Abstract

Ethical Judgement and Ethical Authority

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Submitted for the degree of D.Phil.
Michaelmas Term, 1998

This dissertation considers the possibility of there being such a thing as ethical authority in the modern world, and seeks to give an account of its nature.

It begins by expressing a critical stance toward the idea that authority is always dependent upon having a certain kind of theoretical expertise. It raises the suggestion that there are other forms of authoritativeness, based on tradition, the display of superior skill, or impressive discriminative/perceptual powers. The bases of these forms of authority are not primarily, or even necessarily, of an intellectual kind. The idea that ethical authority depends upon something more than intellectual foundations may be traced to Aristotle, who claimed that the practical wisdom of an ethical authority (*phronimos*) is a matter of being good at deliberation with regard to things that conduce to living well. The model of ethical authority provided here is not that of theoretical expertise but closer to that of practical skill and/or the possession of perceptual powers of a particular kind. Ethical authority in the Aristotelian tradition depends upon intellectual powers, but of the 'practical intellect' and not necessarily (it depends on the context) any advanced theoretical expertise.

It then proceeds to argue that there is an important place for practical wisdom in modern ethical life. Many of us live today in modern pluralistic societies where diverse conceptions of goodness and ethical rationality compete. We may well find the idea of reasonable allegiance to local *phronimoi,* who grasp and can illuminate the value of particular practices and institutions to fellow participants of a shared life, pure anathema. Modern ethical philosophy reflects this stance, and is characterized by a certain faith in rule-centred or procedural ethical theories for guiding human conduct. The argument of the second chapter seeks to show that there is little warrant for rejecting the role of ethical authorities (*phronimoi*) in contemporary pluralistic societies in favour of ethical proceduralism.

Thereafter, in the third, fourth and fifth chapters, it turns to exploring the nature of practical wisdom, in particular, whether or not it is best construed as grounded in a theory of right conduct, or as a form of 'ethical knowledge', or as aiming at an objective truth; and to the task of characterizing a credible conception of the insightful *phronimos* - or what it might be like if this model of ethical authority is to claim relevance for contemporary life within pluralistic ethical communities.

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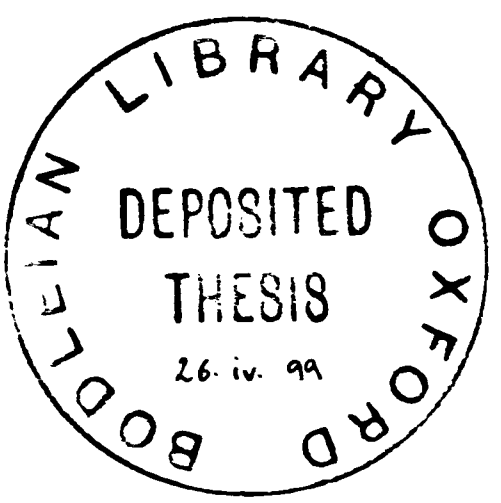

Preface

The germ of this thesis was conceived towards the end of my first B.Phil. year at Oxford, in 1992. At that time, I was thinking about questions of rational warrant with respect to believing religious claims. The question of how reasonable it is to express intellectual belief in and practical commitment to claims whose epistemic status remains a puzzle was the focus of my interest in the philosophy of religion. This question, I felt, was also the proper concern of the study of ethics. To my mind, it was not simply a question within some part of ethics, say, the area of religious ethics, to be countenanced primarily because of the importance that religious beliefs have in the lives of many people. It seemed to me then, as now, that the epistemic status of ethical claims in general remains a puzzle.

A discussion with Professor Bernard Williams helped me to see that one way to focus an inquiry into a question like this in the field of ethical philosophy was to consider the nature of practical wisdom and the account of its authority. From here, questions such as whether practical wisdom expresses knowledge of a certain kind, or how far truth is the aim of the ethical judgements of the wise, could be asked.

Aristotle's ethical works were an obvious place to begin searching for insights; but enamoured of the Aristotelian system, I tarried too long over it and found myself in the grip of a paradigm. Hume's ethics, which I found to be at once astute but smug, led me eventually to think more about what place the notion of the *phronimos* could have in contemporary modern societies, marked by the presence of competing ethical ideals. I tried to see if this idea could be satisfactorily articulated in the terms set by a few of the

main traditions of ethical philosophy that currently prevail. Hence, I began to work on understanding the main motivations of 'modern moral philosophy', so heavily criticized by Anscombe and others following in her train, as well as relevant aspects of current neo-Aristotelian ethical realism.

After losing confidence several times, I finally attempted to articulate my sense of how these ethical philosophies seem to me to harbour an assumption that it is appropriate to characterize ethical judgement as a capacity whose exercise is aimed at bringing about ethical improvement in our lives. Kant, I found, was least sanguine about this outlook; and his ethics took a law-centred, proceduralist form that made 'respect for the moral law' a mark of virtue where real progress cannot be ascertained. Utilitarians like Mill, troubled by a different problem - namely, ethical pluralism and cognitive under-determination, also turned to proceduralist ethics as offering greater rational intelligibility under such circumstances. Neo-Aristotelian ethics, which has yet to relinquish the idea of an ethics focused upon truth-seeking, may occasionally be found to waver in confidence over truth in ethics as conceived in realist terms; but never, it seems, in its assumption that there is ethical progress, provided that an objective ethical truth could be intelligibly conceived and reasonably aimed at.

These emphases in current ethical philosophy, I argued, either leave little conceptual space for the importance of local ethical authorities (*phronimoi*), as with various forms of consequentialism and Rawls' Kantian constructivist ethics, for example; or else, simply impose an objectivistic ideal of *phronesis*, however difficult it may be to sustain such an ideal in practice. By pursuing a critical view of them, I tried to clear the way for a different view of practical wisdom, a re-invention of that notion, as it were. Further, it seemed obvious that the idea of human ethical progress is still quite obscure;

however, the point is seldom, if ever, made within these traditions of ethical inquiry. I make the point, but do not pursue any inquiry into the difficult notion of ethical progress in this dissertation. I have only tried to envisage a re-worked conception of practical wisdom, one that could offer glimpses of what it might be to live a rationally intelligible life amid the influence of conflicting ethical ideals upon our ethical judgements, that did not necessarily aim at seeking ethical knowledge or objective truth in ethics, and that could accommodate the provisional nature of our conceptions of virtue or the humanly important.

I have been extremely fortunate to have worked with Bernard Williams on this project. It was on account of his reputation for philosophical leadership that I found any confidence at all to pursue my deepest doubts about contemporary ethical philosophy. His deftness at graduate supervision is singular. But more remarkable than this is the scrupulous care he exercised in seeing to it that I did not turn into a despairing graduate 'hanger-on'. In so doing, he steered clear of the mistakes of those errant guardians of which Kant spoke.

> "Those guardians who have kindly taken supervision upon themselves see to it that the overwhelming majority of mankind – among them the entire fair sex – should consider the step to maturity not only hard, but as extremely dangerous. First, these guardians make their domestic cattle stupid and carefully prevent the docile creatures from taking a single step without the leading strings to which they have fastened them. Then they show them the danger that would threaten them if they should try to walk by themselves. Now, this danger is not really very great; after stumbling a few times they would, at last, learn to walk. However, examples of such failures intimidate and generally discourage all further attempts." (Immanuel Kant, "What is Enlightenment?")

To him I owe an irrepayable debt of gratitude. I am grateful too, to Sir Anthony

Kenny, whose book *Faith and Reason* (New York, Columbia University Press, 1983) shaped my first thoughts about the issue of reasonable belief in epistemically puzzling claims. Some may recognize the figures of the water diviner and the person with a good ear (in my first chapter) as having been drawn from his discussion of the concept of 'justification by performance' in that series of lectures. I am grateful especially for the kindest support he and Lady Kenny gave to my efforts to complete this project. The generous scholarship provided by the Rhodes Trust enabled me to study philosophy in Oxford, which was an item on an under-graduate wish-list of mine and a privilege I could not have otherwise enjoyed. The National University of Singapore, where I took up a Senior Tutorship in Philosophy from August 1994, gave me more time to concentrate on this work, and leave to return to Oxford, than one could reasonably ask for. In particular, I am indebted to Alan Chan, Acting Head of Philosophy, for his understanding and encouragement. The Oxford Subfaculty of Philosophy's Administrator, Mrs Jane Hardie, was always wonderfully considerate, reassuring and helpful in dealing with my long-distance communications to various University authorities from time to time. Wolfson College was always a welcoming place on my return trips to Oxford. Faithful friends throughout these years are too numerous to thank here. My colleagues at the Philosophy Department offered intellectual companionship and empathy through the most toilsome moments of dissertation-writing, in particular, Alan Brown, Arun Bala, Cecilia Lim, Diana Saw, John Williams, Heng Hock Jiuan, and Tan Yoo Guan. The loving patience and good humour of my family and the family of my husband have been a special blessing upon my life. My mother, and my husband Vee, have taught me not to fear things that are bigger than myself, and in everything to do my utmost with assurance of their truthful and abiding love. I dedicate this thesis to both of them.

Contents

Chapter One: Practical Wisdom and the Authority of Its Judgements

1. Ethical Authority and Theoretical Expertise

There is an extraordinary assumption, tracing back perhaps to the tradition of Platonic ethics, that ethical authority is always dependent upon having a certain kind of theoretical expertise. A present example that comes readily to mind is the growing practice in hospitals of hiring persons with higher degrees in moral philosophy, and knowledgeable about ethical theory in particular, for the purpose of advising medical practitioners on questions such as when it would be morally permissible to withhold life support for severely malfunctioning babies, or whether to accede to the request of an apparently clear-headed terminally ill patient to be allowed to refuse further treatment. As Bernard Williams observes,

> "It is clear why there is a social need for some kind of authority to help in legitimating ethically controversial policies in publicly answerable institutions, and clear also why this should, in a technical and secular context, be thought to take the form of an expertise. But the readily comprehensible reasons for introducing such a practice hardly lessen the paradox, that it invites us to appeal in matters of life and death to someone who has a PhD in ethical theory but whose judgement, quite possibly, we would not trust on any serious practical question."[1]

It seems clear that the model of the *theoretical* expert does not apply to ethical authority. We are not, however, left without resources for understanding the character of authority of the ethical kind. First, we should register a point that there are forms of

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[1] Bernard Williams, "Who Needs Ethical Knowledge?", *Making Sense of Humanity and Other Philosophical Papers,* Cambridge , Cambridge University Press, 1995, pp. 203-12. Quote on: pp. 205-6.

authoritativeness the bases for which are not primarily, or even necessarily, of an intellectual nature. There are, for instance, forms of authoritativeness resting on tradition. In addition, there is authority vested in superior skill, or outstanding discriminatory/perceptual powers. Tradition-based authority is not a model of ethical authority that will serve contemporary ethical philosophy. I take it that any modern account of ethical authority must be grounded in some conception of practical reason; further, that conception would lack plausibility if it stopped at simply providing a reasoned vindication of traditional authority. An ethical philosophy for modern life needs an account of practical reason whose subject-matter includes the question of living among plural and conflicting ethical traditions. The nature of the second form of authority is of interest to us. Or so I shall be seeking to demonstrate. The idea that ethical authority depends on something more than intellectual foundations may be traced to Aristotle, who claimed that the practical wisdom (*phronesis*) displayed by an ethical authority (*phronimos*) is a matter of being skilled at deliberating about things that conduce to living well. The model of ethical authority provided here is not that of theoretical expertise but closer to that of practical skill and/or the possession of discriminatory/perceptual powers of a certain kind.

But there is also a question whether there is such a thing as *ethical* expertise. Ethical authority in the Aristotelian tradition depends upon what Aristotle referred to as 'practical intellect' which, while its exercise is aided by knowledge of general truths, does not normally rely on having advanced theoretical expertise. Nonetheless, it should be said that Aristotelian practical philosophy contains a distinct interest in a simulacrum of theoretical rationality, so that some forms of ethical authority might be thought to involve a kind of expertise (for example, legislative, judicial or political craftsmanship). An

understanding of this idea would take us quite far into a discussion of the features of classical political science and their philosophical distance from contemporary social science, but that is not what I shall be concerned with in this dissertation.[2] I am interested, rather, in a general question concerning the notion of 'ethical experts', and this would apply at the ground level as well. Any headway we might make on this question would, presumably, centre on an analysis of the Aristotelian idea of deliberative skill of an ethical kind; but there are a number of complexities surrounding this notion that I wish to consider in what follows.

2. The Uncodifiability Thesis

One of the more perplexing aspects of the Aristotelian account of ethical authority centres on the claim that the deliverances of practical wisdom are uncodifiable. Aristotle seems to have held that practical wisdom involves a kind of perceptual capacity, which takes a view of what considerations are salient in deliberating about the best thing to do in a given set of circumstances.[3] The grasp of what is salient cannot be fully expressed by a set of propositions. The deliverances of practical wisdom may be said, thus, to be uncodifiable.

The idea of uncodifiability is captured in a famous statement by John McDowell: "If one attempted to reduce one's conception of what virtue requires to a set of rules, then, however subtle and thoughtful one was in drawing up the code, cases would inevitably turn up in which a mechanical application of the rules would strike one as wrong – and

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[2] For an illuminating treatment of this issue, see Stephen Salkever, *Finding the Mean: Theory and Practice in Aristotelian Political Philosophy*, Princeton, New Jersey, Princeton University Press, 1990.

not necessarily because one had changed one's mind; rather, one's mind on the matter is not susceptible of capture in any universal formula."[4] With this, McDowell leads his readers into a theoretical perspective according to which, following Aristotle's cue, ethical judgement is viewed as the expression of an agent's dispositions of character. It is from the perspective of certain character dispositions that thoughts, feelings or actions strike us as right or wrong in distinctive ways. From the perspective of a kind person, for instance, certain thoughts, feelings or actions would seem particularly worthy and others inappropriate because of aspects of them that strike the kind person as variously inconsiderate, insensitive, mean, bitchy, sadistic, and so on. The kind person notices the occurrence of such features, including other unnamed ones. This variety of features are not found in fixed clusters, and the kind person's appreciation of the degree of their badness or seriousness varies in different situations. If so, then kind acts need not share the same descriptions, except in the most general terms. Even the best generalisations, though, hold only for the most part. There will be dispute at the edges and perennial challenges to these general formulations themselves.

The uncodifiability thesis (UT) may be taken as a claim about ethical judgements. Aristotle, as well as Hume, argued for it in powerful ways. In an important essay,[5] Hume notes the apparent enormous variety of tastes and ethical opinions not only across remote ages, but even among persons with a similar upbringing. But besides appearances, "the most careless enquirer" will also find "real differences" of taste: whatever general agreement there is in the things which people applaud or condemn - elegance, propriety,

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[3] Aristotle, *Nicomachean Ethics,* VI.vii-xiii.
[4] John McDowell, "Virtue and Reason", *The Monist,* 62, 1979, p. 336.
[5] David Hume, "Of the Standard of Taste", in Alasdair MacIntyre (ed.), *Hume's Ethical Writings*, London, Macmillan, 1965.

simplicity, spirit in writing, or fustian, affectation, coldness, false brilliancy - agreement dissipates when it comes to "particulars", that is, when each begins to specify what he or she means by elegance, propriety, etc. and to whom those qualities may be ascribed. When Homer represents heroism in Achilles and prudence in Ulysses, he "intermixes a much greater degree of ferocity in the former, and of cunning and fraud in the latter" than another writer such as Fenelon would admit. And Ulysses is described by the Greek poet as one who "delights in lies and fictions", but by the French writer as scrupulously truthful, willing to face "the most imminent perils rather than depart from the most exact line of truth and veracity". General agreement on moral precepts or maxims is no guarantee of the same response to a particular object. Despite sharing a general grasp of moral terms, conceptualisation and application of moral epithets by individuals will carry differences explicable in terms of the moral sentiments of individuals; that is, whatever strikes them as being important in terms of benefit or harm to a way of life. It is for this very reason that Hume issues a sharp condemnation of maxims and considers them of little value for the purpose of moral education. "The merit of delivering true general precepts in ethics is indeed very small. Whoever recommends any moral virtues, really does no more than is implied in the terms themselves. That people, who invented the word 'charity' and used it in a good sense, inculcated more clearly and efficaciously, the precept, 'be charitable', than any pretended legislator or prophet, who should insert such a maxim in his writings. Of all expressions, those which, together with their other meaning, imply a degree of blame or approbation, are the least liable to be perverted or mistaken."

Aristotle makes a similar point about the application of laws. At *EN* VI 1144b26-7, he remarks, "It is not the state in accordance with right reason, but the state that implies the presence of right reason, that is excellence." Aristotle notes here that a

virtuous agent's judgement is not one that is formed merely 'according to reason' (*kata logon*) but 'formed with reason' (*meta logou*). It is important to see that this remark does not spell a rejection of the usefulness of principles of reason or ethical rules; its point is rather that mere adherence to principles of reason or rules of conduct is *insufficiently reasonable*. This notion is rendered clearer in the tenth chapter of *EN* V: Aristotle placed emphasis there upon the need to exercise judgement, through mindfulness of contextual particulars, when applying the law. He argued that what is 'equitable' and done with reason may be unjust in one sense, namely, in being a violation of law; but concessions are sometimes justifiable since strict adherence to laws may result in error. (For example: the disproportionate distribution of benefits or burdens which would not have been an acceptable consequence in the eyes of those who formulated the law.) Equity, Aristotle observed, is a species of justice that plays a distinctive role in the administration of law. He expressed the point as follows: equitable actions, although not better than one kind of justice, namely, 'legal' or 'absolute' justice, are better than the error that may arise from the absoluteness of the law. The error in question is a kind of injustice that might be considered important to avoid.[6]

Is it just arbitrary, though, to charge that 'mere adherence' to rules is insufficiently reasonable? Consider the following point. No one would argue that adherence to rules in a 'hard case' (a case that seems exceptional) could *never* be sufficiently reasonable. If the following tautology may be permitted: it is reasonable if there is good reason for it. Under some circumstances, it might in fact be reasonable to subscribe to an absolute rule – for example, when the rule is found to behave like 'rules

[6] For this interpretation of Aristotle's conception of equity and its significance, I am indebted to Jacques Brunschwig, "Rule and Exception: On the Aristotelian Theory of Equity", in Michael Frede and Gisela

of thumb' or 'judgemental heuristics', a rule that is found to yield better or more desirable consequences overall if it were applied exceptionlessly. If so, an objection against the uncodifiability thesis seems imminent. Might the idea of 'judgemental heuristics' invite the thought that practical wisdom could in principle be codifiable after all? Might it not be possible, at least in principle, to discover through empirical methods more and more principles that could operate as judgemental heuristics in each domain of ethical life?[7]

The first thing that might be said here is that accepting UT does not preclude believing in the possibility of *discovering* such a system of principles as envisaged by the objector. Nor does accepting the truth of UT involve denying the *potential value* of such an enterprise. Sentiment against deploying judgemental heuristics in an exceptionless way in certain ethical contexts may indeed be founded upon nothing more than blind prejudice; and sentiment may discover nothing untoward when it allows itself to be tried by the experience of using them. There may be only good consequences, or better consequences overall. The proponent of UT claims only that there can be no *a priori* way of determining whether sentiment will or will not yield to governance by such principles in any given ethical context. It is probable that it will in some contexts but not in others. In a later chapter, I explore an aspect of ethical life that seems to resist governance by principles, namely, that of friendship. But the proponent of UT can approve the attitude of

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Striker (edd.), *Rationality in Greek Thought*, Oxford, Oxford University Press, 1996, pp. 115-56.

