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Introduction: The Moral Science Project

This Festschrift honours Hartmut Kliemt on the occasion of his sixtieth birthday. Hartmut Kliemt's work covers a huge number of topics, including publications on John Rawls' theory of justice, Robert Nozick's libertarianism or James Buchanan's constitutionalism, the problems of cloning, legal punishment, state power, anarchism, the model of homo oeconomicus, game theory, the philosophy of science, ethics, the welfare state, the theory of law, rationing in health care, organ transplantation and homeopathy. At first sight this gives the impression of quite disparate interests and issues that do not seem to follow a conjoined path. A closer look, however, reveals that this is a superficial conclusion. There is a common theme in Hartmut Kliemt's work that encompasses his diverse publications and interests and once the agenda is revealed, his single works fall into place to form an impressive and coherent mosaic—however, it remains a jigsaw in which many smaller and even larger pieces of the overall picture are still missing. Happily so—for with this Festschrift we are not celebrating a man for his life work but a man at the height of his intellectual powers, curiosity, and creativity. We expect him to come up with many more pieces for the great puzzles of our world.

We used the term 'moral science' in the title of this Festschrift to denote this common theme in Hartmut Kliemt's work. The term is borrowed from a series of lectures that Hartmut has continuously developed and elaborated throughout the last 25 years. It bears the title "Modelle der Moralwissenschaft"—"Models of Moral Science". Today, it amounts to four successive courses, each lasting one semester and each obligatory for all philosophy students at the Frankfurt School. Although the individual courses now have new titles specifying their particular subject, students still refer to the series by the original name and its acronym 'MoMo'. MoMo unfolds a unique methodological outlook on the scientific investigation of human life, from individual conduct to its social organization. In essential parts, it has found a résumé in Hartmut Kliemt's recent two volume work on Philosophy and Economics (Philosophy and Economics I and II, München: Oldenbourg Verlag, 2009). The term 'moral science' as explicated in MoMo indicates, therefore, a comprehensive programmatic perspective in Hartmut's work—as a distinguished scholar and admired teacher.

‘Moral science’ refers to a unified scientific outlook on all aspects of human nature and conduct including social relationships and institutions which are to be understood as a result of individual conduct. It deals with the world of human action and interaction in all their different—empirical and normative—dimensions; it is an approach guided by a fundamental interest in practical matters of human affairs, their troubles, shortcomings and possible betterment. The systematic study of human nature and relationships has a long tradition in philosophy tracing back at least to Aristotle. But the emergence of the modern conception of science has given it a decisive twist. Hartmut Kliemt identifies Thomas Hobbes as the first one to define the project of modern ‘moral science’ and to lay its methodological foundations. The project developed and matured in the work of the Scottish moralists and found a first culmination in Hume’s theory of (moral) institutions¹ and in Adam Smith’s modern foundation of economic thought.

Kliemt identifies four basic elements of the Hobbesian project of moral science:

1. a background assumption that human action and interaction can be understood as subject to general context-independent laws;
2. methodological individualism;
3. an assumption of opportunistically rational behaviour;
4. a restriction of normative considerations to hypothetical justifications of norms.

The first element identifies the empirical foundation of moral science. In investigation of the facts of human nature and social life, moral science proceeds just as science in general does: it aims at uncovering general regularities through learning from observation and experience. Moral science thus shares the general methodology and ontology of the scientific world view. It rejects all metaphysical or theological forms of explanation. In particular, moral science denies that there is some sort of privileged access by means of a unique insight to a special realm of ‘objective’ values or norms, which could provide the basis for normative knowledge irrespective of the empirical facts of human action and interaction.

The second element paves the way for a unified approach to all different aspects and levels of human behaviour and social organisation. Methodological individualism aims at explaining social institutions and social change by showing how they arise as a result of the actions and interactions of individuals. So there is a common ground and a common methodology for all sciences that are concerned with individual behaviour and social institutions. What divides the different disciplines within moral science as a unified endeavour is not their

¹ David Hume used the term ‘moral science’ in his enquiries as opposed to the ‘abstract sciences’, which are concerned with analytical knowledge. ‘Moral science’ in this wide sense denotes the whole body of all those systematic enquiries concerned with matters of fact and existence. But, of course, his core interest in the second enquiry was in human nature and its manifestation in individual conduct and social institutions, i.e. in moral science in the narrow sense given here.

specific methodology or their characteristic way of covering laws—in this respect they all share the same common ground—but the various aspects of the great subject of individual and social life that they focus on.

