

The Epistemic Costs of Compromise in Bioethics

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Abstract. Bioethicists sometimes defend compromise positions, particularly when they enter debates on applied topics that have traditionally been highly polarised, such as those regarding abortion, euthanasia and embryonic stem cell research. However, defending compromise positions is often regarded with a degree of disdain. Many are intuitively attracted to the view that it is almost always problematic to defend compromise positions, in the sense that we have a significant moral reason not to do so. In this paper we consider whether this common sense view can be given a principled basis. We first show how existing explanations for the problematic nature of compromise fall short of vindicating the common sense view, before offering our own explanation, which, we claim, comes closer to vindicating that view. We argue that defending a compromise will typically have two epistemic costs: it will corrupt attempts to use the claims of ethicists as testimonial evidence, and it will undermine standards that are important to making epistemic progress in ethics. We end by suggesting that the epistemic costs of compromise could be reduced by introducing a stronger separation between ethical debate aimed at fulfilling the epistemic role of ethics, and ethical debate that aims to directly produce good policy or practice.

Bioethicists sometimes defend compromise positions, particularly when they enter debates that have traditionally been highly polarised, such as those regarding abortion, euthanasia and embryonic stem cell research. For example, in the latter debate, the view that it is permissible to conduct research on stem cells derived from embryos left over from fertility treatments, but not on stem cells derived from embryos created especially for research, has been defended as a compromise between the view that all embryonic stem cell research is impermissible and the view that such research is no more problematic than other kinds of research on human cells. Similarly, in the abortion

debate, the position that it may be permissible to have an abortion during but not after the first trimester has been defended as a compromise between traditional pro-choice and pro-life views.

However, compromise in ethical debate is often regarded with a degree of disdain.¹ Many people have intuitions about compromise that might incline them to the view that

Defending a compromise position in ethical debate is almost always significantly problematic, in the sense that there is significant reason not to defend such a position.

To reflect the intuitive appeal of this view to many, we will call it the *common sense view*.

The common sense view is *not* the view that defending a compromise position in ethical debate is almost always impermissible or wrong. Perhaps some believe that, but we doubt that many do. The common sense view instead holds that, even where defending a compromise position is morally permissible, or even desirable, there is still, except in rare cases, some significant reason not to defend the compromise.²

¹Braybrooke, Carens, Golding, Kuflik, Lepora and Goodin, and Nachi also point out that people are often ambivalent about compromise. See D. Braybrooke. The Possibilities of Compromise. *Ethics* 1982; 93: 139–150, 142; J.H. Carens. 1979. Compromise in Politics. In *Compromise in Ethics, Law, and Politics*. J.R. Pennock & J.W. Chapman, eds. New York: New York University Press: 123-41; M.P. Golding. 1979. The Nature of Compromise: A Preliminary Inquiry. In Pennock & Chapman, eds.: 3–25; A. Kuflik. 1979. Morality and Compromise. In Pennock & Chapman, eds.: 38–65; M. Nachi. The Morality in/of Compromise: Some Theoretical Reflections. *Social Science Information* 2004; 43: 291–305; C. Lepora & R.E. Goodin. 2013. *On Complicity and Compromise*. Oxford: Oxford University Press.

² We take it also that this reason is not simply a reason to do something else that is morally desirable. There might almost always be reasons not to defend compromises because one can almost always do more good by spending one's time working in a soup kitchen instead, but we take it that, when people think that

Some might regard the consistency of the common sense view with widely held intuitions about compromise as evidence in its favour. However, the case for the common sense view would be significantly strengthened if it could be provided with a rational basis—if, for example, one could provide an explanation for *why* defending a compromise position is almost always problematic in the sense outlined above. Existing philosophical literature on compromise suggests a range of possible explanations. However, as we will argue below, these only explain why *some* compromises are problematic, not why *almost all* are.³

In this article, we propose an explanation that, we think, comes closer to vindicating the common sense view. We begin by outlining what defending a compromise in ethical debate consists in (§§1 and 2), and briefly showing how existing explanations for the problematic nature of compromise fall short of justifying the common sense view (§3). We then set out our explanation, which refers to the indirect epistemic costs of compromise, and argue that it comes closer to vindicating the common sense view than each of the existing explanations (§4), before highlighting some (other) attractive features

compromising is morally problematic, they think there is a reason against compromising even when the alternative is to do nothing, or do something morally neutral.

