

3 Thinking Otherwise

3.1 Introduction

Moral philosophy has typically, in one way or another, made exclusive decisions about who is and who is not a legitimate moral agent and/or patient. We have, in effect, sought to determine the line dividing who or what is considered a member of the community of moral subjects from who or what remains outside. And we have done so by, as Thomas Birch (1993, 315) explains, assuming “that we can and ought to find, formulate, establish, institute in our practices, a criterion for (a proof schema of) membership in the class of beings that are moral *consideranda*.” It is, for example, no longer news that many if not most of the Western traditions of ethics have been and, in many cases, continue to be exclusively anthropocentric. At the center of mainstream Western ethical theories—irrespective of the different varieties and styles that have appeared under names like virtue ethics, consequentialism, deontologism, or care ethics—has been a common assumption and virtually unquestioned validation of the *ἄνθρωπος* (*anthropos*)—the *ἄνθρωπος* who bears a responsibility only to other beings who are like him- or herself, that is, those who are also and already members of the community of *ἄνθρωποι*. This operation, from one perspective, is entirely understandable and even justifiable insofar as ethical theory is not some transcendent Platonic form that falls fully realized from the heavens but is rather the product of a particular group of individuals, made at a specific time, and initiated in order to protect a particular set of interests. At the same time, however, these decisions have had devastating consequences for others. In other words, any and all attempts to define and determine the proper limit of *consideranda* inevitably proceed by excluding others from participation. “When it comes to

moral considerability," Birch (1993, 315) explains, "there *are*, and *ought* to be, insiders and outsiders, citizens and non-citizens (for example, slaves, barbarians, and women), 'members of the club' of *consideranda* versus the rest."

Ethics, therefore, has been and remains an exclusive undertaking. This exclusivity is fundamental, structural, and systemic. It is not accidental, contingent, or prejudicial in the usual sense of those words. And it is for this reason that little or nothing actually changes as moral theory and practices have developed and matured over time. Even when membership in the club of *consideranda* has, slowly and not without considerable resistance and struggle, been extended to some of these previously excluded others, there have remained other, apparently more fundamental and necessary exclusions. Or to put it another way, every new seemingly progressive inclusion has been made at the expense of others, who are necessarily excluded in the process. Animal rights philosophy, for instance, not only challenged the anthropocentric tradition in ethics but redefined the club of *consideranda* by taking a distinctly animo-centric approach where the qualifying criteria for inclusion in the community of moral subjects was not determined by some list of indeterminate humanlike capabilities—consciousness, rationality, free will, and so on—but the capacity to suffer, or "the ability to not be able," as Derrida (2008, 28) characterizes it.

This effort, despite its important innovations, still excludes others, most notably those nonmammalian animals situated on the lower rungs of the evolutionary ladder; other living organisms like plants and microbes; non-living natural objects including soils, rocks, and the natural environment taken as a whole; and all forms of nonnatural artifacts, technologies, and machines. And even when these excluded others—these other kinds of others—are finally admitted into the club by other "more inclusive" lists of qualifying criteria that have been proposed by other moral theories, like environmental ethics, machine ethics, or information ethics, exclusions remain. There is, it seems, always someone or something that is and must be *other*. The sequence appears to be infinite, or what Hegel (1987, 137) termed "a bad or negative infinity": "Something becomes an other; this other is itself something; therefore it likewise becomes an other, and so on *ad infinitum*" (ibid.). Ethics, therefore, appears to be unable to do without its others—not only the others who it eventually comes to recognize as Other but also those other others who remain excluded, exterior, and

marginalized. In the final analysis, ethics has been and continues to operate on the basis of a *fraternal logic*—one that defines and defends its membership by always and necessarily excluding others from participation in its exclusive and gated community.

