

# Institutions, Beliefs and Ethics: Eugenics as a Case Study\*

ALLEN BUCHANAN

*Philosophy & Public Policy, Duke University*

## I. THE CONVENTIONAL ETHICAL AUTOPSY OF EUGENICS

**T**HIS article uses an examination of the most troubling strand of the eugenics movements—coercive negative eugenics—to challenge the way many philosophers conceive of ethics. It is commonly assumed that to prepare ourselves for the difficult choices thrust upon us by advances in genomic science we must understand what went wrong in eugenics. The term “eugenics” encompasses a diversity of different social movements, patterns of thinking and policies. Historians of eugenics distinguish among racial versus nonracial, conservative versus progressive, coercive versus voluntary and positive versus negative eugenics. While most now condemn eugenics, it is not at all clear that all forms of eugenics involved moral error. There is a broad consensus, however, that coercive negative eugenics—which included forcible sterilization of those deemed to have undesirable genes, and in the case of Nazi racial hygiene, the killing of persons to prevent the propagation of their genes—was deeply wrong. In addition, there is considerable consensus on what was wrong with coercive negative eugenics: the chief failing of those who advocated coercive negative eugenics was that they abandoned rights-based morality in favor of consequentialism. The practical implication is that to guard ourselves against a repetition of eugenic evils, we should focus on the rights of individuals. In slogan form, the take-home message is thought to be: “More Kant, less Bentham!”

I argue that this diagnosis of what went wrong in coercive negative eugenics is flawed and that understanding its defects exposes an equally serious shortcoming in the conventional view of ethics. If ethics is to shed light on how we ought to live, it must adopt a richer conceptual framework and a more ambitious methodology. Philosophical ethics as it is commonly understood must be transformed to include a sharper focus on the ethics of believing and, in particular, upon what I have elsewhere called social moral epistemology: a systematic critical investigation of the role of social practices and institutions in

\*I am indebted to Matthew DeCamp, Frances Kamm, Paul Lombardo, John Tasioulas, Christopher (Kit) Wellman and three anonymous referees for this journal, as well as to the Editor, Robert Goodin, for their excellent critical comments on an earlier version of this paper.

the creation and transmission of factual beliefs that facilitate or impair the proper functioning of the moral sentiments and the application of moral principles. This approach renders the common distinction between ethics and social and political philosophy highly problematic.

### A. IGNORING RIGHTS?

The second chapter of *From Chance to Choice: Genetics and Justice* proceeds on the reasonable assumption that we should have a clear idea of what was wrong in eugenics if we are to meet the ethical challenges thrust upon us by advances in genomic science.<sup>1</sup> The authors correctly acknowledge that the term “eugenics” is used to encompass a variety of different ideas, practices and social movements and that not everything to which the term could be reasonably applied is clearly morally wrong.<sup>2</sup> They do assume, however, that, at least generally speaking, coercive negative eugenics was wrong.

After a synthesizing summary of some of the best work on the history of eugenics, the authors critically evaluate several competing hypotheses about the wrongness of coercive negative eugenics. The conclusion reached is that advocates of coercive negative eugenics failed to take justice seriously; more specifically, they uncritically assumed a consequentialist normative and conceptual framework that gave short shrift to individuals’ rights.<sup>3</sup> In brief, the coercive negative eugenicists abandoned rights-based morality in favor of consequentialism.

The philosophers’ autopsy results are congruent with the conclusions of the historians upon whose work they draw. For example, Daniel Kevles, in his influential book *In the Name of Eugenics* suggests that what unified eugenicists, at least so far as they advocated forced sterilization or other coercive measures that we now condemn, was that they “took as higher the good of society over the individual.”<sup>4</sup>

Kevles is a historian, not a moral philosopher. His project is not to uncover the exact nature of the moral errors of eugenics, but rather to trace the history

<sup>1</sup>Allen Buchanan et al., *From Chance To Choice: Genetics and Justice* (Cambridge: Cambridge University Press, 2000), pp. 28–29. The author of the present paper was not the primary author of the chapter of this volume in which the conventional diagnosis of the evils of eugenics was advanced.

<sup>2</sup>This is not to assume that other types of eugenics did not involve moral errors. The focus of this paper, however, is on understanding what was wrong with the type of eugenics that is generally assumed to be most uncontroversially wrong, namely, coercive negative eugenics. It could be argued that some instances of nonracial coercive negative eugenics are not morally wrong—for example, that under certain circumstances it would not be wrong to prevent a couple from having a child whose life would be very short, filled with pain and lacking in compensating good experiences. My purpose here is not to delve into these more complex issues but to assume that at least some instances of coercive eugenic action are morally wrong, to try to understand the nature of the wrong involved, and then to draw out the implications of the analysis for the scope and methodology of ethics.

<sup>3</sup>Buchanan et al., *From Chance To Choice*, p. 52.

<sup>4</sup>Daniel J. Kevles, *In the Name of Eugenics: Genetics and the Uses of Human Heredity* (Berkeley: University of California Press, 1985), p. 93.

of the various strands of eugenics and characterize the social, scientific and political background against which they emerged. Nevertheless, his statement is consistent with the philosophers' autopsy result: that what was morally wrong with coercive negative eugenics was that its advocates were ruthless utilitarians. The practical import of this diagnosis is that reliance on rights-based morality will provide a bulwark against a resurgence of the evils of coercive negative eugenics.

## B. A DIFFERENT EXPLANATION OF WHAT WENT WRONG

In what follows I shall argue that the conventional ethical autopsy of coercive negative eugenics is seriously deficient in such a way as to impair the achievement of its practical goal: Because it misdiagnoses the moral pathology of this type of eugenics, it fails to provide adequate moral guidance for us today. In section II I outline a richer account of the normative pathology of coercive negative eugenic thinking, one that rejects any simple contrast between consequentialism and deontology. I argue that factual beliefs that were not only false but unjustified on the basis of evidence available at the time, when evaluated according to norms of scientific reasoning then widely recognized, played a role in disabling the moral virtues and distorting the interpretation and application of largely unexceptionable moral principles—indeed, quite familiar rights-based moral principles. I show how false empirical beliefs can subvert a rights-based morality and in such a way as to make its practical results indistinguishable from the most objectionable consequentialist moral positions.<sup>5</sup>

This is not to deny that the complex web of coercive negative eugenic thinking included utilitarian strands. For example, in the *Buck versus Bell* U.S. Supreme Court Decision, Justice Oliver Wendell Holmes, Jr., appears to offer a straightforward consequentialist justification for the coercive sterilization of Carrie Buck, claiming that the pursuit of the social good justifies such action, just as it warrants requiring soldiers to risk their lives in time of war.<sup>6</sup> Holmes's statement could be seen as exhibiting a utilitarian moral point of view.<sup>7</sup>

Indeed, given the popularity of utilitarianism among reform-oriented British, European and American intellectuals in the Nineteenth and early Twentieth Centuries, it would be surprising if eugenic thought did not include utilitarian elements. Furthermore, Social Darwinism, by which many eugenicists were also

<sup>5</sup>I am indebted to an anonymous referee for this point.

<sup>6</sup>Carrie Buck was a White woman who was sterilized by medical authorities in the state of Virginia. In Virginia, as in other states in which compulsory sterilization on eugenic grounds was practiced, Whites as well as Blacks were sterilized. This fact is important to keep in mind if we are to avoid the mistaken assumption that coercive negative eugenics was advocated only by racial eugenicists.