³ Or, they explain why defending a compromise is problematic for the compromiser, not why it is problematic from an objective point of view. Lepora and Goodin, for example, argue that what is problematic about compromising is that ‘[e]ach has to give up something of importance to her, in order to get something else that is of even more importance to her’, and this results in a feeling of moral discomfort. However, this explanation falls short of explaining the common sense view as it only shows why compromise is problematic relative to the values of the compromiser, not why it is objectively problematic. See Lepora & Goodin, *op. cit.* note 1.

of our explanation (§5). We end by proposing a strategy for reducing the epistemic costs of compromise in ethical debate (§6).

1. Taking the Middle Ground

We understand defending a compromise within ethical debate to consist in ‘taking the middle ground’ for a certain kind of reason. One takes the middle ground when one (1) defends an ethical position that lies between other more obvious or dominant positions, and (2) defends it in part *because* it lies between those positions. We refer to a position defended in taking the middle ground as a ‘middle ground position’.

There are several strategies for forming a middle ground position. One strategy involves identifying elements that are common to, or at least consistent with, the more obvious or dominant opposing positions. An example is the four-principles approach to biomedical ethics,⁴ which invokes principles that are held to be consistent with the dominant ethical traditions.

A middle ground position can also be formed by quantitatively weakening or strengthening the claims of one dominant position so that it comes closer to a dominant alternative, resulting in a position that rejects both dominant views but lies in the logical space between them. For example, two dominant views on the moral status of the human embryo hold that it has no moral status and that it has full moral status. By weakening one or other of these views, some have arrived at the position that the embryo instead has an intermediate moral status.

⁴ T.L. Beauchamp & J.F. Childress. 2001. *Principles of Biomedical Ethics*. New York: Oxford University Press.

Finally, a third strategy for forming a middle ground position is to restrict the scope of claims made by one dominant position to bring it closer to its competitor. For example, a popular middle ground position in the stem cell debate restricts the liberal claim that it is permissible to destroy embryos for important biomedical research so that it only applies to embryos left over from infertility treatments, not to embryos created for the purpose of research. This restriction moves the liberal view somewhat closer to the conservative view that destroying embryos for research is always impermissible.

2. Two Reasons for Taking the Middle Ground

When one defends a middle ground position, one defends that position in part *because* it lies between more obvious or dominant alternative positions. But a further question arises as to what reason one could have to take the middle ground.

We will distinguish two kinds of reason: epistemic and practical. Once we have distinguished these, we will be in a position to offer our account of compromise.

A. Epistemic Reasons

The fact that a position lies between more dominant or obvious extremes can give one an *epistemic* reason to defend it. For example, it may make the position more likely to be true or epistemically justified (henceforth collectively ‘correct’). For example, some defenders of the four-principles approach to bioethics may believe that the persistence of Kantianism, utilitarianism and virtue ethics as influential ethical theories gives us some reason to think that the proponents of each view must be ‘on to something’, and that the

correct view must, like the four-principles approach, lie somewhere in between these dominant theories.

We will use the term *epistemic middle ground position* to refer to the position that results when one takes the middle ground because it is likely to be correct, or close to the correct position. Epistemic middle ground positions are not, in our view, compromise positions, and we have no issue with them. They fall beyond the scope of the common sense view and the arguments for it that we canvas in this article.

B. Practical Reasons

One can also take the middle ground for practical reasons. These could be prudential reasons; for example, one may take the middle ground to appear reasonable and thus garner the admiration of others, or avoid the discomfort of facing strong disagreement from others. Alternatively, they may be moral reasons, for example, reasons to advance the public good. Suppose an ethicist is asked to advise the government on organ transplantation policy. The ethicist believes that organ conscription from deceased individuals is permissible regardless of their wishes or decisions when living, but current policy permits transplantation only when the deceased individual previously actively consented to this. The ethicist might then defend a view that supports some deviation from the *status quo* policy, but that is weaker than her true view. For instance, she may claim that it is morally permissible to transplant organs when consent can reasonably be presumed, but not otherwise. She might defend this weaker view on the grounds that doing so is likely to have a greater positive effect on organ supply than defending her true, more extreme view, which is much less likely to be accepted and enacted in policy. The ethicist defends the middle ground position not because it is (likely to be) correct,

nor for prudential reasons but for moral reasons, in this case, *instrumental* moral reasons: she defends it in order to promote the public good.