Exclusion is certainly a problem. But inclusion, as its mere flip side and dialectical other, appears to be no less problematic. Despite the recent political and intellectual cachet that has accrued to the word, “inclusion” is not without significant ethical complications and consequences. “The inclusion of the other,” as Jürgen Habermas (1998) calls it, whether another human being, animals, the environment, machines, or something else entirely, always and inevitably runs up against the same methodological difficulties, namely the reduction of difference to the same. In order to extend the boundaries of moral agency and/or patiency to traditionally marginalized others, philosophers have argued for progressively more inclusive definitions of what qualifies someone or something for ethical consideration. “The question of considerability has been cast,” as Birch (1993, 314) explains by way of Kenneth Goodpaster, “and is still widely understood, in terms of a need for necessary and sufficient conditions which mandate practical respect for whomever or what ever fulfills them.” The anthropocentric theories, for example, situate the human at the center of ethics and admit into consideration anyone who is able to meet the basic criteria of what has been decided to constitute the human being—even if, it should be recalled, this criterion has itself been something that is arguably capricious and not entirely consistent. Animal rights philosophy focuses attention on the animal and extends consideration to any organism that meets its defining criterion of “can they suffer?” The biocentric efforts of some forms of environmental ethics go one step further in the process, defining life as the common denominator and admitting into consideration anything and everything that can be said to be alive. And ontocentrism completes the expansion of moral consideration by incorporating anything that actually exists, had existed, or potentially exists, and in this way, as Floridi (1999) claims, provides the most universal and totalizing form of an all-inclusive ethics.

All these innovations, despite their differences in focus and scope, employ a similar maneuver. That is, they redefine the center of moral consideration in order to describe progressively larger and more inclusive circles that are able to encompass a wider range of possible participants.

Although there are and will continue to be considerable disagreements about who or what should define the center and who or what is or is not included, this debate is not the problem. The problem rests in the strategy itself. In taking this particular approach, these different ethical theories endeavor to identify what is essentially the same in a phenomenal diversity of individuals. Consequently, they include others by effectively stripping away and reducing differences. This approach, although having the appearance of being increasingly more inclusive, “is rather clearly a function of imperial power mongering,” as Birch (1993, 315) describes it. For it immediately effaces the unique alterity of others and turns them into more of the same, instituting what Slavoj Žižek (1997, 161) calls the structure of the Möbius band: “At the very heart of Otherness, we encounter the other side of the Same.” In making this argument, however, it should be noted that the criticism has itself employed what it criticizes. (Or to put it another way, the articulation of what is the matter is itself already and unavoidably involved with the material of its articulation.) In focusing attention on what is essentially the same in these various forms of moral centrism, the analysis does exactly what it charges—it identifies a common feature that underlies apparent diversity and effectively reduces a multiplicity of differences to what is the same. Pointing this out, however, does not invalidate the conclusion but demonstrates, not only in what is said but also in what is done, the questionable operations that are already involved in any attempt at articulating inclusion.

Exclusion is a problem because it calls attention to and fixates on what is different despite what might be similar. Inclusion is a problem, because it emphasizes similarities at the expense of differences. Consequently, the one is the inverse of the other. They are, as Michael Heim (1998, 42) calls them, “binary brothers,” or, to put it in colloquial terms, two sides of one coin. As long as moral debate and innovation remain involved with and structured by these two possibilities, little or nothing will change. Exclusion will continue to be identified and challenged, as it has been in the discourses of moral personhood, animal rights, bioethics, and information ethics, by calls for greater inclusiveness and ethical theories that are able to accommodate these previously excluded others. At the same time, efforts to articulate inclusion will be challenged, as they have been in critical responses to these projects, as “imperial power mongering” (Birch 1993, 315) and for the reduction of difference that they had sought to respect and accommodate in the first place.

