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Wibren van der Burg

I. INTRODUCTION

In public debates about the introduction of new technologies or about legalization of abortion, euthanasia, or HIV tests, an ever-recurrent argument is the slippery slope or wedge argument. It has been invoked against the legalization of abortion, euthanasia, in vitro fertilization, DNA research, and so on. The argument does not enjoy an unqualified popularity: while popular with conservatives and demagogues, it is often feared for its rhetorical force by liberal reformers. Glanville Williams remarked that it "is the trump card of the traditionalist, because no proposal for reform, however strong the arguments in its favour, is immune from the wedge objection. In fact the stronger the argument in favor of a reform, the more likely it is that the traditionalist will take the wedge objection—it is then the only one he has."[1]

The basic structure of the argument is rather simple: if we allow A, B will necessarily or very likely follow (for A and B we can fill in certain acts or practices like euthanasia); B is morally not acceptable; therefore, we must not allow A either. Sometimes a further requirement is added: that A is in itself morally neutral or even justifiable.[2] This does not seem to me a useful qualification: often the question is precisely whether A is justifiable, because the proposed principles that seem to justify A would justify B as well, and might therefore not be sound after all.

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1. Glanville Williams, "Euthanasia Legislation: A Rejoinder to the Nonreligious Objections," *Minnesota Law Review,* vol. 43 (1958), reprinted in *Biomedical Ethics,* ed. Thomas A. Mappes and Jane S. Zembaty (New York: McGraw-Hill, 1986), p. 426.

2. Compare I. de Beaufort, "Op weg naar het einde?" in *Euthanasie: Knelpunten in een discussie,* ed. G. A. van der Wal (Baarn: Ambo, 1987), p. 1.

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Usually two different versions of the argument are distinguished: the logical (or conceptual) version and the empirical (or psychological) version. The logical form of the argument holds that we are logically committed to allow B once we have allowed A. The empirical form tells us that the effect of accepting A will be that, as a result of psychological and social processes, we sooner or later will accept B. Inez de Beaufort distinguishes a third version which is philosophically uninteresting: the apocalyptical slippery slope. A horrible situation is sketched, which of course nobody would want but which is so highly speculative that the cogency of the argument—insofar as it exists—depends more upon the horror than upon the likelihood. This seems to be the (rhetorical) version most frequently used in political debate. The history of the Nazis offers many highly demagogic but unsound references for this "Doomsday Argument," as Stich has called it.[3]

However, there are no generally accepted exact formulations of the argument. There are at least two different interpretations of the logical form, whereas the empirical version is usually stated so vaguely that it remains unclear how exactly the dreaded result would be produced.

In this article I will try to clarify the different forms of the slippery slope argument and identify the situations in which they might produce a valid argument. I will do this by concentrating on two central questions which, however, have never been explicitly posed. The first question which has to be answered is, In the context of what kind of norms are we considering allowing A? Is it the context of law or that of morality? And if morality, is it positive morality or critical morality? Are the different versions of the slippery slope argument equally valid in each of these contexts, or are they only valid in some of them? This is the question with which we will deal in the first half of the article (Secs. II–IV). Using the distinctions made by H. L. A. Hart, I will distinguish between law, positive morality (the morality actually accepted and shared by a given social group or society, also to be called popular or social morality), and critical morality (the general moral principles used in the criticism of actual social institutions including positive morality).[4] Thus we can identify which forms of the slippery slope argument might apply to each of these types of norms.

3. See de Beaufort, p. 11; Stephen P. Stich, "The Recombinant DNA Debate," in *Contemporary Issues in Bioethics,* ed. Tom L. Beauchamp and LeRoy Walters, 2d ed. (Belmont, Calif.: Wadsworth, 1982), p. 591; John Harris, *The Value of Life* (London: Routledge & Kegan Paul, 1985), p. 36; James Rachels, *The End of Life* (Oxford: Oxford University Press, 1986), pp. 175–78.

4. See H. L. A. Hart, *Law, Liberty, and Morality* (London: Oxford University Press, 1963), p. 20. I introduce this distinction for analytical purposes, without supposing anything like clear barriers between the different types of norms.

The second question is, What is meant by saying, "If we allow A?" Who is it that allows, and what exactly constitutes "allowing"? This problem will be dealt with in Section V. The combination of this analysis with the preceding one will bring us to the conclusion that the slippery slope argument's greatest force is in a context of institutionalized norms, especially of law, whereas its importance in morality proper is only marginal. In the closing section, then, I will pursue the implications this conclusion has for the role of the argument in ethical and political debates.

II. THE LOGICAL VERSIONS

Curiously, it has seldom been explicitly noticed that we cannot talk of *the* logical version of the slippery slope. There are at least two different reasonable interpretations. The first one—I will call it L_1—says that there is either no relevant conceptual difference between A and B, or that the justification for A also applies to B, and therefore acceptance of A will logically imply acceptance of B. "A justification offered for one sort of act that strikes us as right may have logical implications for the justification of another sort of act that strikes us as wrong."[5] A good example of this version of the argument may be found in the debate on severely handicapped newborns. In a controversial article in the *Journal of Medical Ethics,* Campbell and Duff proposed a policy of selective nontreatment.[6] This proposal was attacked by Richard Sherlock for two reasons: first, because they did not present more than vague criteria to distinguish nontreatment of newborns (A) from nontreatment of older children (B) and second, because if there is a justification for A there is even better justification for B.[7]

The second version, to be named L_2 hereafter, holds that there is a difference between A and B but that there is no such difference between A and *m*, *m* and *n*, . . . *y* and *z*, *z* and B, and that therefore, allowing A will in the end imply the acceptance of B.[8] There may seem to be a clear distinction between abortion of a three-month-old fetus and killing a newborn child, but this distinction collapses as soon as we realize there is no such distinction between a three-month-old

5. Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics,* 2d ed. (New York: Oxford University Press, 1983), p. 120.

6. A. G. M. Campbell and R. S. Duff, "Deciding the Care of Severely Malformed or Dying Infants," *Journal of Medical Ethics* 5 (1979): 65–67.

7. Richard Sherlock, "Selective Non-Treatment of Newborns," *Journal of Medical Ethics* 5 (1979): 139–40. The response by Campbell and Duff is quite frank: they admit that they would think B justifiable as well (A. G. M. Campbell and R. S. Duff, "Authors' Response to Richard Sherlock's Commentary," *Journal of Medical Ethics* 5 [1979]: 141–42).