More generally, one might have various instrumental moral reasons to take the middle ground. Taking the middle ground may help to increase social solidarity, prevent paralytic disagreement, lead to the selection of the best feasible policy alternative, or trigger a stepwise progression such that protagonists in the debate will arrive at the correct position in the long run.⁵ In all of these cases, taking the middle ground is a means to the end of advancing the public good or some impersonal good, such as fairness, virtue, or knowledge.

Alternatively, there could be non-instrumental moral reasons to take the middle ground. For example, doing so might appropriately respect others' views.⁶ One may, for example, believe that adherents of the pro-life and pro-choice positions in the abortion debate have sincerely adopted reasonable moral positions and that sincerely held views ought to be respected. One may also believe that adopting a middle ground position on the morality of abortion maximally respects those views. Similarly, there could be expressivist

⁵ In cases where one defends a middle ground position because it is likely to lead to the acceptance of the correct position in the long run, there is a sense in which one is defending the position for epistemic reasons. However, in such cases, the middle ground position does not qualify as an epistemic middle ground position, as we defined such positions above. Epistemic middle ground positions are middle ground positions defended because they are correct, or likely to be correct, not because defending them is likely to lead to the adoption or defense of the correct position in the future.

⁶ See, for example, R. Bellamy & M. Hollis. 1999. Consensus, Neutrality and Compromise. In *Pluralism and Liberal Neutrality*. R. Bellamy & M. Hollis, eds. London: Frank Cass & Co: 54–79, 76; C. Bird. Mutual Respect and Neutral Justification. *Ethics* 1996; 107: 62–96, 92; P.J. Dobel. 1990. *Compromise and Political Action: Political Morality in Liberal and Democratic Life*. Savage, Maryland: Rowman and Littlefield, 80.

moral reasons for taking the middle ground. Refusing to shift one's view in the face of disagreement from others may express aggressiveness or dogmatism, whereas accommodating one's views to others may express tolerance, humility and modesty. Arthur Kuflik has argued that taking the middle ground often manifests a love for peace and distaste for fanaticism.⁷

We are now in a position to offer our account of compromise in ethical debate. We will say that a person defends a compromise position (or simply 'compromises') when she defends a middle ground position for practical reasons—prudential or moral, instrumental or non-instrumental—even though she believes that this is not the position that is most likely to be correct. She thus makes an epistemic concession for practical reasons. We believe that this account of compromise sits well with common sense views about what is and what is not a compromise while also being consistent with other influential accounts of compromise. According to Frances Kamm, for example, compromise 'connotes some bottom line that does not represent the complex truth, but gives weight to conflicting factors despite the fact that doing so does not lead to the truth'.⁸ Some authors defend narrower conceptions of compromise. For example, Martin Golding maintains that one does not compromise if one regards one of the positions between which one seeks a middle ground to be morally illegitimate.⁹ We favour a broader understanding, but adopting a narrower view would not affect our subsequent argument.

3. Why Is Compromise Problematic? – Existing Explanations

⁷ Braybrooke, *op. cit.* note 1, p. 142.

⁸ F.M. Kamm. The Philosopher as Insider and Outsider. *J Med Philos* 1990; 15: 347–374, 363.

⁹ Golding, *op. cit.* note 1.

Recall that our aim is to strengthen the case for the common sense view – the view that compromising is almost always significantly problematic, in the sense that there is some significant reason *not* to do it. First, we need to explain why existing explanations for the problematic nature of compromise fall short of vindicating this view.

A. Hypocrisy or Lack of Integrity

One possible explanation for why compromise is frequently problematic holds that it involves or expresses hypocrisy or a lack of integrity. These concepts are not easily definable and are frequently not defined, but usually the basic thought appears to be that when one compromises, one fails to stand up for one's core or authentic values. Some compromises may indeed be problematic for this reason. For example, suppose someone committed to defending the truth without exception defends, as a compromise, a view that he knows to be false. Or suppose that, in order to advance her career, a person committed to the moral equality of all persons compromises with someone who believes women are morally inferior. In these cases, the person may give up on one of her core commitments, and may thus act hypocritically or sacrifice her integrity. However, in many cases, those who compromise do not give up on any core value. They may have no core commitment to defending the truth, or maintaining opposition to whomever they are arguing against. Moreover, if the value served by the compromise (for example, a commitment to seeking public agreement) is itself a core value, it is not clear why sacrificing some other core value for its sake should involve hypocrisy or loss of integrity.¹⁰

¹⁰ In some cases, the core value served by the compromise might also be the core value sacrificed. For example, one might compromise with a sexist, thus in some way giving up on one's core value of sexual

B. Deception

Compromise may also be wrong because it involves deception. In some cases, a compromise will only serve its purpose when the resulting position is falsely presented as a position adopted for epistemic reasons, or at least where the practical reasons for defending the position are not expressed.

