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Moral Hindsight and the Problem of Moral Blame

Commentary on Anita Superson's "Privilege, Immorality, and Responsibility for Attending to the "Facts About Humanity."

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When people deliberately and voluntarily do what they know to be wrong, that, of course, is inexcusable. Moral blame applies to them in full force. There is a Kantian line of argument that gets readily invoked in this regard that strikes me as problematic. In her very rich essay "Privilege, Immorality, and Responsibility for Attending to the "Facts about Humanity,"¹ Anita Superson invokes this Kantian line of argument with considerable finesse. Although I have been enormously engaged by Professor Superson's essay, I am reading it at a time when my own philosophical thinking is undergoing considerable evolution.

Essentially, Superson's argument is that the "facts about humanity" are always available; and people are morally responsible for availing themselves of these facts. The failure of individuals to do so renders them morally culpable for the harm that they do to others in ignorance, precisely because this is ignorance that they could have avoided if only they had made an effort to obtain the relevant "facts about humanity". So there are two parts to the argument: (1) Anyone could grasp the "facts about humanity" if only she or he were to attend to them. (2) Because (1) is true, then the only explanation for why people fail to see "facts about humanity" is owing to something fulsome like privilege, as Superson holds.

Although I have in the past found Superson's line of thought very appealing, my worry these days is that Superson's argument and those like hers are far too contingent upon what I shall refer to as moral hindsight. Here is what I hope is a neutral example.

Today, unlike centuries ago, it would be unthinkable to hold that the *raison d'être* of children consists in serving the will of their parents. Time was when children were thought of as a form of currency that permitted adults to do things in the world. If it turned out that children also benefited, that was very fortuitous, but that was not the point of it all. But, of course, no one ever doubted that human children were, well, human beings. So it is not this fact about them that anyone missed or failed to attend to. Rather, it is that our view of the status of their humanity has changed radically. Owing to psychology, for instance, there is knowledge that we have about children nowadays that no one could have had several hundred years ago. For example, we know that the systematic sexual abuse of a child leaves an indelible scar upon her or him; and is not just a bad memory to get over. Centuries ago, however, there were no theories of psychology

to deliver this conclusion. So the knowledge that someone is a human being can leave a lot unsettled.

Superson's essay focuses primarily upon sexism. Certainly this is reasonable enough; for there is no denying the depth and viciousness of sexism that has prevailed, and continues to prevail, in the world. Still, I am not going to focus upon sexism. In fact, I am not going to focus upon any particular form of oppression. For I am interested in the more general philosophical issue of what people can be expected to know about human beings which, in turn, is related to the issue of moral blame.

In writing these remarks, the idea is not to excuse evil. But moral blame is very serious business; and we must not be so smug in assigning moral blame that we assume what needs to be established. Moral hindsight is a form of moral smugness when without justification we regard the obvious truths of today as being obviously true *sub specie aeternitatis*.

I. The "Facts About Humanity"

In the 21st Century, the fact that someone is a human being settles an awful lot. More generally, we hold the following:²

(MET) For any creatures X and Y: If X is a human being and Y is a human being, then moral equality obtains between them.

Thus, any difference in the moral treatment of X and Y requires an explanation. If it is wrong to lie to X in circumstances C, then it is wrong to lie to the Y in C. If it is wrong to take \emptyset from X in C without obtaining the individual's consent, then it is wrong to take \emptyset from Y in C without the individual's consent. And so on. There are lots of things that humans do that are neither morally required nor morally impermissible. There is, for instance, no moral obligation to be friends with another or to love another. And, of course, it can be a matter of debate whether morality

applies in a particular instance. So while Opidopo may be morally free not to invite both X and Y to the party, the decision to invite one of the two can raise questions about whether there is now a moral reason to invite the other one.

Still, MET seems rather potent, notwithstanding complicated cases that come about from time to time. In any event, the truth of MET is anchored in none other than the "facts about humanity". The moral standing of persons does not wax or wane depending upon their phenotypical features. And since these facts have never changed, then it follows that MET has always been applicable. Let us think about this for a moment.

In 2005, it next to impossible to imagine a situation in which MET would not be thought to apply. The facts are so clear and our sensibilities have been so richly informed by these facts that a person would have to be delusional to think that MET did not apply to another human being simply owing to some phenotypical difference. But can precisely this claim be made of individuals who lived 1000 years ago?