What is needed, therefore, is a third alternative that does not simply oppose exclusion by inclusion or vice versa. What is needed is an approach that is situated and oriented otherwise. In thinking otherwise, we will not be interested in taking sides or playing by the existing rules of the game. Instead we will be concerned with challenging, criticizing, and even changing the terms and conditions by which this debate has been organized, articulated, and configured. Precedent for this kind of alternative transaction can already be found in both the continental and analytic traditions. It is, for example, what poststructuralists like Jacques Derrida propose with the term “deconstruction,” and what Thomas Kuhn endeavors to articulate in his paradigm changing work *The Structure of Scientific Revolutions*. But the practice is much older. It is, for instance, evident in Immanuel Kant’s “Copernican revolution,” which sought to resolve fundamental questions in modern philosophy not by lending support to or endeavoring to prove one or the other side in the rationalist versus empiricist debate but by rewriting rules of the game (Kant 1965, Bxvi).

But thinking otherwise is even older than this innovation in modern European thought, having its proper origin in the inaugural gesture attributed to the first philosopher, Socrates. It is, as John Sallis points out, in Plato’s *Phaedo*, a dialogue that narrates among other things the final hours of Socrates’s life, that the aged philosopher remembers where it all began. “In the face of death Socrates recalls how he became what he is: how he began by following the ways of his predecessors, the ways handed down through the operation of a certain tradition, the way of that kind of wisdom called *περί φύσεως ιστορία*; how this alleged wisdom repeatedly left him adrift; and how, finally taking to the oars, he set out on a second voyage by having recourse to *λόγοι*” (Sallis 1987, 1). As long as Socrates followed the tradition he had inherited from his predecessors—asking the questions they had already determined to be important, following the methods they had prescribed as being the most effective, and evaluating the kind of evidence they would recognize as appropriate—he failed. Rather than continue on this arguably fruitless path, he decides to change course by proceeding and thinking otherwise.

3.2 Decentering the Subject

Although not a Platonist by any means or even a philosopher, the roboticist Rodney Brooks supplies one effective method for pursuing the

alternative of thinking otherwise. In *Flesh and Machines: How Robots Will Change Us*, Brooks describes, by way of an autobiographical gesture that is not unlike the one Plato has Socrates deploy, the “research heuristic” that was largely responsible for much of his success: “During my earlier years as a postdoc at MIT, and as a junior faculty member at Stanford, I had developed a heuristic in carrying out research. I would look at how everyone else was tackling a certain problem and find the core central thing that they had all agreed on so much that they never even talked about it. Then I would negate the central implicit belief and see where it led. This often turned out to be quite useful” (Brooks 2002, 37).

Following this procedure, we can say that one of the common and often unacknowledged features of the different formulations of both moral agency and patiency is the assumption that moral considerability is something that can and should be decided on the basis of individual qualities. This core assumption is clearly operational in, for example, the question of moral personhood, where the principal objective is to identify or articulate “the person-making qualities” in a way that is nonarbitrary and non-prejudicial; demonstrate how something, say, an animal or a machine, does in fact provide evidence of possessing that particular set of qualities; and establish guidelines that specify how such persons should be treated by others in the group. Even though there remain considerable disagreements about the exact qualities or criteria that should apply, what is not debated is the fact that an individual, in order to be considered a legitimate moral person, would need to achieve and demonstrate possession of the necessary and sufficient conditions for inclusion in the club. Instead of continuing in this fashion, arguing that some other individuals also clear the bar or making a case to revise the criteria of inclusion, we can proceed otherwise. Specifically, we can challenge or “negate,” which is Brook’s term, the basic assumption concerning the privileged place of the individual moral subject, arguably a product of Cartesian philosophy and the enlightenment’s obsession with the self, with a decentered and distributed understanding of moral subjectivity. We can, in effect, agree that the center always and already cannot hold and that “things fall apart” (Yeats 1922, 289; Achebe 1994).