Dan Brock has described an instance of this problem that he faced as a member of the professional staff of the President's Commission for the Study of Ethical Problems in Medicine. When assigned to write a report representing the Commission's position on decisions about withdrawal of life-sustaining treatment, Brock had to decide whether to press his own view on the killing/letting die distinction, which was that the distinction is not morally significant. Many commissioners believed that killing was much more wrong than allowing to die and that stopping life support was a case of allowing to die, and thus permissible. Though both Brock and the commissioners thought that it was permissible to stop life support upon the patient's request, they disagreed on the reasons for its permissibility. If Brock tried to convince them of what he thought to be the right reasons, there was a risk that the commissioners would no longer support withdrawing life support on the patient's request, since they would realise this is morally equivalent to killing. Brock writes,

equality, but do so only to undermine sexism in the future. Crisp and Cowton make a point along these lines when defending their account on hypocrisy. See, R. Crisp & C. Cowton. Hypocrisy and Moral Seriousness. *Am Philos Q* 1994; 31: 343–349.

Could one then responsibly attack what seemed confusions in their view when the result of doing so might well be to lead them to an unwarranted and worse conclusion – and a conclusion, it is important to add, that could produce important adverse consequences in suffering and loss of self-determination for real people?¹¹

In the end, Brock chose not to press his views on the killing/letting die distinction. He outwardly accepted the commissioners' view, and did not reveal that he did so for practical (in this case, instrumental moral) reasons. To reveal this would have been tantamount to declaring that he believed the commissioners' view was incorrect, and this might have led the commissioners to change their position to a more prohibitive one.

We accept that there are some cases in which compromise positions will only achieve their intended purpose if there is an element of deception involved. However, we do not think that appealing to deception alone can justify the common sense view, since again, compromise need not, and often does not, involve deception. People frequently defend compromises while being fully transparent about their reasons for adopting the compromise position. The common sense view holds that compromising is almost always morally problematic, so its proponent must maintain that compromises are typically problematic even when they are not deceptive.

C. Complicity

¹¹ D.W. Brock. Truth or Consequences: The Role of Philosophers in Policy-Making. *Ethics* 1987; 97: 786–791, 789.

A third possible explanation for the problematic nature of compromise holds that it makes the compromiser complicit in maintaining one of the positions that her compromise seeks to accommodate. So, for example, if a liberal egalitarian defends a compromise between her own liberal egalitarian view and the views of an anti-Semite, she may become complicit in maintaining anti-Semitism.

Again, we think that this explanation may show why *some* compromises are problematic, but that many compromises remain unaffected. Suppose one defends a compromise to accommodate an anti-Semite position precisely because one rightly believes that doing so is what will best undermine anti-Semitism by, for example, pulling its adherents towards a somewhat more liberal view. In this case, it is not clear that one is in any respect contributing to the anti-Semitic view, nor that one is implicitly endorsing it as a legitimate view. One's aim is in fact to maximally undermine the anti-Semitic view, though as it happens, this involves strategically defending a view that is closer to that view than one's true view is.

Many actual compromises in applied ethics seem to have precisely this form. For example, those committed to both treatment withdrawal and active euthanasia frequently compromise with those who believe that neither is permissible by defending the view that treatment withdrawal is permissible, but active euthanasia is not. However, it is plausible that one of the reasons that they defend such a compromise position is that they believe that this is what will best undermine the view that both treatment withdrawal and euthanasia are impermissible. It is thus unclear how the compromise involves complicity in maintaining the prohibitive view.

4. Why Is Compromise Problematic? – The Epistemic Cost Account

Although defending a compromise position may be problematic if it involves hypocrisy or lack of integrity, deception or complicity, compromising is often not problematic for any of these reasons. These explanations thus fall short of vindicating the common sense view, according to which defending a compromise is almost always significantly problematic.

