

# Posner on the uselessness of moral theory: An empirical analysis

**Andy Lamey**

Department of Philosophy, The University of Western Australia

**Kirsty Best**

School of Media, Communications and Culture, Murdoch University



Category: Research

Richard Posner has argued that teaching moral philosophy is a misguided and pointless exercise. According to Posner, ethical philosopher exaggerate the role rationality play in moral judgement. As a result, classes on moral philosophy are "useless," as they invariably fail to influence students' thoughts or behaviour. We sought to test Posner's claim by surveying students in two university units dealing with ethics. Our findings suggest that, contrary to Posner's suggestion, ethics units do in fact influence students' moral thinking, including the judgements they make about particular moral issues. The influence of ethics units on students' behaviour was smaller, lending some support to Posner's view that there is a difference between making a moral judgement and possessing sufficient motivation to act on it. However, the purpose of ethics units may not be to cause students to embrace a set program of action, but to teach them to think critically about morality. Our evidence suggests ethics units succeed at this goal, and so are not the arenas of pointless futility that Posner portrays.

---

## Introduction

In 1997 a group of American philosophers submitted a brief to the Supreme Court of the United States. The brief was an intervention in two cases involving assisted suicide, and was signed by Ronald Dworkin, Thomas Nagel, Robert Nozick, John Rawls, Thomas Scanlon and Judith Jarvis Thomson. The philosophers, all of whom are influential moral or political theorists, invoked a principle of autonomy to argue that competent individuals had a right to chose to die rather than endure a life of continuing suffering. As they put it, "deeply personal decisions pose controversial questions about how and why human life has value. In a free society, individuals must be allowed to make those decisions for themselves" (Dworkin et al 1997: 43). When the court decided the cases however, it ruled against the philosophers, and declined to legalize euthanasia. Not only that, but the justices' decision made no reference to the philosophers' brief.

What lesson should we take away from the philosophers' legal intervention and the judges' seeming reluctance to engage them in dialogue? According to the influential legal theorist Richard Posner, the episode highlights a deep-seated flaw with contemporary moral philosophy. Philosophers such as those who sought to sway the Supreme Court take it for granted that their arguments can influence other people's beliefs and behaviour. According to Posner, however, this view is mistaken. He argues that our moral beliefs are beyond the reach of abstract theoretical arguments of the type employed by philosophers. Our moral views are instead shaped by factors such as our emotions and self-interest, aspects of our identity that are impervious to philosophical analysis. As Posner summarizes his position, "people who make philosophical arguments for why we should alter our moral beliefs or behavior are wasting their time if what they want to do is alter those beliefs and the behavior the beliefs might influence. Moral intuitions neither do nor should yield to the weak arguments that are all that philosophers can bring to bear on moral issues" (Posner 1999: ix; cf. 38-42, 68-85).

Posner's analysis represents a fundamental challenge to the academic study of morality. Although his view may strike some observers as extreme, we believe it is worth taking seriously. One reason is Posner's prominence and status. As the author of almost 40 books and a founder of the law and economics movement, he is one of the most influential legal theorists now writing. Posner's iconoclastic argument also raises important questions that are rarely discussed. It

is hard to see what value the teaching of moral philosophy can have, if it makes no difference to the thoughts and actions of those who are exposed to it. Yet the transformative power of moral theory is not something moral philosophers have traditionally sought to demonstrate. Often they have simply taken it for granted that moral arguments do in fact change people's minds. This widely held assumption is worth putting to the test. Just what effect, if any, does exposure to moral philosophy actually have?

In order to partly answer this question, we administered a survey to university students.[1] We asked them to respond to a list of questions regarding the effect studying moral philosophy on their beliefs and behaviour. Our goal was to test a view which we term the Posner hypothesis: academic moral instruction makes no difference either to students' beliefs or to their actions.