8. For this interpretation, see, e.g., Bernard Williams, "Which Slopes Are Slippery?" in *Moral Dilemmas in Modern Medicine,* ed. Michael Lockwood (Oxford: Oxford University Press, 1985), pp. 126–37.

fetus and a three-month-and-one-day-old fetus, etc. Version L_2 is usually stated in a way which makes it include L_1, by saying that there may be a difference. I will, for analytical purposes, deal with them as two mutually exclusive arguments: L_2 holds that there is a difference between A and B, whereas L_1 does not.

There are two possible interpretations of L_2. It may be an implication within deontic logic: allowing A logically implies allowing *m,* and so on. But, as will become clear later, this usually, though not always, is a fallacy, namely, the fallacy of the heap. ("If one grain is not a heap and one more cannot make the difference, there can never be a heap.") The more interesting interpretation is that we must see it as a weaker kind of implication in the logic of belief. If one believes that A is allowed, one cannot but believe that *m* is allowed, and so on. In this interpretation, it is not so much a question of pure logic but of the criteria for justified beliefs.[9]

These two forms of the logical slippery slope argument need not apply in the same type of situations. In this section I will analyze whether these two logical varieties are valid arguments in the context of norms of critical morality, positive morality, and law, respectively.

A. Critical Morality

Let us begin with critical morality. Version L_1 clearly has great force there. Whether it must be regarded as derived from the principle of universalizability or as a simple consistency requirement we can postpone for a while.[10] But universalizability and consistency are without doubt important criteria in critical morality. Whenever it is demonstrated that there are no relevant differences between A and B and that B is clearly morally wrong, this is a valid and conclusive reason to reject A as well.

Version L_2, however, is a different case. The problem is not whether there is a difference between A and B—there is—but that there is no nonarbitrary cut-off point on the continuum between them. This can be called the gray zone problem. We know B is black and A white, but we cannot tell where A stops and B begins. This is a serious problem, but it need not trouble us as an argument against A. As an argument against accepting A in critical morality, it clearly is a fallacy.[11]

For it is essential to the gray zone that we do not have conclusive reasons for seeing it as either A or B: when we do not want it to be a category of its own, gray can be seen both as black and as white. But then every choice for a line within the gray zone, though arbitrary,

9. Compare Vincent Brümmer, *Theology and Philosophical Inquiry: An Introduction* (London: MacMillan, 1981), pp. 191 ff.

10. Compare Beauchamp and Childress, p. 120.

11. For an analogous conclusion, see Jonathan Glover, *Causing Death and Saving Lives* (Harmondsworth: Penguin, 1977), p. 166; de Beaufort, p. 14.

is a reasonable one. It is reasonable simply because a line has to be drawn, even though there are no conclusive reasons for this special line. Of course, when dealing with particular problems, this is not very satisfactory, for it might result in an inconsistent or shifting pattern of decisions within the gray zone, and this is a good reason for trying to find less vague criteria or other ways to limit the gray zone. But no logic of moral reasoning compels us to go beyond the gray zone and regard cases clearly belonging to B as justifiable. The conclusion is that in critical morality we can safely dismiss L_2 as invalid.

B. Positive Morality

When we discuss positive morality, a social phenomenon, it seems difficult to make sense of the logical arguments. For what is the role of logic in the context of social phenomena? However, there is one interpretation that does make some sense. We might construe the logical arguments in this context as saying something about the moral beliefs which a person or a group has. If one sincerely believes that A should be allowed, and if one has a certain intellectual integrity, one might feel logically forced to allow B as well. This is more an indirect point of logic than a direct one. It assumes that moral agents strive for a logical consistency of their moral beliefs and that for this reason they might feel compelled to change their attitude toward B once they have accepted A. This need not be a conscious decision; more likely, it will be a gradual process.

But the question then is whether a community can be logically forced to allow B. Positive moralities are seldom or never logically consistent, even when we take the morality of a very coherent community or of one person. Moralities usually consist of many contradictory positions. And logic tells us that from an inconsistent set of premises it is logically possible to deduce every position one wants. One thus might both infer the acceptance and the prohibition of B from the positive morality that allows A. Therefore, it seems nonsense to talk of "being logically forced."

However, this victory seems too easy. For should we really give so much weight to this inconsistency? Cannot we say that the positive morality, even when inconsistent, at least usually points in a certain direction? Though the group, strictly speaking, may not be logically forced, it may feel so. The distinction between deontic logic and logic of belief may clarify this. Whereas deontic logic does not produce a clear conclusion here, we may say that an individual who does not want to sacrifice his intellectual integrity may feel logically forced to allow B as well (and the same can be said for the individuals composing a group). Though the individual may be aware that he holds some inconsistent beliefs, he may be convinced that, unless he has very strong reasons to stick to both of the inconsistent opinions, he should

change the weaker of these opinions to make his total set of beliefs more consistent. If he strongly believes that A should be allowed and only has a weak objection against B, he should for reasons of consistency change his opinions about B.

I will make two comments here. The first is that this would involve a balancing of the weights of these different positions to say which is the strongest. For it does not help to say that there are three rules in favor of B and only one contra, if we do not know which one is the strongest. When the rule contra is a very important one (say, Do not kill) and the three pros are rather insignificant ones (such as, Do not walk over someone's property), perhaps the smallest number of rules should prevail.[12] At least logic by itself does not clearly point in one direction.

My second point is that while logic might compel us in a discussion regarding critical morality, it need not in a positive morality. A positive morality is based on the opinions of the members of the community, and it is not impossible that while "logic" points in one direction, the community's ideas point in another one. There may be a strong logical point against slavery in a democratic society, but nevertheless the southern states of the United States before the Civil War did not accept this point. So the conclusion must be that it depends on the group which accepts the positive morality as to whether logic has any force at all. Even if the group in most cases yields to the logic of its own opinions, it may be strongly convinced that this would be wrong in this case and construe some rationalizations justifying the apparent inconsistent positions. To say it more simply: it depends upon the empirical factors which are relevant in the empirical slippery slope argument.

The distinction Bernard Williams makes between a reasonable and an effective distinction may be helpful here.[13] A reasonable distinction is one for which there is a decent argument, while an effective distinction is one that, as a matter of social or psychological fact, can be effectively defended. A reasonable distinction need not be an effective one and vice versa.

What the logical version says is that there are no reasonable distinctions, either between A and B (L_1) or between the intermediate positions on the continuum between A and B (L_2). The fact that possible distinctions are not reasonable does not imply that there are no effective distinctions. Distinctions based on prejudice, for example,

12. An additional argument would be that reasoning in such a way assumes an extremely legalistic position: it must suppose a special, even ontological, status for moral rules. Compare Judith N. Shklar, *Legalism: Law, Morals and Political Trials* (1964; reprint, Cambridge, Mass.: Harvard University Press, 1978) for a critique on this position.