[7] This thought is by no means unfamiliar in moral philosophy. Its most prominent contemporary exponent is perhaps Richard Hare. Cf. *Moral Thinking*, Oxford, Clarendon Press, 1981. Allan Gibbard has recently engaged in a sympathetic re-examination of this kind of ethical project, in "Why Theorize How To Live With One Another?", *Philosophy and Phenomenological Research*, Vol. LV, No. 2, June 1995, pp. 323-42.

'letting many flowers bloom', that is, of trying those things that seem in certain ways reasonable, and reflecting on the ethical consequences.[8]

Having said this - and here is the second point - the proponent of the UT insists that there can be no *a priori* means of determining what 'good (or better) ethical consequences' consists in. The ethical project, however subtly it formulates its vision of well-being, happiness, justice, or whatever, will always only be an approximation to the open-ended ethical perspectives afforded by dispositions of character. 'Good ethical consequences' are judged by virtuous agents who appeal to a largely tacit and uncodifiable vision of the ethical life; they are not judged good because they can be descriptively subsumed under the abstract constructions of an empirical study. Thus, if sentiment will not yield to governance by a set of judgemental heuristics discovered through the most ideally designed empirical investigations (if sentiment judges that this seems wrong, for example), it is not thereby rendered irrational. Appeals to features of particular situations reveal an agent's sensitivity to much that cannot be captured in abstract representations of them. It seems a pretence to deny the fact that such appeals can be more reasonable than seeking ethical justification in abstract representations of the ethically desirable. Such a doctrine may be given the name 'ethical objectivism'. It is not unlike a 'skill model' of ethical judgement. I shall consider some problems with this kind of model next.

3. Ethical Authority and the Model of Skill

The uncodifiability of ethical judgement seems to be of a more radical nature than other forms of practical judgement. Aristotle thought that in addition to the uncodifiability

[8] This stance is urged by Gibbard, and I borrow his rather quaint expression of it. Ibid. p. 330.

of ethical thought, there is a further perplexing feature of ethical philosophy which will not be found in any *techne*. Ethical philosophy, unlike *techne*, admits of no fixity of its end except at a very general and abstract level. If wise judgement is uncodifiable, the following kind of query might seem compelling: assuming that the wise act rationally, and that rationality requires acting with consistency, what are their actions consistent with, if not with a rule of some kind? One answer might be that it demonstrates a consistency of the kind captured in Aristotle's famous practical syllogism. Following Sarah Broadie, I accept that the practical syllogism is the (abstract) representation of a rational choice, displaying its reasons, rather than a (pointlessly simplified) view of the agent's processes of deliberation. The schema of the practical syllogism applies most straightforwardly in practical decisions in which the concerns are technical: the major premise specifies a determinate goal, and the minor premise marks an action that is a means to it. Some attempts at a straightforward application of the practical syllogism to cases of virtuous action conceive of the major premise as a true and acceptable picture of the virtuous life as a whole which constitutes a determinate target for the agent, and the minor premise which carries the core explanation of the action as either contributing to this ideal, or as an instance of what it is to live well and do well. This way of explaining the rightness of virtuous actions might be called – following Sarah Broadie - the Grand End view.[9] Another attempt might consist in specifying in the major premise some correct description of behaviour defined by a particular virtue (for example, kindness) as the sort which a person with that virtue would exhibit, and marking out in the minor premise an instance of behaviour which fits that described in the major premise. Both of these

[9] Sarah Broadie, *Ethics With Aristotle*, New York, Oxford University Press, 1991,ch. 4, esp. pp. 198-202.

attempts at explicating consistency offer implausible accounts of the nature of judgements of practical wisdom.

Against the Grand End view (here, I summarize some excellent points from Broadie's work), one could make an *ad hominem* appeal to the fact that few of us would know what it is like to deliberate with a view to realising a Grand End, but perhaps this tells against us (that we are not practically wise) more than the Grand End view. There are, however, other objections to it. First, a conception of the virtuous life includes a portrait of practical wisdom, so an account of practical wisdom could not be given in terms of the virtuous life as a whole without circularity or incompleteness. Second, such an over-arching vision of the virtuous life cannot be attained by ground-level ethical experience. It might possibly be supplied by philosophical reflection, or divine illumination, but if the former is true, then ground-level practical wisdom which precedes philosophical ethics cannot depend on it; and if the latter holds, then ground-level practical wisdom, having to be sustained by divine illumination, would not be humanly practicable. Third, if we tried instead to develop such an explicit and comprehensive vision from our ethical experience, problems will still arise for the Grand End theory of practical wisdom. If we recalled from among our experiences particular practical responses that we considered to be paradigm cases of practical wisdom, then the Grand End adds nothing to our predication of those instances. But if practical wisdom cannot be defined apart from the explicit, comprehensive picture, then our ethical experience shows that 'practical wisdom' so defined is not a necessary condition for good practical decisions and virtuous actions. It would then be a superfluous practical virtue or, perhaps, not a practical virtue after all.

The other view, which counts actions as virtuous only if they were performed with a view to conforming one's acts to certain virtue descriptions, also seems false. Firstly, as with the objection brought against the view that virtuous action consists in conformity to a set of rules, we can say in the present case that, similarly, one could observe that an action cannot be virtuous by dint of its conformity to a specific description of virtue since to have the account of a virtue is not the same thing as being virtuous. Being virtuous is not (at least, not primarily) about having knowledge that it would be good to have such and such thoughts and sentiments that can be associated with a certain virtue. Rather, it is to *have* those thoughts and sentiments and, through them, to have knowledge of a different kind, namely, knowledge of a social world and the sorts of reasons to act that are available within it. Secondly, at least in some cases, an intention that is formed with a view to conforming behaviour to certain virtue descriptions may distort an agent's view of what is called for in a given situation. The self-monitoring directed towards one's own character-formation, if it entered into the formation of one's intentions, may change the nature of one's actions and this may sometimes warrant a re-assessment of their ethical quality. Bernard Williams remarks that deliberation towards satisfying certain second-order desires must be directed toward the self to a special degree; but the idea of cultivating virtues, as a first person exercise, is problematic because here, one's thought is not self-directed enough. To think about one's actions in terms of the virtues is not distinctively to think of the terms in which one should or could think about one's actions, but to think about how others might describe the way one thinks about one's actions. And if this is the content of one's deliberations, Williams argues, it is a misdirection of ethical attention.[10]

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[10] Bernard Williams, *Ethics and the Limits of Philosophy*, Fontana Press, 1985, pp. 10-1.

More generally, these answers to the question impose a specific form upon the abstract requirement of consistency, according to which a person who makes consistent judgements subsumes particular cases under certain general principles in the same way. A conception of rationality that assumes this form of the consistency requirement has therefore been called 'subsumptive rationality'.[11] Developments upon this model have allowed it to accommodate quite subtle possibilities. For instance, principles need not play an explicit part in an agent's deliberations (they need not enter explicitly into her thoughts); it is enough that they have a role of the kind suggested by Samuel Scheffler,[12] namely, a set of counterfactual conditions apply to the agent's judgement: (i) she would not have judged as she did if she had believed that doing so constituted a violation of a general principle (or account) of virtue, and (ii) if some consideration had come to her attention that seemed to militate against acting virtuously, she would not have arrived at the judgement that she did, unless further deliberation had convinced her that there were grounds for discounting that consideration. This interpretation of the weaker role that general principles may have in deliberation satisfies the requirement that there must be general principles that underlie all judgements that are to be counted rational.

This model of rationality seems dubious for at least two sorts of reasons. Firstly, subsumptive rationality should include a role (it has to be quite a significant role at that) for those particularistic representations that are engendered by the emotions and the imagination in deliberation. A sophisticated account could accept this, and require only that we view choices as virtuous insofar as they can be accounted for within general accounts of the good or a given virtue. However, we are now left with the question why

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[11] This formulation is owed to Jonathan Dancy: *Moral Reasons*, Oxford, Blackwell, 1993, pp. 82-6.
[12] Samuel Scheffler, *Human Morality*, New York, Oxford University Press, 1992, p. 32.

the reasoning that is founded upon those more ethically proximate representations is not enough to render choices virtuous. Why should a choice be thought of as virtuous only insofar as it may be certified by abstract (and schematic) constructions of theoretical reason? To this, it might be replied that human emotion and imagination are notoriously susceptible to distorting our perspectives. Yet a sufficient palliative in this case would seem to be the rather sensible one suggested by Hume in his *Inquiry into the Principles of Morals*, namely, checking with others for the concurrence of their sentiments on a given matter. This proposal sees an agent's objective reflection upon the good neither as a matter of subsumptive rationalization of particular judgments, nor of finding an emotionless, abstract perspective of it; instead, it appeals to what Hume described as "the point of view common to him and others", "some universal principle of the human frame", "a string to which all mankind have an accord and symphony".[13] The constructions of theoretical reason go beyond this straightforward consultative procedure to set up an impersonal standard of ethical judgement. But one might wonder whether such an impersonal measure does not itself impose distortion upon our ethical perspectives, threatening to dehumanize it.

4. Ethical Rationality and the Perceptual Model

Leaving behind subsumptive rationality, let us consider a different model of rationality. It has sometimes been said that the deliverances of practical wisdom cannot always be given explicit statement because they are products of a kind of perception. A

[13] David Hume, *Enquiry into the Principles of Morals*, section IX., 222. Cf. David Hume, *Enquiries*, Third Edition and Twelfth Impression., introduced and revised by L.A. Selby-Bigge and P.H. Nidditch, Oxford,

set of questions would arise in connection with the idea that wise judgements are perceptual, questions concerning the rational authority of perceptual judgements: (1) If the judgements of the *phronimos* are perceptual, what sense might be made of the claim that such perceptual judgements are made on the basis of reasons? (2) Even if there are kinds of perceptual judgement that are not made on the basis of reasons, are they rationally justifiable? (3) Does the perceiver need to be able to offer *arguments* or a *defence* in order to be justified in believing that her judgements are right? (4) How may *we* be justified in believing that these judgements have rational authority?

What is meant by the suggestion that the knowledge of the *phronimos* is perceptual? The idea might be grasped from thinking about the knowledge associated with certain discriminatory skills, for example, the knowledge possessed by the water diviner, or by someone with perfect pitch. These persons have cognitive capacities which enable them to make reliable judgements - that there is water beneath the ground, or that a note being played is a quarter tone below Middle C, for instance - even though neither they nor anyone else is able to give an account of the *methods or bases* by which they come to know these things. The judgements and their attendant beliefs are *basic* in the sense that they are not dependent upon other beliefs, just as my belief that there is a tree in front of me when I see one is not acquired on grounds other than my perceptual experiences. But it might still be said that their judgements or beliefs are rationally justifiable: for instance, they may be justified by performance. Success in making predictions gives them *reason* to accept the correctness of their judgements and the reliability of their perceptions. A successful track record, however, provides the *defence*

Clarendon Press, 1992.

but not the basis of those judgements or beliefs; they do not believe on the basis of the defence but on what we have termed a cognitive capacity.

It may be asked whose beliefs the defence is supposed to be basis for. Is it the dowser's belief in the truth about what he judges or *our belief* in the authority of his judgement? Having the defence is not the basis of *his* acquiring a set of beliefs about the phenomenon in question; he believes on the basis of his cognitive experiences. If having the cognitive capacity is reason enough for *him* to have such beliefs or to make such judgements, then having the cognitive capacity is sufficient rational basis for *his* judgement or belief. If so, then it would seem that any defence is meant rather for us. It is to provide a rational basis for our acceptance of someone's (for example, the dowser's) judgements that the defence primarily serves. Our acceptance of the authority of the dowser's judgements is justified by his successful performance. With the dowser, the concept of successful performance is straightforward, namely, correctly and reliably locating the presence of water. The same goes for the person with perfect pitch: she always identifies correctly the notes that are being played. How is the concept of ethical success to be understood, and in what sense can there be standards for ethical success? We shall take up this question a little later; but we may immediately record a point here concerning *when* a conception of ethical success becomes important. It is clear that having a conception of ethical success becomes a pressing issue only when we need a rational basis for accepting someone else's authority to judge some matter. And we rely upon authority when it is felt that we lack the basis for judging matters for ourselves. Before examining the notion of ethical success, we should also ask: How far can perception be considered a *rational* basis for judgement, and does the perceptual model fit the case of ethical judgement?

A person's judgements and beliefs may have a rational basis on account of her possession of certain cognitive capacities. The proof that she has those capacities is her success in getting things right. It is the availability of this proof that offers those who lack the capacities (and hence the basis for judging things themselves) a basis for accepting the authority of such persons as the dowser. But the same proof offers an independent test of the dowser's possession of a genuine cognitive capacity; it is the availability of such a test that supplies the kind of warrant that the perceptual model requires.

There are reasons to think that this cannot be an appropriate justificatory model for ethical judgements. It should be said, first of all, that unlike the model of the dowser, it is not always clear with ethical judgement or ethical authority that one lacks it. A similiar point might be made of skills of a non-perceptual kind: it is immediately evident to would-be cyclists or tight-rope walkers if they lack the skill.

Secondly, unlike the case of the dowser, the capacities of the *phronimos* are of the sort that can to some extent be shared by others and, if so, then the judgements which follow from them may be judgements that others might come to themselves. The kinds of capacities that the *phronimos* possesses which seem comparable to sensory perception may be captured in part by the idea of normative capacities, which includes such things as rule-following (grasping the meanings of extending the use of concepts in the same way), and notions such as knowing the effects, and the significance of one's actions (whether friendly or confrontational, indifferent or shoddy, risky or pragmatic, and so forth). In addition, it could be characterized as a type of perceptiveness in good planners who know how to harmonize or balance many considerations, or as attentiveness, foresight, or broadmindedness. Shared conceptual meanings, the harmonious order of a plan, probable developments in the long-term, considerations of prudence, and so on, are properties

perceivable by others. What would provide warrant for the judgements of a *phronimos* under these conditions is the possibility in principle of others coming to the same judgement themselves. This would fit the model of *ordinary* sense-perception, which applies to capacities that are commonly found but which may perhaps be enhanced by attending to the sayings of persons with a more cultivated awareness.

However, it should be emphasized next that the perceptual model in general neglects the important aspect of deliberation towards rational choice in ethical judgement. Deliberation consists both of perception and reasoning for the sake of action (let us call this 'desiderative reasoning'). Aristotle construed the genesis of rational choice as beginning with one's having a 'wish' - an initial spontaneous and un-thought-out set of interests or concerns. Through a process of deliberation, this is transformed into a determinate practical choice. Deliberation involves looking upon this practical task from a potentially infinite number of angles ('perceptually'), but picking out the angles which are salient must depend upon something other than perception, namely, the desiderative consideration. For example, I am invited to a friend's birthday party and wish to go. When considering a reply to the invitation, I scan the practical circumstances I am in - I check my appointment diary, think what I should bring, whether I have anything to wear, wonder who might be there, consider what my going or not going would mean to this friend, and so on. These considerations are perceived as salient because of a desiderative consideration, that is, my trying to make it to this party. Thus, perception depends upon desiderative reasoning to define its scope. Desiderative reasoning does not stop at assessing the practicability of the initial wish or purpose, but can further inquire into what purpose(s) the attainment of *that* serves. This sets up a distinct reason-giving structure in

rational choice, and such a structure could not be envisaged within a purely perceptual model of deliberation.

We now have some rudimentary materials for framing a model of the kind of rational basis there might be for accepting the authority of the judgements of the *phronimos*. And it is at this stage of formulating a conception of the authority of the judgements of the *phronimos* that our earlier discussion of the model of a dowser and that of ordinary sense perception may be deployed. Recall for a moment certain facts about the judgements of the *phronimos*. Firstly, the judgements of the *phronimos* can be assessed through available independent tests (whether I in fact have no prior engagements, whether it is open to me to re-arrange the rest of my schedule, whether Mr P or Ms Q are probably going to be there, whether the concerns and feelings that I attribute to my friend in fact matter to her, whether this or that consideration is salient, whether I have shown a good degree of sensitivity to different kinds of considerations or not, for example). Secondly, it was said that rational choice has a reason-giving structure. A corollary of this is that the judgements of practical wisdom are based upon reasons (and not upon perception alone). Typically, X is the best course of action for the sake of some end Y, and Y is worthwhile pursuing for the sake of some wider end Z. It is an important feature of practical wisdom that its judgements are based upon the reason that a proposed action is the best thing to do, and it is best because most worthwhile in the circumstances.

This quite naturally leads us to think that the *phronimos* deliberates with a ready-made picture of the most worthwhile end that determines her choice of what is best; but the thought is mistaken, and we have already raised objections to the Grand End view of rational justification. So deliberation towards rational choice does not require judgement to be consistent with any grandiose account of the most worthwhile life. If not, then how

are these judgements justified in relation to broader notions of living well and doing well? To answer this question, we must again look at the deliberative process. In deliberation, there are no fixed assumptions about what constitutes a worthwhile end to pursue. There is continual re-evaluation in the light of means and consequences. A conception of which things are the most worthwhile is built up piecemeal from past experience of making judgements about the best choices to pursue under various kinds of circumstances. This is why Aristotle thought that practical wisdom is more likely to belong to the old or the experienced. Judgements about what is best are justified in relation to the good or worthwhile life not by appeal to a ready-made picture of that life (which ground-level practical wisdom does not possess anyway), but by appeal to that which a person who is good at deliberation would approve. Successful ethical performance means hitting upon the best courses of action, and we recognise the best actions substantively as those which compare closely with what a person who is good at deliberation, the activity roughly sketched above, would do. The upshot of this is that, unlike the model of independent proof of good judgement that was illustrated by the case of the dowser, the authority of the *phronimos* is founded upon *her* conception, derived from experience at deliberation, of what constitutes good judgement.

To the degree that being good at deliberation is a capacity that one *lacks*, one's relationship to the *phronimos* resembles our relationship to the dowser. To the degree that the reasoning that the *phronimos* supplies for her judgements can be appreciated with ordinary and widely shared capacities, our relationship to her resembles our relationship to persons with cultivated awareness or tastes, such as art critics or wine tasters. It is this latter model that offers us a grip upon the notion of warrant in believing that someone's practical judgements are wise where we ourselves lack practical wisdom. While we lack

the capacity to deliberate towards a rational choice for ourselves, the availability of some agreed tests of the presence of such a capacity for sound deliberation in the *phronimos* - through the ordinary and widely-shared capacity to recognize features of good outcomes of action and appreciate the reasoning behind wise rational choices - gives us a basis for accepting the authority of those judgements of hers that are founded upon her deliberative skill.

5. Standards of Deliberative Excellence

In what sense may one speak of the existence of *standards* of deliberative excellence? Clearly, there are parallels here with the notion of standards of taste, and as with taste, standards of deliberative excellence may be captured by certain canons of good judgement. A consideration of Hume's illuminating defence of the notion of standards of taste may help to set some useful directions for thinking about the notion of standards of deliberative excellence.

Hume's essay "Of the Standard of Taste"[14] discusses the question whether objective standards can be expected in matters of taste. There is no clear distinction in Hume's writings between aesthetic and moral "opinions", both of which he thinks have their foundation in the sentiments, and may be classed as matters of taste.[15] The essay dwells chiefly on aesthetic standards, or "rules of art", with only brief and scattered comments on moral principles, the most notable being found in a concluding set of

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[14] David Hume, "Of the Standard of Taste", op. cit.