Before outlining our findings, below, we set out our hypothesis and methodology. We then go on to compare the effects ethics units have on students' thinking with the effects of university units in general. Next, we discuss students' views regarding a list of particular moral subjects, before discussing some comments students provided regarding the effect ethics units had on their thinking regarding ethical subjects beyond those mentioned in the survey. We then turn to the separate question of behaviour, and analyse the effects ethics units have had on students' activities in a variety of ethical areas, such as charitable giving and volunteer work.

## **Hypothesis and methodology**

The basic idea we sought to test can be stated simply. It is Posner's claim that moral theory "is useless" (1998: ix). His argument in support of this claim comes in a strong and a weak form (1998: 3). The strong form says moral philosophy cannot exert any influence on moral judgement. The weaker argument states that even if moral theorizing can provide a foundation for moral judgement, it should not influence legal judgements. We leave to one side Posner's weak argument and focus entirely on the strong one. As Posner notes, this argument "tackles moral theory on its own terms," and applies to moral philosophy as it is taught not merely in law schools but also philosophy departments (1997: ix). Our decision to survey students is in keeping with Posner's identification of them as a group whom moral philosophers signally fail to influence (1998: 5).

Posner offers a wide variety of claims to support his conclusion regarding the futility of moral philosophy. Two of these claims influenced how we designed our survey, and so are worth mentioning. The first has to do with a distinction Posner draws between moral theory and science, particularly social science. Posner believes that theories from outside the realm of moral philosophy can transform our thinking. Examples he gives of successful and genuinely transformative theories are Darwin's theory of evolution, Weber's sociological analysis and the general study of economics (1998: 14). Posner also argues that our ethical views can be changed by new factual information. As he puts it, "if the only reason that virgins are hurled into volcanoes is to make crops grow, empirical inquiry should dislodge the practice" (1998: 22). Given Posner's distinction between moral theory and more empirical methods of inquiry, we sought to investigate whether ethics units were less transformative than other types of university units, as Posner's analysis would appear to suggest.

The second claim that influenced our survey concerns a distinction Posner draws between academic moralists and moral entrepreneurs. An academic moralist is someone who engages in abstract moral reasoning, albeit to little effect. For Posner, practically all modern philosophers who teach ethics fall into this category. Moral entrepreneurs, by contrast, are effective at changing how people think about morality. This group, which includes both Jesus Christ and Adolph Hitler, take a very different approach from that of modern ethics professors. Entrepreneurs speak to our emotions, our feelings of pity or shame or solidarity, and inspire us through such practices as the use of rhetoric or by setting an inspirational personal example. As Posner puts it, "they don't do this with arguments, at least good ones. Rather they mix appeals to self-interest with emotional appeals that bypass our rational calculating faculty and stir inarticulate feelings . . . they teach us to love or hate whom they love or hate" (Posner 1999: 42). Posner's emphasis on the role of self-interest and emotions in shaping our moral views inspired a section of our survey in which we asked respondents what role these and other factors played in their moral decision making.

Our methodology took the form of an anonymous paper survey. The students involved were enrolled in philosophy units at two different universities in Western Australia. One, the University of Western Australia, is a large public

research university, while the other, the University of Notre Dame, is a smaller private Catholic institution. At UWA the survey was filed out by 33 students in Social Ethics: Life and Death, a survey course addressing such familiar staples of contemporary ethics instruction as abortion, euthanasia and animal rights. At Notre Dame the survey was filed out by 38 students in Legal Philosophy, a survey course in jurisprudence that exposed students to a wide variety of philosophies of law, many of which touched on ethical questions (see below). In both units we asked students to indicate how many ethics-related units they had taken, with ethics units defined broadly to include not only ethics survey courses but any unit with a pronounced ethical theme, such as those dealing with legal or political philosophy, medical ethics, human nature or love and friendship. The students had taken a mean average of 3 ethics-related units, and the survey was designed to gauge the effect of any ethics-related units that a student had ever taken. Only one of our questions was written in a manner that took into account the particular unit in which the survey was being administered (see below).