13. B. Williams, p. 127.

may be unreasonable but highly effective. Distinctions which are reasonable may be very ineffective.

It seems to me that the distinction between HIV tests and genetic tests has had this characteristic of an unreasonable but effective distinction for some time. The fact that in the early 1980s AIDS hit almost exclusively gays, blacks, and drug addicts—groups which are not held in great esteem by large groups in the population—caused an extreme lack of public concern about discrimination of seropositives and AIDS patients and about the use of HIV tests. Because AIDS and HIV infection hit mainly stigmatized groups, there was a very effective barrier against those discriminatory tendencies spreading to other persons, like carriers of genetic diseases. This example shows, however, that what may seem to be an effective barrier may not remain so. As AIDS spread through the "general" population, the barrier grew ineffective, and the precedent of AIDS-related discrimination threatened to spread along to other groups and fields.

We must grant, nevertheless, that in social processes the logical arguments may be important factors. The fact that a distinction is unreasonable may sometimes make it more difficult to defend it effectively. But whether the arguments do have this force clearly depends on empirical processes and should therefore be discussed in the context of the empirical argument. Therefore, in the context of positive morality, the logical arguments do not have an independent significance.

C. Law

When discussing law we should distinguish the two main sources of legal norms: statute and precedent. For, as we will see, they obey a different logic.

With respect to proposed acts of legislation, the logical slippery slopes are not valid arguments. Legislation often dictates arbitrary limits. There is no essential distinction between 30 mph and 31. Yet legal logic does not lead us toward accepting 31 mph as the speed limit. When the statute formulates clear limits, there need be no fear that we are logically committed to go down a slippery slope. So L_2 is invalid.

It may be different when the new law is vague and, while it is meant to allow only A, could be interpreted so that B is also allowed. Then there is a margin of discretion resulting from the vague text of the statute itself. Within that margin there might be a slippery slope process in the judicial interpretation of the statute. Thus vague statutes may give way to a slide down the slope by the judiciary.

With respect to the legislature, however, this is not a slippery slope argument but simply an argument against vagueness of statutes, which we usually should try to avoid anyhow, as a matter of good legislation. (This is correct, of course, unless the legislature as a matter

of policy wants to delegate the further refinement of the basic principles laid down in the statute to the judiciary. But this policy is only justified when the legislature judges the risk of a slippery slope in the judicial interpretation less important than the need to fine-tune the legal rules.) Legislation posing arbitrary limits can be a good instrument against this kind of judicial slippery slope. If law makes it illegal to drive a car while, as a result of alcohol abuse, one's driving capacities are seriously impaired, this will be a constant source of controversy and slippery slopes (both uphill and downhill, for that matter). But once the legislation prohibits driving with more than 0.5 pro mille alcohol in one's blood, this problem is solved, and the risk of a slippery slope has been effectively counteracted.

The appeal to consistency or universalizability in the justification of legislation (L_1) may have a certain force in discussions on legislation, but this depends on the political situation. Legislation usually reflects popular morality in important respects, and like popular morality its justifications may therefore be inconsistent—the more so, because law usually reflects a great many different popular moralities and compromises between them. Moreover, as statutes are usually inspired by considerations of policy and efficiency and are the result of compromises between opposing groups, distinctions that would seem trivial and irrelevant in critical morality can often be legitimate in the context of legislation. Therefore, L_1, though in a strict sense not invalid, has almost no scope in the context of legislation.

Both logical forms have a different force in adjudication. There are three reasons for this. First, adjudication is more akin to critical moral reasoning than is legislation and less akin and responsive to popular morality than legislation. Therefore, criteria of universalizability and consistency have much greater impact. Second, according to Ronald Dworkin, adjudication should be (and is) less based upon considerations of policy and political compromise and more upon arguments of principle, and is in this respect also more akin to critical morality.[14] Or, if one prefers a more positivistic view, the range in which judges have discretion is much smaller than the range in which legislatures have discretion to change laws. So there are more cases in which judges are bound to consistency with "existing law" and relatively few cases in which a judge may feel free to act as a deputy legislator. These two facts give version L_1 some force in adjudication.

The third reason is especially relevant to the L_2 argument. Adjudication deals with problems case by case. Step-by-step adjustment is a very common method of change in adjudication. Instead of bringing about a major change in the law by one bold stroke, as a legislature

14. Compare Ronald Dworkin, *A Matter of Principle?* (Cambridge, Mass.: Harvard University Press, 1985).

might do, judges often prefer to reach the same result in a great number of often almost unnoticeable steps. An in itself acceptable deviation, A, from the "existing law" might therefore be the forerunner of a series of such little steps toward an unacceptable position, B.

This gradual process toward the acceptance of B usually will not be the intention of the judge who accepts A. That judge may think there is a clear distinction between A and B and that the principles which justify A do not justify B. But the acceptance of A creates a new precedent, and therefore the legal situation for the judge deciding on *m* is no longer the same as the situation for the judge who accepted A. Precedent has a certain gravitational force, as Ronald Dworkin calls it.[15] The very fact of the new decision may be a reason for a similar decision concerning *m,* and then concerning *n,* and so on until B. Moreover, during this process, not only the law concerning these specific cases is developing. Sometimes the opinions of the judges about the legal justification of A and *m* will change as well. Thus the legal principles which originally justified A but did not justify B may, by the different judges deciding the cases, be continuously amended during the process, so that in the end B seems legally justifiable as well. A nice analogy is given by Bernard Williams when he discusses the false Vermeers by Van Meegeren. Every new Van Meegeren attributed to Vermeer changed the perception about the characteristics of a Vermeer. In the end paintings were attributed to Vermeer which earlier in the process never would have been accepted as Vermeers.[16]

This process will be reinforced by the fact that the judicial system does not consist of only one Dworkinian judge, named Hercules. It may be possible theoretically to distinguish between A and B upon different grounds. Different judges will hold different theories about the correct ground for the distinction. But they have to accept each other's decisions as part of the law. This may be illustrated as follows. Judge X may think that *n* and B are similar and that the line should be drawn between *m* and *n,* while Judge Y thinks that the line should be drawn between *n* and B. If Judge Y upon this basis has accepted *n,* then Judge X, respecting the precedent created by Y, will make the further step toward the acceptance of B. Though neither Judge X nor Judge Y would have made the step from A to B directly, their combined activity leads to the acceptance of B.

