

"The point is to change it"

On the inequity of ethics

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1. Introduction: The apparent paradoxical inequity of ethics

Prevalent today is the sense that academic philosophy is irrelevant to the real world and to public life; that philosophy is the paradigmatic 'ivory tower' discipline and profession, perhaps by definition concerned with the abstract and ideal and unconcerned with messy and complicated practical realities. Indeed, concern that there is a kernel of truth to this impression, and that as a philosopher, I personally needed, first, more hands-on experience with the subjects of my research, which include AI, profiling, stereotyping and discrimination; and second, a more direct means of applying my research to create positive societal change through influencing policy, law, public opinion etc. It was this desire to make a practical impact that led me — perhaps only temporarily — to abandon academic philosophy to pursue a career in law.

This chapter will focus on a particular factor contributing to the widely held sense that academic philosophy, and in particular ethics, is irrelevant to the real world and to the messy matters of public life: what I call the apparent paradox of the inequity of ethics.

(a) Ethical imperative #1: Make AI/tech ethical.

We might, for example, take big tech companies like Google, Meta and Microsoft. Only enormous tech companies like these with hundreds of billions of dollars in yearly revenue have engaged teams of experts to reflect on and implement ethical guidelines to govern their behaviour. Startups with much more limited financial resources very rarely engage such ethics teams. But this is not necessarily because super-wealthy big tech companies are 'more ethical' than smaller tech-companies. Rather, it is often because only they can

afford to engage these ethics teams, and implement the ethical guidelines that these teams develop.

And we should of course be attentive to the efficacy of and real motivations behind these initiatives by big tech companies. For example, many critics have questioned the sincerity of big tech's initiatives, accusing them of ‘ethics-washing’, or the practice of insincerely and often ostentatiously presenting oneself to the public as being concerned with ethics, without, however, doing much of substance to pursue ethical objectives. We could add the further nuance here that it might be that only big tech companies and other financially privileged actors can afford to make themselves appear ethical, which might come apart from and perhaps be more cost-effective than actually acting ethically. Other critics have noted that ethics teams have tended to be under-resourced and under-supported even in big tech companies. Finally, the fact that such ethics teams are often last hired (in robust economic periods, and after such companies have reached a high threshold level of financial security) and first fired (for example, during economic downturns) may also be indicative of big tech companies’ actual priorities regarding ethics versus, for example, profit (Belanger, 2023; Ars Technica, 2023; Criddle and Murgia, 2023; Criddle and Murgia, 2023; Field and Vanian, 2023).

(b) Ethical Imperative #2: Eat ‘ethical foods’.

As another example of this paradoxical inequity, consider the ethical food movement, and more generally the idea that it is more ethical to purchase and consume foods certified or labelled ‘fairtrade’, ‘organic’, ‘sustainably-sourced’, and so on, as well as foods that are considered healthy, as opposed to foods without the organic or other ‘ethical food’ label, or ‘junk foods’ like McDonald’s or Burger King. You might recall instances in which, at the grocery store, you were faced with a decision between purchasing a certified organic or fairtrade or sustainable food item, and a conventional, non-certified alternative that cost less. Many times — often with a pang of guilt — I’ve chosen the cheaper, ‘less ethical’ alternative because of financial constraints. Perhaps too, if you’ve made similar food-related decisions for yourself or others in which you’ve prioritised budget over ‘ethics’, you’ve experienced a similar pang of guilt and/or others’ spoken or unspoken negative judgement.

It is at least on the face of it paradoxical, however, that abilities to engage in the purportedly ‘more ethical’ behaviour of purchasing and consuming ‘ethical foods’ are inequitably distributed in favour of the financially better-off and those with fewer constraints on their

time and other resources. It is also apparently paradoxical that the capacities and resources required to competently reflect on how to make ethical food decisions are similarly inequitably distributed in favour of those with money, time and energy. For myself, I only attained a very rudimentary understanding of the ethical foods landscape after watching the lectures of a free Coursera course titled ‘Food Ethics’ (Chignell, 2024). My understanding was rudimentary in the sense that, through watching these lectures, I have only begun to understand how complex and unclear the answers are to questions about which foods are ethical and why.

(c)Ethical imperative #3: Don't be a sellout; be a public interest lawyer.

Another example of the apparent paradoxical inequity of ethics is the acute tension felt by many law students from low-income backgrounds between their need for financial security — typically gained by working for a corporate or “Big Law” firm — and their desire to become public interest lawyers — typically working for non-profit organisations or the public sector, for significantly lower pay.

Emblazoned on a highly ranked law school's public interest careers page is a quote by US Supreme Court Justice Sonia Sotomayor: ‘We educated, privileged lawyers have a professional and moral duty to represent the underrepresented in our society, to ensure that justice exists for all, both legal and economic justice.’ While I think that the vast majority of my peers certainly agree in spirit with this, many also struggle to balance this sense of duty with the practical burdens of massive student debt and feelings of responsibility to provide for their families. And for many students, I think this also involves a hard choice between pursuing their passions (for example, of working in the public interest sector) and financial security. And oftentimes the very idea of figuring out what their passion is feels like a privilege that has been and will be kept out of reach until after achieving financial solvency and security.

Such students are often faced with a choice between taking the supposedly more ethics-driven path and working in public interest law, versus working in large, private law firms where salaries are generally significantly higher. Some choose to first do their time in big law firms, where the hours tend to be long and arduous, to gain experience and pay off student loans much more quickly than they otherwise could. And, after they've attained a level of financial security, they permit themselves to turn their attention to public interest work or to figuring out what kind of work they're really passionate about. For all of us who will be making similar career choices in law and in other domains, however, I think it's clear that privilege is a hugely

significant factor — and one that can sometimes press us in conflicting directions. That must be taken into account when considering what it means to make ethical choices.