In designing and carrying out our study, we were partly inspired by previous research into the ethical effects of studying economics. Such research has often been taken to show that students who are exposed to modern economic theory become less altruistic and more self-centred (Marwell and Ames 1981; Frank et al. 1993). However, this widely held belief has recently been challenged by Bruno Frey and Stephan Meier (2005). They note that while economics majors donate to charity less often than other students, this difference is evident even before they have attended their first day of university.[2] The different donation rate is thus not an "indoctrination effect" but a "selection effect," in that economics attracts people less likely to give to charity to begin with (2005: 168, 170).[3] In carrying out our own project, we sought to investigate the "indoctrination" or transformational effect of studying ethics, as distinct from any selection effect. Hence our decision to administer a survey to students, asking what effect studying ethics had on their thinking and behaviour.

Although there have been other studies on the effects of studying ethics, we are unaware of any previous research with quite the same focus and methodology. While ethics surveys and tests have often been employed by education researchers, they have tended to focus on students in disciplines such as nursing, public administration and business, rather than philosophy (Menzel 1997, Krawczyk 1997, Perryer and Jordan 2002). Research into the type of ethics instruction done in philosophy classrooms, by contrast, has tended to eschew surveys and other social scientific tools, in favour of normative investigations into which teaching style or approach works best.[4]

## **Ethics units compared to university units in general**

Several of our questions asked students if university units in general, not just units relating to ethics, had any effect on their thinking. By comparing the answers students gave to these general university questions to those regarding ethics units, we hoped to shed light on how transformative ethics-related units are compared to university units overall.

The responses to our questions about university units indicate that students are often influenced by their studies. Seventy-nine percent of students we surveyed (55 respondents) either agreed or strongly agreed that taking university units made them better listeners. Eighty-nine percent of students (62 respondents) said that taking university units provided them with better reasons for views they already held. Ninety percent (63 respondents) said university study made them more open to new ideas, beyond those discussed in class. Finally, 76% of students (53 respondents) said that taking university units caused them to sometimes or often change their mind about a topic the unit covered. By contrast, only 24% of students (17 respondents) said university units never or only rarely caused them to change their mind.[5]

These results suggest that the things students hear in class do not merely go in one ear and out the other, but have an actual effect on what they think. The transformative effect of university education seems particularly true in regard to students' receptiveness to new ideas: the high number of positive responses to this question suggests that most students do not just passively receive the ideas that are part of the curriculum, but become more open to novel concepts in general. This is consistent with the high number of respondents who said they had become better listeners, a disposition that suggests openness to unfamiliar modes of thought, and also with the equally large number of respondents who indicated some degree of belief-revision due to their university studies.

It might be thought that the very highest figure, that concerning students acquiring better reasons for views they

already held, cuts against the overall transformative trend. After all, the answers to our better reasons question might simply suggest that students engage in a process of rationalizing their firmly held conclusions, and so are not really transformed by what happens in class. Although this may be true in some cases, we believe it is more consistent with the other answers in this section to take a more positive view of students who answered yes to the better reasons question. We take the answers to this question to indicate that due to their education, students came to recognize important flaws in the original justifications for their views. In other words, students who came to embrace new reasons for their thinking are engaging in a different sort of transformation, not avoiding transformation altogether.

How transformative were ethics units compared to units in general? To answer this question, we asked students to indicate whether they strongly agreed, agreed, were neutral, disagreed or strongly disagreed with the following statements:

Taking ethics units has enabled me to give better reasons for ethical views I already held.

Taking ethics units has made me better able to spot poor ethical arguments and fallacies. I feel I am less likely to be taken in by bad ethical arguments.

Taking ethics units has helped me to identify contradictions in my ethical thinking and to make my views more consistent.

Taking ethics units has made me more open to new ethical ideas, beyond those we discussed in the units themselves.