One such alternative can be found in what F. Allan Hanson (2009, 91) calls “extended agency theory,” which is itself a kind of extension of actor-network approaches. According to Hanson, who takes what appears

to be a practical and entirely pragmatic view of things, machine responsibility is still undecided and, for that reason, one should be careful not to go too far in speculating about the issue: "Possible future development of automated systems and new ways of thinking about responsibility will spawn plausible arguments for the moral responsibility of non-human agents. For the present, however, questions about the mental qualities of robots and computers make it unwise to go this far" (ibid., 94). Instead, Hanson, following the work of Peter-Paul Verbeek (2009), suggests that this problem may be resolved by considering various theories of "joint responsibility," where "moral agency is distributed over both human and technological artifacts" (Hanson 2009, 94). This is an elaboration of the "many hands" concept that had been proposed by Helen Nissenbaum (1996) to describe the distributed nature of accountability in computerized society.

In this way, Hanson's "extended agency" introduces a kind of "cyborg moral subject" where responsibility resides not in a predefined ethical individual but in a network of relations situated between human individuals and others, including machines. For Hanson, this distributed moral responsibility moves away from the anthropocentric individualism of enlightenment thought, which divides the world into self and other, and introduces an ethics that is more in line with recent innovations in ecological thinking:

When the subject is perceived more as a verb than a noun—a way of combining different entities in different ways to engage in various activities—the distinction between Self and Other loses both clarity and significance. When human individuals realize that they do not act alone but together with other people and things in extended agencies, they are more likely to appreciate the mutual dependency of all the participants for their common well-being. The notion of joint responsibility associated with this frame of mind is more conducive than moral individualism to constructive engagement with other people, with technology, and with the environment in general. (Hanson 2009, 98)

A similar proposal is provided in David F. Channell's *The Vital Machine*. After a rather involved investigation of the collapse of the conceptual differences customarily situated between technology and organisms, Channell ends his analysis with a brief consideration of "ethics in the age of the vital machine." "No longer," Channell (1991, 146) argues, beginning with a characterization that deliberately negates the standard approach, "can the focus of the theory of ethics be the autonomous individual. No longer

can ethical judgments be based on a simple distinction between the intrinsic value of human beings and the instrumental value of technological creations. The focus of the ethics of the vital machine must be decentered." This decentering, however, does not go for all machines in all circumstances. Instead, it is contextualized in such a way as to be responsive to and responsible for differences in particular situations: "In some cases, with the use of traditional tools, the interactions may be very simple and the 'center' of ethics will be more on the side of the human, but in other cases, with the use of intelligent computers, the interactions may be quite complex and the 'center' of ethics will be more or less equally divided between the human and the machine" (ibid.). To respond to these apparent shifts in the 'center' of moral consideration, Channell proposes "a decentered ethical framework that reflects a bionic world view" (ibid., 152), what he calls "a bionic ethic" (ibid., 151).

This idea is derived from a reworking of Aldo Leopold's (1966) "land ethic." "While the land ethic of Leopold focuses on the organic, and in fact is usually interpreted as being in opposition to technology, it does provide a model for including both the organic and the mechanical into the expanding boundaries of a new ethic. In point of fact, Leopold often explained the interdependence of the biotic elements of nature in terms of engine parts or wheels and cogs" (Channell 1991, 153). Although often distinguished from technological concerns, Channell finds Leopold's land ethic to provide articulation of a moral thinking that can respect and take responsibility for nonliving objects, not only soils, waters, and rocks but also computers and other technological artifacts. For Channell, connecting the dots between these different concerns is not only a matter of metaphorical comparison—that is, the fact that nature has often been described and characterized in explicit mechanical terms—but grounded in established moral and legal precedent, that is, in the fact that "inanimate objects such as trusts, corporations, banks, and ships have long been seen by the courts as possessing rights"; the fact that some "writers have suggested that landmark buildings should be treated in a way similar to endangered species"; and the fact that "objects of artistic creation . . . have an intrinsic right to exist and be treated with respect" (ibid.).