[15] In Hume's closing remarks in the *Enquiry Concerning Human Understanding,* he wrote: "Morals and criticism are not properly objects of the understanding as of taste and sentiment. Beauty, whether moral or natural, is felt, more properly than perceived." Cf. David Hume, *Enquiries*, op. cit.

remarks. However, rather than distinguishing between the moral and the aesthetic, we find there only an argument that a failure of moral judgement, "want of humanity and decency" in even the greatest literary works greatly diminishes their worth.[16] He claims that by contrast, errors in a great artist's opinions on speculative topics (for example, religion) subtracts little from the value of his work:

> "There needs but a certain turn of thought and imagination to make us enter into all the opinions, which have prevailed, and relish the sentiments or conclusions derived from them. But a very violent effort is requisite to change our judgement of manners, and excite sentiments of approbation or blame, love or hatred, different from those to which the mind from long custom has been familiarised. And where a man is confident of the rectitude of that moral standard, by which he judges, he is justly jealous of it, and will not pervert the sentiment of his heart for a moment, in complaisance to any writer whatsoever."[17]

Hume's proposed view of the relations between moral and aesthetic value involves the view that (1) moral quality enters into our judgement of an object's beauty, wherever the former is a consideration; and that (2) moral goodness is a species of beauty.[18] It is perhaps this account of the relations between the moral and the aesthetic which sustains an apparent assumption in Hume's essay that the proof that there are objective standards in the response to art is equally a discovery of the existence of objective standards of moral response.

Hume notes that it is natural for us to seek "a rule, by which the various sentiments of men may be reconciled (and) at least, a decision, afforded, confirming one sentiment, and condemning another", but,

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[16] David Hume, "Of the Standard of Taste", op. cit., p.293 ff.
[17] Ibid. p. 294.
[18] These two points have been more recently explored by Colin McGinn in *Ethics, Evil, and Fiction*, New

> "No steady rule of right seems to prevail where morality is founded on sentiment, (and) there is a species of philosophy which represents the impossibility of ever attaining any standard of taste."

The philosophical view in question holds that sentiments mark a certain conformity or relation between objects and the organs of the mind, and the sentiment exists because the relation exists. Hume gives no further detail of this, but only goes on to say that since beauty is held to be dependent upon the existence of a relation between mind and object, "it exists merely in the mind which contemplates them", and "each mind perceives a different beauty". A sentiment could not be wrong, because "sentiment has a reference to nothing beyond itself" (or the relation between the mind and the object contemplated). One might interpret Hume's point as follows: the utterance "I like it" has no reference to anything beyond what I am feeling, and the statement is true insofar as I really feel a liking towards a given object. This is in contrast to a judgement, which is capable of being true or false because it seems to depend not simply on a relation existing between observer and object (for example, when the object affects the perceptual faculties in a certain way), but also on relations existing in the object itself (for example, the qualities of redness and of a roof). The utterance "I see a red roof" is not merely a report about my percepts, but about the existence of a red roof that I am seeing. The problem with such a reading is that hackneyed point that Hume's judgements of taste would be rendered as mere autobiographical reports; and that reading fits "I like it" better than, say, "It is beautiful". This leaves Hume in a dilemma: either (a) judgements of taste are not as different from other sorts of judgements as he supposes, or (b) if they are different in the

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York, Oxford University Press, 1997. See esp. ch. 5.

way that he describes, then we do not seem to recognize his judgements of taste to be anything like ours.

A way out of this dilemma is to offer a different reading of Hume's account of judgements of taste; it might be suggested that "It is beautiful" is not a report of the speaker's feelings but, rather, expresses the speaker's feelings towards a certain object. The judgement, moreover, does not refer to a quality of 'beauty' (or whatever) in the object; yet it preserves a reference to a relation holding between speaker and object, by, perhaps meaning something like: "There is a property of the object that causes certain feeling response in the speaker towards it which is expressed when he utters the sentence 'It is beautiful'." Put in this way, it becomes obvious that judgements of taste, being expressions of the sentiments of a particular speaker, could never be wrong in so far as the speaker *is* expressing a particular sentiment; but there is thereby no interesting sense in which such statements could be said to have truth values.

Without settling the question of whether there is any interesting sense in which ethical judgements may be said to be truth-evaluable, let us see how far it would be possible to defend the notion of objective standards of taste even if they were not. So far, Hume agrees with the philosophical view that he describes. However, the proponents of this view go on to claim that since a sentiment could not be wrong, a proverbial saying which holds that it is fruitless to dispute over tastes is validated. Hume rejects this conclusion since, as he points out, it seems a mistake to say that because expressions of sentiment could not be true or false, they are not criticizable. In some situations, there is no acknowledgement of a natural equality of tastes, and some tastes are regarded as absurd or ridiculous while others are universally applauded. It might be said that while judgements of taste cannot be true or false, they can be good or bad; and there could

indeed be some fact of the matter that distinguishes good from bad taste, tastes to be applauded or criticized. Hume goes on to claim that there are general canons of good taste which are upheld, it seems uniformly, in human nature, and that rules of art have their foundation in experience along with all the practical sciences. However, he tells us that the feelings of men may not conform to the general rule because "the finer emotions of the mind are of a very tender and delicate nature, and require the concurrence of many favourable circumstances to play with felicity and exactness." In addition, he remarks that if serenity of mind, recollection of thought and due attention to the object are lacking, a person will not be able to respond adequately to beauty, for "the relation, which nature has placed between the form and the sentiment, will at least be more obscure." Some conditions requisite for sound or authoritative taste are: the frequent and unhurried contemplation of objects, the ability to form comparisons between different kinds of beauty and to assign due degrees of praise, the preservation of the mind from prejudice, the ability to sympathize with different audiences, and good sense.

There is reason to think that Hume believed that all disagreement of tastes could in principle be resolved were it the case that everyone's tastes were highly developed. This seems to be the implication of his comparison of a person of good taste with the skilled wine-tasters in the tale told by Sancho, and of the statement, "Though the principles of taste be universal, and nearly, if not entirely the same in all men; yet few are qualified to give judgement on any work of art, or establish their own sentiment as the standard of beauty." The qualification of this belief is made in his allusion to two "sources of variation (which) will often serve to produce a difference in the degrees of our approbation or blame", namely, (1) the different humours of particular men, and (2) the particular manners of our age and country. There is, according to Hume's own admission,

much diversity in the internal frame; thus young and old persons are touched by different things, one person is pleased by simplicity and another by the ornate, a person with a penchant for beauty will tolerate twenty defects for one elevated stroke while another who cares for correctness is more sensitive to blemishes, "We choose our favourite author as we do our friend", from likeness of sympathies and dispositions. And for that same reason, it takes less effort for most people to be pleased by images and characters that resemble objects found in their own age and country than those which describe a different set of customs, which can usually only be appreciated by those of learning and reflection. Given these qualifications, it seems baffling that Hume should think the application of universal canons of judgement in matters of taste would resolve disagreements in this domain of human response. We have no evidence of the "durable and universal" appreciation or denunciation of any works of art, and it is further not at all clear that the durability he speaks of is not sustained by authoritarian influence. (The case with morality, which is tied to certain necessary conditions of human life, will be different. I shall consider Hume's speculations upon the basis of human morality in the next section.) Rather, we find diversity of tastes and often, a comprehensible diversity; and we do well to take Hume's point that a great deal of the time we seek in vain for a standard by which we may reconcile the contrary sentiments, nor should we, because they are unavoidable and not reasonably the object of dispute.

Nevertheless, it *is*, as Hume says, a reasonable question to ask by what marks we recognize persons of good taste, for we can expect a reasonable answer to *that* question, even though it is "liable to great discussion, inquiry and dispute". We accept the reasonableness of the question because it is a fact of our experience that people's tastes are not all on an equal footing, and some will have superior tastes because of the

soundness of their understanding and the superiority of their faculties. It is these kinds of conditions that we can refer to as general supports for our arguments, but in order to persuade anyone to accept a particular point of view, more specific arguments pertaining to each case will of course be needed. What is the upshot of these remarks?

First, if the general structure of the account of taste is as Hume suggests, how far can we give an account of the *content* of judgements of taste which matches up with the suggested conception of how the canons of taste are supposed to work? The discovery of canons of good taste does not imply uniformity of tastes; Hume's essay suggests that it would be a philosophically unsound procedure to attempt in any direct way to find judgements the substantive content of which could serve as objective standards of good taste. According to Hume, the canons of taste do not offer substantive guidance of this sort to the novice for distinguishing good from bad judgements of taste herself, but rather, a set of general standards according to which she might be able to identify those who are good judges of a given subject matter. The general standards apply across diverse types of subject matter. The implication for ethical philosophy is that the search for a special 'ethical point of view' that held a set of criteria for distinguishing 'ethical' from 'non-ethical' judgements is to be eschewed. The ethical judgements of *phronimoi* typically display an impressive grasp of diverse types of consideration that bear upon judging a given ethical question; in addition to the canons of taste, one might include capacities closer to action, such as the ability to predict the outcomes of different courses of action, a sense of realism, style, or whatever. In this sense, there is no special *ethical* expertise to be identified.

While they are generally applicable over different kinds of subject matter - and this is a second point - the canons of taste do not operate outside of the context of shared

outlooks. If we judge that the *phronimos* has ethical authority on the basis of certain criteria, they would not be criteria that could be grasped by someone who did not share an ethical outlook within which the criteria derive their point. The notion of 'criteria' of ethical authority does not bear the kind of objectivity to be found in the cases earlier mentioned of the dowser or the person with the perfect ear. In the latter cases, understanding what would count as cognitive success is possible independently of one's having the cognitive capacities in question. But the ethical case differs in the kind of demand it places upon the understanding of those who are capable of recognizing ethical authority. To borrow a sentence from McDowell, "one acquires criterial knowledge by confrontation with appearances whose content is, or includes, the content of the knowledge acquired."[19] But if we are then tempted, following McDowell, to find a good analogy between the perception of secondary qualities and ethical judgements, we should remember that in the case of the perception of secondary qualities, no demand arises for the understanding that bears any analogy at all to appreciating the ethical significance of kindness, or generosity, or vanity, or whatever.

A consequence of the first two points is that there is no single ethical outlook that characterizes practical wisdom. This may seem to raise a problem, which might be put as follows. Hume's account of the content of judgements of taste would explain the pervasiveness of ethical disagreement. According to him judgements of taste are expressions of human sentiments in all their particularity (according to the different humours of particular men, and the particular manners of our age and country); as such, there is no guarantee that there would be always be some available fact of the matter that

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[19] John McDowell, "Criteria, Defeasibility, and Knowledge", *Proceedings of the British Academy*, 68, 1982, 455-79.

settles disputes among different speakers (given the tremendous diversity of the inner frame). Yet, Hume expresses confidence with regard to the emergence of agreed canons of good judgement. Does this simply ignore the obvious difficulty that he mentions, namely, that any agreement upon true general precepts offers little guarantee of agreement in response to a particular object?

I think Hume's confidence can be explained thus: first, we might expect more substantial agreement to be found where the moral judgements of a society are concerned if we reflected upon why morality and moral language would emerge in human societies. Given the need within human societies for its members to live together in some degree of harmony, some generally acceptable means of resolving disputes about how its practices are to be organized would be needed. A point of view that is shared with others, providing a mutually agreeable framework for reasoned discussion, is an avenue for the transcendance of individual, self-centred perspectives. Second, he famously noted that human beings have a natural sympathy for one another that enables most of them normally (where their interests are not under threat) to prefer the happiness of others rather than their misery. Considerations of this kind support the idea that substantial agreement of sentiments is likely to be found within any given society. A degree of substantial agreement of sentiments is in turn needed to render discussion and acceptance of general canons of moral judgement (that might serve as objective standards for a community) an intelligible and worthwhile practice.

But are we led by critical reflection on the *role* of morality to any conclusions about the *content* of morality? Could we, for instance, say something about what 'the moral point of view' might be like? It has been thought that natural human sympathy is able to bring human individuals to a point where they might occupy a perspective that is

available to all simply in virtue of being human. This, some have argued, must constitute the moral point of view. From such a perspective, each individual counts for one and no individual's welfare appears of any greater importance than another's. Led by the promptings of sympathy, we would (amazingly!) be given to see that there exists a clear moral decision procedure, namely, that morality commends resolution of conflicts of interest on the basis of impartial consideration of the welfare of all human beings. This formulation apparently leads to utilitarian moral theory. An alternative formulation, that gives impartial consideration to the *importance*, as well as the welfare of all human beings, leads to Kantianism. And just as there are ideal conditions for good aesthetic judgement, so also does moral judgement function optimally under certain kinds of conditions: having full information of the effects of actions upon all parties involved in a given situation, being in a state of freedom from any bias and prejudices that might distort moral perception, possessing natural sympathy, and so forth. So this story goes; but how sustainable is it?

There are many objections to it. a) The moral point of view is conceived of as an impartial point of view, and a spectator's point of view. If it is defensible, it could of course yield a moral decision procedure in ethics and a substantive conception of moral truth that is recognisable in other areas of thought. But apart from these advantages, there seems little else that would recommend this story as an account of what morality and good moral judgement requires. Impartiality is clearly not the only virtue, and in some circumstances, it would be no virtue at all. For example, a man who decides to help a stranger trapped under snow in an accident instead of his friend who is in less severe difficulties could do what he does out of beneficence alone, and impartiality may be altogether irrelevant.

b) Next, why should a spectator's perspective have central importance in morality? If we look to wise judges for moral advice, we would be interested in a perspective from which an exercise in deliberation is conducted on our behalf, as it were. A spectator perspective is one that we would seek if we were interested, for example, in what others would have to say about our actions; and this concern is rather distinct from an interest in working out what one should do, or even what one should do, *morally speaking*. As such, a spectator perspective seems to be only of secondary ethical importance; or else, it might be important in some special but limited ethical contexts. The spectator perspective does not replace the need for the kind of intelligence that an agent exercises in giving thought to his situation and what best to do.

c) If what morality calls for is that we adopt an impartial ideal spectator's stance in moral judgement, and such a stance (as Hume admitted) is virtually impossible for mere humans to attain, how could morality get off the ground? Recall the Humean observation that a condition for securing substantial moral agreement was that it should be grounded in some sentiment that might be found normally to occur naturally or spontaneously to human beings. This condition would seem to undermine the case for representing the moral point of view in terms of a stance largely inaccessible to the members of a society.

d) A fourth problem concerns the question of how one could arrive at *the* point of view available to us 'in virtue of our being human beings'. The most immediate problem here is that there would simply be *too many* points of view that would fit the bill. To use the phrase 'too many' is somewhat misleading; it suggests that there is something regrettable about this state of affairs, which in turn implies that we have an interest in the availability of some perspective on life that could lay claim to being *distinctively* human.

But if we do not need this much to demonstrate that there can be agreed objective standards of good judgement in ethical matters, why is it deemed important?

e) A final point: There are too many things that could fit the label, 'a perspective we occupy in virtue of being human', for its description to serve the purpose of human morality (construed as a set of tendencies towards the harmonization of the interests and concerns of the members of a society). Some, of course, would not serve at all. The perspective of a tyrant is a human enough perspective, but if that should make us tend towards a certain 'agreement' of interests, it would conceive of it (roughly) in terms of either the destruction or deception of competitors. As a perspective for the coordination of common interests, however, it is hopelessly inadequate and so may be eliminated as a candidate for the so-called moral point of view. But there are countless other promising ones. Why should the Ideal Spectator perspective emerge as uniquely capable of representing all the many things that it can be to be human that would serve the functions of human morality? In the last analysis, this idea is thoroughly implausible. Perhaps to see this, we need only to recall McDowell's words earlier quoted in this chapter:

> "If one tried to reduce one's conception of what virtue requires into a set of rules, then, however subtle and thoughtful one was in drawing up the code, cases would inevitably turn up in which a mechanical application of the rules would strike one as wrong - and not necessarily because one had changed one's mind; rather, one's mind on the matter is not susceptible of capture in any universal formula."

All this is not meant to deny the possibility of there being a substantial core of concerns and judgements of more or less universal reach across human societies. But there is no basis for the thought that this fact alone constitutes evidence of an underlying universal moral point of view.

Chapter Two: Practical Wisdom and Procedural Ethics

1. Procedural Theories of Ethics

The idea that the ethical life needs a conception of reasonable allegiance to local *phronimoi*, persons who grasp and illuminate the value of particular practices or institutional structures to fellow participants of a shared life and outlook, may strike us as anathema in the modern world. Modern moral philosophy, it has been said, is characterized by a proliferation of rule-centred or procedural theories for guiding human ethical conduct. In discussing this movement in ethical thought, and in particular, its conception of authoritative ethical reasoning, I first present what I take to be some of its key features and underlying concerns.

Proponents of procedural theories of ethics typically hold a set of beliefs in common. First, they tend to agree that principles for the guidance of human conduct should not simply be derived from conceptions of value constructed out of existing institutions and practices. This view may rest upon scepticism, which holds that there is little certainty on the availability of a true and substantive conception of the human good. Or it may be urged upon those who disbelieve in the possibility of resolving disagreements about the nature of the good by proving one conception rationally superior to the rest. (Irresoluble disagreement is itself a basis for the sceptical position.) Proceduralism in ethics is more familiarly expressed by the idea that the concept of 'right' should have priority over 'good'. Kantian ethics and utilitarianism are sometimes distinguished as 'deontological' and 'teleological' ethical theories respectively; and the

principle of giving priority to 'right' over 'good', itself a Kantian innovation,[1] is sometimes taken as a feature that distinguishes deontological ethical theories from teleological ethical theories. I am not here concerned to decide whether this practice makes sense in its own right; but to introduce a different type of contrast for ethical theories that places both Kantian and utilitarian ethical theories on the same side. The contrast is between ethical theories that take the idea of binding principles of thought and action as central to our understanding of ethical value, and ethical theories which hold that the notion of good must be at the centre of that understanding.[2] Kantian ethics is most obviously rule-centred or procedural in character. But proceduralism, I claim, may also be ascribed to ethical theories such as utilitarianism which, though it neither lacks a substantive conception of the good nor considers rational resolution of disagreements over its nature impossible, holds to a merely formal notion of the good. And utilitarianism may be viewed as a procedural ethical theory because it holds that the right way of arriving at a *thick* conception of good is by applying an empirically-informed procedure

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[1] In the *Critique of Practical Reason*, Kant wrote: "(T)he concept of good and evil is not defined prior to the moral law...rather the concept of good and evil must be defined after and by means of the law." Cf. Immanuel Kant, *Critique of Practical Reason*, edited and translated, with notes and introduction, by Lewis W. Beck, Third Edition, New York, Macmillan, 1993.

[2] It was Sidgwick who identified modern ethics with a moral ideal that sets the 'right' over the 'good', an ideal that can encompass many moral traditions. Charles Larmore has recently explicated Sidwick's views as follows,

> "(W)hat Sidgwick wanted most of all was to describe two very different ways of understanding the nature of ethics, or what he called 'the moral ideal'. If the notion of right is replaced by that of good at the foundations of ethics, he wrote, then the moral ideal will no longer be *imperative*, but rather *attractive*. His point was that ethical value may be defined either as what is binding or obligatory upon an agent, whatever may be his wants or desires, or as what an agent would in fact want if he were sufficiently informed about what he desires. In the first view, the notion of right is fundamental, in the second the notion of good. ...Sidgwick did not present these conceptions merely as two theoretical possibilities. In *The Methods of Ethics* and more thoroughly in his *Outlines of the History of Ethics* he argued that they correspond to the different perspectives of ancient and modern ethics."

Cf. Charles Larmore, *The Morals of Modernity*, New York, Cambridge University Press,1996, p. 20.

for calculating welfare-maximizing states-of-affairs that define the formal utilitarian idea of good.[3] Both Kantian and utilitarian philosophers, therefore, may be said to accord priority to the 'right' over the (thick, substantive) 'good', but the motivation for such a view thereby admits of quite different strands.