So while L_2 is a fallacy in critical morality and often can be effectively countered by legislation, it is a very forceful argument in adjudication. There might seem to be a parallel here with my discussion of positive morality. There I concluded that it is an empirical question whether

15. Ronald Dworkin, *Taking Rights Seriously* (Cambridge, Mass.: Harvard University Press, 1977), p. 113.

16. B. Williams, p. 132.

or not the logical arguments hold some force. But here I come to a different conclusion. The reason is that consistency and universalizability requirements are institutionalized in the legislative and adjudicative processes. This is different in positive morality—a person will sometimes refuse to act consistently, simply because he "feels" there is something wrong in doing B.[17] In legislation and adjudication this is not allowed: politicians and judges must be able to justify their decisions in a more rational way. There should at least be some reasonable distinction. The difference between the two is that in legislation an almost trivial distinction may be reasonable, while the criteria for reasonable distinctions in adjudication are more stringent.

III. THE EMPIRICAL SLIPPERY SLOPE

The empirical version argues that allowing A, and especially doing A, will ultimately cause the acceptance of B. The causal processes suggested vary from changes in the attitude of doctors practicing euthanasia toward killing, to a general shift in the ethos of a society.

At first sight it may seem as if the empirical version is completely irrelevant to a critical morality: social or psychological processes cannot determine the validity of moral norms. Acceptance of A may have logical implications for the acceptance of B, but there can be no influence via this empirical detour.

There is a snake in the grass here, however. For a purely deductivist morality the empirical slippery slope argument is irrelevant indeed. But how about neo-intuitionist theories in which intuitions have a legitimate role in determining critical morality? In the method of reflective equilibrium, as proposed by John Rawls and Norman Daniels, critical morality is construed as an interplay between considered judgments (intuitions) and more abstract principles.[18] It does seem quite plausible that a change in someone's moral opinions on one point (especially when leading to a change in moral practice) might in the long run also influence other moral opinions: some intuitions might change or at least be weakened, and this could result in a change in the reflective equilibrium. Consequently, in the future one perhaps will accept what seems now completely reprehensible. In that sense there is a slippery slope indeed. This problem is an inevitable consequence of the general neo-intuitionist position. The neo-intuitionist introduces elements of positive morality into his critical morality.

17. On this difference, cf. Stuart Hampshire, "Public and Private Morality," in *Public and Private Morality,* ed. Stuart Hampshire (Cambridge: Cambridge University Press, 1980), pp. 23–53.

18. Compare John Rawls, *A Theory of Justice* (1972; reprint, Oxford: Oxford University Press, 1978); and N. Daniels, "Wide Reflective Equilibrium and Theory Acceptance in Ethics," *Journal of Philosophy* 76 (1979): 256–82.

But should we call this a slippery slope? The notion of a slippery slope presumes that our current opinions about the wrongness of B are correct. But that is exactly what a neo-intuitionist might question. Intuitions are not indubitable. The neo-intuitionist will realize that her intuitions are partly historically and socially determined and therefore will accept that empirical influence on her future opinions cannot be an argument against the first move in a certain direction as long as this move in itself appears to be correct.

The conclusion can be that even in a neo-intuitionist theory the empirical slippery slope is not a valid argument against allowing A. Therefore we can safely dismiss the empirical version as far as critical morality is concerned.

In positive morality the ground for the empirical argument seems much more firm. As we already noticed in our discussion of neo-intuitionism, there is an interaction between a society's moral opinions and its social practices, such that a change in moral opinion and especially in moral practice on one point may result in changes in moral opinion and practice on other points. The allegation that practicing euthanasia will result in a diminished respect for human life may be understood as a hypothesis about social processes. Whether this in fact is plausible is a different, empirical, question. This question, on which the ethical debate usually focuses, will be considered later. For now, we can conclude that, theoretically speaking, this type of argument can be valid.

Law resembles positive morality in this respect. There is, in our type of society, a clear interaction between legal norms, moral norms, and social practice. We can understand the following hypothesis, even if we do not consider it empirically sound: "Legalization of abortion might lead to a diminished respect for life, and this in turn might lead to a more positive attitude toward killing handicapped newborns, which in the end might result in a shift in legal norms on the latter subject."[19] A change of law might indeed be the first step on the empirical slippery slope.

We should make a distinction between legislation and adjudication here as well, though only a difference in emphasis. The moral opinions of the community are usually more directly represented by the elected legislature than by the life-appointed judiciary. (Of course, this only holds when judicial power is not vested in elected judges or in juries.

19. I doubt whether this in our Western societies is really a plausible connection, but that does not matter here. Theoretically it is not completely implausible that such a causal chain might exist in a certain society, and that is all we need establish here. See also the discussion between Hare and Rachels: R. M. Hare, "Medical Ethics: Can the Moral Philosopher Help?" in *Philosophical Medical Ethics: Its Nature and Significance,* ed. S. F. Spicker and H. T. Engelhardt (Dordrecht: Reidel, 1977), pp. 49–61, esp. p. 53; and James Rachels, "Medical Ethics and the Rule against Killing: Comments on Professor Hare's Paper," in Spicker and Engelhardt, eds., pp. 63–69, esp. pp. 65–66.

But even in countries like the United States where this is only partly so, the higher courts, at least, consist of judges appointed for life.) Therefore, new steps on the slope are more likely to be taken by legislature than by judges. An opposite tendency, however, is that creating a statute, especially in a multiparty coalition system, costs more time, energy, and willingness to compromise than does creating a new precedent. There is a built-in conservative bias in legislation.

Judicial reasoning has a greater affinity with moral reasoning in critical morality and therefore will less soon yield to pressures from public opinion, when that opinion is not supported by principled arguments. But even the judiciary in the end is responsive to society (be it only by new appointments), so this is no more than a minor difference here. We may conclude that in law the empirical version may be valid, though its relevance may be greater in the context of adjudication than in the context of legislation.

IV. INTERIM CONCLUSIONS

So far we have dealt with the first question: What type of norms will be influenced by the decision, and which versions of the argument are relevant to these different types? The results can be shown nicely in the following matrix. The columns show the different types of norms; the rows, the different types of slippery slope argument; −− = invalid or irrelevant; −/+ = sometimes valid and relevant; +/− = more often valid and relevant; ++ = valid.