In taking this approach, however, Channell is not arguing that inanimate objects and artifacts, like machines, should be considered the same as human beings, animals, or other living organisms. Instead, following

Leopold, he advocates a holistic ecological perspective, something that is called, borrowing a term from Richard Brautigan, “a cybernetic ecology.” “The idea of a cybernetic ecology,” Channell argues, “does not imply that machines should be given equal standing with humans or with animals, plants, rivers, or mountains. Even within nature, there is a hierarchy of living things, with some species dominant over others. A fundamental element of any ecological system is the ‘food chain.’ Throughout the environment the continued survival of one species is dependent on its being able to eat (or in more general terms transfer energy from) another part of the environment” (ibid., 154). The main issue, therefore, is figuring out where the various technological artifacts fit in the “food chain” of this “cybernetic ecology.” Although this is, for now at least, still a largely undecided issue, what Channell proposes is a much more holistic approach and understanding of the moral landscape. For him, the issue is not simply who is and who is not part of an exclusive club, but rather how the different elements of the ecology fit together and support each other in a system that includes not just “deers and pines” but also “computers and electronics” (ibid.). “Within an ecological system, all elements have some intrinsic value but because of the interdependence within the system every element also has some instrumental value for the rest of the system. Each part of the ecology has a certain degree of autonomy, but in the context of the system, each part plays some role in the control of the entire ecology” (ibid.). What Channell advocates, therefore, is a shift in perspective from a myopic Cartesian subject to a holistic ecological orientation in which each element becomes what it is as a product of the position it occupies within the whole and is granted appropriate rights and responsibilities in accordance with the functioning and continued success of the entire system.

This decentered, systems approach to deciding questions of moral considerability sounds promising, but it has problems. First, this new cybernetic holism (and it should be recalled that cybernetics, from the very beginning, was to have been a totalizing science covering both animals and machines), which leverages the land ethic of Leopold, inherits many of the problems typically associated with environmental ethics. Although it challenges and deposes the anthropocentric privilege that human beings had traditionally granted themselves in moral philosophy, it still, as Birch (1993, 315) points out, locates a center of moral concern and organizes

and regulates its system of ethics according to this new moral subject. Despite significantly challenging the anthropocentric perspective, this shift in focus is still and cannot help but be centrist. It simply redistributes what is considered to be the center of the moral universe. So for all its promise to decenter things, Channell's bionic ethic is just one more in a long line of competing and more inclusive forms of centrism. Like Floridi's IE, it is clearly more universal and more inclusive, but it is, on this account, just more of the same.

Second, there is, in all of this, a problem with subjectivity. This comes out in the final paragraph of Channell's text, where he ends on an arguably optimistic if not utopian note: "In a cybernetic ecology both technology and organic life must be intelligently conserved. The entire system might be worse off without the peregrine falcon or the snail darter, but it also might be worse off without telecommunications and much of medical technology. On the other hand we might not want to conserve nuclear weapons or dioxin, but we might also be better off if the AIDS virus became extinct. In the end, we will build a new Jerusalem only if we can find a harmony between organic life and technology" (Channell 1991, 154). What remains unanswered in this optimistic assessment is: Who or what is the subject of this passage? Who or what is marked with the pronoun "we?" Who or what speaks in this conclusive statement? If the first-person plural refers to human beings, if it addresses itself to those individual humans who read the text and share a certain language, community, and tradition, then this statement, for all its promise, seems to sneak anthropocentrism in the back door. In this way, the cybernetic ecological perspective would become just another way of articulating, preserving, and protecting what are, in the final analysis, human interests and assets. And this conclusion seems to be supported by the examples Channell provides, insofar as the AIDS virus is something that adversely affects the immune system and integrity of the human species.