Utilitarians hold that ethical theorizing should have a prophetic role, offering a means of transforming and repudiating existing practices; and such an activity should set clear directions for ethical improvement. Mill wrote in a set of opening remarks in *Utilitarianism*:

> "But though in science the particular truths precede the general theory, the contrary might be expected to be the case with a practical art, such as morals or legislation. All action is for the sake of some end, and the rules of action, it seems natural to suppose, must take their whole character and colour from the end to which they are subservient. When we engage in a pursuit, a clear and precise conception of what we are pursuing would seem to be the first thing we need, instead of the last thing we are to look forward to. A test of right and wrong must be the means, one would think, of ascertaining what is right and wrong, and not a consequence of having already ascertained it."[4]

In contrast to this programme, Kant conceived of the ethical life as an opportunity for reflecting the dignity and freedom of human beings. The world of nature is envisaged by the Kantian as blind or purposeless, and *instrumental* to humanly legislated purposes, rather than being paradigmatic of them. According to Kantian philosophers, reasoning towards, and consistently abiding by, the principles of a purely self-created perfectible world confers a special dignity upon humanity.

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[3] Charles Taylor takes procedural ethics and substantive ethics to be contrasting forms. See "The Motivation Behind a Procedural Ethics", in Ronald Beiner and William J. Booth. (edd.), *Kant and Political Philosophy*, New Haven, Yale University Press, 1993, 337-60.

[4] John Stuart Mill, *Utilitarianism,* ch. 1. Cf.: John Stuart Mill, *Utilitarianism, Liberty, and Representative Government*, Everyman edition, introduced by A.D. Lindsay, London, J.M. Dent and Sons, 1960 reprint, p.

These different motivations equally sustain the common ground between two dominant traditions of modern ethical thought - that is, the disengagement of ethics from theorizing about the good, conceived as the *summum bonum* (the highest good for human beings). But there is a second point on which these traditions agree. Proponents of procedural ethical theories accept a certain argument that begins from the observation that the nature of the good is extremely opaque, and that even those who know how to see it are often unable to explain it clearly or to render it precisely intelligible to others. Procedural theorists argue that, in the formulation of ethical theories, appeals to reliance upon the authority of persons with ethical knowledge is at best unhelpful, at worst dogmatic if, as is evidently the case, the identification of the putative *phronimoi* is itself a highly contentious matter. The procedural theorist accurately perceives that the gravest implication of widespread ethical uncertainty is that it poses a threat to peace or social order. We are inclined to competition, Rawls once remarked, out of "anxiety, bias, preoccupation with our own affairs".[5] He sees in this predicament a need for clear and fairly simple rules for governing human affairs and for arbitrating conflicts of interest. If such clear organizing principles are unavailable, peace would seem to be achievable only through enslavement of the weak by the powerful. Procedural theorists find in ethical uncertainty and the problem of social order a certain impetus for articulating an explicit interest in the construction of an ethical theory that can generate definite rules of action for securing the conditions of security, justice, and prosperity.

The tradition of procedural ethics is a response to the prevailing atmosphere of ethical pluralism and the assertion of individual liberty. In the displacement of an

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[5] John Rawls, *A Theory of Justice*, Cambridge, Massachusetts, Harvard University Press, Belknap Press,

authoritative tradition by a multiplicity of self-contained and internally coherent ethical outlooks, society comes to be viewed, not as primarily providing a context for meaningful elaboration of human lives, but as the sum of contesting ways of life. In his search for a fresh conception of the meaning of community, and of freedom from the tyranny of the majority, Mill urged:

> "Protection ... against the tyranny of the magistrate is not enough: there needs protection also against the tyranny of prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and, if possible, prevent the formation, of any individuality not in harmony with its ways, and compels all characters to fashion themselves upon the model of its own. ...Some rules of conduct, therefore, must be imposed by law in the first place, and by opinion, on many things which are not fit subjects for the operation of law. What these rules should be is the principle question in human affairs; but if we accept a few of the most obvious cases, it is one of those which least progress has been made in resolving."[6]

This question concerning the formulation of new rules and habits of mind that would safeguard the freedom to choose how one should live had hitherto received little attention, according to Mill. Instead, its importance had been hidden by the persuasive influence of customary thinking.[7] Sensitive philosophers and individuals had merely laid emphasis upon judging what things society ought to like or dislike; scant consideration had been given to the problem of whether those goods are rightfully imposed upon individuals.[8] Mill's philosophy hailed individuality as a key component of well-being, and

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1971, p. 127.
[6] John Stuart Mill, *Liberty*, ch. 1. Cf. *Utilitarianism, Liberty, and Representative Government*, Everyman edition,op. cit. p. 68.
[7] Ibid. p. 69.
[8] Ibid. pp. 70-1.

envisaged a set of rules for the protection and cultivation of individuality as the basis for a new type of ethical community.

The Kantian tradition, in its concern to uphold individual rights, conceives of the highest good for humanity as that of dignity won through the rational pursuit of freedom. This freedom is expressed in reasoning that conforms to the canons of the Categorical Imperative, a form of thought that transcends human concern for happiness and the satisfaction of natural needs and desires. Kant held that the human good is too vague a notion and too susceptible to luck to serve as a definite measure of moral worth. The attainment of the good life is therefore an inappropriate measure of character. Only the purity of self-addressed moral principles can serve as a fitting measure. *Phronesis*, moreover, is usually marked by its appreciative discernment of goods internal to a flourishing way of life, and as such, seems wholly immersed in the search for a contingent good, and along with this, only contingently attainable virtues. This obscures the view of a form of good and inner (underlying) virtue that might be achieved in reaching for the Kantian ideal of transcendent rational autonomy. The pursuit of freedom consists, perhaps somewhat paradoxically, in bringing into being a form of life governed by the idea of a 'moral law' or a 'law of freedom'. Kantians hold that the moral law has been discovered in Kant's remarkable feat of displaying a distinctive procedure of practical reasoning, the procedure of applying the Categorical Imperative in practical decisions. The moral law is authenticated by the recognition of its existing influence upon ordinary moral consciousness, and in its conscientious enactment within the proposed Kantian society. The procedure of the Categorical Imperative subjects the human will to the moral law absolutely; it constructs a distinctive ordering of human desires, which introduces the idea of a type of sanction that is engendered by pure reason. The capacity to pay heed to this

type of purely rational sanction – an ultimate form of 'reasonableness' – is a mark of being an autonomous agent. *Phronesis*, as a form of thought that achieves a naturalistic and prudential ordering of human desires, is heteronomous. In particular, *qua* rational thought that remains *conditioned* by a given natural order, it is antithetical to the Kantian concern to seek a social order for morally free persons, that is, persons in possession of wholly unconditioned self-command. According to the Kantian, heteronomy spells a relinquishing of what is distinctive about our moral sensibility and humanity, namely, the capacity to construct the idea of an existence governed by a 'law of freedom' - which at once embodies and perpetuates the protection of individual human rights - and to accept the authority of such a 'law' over one's actions.

There are similarities, but also important differences, among procedural ethical theories. In rejecting the notion of a *summum bonum*, utilitarian philosophers think the only rational way of arriving at a conception of what human beings seek in action consists in the identification of some procedure that sums up the objects of human needs and desires. Kantians reject the idea of maximization of preference-satisfaction as an inadequate representation of the rationality of action, and assert a distinction and ordering between moral and prudential motives for action. Moral motivation consists in respect for consistent and dutiful action, and such motivation is thought to enable rational human beings to overcome even their human inclinations to satisfy natural desires and needs. Moral motivation confers an exalted form of freedom upon human beings. Indeed, it is the exercise of this freedom that is viewed as their highest good since, in Kant's estimation, the dignity that attaches to it is of infinite worth. The reasoning that preserves this freedom is that which conscientiously applies the canons of the famous Kantian Categorical Imperative. However, Kant himself accepted that happiness (satisfaction of

natural needs and desires) completes the human good; and he viewed prudential reasoning as conditionally rational, that is, rational insofar as it is instrumental to moral agency.[9]

Despite these differences, procedural theorists would tend to agree that the idea of (i) allegiance to the practical wisdom of local *phronimoi* is unduly conservative; and that (ii) ethical theories which stop at a vindication of *phronesis* are impractical in the modern context. Choosing means of adjudicating between plural and conflicting ideals of the good life is a central concern of modern ethical life.[10] But the form of ethical guidance offered by ethical theories centred on the idea of *phronesis* would seem, at best, insufficiently explicit for this purpose. Perhaps more seriously still, they tend to offer understandably but irredeemably parochial accounts of what *phronesis* is like, and hence are altogether unhelpful for dealing with this crucial area of modern ethical life.

In short, procedural ethics favours the ethical guidance of rules over the guidance of *phronimoi* for reasons of the following kind. First, moral development can and should be guided by conscientious reflection and clear direction. Second, the identification of *phronimoi* is too contested a matter to serve as a sound practical guide to acting well. The identification of *phronimoi* appears to require of the novice the kind of judgement he or

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[9] Immanuel Kant,*Groundwork of the Metaphysics of Morals*, ch. I. Cf. *The Moral Law,* translated and introduced by H.J. Paton, London, Routledge, 1948, p. 59. See also Paton's note 1 to the chapter, on p. 128.

[10] It has been suggested that sharp moral disagreement constitutes a striking difference between the conditions that inform older conceptions of moral philosophy and contemporary moral philosophy. Annette Baier, for example, notes: "(N)either Aristotle nor Hume expect any serious dissent from the list of virtues they endorse. ...By contrast, we today often see moral disagreement as a datum, almost an indispensable prerequisite for the very possibility of moral philosophy. ...From Mill on, I suggest, philosophers writing on ethics no longer supposed that there was a moral consensus, a body of agreed moral judgements one could appeal to in support of a controversial political or social cause, or in support of one's particular philosophical theory about moral judgements."

In recording this shift from a presumption of moral consensus to one of sharp conflict, she makes the further observation that: "philosophers at the beginning of the transition saw themselves as working for some disputed moral cause, saw themselves as members of the non-agreeing community of moral judges, while more recent moral theorists mostly see themselves as above the moral fray, outside the everyday disputes about what is to be tolerated." The latter development, "an extreme reaction to cultural pluralism", is an important detour in ethical philosophy which will be mentioned again later in this discussion. See: Annette Baier, "Doing Without Moral Theory", Stanley G. Clarke and Evan Simpson (edd.), *Anti-Theory in*

she precisely lacks. The proceduralist holds that morality must offer practical guidance to human beings, and that this purpose might best be served by seeking a clear and definite measure of the worthwhile for agents to aim at. Third, connected with the problem of identifying genuine *phronimoi* is the apparent multiplicity of conceptions of human goodness, and crucially, the recognition of significant value in permitting or promoting such ethical diversity (deemed a mark of respect for human freedom by many modern philosophers). Under these circumstances, the procedural theorist conceives of ethical thought, not as primarily concerned with the determination of what things are better or worse for human life or what characters are virtuous or vicious, but with what ethical rules or principles, if conscientiously observed, would secure conditions amenable to effective and peaceful pursuit of individually chosen values and ideals of life.

2. Mistaken Objections to Phronesis

The concerns of procedural ethics raise several deeply important issues for contemporary ethics such as that of the validity of individual purposes, the possibility of ethical improvement and what form of community encourages it; but in some ways, procedural ethics may seem to exaggerate problems to which it supplies an extreme response.

The latter claim may be explained thus. The fact that the identification of *phronimoi* is a difficult and contestable matter does not justify rejecting the practice of reliance upon ethical authorities in favour of identifying explicit tests or criteria of right

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Ethics and Moral Conservatism, New York, Albany, State University of New York Press, 1989, pp. 29-48.

action for the purpose of ethical guidance. In one of Anscombe's less-discussed philosophical papers,[11] she notes in the related matter of teaching that despite the difficulty with identifying genuine authorities who are qualified on account of sound conviction to teach, the acceptance of the authority of teachers may be justified. The acceptance of authority is apparently a necessary prerequisite for learning, and it has been thought that the possession of a critical mass of truths, even when accompanied by belief in many falsehoods, is part of the basis for cultivation of sound judgement or discernment. Anscombe's claim that "the right that a fallible teacher has...is the right that those he has to teach should generally be prepared to believe their teachers"[12] seems implausible. For one thing, it presupposes that belief can be commanded, which is not at all obvious. A more plausible suggestion might be that someone's right to teach consists in the right that those whom he or she has to teach should generally be prepared to *listen* to their teachers. But in any case, this unlikely claim does not affect her point that the possession of a critical mass of truths is a partial basis for the cultivation of discerning judgement, and this state is not likely to come about if there is rejection of the authority of all teaching on account of the fallibility of all teachers. What else is needed for the cultivation of sound judgement is an important question for further study.

The difficulty that attaches to the identification of genuine *phronimoi* is a problem that has been exaggerated by those procedural theorists who cite it as an obstacle to reliance upon the wise for ethical guidance. The suggestion that this calls for the identification of a set of relatively simple, explicit and publicly well-understood principles to serve as a sure and definite test of right action is an extreme reaction to the

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[11] G.E.M. Anscombe, "Authority in Morals", in *The Collected Philosophical Papers of G.E.M. Anscombe Vol. 3: Ethics, Religion and Politics*, Oxford, Blackwell, 1981,pp. 43-50.

problem. The suggestion is, moreover, of dubious worth since the problem of agreement in the identification of genuine *phronimoi* extends similarly to the determination of the right principles. The attempt to bypass the need for the exercise of judgement here is hardly successful, since judgement is evidently necessary in the selection and subsequent application of principles. In addition, the injunction to adhere conscientiously to such procedures needs careful interpretation if it is itself not to harm the development of good judgement; we shall return to this issue later.

A different and equally exaggerated point - again effectively criticized by Anscombe - has been often cited as an obstacle to reliance upon the authority of others in the judgement of ethical questions. Anscombe notes that Kantians have commonly argued that to take one's morality from someone else "turns it into a bastard sort of morality, marked by heteronomy." From this, they have concluded that "one's own personal conscience is necessarily the supreme arbiter in matters right and wrong." It is further supposed that the ancient observation that there is something unteachable about morals may be traced to this alleged 'necessity'.

This argument confuses the plausible point that one must formulate one's morality for oneself, to see the rightness and wrongness of each thing one so judges in moral judgement, with the implausible one that says one's own opinion must have the final word on questions of right and wrong. Addressing this confusion, Anscombe writes,

> "Let conscience be one's judgement of right and wrong, i.e. of good and evil in conduct, of what is virtuous and what is vicious to do. Then to say that one's own conscience is necessarily supreme arbiter in such matters is to say that necessarily what one judges right and wrong, one judges right and wrong. One could similarly say that one cannot think anything

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[12] Ibid. p. 45.

> to be true without thinking it. But that does not tend to show that one cannot think a thing on the strength of what someone else says, judging that that is much more likely than what one could have been inclined to think if left to oneself."[13]

Clearly, one would not have any *basis* for one's ethical judgements if one did not to some extent rely upon one's own perception of rightness or wrongness as regards a given ethical question; but this does not warrant the inference that the ethical credentials of one's judgements depend on the use of judgement unaided by ongoing practices, tradition and past experience in deciding on any ethical question. Noting that "only a foolish person thinks his own conscience is the last word, so far as he is concerned, about what to do," Anscombe argues that such foolishness has been embraced through the success of a piece of Kantian-inspired sophistry.

Advocates of a procedural ethics who reject (i) all reliance upon the ethical judgements of *phronimoi*, or more generally, (ii) all reliance upon public sources of moral teaching, represent an unhelpful tendency within that movement of ethical thought. However, I claimed at the beginning of this section that there are deep and important issues that proceduralism seeks to address.

3. Individuality and the Power to Act

One general question that procedural ethics raises is that of how an interest in promoting forms of life that foster human excellences (what Mill denoted by the term 'individuality') may be met *while* respecting the (modern) conviction that individuals of mature status should have freedom to determine what their own good consists in, and

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[13] Ibid. p. 46.

what ethically acceptable *means* are available within contemporary societies for achieving this. Mill's own answer to this question was that the interest in promoting excellence or 'individuality' within society was to be met *by* according to individuals of mature standing freedom within certain limits (which justification must meet a condition of transparency) to determine their own good. In the light of the incursions of majority opinion upon the minutest details of a person's life, and fast diminishing "variety of situations" in European society at that time,[14] he proposed that a principle of non-interference with the pursuit of individually chosen ideals, within limits that protect others from being harmed by these pursuits, should be promulagated within society, as well as legally enforced.

This sort of solution has been dismissed as banal by contemporary moral theorists, most notably, Alasdair MacIntyre. What it seems to offer is the mere assertion that the cultivation of excellence or individuality is a desirable end, and society should *quite literally* make room for it. The solution does nothing to address crucial issues such as the historical and material circumstances (the loss of variety of situations, for example) that threaten the growth of individuality. It is a crude measure, and in particular, careless with regard to the consequences of the proposed liberal individualism upon community practices that have traditionally served to provide meaningful use for a variety of specific and admired human qualities that contribute to an understanding of the notion of individuality itself. These qualities include self-knowledge, a sense of identity, self-respect, confident agency and friendship.[15] Alexis De Tocqueville's *Democracy in America* later explored the deleterious effects of individualism, conceived not as an

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[14] John Stuart Mill, *Liberty*, ch 3. Cf. *Utilitarianism, Liberty, and Representative Government*, Everyman edition, op. cit. p. 116.

agonistic struggle for survival, nor as the display of *virtus* (a practice implying a strong sense of community and a culture of recognition), but a belief in freedom as autonomy. The Individualists of Tocqueville's description are led to create little societies of "immediate ease" within a limited circle of friends and family, to enjoy peaceableness and moderation, "abandoning the larger society to its own way".[16] Belief in a notion of freedom such as this calls for equalization of power in society in order to rule out intrusions of precisely the kind that Mill deplored. The consequences of this is a "well-meaning materialism" designed to serve private gratification, which "will not corrupt the soul but noiselessly unbend its springs of action."[17] Anscombe's arguments also cast grave doubts upon the value of autonomy; but Mill, though he did not see the consequences of his Principle of Liberty, may be read as being concerned not so much with a Kantian notion of autonomy (self-possession, personal mastery) but what might be called 'power of agency', a state of being that has become increasingly elusive in the modern world. Social and political arrangements, as well as powerful psychological factors, can prevent an agent from acting well or successfully, Mill argued.[18]

Importantly, these conditions, as Bernard Williams has urged, can prevent some agents from acting well while enhancing the power of other agents to flourish.[19] In the face of this, it seems sensible that rules of fairness be designed, in order that differences

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[15] For a discussion of these qualities and their relations to human flourishing, see Owen Flanagan, *Varieties of Moral Personality*, Cambridge, Massachusetts, Harvard University Press, 1991, chs. 5 and 6.

[16] Alexis De Tocqueville, *Democracy in America*, Vol. II, Perennial Library, edited and translated by J.P. Mayer and George Lawrence, New York, Harper and Row, 1988, Part II, ch. 11, p. 506. Quoted in Richard Sennett, *Authority*, New York, W. W. Norton and Co. Inc., 1980, p. 118.

[17] Ibid. ch. 11, p. 534. Quoted in Richard Sennett, *Authority*, p. 118.

[18] In the famous chapter on Individuality (*Liberty*,ch. 3), Mill quotes the views of Wilhelm von Humboldt with approval: "the object 'towards which every human being must ceaselessly direct his efforts, and on which especially those who design to influence their fellow-men must ever keep their eyes, is the individuality of power and development'; ...for this there are two requisites, 'freedom, and variety of situations'" Cf. *Utilitarianism, Liberty, and Representative Government*, Everyman edition,op. cit. pp. 115-6.

of power that arise according to fair rules may be legitimated. The contractarian theory of John Rawls, a Kantian Constructivist project, is the most widely known attempt to do this.[20] An important question that arises here concerns how such rules are to be rationally decided, and whether they can be given any fixed ethical content. A further question, one of special concern in this discussion, is that of how the authority of such rules is conceived. I turn briefly to some preliminary considerations of this latter issue first, before addressing the former.