	Critical Morality	Positive Morality	Statute	Precedent
L_1	++	−−	−/+	+/−
L_2	−−	−−	−−	++
Empirical	−−	++	+/−	−/+

We can draw a number of preliminary conclusions from this. The first, very obvious, one is that in critical morality only the logical L_1 argument is acceptable, while in positive morality only the empirical argument may be valid.

The law has an intermediate position on these two versions. Because law has an orientation both toward positive and toward critical morality, it gives both arguments some standing, though the importance is less than the importance they have in the respective fields of morality.

The most striking conclusion, however, is the opposite stance for statute and precedent with respect to the second logical argument. Precedent is highly vulnerable to this argument, whereas statutes may even form an explicit and safe barrier against it. For most lawyers this conclusion will confirm their experience. A legislator makes rules, changing them in an all-or-nothing fashion, while a judge may try a

more experimental approach, be it sometimes of the Echternach-type procession (three steps forward and two backward).

This conclusion has some implications for the best policy in legal reform. Sometimes, when legalization of certain activities is being considered, a certain consensus exists (at least between the relevant groups) about some relatively clear new criteria and norms. In such a situation it is desirable to incorporate these in a statute and thus prevent a slippery slope. In other cases there is not yet a clear consensus about the exact criteria and norms to be formulated. Then the problem can best be tackled case by case, and the judge seems better equipped to do this. Clear rules will then crystallize as the result of judicial experimentation: judges can respond to new exigencies and to the critique from the legal and the public forum on their decisions. Only after this process has resulted in clear guidelines is it useful to lay them down in a statute.

In fact, this has been the course of events regarding euthanasia in the Netherlands for the past twenty years.[20] There was a growing consensus that the existing rules had to be changed but no exact idea of the new limits. In response to this situation, judges have tried to decide the cases brought before them, listening to public discussion and responding by sometimes broadening previous decisions, sometimes retreating. The result has been a consistent and well-defensible law of precedent on euthanasia, which is accepted by large proportions of Dutch society. The result seems much more acceptable and, from a principled point of view, better justifiable than it would have been, had somewhere in the process a political compromise resulted in legislation.

Such a situation is not one of a slippery slope, however, but only a situation of uncertainty. It has been called by Inez de Beaufort "a winding road": one knows the first steps to go, but not whether one wants to travel the whole road, because from the position where one is now, one cannot see the full length of the road.[21] Perhaps sooner or later the road will go down steeply, but we do not know, and if it does, we can always stop in time, provided we walk carefully. To return from this metaphor back to reality: provided we act carefully, we need not refrain from allowing A if we now regard it justifiable, only because there is a theoretical possibility that in the future this step might, through a series of further steps we need not take, lead to B.

V. WHAT DOES IT MEAN TO ALLOW A?

We now come to the second part of this article. In the ethical debate so far there has been a curiously naive use of expressions such as "If

20. On this subject, see J. K. M. Gevers, "Legal Developments concerning Active Euthanasia on Request in the Netherlands," *Bioethics* 1 (1987): 156–62.

21. De Beaufort, p. 30.

we allow A." Of course, other expressions are used, such as "accept," "approve of," "support," or "introduce into society a rule permitting." Sometimes the argument focuses on prohibiting an action instead of allowing it. ("If the government forbids the exhibition of Robert Mapplethorpe's photographs, we will end up forbidding the exhibition of Michelangelo's David.") But these differences may be ignored here because the argument would hold for all these varieties as well. There is a relevant difference, nevertheless, between "allowing A," etc., on the one hand, and "do A," "practice A," etc., on the other hand. I will discuss this later.

It remains vague what exactly is meant by these expressions. Who is the "we," and what constitutes an act of allowing? In this section I will try to answer this question of meaning. I will try to find correct interpretations in the three normative contexts I have distinguished, and see what these interpretations imply for the different versions of the argument.

We will begin with a preliminary point. In the context of the slippery slope arguments, "allowing A" must imply a change in the status quo, or otherwise it cannot be a first step on the slippery slope. This can either mean that A was hitherto (explicitly or implicitly) forbidden or that A is a new case, not yet explicitly dealt with by moral or legal norms. An example of the first type is the legal permission of abortion (until then illegal) under certain conditions; an example of the second type is the social and moral acceptance of in vitro fertilization or DNA technology.

In the context of a critical morality it is not easy to make sense of the expression "If we allow A." One reason is that critical morality is linked with claims about universality in time and place, and thus the idea of amending critical morality and allowing something hitherto forbidden does sound odd. A second problem is that there is no such thing as *the* critical morality; there are only many proposals for critical moralities: Rawlsian, utilitarian, and so forth. This second problem can be tackled by defining the "we" as the forum of ethicists broadly belonging to the same tradition: for example, the forum of utilitarians or the forum of contractarian Rawlsians. (Sometimes we can make the forum broader, because for the problem discussed, the reference points—the intermediate or interstitial principles—are the same in different traditions.) Then we could interpret the phrase as: "If our forum allows A."

But what can bring such a forum to allow A? We may presume the members do not do so because of the breakfast they ate but because of good reasons they saw for allowing A. I see three reasons for a forum to allow A. The first is that, after ample reflection and discussion, it is agreed that the current formulation of a certain rule or principle should be refined in such a way that it allows A, because there are no

convincing reasons to forbid A. An example is the regulation of new technologies: the rules were not formulated with these in mind and therefore must be fine-tuned to deal with the new problems. The second possibility is that, after reflection and discussion, the forum finds that until now a certain principle (e.g., the principle of autonomy) has not been given accurate weight, and that it should be given this weight now, which results in seeing A as acceptable. We might also think of some related types of developments in ethical theory, like the modification of central concepts, the theoretical justification of new principles hitherto unnoticed, and so on. The third reason is that the members of the forum have an intuition that A is acceptable which is so strong that they agree to modify the existing rule forbidding A (or not mentioning A at all) so as to explicitly allow A.

In all three cases, the forum acts on good reasons. Being trained ethicists, the members will try to find out whether the new formulation or the new weight of the principle or rule will have other implications in cases which they do not find acceptable. They will do this for reasons of consistency and because they agree that their judgments must be universalizable. We may assume that if the thought of B as a counterexample presents itself to the proponent of the slippery slope argument, it will also present itself to the minds of the forum even if, at the time of the decision, it is yet a purely hypothetical case. Therefore they will consider B as well and either modify their theories or basic concepts so that B is not allowed or, perhaps reluctantly, grant that B must be acceptable as well, because they can see no good grounds for discriminating between A and B.