While the first two elements indicate the general outlook of moral science, the last two specify essential characteristic features of moral science as determined by the peculiarities of its subject. For Hartmut Kliemt, the most important and distinctive feature of human behavior as an object of scientific enquiry is the fact that two very different perspectives on it are conceivable. If we look at it from the outside, it is like any other suitable object of empirical enquiry: a succession of events that follows law-like regularities, which, though often quite complex, we can in principle learn through experience. But from the point of view of the individual decision-makers themselves, their acts are not determined by causal or quasi-causal laws, but are rather a matter of their own choices. Of course, choices are not arbitrary or random. They are determined by the given options vis-à-vis external and internal restrictions, by the beliefs, the desires and values of the decision-making individuals. But from the internal perspective, choosing is an active process not an occurrence that happens to individuals as a regular result of the determinants of the given situation. Choice is ‘made’ rather than ‘caused’. Choosing, from this perspective, is the result of practical and, in fact, normative reasoning. Bringing something about for reasons is very different from explaining or predicting something by reference to reasons. But as choosing itself is a rule-guided and regular process, the two perspectives are intricately related. If I know the reasons motivating other persons, I can reliably explain or predict their actions.

The salient characteristic of moral science is, thus, that it possesses a special access to the regularities of its object: human behaviour. Moral theorists are not restricted to an objective explanation of human action according to behavioural laws from an external point of view, but can ascribe human choices and actions to preferences and beliefs as seen from the internal perspective of the actors themselves. The possibility to adopt a ‘participant’s point of view’—as Hartmut Kliemt calls it in adaptation of a well known term by Peter Strawson—provides the moral scientist with a special source of understanding human conduct and its regularities. Therefore, one of the most fundamental questions in moral science is what acting on reasons amounts to. It is the question of how we perceive ourselves as rationally acting animals.

The most refined and advanced theory of practical rationality today is—without doubt and despite its much discussed and obvious shortcomings—the so-called theory of Rational Choice. The Rational Choice approach to human action and interaction was unquestionably one of the main starting points on Hartmut Kliemt’s research agenda, and it still is, in some way, his intellectual homeland. As a participant’s point of view is a necessary methodological element in the descriptive and normative analysis of human behaviour according to Rational Choice, it provides a ‘natural’ connecting point to moral theory and moral reasoning. Thus, the analysis of practical rationality as explicated in Rational Choice serves as a solid foundation for Hartmut Kliemt’s investigation

and critique of modern and contemporary attempts to justify substantial conceptions of justice or political power by reference to some more or less imaginary rational consent or contract.

Hartmut Kliemt is today not only one of the most competent philosophers in the Rational Choice tradition, he is also one of the most consistent and undeviating critics of defective attempts to employ Rational Choice theory in inappropriate ways. Long before the challenge to Rational Choice theory through the compelling results of empirical research on human decision-making—in particular those relatively recent results from Behavioural Economics—became ‘common knowledge’, Hartmut Kliemt pointed out the severe difficulties and anomalies of the Rational Choice approach if the theory is understood as making straightforward empirical hypotheses about real choice-makers. While emphasizing the general value of ‘rational choice modelling’ as an analytic and heuristic tool, he has always combated any attempt to camouflage the limits of Rational Choice theory as an empirical theory of action by ad hoc assumptions and immunisation strategies as in neo-classical economics.

One of the most profound contributions to the fundamentals of Rational Choice theory by Hartmut Kliemt is his analysis of the basic capacities that this theory ascribes to rational actors. This analysis is not only based on a deep familiarity with modern Rational Choice theory, it also stems from Hartmut’s thorough knowledge of the English (and especially Scottish) philosophy of the 17th and 18th century which he identifies as the actual but often neglected origin of moral science in general and Rational Choice theorizing in particular. According to the vision of Rational Choice theory, the rational actor is principally characterised by making his choices, as Kliemt puts it, “*opportunistically rational*”. This is the third element of the Hobbesian approach to moral science.

Kliemt summarises the core of opportunistic rationality in two basic principles, both characterizing choice from a participant’s point of view. The *principle of intervention* assumes that humans have the ability to distinguish between what is and what is not a consequence of their choices; the *principle of opportunism* assumes that humans have the ability to act in view of the future consequences of their actions to achieve what they regard as an improvement of their situation. Opportunistically rational actors, therefore, exclusively choose with a view to those causal consequences, which they perceive as being under their immediate control and which are relevant for their personal interests.