<sup>7</sup>However, below I argue that it need not be understood in this way. One can consistently hold that individual rights may rightly be infringed in conditions of dire emergency, and war is often thought of in this way.

influenced, has affinities with utilitarianism so far as it emphasizes the insignificance of the individual and the importance of the species or race. My point is that the role of utilitarian thinking and of related views such as Social Darwinism that countenance the sacrifice of individuals for the sake of maximizing some collective or aggregate good has been exaggerated in explanations of what went wrong in eugenics and that this exaggeration encourages the erroneous conclusion that acknowledging the limitations of consequentialist morality is the key to avoiding a repetition of the evils of coercive negative eugenics. In the discussion that follows I provide support for this claim. I argue that rights-based moral thinking played a prominent role in the justification of negative coercive eugenics.

This is not to say that either eugenic thinking or the commonsense morality of the time possessed a well worked out, philosophically defensible theory of rights, nor to deny that the dominant conception of legal rights bearing on reproductive issues in the U.S. at the time was not as rich and systematic as it is today. My claim, rather, is that coercive negative eugenic thinking was not characterized by anything approaching a thoroughgoing attempt to dispense with the notion of rights in favor of consequentialism and that justifications for coercive negative eugenics, far from rejecting the idea of rights, in some case gave them a prominent role.<sup>8</sup>

Evaluating the conventional conception of ethics by seeing how well it can illuminate the moral pathology of a large-scale social phenomenon like coercive negative eugenics makes sense. Such an investigation is likely to be more enlightening than the analysis of moral quandaries posed by hypothetical examples bereft of the social context in which the ethical life must be lived.

### C. WHAT ETHICS ENCOMPASSES

My main concern is not with coercive negative eugenics *per se*. In Section III I argue that the failure of the conventional ethical autopsy of coercive negative eugenics is rooted in a more general deficiency: the inadequacy of the conventional philosophical view of ethics, which focuses too exclusively on identifying and critiquing moral principles and arguments and too little on the ethics of believing and on the role of social institutions in instilling and helping to sustain factual beliefs that can facilitate or undermine the proper functioning of the moral powers. Of particular importance are moral status beliefs, beliefs about natural differences among human groups, which relegate some individuals to an inferior status that is thought to preclude their possessing particular rights, or in the most extreme case, any rights at all, and the belief that society or

<sup>8</sup>I am indebted to Paul Lombardo (personal communication) for emphasizing the importance of the difference between the understanding of rights current in the U.S. legal system at the time of *Buck vs. Bell* and today.

mankind is threatened with destruction or large scale catastrophe, along with the assumption that in such extreme circumstances ordinary moral constraints, including those imposed by individuals' rights, can be overridden.

I argue that to understand the role of false beliefs in the moral pathology of coercive negative eugenics and to devise effective strategies for avoiding similar errors in the future it is necessary to develop a social moral epistemology. By "social moral epistemology" I mean the branch of social epistemology that systematically investigates the comparative efficiency and effectiveness of alternative social institutions and practices as to their role in the formation, preservation and transmission of true beliefs that tend to facilitate the proper functioning of the moral powers, including moral judgment and moral motivation. I also make it clear that this enrichment does not reduce ethics to social science, explaining that moral social epistemology is a critical and normative enterprise.<sup>9</sup> One important result of my analysis is that once the importance of social institutions in the proper functioning of the moral powers is appreciated, the distinction between ethics, on the one hand, and social and political philosophy, on the other, becomes much less clear.

## II. WHAT THE CONVENTIONAL ETHICAL AUTOPSY MISSES

### A. THE NORMATIVE ARCHITECTURE OF COERCIVE NEGATIVE EUGENIC THINKING

The discourse of coercive negative eugenicists is complex and cannot be assumed to be consistent. My aim is not to provide an exhaustive survey of its complexities, but instead to focus on three distinctive patterns of normative thinking that are discernible in some of the justifications that eugenicists gave for their worst actions, each of which relies upon rights-based ethical reasoning: (1) emergency exceptionalism, (2) a collective version of the logic of preventive self-defense, and (3) moral status judgments that relegate some individuals to a status that is thought to preclude the possession of certain rights, including reproductive rights, or that exclude some individuals from the class of rights-bearers altogether on the grounds that they are not "productive" members of society but instead represent an unfair drain on social resources.

It is true that coercive negative eugenicists frequently offered calculations of the social savings that would accrue if "the feeble-minded" or "degenerates" were eradicated. However, it is a mistake to assume that this shows allegiance to utilitarianism, because the tabulation of costs and benefits was already

<sup>9</sup>I have developed the idea of social moral epistemology in two earlier essays. In "Social moral epistemology," *Social Philosophy and Policy*, 19 (2002), 126–52, I show how social moral epistemology illuminates (1) the nature of applied ethics, (2) the limitations of the method of reflective equilibrium, and (3) the short-comings of meta-ethical communitarianism, the view that we learn our moral obligations by reflecting on our roles within a given community. In "Political Liberalism and Social Moral Epistemology," *Philosophy and Public Affairs*, 32 (2003), 95–130, I argue that liberal institutions are superior from the standpoint of social moral epistemology.

strongly filtered by these three patterns of normative thinking. I refer to these patterns as *frames*, to emphasize that they structured coercive negative eugenic normative thinking. I will show how these frames allowed the rationalization of grossly immoral actions *without* requiring the abandonment of widely accepted rights-principles. On this account, reasoning that purported to justify coercive negative eugenics did not replace rights-based morality with consequentialism; on the contrary, it explicitly appealed to rights-based morality (even if it also included purely consequentialist strands as well).

The key point is that each normative frame consists of both ethical principles and factual assumptions, and that the falsity of the factual assumptions facilitates the distortion of moral judgment and the truncation of the moral sentiments. The common theme is not the denial of individual rights in favor of consequentialism, but rather the subversion of largely unexceptionable rights-principles as a result of the uncritical acceptance of false factual beliefs. The chief moral failing was not the abandonment of individual rights in favor of consequentialism but rather a massive failure in the ethics of believing that undermined the protective role that appeals to individual rights usually play.

In addition, there is reason to believe that the false beliefs that played such a morally destructive role in coercive negative eugenics were promulgated and sustained, at least in part, by patterns of *epistemic deference* to individuals who were socially identified as reliable sources of true beliefs. Understanding the moral pathology of coercive negative eugenics, then, requires a shift away from exclusive preoccupation with whether the proponents of compulsory sterilization and medical murder tacitly or explicitly espoused a particular kind of moral theory, namely, consequentialism, to a focus on *the ethics of believing*. And this in turn requires an appreciation not only of the role of morally-criticizable factual errors, but also of the role of institutions in promoting and sustaining such errors.

## B. THE EMERGENCY EXCEPTIONALISM FRAME

There is a rather broad consensus among historians of eugenics that despite their other differences, eugenicists—or at least those who endorsed coercive negative eugenics—were united by two beliefs about the world in which they lived: (i) that the human gene pool (the totality of what they called human “germ plasm”) was suffering a catastrophic decline in quality (the proportion of deleterious genes was increasing exponentially) and (ii) that many if not most of the gravest social ills—including drunkenness, crime, poverty, unemployment, broken marriages and unwed motherhood—were caused by behavioral traits that are strongly genetically determined in simple Mendelian fashion.<sup>10</sup> *If* one accepts

<sup>10</sup>Kevles, *In the Name of Eugenics*, pp. 72, 91; Diane B. Paul, *Controlling Human Heredity: 1865 to the Present* (Amherst, NY: Humanity Books, 1998), pp. 50–54.

these factual assumptions, one need not be a consequentialist to find it justifiable to undertake actions that would in any other circumstances be regarded as deeply immoral. Indeed, some of the staunchest contemporary deontologists, including those who view rights as “side-constraints” on ends, acknowledge that it can be morally justifiable to infringe basic individual rights to avert a major catastrophe.<sup>11</sup> The fact that coercive negative eugenicists based their policy recommendations on the idea that they were necessary to avoid a major catastrophe does *nothing* to support the common assumption that they abandoned the idea of individual rights in favor of consequentialism.