These questions have a similar wording to the ones we asked about university units in general. The difference is that the question about becoming a better listener was replaced by one that asks students to reflect on whether ethics units have helped them to identify contradictions in their ethical views. We also asked students to respond to the following statement:

Taking ethics units has caused me to change my mind about an ethical or ethics-related subject we discussed.

Responses to this question took the form of indicating whether it was the case never, rarely, sometimes, often or always.

The results of our ethics-related questions suggest that ethics units are just as transformative as general university units. This can be seen by noting the high percentage of students who agreed or strongly agreed with the first four questions regarding possible changes brought about by ethics units:

**Table 1: Students' views about effects of ethics units**

Effect of ethics units	Agree or Strongly agree	
	No.	%
Better ethical reasons	57	80%
Spot fallacies	59	83%
Spot contradictions	57	80%
Openness to new ethical ideas	58	82%

In addition to the above, 69% of students (49 respondents) indicated that they had "sometimes" or "often" changed their mind due to taking an ethics unit. These results suggest that ethics units had a noticeable effect on students' thinking. True, the numbers were not quite as high as those regarding university units in general. But it is worth pointing out what a wide category "university units" is: it can refer to everything from a unit in ancient history to physics. These classes will often expose students to a wide range of topics, from the causes of the Peloponnesian War

to the truth or falsity of string theory, which they may never have heard of before, let alone had a position on. In the case of ethics units, by contrast, students arrive at university already holding some sort of moral view. The relatively small difference between the responses to the questions regarding general units and those dealing with ethics may thus simply be due to the lesser chance of coming in contact with completely unknown material in a class touching on ethics. Given this possibility, it would appear prudent not to make too much of the different responses, and classify general and ethics units as more or less equally transformative.

If that is the case, then it would appear we have grounds to reject Posner's claim that ethical beliefs, unlike other convictions we hold, are beyond the reach of reason. If Posner's theory were correct, we should have expected to find that students changed their mind significantly more often in general units than ethics-related ones, due to being exposed to new information or to social scientific theories. But this is not what students report. Rather students' ethical view are also influenced through academic discussion. This would appear to suggest that our ethical beliefs, rather than occupying a special category, are just as susceptible to rational scrutiny and revision as our non-ethical convictions.

### Changes regarding particular beliefs

In addition to investigating changes in students views at a general level, we also asked them to indicate whether their views on a list of given topics had been changed by taking ethics units. Students were presented with the following list and asked to tick off any subject on which their thinking had been influenced by such units:

- Abortion
- Euthanasia
- Animal rights
- Charitable giving
- Moral relativism
- The harm of death
- The nature of rights
- The existence of God
- The nature of moral character
- The ethical significance of love
- The ethical significance of gender
- Australia's status as a democracy
- Human nature as selfish or altruistic
- The ethical significance of friendship
- The relationship between morality and law

The list of subjects was partly drawn from topics covered in the units in which we administered our survey. At the time of the survey, for example, the UWA ethics unit had recently covered abortion, animal rights and the harm of death, while the nature of rights and the relationship between morality and law were major themes of the Notre Dame legal philosophy unit.[6]

Whether students said their thinking regarding a subject on our list had changed strongly correlated with whether or not the subject had been covered in the unit in which they were being surveyed. This can be seen by comparing the overall results from this section with the same results broken down according to unit.