Well, it is certainly true that the "facts about humanity" have not changed. Human beings of yesteryear did not differ in their biological make-up from one group to the other.³ Nor did human behavior differ so radically across groups that it was easy enough to be mistaken about whether one was observing human or non-human creatures interacting with one another. Surely the facts have not changed. But, alas, our knowledge has changed enormously. The simple facts about human beings have been given a profound and extensive theoretical underpinning in biology and evolutionary theory. And it is that theoretical underpinning that informs our sensibilities today. Kant thought that the color of a black's skin was proof that the person was intellectually inferior. Only a fool would make such a statement today. The most ardent racists are aware of this. Even the views of creationists, who reject evolutionary theory, are richly

informed by research in human genetics. It must be remembered that the issue has almost never been about whether this or that group of people are human beings, but about whether or not moral equality holds across human beings, as formulated in MET. It is no doubt tempting to think that, for any two people, X and Y, if X thinks that Y is a human being, then it follows that X is conceptually committed to thinking that MET holds between X and Y. This, I am afraid, is an instance of moral hindsight.

Consider the following two facts:

Fact 1: Human beings walk upright

Fact 2: Regardless of phenotype, there is no morally relevant difference between human beings across groups.

I hold that the remarkable gain in knowledge with regard to evolution and biology has had essentially no bearing at all upon Fact 1, but an absolutely phenomenal bearing upon Fact 2. This is because Fact 1 is a theoretically free-standing belief; whereas Fact 2 is not. Our belief that people walk upright is not anchored in or underwritten by theory. It is not something that we would believe more than we now believe if only the right theory were to be produced. By contrast, Fact 2 is very much not a theoretically freestanding belief. Quite the contrary, the sophisticated results produced in evolutionary and biological theory have given us strong reasons to believe that Fact 2 is true—reasons that people did not have, and could not have had, centuries ago. In particular, research in genetics has demonstrated that phenotypical differences have no bearing whatsoever upon human capacities, be they moral or intellectual. It is equally true, of course, that research in genetics shows (by default, if you will) that phenotypical differences have no bearing upon the ability of people to walk upright. But from the very start no one could have ever had the slightest reason to think

otherwise. Yet, both Fact 1 and Fact 2 are facts about humanity.

The view that most people want to assert in philosophy is the following:

(a) Persons have always had all the reason that they could possibly need for seeing that phenotypical differences are utterly irrelevant with respect to moral and intellectual capacities, and so for seeing that MET holds.

Yet, it is incontestable that the following is also true:

(b) Research in genetics has established something extremely important about the ways in which human beings are all alike with respect to their moral and intellectual capacities, because such research has demonstrated that phenotypical differences have no bearing at all upon these capacities.

Needless to say, if (b) is true then (a) is false. We shall more clearly why this so in the following section, which contains a brief discussion of the relevance of Darwin's theory of evolution to the issue of race.

II. Experiencing the World

The belief that people walk upright is experientially secure. The explanation for this is that this is pretty much how we experiencing the world from the very outset of our lives: non-infant human beings walk upright. Even people who hear voices and those who think that God has told them to kill people (their own children in some instances) nonetheless believe that people walk upright. At every juncture of our lives, we experience the world with nearly all people (who are not infants) walking upright in it. Most significantly, there is simply never a need to explain why some people fail to walk upright although they are just as capable of walking

upright as anyone else. The relatively few individuals who do not walk upright suffer from an affliction. So in seeing a person who does not walk upright, one never has to wonder whether the explanation is affliction or, instead, socialization or oppression or whatever. The utterly straightforward explanation is that the individual suffers from an affliction. Walking upright is what human beings do. We do not really wonder about it. Children who are known for asking all sorts of questions, including notoriously embarrassing ones, do not seem to enquire as to why human beings walk upright.

Now, evolutionary biologists have proffered various explanations for why human beings walk upright. There are advantages with respect to seeing and feeding, for example, as well as face-to-face sexual intimacy. Whatever evolutionary advantages that we might learn that walking upright has, it is very clear, though, that none of this would strengthen our conviction that human beings walk upright. Why? Because in view of the way in which we experience the world it would take a long and unobvious story, in the first place, to make sense of anyone having any doubt whatsoever regarding the matter. As I have already noted even the delusional generally think that human beings walk upright.