The ethical autopsy of the worst of eugenics offered in Chapter Two of *From Chance To Choice*, like the histories of eugenics on which it draws, rightly emphasizes the prominent role of the public health model in eugenic thinking.<sup>12</sup> Compulsory sterilization and, in the Nazi case, medical killings, were said to be justified in order to protect the health of the nation or of mankind as a whole. However, it is a mistake to assume that the invocation of the public health model signals the embrace of utilitarianism or some other form of consequentialism and the abandonment of the notion of individual rights. The idea, rather, was that in a public health crisis of catastrophic proportions, individual rights must give way. Emphasizing the importance of a rights-based approach to morality and rejecting consequentialism is no protection against this kind of thinking for the simple reason that rights-based morality, according to most of its proponents, allows the infringement of rights under such dire circumstances. Thus the claim that in invoking the public health model coercive negative eugenicists abandoned the idea of individual rights is mistaken. Their error was not that they acknowledged that there exist certain extreme circumstances in which the infringement of individual rights is permissible; instead, their mistake was to be too quick to believe that they were in such extreme circumstances.

Instead of congratulating ourselves that we, unlike the coercive negative eugenicists, take individual rights seriously, we should ask how so many well-educated people, across the entire political spectrum, could have been so unreflectively confident in these factual beliefs, *given* how little evidence there was in favor of them—and *given* how morally portentous acceptance of them was. The chief evidence, if one can call it that, for the belief that virtually all major social ills were the result of strongly genetically determined behavioral traits, apart from the folk wisdom that vice and virtue “run in families,” was a handful of scandalously unscientific “family studies.”<sup>13</sup> The investigators in these “family studies” steadfastly ignored critics who pointed out that their methodology could not disentangle environmental from genetic influences.<sup>14</sup>

<sup>11</sup>Even Nozick leaves open the possibility that rights as “side constraints” might be rightly infringed to avoid a “moral catastrophe”; Robert A. Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 30, note.

<sup>12</sup>Buchanan et al., *From Chance to Choice*, p. 53.

<sup>13</sup>Paul, *Controlling Human Heredity*, pp. 42, 51–54; Kevles, *In the Name of Eugenics*, p. 122.

<sup>14</sup>Paul, *Controlling Human Heredity*, pp. 116–17. Kevles, *In the Name of Eugenics*, p. 122.

Furthermore, many eugenic “researchers” were remarkably cavalier in their “observations” of the presence of the phenotypes they believed to be caused by Mendelian genotypes. Here the “expert testimony” upon which the U.S. Supreme court relied in its decision in *Buck versus Bell* (1927) is chillingly illustrative. Oliver Wendell Holmes, J.R., writing for the majority, stated that the proposed sterilization of Carrie Buck by the state of Virginia could proceed because “three generations of imbeciles is enough.” The Court never questioned the testimony of eugenic “experts” that “feeble-mindedness” had been passed to Carrie Buck from her mother and from Carrie to her infant daughter Vivian. The eugenic “expert” who was assigned the task of verifying this pattern of inheritance stated that she based her conclusion that Carrie’s infant daughter Vivian had inherited her mother’s supposed “feeble-mindedness” because the infant “didn’t quite look right.”<sup>15</sup> (In fact, Vivian, despite suffering the disadvantages of having been taken from her mother and placed in an institution, went on to become an honors student). Unfortunately, such absurdly unscientific “observations” in support of the heritability of behavioral traits and psychological conditions were the norm, not the exception, in the eugenics movement. When “feeble-mindedness” was diagnosed on the basis of written intelligence tests, as opposed to casual “observation,” eugenicists continued to accept the test results uncritically long after the obvious class-biased character of the questions had been repeatedly exposed.<sup>16</sup>

Even worse, the Court never took seriously the question of whether Carrie Buck’s being retarded had been established. Nor was there any serious inquiry into the question of whether, assuming she was retarded, her mental retardation was of the sort that was likely to be hereditary.

As Paul Lombardo documents, there was no shortage of informed challenges to these uncritically accepted factual assumptions. At the time there was a lively debate in the press about each of the major factual issues. There were experts who would have contested the factual assumptions of the case in court (as some of them had in the press), but the court made no effort to include them in the proceedings.<sup>17</sup>

The Buck case provides a vivid illustration of the flaws of coercive negative eugenic normative thinking that are neglected by the conventional ethical autopsy. The normative flaw here was not that coercive negative eugenicists were utilitarians who failed to take rights seriously. Instead, the most striking errors concerned the ethics of believing. Given the moral gravity of the actions that were based on the alleged facts about Carrie Buck and the hereditary nature of her supposed mental defect, the obvious question is why these standards of observation, evidence and inference were so low. Other things being equal, the

<sup>15</sup>Paul Lombardo, “Facing Carrie Buck,” *Hastings Center Report*, 33 (March 1, 2003), 14–17.

<sup>16</sup>Kevles, *In the Name of Eugenics*, pp. 117–21.

<sup>17</sup>Paul Lombardo, “The One Sure Cure: Eugenics, the Supreme Court and *Buck v. Bell*” (unpublished manuscript).



greater the moral risks of believing something, the higher the evidentiary burden. This general principle holds not only for standards of evidence in legal proceedings, but for ordinary moral reasoning as well.

To illuminate the epistemic-moral flaws that underlie the emergency exception normative frame would require two explanations. First, we need to understand why so many well-educated laypeople trusted the wrong “experts.” We must explain what I have elsewhere called the phenomenon of *unwarranted epistemic deference*—showing how it came about that certain individuals succeeded in presenting themselves to the public as scientific experts on human heredity and why the public was ready to believe what they said.<sup>18</sup> Second, we need to explain why the supposed experts steadfastly sustained these false beliefs in the face of repeated, clearly articulated scientific refutations—an account of the *epistemic vices of the supposed experts*.

### C. THE INADEQUACY OF INTEREST-BASED EXPLANATIONS

Some historians of eugenics suggest an interest-based explanation of why both “experts” and educated laypeople came to accept the crucial eugenic factual beliefs:<sup>19</sup> Put simply, both groups held these beliefs because it was in their interest to do so. On one view, the interest in question is the class interest of the bourgeoisie. The belief that the major social problems of capitalist society were not due to its defective institutions, but rather to unseen biochemical entities within the bodies of “the dangerous class,” was comforting to those who benefited from those institutions and diverted attention from the possibility that they needed to be reformed or replaced by better institutions. On this view, the acceptance and persistence of the two critical factual beliefs that underpinned eugenic normative thinking was an instance of the phenomenon of motivated false belief: believing something because it is in one’s interest to do so.

There is an obvious difficulty with this hypothesis: It cannot explain the fact that the ranks of eugenicists included Marxists socialists, who condemned capitalist institutions and presumably were inclined to be suspicious of any attempt to explain social ills that did not assign a fundamental role to capitalist institutions. It is true that Marxist socialists were committed to bringing human production under collective scientific control; this may explain the inclination to view the production of humans as an object of scientifically-based social policy. Thus one might conclude that this sort of socialism has an affinity for the general project of social control over the genetic character of future generations.

