

## Editorial

Albert W. Musschenga · Robert Heeger

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Normative ethical theories either take the deontic or the aretaic as basic, but seldom justify that choice and establish the logical relation between the two. Michael Stocker however, claims that not only the rightness and goodness cannot be separated, but also that we assess the rightness of the act and the goodness of the resulting situation in exact the same way. In the article that opens this last issue of volume 14, Jarek Gryz concludes, after discussing Stocker's 'sameness thesis', that no matter how close we bring deontic and aretaic notions, the gap between them will remain and any attempt to define or even explain one set of terms in another will leave something behind.

In his article, Alexander Jech draws our attention to a feature of the deontological landscape that, although a pervasive feature of our lives, has hitherto escaped notice: an important form of duty which he calls an 'open duty.' Open duties are not a third type of duty, alongside perfect and imperfect duties. This is because the distinction between those two relates to the kind of end or action enjoined by the duty, whereas the difference between an open duty and a closed duty rests not on the side of the end or action, but on that of the agent who is enjoined to act. A closed duty belongs to one or more persons, all of whom are required to act to fulfil the duty. An open duty always belongs to more than one person, not all of whose performance of the action is required to fulfil the duty. Some subset of that group of persons has to be specified despite there being no reason to prefer one subset over another.

It is well-known that decision-making is often subject to framing effects: alternative but equally informative descriptions of the same options elicit different choices. This implies that a decision-maker may consent under one description of the act to, e.g., a medical treatment or to participating in a medical trial, yet be disposed to dissent under an equally informative description of the act. Jason Hanna argues in his contribution that in such a case consent is simply irrelevant to the permissibility of proceeding. He rejects the view that people susceptible to framing are still able to give valid consent so long as they are sufficiently informed. Appeals to hypothetical consent, is, according to Hanna, likewise of little use in resolving the moral problem posed by framing effects. He concludes that if

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susceptibility to framing undermines the validity of consent, we may have good reason to reconsider whether consent has the rights-waiving function commonly attributed to it.

Luck egalitarians find that persons are responsible for the consequences of their choices. According to Mark Navin this does not apply to oppression. In his article he offers two reasons. First, people who have not been oppressed are unlikely to anticipate the ways in which their choices may lead them into oppressive conditions. Facts about systematic phenomena (like oppression) are often beyond the epistemic reach of persons who are not currently subject to such conditions, even when they possess adequate information about the particular consequences of their choices. Second, people may be (much) less responsible for remaining in oppressive conditions, even if they are responsible for entering circumstances of oppression. Oppression that results from a person's choice may cause or contribute to dramatic changes in that person, and these changes may be sufficient to undermine the person's responsibility for the results of her earlier choice.

What exactly does being subjected to coercion to an individual that makes it so hostile to his person? In his contribution, Jan-Willem van der Rijt develops an analysis of the subjective aspect of coercion whereby this hostility is explained. He argues that coercion is a form of subjugation that does more than merely limit one's freedom, it constitutes an affront to one's dignity as well. Van der Rijt develops a new account of coercion that pays particular attention to the subjectivity inherent in coercion. This account takes a middle ground in the ongoing debate between advocates of moralised and non-moralised conceptualisations of coercion. The article closes by applying this account to two prominent issues in the literature on coercion: the use of coercion claims in attempts to avoid being held responsible for one's actions, and the coerciveness of the law.

Mark Rowlands argues that, contrary to the dominant view, a Rawlsian theory of justice can legitimately be applied to animals. One of the implications of doing so, Rowlands argues, is an end to animal experimentation. Julia Tanner argues in her article, contrary to Rowlands, that under a Rawlsian theory there may be some circumstances where it is justifiable to use animals as experimental test subjects (where the individual animals are benefited by the experiments. If one applies a derivative of the difference principle, then some experiments, those that benefit the animals tested on, are not unjust. Applying the difference principle to prospective experiments would meet one of the most fundamental concerns of anti-vivisectionists (that animals are used as mere means) while also providing a principled way of making practical decisions about whether individual experiments are/are not unethical.

Some argue that same-sex marriage is not an equal rights issue because where same-sex marriage is illegal heterosexuals and homosexuals are equally entitled to marry one adult of the opposite sex, and they are equally prohibited in such societies from marrying someone of their own sex. Reginald Williams argues in the last contribution that same-sex marriage is an equal rights issue. For while individual heterosexuals and homosexuals are equally entitled to marry one adult of the opposite sex where same-sex marriage is illegal, and while such societies equally prohibit individual heterosexuals and homosexuals from marrying members of their own sex, opposite-sex couples that live where same-sex marriage is illegal enjoy an important right that same-sex couples in such societies are denied: the right to marry. Williams supports his thesis by arguing that the right to marry cannot be exercised by a single individual. It makes more sense to see it as a collective right that properly belongs to couples than as an individual right. One must exercise the right to marry with another, as part of a couple, because marriage is an institution that one can only enter with another.

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