We now want to offer our own explanation, which we think comes closer to vindicating that view. Our explanation appeals to the indirect epistemic costs of defending a compromise: we think defending a compromise will typically impede the future formation of correct ethical beliefs, in at least two different ways.

A. The Corruption of Testimony

People often take the ethical claims of others as evidence for the correctness of these claims, much as they take the predictions of meteorologists as evidence for what the weather will be.¹² For example, arguments in ethics often start from premises that are simply assumed to be correct because they are widely held, or widely held by serious ethicists. Similarly, policymakers and practitioners who do not have the time to engage in ethical argument themselves may simply take a position to be correct or likely to be correct merely because it is a popular ethical view, or a popular ethical view among individuals deemed to be experts on the matter in question.

In many cases, taking the claims of others as evidence for the correctness of those claims is a rational thing to do. At least, this is plausible in relation to empirical claims. Suppose

¹² We borrow this example from A. Elga. Reflection and Disagreement. *Nous* 2007; 41: 478–502, 479.

you are on a hiking expedition. One member of the hiking party is a meteorologist and tells you that it will probably rain tomorrow. Not only are you likely to come to believe that there is a good chance of rain tomorrow, you have good reason to do so. The testimony of the expert meteorologist has evidential value. Moreover, it is not, in fact, crucial that the meteorologist is in a better epistemic position than you with respect to meteorology. To see this, suppose now that there is no meteorologist in your hiking party but that another member of the party has a similar level of meteorological knowledge to you. You come to opposing views on the chance of rain tomorrow. Suppose, moreover, that you have no reason to believe that your hiking companion is more or less intelligent than you, that she was more or less careful in her observations of the weather today, and so on. In short, you have no reason to believe that she is anything other than your *epistemic peer* on the question of what the weather will be tomorrow. In this case too, the testimony of your hiking companion gives you *some* reason to at least reduce the credence that you give to your initial belief about the chance of rain tomorrow, though it is a much weaker reason than in the case of the meteorologist. Your hiking companion's testimony has some evidential value.¹³

It is controversial to what extent these thoughts carry over to cases in which the question is an ethical rather than an empirical one.¹⁴ However, it is plausible that the considered claims of our epistemic peers or epistemic superiors on ethical matters also have at least

¹³ There is a controversy in epistemology regarding exactly how much weight you should give to the testimony of your epistemic peers in adjusting your beliefs. See, for some important contributions to this debate, D. Christensen. Epistemology of Disagreement: The Good News. *Philos Rev* 2004; 116: 187-217; T. Kelly. 2005. The Epistemic Significance of Disagreement. In *Oxford Studies in Epistemology, Vol. 1.* T.S. Gendler & J. Hawthorne, eds. Oxford: Oxford University Press: 167-196; A. Elga, *op. cit.*, note 13.

¹⁴ See, for a brief summary of the controversy, A. Hills. Moral Testimony and Moral Epistemology. *Ethics* 2009; 120: 94–127, 94-98.

some evidential value in some cases. Suppose you have not thought much about the moral status of chimpanzees but had assumed all non-human animals to have little moral significance. You then discover that most moral philosophers who have thought about this and most zoologists who have worked with chimpanzees claim that they have a very significant moral status. Surely this gives you at least some reason to adjust your own uninformed belief in the direction of this widely held view.¹⁵

It is also plausible, however, that there are cases in which it is *not* rational to take the ethical claims of others as evidence for the correctness of those claims. It is not rational, for example, when the claim was defended as a compromise position. Compromise positions are defended for practical reasons that are not directly relevant to their correctness. Indeed, the defender of a compromise believes that the compromise position is *not* the position that is most likely to be correct. Analogously, we should not take the predictions of rain made by meteorologists to have evidential value if we know they only made the predictions to keep farmers happy and actually believe that a different prediction is more likely to be correct.

One problem with compromise positions in ethical debate, we believe, is that they are liable to be mistaken as having evidential value they in fact lack because they are liable to be misconstrued as positions defended on epistemic, not practical, grounds. This is especially the case when compromise positions are ‘disguised’, that is, when the practical reasons for defending the position are not disclosed (as was the case in the above-mentioned anecdote discussed by Brock). But compromises can also be mistaken as having evidential value they in fact lack when they are not disguised. Often, the practical

¹⁵ Of course, it might be even better if you critically investigated the issue in depth yourself, but sometimes this is not (immediately) possible, for example, because time is limited.

reasons for defending the compromise position are initially disclosed, but, after a few iterations of discussion, are forgotten, for example because the original reasons for defending the position are not always cited or correctly represented when the position is discussed in subsequent debate. We will illustrate this with an example from the debate on embryonic stem cell research.