<sup>18</sup>Buchanan, “Social moral epistemology” and “Political liberalism and social moral epistemology.”

<sup>19</sup>Kevles, *In the Name of Eugenics*, pp. 73, 76. See also Daniel Pick, *Faces of Degeneration: A European Disorder, 1848–1918* (Cambridge: Cambridge University Press, 1989), esp. pp. 53–56, 184).

This affinity does not explain, however, why those on the Left accepted the degeneration thesis and the genetic determination of behavioral traits. For one could believe that collective scientific control over the production of humans is desirable but also believe that the objective of this control is the perfection of a species that is already doing quite well, rather than protection against its catastrophic degeneration. Moreover, as I have already suggested, socialists are predisposed to attribute socially destructive behavioral traits to defective social arrangements, rather than to biological factors. So their acceptance of the two crucial factual beliefs on which eugenics rested is all the more puzzling. It is doubtful, then, that the appeal to interest by itself can provide a unified explanation of eugenic factual beliefs.

This is not to say that appeals to interests have no place in explaining the persistence of the false beliefs that were critical in the most morally problematic eugenic normative thinking or of false beliefs generally. Motivated false belief is almost certainly an important part of the story. I only want to resist the facile assumption that one has adequately explained an agent's acceptance of eugenic beliefs by showing that having those beliefs serves the agent's interests or fits within her ideological framework. Such a simplistic account overlooks the role of social practices and institutions in either contributing to or counteracting the formation and expression of motivated false belief. This crucial point will become clearer in section III, where I explore several institutional alternatives for counteracting the morally pernicious effects of unjustified predispositions—whether based on interests or ideologies or both—to accept as factual the pronouncements of supposed experts, rather than questioning their expertise.

It is important to understand that a sociological explanation of misplaced epistemic deference and of the failure of supposed experts to follow the epistemic norms of the scientific community, though necessary, is not sufficient. If the goal of an ethical autopsy of coercive negative eugenics is to learn something that will help us increase the prospects of morally sound future behavior, we also need a constructive account of how appropriate social practices and institutions can (1) facilitate the more reliable identification of genuine epistemic authorities by the general public and (2) increase the probability that socially identified experts will avoid morally significant factual errors or at least identify and correct them in a timely fashion. In both cases, the terrain to be explored is not the familiar battleground of consequentialist versus deontological ethical theories, but rather the domain of social moral epistemology.

Social moral epistemology is a branch of social epistemology, which I understand to be the comparative study of social practices and institutions as to their effectiveness and efficiency in promoting (or impeding) the formation, preservation and transmission of true beliefs.<sup>20</sup> Social *moral* epistemology is the

<sup>20</sup>This definition of “social epistemology” is a modification of that offered by Alvin Goldman in his enlightening book, *Knowledge in a Social World* (Oxford: Clarendon Press, 1999), p. 5.

comparative study of social practices and institutions as to their effectiveness and efficiency in promoting (or impeding) the formation, preservation and transmission of true beliefs *so far as true beliefs facilitate the proper functioning of the moral powers*.

One important department of social moral epistemology is the study of the effects of social practices and institutions on the proper functioning of the moral virtues. To take an example I have explored in some detail elsewhere, the virtue of sympathy may not function properly in an individual if he believes that Blacks or Jews are not truly humans,<sup>21</sup> and whether one believes members of these groups are humans may be strongly influenced by the character of the institutions that help shape one's beliefs.

Without a social moral epistemological inquiry, we cannot fully appreciate the role that the emergency exception frame played in coercive negative eugenic normative thought, because we cannot understand the role of unwarranted epistemic deference in transmitting and sustaining false factual beliefs that impaired the proper application of widely accepted rights-principles. I now want to argue that the same is true for the other eugenic normative frames.

#### D. THE COLLECTIVE PREVENTIVE SELF-DEFENSE FRAME

Closely related to but distinct from the emergency exceptionalism normative frame is what might be called the logic of collective preventive self-defense, which presents the catastrophic threat as an *adversary*, rather than as an impersonal event. Thus the influential American eugenicist Charles Davenport declared that "society must protect itself; as it claims the right to deprive the murderer of life so it also may annihilate the hideous serpent of hopelessly vicious protoplasm."<sup>22</sup> The image here is of a life and death struggle against an evil adversary, wherein the only hope for our survival is to act preventively to destroy what will otherwise eventually destroy us.

By portraying the problem of averting the supposed catastrophic deterioration of the gene pool as a struggle of self-defense against a deadly, evil adversary, this second frame transforms the moral landscape, not by denying that individuals have rights or by asserting that only the maximization of the social good counts, but by asserting *our* rights of self-defense. The rhetoric of a life-or-death just war of self-defense suggests that even if the individuals who harbor defective germ plasm are not themselves evil, their destruction is, as it were, acceptable collateral damage, made permissible by the need to counter the evil, deadly threat.

Again, to characterize this second fundamental aspect of eugenic normative thinking as consequentialist or to say that it shows a failure to appreciate the importance of individual rights is unilluminating and misleading. This second

<sup>21</sup>Buchanan, "Social moral epistemology."

<sup>22</sup>Paul, *Controlling Human Heredity*, p. 18.

normative frame, like the first, is thoroughly rights-based, not consequentialist. Its power derives from the implicit assumption that the right of self-defense is the most potent of rights. In addition, the emphasis on the right of *preventive* self-defense allows the targeting of individuals, who have not yet caused harm and who therefore otherwise would not be considered appropriate objects of coercion. Finally, the rhetorical power of the preventive self-defense frame does not require the abandonment of the idea of individual rights: whether the right of self-defense is conceived of as a right which each of us has or whether it is thought of as a collective right, the point is that this right is so fundamental that it allows actions that would otherwise be immoral, including the infringement of individual rights. As in contemporary debates about the justifiability of preventive war, the key moral controversy concerns “what does the right of self-defense include?”, not “what would maximize overall good?”

The collective preventive self-defense frame is an especially potent, distinctive specification of the emergency exceptionalism frame. Like the first frame, its efficacy in mobilizing violence depended upon the pervasiveness of false empirical beliefs, promulgated in the name of science by putative experts, but sustained in the face of powerful scientific refutations.

#### E. THE MORAL STATUS JUDGMENT FRAME

Coercive negative eugenic thinking sometimes featured two types of moral status judgments that served to mobilize violence against those thought to be genetically inferior. The first likened people with the supposed Mendelian trait of “mental defect” or “feble-mindedness” to lower animals, brutes ruled by gross passions, who were not fit subjects for the attribution of rights, or at least not rights concerning marriage and reproduction. Typical of this kind of moral status judgment is the statement by the eugenicist physician William J. Robinson that “It is the acme of stupidity to talk . . . of the rights of the individual. Such individuals have no rights.”<sup>23</sup> Similarly, Galton, who coined the term “eugenics,” thought there was no alternative but to sterilize the “unfit” who are “below moral control” or to segregate them by sex to prevent their reproducing.<sup>24</sup>

A more radical type of moral status judgment that was prominent in coercive negative eugenic thinking conditioned an individual’s possession of rights upon his contribution to society. Nazi eugenicists, in practice the most extreme of the coercive negative eugenicists, explicitly characterized those they marked for sterilization or medical murder as “useless eaters.”<sup>25</sup> Some American eugenicists were no less eager to exclude from the realm of rights all those whose lack of good genes resulted in their being “unproductive.” In both cases, the genetically unfit were likened to parasites on the social body or to infection-laden sewerage,

<sup>23</sup>Kevles, *In the Name of Eugenics*, p. 93.