In none of these cases, however, can we truly speak of a slippery slope. The members of the forum clearly realize at the time they discuss A what the implications for B are. The possible acceptance of B is not a future, unknown, and unforeseen consequence; it is explicitly weighed in the decision.

This reflection on the implications of the most reasonable interpretation of the expression "If we allow A," brings us to an interesting conclusion. It is that the logical version L_1 is no slippery slope at all: it is simply a question of universalizability.[22]

The same holds for the use of the argument in law: there it does not add anything either to the implications of universalizability and consistency requirements. As L_1 seemed to be valid only in critical morality and law, we can therefore safely dismiss it from the debate altogether. The role it played until now could be played by the requirements of universalizability and consistency, which would be better and less loaded with rhetoric.

22. B. Williams, p. 127, seems to make the same point, when he notes that the slippery slope is sometimes used to make one see a more fundamental point which goes beyond the slippery slope. "Not all cases in which a slippery slope comes into the discussion are genuinely slippery-slope arguments."

In the context of social morality the empirical version of the slippery slope argument was the only one that from a theoretical point of view could be valid. What does "We allow A" mean in this context? There are two possible interpretations. The first, focusing on the normative level, holds that it is the positive evaluation of A as such that causes the following steps downward on the slippery slope. The second, focusing on the level of social practices, states that it is the resulting practice or policy A that will lead us down the slope. I will begin with the first interpretation.

In this interpretation it is held that allowing A will be the beginning and the cause of a norm erosion that will ultimately end in the acceptance of B. But what is this act of "allowing A?" It is highly unlikely that the acceptance of A involves a sudden conversion of the whole group. It is more plausible that it is a gradual process, in which growing numbers accept A and their valuation of A is slowly evolving from negative or neutral to more positive. So we should interpret "We allow A" as referring to a gradual process of growing acceptance of A by a social group or by society.

This acceptance of A or B is not a completely isolated process, but it will usually be part of a more complex social process and will be the resultant of many social factors. Therefore it is often impossible to isolate the acceptance of A as the necessary condition for, or even as the main cause of, the acceptance of B. That makes conclusive proof on the empirical slippery slope argument very difficult, if not impossible, both for the proponent and for the opponent. Nevertheless, as we shall see, in some cases there may be at least enough evidence to make it a plausible argument.

To clarify the conditions for a sound and plausible argument, it may be useful to analyze two situations in which the empirical slippery slope argument is sometimes used but in which it must be considered an invalid argument against the acceptance of A.

1. Accepting A is merely a symptom of a broad social process of which the acceptance of B might be the outcome. It is the result of that process, without being itself a causal factor in the process leading to the acceptance of B. Attacking the symptom will not stop the process then, and will result in an ineffective symbolic campaign. If we do not consider A to be morally wrong on other grounds, it is not a good argument against accepting A that in the end the same process will lead to accepting B.

2. Accepting A, though not merely a symptom but part of the social process itself, is seen as a symbol of the process.[23] Though in itself it may appear to be morally neutral or relatively harmless, it

23. That it is a symbol explains why it is so heavily fought. The broader processes are very difficult to analyze and to fight. As a symbol it may be the focus of symbolic crusades. Compare Joseph R. Gusfield, *Symbolic Crusade: Status Politics and the American Temperance Movement* (Chicago: University of Illinois Press, 1963).

should not be allowed because it is part of that broad process that ultimately might lead to B. I think this is too easy a conclusion. For we could say so only if we are sure that all the constitutive and derivative elements of this social process are wrong in themselves. When we look at social processes in history, however, we find that these are always mixtures of good and bad elements. The French Revolution resulted in much violence but also in great reforms (we need only recall the great Napoleonic codifications). The growing emphasis on autonomy, symbolized in the increasing acceptance of abortion, might lead to more than only growing tolerance of infanticide upon parental request, as some of the opponents of abortion argue. (For the sake of the argument, I am assuming with some opponents of abortion that it might do so, but I doubt whether this is an empirically sound estimation.) It might also lead to a strengthening of the norm of informed consent in medical treatment. We should not protest against the acceptance of informed consent only because it is part of the process that might lead to infanticide. The simple fact that the acceptance of A is part of a social process leading to B can, as such, never be an argument against accepting A.

By allowing A we do not step on the slippery slope; we are already on the slope.[24] We only make a further step, but this step must be evaluated as an act or a process in its own right, for we cannot say a priori in which direction it goes. It may be a neutral step sideward (e.g., the acceptance of informed consent might be seen so if we use only one criterion of the direction we take: Does it lead to infanticide or not?), or even a step upward (if we strengthen the norm of informed consent, it might even form an extra barrier against infanticide). Therefore we need something more than the simple fact that the acceptance of A is part of a process toward B to establish a sound slippery slope argument.

Sometimes, however, there is some further evidence. Allowing A is a major factor in the process leading to the acceptance of B, or at least a necessary condition. The acceptance that abortion may sometimes be morally justified is a necessary condition for the acceptance of an abortion program based on eugenic purposes. The line between the status quo and A is a clear and effective one (e.g., a general prohibition against killing or abortion), but there are no such lines between A and B. Allowing A will then remove a social barrier without instituting a new barrier.

Factor A may not be the only factor, not even the main factor in the process leading to B. But sometimes it is the only factor we can influence, or is simply the factor that is most easily influenced.

24. Compare Harris, p. 127: "We are in fact only able to identify slippery slopes when we are already on them."

We should recall Bernard Williams's distinction between reasonable and effective distinctions here. The argument is not that there is no reasonable distinction. The argument is that, though there may be a reasonable distinction between A and B, it is not enough. What is missing is an effective barrier against accepting B in the way the existing prohibition serves as an effective barrier. The prohibition against killing is effective against involuntary euthanasia, but once we have accepted voluntary euthanasia, there will be no more barriers. The old, standard rule against killing is thus weakened, and the new rule which includes the exception for voluntary euthanasia will not be a defensible new barrier—or so the opponent of legalizing voluntary euthanasia might argue.

This is, in a sense, the empirical transformation of the logical versions. If there is not a reasonable distinction, then we have the empirical analog of L_1. If there is a reasonable distinction, which is not effective, it is the empirical analog of L_2. Once accepting A, we will be driven by long strides or by unnoticeable small steps toward B, without any possibility to stop. The reasons that there is no such effective barrier may differ. It can be that there is no consensus about the further distinctions to be drawn.[25] It may be that the concepts used in defending A are so vague and ambiguous that the gray zone can easily be made to encompass B.[26]

This version of the empirical argument cannot be dismissed a priori. It is obvious that it may hold, and it has some intuitive appeal. Whether in a discussion it may be considered a sound argument largely depends upon the facts, and we will come back to this aspect later.