2. On equity, diversity, and inclusivity in academic philosophy

Related to the above discussion about the relationship between privilege and public interest work in the legal domain, we also need to consider the persisting fact that, although progress has been made in recent years, in the US and the UK those studying and working in academic philosophy — including those working in ethics — still disproportionately come from privileged as opposed to marginalised backgrounds with respect to socioeconomic status and, relatedly, ethnicity, gender, (dis-)ability, etc (Schwitzgebel, 2020).

For example, results from various surveys — from the UK, Australia and the US — show that philosophy undergraduates, postgraduates, faculty staff and professors are disproportionately white and male.

One reason I left academic philosophy for law school was because of increasing financial responsibilities that had become incompatible with the relatively low salary levels of philosophy professors, especially early career ones. More generally — given the lower salaries in academic philosophy compared to fields such as law, and science, technology, engineering, and mathematics (STEM); the limited available funding for graduate study in philosophy; and the time required to train as a professional philosopher — the study of philosophy, especially at the graduate level, often becomes accessible primarily to the financially privileged.

Many have already written about the implications of the skewed demography of academic philosophy (Schwitzgebel et al., 2021; Steward, 2023; De Cruz, 2018). This skew in philosophy, and here in particular in ethics, can mean analogously skewed ethical perspectives. An ethical perspective worked out by group X, for example, will often tend to focus on the particular challenges, concerns and preferences of that group, often taking away focus from the particular challenges, concerns, and preferences of other groups Y, Z, and so on. In the case of academic philosophy, given the greater average degree of financial privilege of our demographically skewed cohort of academic ethicists, there's the danger of mainstream ethics being unduly insensitive to the concerns of the less financially privileged.

Thus, these skewed ethical perspectives likely contribute to the paradoxical inequity of ethics today. That is, mainstream ethical systems, as formulated and propounded by a demographically skewed philosophical academic establishment, seems to be guilty of, among other things, being inequitable both in terms of their practicability and their theoretical accessibility. Ethical imperatives — such as defining and embodying transparency, responsibility and fairness (especially in tech companies); determining which foods are ‘ethical’ foods and consuming them accordingly; opting for public interest law over a higher-paying job at a Big Law firm; or even studying philosophical ethics to better understand and practice ethics — seem to be more easily fulfilled by those who are financially and otherwise privileged. Such ethical imperatives are also likely, justifiably, to irritate those on whom they are unsolicitedly pressed, especially if there are asymmetrical power relationships at play between the presser and pressed.

But, if we accept that there is such a paradox — that ethics today is inequitable in that those with various kinds of privilege can more easily learn how to engage in competent ethical reflection and behave ethically due to their privilege — doesn’t that undermine the legitimacy of today’s ethics? Put another way, how can an inequitable ethics be legitimate?

3. More questions (than answers?)

I’m not sure I have definitive — or even particularly good — answers to this or other questions that naturally follow from it. Such follow-up questions include: If our ethics is/are inequitable, and if all ethics are formulated by individuals with different positionalities, challenges, concerns and preferences, can we escape inequity in ethics? Or must we accept it as an intrinsic feature of any human-formulated ethical system? Moreover — and this question verges into what philosophers call ‘metaethics’ — have we assumed, and should we assume, that all ethical systems are human-made? And if we accept that all ethical systems are human-made and therefore always at least susceptible to inequity, are there still ways for us to mitigate this inequity, and in doing so, enhance the legitimacy of the ethical systems we follow?

Another related string of questions may include: to what extent, if at all, do we believe that formal (philosophical) training is necessary for engaging in the kind of competent ethical reflection that ought to shape the ethical imperatives and norms guiding our societies? Conversely, to what extent should ethical reflection be (re-)conceptualised as a democratic

activity — one that anyone can competently engage in, regardless of their personal background or level of philosophical training, including formal ethics training? Should the ethical reflections of any member of the public be deemed as just as credible as those of an ‘ethical expert’, such as a professor of philosophical ethics? And, if we (re-)conceptualise ethical reflection as the kind of ‘democratic’ activity discussed above, how do we mitigate the problem of the marginalisation of minority voices, that is, minority ethical perspectives — a problem that plagues all democratic systems?

Again, I don’t think I have answers to many of these questions. However, to respond to a few, intertwined lines of inquiry here, I can venture one minimal suggestion, which has of course already been put forth by many others: we should work to promote greater inclusivity in the composition of ethicists who shape the ethical frameworks that guide our societies. This could (and, I think, should) mean making the relevant kinds of philosophical/ethical training and employment (for example, as philosophical ethics professors) more accessible to all members of society. But this could also mean rethinking what kind of training and/or expertise competent ethical reflection requires.

4. Conclusion

To conclude, this chapter was written partly to combat the widely held view that philosophy is irrelevant to, unconcerned with, or potentially even harmful to public life, and especially to the lives of its most marginalised members. It was also written in part to grapple with personal concerns about the practical utility of philosophy and the many kinds of privilege associated with philosophy and philosophers today. These concerns are in part what motivated my move to the profession of law. In law, I hope to apply my previous philosophical work on topics like the ethics of belief, stereotyping, profiling, and algorithmic bias and discrimination through practical, legal routes to make a tangible impact in the world.

Partway through my legal studies, I am still optimistic, although by now I’ve seen that law certainly faces its own, perhaps even greater, challenges around inequity and privilege. We are left with the questions posed above, and I ask for your help in answering them. Because, at the very least, when it comes to the question of who should decide who engages in competent ethical reflection on behalf of our societies, it seems as though everyone — philosophical expert or not, lest we beg the question — deserves to have an equal say.

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