<sup>24</sup>*Ibid.*, p. 94.

<sup>25</sup>Paul, *Controlling Human Heredity*, p. 90.

a “waste product of humanity.”<sup>26</sup> This more radical type of moral status judgment went further than denying that certain individuals had reproductive rights; it denied them the status of right-holder altogether.

As with the other coercive negative eugenic normative frames, this pattern of thinking does *not* require the abandonment of a rights-based framework in favor of consequentialism. On the contrary, it presupposes the validity of rights-based morality, by tacitly adopting a distinctive conception of what qualifies an individual for inclusion in the community of rights-possessors: Only those who contribute have rights. In a very straightforward sense it is a rights-based way of thinking, because it proceeds on the assumption that whether a being has rights makes a profound difference as to how that being may be treated.

It would be a mistake to assume that this view about the relationship between having rights and being productive reduces to utilitarianism. To my knowledge the standard eugenic declamations about the unfit being parasites or useless eaters never so much as suggest that whether an individual is accorded rights should depend upon what maximizes overall utility. Instead, there is an appeal to a broad distinction between those who are net contributors and those who are not. This is a version of the view I have elsewhere criticized as “justice as reciprocity.”<sup>27</sup> It is an explicit denial of the very notion of *human* rights—rights that *all* individuals have in virtue of their humanity and independently of whether they happen to have various strategic characteristics, including the ability to be net contributors to social cooperation. But it is not a rejection of the idea of rights. Instead, it assumes that whether an individual is a rights-possessor is crucial for determining how we ought to behave toward him.

What these various moral status judgments have in common is that they serve to restrict the scope of otherwise unexceptionable moral principles so as to exclude certain groups from their protection. An extreme example of such exclusion is reported by the historian Claudia Koontz in her valuable book *The Nazi Conscience*.<sup>28</sup> Koontz documents the fact that the teaching of Nazi eugenics in German public schools included a radical revision of the scope of the Golden Rule: Children were taught that it applied only to “racial comrades.”<sup>29</sup>

As with the other normative frames, moral status judgments that excluded the targets of eugenic policies from the scope of familiar moral principles—and in

<sup>26</sup>Ibid., p. 43.

<sup>27</sup>Allen Buchanan, “Justice as reciprocity versus subject-centered justice,” *Philosophy and Public Affairs*, 19 (1990), 227–52.

<sup>28</sup>Claudia Koontz, *The Nazi Conscience* (Cambridge, MA: Harvard University Press, 2003).

<sup>29</sup>Ibid., p. 119. Koontz misleadingly refers to Nazi beliefs in natural inferiority of certain groups as knowledge. Here she is typical of social scientists who, when they approach the field of social epistemology generally and social moral epistemology in particular tend to fail to distinguish between belief (which may be true or false) and knowledge, which implies true or at least justified belief. This may betray what Alvin Goldman, *Knowledge in a Social World*, p. 7, calls a nonveritistic view of social epistemology. It should be clear from the definitions of “social epistemology” and “social moral epistemology” I have given above that my approach, like Goldman’s, is veritistic: I proceed on the assumption that we are able (though not always) to distinguish between truth and falsehood, at least when it comes to factual beliefs.

some cases from the community of rights-possessors altogether—were not free-floating. They were supported by webs of false factual beliefs about the natural inferiority of certain individuals and the causal role that their behavior played in the looming catastrophe of degeneration. It is only in the most radical of the three types of moral status judgments—the complete exclusion of the “unproductive” from the community of rights-possessors—that coercive negative eugenic thinking departs significantly from a rights-based normative structure that most of us today would find quite unexceptionable.

The process of exclusion from the possession of certain rights or, more radically, from the status of right-holder that characterizes the third normative frame has both a cognitive and an emotive component. The normative frames serve to impair moral judgment and disable the moral virtues, in part by restricting the scope of the moral sentiments. Perhaps the clearest and most extreme examples come from studies of Nazi racial hygiene policies. Pseudo-scientific eugenic-racial doctrines, made credible through the promulgation of false factual beliefs by socially identified objects of epistemic deference, including doctors, scientists, teachers and ministers, were combined with highly emotive rhetoric and visual representations (posters, cartoons and films) that portrayed the members of the excluded group as dangerous and disgusting vermin or degenerate subhumans. However, as I have already observed, the use of such literally dehumanizing rhetoric was not confined to Nazi Germany, nor to racial variants of coercive negative eugenics. Characterizations such as “vermin” or “sewerage” were not restricted to members of particular racial groups.

### III. THE CONVENTIONAL ETHICAL AUTOPSY AS AN EXAMPLE OF CONVENTIONAL ETHICS

#### A. ARGUMENTS AND PRINCIPLES

The foregoing exploration of an important but neglected aspect of the moral pathology of coercive negative eugenic thinking is not meant to be exhaustive. Instead, the objective has been to indicate enough of the character of a more comprehensive analysis to support my thesis that the conventional ethical autopsy of coercive negative eugenics is mistaken. I now want to suggest that the deficiencies of the conventional ethical autopsy stem from a deeper inadequacy: a flaw in the conventional view of ethics.

By the conventional view of ethics I mean a certain widespread conception of the task of the ethicist. This conception includes three main elements. First, ethics is a critical, evaluative enterprise; its aim is to determine what is right and wrong, not to describe or explain what people think is right or wrong. Second, the focus of the critical exercise is ethical principles and arguments. Finally, ethical reasoning is conceived in an individualistic, nonsocial way. The task of the applied ethicist is to evaluate the premises of ethical arguments and determine

whether their conclusions follow, independently of any consideration of the ways in which social practices and institutions influence the quality of moral reasoning and the operation of the moral sentiments that help motivate moral action. The study of relationships between social institutions and moral reasoning and motivation is thought to lie outside the domain of ethics, within the purview of social science. The critical evaluation of institutions is relegated to social and political philosophy.

## B. AN ANALOGY WITH CONVENTIONAL PHILOSOPHY OF SCIENCE

My suggestion is that the conventional view of ethics conceives of the ethical life analogously to the way conventional philosophy of science conceives of science. For the conventional philosopher of science, science is a matter of individual scientists following appropriate norms regarding relationships between hypotheses, evidence and conclusions. The role of the philosopher of science is to articulate, refine and systematize these norms.

Similarly, the conventional conception of ethics proceeds on the assumption that the ethical life is largely a matter of identifying correct moral principles, reasoning properly from them, and then acting on the conclusions thus derived. For the most part the conventional conception focuses on the relationship between correct moral principles and valid moral reasoning, on the one hand, and right action, on the other. It pays scant attention either to the ethics of believing or to the ways in which social institutions and the patterns of epistemic deference they encourage can either increase or reduce the risk of morally-damaging errors of belief.

The conventional conception of the philosophy of science rests on a conventional conception of science: As a knowledge-producing endeavor, science is assumed to be a matter of individuals following certain epistemic norms, what is sometimes called the logic of discovery and confirmation. In principle, the essential features of the knowledge-producing process of science could be captured by characterizing the thinking of a single individual.