Is the fact that all human beings are morally equal experientially secure to this extent? Absolutely not. To be sure, we declare with great conviction and eloquence that all human beings are morally equal. And this is unquestionably a good thing. But it is absolutely false that, from the outset of our lives, we unequivocally experience human beings as morally equal to one another. Quite the contrary, we begin life in precisely the opposite manner, namely with one or more adults having considerable power and authority over us as children; and the moral difference between parents and children never completely evaporates. Not only that, there is no ostensible piece of behavior exhibited by all humans that simply evinces moral equality between all human beings.

There is a very clear sense in which we should like to say that moral equality should simply be a part of the human landscape in just the way that walking upright is. Just so, the very point seems to be that all human beings are morally equal despite all the many differences that obtain between them. Indeed, the idea of moral equality does not even mean equality in terms of moral character. A moral bastard and a moral saint are moral equals to one another in the sense intended by MET.

At this point, a word about the Kantian line argument for moral equality is in order. We are rightly inspired by his work. Superson's argument is clearly Kantian. My own view, in a word, is that idea of a person for Kant was a highly normative one; and he held that some human beings unequivocally satisfied the normative idea of a person whereas others unequivocally did not.⁴ I believe that in his philosophical writings he has in mind only the normative concept of a person fully realized; whereas in his non-philosophical writings, he plainly acknowledges that some individuals do not fully satisfy the normative concept of a person. As is well known, he has on account of this been charged with racism by some. I think we would do well to step back and reflect upon the very complexity of human beings.

Superson writes:

For Kant, a person's capacity for rationality is marked by her or his having the ability to make plans and have goals, interests, and desires (p. 47)

But this is not quite right; for we think that some plans are indicative of a diseased mind, as we say. This would be true, for example, if my actual and literal plans are to build a stairway to heaven or to have God over for dinner. But our notion of a diseased mind has not been fixed in the firmament. Even now it is evolving. There are things that we

now consider addictions, which never would have been characterized that way just 50 years ago. By contrast, there are things that we find acceptable today that would have been countenanced as a sign of utter moral depravity a half-century ago. There is no question but that Kant judged the activities of some human beings as evidence that their moral personhood had not fully developed.

The point is this. Kant gets invoked as if what we are looking for when it comes to markers of moral equality gets properly determined and isolated for all to see. In particular, he gets invoked as if what we are looking for gets settled independently of human experience for all to see. But very little gets settled in this way.

Owing to the history of slavery in the United States, it is de rigueur for a salesperson to return the change for a purchase by placing the money into the buyer's hand. In the United States, this gesture is seen as a sign of basic respect between two morally equal human beings. Here is the problem. The French return change by placing it on the counter. Indeed, the buyer places the money on the counter, the salesperson picks it up, and then places the change owed to the buyer upon the counter for the buyer to pick up. The rationale for the practice is quite simple: everyone can clearly see the amount of money being exchanged when it placed on the counter. Nonetheless, many an American visiting Paris has thought the French rude and many a black American visiting Paris has thought the French racist owing to their practice of placing change on the counter. After all, Americans regard it as all but a conceptual truth, in this context, that one shows basic respect by placing the money in the buyer's hand. Were Kant an American with all that this implies in terms of sensibilities, he might have very well have thought that in this regard the French were barbaric.

Kant would have been wrong, obviously. However, he would not have not been any more or any less wrong than the black American tourist who takes herself to have been object of racism. The simple truth is that in the absence of the appropriate experiences we can be profoundly mistaken about others peoples, where the explanation for that mistake does not flow from what Superson regards as the obliviousness that comes with privilege. It is easy to miss this if one focuses upon murder, lying, or stealing, as Kantians typically do; for these are wrongs that can be formulated rather formally, independent of particular experiences. To know that one should not do these things is pretty much to know what one should not do regardless of where one finds oneself. This is why the example of returning change to a customer is so very important. To know what one should do in one's own culture in order to be respectful is not at all to know what one should in another culture in order to achieve that aim.