4. Power and the Authority of Rules

There is a form of authority that the sociologist Max Weber designated as 'legal-rational' (besides other forms such as 'traditional' authority and 'charismatic' authority). This consists in the actual acceptance by subjects of the legality of rules, and the right of persons in power to issue commands by virtue of their holding office in accordance with instituted rules. In a modern society, acquiring the powers of non-hereditary office is typically governed by rules that allow anyone to compete who can measure up to the expected role requirements. Belief in the authority of rules is a characteristic response to the complex circumstances of power in modern life; but clearly, how rules derive their authority crucially depends on the nature of power relations, how these are organized, perceived and experienced.[21]

Weber made the observation that power is thought of in many ways but only certain experiences of it produce authority. However, he wrongly supposed that only

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[19] Bernard Williams, *Shame and Necessity*, Berkeley, University of California Press, 1995, ch. 5.
[20] See John Rawls, *A Theory of Justice*, op. cit.; and *Political Liberalism*, New York, Columbia University

power one perceives as legitimate is experienced as authoritative.[22] This analysis is far too simple, for as Freudians and psychologists of the Frankfurt School have shown, power perceived by a subject as illegitimate *may* be experienced as authoritative. Freud pointed out that the process of maturation towards adulthood involves a struggle to come to grips with such notions as power, right, legitimacy, and with the relinquishment of archaic images of power or strength acquired in childhood through the experience of parental actions. Freud hoped that an adult would come to see the strength of her parents on its own terms, as a force that made her and which belonged to them, and not now a part of her self. He did not believe in the end that many people do make this adult interpretation of strength, let alone come to possess a steady hold on it. Following in Freud's footsteps, psychologists of the Frankfurt School were concerned to study mechanisms of "re-infantilization of the masses" deployed by the authoritarian ruler/personality. But as Richard Sennett has argued, the Freudian conception of legitimacy is too narrowly construed. Sennett presents a contemporary account of a range of ways in which *perceptions of legitimacy may be formed* out of non-transparent controls which the powerful exercise over their subordinates, in workplaces, in personal relationships, in different political regimes. Contemporary ethical philosophy has sought the means of unmasking such mechanisms of control and rendering their operation transparent. Transparency has become an important part of conceptions of legitimate authority in modern life.

Press, 1993.

[21] Cf. Richard Sennett, *Authority*, op. cit. p. 20.

[22] See for example, Max Weber, *On Charisma and Institution Building:Selected Papers*, edited and introduced by S.N. Eisenstadt, Chicago, University of Chicago Press, 1968, esp. chs. 1 and 2. For the critique of Weber's analysis of authority, I am indebted to Sennett, Cf. *Authority*, ch. 1.

Rule-based conceptions of how greater transparency in the practices of fair distribution might be reached are often expressed through a belief in the formulation of well-conceived rules or principles which supply reasons that would apply to any participant in a practice which they regulate. On such a view, transparency in the exercise of authority is interpreted in terms of accountability, and the requirement of accountability is met by citing reasons that apply to all who would occupy a given position of authority, and who, for example, must take decisions, represent situations, establish responsibility, assign blame, provide counsel, or whatever. This form of proceduralism is distinguished, not by an interest in fair rules for governing power distribution, or transparency, but by firstly, its interpretation of transparency as accountability, and then a special conception of what counts as a proper accounting. That notion of accountability involves a mode of justification which appeals to the giving of universalizable reasons.

While rule-governance has become an inextricable part of the modern experience of legitimate authority, it creates new forms of non-transparency. For instance, one problem with belief in the idea of accountability as justifiability in terms of the said reasons, is that these reasons may be too easily turned into a form of masking that can conceal illegitimate exercises of power. Invoking rules can be an expression of illegitimate power when rules are interpreted too formally, legalistically, or exceptionlessly, for instance. The idea of transparency is not reducible to the idea of being able to give a universalizable justification, or even to the idea of accountability. It fundamentally involves such notions as truthfulness, honesty (the rejection of manipulativeness), responsiveness, mutual recognition; and these qualities will in some interpersonal contexts suffice as an appropriate rendering of transparent authority.

Accountability and justification may be altogether redundant, as in the case of an advisor's relationship to his or her advisee.

Even if non-reductionist versions of rule-based models of accountability can be given, a further kind of difficulty may be noted. The language of rules is often couched in the passive voice, and as Sennett says, this voice suggests a form of authority that exists in the abstract as a universal principle and an omnipotent power. As he puts it,

> "The language of bureaucratic power is often couched in the passive voice, so that responsibility is veiled. ...The use of the passive voice...permits the chain of command to extend itself link after link. 'It has been decided' means the decision can be pinned down to no particular person - or, indeed, to no particular level of the organization. A principle has been declared which holds good for the whole; it can be applied in department after department."[23]

This has the effect of suppressing important issues for which a power-holder might rightly be expected to give explanation. Sennett argues for the importance of giving consideration to the 'who', 'why', 'when', and 'to what end' questions that lie behind the enactment of rules, and whether a rule has been applied equally to categories that are really distinct, as well as what conduct counts as obeying it.

These considerations indicate that the desire for transparency, thought to be lacking in the kind of authority that might be given to *phronimoi*, is not always much better met in turning to belief in legal-rational authority. But our preoccupation with rules is a complex phenomenon not driven solely by a desire for power to be made more transparent. Sennett observes that fear of direct confrontation with authority in contemporary modern societies supports a preference for the abstract authority of rules.

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[23] Sennett, *Authority*, op. cit. p. 180 ff.

My aim here is not an insane denunciation of rules and their role in governing our affairs. Rather, the point of this section has been to draw attention to the type of authority that rules in general have for those of us who live in contemporary modern societies.

5. Rational Intelligibility and the Ethical Life

Earlier, I suggested that one objection to the reliance upon *phronimoi* was that it is an insufficiently reflective ethical practice. Procedural ethics expresses the contemporary acceptance of reflectiveness as the authoritative voice of progress in ethical thinking. That psychologists and philosophers have achieved significant success in unmasking non-transparent mechanisms of illegitimate control may have encouraged the view that legitimate authority must meet a 'test of reflection'. But reflectiveness of the kind achievable by social scientists and philosophers does not translate into ethical knowedge. This style of reflection is one where the thinker is free to interpret the *basic* purposes and mechanisms of the controlling power, and such an exercise has the effect of *negating* authority. It is for this kind of reason that consequentialism faces a question concerning what shape a justification of authority can coherently take within a consequentialist theory of practical reason.[24] With this all too brief remark, I shall leave aside detailed consideration of consequentialism until the next chapter. Here, I shall focus on some recent conceptions of modern ethical reflection that Kantian philosophers have advanced.

The approach to reflection taken by Kantian Constructivists concerns itself in a different way with the re-direction of ethical thought and discourse given general

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[24] See, for example, a discussion of this point by Conrad Johnson, "The Authority of the Moral Agent", in Samuel Scheffler (ed.), *Consequentialism and Its Critics*, New York, Oxford University Press, 1988, pp.

acceptance of the idea that human beings of mature standing should have power to resist the imposition of public conceptions of the good. The Kantian Constructivist need not deny Anscombe's point that it would be foolish to reject the idea of individuals receiving ethical guidance from such sources as public teaching and experienced people. What he or she insists upon, however, is that in contemporary modern societies authority claims must pass the test of reflection; and that, within modern pluralistic societies, putative claims to authority must be certified by certain impartially applied reflective procedures. A good example of this position, it seems to me, can be found in the work of Onora O' Neill, a part of which I shall be discussing shortly. But let me first state the problem to which that part of her work responds.

The modern fragmentation of the ethical life (as well as other aspects of our cultural and social lives) poses a rather serious obstacle to the possibility of there being a reasonable allegiance to ethical authority. It may be contended that the rational intelligibility of ethical life itself might be thought to be threatened both in this fragmentation and a long-standing uncertainty in the history of ethics over the availability of a true, substantive conception of the good. Alasdair MacIntyre makes this the subject of his groundbreaking work, *After Virtue*. MacIntyre notes that modern moral discourse is characterized by "interminability of public argument", "disquieting private arbitrariness", and agnosticism over the question of the human good. However, he considers inconclusive a contention that all rational justifications of morality manifestly fail, and believes that a re-statement of the Aristotelian tradition offers a promising answer to this challenge. MacIntyre is critical of philosophers of the Enlightenment, among whom he includes Kant. MacIntyre's attack on Kantian ethical thought includes a charge that it

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contains an impoverished account of practical reasoning. Do procedure-based accounts of practical reasoning, in the form presented by Kantian philosophers, solve the problem of restoring rational intelligibility to modern ethical life?

As mentioned, recent attempts to answer powerful criticisms of the Kantian conception of practical reason have cast helpful light on the problems of restoring rational intelligibility to ethical life under modern conditions. I shall discuss, in particular, the work of Onora O'Neill on these problems.[25] O'Neill has argued that Kant's ethics may plausibly be seen as a careful response to the fragmentation of modernity that occupies MacIntyre. She notes MacIntyre's argument that human activity does not consist in isolated individual actions, and human actors are not composed of collections of roles with separate goals and standards; and, that for human activity to be intelligible, both actors and actions must be viewed against the setting of practices and institutions with histories that bear longer-term intentions. The account of human activity must be given in the form of narratives. MacIntyre believes that, as human agents, we seek intelligible continuations of the narratives of our lives and traditions. Intelligible continuations are those that give unity to individual lives and to traditions, and practical reasoning is involved in this quest. Thus, the continuations sought are not to be merely intelligible, but reasoned ones. MacIntyre believes that, for this purpose, the form it takes is exemplified in the Aristotelian conception of practical reasoning. That conception has to be modified to take account of modern starting points, particularly, the absence of a determinate social and political context (such as the Greek *polis*) in which a determinate conception of the human good can be formed. But MacIntyre expresses the hope that it might be possible to

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[25] In particular, the paper "Kant after Virtue", in Onora O' Neill, *Constructions of Reason: Explorations of Kant's Practical Philosophy*, Cambridge, Cambridge University Press, 1989, pp. 145-162.

move towards such a conception, from the inherited practices and institutions that now form the settings of our lives. O'Neill remarks that

> "Such a quest for the good is not merely an endeavour to live with the tradition we inherit, and in so doing to exemplify whatever specific virtues the practices of this tradition require. It is also an attempt to order these goods, to move from an inherited and historically determinate 'moral starting point' (*After Virtue*, p. 205 of the first edition) toward lives and ways of life in which what is inherited from a tradition is developed and extended and changed."[26]

Conceived as such, Kant's account of practical reasoning, she argues, has much to offer this project, by setting fundamental deontological constraints as a basis upon which to construct societies in which universal individual rights are protected, while preserving the diversity of flourishing traditions. Kant provides an account of a procedure of testing what might be called 'guiding principles of life' (maxims) that underlie the more specific intentions regularly formed by human actors, institutions, or cultural traditions. One of the examples O'Neill offers is the following: 'Don't deceive others' applied within a modern context makes intelligible such acts as not becoming a spy or nor signing false cheques; applied in an ancient setting, it might render intelligible such acts as not concealing weapons or food supplies. Thus, a maxim is not an intention, but a *principle* that correctly describes what one intends to do and for what end and motive. It is an indeterminate guideline that can be acted upon only when supplemented by more specific intentions set against a specific historical context. It has to do with the underlying quality or aspects of a life. Thus, maxims are not rules of duty, and have little to say about the rightness or wrongness of actions. In fact, the content of maxims are not derived from

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[26] Ibid. p. 146.

reason in Kant's view; maxims are the items that are to be brought to the procedure of applying the Categorical Imperative (CI) for testing.

The idea of bringing such 'inner' or underlying principles or aspects of our lives or actions up for testing reflects Kant's view that morality should conform to an inner standard of worth or virtue, rather than to the mere fulfilment of obligations, which is something that may be measured by external standards.[27] Another reason for focusing upon maxims, which O'Neill is at pains to point out, is that maxims bear two important aspects simultaneously: (i) As underlying guiding principles of life, their *content* is such that they may be, and in fact are, brought to bear upon what is particular and context specific in human intentions and actions; in this way, they are connected to persons, situations and lives, and this is a requirement on principles that purport to be action-guiding.[28] (ii) As general principles, they take on a *form* that allows them to be tested by the principles of reason. "Maxims, being principles of action, are potential candidates for formal distinctions: They (unlike mere reflexes and reactions) have the syntactic structure that would be necessary for formal distinctions to be applied. For example, maxims may be divided into the consistent and the inconsistent."[29]

The key feature of the test using the CI is its requirement that maxims meet a standard of universalizability conjoined with instrumental rationality. O'Neill notes that intuitively, what the test expresses is the idea that the underlying principles of a life (or tradition) are morally unworthy if their enactment precludes or threatens the possibility of community.[30] What the CI procedure yields are Kantian 'duties', that is, injunctions to act from morally appropriate maxims, or in other words, to structure our lives along certain

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[27] Ibid. pp. 161-2: Postscript.
[28] Ibid. pp. 150-2.

fundamental lines which would express the Kantian moral outlook. Duties do not *always* generate requirements to act in any specific way.[31] They might enjoin, for example, being guided by certain maxims of virtue; but since maxims must be implemented in diverse ways in diverse contexts, we might establish which maxims a person of virtue must adopt and still not know what specific actions are morally obligatory. Read like that, it is possible to rescue Kantian ethics from the common charge of 'rigorism', that is, the idea that it seeks to articulate a unique set of moral rules for all people and all time.

In O'Neill's account of Kant's theory of practical reasoning, morally appropriate maxims are meant to apply not only beyond the specifics of individual commitments and projects, but beyond culture, tradition, and historical age. This might tend to invite the charge of an empty formalism against the account - the idea that no substantive moral implications may be derived from purely rational and formal considerations - since we are not told, among other things, how to determine the relevant constituency towards which Kantian moral concern extends. But this charge is hasty. The critic's mistake is to take the two central components of Kant's theory of practical reasoning - univeralizability and instrumental rationality - as the *full account* of the theory. Correcting this impression, she explains,

> "The Kantian picture of practical reasoning requires the coordination of a number of elements. It requires capacities for reflective judging, for the critical deployment of concepts that articulate our moral situation. It requires the capacity to universalize, which is needed if the fundamental intentions of our lives are not to be ones that others cannot share. It requires also capacities for reasoning about means and results that will relate our fundamental principles to the situations in which we actually

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[29] Ibid. p. 150.
[30] Ibid. p. 156.
[31] Ibid. pp. 153-4.

> find ourselves, and lead us to contextually appropriate ancillary intentions. This is hardly an impoverished conception of practical reasoning."[32]

In its application to the present task of seeking intelligible continuations to the narratives of our lives and traditions, O'Neill writes,

> "...How we develop our quests for the good beyond the given starting point depends upon *which* development of a tradition we pursue, and this depends in large measure on the way in which the 'internal debate' of that tradition is conducted. Hence a great deal needs to be said about how that debate is conducted. Otherwise, we may not be able to distinguish changes that develop and expand a tradition from changes that corrupt it. An explicit account of the standards such embodied debates should meet would constitute a theory of practical reasoning."[33]

The special emphasis that Kant placed upon universalizability conjoined with instrumental rationality, such that he believed they had to constitute part of *any* theory of practical rationality, was due to considerations of the kind O'Neill describes: the ossification of traditions through esoterism or elitism, or their deterioration due to conservatism for its own sake.[34]

Attention is drawn too to the point that importance is placed upon the exercise of *phronesis* or practical wisdom in Kant's theory of practical reasoning. The theory depicts practical reasoning as arduous; there are no algorithms for determining the application of maxims, and none for the formulation of maxims. Here, the movement from perception of the particular to grasping the salient universals that it bears involves 'reflective judging' (discussed in the *Critique of Judgement*); and O' Neill notes that within the "embodied

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[32] Ibid. p. 160.
[33] Ibid. p.159.
[34] Ibid. p. 159.

debate" of any moral tradition, there will be modes of reflective judging that select and discriminate morally significant matters. Thus, she defends Kant against MacIntyre's assertion that "For Kant one can be both good and stupid".

So much for O'Neill's representation of Kantian ethics as a response to MacIntyre's preoccupations; but let us now turn to the key features of the Kantian reflective procedure that she defends. A brief description of the procedure runs as follows:

> "The Formula of Universal Law runs: '*Act only on that maxim through which you can at the same time will that it should become universal law.*' (G, IV, 421). The test proposed is that we ask whether the maxim by which we propose to guide our acting be one that we *can* simultaneously will that others should act on. There is no mention here of what we would want all others to do, or of what everybody might want done. The point is to consider what we *can* consistently will be done, not only by ourselves but also by all others."[35]

There are some unattractive aspects of the Kantian procedure which may be initially noted. For example, it can take account of what 'all others can do' (note the ambitious 'all' and 'can') only if it abstracts from people's characters, commitments and ordinary expectations. There is an important reason for this peculiarity in Kantian thought. O' Neill urges that,

> "The Kantian 'opposition' of (human) nature and morality is the fundamental alienation that underlies the fragmentation of the moral life. This is not something that we can simply overcome, but rather the historical reality that requires all modern ethical thinking to focus on ethics for those living in defective communities, where there may be no

[35] Ibid. p. 156. For an explication of the steps of the CI procedure, see John Rawls, "Themes in Kant's Moral Philosophy" in Ronald Beiner and William J. Booth. (edd.), *Kant and Political Philosophy*, op. cit. pp. 291-319.

> standard to map inward virtue onto outward requirements. Kant is deeply pessimistic in his perception of the predicament, and offers no reasons for thinking that, as things now are, a life guided by maxims of virtue will be a flourishing or happy one. Although we may rationally *hope* for the long-term coordination of virtue and happiness, as things now are, and in particular as we now are, the virtuous life may cost us rather than constitute our happiness."[36]

This sort of Kantian hope in dutiful obedience to the judgements of one's own conscience as moral vindication, an almost infantile need to believe that morality has the power to cleave to an ultimate justice, has invited responses like the one below, which is due to Anscombe:

> "(I)t is not reasonable to hold that one can so easily get away with having thought good what was bad and bad what was good, and acted accordingly - by having had a sense of duty in connection with what one did. It would have an adverse effect on the seriousness of one's concern to avoid sinning, if one was guaranteed against it by following one's sense of duty."[37]

As Anscombe argued, modern scepticism toward the belief in a moral lawgiver makes nonsense of the Kantian system of practical reasoning.[38] Further, one might reflect on what consequences there might be of such a morality as this gaining acceptance. In the light of De Tocqueville's sociological inquiries, we now have some reason to think that proceduralist ethics can erode crucial components of individuality – long-term projects, commitments to the pursuit of excellence, and so on – to an abstract idea of benevolent, peaceable, consensual and (more insidiously) indulgent existence. Nietzsche suggested, somewhat melodramatically, that the distinctive kind of rational motive such a morality

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[36] "Kant after Virtue", op. cit. p. 155.
[37] "Authority in Morals", op. cit. p. 47.
[38] G.E.M. Anscombe, "Modern Moral Philosophy", in her *Collected Papers (Vol.3)*, op. cit. pp. 26-42.

seeks to inculcate imposes a type of social straitjacket, rendering agents self-surveillant, 'responsible' only in the sense of being ever-conscious of upsetting the social whole, and fearful of initiative.

Even where it is conceived as a basis for building societies that respect individual rights, the Kantian system may still seem grossly inadequate. Firstly, this lone exercise of checking one's subjective maxims against a universalizability criterion only *seems* to take account of the position of others, but is readily shown to be consistent with ethical egoism.[39] It may be contrasted with a more common understanding of such tests. Anscombe argued that a person who does not check her own opinions against those of other people is foolish. This is not the same thing as the act of applying the procedure of the Categorical Imperative to one's maxims - an exercise which lacks the element of alterity[40] necessary to introduce a minimally adequate check upon personal biases and tendencies toward misjudgement in one's own thinking.