The conventional conception of ethics is similarly Cartesian: The processes by which morally right behavior are produced are conceived of in a highly individualistic way. Even if social processes are needed in the individual's moral development, moral reasoning and decision-making are thought of largely as an individual achievement. More specifically, little attention is given to the role that the improvement of institutions can play in enhancing or lowering the quality of the individual's moral reasoning. Nor is there much if any consideration of the interaction between the epistemic-moral virtues or vices of individuals and the institutions and practices within which they form beliefs. The ethics of believing, including its social dimension, is given short shrift.

Recently the conventional conception of science, and the conventional conception of the philosophy of science that derives from it, have drawn

increasingly powerful critical fire, both from historians of science and philosophers of science. Some of these critics label the conventional conception “asocial” to contrast it with a conception of scientific knowledge as a social enterprise, not in some spooky sense of being the activity of a collective mind, but to emphasize that knowing is an interactive process that takes place within communities, through the medium of traditions, within institutional structures.<sup>30</sup>

It is important to emphasize that an appropriately social conception of science is *not* non-cognitivist: It does not eliminate the notion of truth or obliterate the distinction between good science and bad science in favor of a purely causal story of which theories in fact come to be believed as a result of the alignment of power and interests. It does not replace the philosophy of science, as a normative enterprise, with social science as a purely explanatory-descriptive endeavor. Instead, the philosophy of science is conceived as one branch of social epistemology, focusing on the interactive, socially-structured knowing process that occurs in the scientific community (or, on pluralist conceptions, scientific communities).

Conventional philosophical ethics suffers the same limitation as conventional philosophy of science: It fails to take sufficiently seriously the social dimension of believing and knowing, so far as believing and knowing affect our ability to act morally. More specifically, as my autopsy on the conventional ethical autopsy of coercive negative eugenics illustrates, ethicists tend to focus exclusively on ethical principles and arguments and neglect the background factual beliefs that either facilitate or impair the functioning of the moral powers, and they largely ignore the role of institutions and social practices in the formation, preservation and transmission of those factual beliefs.<sup>31</sup> Even when the conventional conception is supplemented with attention to the role of the virtues in the moral life, it is still incomplete, because too little attention is paid to the interaction between the exercise of the virtues and the influences of social institutions. Social institutions, especially so far as these include patterns of epistemic deference to putative scientific, legal or religious authorities, may either support or undermine

<sup>30</sup>For an insightful and lucid instance of this approach, see Helen E. Longino, *The Fate of Knowledge* (Princeton, NJ: Princeton University Press, 2002). In *Science, Truth, and Democracy* (Oxford: Oxford University Press, 2001), Philip Kitcher explores the implications of a social approach to epistemology for the interaction of science and democratic institutions.

<sup>31</sup>Here it might be objected that my understanding of the conventional philosophical conception of ethics is overdrawn because many philosophical ethicists would admit that progress toward improved conduct requires not only the scrutiny of arguments and principles but also attention to social institutions. Nevertheless, I think it is fair to say that most philosophical ethicists tend to exaggerate the efficacy of scrutinizing arguments and principles in improving conduct and consequently overestimate the efficacy of their own distinctive contribution. They also tend to underemphasize the ethics of believing, the role of false belief in moral wrongdoing and the ways in which institutions influence belief. A case in point is the analysis of the evils of eugenics in chapter 2 of *From Chance to Choice*: The author of that chapter says that the point of performing an ethical autopsy on eugenics is to provide insights that will help us avoid a repetition of the evils of eugenics, but then proceeds as if the key to doing so is to focus exclusively on the arguments and principles espoused by eugenicists. My assumption is that the conventional conception of ethics is best inferred from what ethicists generally do, not by what they would acknowledge if pressed.



epistemic-moral virtues. Where undue deference is paid to the opinions of putative experts, individuals may be more likely to accept morally-destructive factual assumptions on the basis of inadequate evidence.

#### IV. THE CONSTRUCTIVE POTENTIAL OF SOCIAL MORAL EPISTEMOLOGY

##### A. MECHANISMS FOR REDUCING THE RISK OF MISPLACED EPISTEMIC DEFERENCE

Thus far I have emphasized the role of social moral epistemology in understanding the moral pathologies of coercive negative eugenics in order to support my contention that the conventional ethical autopsy is flawed and to show how this flaw reflects an inadequate conception of ethics and, ultimately, of the ethical life. My objective in this paper is *not* to provide a compelling blueprint for how recourse to social moral epistemology could have avoided the evils of coercive negative eugenics, much less to show that it can ensure that we avoid their repetition. However, in order to clarify further the conception of social moral epistemology I am advocating and to make plausible the claim that it can enrich the conventional conception of ethics, it will be useful to explore briefly how institutional arrangements might reduce the risks of socially distorted beliefs of the kind that, I have argued, played a role in coercive negative eugenics. Before doing so, however, it is necessary to explain how any such proposals would need to be grounded in a developed social moral epistemology.

A developed social moral epistemology would provide a systematic account of the comparative effectiveness of alternative institutional arrangements in counteracting the epistemic-moral vices and correcting the false empirical beliefs that contribute to wrongdoing. Elsewhere I have begun this investigation, characterizing the ways in which certain key features of liberal institutions and liberal cultural attitudes concerning the fundamental equality of persons can, in certain social and economic contexts, provide comparatively reliable mechanisms for reducing the risk of unwarranted epistemic deference.<sup>32</sup> My analysis there contrasts the resources of ideal-typical liberal and nonliberal societies for providing checks on unwarranted epistemic deference and concludes that in this regard liberal societies tend to provide more reliable protections, other things being equal.

However, that analysis does not suffice for the case at hand, because coercive negative eugenics flourished in *liberal* as well as deeply illiberal societies. Large-scale forced eugenic sterilization occurred in the U.S., Sweden, Denmark, Finland and Canada, not just in Nazi Germany. A social moral epistemological analysis of this strand of eugenics must therefore address the fact that morally pernicious false factual beliefs, promulgated and sustained in part through misplaced epistemic deference, occurred in societies in which freedom of inquiry and

<sup>32</sup>Buchanan, "Political liberalism and social epistemology."

expression were relatively extensive and in which government did not routinely deliberately manipulate public education or other institutions that shape or rely upon the social identification of epistemic authorities. Coercive negative eugenics is a challenging case study for the project of demonstrating the value of social moral epistemology, precisely because it calls attention to the fact that the existence of broadly liberal institutions, including freedom of inquiry and expression, may not provide adequate protection against the moral risks of widely accepted false factual beliefs.

To summarize: My account of the comparative moral-epistemic reliability of liberal institutions may help explain why coercive negative eugenics took its most extreme form in Nazi Germany rather than in liberal countries, but it is clearly inadequate for the more constructive project of understanding how liberal societies can reduce the risk of these sorts of moral-epistemic errors and thereby help avoid the immoral actions to which they contribute. What is needed is a consideration of how more specific social practices and institutions can reduce the risk of morally damaging epistemic failures in a broadly liberal society.

Here I can only sketch some potentially valuable institutional arrangements for reducing the risks of the two kinds of distortions of belief I have identified as being implicated in the normative pathology of coercive negative eugenics: misplaced epistemic deference to “scientific experts” on the part of a significant segment of the educated and politically influential public; and the persistence of false beliefs by these supposed experts in the face of compelling counter-evidence.

To see why specific institutional arrangements for epistemic risk-reduction are needed, it is important first to understand the limitations of the Millian idea of competition in the market-place of ideas. On the simplest version of the Millian view, the strongest case for a virtually unlimited right of freedom of inquiry and free exchange of information is that the truth is more likely to emerge from the untrammled clash of opinions than from efforts to restrict inquiry or the exchange of information in the name of social good. The idea is that in a “free market” of ideas, the quality “product”—meaning true beliefs—will (eventually) come to have the largest market share.

