regarded as the rational way of making this decision, which involves maximizing subjective expected utility. Women are expected to combine facts, the probabilities of having a child with a particular genetic disease given to them by the counselor, with values, their own subjective utilities, and choose the

outcome that maximizes subjective expected utility. Applying this formula is supposed to produce the right answer. You argue in your paper that this approach involves a mistaken assumption that there are correct answers to the question of whether a woman should try to become pregnant. Do you think that there are no correct answers to be found?

**BH:** The subjective expected utility formula is a product of formal reason because its use mimics the rule-governed methods of mathematics and logic, domains in which applying rules produces correct answers. There are two problems with that kind of approach here. One is that it is impossible to calculate subjective expected utility. Genetic counselors often do not know the relevant probabilities and indeed sometimes cannot even make a diagnosis. In addition, the women do not know what their “utilities” – their values – are. They do not have pre-existing, determinate values that they can immediately identify as the ones relevant to this problem and to which they can assign, in any meaningful way, a number that then can be multiplied with the probability. The other, more important, problem is that trying to apply the subjective expected utility principle structures the problem in artificial, simple, static terms. The women who have to make a decision quickly ignore probabilities and adopt an approach that enables them to frame and work through their problems in a way that makes it meaningful to them. What they actually do is, in my view, eminently rational, but formal reason cannot account for that kind of rationality. Non-formal reason can.

**Praxis:** So according to you, it is doubtful that by using such formulas one can reach the correct answer to such a problem. But do you think that there is a correct answer to what she ought to do, even if perhaps one that only applies to her case?

**BH:** Real moral problems, as the situations of these women illustrate, are highly complex, deeply contextual, and constantly shifting. Given these features, trying to derive a ‘correct’ or ‘true’ answer from abstract norms, which is what formal reason requires, is misguided. Instead, one should be concerned about whether a decision has been made in a rational way, that is, assess the rationality of the process, which is what non-formal reason does. Whereas formal reason focuses on the outcome – the ‘correct’ or ‘true’ decision – non-formal reason focuses on the process that led to the outcome. For non-formal reason the rationality of decisions results from the rationality of the processes that produced them. One could go on to ask whether these decisions are ‘correct’ or ‘true’, but those notions would have to be uncoupled from formal reason’s requirement of deriving them from

transcendent norms. These women might feel that they have made correct decisions, and a third party might plausibly agree that they have made correct decisions, but with non-formal reason judgments about correctness always are provisional. Human beings are finite and fallible; the world is complicated and mysterious; life is risky and surprising. Subsequent experience and evidence might overturn a judgment about the correctness of a decision, no matter how confidently that judgment might have been held. But then that revised judgment is itself provisional.

**Praxis:** I can see that one may never know whether one got the right answer, but I am asking whether there is for you a right answer (or answers), regardless of whether we can know it is right. If you are trying to find methods to think better and more rationally, I suppose this is because thinking better serves a purpose. It matters because you could get it wrong. Could you clarify this point?

**BH:** Non-formal reason is indeed about thinking better and making better judgments. Rationality in our Western tradition is about helping human beings to transcend their finitude and fallibility – their limitations and imperfections -- and non-formal reason is firmly embedded within that tradition. If, for example, in playing a game of chess, you sacrifice a rook in your attack and end up in checkmate, you got it wrong. You need to become a better chess player, to become more skilled in selecting strategies and making moves. Playing chess requires making judgments, just as deciding whether to try to become pregnant requires making judgments. Non-formal reason is about improving our skill at making judgments. In a highly structured, well defined game with clear outcomes, such as chess, there will be right and wrong decisions. But in other human activities, especially when what the ‘right’ outcome might be is unclear, what counts as a right decision, or even a wrong decision, is harder to determine.

**Praxis:** But will speaking of right answers necessarily take you into the realm of formal reason? Consider a racing driver who considers how to approach a corner. This is pretty objective stuff. He can get it wrong and he can get it right. But he is not using formal reason.

**BH:** That is a beautiful example for non-formal reason because it involves skill. The racing driver does not use formal reason because he does not apply rules to figure out how to approach a corner. He uses the judgment he has honed through years of race training and experience. He has developed the expertise to make these kinds of judgments properly

and successfully. And here, too, it makes sense to talk about right answers – or at least good and bad judgments – because there are well defined outcomes: he makes it through the corner without losing much speed, he spins out but recovers, or he crashes. When the decision is about whether to become pregnant, however, the outcome is not as immediate and delimited, and the assessment of the outcome is not as well structured and well defined.