Moral equality is unlike any other form of equality precisely because it is about equality in the face of radical differences. The Kantian fixation with rationality misses the mark because it denies the reality that even what strikes us as most natural in terms of an expression of how rational behavior ought to be, may be no more than a cultural artifact. And as I have already indicated, even talk about the ability to pursue plans is problematic, since some plans evince a diseased mind.

Much Kantian moral philosophy proceeds as if it is true that if a moral view is mistaken, then any rational person who honestly reflects upon that view will come to see that it is. Surely this is at the heart of Superson's criticisms of sexist behavior. And this view has more or less an a temporal formulation, to wit: If we can see now that a view is mistaken, then anyone at any prior time could have seen that the view in question is mistaken if only she or he had truly reflected upon matters honestly and carefully. It is this a temporal

formulation that is at the heart of Superson's appeal to the "facts about humanity". However, I do not see that this view could possibly be correct.

In an essay entitled "A Tale of Male Bias and Feminist Denial" that appeared in the *European Journal of Women's Studies* 11 (2004), Griet Vandermassen writes the following:

[T]hanks to Darwin, nature is not what it used to be. In a pre-Darwinian world, nature was seen as static, harmonious and orderly, with all living things having their ordained place and possessing an 'essence' created by God. Darwin showed us that this cannot be right. Species do not have a rigid essence, since variation is the raw material of evolution. Moreover, evolutionary theory is as much about environmental influences as it is about an organism's innate predispositions.

If there is no essence that accords to human beings based upon group membership, then nothing can possibly be a sign that there is such thing. And that is wholly liberating, undercutting just about everything that was written about race and ethnicity prior to Darwin, as well as much that was written regarding the difference between women and men. In effect, Darwinian theory did what experience, to this date, still has not succeeded in doing, namely laying bare the truth that there are no fundamental differences between human beings in terms of their moral and intellectual capacities, regardless of the differences that human beings accord to one another. In a word, Darwinian theory took the "facts about humanity" and redefined them conceptually, establishing as truth what we could only believe anecdotally at best. For we simply did not have the theoretical machinery to say that the idea of human essences was intellectually bankrupt. Needless to say, from the fact that we can now see that this idea is intellectually bankrupt, what most certainly does not

follow is that anyone at any time could have seen this to be true—a matter with respect to which I believe that racist theorists have not adequately wrestled. For in the distance past, the belief in racial superiority was as much an Arabic thing as it was a white thing as it was a black thing,⁵ though the issue was never about whether those enslaved were human beings. Of course, they were.

I have just made what seem to be a relatively controversial claim, namely that experience has not succeeded in laying bare the truth that there are no fundamental differences between human beings. However, I am merely alluding to the difference between Fact 1 and Fact 2. The very nature of the world is such that we experience people walking upright from the very beginning of life. By contrast, the world is not such that we experience people being morally equal from the beginning of life. In effect, then, Darwinian theory counter-commands our experience of human beings across radical differences, giving us a reason to at least ignore them if not eradicate them. Quite simply, we needed Darwinian theory badly.

III. Women and Men

One of the most significant contributions of Superson's essay is her account of privilege that she offers. I absolutely agree with her that privilege can render us oblivious to the wrong that we are doing to others. And I certainly have not said anything to the contrary. I also accept her view that those with privilege have a moral obligation to clean their moral lenses, if you will, and see their own biases. I think that the knowledge that we have available to us now leaves us little room for excuse. And in some cases, men never had even the semblance of good excuse for their sexist behavior. With regard to sexual intercourse, for instance, I remain mystified that any man would not a woman's consent.

Still, I think that there are very important matters to be addressed that will not be settled by the “facts about humanity.”

Citing Robert L. Trivers’s influential essay “Parental Investment and Sexual Selection,”⁶ Vandermassen (p. 15) underscores the asymmetry between women and men regarding parental investment (conception, pregnancy, and birth). Trivers’ work is a theoretical underpinning of as clear a fact about humanity as there has ever been that does not pertain to either birth or death. But what should it mean in terms of how women and men should be treated? Of course, it does not mean that women should be “kept barefoot and pregnant.” Nor does the theory imply that women are inferior to men with regard to character and intellect. But does it mean that there is a respect in which women should be valorized? It is reported that on the sinking Titanic men gave their lives so that women could live. One thought might be that such behavior on the part of men underscores the sexist view that women are helpless and cannot fend for themselves. Another thought, though, is that such behavior reflects a way of valorizing women for the role they have and the risks they take in bringing life into the world. The view that women and men are moral equals will not settle the matter. Nor do I see that any “facts about humanity” will.