Philip Kitcher argues that the Millian view is less than compelling in circumstances where “epistemic asymmetry” is pervasive.<sup>33</sup> Epistemic asymmetry exists when the general public, and at least some scientists as well, are *predisposed* to believe certain false factual claims. In the case of eugenics, these would include claims about the natural inferiority of certain groups, as well as the claim that social ills are largely if not exclusively due to defects in individuals. The point is that where such epistemic asymmetries exist, scientists are likely to overinterpret the results of their inquiries and the public is likely to exhibit bias in its up-take of supposed scientific results. To adapt the Millian metaphor but in a way that undermines the claim that untrammled competition among

<sup>33</sup>Kitcher, *Science, Truth, and Democracy*, pp. 93–106.

beliefs is sufficient: Where there is strong *pre-existing demand* for certain false beliefs in the marketplace of ideas, the truth may not triumph in the clash of opinions.

A developed social moral epistemology that relies *inter alia* on the notion of epistemic asymmetries would include an explanation of why particular epistemic asymmetries develop and are sustained in various populations. But for present purposes we can simply proceed on the assumption that in Western societies in the late Nineteenth and Early Twentieth Centuries an epistemic asymmetry of this sort did exist and that it is likely to have played some role in coercive negative eugenic thinking.<sup>34</sup> This assumption is hardly controversial, for as Kitcher correctly observes, the history of science provides strong evidence that scientists have been all too prone to misinterpret the results of their research in ways that support widespread false beliefs about natural differences among different groups of human beings and that the public has often exhibited uptake bias in favor of deference to racially tainted “scientific” opinion. It seems equally uncontroversial to assume, given the pervasiveness of genetic determinist thinking in contemporary culture, that there are prominent epistemic asymmetries regarding the role of genes in our society at the present time, as well as persisting racist beliefs that predispose some people to think of race as a biological, genetically-based characteristic.

Kitcher considers, but does not endorse, government intervention to counteract the detrimental effects of such epistemic asymmetries. He suggests that such interventions are either unlikely to be effective, or would be counterproductive, or would not have sufficient political support in the very conditions in which they are needed. He then concludes that a more reasonable response to the problem is for researchers voluntarily to refrain from engaging in those lines of inquiry that are likely to be vulnerable to socially damaging, biased uptake by the public as a result of epistemic asymmetry.<sup>35</sup>

An obvious drawback of this proposal is that it may overestimate the ability of the individual researcher, functioning as an individual, to determine whether his own judgment is biased or whether his results may be interpreted in a biased way by the public. It may also underestimate the strength of various incentives (career advancement, profit from commercial applications, etc.) that may cause a researcher to shirk the burden of self-restraint. What Kitcher does not consider is whether there are social practices and institutions other than government interference that might be useful in correcting for morally pernicious epistemic asymmetries and that would not rely so problematically on the judgment and voluntary restraint of individual researchers acting as individuals.

<sup>34</sup>Thomas F. Gossett’s classic book *Race: The History of an Idea in America* (New York: Oxford University Press, 1997), provides ample evidence of pervasive epistemic asymmetries regarding beliefs in racial differences during the period in which eugenics flourished, not just in America but in Britain and Europe as well.

<sup>35</sup>*Ibid.*, p. 107.

Here recent work in social epistemology on the role of peer review and other filters on the dissemination of scientific research results may be valuable. The aim of these inquiries is to ascertain the comparative effectiveness and efficiency of alternative arrangements for increasing the probability that reliable results will be incorporated into the body of emerging knowledge.<sup>36</sup> One possibility worth considering is whether, on the basis of good historical information about epistemic asymmetries that have contributed to moral failures in the past—for example, pervasive beliefs about natural inequalities among races or ethno-national groups—the scientific community should supplement existing peer review mechanisms with special scrutiny provisions for certain categories of research. For example, a study purporting to show that a complex of genetic variations that is more prevalent in African Americans correlates with a higher than average propensity to criminal behavior might be subjected to vetting by more referees than is the usual practice, or referees might be instructed to be on the lookout for certain historically prevalent fallacies regarding inferences from the heritability of a trait within groups to conclusions regarding differences in heritability of the trait between groups.<sup>37</sup>

Alternatively, peer-reviewed journals might require disclaimers or qualifications if racial categories are used in the presentation of research results, on the grounds that race is a social construct, not a scientific classification—and one that historically has been invoked in support of discrimination. For example, a study that purports to show that Blacks respond differently to certain cardiac medications might be required to include an explanation of why it is necessary or at least useful to employ the social construction Black as a rough surrogate for a more fine-grained genotypic characterization in this context.

Some general provisions that are now widely accepted in the research community in a number of countries may already go some distance toward combating the danger that scientific work may either cater to popular prejudices or be subject to up-take bias on the part of a public prone to racist stereotypes and blame-shifting explanations of social problems. The requirement of disclosure of funding sources is one good example.<sup>38</sup> Indeed, during the brief but intense furor that followed publication of the *Bell Curve*, some of its critics were noted that much of the research upon which the book drew was funded by a private organization that promoted racist eugenic thinking.<sup>39</sup> If such disclosures are seen to come from reliable sources, they may alert members of the public to the need to be more critical of putative scientific findings.

<sup>36</sup>Goldman, *Knowledge in a Social World*, pp. 263–67.

<sup>37</sup>For a clear critical discussion of such inferences, see Elliot Sober, “The meaning of genetic causation,” appendix 1, in Buchanan et al., *From Chance to Choice*, pp. 347–70.

<sup>38</sup>*Science* and *Nature*, two premier scientific journals based in the U.S. and Great Britain, respectively, both require disclosure of funding sources that pose potential conflicts of interest. Many journals have similar policies.

<sup>39</sup>Charles Lane, “The tainted sources of *The Bell Curve*,” *New York Review of Books*, 41 (Dec. 1, 1994), 14–19; Adolph Reed, Jr., “Looking backward,” *The Nation*, 259 (Nov. 28, 1994), 654–61.

Disclosure is only one of a variety of possible *cueing mechanisms* that can help the public reduce the risks of its own biased epistemic predispositions. Appropriate *credentialing* can also help the public identify credible sources of belief by distinguishing genuine experts from frauds or incompetents.

Earlier I noted that the mistaken identification of some individuals as experts on human biological inheritance, and in particular the tendency for the public to fail to distinguish between experts and often-uninformed popularizers, played a role in the spread of false beliefs that encouraged the subversion of conventional moral thinking. Better mechanisms for credentialing scientific experts (and for distinguishing between scientific studies and pseudo-scientific work or inaccurate popularizations) could help reduce this risk.<sup>40</sup>

Whether more rigorous funding disclosure requirements, the augmentation of existing peer review mechanisms with special scrutiny requirements for certain categories of research, improved credentialing of experts, or other institutional arrangements and professional practices, are effective and efficient responses to the problem of the morally pernicious misuse of scientific results or the misidentification of results as scientifically valid is a complex question of institutional design, and the answer will depend very heavily upon the particular social and political context. My claim here is *not* that any of these arrangements could have prevented the evils of coercive negative eugenics, nor that if instituted now they would provide adequate protection against morally-pernicious epistemic errors regarding biological inheritance. Moreover, it is not even incumbent on me to establish that the epistemic asymmetries Kitcher describes did in fact play a major role in coercive negative eugenic errors, though this seems likely enough. Instead, the purpose of this exploratory discussion of mechanisms for reducing the risks of misplaced epistemic deference is only to make plausible my claim that social moral epistemology can not only enrich our understanding of past moral errors but also point the way toward consideration of constructive proposals for avoiding new ones.