The initially dominant positions on embryonic stem cell research hold respectively that such research is always wrong, since it relies on or involves the destruction of human embryos (the ‘conservative view’), and that it is no more problematic than other kinds of research on human cells, since the early embryo has no significant moral status (the ‘liberal view’).¹⁶ New middle ground positions then entered the debate. One of these was the discarded-created distinction, which holds that it is presumptively permissible to derive stem cells from embryos left over after *in vitro* fertilization (IVF) treatment and donated for research, but impermissible to derive stem cells from embryos created especially for research.

It is difficult to reconstruct the motives of those who have defended the discarded-created distinction, but it is plausible that some have defended it as a compromise. For example, some who really accept the liberal view may have defended the discarded-created distinction because they believed that doing so would result in the adoption of the best policy among the politically feasible alternatives, or because they saw this as a way to respect their opponents.

¹⁶ See, for example, K. Devolder & J. Harris. 2005. Compromise and Moral Complicity in the Embryonic Stem Cell Debate. In *Philosophical Reflections on Medical Ethics*. N. Athanassoulis, ed. Basingstoke: Palgrave MacMillan: 88-108; and S. Holm. Going to the Roots of the Stem Cell Controversy. *Bioethics* 2002; 16: 493–507.

The discarded-created distinction partly eclipsed the initial liberal view in the ethical literature on stem cell research and was enacted into policy in most liberal democracies. However, some authors defended a further middle ground position that lies between the discarded-created distinction and the view that all embryonic stem cell research is impermissible. This position—known as the use-derivation distinction—holds that, though it is permissible to *use* stem cells derived from leftover IVF embryos, it is impermissible to perform the stem cell derivation, which involves destroying an embryo. Defenders of this position have typically taken the discarded-created distinction and the conservative view as the dominant alternative positions, ruling out from the outset the liberal view that embryonic stem cell research is no more problematic than other kinds of human tissue research. They have often simply assumed that it is wrong to use stem cells derived from research embryos; their distinction between using and deriving stem cells applies only to stem cells from leftover IVF embryos. But if the discarded-created distinction was largely accepted for practical reasons by those who actually believe the liberal view to be correct, it is far from clear that setting aside the liberal view is justified, at least if one's aim is to arrive at the correct ethical view, rather than the most widely acceptable compromise. Had defenders of the use-derivation distinction recognised this, they would perhaps instead have regarded the liberal view as the chief competitor to the conservative view, and attempts to identify the correct ethical view on stem cell research might then have taken a rather different course. Mistakenly taking the popularity of the discarded-created distinction as good evidence for its correctness may have significantly interfered with epistemic progress in the stem cell debate. A similar effect may have occurred in other debates in applied ethics.

Part of our explanation for what is problematic about compromises is, then, that they are likely to be taken as having evidential value when in fact they do not. Compromises, disguised or not, may thus have an epistemically corrupting effect. They may skew future attempts to identify the correct ethical position by affecting which positions are regarded as the chief contenders for that role.

B. The Erosion of Epistemic Standards

A second way in which defending a compromise may undermine the epistemic function of ethical debate is by weakening certain commitments that are important for epistemic progress in ethics.

Positions defended because they are believed to be correct are often characterised by ‘epistemic virtues’—*viz.* features indicative of correctness—including simplicity and internal consistency. Since compromise positions are not defended because of their correctness, we might expect them to be, on average, more complex and less internally consistent than other positions defended in ethics. This is perhaps borne out by a survey of some influential compromise positions. The discarded-created distinction in the embryonic stem cell debate has been heavily criticised for being internally inconsistent,¹⁷ as has the position, sometimes defended as a compromise, that human embryos have an

¹⁷ See, for example, K. Devolder. Creating and Sacrificing Embryos for Stem Cells. *J Med Ethics* 2005; 31: 366–70.

intermediate moral status that makes them worthy of respect but nevertheless permits their destruction.¹⁸