It is also possible, however, that this "we" refers not to human beings but to the vital machine and the entire cybernetic ecology. But then the issue must be who or what gives Channell, presumably a human being, the right to speak on behalf of this larger community. By what right does this individual, or anyone else, for that matter, write and speak on behalf of all the members of this community—human, animal, machine,

or otherwise? Who or what grants this authority to speak, in this particular idiom, on behalf of this larger whole? This is of course the problem with any form of religious discourse, in which a particular human individual, like a prophet, or group of human beings, like a church, speaks on behalf of the divine, articulating what god wants, needs, or desires. Doing so is clearly expedient, but it is also a decisive imposition of power—what Birch (1993, 315) calls “imperial power mongering.” Consequently, if Channell’s “we” is human, it is not enough. If, however, his use of this term refers to the vital machine or the whole cybernetic ecology, it is perhaps too much. In pointing this out, my goal is not to fault Channell for getting it wrong but to point out how trying to get it right is already constrained and limited by the very system against which one struggles. Proposing an alternative, therefore, is neither simple, complete, nor beyond additional critical reflection.

An alternative thinking of decentered ethics is proposed by Johanna Zylińska (2009, 163), who advocates “a Deleuzian-influenced notion of ‘distributive and composite agency.’” This form of “distributive agency” is proposed in direct response to and as an alternative for contemporary metaethical innovations that, although critical of the anthropocentric tradition, unfortunately do not go far enough. Zylińska, for instance, argues that the apparently groundbreaking work of animal rights philosophers, like Peter Singer, succeeds in “radicalizing humanist ethics by shifting the boundaries of who counts as a ‘person’” while it “still preserves the structural principles of this ethics, with an individual person serving as the cornerstone” (ibid., 14). According to Zylińska, therefore, Singer merely remixes and modifies traditional anthropocentric ethics. He questions who or what gets to participate but ultimately preserves the basic structure and essential rules of the humanist game. In contrast, a concept of “distributive agency” recognizes and affirms the fact that an “individual person,” however that comes to be defined, is always situated in and already operating through complex networks of interacting relations.

“Human agency,” Zylińska argues with reference to the cyborg performance art of Stelarc, “does not disappear altogether from this zone of creative and contingent evolution, but it is distributed throughout a system of forces, institutions, bodies, and nodal points. This acknowledgement of agential distribution—a paradox that requires a temporarily rational and self-present self which is to undertake this realization—allows for an

enactment of a more hospitable relationship to technology than the paranoid fear of the alien other" (ibid., 172). In this way, then, "distributive and composite agency" or what Zylinska also calls an "agency of assemblages" (ibid., 163) goes beyond the "many hands" thesis of Nissenbaun, Hanson's "extended agency theory," or Channell's "bionic ethic." Whereas these other theorists advocate the decentering of agency within a network of actors, Zylinska uses this distribution as a way to develop a distinctly Levinasian-inspired form of hospitality for others—one that can remain open to a completely different and alien other. In other words, where other forms of a decentered ethics inevitably focus attention on some other center—relying on the very structural gesture and approach that they had wanted to contest in the first place—Zylinska proposes a radically decentering in which nothing is a center of moral concern but everything can potentially be subject to ethics. What makes Zylinska's decentering work is its attention to the exorbitant other and other forms of otherness. This alternative way of looking at things ultimately concerns and will need to be referred to a reformulation of the question of moral patiency. In fact, this alternative approach seems to make patiency the privileged term rather than a derived aspect of some predefined notion of moral agency. Someone or something becomes a moral agent only after first being admitted into the fraternity of moral subjects—only after and on the condition that some other is recognized as Other.

3.3 The Ethics of Social Construction

A decentered approach recognizes the way moral responsibility is often not constituted by an individual subject but instead comes to be distributed across a network of interrelated and interacting participants. But this is not the only way to proceed. Other alternatives focus not on a decentering of the moral subject by tracing its distribution within the social fabric of a network but consider how the moral subject, whether conceptualized as an agent, patient, or both, has been socially constructed, regulated, and assigned. One such alternative is advanced by Bernd Carsten Stahl under the concept of "quasi-responsibility." In the article "Responsible Computers? A Case for Ascribing Quasi-Responsibility to Computers Independent of Personhood or Agency," Stahl effectively skirts the question of agency and personhood by reformulating the entire approach: "Instead of