**Table 2:** Percentage of students whose views had changed

	UWA (n=33)	Notre Dame (n=38)	Overall (n=71)
Abortion	68	37	52
The nature of rights	42	57	52
The relationship between morality and law	27	71	51

Animal rights	73	10	39
Euthanasia	33	37	35
The harm of death	58	16	35
The nature of moral character	30	39	35
Moral relativism	39	29	33
The existence of God	30	34	32
Human nature as selfish or altruistic	27	29	28
The ethical significance of love	18	29	24
Australia's status as a democracy	9	34	22
Charitable giving	33	10	21
The ethical significance of gender	3	32	18
The ethical significance of friendship	15	18	17

The results indicate that over 50% of students said their views on abortion, the nature of rights and the relationship between morality and law had been influenced in some way by ethics units. The fact that these three topics generated such high responses is no doubt due to the fact that they had recently been covered in depth in the two units in which students were surveyed. This interpretation is borne out by the extremely high response rate UWA students gave regarding animal rights, and the equally high response Notre Dame students provided regarding morality and law. UWA students heard a lecture on animal rights immediately before writing the survey, and the relationship between morality and law is a central theme of the legal philosophy unit. That students were responding to topics their units had recently covered is confirmed by the high UWA response regarding the harm of death, a slightly unusual topic with which the Social Ethics unit had commenced.[7]

Overall, these figures tell us that, at least in the short term, studying ethics makes a difference to the ethical views of students. This again would appear to call into question Posner's portrayal of ethical judgement as beyond the reach of reason. What lends added force to this consideration is the surprising number of students who said their thinking about abortion was influenced by their ethics studies. Admittedly, our question was phrased broadly, asking students if their thinking on this and the other issues had been influenced "in any way" by ethics units. Nevertheless, there is a common perception that people's views on the abortion issue is intractable and immune to criticism. Our findings, however, suggest that this common view is exaggerated, and that academic analysis can influence a person's views even on this emotional subject.

Also worthy of comment is the high number of Notre Dame law students who said their studies had influenced their understanding of the relationship between morality and law. Although the list by itself did not say exactly what form the changes took, several students' written comments addressed this question. As one student wrote, ethics related units had taught him "that morality does not always apply to law." Another student commented that her views had been changed regarding "judicial activism," a negative term for judges who decide cases according to their own moral and political convictions, rather than precedent and textual authority.

Based on these comments, we interpret the high level of responses to the morality and law question to indicate a substantial number of law students had a similar experience: they came to see morality as having less rather than more direct application to law. This is in keeping with a familiar aspect of first year law school, during which students are taught that the law and justice are two different things, and that legal questions sometimes have a complex relationship to moral ones. An awareness of this aspect of legal education suggests a different relationship between moral philosophy and law than the total opposition portrayed by Posner. This alternative relationship has been suggested by Charles Fried, a critic of Posner who is (like Posner himself) also a judge. As with Posner and our students, Fried shares the widely held concern that judges not decide cases according to their personal moral beliefs. However, unlike Posner, Fried does not defend this idea by arguing for a complete divide between morality and law. Rather he argues that there are ethical reasons for resisting judicial activism. As Fried puts it, "my own legal philosophy sets great store

by fidelity to the texts, precedents, and traditions of the legal tradition in which I work. But it does so as a matter of political morality" (Fried 1998: 1743).

This interpretation of the relationship between morality and law should cause us to recognize there is something one-sided about Posner's account. Moral theory is not necessarily antithetical to good judicial practice, and exposure to abstract moral arguments can potentially instil students with a legal philosophy similar to Fried's. That is, moral philosophy can makes future jurists less rather than more sympathetic to judicial activism.

## **Student comments**

The relationship between morality and law was only one of many topics on which students provided written comments. Overall, 89% of students (63 respondents) gave some sort of written comment. The most frequent statement was to the effect that taking ethics units had made a student a better listener or less dogmatic in his or her moral views. The following responses were typical of the overall trend:

I have become more open to opposing arguments and have less conviction in my original view. (21-year-old woman)

I find that I am more likely to reflect on an idea/argument before commenting. I am more likely to try to understand the other person's point of view before commenting. (28-year-old man)

Whereas I had fixed positions in the past, now I am more inclined to be sceptical of any fixed position and look further beyond and behind an issue before arriving at a position. (50-year-old woman)

Given that a central purpose of philosophy units is to make students less close-minded more careful and thinkers, these results are perhaps unsurprising. Here we merely point out that such response would seem to further call into question Posner's portrayal of the modern ethics classroom as an arena of pointless futility. Students' exposure to moral philosophy would instead seem to instill in them with a new capacity for critically analyzing moral concepts.