While in his recent formulations of the two principles Hartmut Kliemt characterises a rational decision-making individual only by the *ability* to act opportunistically, traditional Rational Choice theory, just as its forerunner Hobbes, assumes that all action is fundamentally opportunistic. The rational actor of Rational Choice considers every act separately and distinguishes between aspects on which he exerts a causal influence and other aspects of the situation that are not causally effected by his choices. This separates each of his decisions from the past. For him, bygones are bygones, he decides consecutively in each instance, ‘forward-looking’ and always striving for the subjective best.

One of the most relevant consequences of opportunistic rationality, as Hartmut Kliemt stresses time and again, is the fact that a rational actor in this sense cannot decide to make a series of choices in a single act. He must make decisions sequentially, one at a time: Ulysses follows the sirens even though he prefers (and presumably intends) not to follow them before hearing them sing. By planning his future actions, Ulysses cannot ‘commit’ himself to future decisions: commitment cannot be produced by opportunistically rational actors—neither by the desire to commit oneself nor the rational insight that it would be desirable to do so. The rational actor of Rational Choice theory does not have commitment power.

If the principles of intervention and opportunism without exception are taken as guiding choice, conditional strategies that base actual decisions of an actor on the past behaviour of other actors such as the well-known ‘tit-for-tat’ strategy become notoriously problematic. ‘Strategies’ are to be understood as complete plans for a game. But opportunistically rational individuals have to make their decisions one by one when the time comes. Therefore, if we want to ascribe to actors the ability to choose not only acts (‘moves’) but also strategies in rational choice models, then these additional options must be taken into account explicitly as separate choices and should not be smuggled in seemingly as part of rational choice-making. The option to choose a ‘binding’ plan or to become committed must show up as part of the rules of the game, thus openly displaying a genuine ‘commitment power’.

The distinction between making a plan and making choices thus has, as Hartmut Kliemt emphasizes, far reaching consequences for Rational Choice modelling and game theoretical analysis. If a supposed faculty to commit oneself to strategies is sufficiently accounted for, this will normally change the game and its outcomes substantially. Dilemma games will typically be transformed into games which allow for better results. This throws some light on the advantages of morality, which, of course, may be understood as a mechanism providing commitment power. In contrast, the purely opportunistically rational individual, who is strictly determined by the principles of intervention and opportunism, is capable of ‘moral’ behaviour only under severe constraints. Hartmut Kliemt coined the catchy term ‘veil of insignificance’ to denote one of the most important of these restrictions: individuals in modern times are all too often acting under the condition of large numbers so that their individual actions make no difference to the overall outcome in the world at large—neither for public goods nor public bads. But in a world in which ‘individual actions do not matter’, extrinsic incentives to contribute to common goods or to avoid evils are weak. What may remain is the hope for ‘low-cost situations’ in which the opportunity costs of choosing the morally right option are so marginal that even strictly opportunistically rational individuals could follow their ‘expressive’ inclinations to present themselves at least sometimes as morally good guys.

To be sure, there is overwhelming empirical evidence that human actors indeed (at least occasionally) act ‘morally’ even if the principles of intervention and opportunism would exclude such a choice. People usually do possess inter-

nal mechanisms that provide them at least sometimes with some commitment power. As Hartmut Kliemt notes, the ability to commit oneself gives rise to—or is at least intimately related to—what traditionally has been called ‘virtues’ and actors with the option to commit themselves can become ‘trustworthy’ in a substantial sense. Such an ability can be accounted for in Rational Choice models by suitably modifying the rules of the game.

Notwithstanding, the model of opportunistic decision-making remains an ‘ideal type’ that clarifies our conception of rational decision-making and, thus, an important part of our self-image as rational individuals. But the attempt to apply this model directly to an understanding of empirical interaction inevitably leads to the insight that there is (fortunately) more to human choice than pure instrumental rationality. The ideal type of opportunistic rationality is obviously wrong as a comprehensive model of human decision-making.

Consequently, with regard to the third element of the Hobbesian approach to moral science—the assumption of opportunistic rationality—, Hartmut Kliemt is much more cautious and sophisticated than his 17th century predecessor. He endorses the concept of opportunistic rationality as an idealized framework that highlights central elements of human interaction. But he rejects the empirical assumption that all or even most human action is guided by this principle. For many years, therefore, Hartmut Kliemt has been following a more ambitious route to understanding human action and interaction, a route that, in particular, may give a reasonable account of ‘morality’. This work—mostly with his friend and long term co-author Werner Güth—is to a large extent dedicated to revealing the intricate consequences of allowing for commitment power as an ability to choose a binding strategy, using techniques of the theory of bounded rationality, evolutionary game theory and Behavioural Economics.