Further, this version of deontological liberalism, like at least some versions of utilitarianism, may have failed to take seriously MacIntyre's diagnosis of their foundations in an emotivist conception of moral argument. According to such a conception, the point of moral debate is little more than the expression of the preferences of each party, which are each held to be of fundamental value and equal weight. Consequently, no party has reason to defer to a public decision, which might represent the majority view, or perhaps a view that claims rational superiority over the others.[41] If no

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[39] See for example, Thomas Nagel, "Universality and the Reflective Self", a reply to Korsgaard's Cambridge lectures in Christine Korsgaard, *The Sources of Normativity*, Cambridge, Cambridge University Press, 1996, pp. 200-9 .

[40] On this point, see David Wiggins, "Universalizabiliy, Impartiality, Truth", Essay II in *Needs, Values, Truth*, 2nd Edition, Oxford, Blackwell,1991, pp. 59-86. See p. 70.

[41] This point is made by Paul Kelly. See his "MacIntyre's Critique of Utilitarianism", in John Horton and Susan Mendus (ed.), *After MacIntyre,* Oxford, Polity Press, 1994, pp. 127-43.

public decision is aimed at, each party is reduced to engagement in what Annette Baier has termed "the philosophical construction business", each holding themselves above the fray, trying to achieve reflective equilibrium by seeking a constructive theory which is at best personally therapeutic.

Against these criticisms, however, it may be pointed out, firstly, that MacIntyre's criticism of deontological liberalism involves an unfair interpretation of the motivational structure of parties to moral debate of the kind envisaged by at least some liberal theorists. In his application of Kantian Constructivism to the theory of justice,[42] Rawls, for example, is clear that the psychological profile of parties to the original position is a "device of representation",[43] designed to depict people as entertaining a conception of society as a "cooperative venture for mutual advantage" who recognize the possibility of their coming to have significantly conflicting visions of the good. Rawls speaks of parties to the original position as being motivated by generational concern: "I shall make a motivational assumption. The parties are thought of as representing continuing lines of claims, as being, so to speak, deputies for a kind of everlasting moral agent or institution. They need not take into account its entire life-span in perpetuity, but their good will stretches over at least two generations."[44] This feature of the Rawlsian liberal's motivational structure brings it closer to MacIntyre's rationally reflective ethical agent, whose task is to contemplate intelligible extensions of a historically-situated tradition. While the parties to the Original Position are required to adopt a reflective standpoint that would be rejected by MacIntyre - involving a conception of themselves as autonomous, non-tradition-bound, and radically unknowledgeable – it is important, and Rawls is clear,

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[42] Rawls is quick to point out that he does not take the procedure as something that could apply to the larger domain of moral life.

that he intends that his reflective project be carried out by agents who form an audience[45] that, presumably, both he and MacIntyre share. Moreover, Rawls explicitly says that, "The social nature of mankind is best seen by contrast with the conception of private society. Thus human beings have in fact shared final ends and they value their common institutions and activities as good in themselves."[46] An emotivist conception of moral argument would be falsely attributed to the debating parties of the Original Position.

Secondly, Anscombe's objection to Kantian ethics may similarly appear hasty. Anscombe charged that to feel moral vindication because one has acted out of a sense of duty, though without knowing whether the action was virtuous, would soon erode moral rectitude or seriousness. This criticism may have missed a point about Kant's ethics that O'Neill emphasizes, namely, that it is an ethics that answers to a crucial feature of defective communities, "where there may be no standard to map inward virtue onto outward requirements." In the defective communities envisaged, the motives behind actions are precisely hidden or non-transparent. As O'Neill reminds us, Kant thought that self-knowledge of the goodness or badness of actions lies largely beyond human reach. But this implies a real difficulty with regard to ascertaining the state of human progress toward virtue. She argues that Kant's scepticism about self-knowledge of our underlying maxims means that there is a problem with interpreting Kant as favouring a psychologistic, voluntarist ethics. Instead, she proposes that Kantian ethics be viewed as primarily prescriptive, offering a way of thinking about what we ought to do through the CI procedure, a standard of right action to be aimed at, without holding that the procedure provides a way of *testing* human actions to see if they measure up to the standards of

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[43] John Rawls, *Political Liberalism*, op. cit. p. 24.
[44] John Rawls, *A Theory of Justice*, op. cit. pp. 128-9.

virtue.[47] Thus, whether or not adherence to the CI procedure promotes or destroys virtue is something that the Kantian considers himself or herself unable to comment on.

What is the upshot of these replies? I think not very much. To the first, it may be argued that even with the Rawlsian enrichment of the motivational structure of the liberal self, there remain serious difficulties. Representational devices like that of the Original Position are not new in the history of ethical thought. There are, *inter alia*, Hobbesian and Humean variants of this methodological generalism in theorizing about the circumstances of justice. But why *start* from any such picture? In the course of political dialogue among parties with significantly conflicting visions of the good, might it not emerge that such motivational assumptions were ill founded to begin with? The fact is that to start with them *already* expresses a preference – a *mere* preference - for a particular vision of the just society, not a neutral framework for discussion of competing visions of the good (including the just society). Talk of a methodological "device of representation" in the notion of the Original Position serves only to mask this fact. Further, that a group of reflective agents have a robust sense of sociality (as opposed to more individualistic modes of judgement) is by itself insufficient to support the further assumption by Rawls that they regard the just society as a "social union of social unions". Ostensibly, the postulation of an overarching level of social union is a tenuous move. Different types of social union – familial love, friendship, fraternal ties, political affiliation, religious affirmation, a sense of belonging to a culture, *et cetera* – generate a wide range of potentially competing loyalties. Setting the direction of harmonization of these various allegiances would seem to require formulation *through, rather than prior to,* piecemeal

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[45] John Rawls, *Political Liberalism*, op. cit. See: Introduction.
[46] Ibid. p. 523.

reflective activity. It may be noted too that the just community may be idealized as, variously, pluralistic and contiguous, monistic and non-contiguous, eschatological vision, past ancestral community, and so forth. To hope that the just society might offer "a framework for community that is not communal" (to use David Gauthier's phrase) simply leaves *all* of the problems.

The second reply provides an important argument that lies at the heart of procedural ethics. Proceduralist ethics takes seriously the thought - possibly an important truth - that the plans we lay for the sake of progress in virtue are often (perhaps more often than not) impossible to vindicate. Kantian prescribed maxims are neither knowable by introspection, nor can they be formulated by taking patterns of outward action as criterial for their conception. In *Religion Within the Limits of Reason Alone* (1793), Kant held that an agent "can form no certain and definite conception of his real disposition through an immediate consciousness thereof and can only abstract it from the way of life he has actually followed."[48] Although this remark appears to support the idea that Kantian maxims may be derived from patterns of outward action, closer consideration suggests that this cannot be the whole story. On such an account, the inference from pattern of action to underlying maxim of action would be, firstly, under-determined, since more than one maxim could be ascribable; and secondly, it would dissolve the sense that a principle of action is distinct from its enactment in a way that confers inner worth upon those who act on principles. On this view, Kantian virtue would be no different from *Sittlichkeit*. According to the Kantian, it is the application of the CI procedure to ethical deliberation

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[47] For this argument, see Onora O'Neill, "Kant's Virtues", in Roger Crisp (ed.), *How Should One Live?*. Oxford, Clarendon Press, 1996, pp. 77-98.

[48] Immanuel Kant, *Religion Within the Limits of Reason Alone*, translated and introduced by Theodore M. Greene and Hoyt H. Hudson, New York, Harper Torchbooks, 1960, p. 71. Quoted in O' Neill, "Kant's Virtues", p. 93.

that forges that distinction, and provides a focus for ethical deliberation. O' Neill depicts Kantian ethics as a system of ethics that seeks a kind of clear guidance and purposefulness for those who strive towards virtue, in spite of the difficulties of ascertaining the extent of their progress.

> "Even if maxims are not knowable by introspection, and not determinable by ascription, reference to practical principles can be indispensable for guiding action. The greater indeterminacy of principles of virtue - of principles of ends whose rejection cannot coherently be universalized - does not mean that we do not need to refer to those principles in order to act virtuously. However, virtuous action does not require us to know which principles we have successfully internalized, but only which principles we are striving to live up to. The theoretical ambitions of ascertaining what agents' maxims actually are will remain unsatisfied... However, these limitations of self- and other-knowledge are not obstacles to the practical task of striving to live in a way that would, in the circumstances, constitute a clear enactment of virtue."[49]

But why consider this reliance upon, or *allegiance* to, the CI procedure the best means of registering a clear enactment of virtue? O'Neill herself considers an alternative, namely, the suggestion that maxims might be discoverable by a combination of introspection and ascription. This approach, as she noted, is consistent with many of Kant's convictions. For example, (a) it allows us to arrive at some empirical, fallible self-knowledge and other-knowledge, which can be corrected by the evidence provided by people's word and deeds, and this can make sense of Kant's claim[50] that progress toward self-knowledge though never fully attainable is a duty. Further, (b) by not collapsing evidence for maxims into evidence for action, it allows us to continue to make sense of

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[49] O' Neill, "Kant's Virtues", p. 95.
[50] Ibid. p. 94. Cf. *The Metaphysics of Morals*, VI, 441-2, Prussian Academy Edition. Also: Immanuel Kant, *Ethical Philosophy*, translated and introduced by James W. Ellington and Warner A. Wick, Indianapolis, Hackett Publishing Company, 1983, pp. 103-4.

the picture of agents as possessing underlying maxims which they either live up to or not. O'Neill's dismissal of this kind of position is all too swift, and apparently, unfounded.

> "(T)his dual view of maxims as ascertainable by a combination of introspection and ascription will be quite inadequate for practical purposes. For there action, if there be any, lies ahead. Hence it seems that in contexts of action we would be driven back to a solely introspective view of maxims - otherwise we would have to put far too much weight on the deperate strategy of finding out what our maxim is by waiting to find out what we do. Yet maxims are defined by Kant as practical principles, whose primary relevance is for agents who seek to work out what to do."[51]

But it is simply false that such a model forces us into the two alternatives she mentions. One could, for instance, rely on a wiser or more experienced person's advice on what a sound maxim might be in a situation confronted. Perhaps what motivates O'Neill's dismissal of this knowledge-based model is the fact that it offers no certain measure of virtue (the advice could lead to mistakes, one might make a bad choice of advisors, the advice may be wrongly taken, etc.); but then it may be asked why that is an objection to the model. It may well be pointed out that the Kantian procedure offers no ethical certainty either, and what it substitutes for certainty - namely, effort - is of dubious worth, as Anscombe warned. In addition, if what it seeks to focus ethical attention on is inner striving after virtue, there is no reason to think that earnest attempts to learn from the wise and experienced do not amount to such inner striving. Above all, applications of the CI procedure do not seem to produce particularly impressive examples of sound decision-making, a point we have touched on in earlier remarks on the Rawlsian application of Kantian Constructivism.

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[51] O' Neill, "Kant's Virtues", p. 94.

6. Phronesis and Beyond

The Kantian proceduralist views ethical reflectiveness as the search for serviceable ways of transcending local demands on ethical thought. This is deemed a valuable step toward arriving at clear and practicable conceptions of justice, transparency, civility, and so forth, in a pluralistic society. But we have seen how, in various ways, this move is of scant value, and in particular, offers a tenuous basis on which to order competing allegiances within contemporary modern societies. The impersonality of rules of action in procedural theories is thought to serve as an opiate against personal pre-occupations and commitments that inevitably lead to moral and political conflict. Yet, to suppose that the most important task of practical thought is to present an acceptable set of impersonal ground rules for governing human affairs is to assume that sociality is fundamentally unproblematic. Proceduralists tend to write as if theoretically settled views about coherent ethical ends may simply be enacted through prescriptions and exhortations that somehow magically remove those personal pre-occupations and allegiances that the fear of chaos and war could not remove.

The distancing from ordinary life in modern rule morality reflects an assumption that local standards and structures that attract our allegiance and motivate our actions are not reasonable enough. This tends to hide from view such questions as whether there is a human need for our locally-situated sources of authority, and how we might determine for practical purposes whether some particular authority has a reasonable claim upon our allegiance. (We have considered this problem in the previous chapter. In Chapter Five, I offer some further suggestions on how a notion of practical wisdom that answers credibly to the complex conditions of modernity might be conceived.) There are important

questions of character, justice, civility, accountability, and so forth, arising in ordinary conflicts that practical thought and ethical philosophy evidently face - witness Aristotle: Should one always obey and respect one's father, or should one obey experts, depending on the situation? Should one help one's friends or help virtuous people, when these are not the same and it is impossible to do both? Is it better to repay a debt or to do a favour for a friend, if you cannot do both?[52] Such questions do not simply all reduce to the one about peace and a tolerable social order. As Stephen Salkever has observed, modern rule morality neglects to ask what sorts of authoritative structures and motives might be needed for developing and sustaining the exercise of various excellences of character that can make life desirable.

> "The need for authority is not simply the same as the need for some tolerable social order, or for peace; if this were all that were at stake, the matter might be assimilable to the kinds of questions that can be brought under a rule, particularly one of a utilitarian kind."[53]

In the next chapter, we explore the ways in which utilitarians and Kantians might respond to the charge that they leave no place for the importance of authoritative structures and motives in human lives. Procedural ethical theorists (with the exception of Kant himself) have until only recently tended to omit discussion of such subjects as friendship, love and personal commitment in general. I shall be considering more closely how these subjects might be discussed by procedural theorists, and how more sophisticated theories of this sort could, from the perspective of procedural ethics and its aims, recognize those values. However, I also explore, by a dialectical procedure of the

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[52] Such examples of *aporia* over conflicting duties are discussed by Aristotle in *Nicomachean Ethics* IX. Quoted in Stephen Salkever, *Finding the Mean*, op. cit. p. 139.

kind that the procedural theorist would consider indeterminate and imprecise, some of the effects upon ordinary bases of friendship, and personal commitment more generally, that the procedural theorist's perspective would engender. One of my aims will be to demonstrate there that such an 'imprecise' dialectical reasoning procedure offers *greater* critical resources than procedural ethics can supply, primarily because it is a form of reflection that is at once critical *and* self-critical.

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[53] Stephen Salkever, *Finding the Mean*, op. cit. p. 118.

Chapter Three: The Critique of Morality

1. Ethical Philosophy and the Critique of Morality

What authority can ethical philosophy carry in ethical life? Does contemporary ethical philosophy, through its different styles of theorizing, offer adequate critical standards that might be brought to bear upon our ethical judgements? In the previous chapter, I tried to offer some reasons for doubting that the systematic ethical theories that proceduralism has spawned, in particular Kantianism and utilitarianism, are an adequate response to ethical pluralism and the collapse of tradition-based ethical authority. In this chapter, I explore a second set of issues surrounding procedural ethics, namely: how it purports to be a progressive force within the ethical life.

The proceduralist, as we saw in the previous chapter, holds a very ambitious view of the powers of ethical philosophy, regarding it as capable of becoming a significant force within the ethical life. Do we have good reason to believe this? In broaching this question, I take a fairly detailed look at some quite ordinary commitments that structure our motivations, which proceduralists ignore at their peril. To capture a range of pertinent phenomenological aspects of ordinary commitment, I draw upon the growing philosophical literature on friendship. In particular, I consider the problem that certain plausible understandings of friendship pose to ethical theories such as Kantianism and consequentialism. Focusing on friendship, in my view, provides a useful way of exploring areas of ethical life that are only rarely concerned with thoughts about ethical improvement, a pre-occupation that drives much of contemporary ethical philosophy. Commitments of the kind that arise in friendship are powerful sources of our

understanding of ethical value that can, and regularly do, place limits upon the authority and ambitions of ethical philosophy. In the end, my conclusion is that procedural ethics fails to appreciate the obscurity of the idea of ethical improvement when ordinary ethical sensibility is consulted. This theme will be revisited in subsequent chapters. Here, it leads me to further doubts that proceduralism can be a credible force within the ethical life.

Clearly, there is no general answer to be given to questions about what critical and regenerative powers philosophy can have within the ethical life. For one thing, there are diverse styles of ethical philosophy. Focusing on procedural ethics admits, at best, the prospect of closing or opening up particular issues. Incidentally, this chapter itself delivers an example of 'imprecise' dialectical reasoning at a philosophical level that may offer greater critical resources than procedural ethics can supply, primarily because it is a form of reflection that is at once critical *and* self-critical. If it pays to deploy these forms of ethical reflection, then it seems to me that procedural ethics must be missing something.

2. Deontological and Consequentialist Conceptions of Moral Goodness

Contemporary ethical philosophy offers two (though not only two) influential conceptions of what it is to think and act morally, but the pictures they paint of the morally good person seem to imply that many common acts of doing good to our friends do not measure up to certain standards of moral goodness. There are, accordingly, two versions of this claim.

According to one conception of what it is to act morally, associated primarily with the ethics of Kant, it is held that we ought, as far as possible, to act with a consistent,

dutiful will, and in a manner which accords equal respect to all human beings. This view of what it is to think and act morally is referred to as deontology. The deontologist holds that it is characteristic of moral persons that they view themselves as one among many equal persons, and see their actions as bound by a pattern of lawfulness or duty that binds everyone equally. According to the deontologist, we should try to think and act likewise. Firstly, in thinking about the right thing to do, we should not accord special importance to those inclinations, desires, needs or preferences which occur naturally in us, or which it so happens that we have. Instead, we should will ourselves to act from motives that have moral worth, such as the love of humanity.[1] Secondly, we should judge a given situation impartially. This is expressed by a principle of universalizability: we should guide our actions by reasons that *anyone* could discover to be equally acceptable to all persons in the same given situation.

A second dominant account of right action is the consequentialist one. Consequentialists hold that one should perform the action that has the best overall consequences, as judged from an impersonal standpoint that gives equal weight to the interests of everyone. Samuel Scheffler notes that consequentialism embodies a simple and appealing idea, namely, that

> "so far as morality is concerned, what people should do is to minimize evil and maximize good, to try, in other words, to make the world as good a place as possible...Anyone who resists consequentialism seems

[1] Cf. Kant, at the beginning of his "Lecture on Friendship": "There are two motives to action in man. The one - self-love - is derived from himself, and the other - the love of humanity - is derived from others and is the moral motive. ...we recognize that acts of self-love have no moral merit, but have at most the sanction of the moral law, while acts prompted by our love of mankind and by our desire to promote the happiness of the human race, are most meritorious." In Immanuel Kant, *Lectures on Ethics*, translated by Louis Infield, New York, Harper and Row, 1963. Reprinted in Michael Pakaluk (ed.), *Other Selves: Philosophers on Friendship*, Indianapolis, Hackett Publishing Company, 1991, pp. 210-7.

committed to the claim that morality tells us to do less good than we are in a position to do."[2]

Utilitarianism, as one type of consequentialist theory, standardly takes the greatest sum of welfare for humanity as the definition of 'the best overall consequences'. Consequentialism, like deontology, takes beneficence to be definitive of morality. Again, like deontology, it advocates impartiality.

A major difference between deontology and consequentialism, however, is their contrasting attitudes towards the relationship between what is right and what results in the best consequences. The deontologist argues that actions that result in the best consequences may sometimes be immoral. A stock example may be repeated here: to kill an innocent person in order to save nine others from a similar fate is immoral, even if the nine others are equally innocent. Though it apparently produces the greatest aggregate welfare in the circumstances, the action is immoral because it commits an injustice towards the one innocent victim. Consequentialists have tried to reformulate their theory in response to this kind of objection. For example, some consequentialists accept that while individual acts of injustice may have the best consequences in particular situations, the readiness to commit an injustice for the sake of maximizing welfare would be detrimental to human welfare in the long run. A rule prohibiting such acts of indiscriminate injustice is quite acceptable to a consequentialist on the grounds that, if everyone strictly adhered to the rule, it would maximize human welfare in the long run. To put it in another way, if everyone regarded it as their duty not to commit acts of indiscriminate injustice towards individuals, this practice would have better overall

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[2] Samuel Scheffler (ed.), *Consequentialism and Its Critics*, 2nd reprint, New York, Oxford University Press, 1991, p. 1.

consequences for human welfare. The deontologist is unlikely to be satisfied with even this "rule-utilitarian reformulation" of classical utilitarianism. Is there nothing that is good or bad in itself regardless of the consequences on human welfare that it can carry - a non-negotiable sphere of right? The consequentialist, on the other hand, thinks that what is good or bad must be tested by its consequences for human welfare; otherwise, we place ourselves in danger of subscribing to mere superstition and dogma.