Students' comments were similar to their responses to our list of moral topics, in that they often reflected the curriculum of the unit in which they were enrolled. This was especially true of students in the UWA unit, who often listed abortion and animal rights as subjects on which an ethics units had influenced their thinking. This would at least suggest that students do not forget everything they have heard as soon as a lecture is over (much as instructors might think otherwise after marking a disappointing set of essays).

Given that the survey asked about ethics units beyond the one in which students were surveyed, we were interested to see whether students changed their mind about any topics that were neither on our list of prompts nor part of their current unit. As it turned out, UWA students did not mention any topics that met this description while 47% of Notre Dame students did. (A difference we attribute to the fact that UWA students were exposed to a wider variety of ethical topics in their unit). Unprompted topics that Notre Dame students mentioned included the death penalty, racism, the distribution of wealth, stem cell research, pornography, religion in schools and migration and terrorism issues. Although the frequency with which any individual topics was mentioned was fairly low, ranging from between two to five respondents, we took the frequency with which Notre Dame students brought up some issue beyond those mentioned in the survey to indicate that previous ethics units had exerted an influence on their moral judgment. Moreover, the issues on which they tended to change their minds were not remote or irrelevant subjects, of interest only to someone living in an Ivory Tower, but instead reflected familiar political debates in the wider society.

## **Changes to students' ethical behaviour**

In order to gauge the effect ethics units had on students' behaviour, we provided students with a series of statements regarding possible effects of studying ethics, and asked them to check off all items that were true. Our list of questions is presented below, followed by the results:

Taking ethics units has influenced something I said in a discussion with family or friends.

Taking ethics units has influenced an article or letter I published in a newspaper, magazine, campus periodical or public Web site.

Taking ethics units has influenced how much I give to charity.

Taking ethics units has influenced which charities I donate to.

Taking ethics units has influenced the amount of volunteer work I perform.

Taking ethics units has influenced my decision to join a political or advocacy organization (e.g. Amnesty International, political party, campus group, etc.).

Taking ethics units has influenced my decision to join a religious or spiritual organization.

Taking ethics units has influenced how I vote.

Taking ethics units has influenced me in becoming vegetarian.

Taking ethics units has influenced my dietary habits (free-range eggs, fair-trade coffee, etc).

**Table 3:** Percentage of students whose behaviour was influenced by ethics units

	UWA (n=33)	Notre Dame (n=38)	Overall (n=71)
Discussion	84	79	82
Dietary habits	30	16	22
Volunteer	18	21	20
Join: political	6	21	14
Charity: recipients	12	8	13
Charity: amount	15	8	11
Publication	12	8	10
Join: religious	9	3	6
Vegetarianism	9	0	4

Our results indicate that students' behaviour is sometimes influenced by ethics units. A large majority of students say their discussions with family or friends have been influenced by studying ethics. This is perhaps unsurprising, given that there is no cost or sacrifice involved in participating in a conversation. Slightly more surprising was the fact that 22 percent of students overall said their dietary habits had been influenced in some way by ethics units. Clearly a significant percentage of students regard food choices as exercising their moral judgement, and they draw on their study of ethics in making such choices. A significant number of students also said that their ethics units influenced how much volunteer work they performed. As perhaps befits an ambitious group such as law students, a fifth of Notre Dame respondents said that ethics units had influenced their decision to join a political party or similar group.

By contrast, the questions on our list that generated the lowest responses involved joining a religious organization and switching to vegetarianism. In the case of joining a religious group, the low result is perhaps unsurprising when only 40% of students expressed any religious belief to begin with. In regards to vegetarianism, it is perhaps to be expected that such a significant dietary change was not embraced by more students. Moreover, there is the possibility in the case of Notre Dame students that they have never been exposed to readings making the case for animal rights. When one focuses on UWA students, it is slightly surprising that as many as nine percent made a decision to go vegetarian partly due to taking ethics units.