**Praxis:** But if the women say the decision is right simply because they like the consequences, in what sense is this an ethical decision?

**BH:** Given the momentousness of this decision, I doubt that they would assess it simply in terms of whether they like the consequences. And the morality of the decision lies, I believe, in its momentousness. In deciding whether to try to get pregnant, these women are examining what the best life is for them and for the others affected, and how to live well has from the time of Plato and Aristotle been a paramount ethical question. Moreover, they are asking themselves, in light of the risks and potential consequences of the decision, “Can I accept the responsibility for making this kind of decision?” That, too, is a clear-cut ethical question.

### *Constructivism*

**Praxis:** You say that women in real life do not apply existing values, but rather they modify, create and explore values. In what sense do you think values can be created?

**BH:** Saying that is a way of emphasizing the “openness” of problems. In real life problems are not neatly and definitively laid out and labeled for you in the way they are in bioethics text books. In real life, problems are complex, amorphous, and messy, and the fundamental challenge is to figure out what the problem is and how the problem should be framed. That is what the women are doing when they create, assess, and modify their scenarios. They are searching for ways of formulating their problem that will make it meaningful to them and allow them to work through it helpfully. In textbook bioethics the relevant values are identified for you, so all you have to do is apply them to the described situation. In real life, potential parents start out with vague, amorphous conceptions of what it means to be a parent, a mother, and a father and ideals of what it means to be a good parent, a good mother, and a good father. Working through their decision requires that they specify these general conceptions and ideals in ways that fit their specific histories, circumstances, and contexts, and in doing that they are creating their distinctive values. Creating, testing,

and modifying values is a process that, as what the women did after genetic counseling demonstrates, can be guided by non-formal reason.

**Praxis:** Would it then be right to say that when they create values they discover what has value for them?

**BH:** I think that is a large part of it. It is a matter of beginning with vague, suggestive notions and ideals and asking: “What do they mean in my life?” and “In what ways do they capture and justify how I ought to lead my life?” Grand conceptions of benevolence, duty, or justice, for example, cannot simply be invoked.

**Praxis:** You argue in your paper that one problem of making these decisions is that they involve new techniques, so not a lot of people have tried them and shared their experiences and decision processes. And this means, you say, that there are no social guidelines to help women in these circumstances. What would be the role of such social guidelines? Are you implying that society partly or entirely defines what is right and wrong? Or perhaps that these guidelines contain some form of accumulated knowledge?

**BH:** The accumulated experience and knowledge of society thankfully are expressed in social norms. Social norms are not definitive; are not conclusive; do not provide right answers. Social norms provide relevant considerations that people rationally should consider when making decisions. Genetic counseling is a relatively recent phenomenon, however, and its use is limited, so social norms or guidelines with respect to it have not developed and crystallized. Nevertheless, when women ask a genetic counselor, “What would you do if you were in my situation?” their question should not be interpreted as an attempt to abandon their autonomy or avoid their responsibility. A more charitable and realistic interpretation is that they are trying to discover the socially established limits of their decision making and to learn from the experience of the counselor and others who have gone through what they are going through. Non-formal reason has a strong social dimension. We learn from our own limited mistakes and experience, but we learn much more from the mistakes and the experience of others.

**Praxis:** So the main reason to see what others have done is to look at what methods they have used, rather than accept their conclusions as defining what is moral?

**BH:** That’s right. To see what they considered, what they regretted not considering, how they went about deciding, what the outcome of their decision-making process was, what

they think of how they decided and the outcome they reached, and so on. It is not a matter of discovering what the majority of people decided and then making the same decision. It's a matter of trying to find out how to make the decision in the best possible way.

*Non-formal reason*

**Praxis:** You say that it is a mistake to accept the formal reason view of what it means to think rationally (the application of rules) and, accepting that people do not think like that, to conclude that we think irrationally. You think that we should not bite the bullet there. You quote Pincoffs' remark, "To abandon the search for rationally defensible rules and principles is to abandon moral philosophy," and say he is wrong. Why is he wrong?