3. The Problem of Friendship

Such differences notwithstanding, these two dominant ethical traditions suggest that many common acts of friendship do not measure up to the standards of moral goodness. More precisely, what they would seem to imply is that the reasons that friends have for doing good to each other are importantly different from the sorts of reasons that a morally good person has for acting.

The deontologist holds that moral persons, firstly, are impartial, characteristically viewing themselves as one among many equal persons; and, secondly, they desire to act from a pattern of lawfulness or duty that binds everybody equally. But friends regard each other not simply as one among many equal persons. I typically regard my friend as uniquely different from others; and as a friend, I typically regard myself as unique, in the sense that I stand in a relationship to my friend that has its own unique pattern. When friends do good to each other, they are typically motivated by thoughts of their personal ties, which they usually wish to nurture and strengthen. Further, the deontologist holds that a morally good person does not act for reasons based upon his or her natural inclinations, needs or desires; a morally good person acts from altruistic motives that he

or she wills. But friends typically act on the basis of their spontaneous likings, feelings of affection, natural attentiveness for each other. Moreover, spontaneous affection seems to be valued highly by friends, more than dutifulness.

Friendship, thus, has been thought of as a form of love of scant moral worth. Kierkegaard wrote that friendship and erotic love are purely natural phenomena that "contain no ethical task".[3] These natural loves are non-ethical not only because they are forms of self-love, but also because, as expressions of natural preferences and inclinations, they cannot be willed and so cannot be required by God (or more generally, ethically required). Moreover, its partialistic point of view may also *tempt* us towards viewing and treating human beings in unequal terms. Finally, the phenomenon of natural friendship may promote a kind of injustice in human life, where luck is allowed to govern how well or poorly human beings are treated by others.[4]

To sum up, the deontological account of morality advocates the cultivation of a dutiful will, as an expression of moral strength of character. It requires of a person that he or she should, as far as morality is concerned, consider each person equally important. In other words, he or she should be impartial. Finally, morality should promote justice; it should not allow the treatment of human beings to be governed by fortune or luck. Friendship can cause us to violate these moral precepts because personal bonds and spontaneous inclinations are valued in friendship. It can thwart morality's aim of bringing about greater justice in the world. Thus, the moral worth of friendship may be called into question.

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[3] Soren Kierkegaard, "You Shall Love Your *Neighbour*", Part II B of *Works of Love*,translated by Howard and Edna Hong, New York, Harper and Row, 1962. Reprinted in Michael Pakaluk (ed.), *Other Selves*, op. cit. pp. 233-47. Cf. p. 238.

[4] Elizabeth Telfer, "Friendship", *Proceedings of the Aristotelian Society*, 1970. Reprinted in Michael Pakaluk (ed.), *Other Selves*,op. cit. pp. 250-67.

Consequentialism, as we saw, offers its own distinctive account of morality. Recall that consequentialism is committed to maximizing good and minimizing evil in the world. Hence, it commends actions that bring about a better state of the world, as judged from an impersonal standpoint that gives equal weight to the good of everyone. Consequentialism says that everybody's interests, preferences or deepest commitments in real terms – that is, from an objective observer's viewpoint – each count only for one. To think that our own good (or that of loved ones) counts for more than other people's is to subscribe to a subjective and baseless prejudice.

Consequentialists do not object to the cultivation of close personal friendships *provided that* this makes the world a better place overall, and that is determined empirically, by a standardized, objective measurement. If, however, the world is made worse overall by these commitments, the consequentialist prescribes that when it comes to the crunch, morality demands that an agent should think objectively about the betterment of the world. Thus, consequentialists object to friendship only if friendship prevents agents from making the world as good a place as possible.

Both the consequentialist and deontologist take beneficence (love of humanity as a whole) and impartiality as defining marks of a morally good person. The consequentialist holds that making overall improvements in the world is a proper focus of morality. The deontologist holds that actions motivated by natural inclinations are of little value because they fail to cultivate the will to embrace a more universal, and less immediately felt, love. In his *Lecture on Friendship*, Kant remarked,

> "Civilized man seeks universal pleasures and a universal friendship, unrestricted by special ties; the savage picks and chooses according to

his taste and disposition, for the more primitive the social culture the more necessary such associations are."[5]

The consequentialist and the deontologist both caution against acting from natural inclination. The consequentialist thinks that natural inclinations may blind or prejudice us, or lead us to excess; in training ourselves to take the objective point of view, we may guard against these errors. The objective point of view reveals what the deontologist had also urged, namely, that in real terms, each human being's good is to be valued in the same way as the next human being's. Both accounts agree that moral teaching should aim to inculcate in people such a perspective on humanity. Both kinds of moralist believe that morally-developed persons should desire to make the world better. Consequentialists object to friendship if it prevents us from making the world as progressive a place as possible. Deontologists object to friendship if it makes the world more unfair.

According to both the deontologist and the consequentialist, a programme of ethical improvement is possible. By training one's motivations, even in friendship, to meet the standards set by reflective principles that have been derived from systematic philosophical inquiry, personal responsibility for injustice and misjudgements of value may be minimized. However, a crucial practical question arises here: Is it possible to have close personal friendships (and in general, deep commitment to various personal projects) and be genuinely (that is, without blindness or self-deception) concerned about attaining a better world?

Some writers claim that it is impossible. They may be described as incompatibilists. An incompatibilist response may run as follows. It may be pointed out that concern for the world seems to demand (a) a movement from caring about interests

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[5] Cf. Michael Pakaluk (ed.),*Other Selves*, op. cit. p. 216.

within a small circle to caring about more universal concerns; (b) sacrificing our personal lives (including close friends) for the sake of improving the world. An incompatibilist might then claim that concern for the whole world (i) de-personalizes us and our relationships; (ii) makes us willing to sacrifice our friends' interests to larger causes. If this happens, we may lose the capacity to be a friend. If we try to remain a worthy friend, it seems that we could not be genuinely committed to a moral demand to care about the world. Incompatibilists tend to favour one type of concern over the other. Most defend the importance of personal relationships and attack the deontological and consequentialist conceptions of morality and its demands. By contrast, the compatibilist answer is that it is possible to care about the world and at the same time maintain our deep personal commitments. Different compatibilist answers to what we have called the 'problem of friendship' may be developed by deontologists and consequentialists. In what follows, I explore some fairly sophisticated responses by deontologists and consequentialists to incompatibilist worries.

4. Deontology and Compatibilism

In our first encounter with deontology, it appeared that friendship should be excluded from the moral sphere on grounds that: (i) It is a form of spontaneous "natural love" that could neither be willed by anyone nor morally required of anyone. Whereas, the deontologist held that morality requires of us certain kinds of actions. (ii) The partialistic attitude that, as friends, we typically display towards each other, is contrary to the attitude of impartial justice required of us from a moral point of view. Perhaps these objections can be overcome by a more subtle interpretation of deontology.

The deontologist critique of friendship raises the following questions: I) whether friendship can be willed or morally required. II) whether the 'partiality' in common acts of friendship calls for any criticism of such acts. Let us further divide the first question into two parts: Ia) Can friendship be willed? Ib) Can friendship be morally required?

First, then, can friendship be willed? Certain feelings are usually thought to be a necessary condition of friendship. Elizabeth Telfer, for instance, speaks of the "passions of friendship", namely, affection and liking, that must be present before a relationship counts as one of friendship. But this fact seems to imply that friendship is in some sense beyond willing. If certain sorts of feelings are necessary for friendship, but these feelings cannot be willed into existence, then friendship is, apparently, beyond willing. On the other hand, it seems an equally evident fact that we can choose our friends.

We might say that the answer to this question is that, in a sense, friendship can be willed, but in another sense, it cannot be. If certain sorts of feelings are a necessary condition of friendship and one cannot choose to have or choose not to have those feelings, then what follows is that one cannot be a friend of just anyone. However, one may still be said to choose one's friends. For while certain feelings are necessary to friendship, they are not sufficient to bring about friendship. A person who possesses the passions of friendship has to act on those feelings in order for any friendship to arise. To be a friend, one has to actually help one's friend instead of merely wanting to help, as Elizabeth Telfer puts it.[6] This suggests the possibility of a more complex deontological account of the role of feelings and the will in friendship.

Telfer's view is similar to one that Kant held. Feelings of certain kinds are a necessary condition of friendship, but these do not make a friendship unless accompanied

by actions (which can be willed or chosen). He distinguished between "practical love" and "pathological/emotional love";[7] the actions involved in practical love can be chosen. Therefore, we can choose our friends, though we cannot be friends with just anyone. Kant noted too that some actions can nurture or cultivate the emotion of love in us to different degrees and in different styles. Even so, the condition of reciprocity of feeling in friendship places limits upon the persons we can be friends with. Feelings are a necessary condition of friendship.

But which ones? In Kant's *Metaphysics of Morals*, "moral friendship" is defined as "the complete confidence of two persons in the mutual openness of their private judgements and sensations, as far as such openness can subsist with mutual respect for one another."[8] Friendship carried to perfection is "the union of two persons through equal mutual love and respect."[9] In Kant, love and respect take the place of Telfer's affection and liking as necessary conditions of friendship. They are necessary, according to Kant, because without them, we can have no 'concept' of friendship. In other words, the experience of emotions such as love and respect is necessary for understanding the nature or 'concept' of perfect friendship. Which feelings are necessary for grasping the right concept of friendship? Telfer's affection and liking, or Kant's love and respect? There appears to be different kinds of friendship defined by different emotional foundations.

Turning now to our second question: can friendship be morally required? Though friendship can be willed to some extent, it might be thought that it cannot be a moral

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[6] Cf. Elizabeth Telfer,"Friendship",in Michael Pakaluk (ed.), *Other Selves*, op. cit. p. 256.

[7] These terms are used in the Paton translation of the *Grundlegung*. Cf. Immanuel Kant, *The Moral Law: Kant's Groundwork of the Metaphysics of Morals*, translated and analysed by H.J. Paton, London, Routledge, 23rd Impression, 1989, p. 65 (p. 399 of the Prussian Academy Edition).

[8] Part II, entitled *Metaphysical Principles of Virtue*, I, §47. Cf. Immanuel Kant, *Ethical Philosophy*, translated and introduced by James W. Ellington and Warner A. Wick, Indianapolis, Hackett Publishing Company, 1983, p. 138 ff. (pp. 472-3 of the Prussian Academy Edition).

demand on us to cultivate friendships. Friendship seems to be something that is freely offered, and not given because it is one's duty to give it. Since morality is defined by the deontologist to be the sphere of our duties, or of what is required or demanded of us, can friendship – which lies in the domain of the supererogatory (surpassing the requirements of duty) - be morally required?

The answer, again, seems to be that in a sense, friendship cannot be morally required, but in another, we can be morally required to cultivate friendships. We may distinguish between the 'obligatory' and the 'supererogatory'. When someone has a claim to something that I have (for example, X), my giving X is obligatory. If he has no claim to X, my giving X is supererogatory. However, it may be morally required of me generally to give X even though X is something that no one could have a claim to it (that is, my giving X on any particular occasion is not obligatory). Consider the example of forgiveness. We think, for example, that it makes sense to say to someone, "You ought to be more forgiving." Being forgiving may sometimes be morally required (we may be charged with immorality for being unforgiving) even though no one has a right to forgiveness and being forgiving is not an obligation. This is because being forgiving seems to be a necessary condition for a more careful perception of others' dues and how we ought to behave towards them.

> "Generosity forms the eye of justice... The disposition to be generous leads us, via greater perceptiveness, to make just judgements."[10]

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[9] *Metaphysical Principles of Virtue*, I, §46. Ibid. p. 135 ff. (p. 470 of the Prussian Academy Edition).
[10] As Neera K. Badhwar remarks in "Friendship, Justice and Supererogation", *American Philosophical Quarterly*,22,2, April 1985, pp. 123-32. Quote on: p. 129.

Thus, a duty or moral requirement generally to cultivate forgiveness may be said to exist in the sense that being forgiving is necessary for seeing when certain actions we might undertake for the sake of others are supererogatory and when they are obligatory. We are morally required generally to give X if generally giving X is necessary for seeing aright whether particular actions would be supererogatory, or in fact obligatory. This suggests a more complex deontological account of the boundaries of what is morally required: generally giving X might be morally required even though giving X on particular occasions is supererogatory. This will be true if X supports capacities that are necessary for meeting certain moral requirements. Friendship (love, respect, forgiveness) cannot be an obligation, but the experience of friendship is necessary for understanding the concept of obligation,[11] which in turn builds our capacity to meet morality's requirements.

But can duty be a reason for friendship? Though we may have a moral duty to cultivate friendships, can duty be a reason to befriend someone? Friends wish each other well or do good to each other for the friend's sake. An act may cease to be an act of friendship if it has a motivation other than meeting the friend's need. If there is an 'ulterior' motivation for feeling and acting, such as pity, benefit to humanity, self-cultivation, or conscientious adherence to duty (a conscientious person is one for whom the thought that "This is my duty", or "This is demanded, required of, incumbent upon, me" is the primary motivation to act), that co-exists with the desire to meet a friend's need, is this friendship? We shall take up this issue towards the end of the chapter.

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[11] *Metaphysical Principles of Virtue*, I, §48. Ellington translation, op. cit. p. 140 ff. (p. 474 of the Prussian Academy Edition).

Finally, does the 'partiality' in common acts of friendship call for any criticism of such acts? Partiality is objectionable if it connotes the pursuit of selfish interests. But if being 'partial' simply denotes 'not being impartial' in giving special attention and care to particular persons rather than equal attention to all, it is not obvious what could be morally objectionable about being 'partial'. Would this partiality not be a more effective mode of meeting human needs since an attentive person would perceive more deeply what these needs are and how they can be met, not only in the beloved but also in the case of strangers? Recall that one objection to the notion that we have a duty to cultivate friendships - special attention and care for particular persons - is that the phenomenon of friendship is a source of injustice in human life; it leaves the treatment of human beings to the vicissitudes of chance or luck. It has been said that the experience of friendship is necessary for understanding our obligations to others or what is due to them. Such understanding is essential to a growing sense of justice. Thus, there may be no other way to pursue greater justice in the world except by urging more human beings to strive for equal and reciprocal friendships. Equality and reciprocity in friendship grows, in turn, with a growing sense of justice.[12]

Concluding the case for compatibilism, deontologists may contend that if friendship can be willed, morally required, and shown to be necessary for a sense of justice, then initial objections to the pursuit of friendship may be eliminated.

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[12] Cf. John Stuart Mill, *The Subjection of Women.*, edited, with an introduction, by Susan Moller Okin, Indianapolis, Hackett Publishing Company, 1988, ch. IV.

5. Consequentialism and Compatibilism

A consequentialist does not object to close personal attachments provided that they maximize good in the world. Consequentialists have an interest in the "real" value of their personal attachments, a value to be determined by an objective measure of the contribution of those personal attachments to the betterment of human life, besides their subjective importance to oneself, or to a pair of friends, or a close-knit circle. But we may wonder whether such a person as the consequentialist is capable of friendship. A person who values a friendship for the contribution it makes to human progress, or the betterment of the world, seems to de-personalize his relationships. Such a person might be described as 'impersonal'. A person who, when it comes to the crunch, thinks that it is right to think objectively about the betterment of human life, rather than the subjective importance to herself of her personal attachment to someone, seems too ready to sacrifice personal attachments to larger causes. Such a person might make a treacherous or undependable friend. How can consequentialists defend their credentials as friends, good as can be found anywhere. How would they build up a compatibilist case too?

To do so, the consequentialist, it seems, needs to address the following questions:

I) Can reflecting upon the objective value of our personal commitments de-personalize and hence destroy personal commitments?

II) Does the moral injunction to maximize moral goodness and minimize evil imply that we are morally required to always act upon a principle to maximize moral goodness and minimize evil?

Consider then the first of these questions. Can reflecting upon the objective value of our personal commitments corrode them? What does it mean to reflect objectively upon the value of our personal commitments? It might mean that:

A) we measure the value of our personal commitments or friendships by applying a fixed and impersonal principle, such as a utilitarian calculus based on the Greatest Happiness Principle, or by adopting the perspective of an ideal rational observer.

If this point of view takes on importance for us, then it would have a dehumanizing effect upon the way we see ourselves and others. From that abstract point of view, the friend's value amounts to the value of a 'thing' (for example, a creature with needs, a fit member of a species, *et cetera*). However, objectively reflecting upon the value of our personal commitments might mean something different. It is reasonable to think that what is of real moral value to human beings cannot be understood from an abstract, emotionless standpoint. Accordingly,

B): objective reflection should proceed by consulting our own emotions and those of other human beings.

Some of the questions which arise here are: (1) Which emotions are important for arriving at an objective view, a view of the real value of our commitments? A sense of justice or fairness? Generosity? Beneficence? Affection towards someone? Liking? (2) Whose opinions should we consult? Ours alone (but all our emotions at once)? The friend's? ("Do unto others as you would have them do to you.") Observers? (The

disinterested perspective of a judge.) Whatever the emotions needed to arrive at a correct evaluation of our personal commitments, it is evident that consulting feelings adds new information about the values and commitments that have importance within human lives. This awareness is a first step towards arriving at an understanding of the real or objective value of personal commitments. Far from de-personalizing us and rendering us disinterested in personal commitment, objective reflection can lead us, from inchoate views of what human beings value, to a better appreciation of, among other things, the nature of our own personal attachments, the relative importance of our various commitments, and the shape of a meaningful life, what is universally valuable to human beings. Not being willing to do this may cut us off from a sense of life, which itself constitutes a type of alienation. Peter Railton remarks,

> "Individuals who will not or cannot allow questions to arise about what they are doing from a broader perspective are in an important way cut off from their society and the larger world. They may not be troubled by this in any very direct way, but even so they may fail to experience that powerful sense of purpose and meaning that comes from seeing oneself as part of something larger and more enduring than oneself or one's intimate circle."[13]

Further, it is odd, in fact, to suggest that the discovery that a friendship of mine has objective value (for example, utility) might have a destructive force upon that friendship. It is more common to find that a discovery of something bad in an object diminishes our desire for it, or offers some justification for allowing our commitment to it to be overriden by other commitments.

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[13] Peter Railton, "Alienation,Consequentialism, and Morality", *Philosophy and Public Affairs*, 13, 2, Spring, 1984. Reprinted in Neera K. Badhwar (ed.), *Friendship: A Philosophical Reader*, Ithaca, Cornell, 1993, pp. 211-44. Cf. p. 227.

Of course, we have yet to determine what kind of reflection produces the best understanding of the value of our attachments and commitments. Consequentialists and deontologists like Kant, if you would recall, take it that the perspectives of impartial justice (equal consideration of all interests) and beneficence (love of humanity) offer us that best understanding. In the next section, we shall consider whether their views are sound.

Now to our second question: does the moral injunction to maximize moral goodness and minimize evil imply that we are morally required to always act upon a principle to maximize moral goodness and minimize evil? Should consequentialists be willing to sacrifice their friends to the pursuit of impartial beneficence and other moral causes? Does the consequentialist hold that we ought to diminish our commitment if we know that the object of our commitment (for example, a particular friendship) is not the best of all possible objects that we could commit ourselves to? Are consequentialists thus treacherous and undependable?