Taken on its own, the relative lack of epistemic virtue in compromise positions might be thought unproblematic, as they are not defended because they are correct. The lack of epistemic virtue in compromise positions only becomes a problem, in our view, because compromise positions are prone to be mistaken as positions defended because of their (likely) correctness. We noted above that, even when compromise positions are explicitly presented as such, their status as compromise positions is frequently forgotten after several iterations of debate. This can create a situation in which a debate or body of literature is populated by a number of positions, all of which are taken to be positions defended for their correctness, but only some of which were in fact defended for this reason. Because those positions that were not defended for their correctness are likely to lack epistemic virtues such as simplicity and internal consistency, their presence in the debate will tend to lower its epistemic quality. It may appear, to someone who enters the debate, as though the protagonists in the debate have been setting low epistemic standards—that they have been excessively willing to accept complex and inconsistent positions, for example. Alternatively, it may appear that protagonists in the debate are confused about what epistemic standards they should be applying. Either way, the result

¹⁸ See, for example, President's Council on Bioethics. 2002. *Human Cloning and Human Dignity: An Ethical Inquiry*. Washington, DC: US Government Printing Office: 138-139. For a response, see D.W. Brock. Is a Consensus Possible on Stem Cell Research? Moral and Political Obstacles. *J Med Ethics* 2006; 32: 36–42.

may be that the newcomer also adopts low epistemic standards, or forms no clear view on what epistemic standards she is aiming for.

By analogy, consider a case in which a number of people are playing football in a park and a new player appears on the scene. Suppose that some of the players are playing to win, while others are playing in a noncompetitive fashion and are merely seeking to spend a relaxing afternoon in the park. These latter players are not playing to a very high standard. If the newcomer thinks that all of the players are doing their best, she may simply come to the conclusion that the average standard of football being played is low, and this might lead her to set low standards for her own play as well.

Alternatively, consider a case in which a group of artists are at work in a studio. Some are aiming to produce beautiful paintings, while others are seeking to produce meaningful ones, but these aims are not transparent to a newcomer. In this situation, the newcomer might simply conclude that all of the artists are attempting to create beautiful paintings, but are confused about the standards of beauty. One plausible outcome of this scenario is that the newcomer might join the group, aim at beauty, but form no clear view on what the standards of beauty are.

We suggest that similar phenomena may occur in some ethical debates: the failure to recognise compromise positions as such may lead either to a lowering of epistemic standards, or to general confusion about what the epistemic standards are. It is difficult to adduce any hard evidence in support of this suggestion, but perhaps there is some evidence for it insofar as it applies to bioethics: bioethicists have themselves have

expressed a concern over a lack of quality of argumentation and a lack of agreed intellectual standards in their field.¹⁹

C. Our Suggestion

We think, then, that defending a compromise—that is, taking the middle ground for practical reasons—will normally have two indirect epistemic costs. It will corrupt attempts to take the claims of others as evidence for the correctness of those claims, and it will undermine standards that are important to making epistemic progress in ethics.

It seems to us that almost all compromises will have one or the other of these costs to at least some extent, and that our explanation thus comes closer to vindicating the common sense view than do existing explanations. In particular, our explanation seems able to account for the problematic nature of even transparent compromises, since even if one is open about one's practical reasons for taking the middle ground, there will typically still be a significant risk that, in subsequent debate, one's reasons for taking the middle ground will be forgotten and will be mistaken for epistemic reasons. It is this predictable failure on the part of others to always recognise compromise positions for what they are that lies at the heart of the two problems we have described: the Corruption of Testimony and the Erosion of Epistemic Standards. Note that our argument thus relies on the assumption that, as a matter of fact, future participants in ethical debate will be less than epistemically perfect; they will sometimes present or interpret views present in the literature incorrectly or incompletely. Thus, our account of the epistemic costs of

¹⁹ See, for example, D. Benatar. Bioethics and Health and Human Rights: A Critical View. *J Med Ethics* 2006; 32: 17–20; L. Williamson. The Quality of Bioethics Debate: Implications for Clinical Ethics Committees. *J Med Ethics* 2008;34: 357–360; U. Schüklenk. Ethics in Bioethics. *Bioethics* 2006; 20: iii.

compromise does not support the view that compromise would almost always be problematic even in an ideal world in which ethical positions and the reasons for which they were defended are always accurately presented and interpreted. But we take the common sense view to be a view about the problematic nature of compromise in the *actual* world. Thus, our non-ideal assumptions do not hamper our attempt to vindicate the common sense view.