I take it to be clear that Superson is pro-choice. But am I to understand that any man who is not thereby oppressing women or, in any case, is a man who holds a sexist view? I do not see how the “facts about humanity” establish this. Besides, what exactly is it that they establish: the right to kill a fetus or the right to have it removed from the womb? If it were possible to transfer the fetus from one womb to another without any complications whatsoever and with the costs being identical, what then would the facts establish?

Let me be more precise. Superson’s appeal to the “facts about humanity” with respect to condemning sexist oppression readily goes through if we are talking about certain modes of sexist oppression. Evolutionary theory affirms that women and men are equally intelligent. Hence, excluding women on the grounds that they are intellectually inferior is objectionable. But Superson is very clear that those who oppose abortion upon demand are failing to have the proper moral respect for woman. In fact, she takes this to be patently obvious. My point is that I do not see how the “facts about humanity” get one to that conclusion. I invoked the Titanic scenario in order to highlight the possibility that one could have a conception of women as being different from men that was in fact tied to the reproductive capacity of women. What is more, the argument by Trivers certainly implies that women and men are apt to differ with regard to how they view their offspring. What should we do with that difference? Embrace it or do everything within our power to expunge it?

As for abortion in particular, let me just say this: I understand that it is held by many that Judith Jarvis Thomson, in her justly famous essay “A Defense of Abortion,” *Philosophy and Public Affairs* 1 (1971), established that abortion is justified upon demand because, after all, it is the woman’s body. But I do not see that Thomson’s argument could have established this. She did show that (i) a fetus’s having a right to life does not entail that (ii) abortion is always impermissible. However, her argument was not that abortion is always permissible, even though the fetus has a right to life. Superson may have a view of abortion that differs sharply from Thomson’s. But that view would have to be either that (a) the fetus is not a person at all, or (b) it does not have a right to life at all, or (c) abortion upon demand is justified even if the fetus has a right to life.

As an aside, part of the argument for abortion upon demand may be as follows: (i) In order to be morally equal to men, women must be as free as men are. (ii) Pregnancy without the option of abortion upon demand is an impediment to women being as free as men are. Therefore, (iii) Abortion upon demand is justified, whether the fetus is characterized as a person or not, and so whether the fetus has a right to life or not.

Alas, I do not accept premise (ii) in the argument given in the preceding paragraph.⁷

In any case, one thing is clear, namely that the “facts about humanity” will not, in and of themselves, settle the matter. So whereas Superson sees fulsome sexism in the attitude of those who oppose abortion upon demand, and so a failure on their part to attend properly to “the facts about humanity”, I see a genuine moral difference that has not been shown to be faulty.

The point, then, is that while the facts about humanity will undoubtedly yield the conclusion that certain forms of sexist oppression are wrong, these facts will not yield all of the conclusions that Superson seems to want.

One model for equality between women and men is that of the model of equality between racial and ethnic groups. There is no difference of substance that needs to be taken into account. Another model is that women and men are different even as they are morally equals. I do not see that they are “facts about humanity” that will settle which model of equality between women and men that we should choose. But we could mistakenly choose the wrong model. My biggest worry, then, when it comes to accounts of wrongdoing regarding oppression is that they seem to allow for little or no room for genuine moral error. And that has to be a mistake itself. The reason why we see more clearly and

accurately than our predecessors is not that we ourselves have perfect moral vision, but that we have benefited mightily from the pain of their mistakes. The benefit of moral hindsight is never an excuse, let alone a justification, to be flippant about moral blame.

I have noted that Darwinian theory dismantled the very idea of essences across phenotypes. Indeed, the theory made jettisoning the idea credible in a way that it simply was not in the pre-Darwinian era. If this is right then some of the moral blame that we who are the beneficiaries of Darwinian theory apply to the pre-Darwinian era is misguided at best and morally malicious at worse.