Overall, we interpret the behaviour section of the survey to indicate that although students' behaviour is sometimes influenced by taking ethics units, it is not as dramatic as the changes that takes place regarding their beliefs. In that sense, we feel Posner is on stronger ground querying the effect of ethics units on behaviour compared to beliefs. Clearly, students do not undergo a behavioural transformation when they study moral philosophy. However, it is worth asking whether the purpose of an ethics unit is to transform student behaviour. No honest ethics instructor can pretend to be entirely neutral on ethical questions: we all have views on these subjects. At the same time, it is worth pointing out that the readings in the two units we surveyed often disagreed with each other. Students would read one article on an ethical subject that would be contradicted by the next week's reading. If the purpose were really to argue students into a particular view regarding abortion, the nature of rights or some other topic, such an approach would seem counterproductive. Given the frequency with which ethics units expose students to conflicting perspectives, it seems more accurate to regard the primary goal of such units to be teaching them to think for themselves. If so, then changes in behaviour of the type our survey reveals represent significant side effects, rather than a failure to achieve the unit's primary purpose. In this sense, ethics units may not be useless, even though they have less of an effect on students' behaviour than on their beliefs.

## Conclusion

Our findings give reason to doubt the Posner hypothesis. We did not uncover any evidence to suggest that studying morality in an academic context has no effect whatsoever on students' moral thinking. Instead, we found that students views on moral subjects are changed by ethics units. The changes were not as extensive as though brought about by university units in general, but this may be due to the greater unfamiliarity of some non-ethical subjects. The ethical changes that did occur suggest that our moral views are susceptible to rational scrutiny and revision, even in the case of such emotionally charged subjects as abortion. In regard to students' behaviour, less extensive changes were noted. Although the behavioural changes students did report call into question Posner's claim that moral philosophy classes never change students behaviour in any way, the influence ethics units had on students' behaviour was noticeably lower than was the case with their beliefs. This is a salutary reminder that being exposed to moral argument is not synonymous with being provided with a motivation to act on it. This is a point Posner stresses, and one our survey would appear to support (Posner 1998: 39). However, it is not clear that a fundamental goal of ethics units is to bring students around to a particular program of action or view regarding controversial moral subjects, rather than teach them to think independently and critically about moral subjects. Our findings suggest that units on moral philosophy, far from being useless, are effective in teaching students the important skill of critically analysing moral concepts.

## Endnotes

1. We say partly because a comprehensive examination of the effects of moral theory on our society would need to examine many factors beyond those investigated here.
2. Frey and Meier obtained data from the University of Zurich, where students have the option of donating to one of two charities when registering for classes. Sixty-two percent of economics majors gave to at least one charity, compared to 69% of other students. The lower giving rate among economics majors however was evident from the beginning of their first year, i.e., before they had heard their first economics lecture.
3. Frey and Meier do not speculate as to why this is, but after examining Frey and Meier's raw data, philosopher Eric Schwitzgebel noted that philosophy majors gave most often, and speculated that it may be because philosophy majors come from wealthier families (Schwitzgebel 2007). The same explanation would suggest economics may attract more students from lower incomes than other disciplines.
4. For examples, see the essays collected in Kasachkof (1998) as well as recent issues of *Teaching Philosophy*.
5. There was one missing response to our four general education questions, making the relevant sample size 70 rather than 71.
6. When we wrote the survey we were planning to also administer the survey to students in a course on *Love and*

*Friendship* at Murdoch University. The items on the list regarding the ethical significance of love, friendship and gender are taken from this unit's course outline. When we were informed that this unit treated ethical matters only in its second half we decided not to survey it until it was in its final weeks, something we still plan to do (as of this writing) in late October.