<sup>40</sup>Some prominent eugenicists had scientific credentials that were as respectable as any available at the time. Others, some of whom the public believed were experts, were far less qualified. This raises an interesting question: to what extent should those charged with scientific or scholarly credentialing not only help to devise institutions to certify the expertise of genuine experts but also take an active role in making public the lack of qualifications of some who seek to be identified as experts? More generally: how might changes in the institutions through which the professional identities of scientists are formed encourage them to take responsibility for helping the public distinguish between genuine experts and pseudo-experts or misleading popularizers. For an interesting examination of the successes and failures of scientists in criticizing the scientific errors of racial views in the nineteenth and early to mid-twentieth century, see Elazar Barkan, *The Retreat of Scientific Racism* (Cambridge: Cambridge University Press, 1992). Barkan shows that only a very small minority of scientists took it on themselves to try to combat what I have described as misplaced epistemic deference, by publicly exposing the scientific errors of racist thinking, including racial eugenics. One possible conclusion to draw is that false racial eugenic beliefs and false eugenic beliefs more generally persisted as long as they did in part due to an institutional failure in the scientific community. In other words, Barkan's work suggests that it is an oversimplification to say that the public's tendency to misidentify experts or to fail to distinguish between experts and popularizers, was simply, or even primarily a failure of credentialing, narrowly understood.

## B. BEYOND IDEOLOGY THEORY

At this juncture it might be objected that a successful ethical autopsy of eugenics does not require recourse to a new type of inquiry called social moral epistemology: All that is required is a theory of ideology, designed to explain how large numbers of people come to hold and sustain false beliefs.<sup>41</sup>

It may be that on *some* conceptions of what a theory of ideology is, what I have described as social moral epistemology would be covered. However, there are three reasons why it would be a mistake to dismiss the idea of social moral epistemology as simply a re-labeling of the notion of ideology theory or to conclude that the limitations of the conventional conception of ethics can be overcome by attention to ideology theory. First, ideology theory tends to accord a fundamental role to social class or to race or gender in its explanation of the distortion of beliefs. Social moral epistemology, as I have characterized it, while compatible with a major role for such categories, does not assume that they are fundamental.

Second, unlike some prominent versions of ideology theory, social moral epistemology as I understand it is both critical and veritistic: It not only explains the ways in which social institutions shape belief but *evaluates* those institutions as to their reliability in fostering *true* beliefs. In contrast, ideology theory often either purports to be purely explanatory and “value-neutral,” or eschews the notion of truth altogether, or embraces a kind of universal error-theory according to which all belief (at least so far as it is shaped by social institutions) is false.<sup>42</sup>

Third, some versions of ideology theory do not aim to provide principled guidance as to how the choice of institutional arrangements can reduce the risk of false belief. In contrast, social moral epistemology is constructive as well as critical.

There is one tradition of ideology theory that claims not only to explain how false beliefs of practical import are sustained in the light of contrary evidence but also to point the way toward the overcoming of ideological delusions. However, unlike social moral epistemology, it does not attempt to develop a systematic basis for the comparative assessment of alternative social arrangements as to their epistemic reliability. Instead, it postulates a complete overcoming of the problem of socially-inculcated false belief and end to ideology.

I have in mind an interpretation of Marxist ideology critique, according to which the cognitive distortions of ideology are an artifact of defective modes of social organization. This diagnosis of the cause of ideological delusion implies

<sup>41</sup>I thank Alex Rosenberg for suggesting that I consider this objection.

<sup>42</sup>In my judgment, the assumption that there are facts of the matter about biological inheritance, about the cognitive abilities of Blacks, about whether crime and poverty are strongly determined by genes, etc., is hardly an extravagant one. This paper therefore does not attempt to refute skeptics or nihilists regarding the existence of facts about human beings and human societies. For a concise and compelling refutation of some of the main contemporary arguments in favor of skepticism or nihilism regarding scientific and social scientific facts, see Alvin Goldman, *Knowledge in a Social World*, ch. 2.

the remedy: When social production is subjected to rational collective control, social relations will become transparent as the structural basis of ideologically distorted belief disappears. Other, less optimistic versions of ideology theory are at risk for degenerating into the practically useless thesis that we are doomed to perpetual delusion—that we can be certain that our beliefs are systematically distorted but are incapable of knowing which of our beliefs are false.

Social moral epistemology, in contrast, is neither millenarian nor nihilistic. It proceeds on the assumption that regardless of what sort of society they live in, people come to have morally crucial factual beliefs through an imperfect interactive process, structured by social practices and institutions that are subject to human control. It assumes that in any large-scale society there will be an extensive division of epistemic labor, with institutional processes for the social identification of epistemic authorities that are fallible but nonetheless capable of improvement.

## V. CONCLUSION

By examining the moral pathology of what is generally thought to be the most morally problematic strand of the eugenics movements, coercive negative eugenics, I have made the case for rethinking the conventional conception of ethics in a way that challenges the distinction between ethics, on the one hand, and social and political philosophy, on the other. I have argued that the conventional conception is impoverished because it fails to take seriously the importance of the ethics of believing and social moral epistemology. Ethics must not only critically examine the role of principles and argumentation in the ethical life; it must also focus on the crucial role of factual beliefs in the proper operation or malfunctioning of the moral powers and upon the ways in which social institutions can affect both the reliability of these beliefs and the ability of individuals to exercise epistemic-moral virtues and avoid epistemic-moral vices. To do so ethics must incorporate social moral epistemology, the systematic comparative evaluation of the effectiveness and efficiency of social institutions in producing, transmitting and sustaining the beliefs upon which our moral motivation, judgment and reasoning depend.

Philosophers may have little to contribute when it comes to understanding the psychology and sociology of belief formation; here they must draw on the work of social scientists. However, they can play an indispensable role by helping to focus social science research on those beliefs that are crucial for the well-functioning of the moral powers and by critically evaluating alternative institutional arrangements designed to reduce the risk of morally relevant epistemic errors. The last point bears elaboration: social moral epistemology is concerned not just with whether a particular institutional arrangement would enhance moral-epistemic performance, but also with whether it would do so in morally acceptable ways. There can be trade-offs, for example, between

maximizing epistemic gains and broadening participation in institutional processes. Determining the proper trade-off is not within the purview of social science.

This reconceptualization of ethics entails a rejection of the comfortable assumption that ethics is an autonomous philosophical activity, one that can be pursued effectively through conceptual analysis alone, with the aid of imaginary examples, without regard to the institutional context in which people form the beliefs relevant to the moral life. But the discomfort of abandoning the illusion of philosophical autonomy is worth the gain: Ethics will come closer to delivering on its promise of helping us to live better lives.

For the sake of specificity and because coercive negative eugenics is of great moral interest in its own right, the strategy of this paper has been to focus on one large-scale historical movement in order to begin to advance a very general point about how to conceive of ethics. It should be clear, however, that the incorporation of social moral epistemology into ethics that I recommend has much wider application. There is good reason to believe that the enriched conception of ethics for which I have argued here would find fruitful employment in inquiries into the greatest moral problems of our own time, including war, ethno-national conflict and the persistence of racism.