Note also that there is no reason to think that taking the middle ground for *epistemic* reasons will have the costs that we have attributed to compromising—*viz.* taking the middle ground for practical reasons. Indeed, the adoption of epistemic middle ground positions may often have significant epistemic *benefits*, helping a debate to converge on or close to the correct position.

5. Further Attractive Features of Our Account

In addition to coming closer to vindicating the common sense view than alternative explanations, we think that our ‘epistemic costs’ account of the problematic nature of compromise has other attractive features.

First, though our view explains why even transparent compromises are typically problematic, it also explains why disguised compromises are especially problematic, as many people think.²⁰ Disguised compromise positions are particularly liable to be misconstrued as adopted for epistemic reasons, and thus taken to have an evidential value that they in fact lack, or to contribute to an erosion of epistemic standards.

²⁰ Brock, *op. cit.* note 12.

Second, our account avoids appealing to the notions of complicity, deception, hypocrisy and integrity—all notions whose content is disputed and whose moral significance is arguably as much in need of explanation as that of compromise.²¹ It is clear that interfering with epistemic progress in ethics is a significant cost in a way that it is not clear, say, that hypocrisy is problematic.

Finally, third, our account can also explain the problematic nature of another practice that is common in ethics: that of defending positions *more extreme* than the obvious or dominant positions, and this for practical reasons. Call this practice ‘courting controversy’. Possible reasons for courting controversy include (i) shocking the public out of apathy, (ii) stimulating debate, and (iii) pulling defenders of widely held views (including compromises, or epistemic middle ground positions) closer to one’s true, less extreme view. We think that many people have the intuition that courting controversy is significantly problematic, and again, our account can explain why: there is a risk that one’s support for a position that one adopts when courting compromise will subsequently and incorrectly be taken as a position defended because of its (likely) correctness. This may lead people to falsely ascribe evidential value to one’s defence of the position, and, insofar as these more extreme positions tend to lack epistemic virtues, it might also lead to a lowering of, or confusion about, epistemic standards.

6. Implications

Our way of accounting for the problematic nature of compromise has some important practical implications. Most obviously, it lends some support to the common sense view;

²¹ See for example, Crisp & Cowton, *op. cit.* note 11.

it suggests that defending a compromise is indeed almost always problematic in the sense that there is significant reason to avoid it. This in turn suggests that one typically needs a significant countervailing reason to defend a compromise rather than the position one takes to be best supported by the evidence.

Our explanation also suggests some ways of reducing the epistemic costs of compromises by attempting to reduce the extent to which they undermine the epistemic progress of ethics. We want to end by tentatively suggesting one way in which this might be done.

One way to reduce the epistemic costs of compromise would be to effect a strong separation between ethical debate that is attempting to fulfil the epistemic role of ethics—that is, attempting to advance and promulgate correct moral beliefs—and debate that is attempting to play a practical, advisory role—that is attempting to directly produce good policy or practice.

If this separation could be effected, then the problem of mistakenly taking compromise positions as having evidential value could be largely avoided. We would only look to ethical debate that is in the epistemic mode when looking for testimonial evidence, and compromise would be unusual in this literature, since most reasons for compromising apply most strongly when one is in the advisory mode.

The problem of undermining commitments important to epistemic progress would also be weakened, since compromise positions that possess few epistemic virtues would be largely absent from debate that takes the epistemic mode, where high epistemic standards are most important. Compromise positions would be prevalent in debate that adopts the

advisory mode, but these positions would be less liable to be mistaken as positions defended for their (likely) correctness, and the maintenance of high epistemic standards within these debates would be less important.

How could such a separation be effected? One possibility would be to introduce conventions that ensure that epistemic and advisory ethical debate takes place in different venues. For example, certain academic journals, or parts of them, could be reserved for epistemic debate, while other publications could be set aside for policy advice. This is how things work in many other academic disciplines. For example, in a discipline like physics, the ‘original articles’ sections of academic journals generally publish only discussion that is in the epistemic mode—that is, seeking to identify correct views. When physicists engage in policy advice, this takes place in newsletters, editorial sections of journals, or government commissioned reports. Such a separation helps to prevent practically justified compromise positions from contaminating the ‘truth-seeking’ literature. This, we think, might be a fruitful route for ethics to take.