This brings us to the second interpretation of the empirical slippery slope, which concentrates on the practice of A. Sometimes it is argued that it is necessary that doctors have a strong attitude against killing, and that practicing abortion and euthanasia will diminish this attitude. Then the argument holds that doing A has a corrupting effect on the actor. Slightly different is the version that focuses on the corrupting effect of living in a society that practices and accepts A. The most famous example is that in a society which tolerates voluntary euthanasia, older people will feel social pressure to ask for euthanasia, especially when they think they are a burden to their relatives and to society.

We should be careful with the first version. It may seem more plausible than it is. Dentists cause a lot of pain, daily, but I do not believe that this has resulted in a more negligent attitude toward causing pain in other situations. Of course, not every situation is like the dentist's in offering clear distinctions between causing pain in a certain role and outside that role, and between causing pain justified

25. B. Williams, p. 128.
26. De Beaufort, p. 23.

by the goal of preventing pain and causing pain without such a justification. Especially when the two forms of causing pain (or killing) are part of the same role, there may be a corrupting effect on the actor. It seems that much depends upon the existence of clear distinctions between different roles or between different aspects of a role. The corrupting effect may be more likely to occur when there are no clear and simple distinctions. However, in the cases of voluntary euthanasia and abortion, equally clear distinctions as those in the case of the dentist may be found.

There are better arguments for the second version. We can imagine that society's practicing A and openly accepting it have certain side effects, for example, fear in old people's homes of involuntary euthanasia. However, in fact I would hold that this fear is less likely when there is an accepted practice of voluntary euthanasia than when there is an official and hypocritical rejection of euthanasia while in fact it is largely practiced. It is better to have a public discussion on the exact limits of a certain practice A, which makes clear control possible, than to let the practice go on in secret and illegally, without possible forms of control. The latter situation is more susceptible to the slippery slope.

Whether these side effects are likely is largely an empirical question. We should, however, distinguish here between side effects and slippery slope effects. That a certain fear of B results from A is a side effect which certainly should be taken into account. But it is not a slippery slope effect, for it does not say that B itself will result. Very often when a rhetorical appeal to the slippery slope is made, it is only an appeal to side effects. That it is a side-effects argument in disguise does not imply, of course, that it should not be taken seriously. I only want to make clear that it is not a slippery slope argument.

We may conclude that two empirical slope arguments can be sound. One holds that the effective barrier which now exists cannot be replaced by another effective one; the other, that practicing A by a certain society, group, or person may result in a changing attitude toward B. Whether in concrete situations these arguments are sound indeed largely depends upon the facts of the situation. Rachels rightly remarks that this is an empirical question about which philosophers have no special inside information.[27] But we can make some general remarks on the acceptability of certain arguments.

De Beaufort formulates the following requirements for the acceptability of a slippery slope argument: one has to make plausible that the expected short-term consequences are clear, negative, and probable, and that these follow from or directly have to do with the

27. Rachels, *The End of Life*, p. 173.

proposed act or policy.[28] The long-term consequences should result from the short-term consequences and be clear and negative as well, but need not be inevitable. It is enough to make plausible that it will be difficult to prevent these consequences. It must be plausible that while we can stop now, we will not have that same possibility farther down the slope.[29] The third condition she gives is that there must be an alternative that is less susceptible to the slippery slope.

It may be clear that these requirements place a heavy burden of proof on the shoulders of the proponent of the slippery slope argument. In fact, we have good reasons to think it will seldom be possible to meet that burden. Especially the third requirement seems difficult to meet. Usually when we discuss the slippery slope, we are already on the slope, and some practice is already going on (sometimes hidden) even though it is condemned by popular morality and law. Secrecy has its own side effects with which we must reckon, while open discussion of a change in social norms may result in reasonable and effective new distinctions. Trying to keep the old distinctions alive might well result in the opposite: a growing secret practice that is ultimately more damaging to the fundamental norms than a partially open practice. A second reason is that we know that society is usually able to cope very well with gray zone problems, and very often reasonable distinctions may be made effective. Therefore, there have to be good reasons to think society will not be able to do so in this case. When there is no reasonable distinction, this is different, of course, but then the main argument simply must be that because B is immoral, A is immoral as well. The slippery slope may then only be an auxiliary argument.

My conclusion is that, though we cannot give any a priori arguments against the empirical version of the slippery slope, there are some factors that usually make it very implausible that the empirical burden of proof is met. Therefore, I think in practical reasoning the argument should not play the important role which it often does.

Our argument until now has been rather deconstructive. The slippery slope argument in moral discourse appeared to be either the universalizability principle in disguise (L_1), or simply invalid (L_2), or only very rarely plausible (the empirical version). Fortunately, in the context of law it has a legitimate and important role, so there is yet some hope for the argument.

To begin with the empirical version: while in critical and positive morality the empirical argument largely failed as a result of our analysis of "allowing A," in law often there is a clear and separate act of allowing A. Law is an institution which makes the validity of its norms largely

28. De Beaufort, pp. 21–22; her requirements are largely the same as those of other authors, e.g., Rachels, *The End of Life,* p. 174, and B. Williams, p. 132.

29. This is not an easy burden of proof. Compare B. Williams, p. 132.

dependent upon whether or not authoritative organs accept them. So whereas it seemed odd to say that at time *t* the critical forum did allow A (without explicitly allowing B as well), or that at time *t* the community suddenly allowed A, it does make sense when we say that on February 1, 1989, the Supreme Court or the state's legislature did allow A.

And not only can we distinguish a separate act by which A is allowed, but this act can also sometimes be distinguished as a causal factor in further developments. The legal abolition of slavery, or the universal suffrage for women, constituted acts which, while expressing broader social processes, have had causal effects of their own. *Roe v. Wade* changed the living conditions of many people in the United States, but moreover it is not unlikely that the decision (and the resulting practice) has had indirect influences on the moral and legal norms. Thus it is easy to distinguish both the act of allowing A and the resulting practice as separate causes in a social development. And this identification of A as a separate cause was one of the main problems in the moral empirical version. Moreover, because we can make safer predictions about the effects of legalization than about the effects of such an elusive phenomenon as a gradual change in moral norms, the burden of proof in the legal version is considerably less heavy.