Regrettably, there are still folks of every hue who are prepared to invoke racial essences and to insist that it is the very essence of woman to be subordinate to men, notwithstanding the utter implausibility of doing so in the face of evolutionary biology. It is these people, surely, who have no excuse at all.

IV. Conclusion

I believe that feminist thought is much indebted to the rigor and intellectual power that Professor Anita Superson brings to it. While I do not think that the “facts about humanity” can do the work that she wants, nothing is more clear to me than that equality at all levels between all human beings is possible only if we as human being will it. Yet, the truth is that equality admits of many different configurations.

Whether the “facts about humanity” are like diamonds that glitter or the sands that the winds blow, it is we who are human beings who provide the interpretation about ourselves—a fact that makes the human animal unlike any other animal on the face of the earth. Moral progress is inextricably tied to our producing increasingly better

interpretations. In some cases, this will mean acknowledging, as the case of Darwin's theory of evolution makes clear, that what we know now could not have been known earlier.

¹ *The Journal of Social Philosophy* 35 (2004).

² MET stands for "Moral Equality of Treatment."

³ A consideration that was part of the argument in *Vessels of Evil: American Slavery and the Holocaust* (Philadelphia, PA: Temple University Press, 1993) and invoked most recently in "Moral Equality and Natural Inferiority," *Social Theory and Practice* 31 (2005).

⁴ I am here much indebted to Raphaël Lagier, *Les races humaines selon Kant* (Paris: Presses Universitaires de France, 2004), Part II, Ch. 1. Skin color for Kant was hardly a superficial feature. And while it is easy to say but Kant took blacks to be human beings and human beings are human beings, things are more problematic than that. For suppose that a group of beings are thought to be so inferior that the very idea these individuals having moral respect for one among them-selves makes no sense. Then it is not at all obvious what it would mean to have moral respect for them. Or so I have tried to show in "Moral Equality and Natural Inferiority," op. cit. As far as I can see, although Kant took blacks to be human beings he took them to be just that inferior.

Lest there be any misunderstanding, I am not asserting, nor do I hold, the view that all of Kant's work, his moral theory, in particular, is unacceptable owing to specific claims that he made about women or ethnic groups that are clearly objectionable morally. On this, see Marcia Baron, "Reading Kant Selectively," in Dieter Schönecker and Thomas Zwenger (eds.), *Kant verstehen /Understanding Kant* (Wissenschaftliche Buchgesellschaft, 2001)

⁵ I am much indebted here to Shaun E. Marmon (ed.), *Slavery in the Islamic Middle East* (Princeton: Markus Weiner Publishers, 1998). The idea that groups had essences seemed perfectly natural at the time; and we seem way to willing to ignore the truth there was no theory of human nature (prior to Darwin's theory of evolution) available at the time that turned that idea about essences into an utterly ridiculous thought. Alas, not even Kant was immune to this. The issue is whether the essences he attributed to this or that race, in his anthropological writings, had any bearing upon the applicability of his moral theory to races.

⁶ In B. Campbell (ed.) *Sexual Selection and the Descent of Man, 1871-1971* (Chicago: Aldine Press, 1972).

⁷ Has abortion become a litmus test in the way that affirmative action has become? You are a white who is against affirmative action? Well, you are racist (or certainly not as open-minded as a decent and morally sensitive person ought to be). Case closed. You are a man who is against abortion? Well, you are sexist (or certainly not as open-minded as a decent and morally sensitive person ought to be). Case closed. The rhetorical force of these words has come to be that of "coercively" silencing those who disagree. The same goes for the remark "You are a self-hating X". It is next to impossible to diffuse this charge if one cannot point to some extraordinary story where one put one's very soul on the line for the sake of the group in question. The problem here is that very few people have put their lives on the line in this way. Most poignantly, it is often false that those who are doing the name-calling have put their lives on the line in this way. Whether one is an X-ist or not should never turn upon whether has put one's very soul on the line in order to help the group in question; for few of us, including the victims of X-ism themselves, have the moral courage so to behave, and so perform such an act of supererogation.

It goes without saying, to be sure, that there are racists and sexists in the world. But nothing strikes me as more inappropriate than taking a practice that is, in and of its, extraordinarily complicated (and whose formulation admits of considerable debate even among those who accept it) and using that practice as a litmus test.