We also surveyed members of a Philosophy Café that meets monthly to discuss philosophical subjects. Several of the items on our list (concerning moral character, Australia's status as a democracy and human nature) were topics the Philosophy Café had discussed in the past six months. However, when we administered the Café survey, we received only ten usable responses, no doubt due to the heavy rain that reduced the Café turnout. This is too small a sample to make meaningful inferences from, so we leave the Café findings aside.

7. Students read an essay by Thomas Nagel which asked how death can harm us if we are no longer around to experience its negative effects. See the essay "Death" in Nagel 1979.

## References

- Dworkin, R., Nagel, T., Nozick, R., Rawls, J., Scanlon, T., and Thomson, J. (1997). "Assisted Suicide: The Philosophers' Brief." *The New York Review of Books*, March 27: pp. 41-5.
- Frank, R., Gilovich, T. and Regan, D. (1993). "Does Studying Economics Inhibit Cooperation?" *Journal of Economic Perspectives*, 7: 159-72.
- Frey, B. and Meier, S. (2005). "Selfish and Indoctrinated Economists?" *European Journal of Law and Economics*, 19: 165-171.
- Fried, C. (1998). "Philosophy Matters," *Harvard Law Review*, 111/7: 1739-50.
- Kasachkof, T. (1998). *In the Socratic Tradition: Essays on Teaching Philosophy*. Rowman & Littlefield: Lanham, Maryland.
- Krawczyk, R. (1997). "Teaching Ethics: Effect on Moral Development." *Nursing Ethics*, 4: 57-65.
- Marwell, G. and R. Ames. (1981). "Economists Free Ride. Does Anyone Else? Experiments on the Provision of Public Goods. IV", *Journal of Public Economics*, 15: 295-310.
- Menzel, D. (1997). "Teaching Ethics and Values in Public Administration: Are We Making a Difference?" *Public Administration Review*, 57: 224-230.
- Nagel, T. (1979). *Mortal Questions*. Cambridge University Press: Cambridge.
- Perryer, C and Jordan, C. (2002). "The Influence of Gender, Age, Culture and other Factors on Ethical Beliefs: A Comparative Study in Australia and Singapore." *Public Administration & Management*, 7: 367-382.
- Posner, R. (1999). *The Problematics of Moral and Legal Theory*. Harvard University Press: Cambridge, Mass.
- Schwitzgebel, E. (2007, July 19). "The Generosity of Philosophy Students." Message posted to <http://schwitzsplinters.blogspot.com/2007/07/generosity-of-philosophy-students.html>

**Authors:** Andy Lamey, Department of Philosophy, [The University of Western Australia](http://www.uwa.edu.au). Email: [amlamey@gmail.com](mailto:amlamey@gmail.com)  
Kirsty Best, School of Media, Communications and Culture, [Murdoch University](http://www.murdoch.edu.au). Email: [k.best@murdoch.edu.au](mailto:k.best@murdoch.edu.au)

**Please cite as:** Lamey, A. & Best, K. (2008). Posner on the uselessness of moral theory: An empirical analysis. In *Preparing for the graduate of 2015*. Proceedings of the 17th Annual Teaching Learning Forum, 30-31 January 2008. Perth: Curtin University of Technology. <http://otl.curtin.edu.au/tlf/tlf2008/refereed/lamey.html>

This paper was accepted as a refereed research paper. The authors elected to not proceed with publication at the time, although the paper was presented at the Forum [[Timetable](#)] . Upon receiving a request from the authors, dated 24 July 2009, Committee agreed to proceed with the publication of this paper.

Copyright 2008 Andy Lamey and Kirsty Best. The authors assign to the TL Forum and notfor profit educational institutions a non-exclusive licence to reproduce this article for personal use or for institutional teaching and learning purposes, in any format (including website mirrors), provided that the article is used and cited in accordance with the usual academic conventions.

---