In law, there is also a legitimate place for the second logical version of the slippery slope (L_2), which we considered the only logical version worthy of its name. When there is a decision of a court allowing A, then this is a new element in the body of legal norms from which courts must make their own theory of law.[30] It may make one decision in a related case much stronger in the "dimension of fit" than it would have been without this precedent, and this may tip the scales.[31] Once A has been accepted, this could mean indeed that, through a series of small and often almost unnoticeable steps, in the end we arrive at B. So the argument that allowing A will cause norm erosion may in law be a valid and sound argument, while in positive morality it largely failed because we could not isolate A as a simple cause.

We may conclude that both varieties of the slippery slope do have standing in the legal field. When arguing about whether the law on abortion or whatever subject needs to be changed, we should take the argument into account.

But we can generalize this conclusion and say that if the system of norms is institutionalized in such a way that there are normative authorities which can make normative decisions, then the slippery

30. In law the analogy with the false Vermeer paintings by Van Meegeren therefore does make sense, because we can evaluate the resulting development from a critical point of view, from an external perspective. In a neo-intuitionist critical morality it was a false analogy, because it assumes there is an objective reality or some Archimedian point from which to criticize developments.

31. For this idea of a dimension of fit, see Dworkin, *A Matter of Principle,* p. 142.

slope may be a risk of which we need beware.[32] For it may hold for government decisions, even for a manager's decision in a company, or for an ethical committee as well. Even a university tutor is a normative authority: allowing a student to hand in a paper a day late may set a precedent. The essential element is that allowing A is a separate act, which may be distinguished as such, and which may lead to a difference in social practice. For the existence of a separate act is both necessary to make a first step (and further steps) and to be identifiable as a separate cause and not simply as a symbol or symptom.

VI. CONCLUSIONS

Our conclusion is that the slippery slope arguments may have an important and legitimate place in the context of law only, and a very marginal one in the context of positive morality. Yet the argument is frequently being used in ethical debates. Why? I can see four reasons for this.

1. The most trivial one is that the argument has great rhetorical power, or if you prefer, demagogical power. If you want to show that test-tube babies are a horrible development, show us the horrors of a Brave New World. If you do not have serious arguments against voluntary euthanasia, suggest that we will end in Nazi practices.[33] Whenever you can invoke a slippery slope, your opponent will be on the defensive. But this rhetorical value can be a causal explanation for the popularity; it is not a justification.

2. The second explanation is that the argument appeals to a certain genuine concern about certain developments, for instance, in biomedical ethics. This concern should be taken seriously but it should not be discussed in the context of the slippery slope argument. If, for example, recent developments in biotechnology are considered to be the consequence of an extremely instrumentalistic view of nature, we should critically discuss that view and only in the context of that discussion should we look at the more specific developments like genetic manipulation.

3. In this article I have, for analytical reasons, assumed that law, critical morality, and positive morality are separate norm systems. But, of course, they are not. Critical and positive morality influence each other. But more important, law and the two types of morality are

32. I use the expression "institutionalized system of norms" here not in a wide sociological sense but in a more narrow sense. Joseph Raz, *Practical Reason and Norms* (London: Hutchinson, 1975), p. 123, formulates this concept as follows: "When discussing institutionalized systems we will be concerned not with any institution created by norms but with a special type of institutions, those which are not only established by norms but whose function is to create and apply norms."

33. Despite the different pretenses, this is the way the argument is used in David Lamb, *Down the Slippery Slope* (London: Croom Helm, 1988).

interdependent. Moral and public questions are discussed within an institutionalized context. When in a Western type of society a moral philosopher discusses the morality of euthanasia, this is not only a debate on the critical level of morality. It fits in an institutional context in which a debate is going on about the question whether, and if so under which conditions, euthanasia should be legalized. And when the general public discusses genetic manipulation of animals, this will influence the government and the legislature.

This interdependence of law and critical and positive morality (and, we could add, politics) is most strong in those areas of law and morality which are subject to rapid changes and developments.[34] An example is the field of medical ethics and health law. Ethicists are being asked their expert opinions on many questions of public policy and law, and the ethical debate directly influences legal decisions and political debates. In the field of medical ethics, the norms of law and morals have not yet become separated but are intertwined.

In such an institutionalized context an ethicist can legitimately use slippery slope arguments, insofar as she discusses the question of the law's or government's intervention. But she should not do so when she discusses the morality of a new technique as such. We may carefully use the slippery slope argument, but only with respect to legal or other institutionalized decisions.

If we want to have a truly moral slippery slope, we should look for it somewhere else than we usually do. It is to be found at the core of the professional ethics of ethicists. An ethicist must realize there are differences between law and morals and between positive and critical morality. Too often, ethicists simply assume that a sound argument in the context of morality is also sound in the context of law, and vice versa. But there is a distinction here (undoubtedly with a broad gray zone) which really matters. The really dangerous slippery slope, therefore, is that of an ethicist too easily going from the moral field to the legal field and using the same arguments in both fields.

4. The fourth explanation is a psychological one. For the slippery slope argument, especially in its empirical version, usually no conclusive proof can be given, either for or against. Both sides can point to facts which fit their positions, and therefore, whether one accepts the argument largely depends on one's fundamental outlook. Someone with a more pessimistic outlook, who believes "everything is getting worse," will interpret the facts in a negative way and will see every new technique as a further step in the wrong direction. The optimist, on the other hand, will interpret new developments as steps in the right direction; the more negative aspects will be seen as accidental and correctable.

34. In the terminology of Jürgen Habermas, medical ethics is a field in which law, morals, and politics are not yet differentiated ("*ausdifferenziert*").

Moreover, this pessimistic outlook is reflected in a negative attitude toward the question of whether one thinks things can be stopped. Someone who trusts in the checks and balances of a democratic society in which he lives usually will also have confidence in the possibility to correct future developments. If we can stop now, we will be able to stop in the future as well, when necessary; therefore, we need not stop here yet. If one is more critical toward the existing political and legal order, one will have less confidence in the possibility to stop future developments. (However, in that situation the argument seems self-defeating. For when one does not believe that we can stop in the future, why is it reasonable to believe that we have the possibility to do so now?)

This fundamental difference in outlook makes discussion of the slippery slope argument often futile. The discussion is not really a rational discussion of facts and norms (though it sometimes pretends to be) because the acceptance of the arguments so strongly depends on one's basic outlook. This is one more reason to be careful with the argument in moral debate—it usually will not help us any further but, rather, will frustrate the discussion. Therefore, it seems more fruitful to analyze and discuss the more fundamental questions that are hidden behind the use of the argument. This will probably be more effective in preventing the developments that are feared than the rhetorical and emotional use of the slippery slope argument.