**BH:** Equating rationality with the application of rules is the fundamental mistake that formal reason makes. Applying rules is of course part of what it means to be rational, but it is not all of what it means to be rational. Such a restricted conception of rationality ineluctably leads to what has been called "the irrationalist fallacy." Moral rules (and legal rules) are not self-applying and cannot be mechanically applied. Judgments have to be made about crucial matters such as what rules are relevant to a problem, how the general terms in rules are to be interpreted, and how conflicts between rules are to be settled. Because there are no higher rules that govern these matters, all these decisions have to be, by definition for formal reason, non-rational. That is a decidedly unpalatable conclusion for morality (and law) because it opens the door to charges of relativism and subjectivism. The alternatives are to accept that conclusion and, following Pincoffs, keep searching for an inexhaustible supply of "rationally defensible rules and principles" because otherwise one is not doing moral philosophy, or to reject that conclusion by providing a richer, more expansive account of reason. Pincoffs is wrong because doing the latter is doing both philosophy in general and moral philosophy in particular.

**Praxis:** For you different things are right for different people in the same situation, then?

**BH:** Definitely, but put that way, only if you accept the assumption that people do not matter morally, that is, that situations remain morally identical when different people are in them. The assumption that morality is universalizable – that what is right or wrong for someone in a given situation is right or wrong for everybody else in a relevantly similar situation – is grounded in formal reason. Formal reason, as Pincoffs' remark confirms, makes morality a matter of applying rules or principles to situations to determine what

the right thing to do is – to get the right answer – and that answer – as in mathematics and logic – is right for everybody. Non-formal reason, in contrast, recognizes that morality is profoundly contextual and that persons are not moral ciphers. But, with non-formal reason, making morality relative to persons does not entail relativism, that is, the non-rationality of morality. That is an easy, perhaps inescapable, inference when rules and principles are all there is to morality and rationality. Non-formal reason avoids that trap.

**Praxis:** You are saying, then, that there are constraints that limit what can be right and wrong, but that they are local constraints.

**BH:** Absolutely, if by 'local,' you mean contextual and those 'constraints' are constraints on the processes that people use to arrive at their judgments.

**Praxis:** You say that women can only know whether their decisions are right after they decide. So how does this non-formal reason work in practice? How is it supposed to help them?

**BH:** Because moral decision making is more complicated, more contextual, more amorphous, and more dynamic than doing an arithmetical calculation or constructing a logical proof, you cannot check your work to see whether you have followed the rules and not made any mistakes and thus be sure that you have the right answer. Non-formal reason is about the process of decision making and provides four tools for improving that process: observation; constrained, but creative construction; formal and informal reasoning methods; and systematic critical appraisal. These tools help finite, fallible human beings transcend their limitations and make the best possible decisions in their circumstances. For non-formal reason a rational decision is a decision that has been made rationally. I think the decisions the women made after genetic counseling were eminently rational because they were made rationally, and I think they were made rationally because these women used the four tools of non-formal reason.

**Praxis:** But if these decisions are so individual, is moral discussion possible at all? Suppose a mother considers a scenario in which she has the child and decides that she would not be able to cope with that situation because she is selfish, and so decides not to have it. Must we just accept this justification? What are the limits of personal reasons one can invoke for one's decision? Someone could argue that taking her selfishness as a given should not define what is morally right for her to do.



**BH:** I suppose that any decision a person makes is in some sense ‘individual’ because it is that person and not somebody else who has made it. But to say that it is ‘individual’ does not entail that it cannot be rationally assessed. A woman who decides she should not try to become pregnant because she is selfish might be displaying a commendably frank and honest self-appraisal. Whether her conclusion is rational depends, however, on the process she used in arriving at that self-assessment. How extensively and thoroughly did she use the four tools of non-formal reason? Reasons should not be dismissed simply because they are ‘personal’, but they should, like all reasons, be subjected to systematic critical assessment. A perception of being ‘selfish’ should not be taken as a given, but, having survived careful critical scrutiny, it might be a sound reason for deciding not to have a child. Systematic critical appraisal, conducted individually and, more importantly, socially, is essential to the use of non-formal reason and thus to good moral decision making.

Moral philosophers have struggled valiantly to establish the rationality of ethics. They will continue to struggle as long as they identify rationality with formal reason. Non-formal reason provides a richer, more practically helpful account of rationality. It is the kind of rationality that human beings should use and do use.

Hoffmaster, B., Hooker, C. (2009) “How Experience Confronts Ethics”, *BIOETHICS* Volume 23, Number 4, 2009, pp 214–225