One of the main findings of this research programme proves that a general commitment to abide by—social or moral—rules can, under certain conditions, survive as a stable outcome in evolutionary competition. Though there is a niche for opportunism, there is also one for trustworthy individuals who are bound to rule-following behaviour. These insights on human agency and co-operation lead directly into the realm of moral theory—and, as we might say—with a lot fewer pessimistic prospects than in traditional Rational Choice theory with its picture of man confined to *homo oeconomicus*, the strictly opportunistically rational actor.

We learn from experience and theory that commitment to moral norms is possible in principle. The question remains how, and what arguments could be given from an internal point of view to factually commit oneself to these norms. As far as normative reasoning is concerned, Hartmut Kliemt resolutely sticks to the basic assumptions of the Hobbesian project of moral science. So he vehemently endorses the fourth element of this project: there is no empirically transcendent world of values and normative principles with a genuine motivating force of their own. Thus, valid normative argument has no different foundation than any other non-formal scientific argument. It must proceed from the given empirical facts of the world.

The general facts about the world, in particular the facts about human preferences, motivation, choice and action and about the social institutions that guide human behaviour, define the restrictions under which normative claims can be formulated, expressed, enforced and obeyed. All these facts are, therefore, primary subjects of moral science as a descriptive project. Some elements of value are already contained in these facts: in the form of individuals factually valuing this or that or in the form of existing institutions embodying and promoting or enforcing certain values. From the point of view of moral science this is the only way value may enter into rational deliberation: as something that is *in fact* valued. Kliemt concludes that any valid justification of moral principles and norms must refer to such facts; a valid justification of moral norms is, in principle, relative to factually held values or aims factually strived for.

The link between what is actually valued and what should be done is provided by instrumental rationality and another kind of fact: means-end relationships. If you want *A* and act *B* is the best means to realise *A*, then you should do *B*; if you value *C* and the acceptance of norm *N* will best promote *C*, then *N* should be accepted. *Hypothetical justifications*, i.e. justifications of this type, are, argues Hartmut Kliemt, ultimately the only valid justifications of norms or normative statements in general. From this point of view, any justification of a moral norm is *ad hominem*: it is addressed to a specific addressee and can claim validity only in so far as that addressee in fact shares the aims or values presupposed by the justification.

This approach seems to narrow down the scope of normative argument considerably. But, argues Kliemt, this is all that a scientific approach may warrant. Moreover, he argues, it is all we actually need. On the one hand, hypothetical justification is necessary to identify those moral principles that can in fact regulate individual and social life, on the other hand, it provides a sufficient basis for moral conduct. For if morality is to be effective, it has to motivate individuals. But that means that these individuals actually have to strive for values and aims presupposed by the moral norms. If they do not, no abstract argument whatsoever may move them to do what is allegedly morally required.

The best argument to show that hypothetical justification actually gives us a sufficient basis for moral deliberation is to demonstrate it in practice. Hartmut Kliemt has provided us with a huge selection of such demonstrations. Starting from the normative foundation of common moral institutions and widely shared moral convictions, he explores the possibilities and the restrictions given to us by morality in different social fields. His extensive work on medical ethics is a particularly impressive example of moral science going practical, demonstrating its rigidity as well as its perspectives and force.

The contributions in this volume all share in some way or other the great project of moral science as outlined by Hartmut Kliemt. The first part comprises papers that examine basic issues in moral science, such as the capabilities and limits of man as a rational animal. In the second part, contributions on economics, from economics or extensively using economic methods illustrate the practice of that discipline, which—in the eyes of Hartmut Kliemt and many

others—forms the most advanced part of moral science. The papers in the third part exemplify different and also controversial outlooks of a moral science approach to justice and rights. Finally, in the last part, contributions from practical ethics demonstrate how far moral reasoning solidly based on the facts of moral practice can get without any metaphysical backing.

As Hartmut Kliemt himself, most of the authors in this volume will be somewhat sceptical about the descriptive value of opportunistic rationality. Moreover, contrary to him, some will have doubts about the fourth element of the Hobbesian project of moral science. But they all share the conviction that there is a unified scientific approach to understanding the descriptive as well as the normative aspects of human conduct and social interaction starting from an analysis of human nature and individual agency. The project is an evolving process with ample room for further development. But the fundamental perspective on human life conveyed by moral science remains basically the same—a perspective that has been sharpened by the work of Hartmut Kliemt for more than 30 years.