Consequentialists would easily recognize what most of us know, viz., that the friendships and personal attachments in our lives are not the most worthwhile. Yet if we were consistently to give each of them up for better ones, we would soon have no friends at all. Thus, always to act upon a principle of pursuing the best friendships is likely to leave us friendless. Consequentialists would be familiar too with what might be called the "paradox of morality". According to this paradox, exclusive concern with morality stands in the way of some of the best moral achievements, such as giving up one's life (including opportunities for moral achievement) for the sake of one's friends.[14] If so, a

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[14] Cf. William Wilcox, "Egoists, Consequentialists and Their Friends", *Philosophy and Public Affairs*, Vol. 16, 1987, pp. 73-84; Aristotle, *The Nicomachean Ethics*, IX.viii.

consequentialist would reject a requirement always to act upon a principle to pursue the most worthwhile relationships and relinquish less rewarding ones, on grounds that such action is likely to leave him with no friends, or else, only the poorest sorts of characters for friends. In other words, such action would be self-defeating.

It is an interesting fact that there is no 'natural exclusion' between showing loyalty towards friends and maximizing happiness and minimizing evil in the world Sophisticated consequentialists might then argue that when people are loyal towards their friends, there could be potentially better consequences all round. Of course, the disposition to be loyal delivers certain judgemental heuristics that may at times fail to maximize happiness all round; but sophisticated consequentialists could maintain that it is still right for a person to develop such a disposition because without it he or she would maximize good and minimize evil less often. This would constitute an indirect form of consequentialism, which allows that under some circumstances, better consequences will be achieved by driving out tendencies towards consequentialist reasoning.[15] It may be objected that a theory of practical reasoning that drives its own style of practical reasoning from the scene when making decisions in important areas of life is a theory in grave difficulty.[16] Responding to this, consequentialists such as Railton argue that the truth-conditions of an ethical theory and its acceptance-conditions should be distinguished. While consequentialism as a mode of thought may be rejected in many important areas of life, it

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[15] Peter Railton offers such an argument. Cf. "Alienation,Consequentialism, and Morality", in Neera Badhwar, *Friendship*, op. cit., pp. 232-3.

[16] Bernard Williams is the author of this criticism. Cf. Bernard Williams, "A Critique of Utilitarianism" in J.J. C. Smart and B. Williams, *Utilitarianism: For and Against*, Cambridege, Cambridge University Press, 1973, p. 135. A sustained critique of utilitarianism is found in numerous places in his work. See: *Morality: An Introduction to Ethics,* New York, Harper Torchbooks, 1972, pp. 89-107; *Moral Luck: Philosophical Papers (1971-1980),* Cambridge, Cambridge University Press, 1981, esp. "Persons, Character and Morality", "Moral Luck", and "Utilitarianism and Moral Self-Indulgence"; *Utilitarianism and Beyond*, edited and introduced by Amartya Sen and Bernard Williams, Cambridge, Cambridge University Press, 1982; *Ethics and the Limits of Philosophy*, London, Fontana Masterguides, 1985, ch. 5.

supplies a true *criterion of right action* on a meta-ethical level.[17] We shall consider this claim more closely in section 7.

Concluding the consequentialist's case for compatibilism: the concern to improve the world may bring into our lives a conflict between personal life and an intuitively correct moral aspiration, and can cause some dislocation if it is difficult for us to care about moral concerns that are less immediate, or if it is difficult to uphold loyalty to friends under certain conditions. How demanding it would be for people to be, for example, loyal to friends depends on the state of the world, but consequentialists contend that we can lessen the sense of demandingness that attaches to such conduct by altering social and political arrangements that present obstacles of one kind or another to upholding loyalty. Trying to meet moral demands may seem alienating if we cannot bring ourselves to care about them. But then, the consequentialist has not assumed that morality is easy. If these dislocations are overcome by efforts on the part of the moral agent to integrate personal and wider concerns more harmoniously, consequentialist morality could lead us to live a more expansive and meaningful life. On this account, consequentialists turn out to be morally reflective people with a social conscience. Moreover, consequentialism can overcome the charges of impersonalism, treachery and unreliability.

This concludes our examination of the different strategies that deontologists and consequentialists could use in support of the view that procedural ethical theories, developed to more sophisticated levels, may endorse the role of everyday authoritative patterns of motivation within the programmes of ethical improvement that they variously

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[17] Peter Railton, "Alienation,Consequentialism, and Morality", in Neera Badhwar, *Friendship*, op. cit., p. 230.

advocate. But now a rather more fundamental issue remains to be considered, namely: Do the conceptions of moral goodness proposed by deontologists and consequentialists seem morally sound?

6. Remaining Incompatibilities

In previous sections, we considered the morally problematic aspects of friendship from the perspective of deontologists and consequentialists. We went on to pursue some compatibilist lines of argument. But while friendship can be shown to be compatible with deontology and consequentialism, there remains the question whether the conceptions of moral goodness proposed by deontologists and consequentialists are morally sound in the first place. In what follows, we shall examine the moral doctrines of deontology and consequentialism themselves.

How are we to determine whether a conception of morality is sound? In the preceding section, we noted that we have yet to determine what kind of reflective disposition produces the best understanding of the value to be assigned to objects, including our personal attachments and commitments. Consequentialists and deontologists take it that the perspectives of impartial justice and beneficence (love of humanity) offer us that best understanding. In the present section, we shall examine these claims.

Friendship was shown to be compatible with a deontological conception of morality because it is a disposition toward love and mutual respect which, when extended towards the generality of human beings, can promote a sense of obligation to others in virtue of their being human beings. This sort of respect is the basis of a developed sense

of impartial justice. While all of this is certainly true, we should remember that the concerns of friendship in particular situations and those of impartial justice can come into conflict. For example, a doctor with a developed sense of impartial justice may be at times tempted to keep some patients waiting while allowing patients who happen to be his friends to jump the queue. Deontologists and consequentialists hold that morally speaking impartial justice should have primacy over personal attachments.

Another issue that the compatibilist position has not addressed is the question whether a person who has cultivated largeness of heart and the capacity to love humanity must show the same love (of humanity) towards friends, or whether she may continue to express a special love for her friends. Deontologists hold that friendship is not valuable in its own right and should be transcended; it has value only insofar as it is a foundation for the development of beneficence - the love of humanity. This is because friendship, based merely upon inclinations, seems to contain no "ethical task", although the emotional dispositions involved in friendship are the germ of ethical dispositions. Consequentialists do not tell us that the integration of commitments in a morally good person's life must be weighted in the direction of service to humanity generally. For if this causes psychological dislocation, the consequentialist would not endorse it. However, in a consequentialist ranking of morally good persons, it would seem that the person who has spared no effort in securing greater welfare for humanity at large at the expense of personal life (so long as he is able to keep it up psychologically) would be ranked above one who has spared no effort in serving personal friends and relatives.

Let us address the following questions then:

i) Should impartial justice be regarded as having moral primacy over personal attachments?

ii) Should a person who has cultivated largeness of heart and the capacity to love humanity show the *same* love towards friends, or continue to express a special (particularistic) love for her friends?

Should impartial justice be regarded as having moral primacy over personal attachments? The principle might seem applicable to the case of the doctor's waiting room. However, cases such as that involving the choice to save one's husband or a stranger (even a world-renowned violinist) from drowning render the principle less obviously true. Why should impartiality be accorded special importance? Recall that the perspective of impartial injustice is expressible in terms of a principle of universalizability. The perspective of impartial justice has been accorded special moral importance because universalizability appears to capture a striking aspect of the moral point of view itself, and is intrinsic to what judgements of value, moral obligation and moral necessity actually say. Expressing this point, Hume writes,

> "when [a man] bestows on any [other] man the epithets of vicious or odious or depraved...he expresses sentiments in which he expects all his audience are to concur with him. He must here, therefore, depart from his private and particular situation and must choose a point of view common to him with others; he must move to some universal principle of the human frame and touch a string to which all mankind have an accord and symphony."[18]

According to the deontologist, a morally good person judges situations impartially, adhering to a principle of universalizability that enjoins him to guide his

[18] Cf. *Inquiry into the Principles of Morals*, section IX., 222. In David Hume, *Enquiries*, Third Edition and Twelfth Impression., introduced and revised by L.A. Selby-Bigge and P.H. Nidditch, Oxford, Clarendon Press,1992, p. 272.

actions by reasons that anyone could discover to be equally acceptable to all persons in the same given situation. The trouble with the principle of universalizability is that the many varied formulations of it have yielded an odd range of prescriptions, and do not raise any particularly convincing portraits of morally sound decision-making. David Wiggins has raised the following problems for universalistic approaches to moral judgement:[19]

a) According to Kant's principle of universalizability, we are enjoined to "Act only on the maxim through which you can at the same time will that it should become a universal law." But if one applied the principle to the case of a proposed intention to release one's debtor as an act of simple generosity, one would be morally prohibited from doing so; and this is because one would know that if everyone acted on the maxim "to release one's debtor as an act of simple generosity", then most of the expectations presupposed in borrowing and lending would lapse, and then the practices presupposed to the intention of releasing one's debtor from his debt as an act of simple generosity would lapse too.

b) According to the consequentialist, equal consideration is to be given to all interests. But we protest: why should all interests (for example, a sadistic urge, a desire to save a fast depleting forest, a desire to eat peanut butter everyday) be treated equally? Some interests are more inviolable, more legitimate or laudable than others, and should weigh more heavily in discerning the right thing to endorse.

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[19] Cf. David Wiggins, "Universalizabiliy, Impartiality, Truth", Essay II in *Needs, Values, Truth*, 2nd Edition, Oxford, Blackwell,1991, pp. 59-86.

c) According to Rawls, we should accept the course of action that we would be able, in the event that our situation and material circumstances change, to accept even if we were least benefited by its enactment. This universalization principle is notoriously insufficient for the moral point of view. Our self-interested proposals would be too easily secured. We may be prepared to universalize a policy or course of action when we know full well that we would never be in the worst-off position. We may be so dedicated to certain projects that we would be willing to deem it a universal policy. Or if we were serious, we might find that each hypothetical situation imagined influences us decisively, so that we could not make a decision. Or we might be dedicated to a project and willing for ourselves to suffer whatever consequences of its implementation yet recognize that it might not seem morally right for other people with different interests to be made to accept the same proposal as the right thing to do. This moral hesitation has a different source; it does not stem from applying the procedure itself. The Rawlsian universalization principle then seems insufficiently representative of the moral point of view, which is able to encompass more than the universalizability requirement.

d) According to Adam Smith, we should choose as a third-party or a judge would. But this procedure is insufficiently indeterminate; there is no way to decide how conflicts should be adjudicated on this instruction alone. If a Utilitarian rider is added, say, that conflicts should be decided on the basis of the maximization of Happiness, this can lead to immorality, as we have seen.

Wiggins notes that the idea of universalizability has to do with testing one's moral views by asking ourselves what we would do if circumstances were altered, or by

adopting the point of view of other people. Our judgements could already be moral judgements, prior to applying these tests, which we may call the 'universalizer's checking procedure'; they do not seem morally right only after the procedure has found such views morally sound. The impartial perspective that gives a fair hearing to all views is an important aspect of the moral point of view because it serves to check our moral opinions and judgements for correctness. Now this is standardly done with our perceptual judgements too. But we do not think that they are perceptual judgements because we test them through consulting others experiences. Similarly, it would be absurd to think of certain judgements as bearing their moral character simply because we test them through consulting others' experiences.

If impartiality does not define the moral point of view, then it would be too quick to claim that in a conflict between impartial justice and personal attachments, one should, if one is acting morally, choose impartiality over personal attachment. It would be implausible in any case, given a wide array of examples that would present difficulties, to claim that impartial justice has moral primacy over personal attachments. For one might be acting morally even of one chose to value a personal attachment more highly in a given situation (for example, in the drowning case); this conclusion might in fact be yielded by consulting others and one's own sense of the shape of one's life, that is, applying the checking procedure embodied in the universalizability principle.

Let us turn to the other question raised at the beginning of this section: should a person who has cultivated the capacity to love humanity show the same beneficent love towards her friends, or continue to express a special (particularistic) love for her friends? This is one instance in which we might apply the checking procedure discussed above. The checking procedure should not be expected to follow rules that can resolve all moral

conflicts; rather, the procedure consists in reflecting on other considerations that might bear on the issue and it can result in the discovery of the value and legitimacy of other considerations besides what seems obvious to us at first.

Lawrence Blum highlights some considerations about friendship that aim at showing that the love of humanity is not more valuable in moral terms than caring for particular persons.[20] Bernard Williams has argued that the fact that the person one chooses to save is one's spouse should be sufficient moral justification for choosing her over the stranger in a situation where only one can be saved from drowning. Surrendering to the demands of beneficence can lead to a loss of integrity (personal wholeness, soundness, honesty). The demands of beneficence cannot be overriding over all else. Both of these philosophers have observed that it may be inappropriate (for example, it is patronizing, or it shows neglect of a wide range of duties of friendship stemming from understanding the specific likings and feelings of one's friends) to treat a personal friend with mere beneficence.[21] Further, the moral value of caring should not be ignored. Blum has described friendship as involving

> "a giving of oneself to the other and a valuing of the other for his own sake. Friendship thus involves an orientation of our (moral) selves towards another person, rather than a process which merely happens to us and which...cannot be 'controlled'. On a more general level, personal relations are not merely 'lived' and 'experienced', nor is their 'change' a merely natural process unrelated to moral aspects of ourselves. ... Rather friendship is an expression of moral activity on our part - of a type of regard for another person, a giving of oneself, and a caring for another for his own sake."[22]

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[20] Lawrence Blum, *Friendship, Altruism, and Morality*, London, Routledge and Kegan-Paul, 1980, esp. ch. 4.

[21] Cf. Bernard Williams, "Persons, Character and Morality" in *Moral Luck: Philosophical Papers 1973-80*, Cambridge, Cambridge University Press, 1981, pp. 1-19; Lawrence Blum, *Friendship, Altruism, and Morality*, op. cit. ch. 3.

[22] Lawrence Blum, *Friendship, Altruism, and Morality,* op. cit. p. 73.

Such deep caring, Blum argues, is of great moral worth:

> "Though all genuine human caring has moral worth and significance, is it not evident that a deeper level of caring involves greater moral worth? Such caring, far from being a natural process, is difficult to achieve, and is not really common. It involves getting outside oneself, being able to focus clearly on and to know another person. It involves being willing to give of oneself, and in a way that is not simply experienced as self-sacrifice or self-denial. It involves overcoming obstacles, defences, or distortions which prevent the deep caring for the other."[23]

Again, in opposition to the deontologist's emphasis upon 'ethical tasks' over spontaneous inclinations to care, Blum points out that

> "it is not the effort and struggle but the level of caring itself which primarily determines the level of moral value in the friendship. It is the genuine care for another person which constitutes a moral activity of the self, not primarily the exertion of will or effort which might have gone into the development of that caring."[24]

It seems then that deontologists and consequentialists have mistaken the impartiality required in a reflective testing procedure to constitute a central moral requirement. Impartiality, however, could not be definitive of the moral point of view; in fact, attempts to impose a requirement of impartiality may often strike us as inappropriate or irrelevant, and insufficient to adjudicate between our own interests and the interests of others.

Next, deontologists and consequentialists place undue emphasis upon the value of beneficence. They take one virtuous disposition to be central, at the expense of ignoring the value of many other kinds of dispositions that might be also be regarded as

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[23] Ibid. p. 72.

expressions of our moral nature. Moreover, it need not be assumed that expressions of beneficence are driven by very simple motives; the identification of the motives behind beneficent action is unlikely to be an easy matter and we know that ambivalence sometimes surrounds the question of their moral worth.

Further, there are examples of substantive ethical reflection which present well the obscurities (on occasion) of the idea of improving ethical judgement with the critical resources of philosophy. Consider the following, not uncommon thoughts on friendship expressed by Montaigne.[25] Montaigne argued (and here surely is an argument at a philosophically reflective level) that friendship should be an unconstrained product of the will, each friendship a new creation, spontaneous and not conventional. Speaking of "the most perfect type" of friendship he shared with La Boetie, he wrote, "Our friendship has no other model than itself, and can be compared only with itself." Any constraint or necessity is incompatible with it, he declared. "(A)s I feel no gratitude to myself for the service I do myself; so the union of such friends, being truly perfect, makes them lose the sense of such duties, and hate and banish from between them these words of separation and distinction: benefit, obligation, gratitude, request, thanks, and the like." Montaigne took the value of friendship to surpass justice, affirming Aristotle's observation that "good legislators have had more care for friendship than for justice. Now the ultimate point in the perfection of society is this. For in general, all associations that are forged and nourished by pleasure or profit, by public or private needs, are the less beautiful and noble, and the less friendships, in so far as they mix into friendship another cause and object and reward than friendship itself." Friendship wins over arguments and precepts,

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[24] Ibid. p. 74.
[25] Cf. Montaigne, "Of Friendship", *The Complete Essays of Montaigne*, translated by Donald M. Frame,

Montaigne observes. "It is not in the power of all arguments in the world to dislodge me from the certainty I have of the intentions and judgements of my friend." And he states, "knowing how far from common usage and how rare such a friendship is, I do not expect to find any good judge of it. For the very discourses that antiquity has left us on this subject seem to me weak compared with the feeling I have. And in this particular the facts surpass even the precepts of philosophy." Ethical valuations such as these are manifestly irreducible to concerns about a tolerable social order or even ethical progress; and it is not at all clear that procedural ethical theories offer us adequate resources to fully make sense of them.

7. Consequentialism and the Criterion of Right Action

Now, there is an ingenious suggestion by Railton that we have mentioned but have yet to examine. As we saw, Railton argued that while consequentialism as a mode of thought may be rejected in many important areas of life, it supplies a true *criterion of right action* at a meta-ethical level. This construal of consequentialism is an interesting one, and we shall need to consider whether it could supply a plausible defence of the utility of proceduralist ethics.

In trying to come to grips with the nature of moral reasoning, Railton notes that "the sorts of affections and commitments that can play a decisive role in shaping one's life and in making possible the deeper sorts of satisfactions are not those that are easily

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Stanford, Stanford University Press, 1958, Essay 27. Reprinted in Michael Pakaluk (ed.), *Other Selves*, op. cit. pp. 185-99.

overridden or subject to constant reassessment or second-guessing."[26] He conceives of the moral reasoner as a sophisticated hedonist whose motivational structure meets a counterfactual condition:

> "he need not always act for the sake of happiness, since he may do various things for their own sake or for the sake of others, but he would not act as he does if it were not compatible with his leading an objectively hedonistic life."[27]

Such a life follows courses of action that would in fact contribute to one's happiness, even when this would involve eschewing subjectively hedonistic acts (acts undertaken from a hedonistic point of view). But a most striking claim that Railton makes is that it is likely *also* to involve the rejection of objectively hedonistic thinking, in effect, driving out consequentialist thought from the ethical life, or at least, in many important areas of it. The reason is that in acting within those areas, thoughts that one's actions should cultivate in oneself a set of optimal traits of character, ways of thought or types of commitment, involve a misdirection of ethical attention. Thus, objective hedonism is ostensibly a form of consequentialism that responds to a general criticism by Williams that was noted earlier in this dissertation.[28]

But objective hedonism generates a dilemma. If it is a theory that could understand the ethical life, it must depend on ethical thought; but *how* does it direct ethical thought? If the answer to this is that it does so by maximizing ethically good consequences as understood from within the ethical life, we are back to hedonistic thinking, which begs the question against other styles of thought that may in fact be

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[26] Peter Railton, "Alienation,Consequentialism, and Morality", in Neera Badhwar, *Friendship*, op. cit., p. 219.

optimal. If it does not offer such a substantive procedure for evaluation, it seems that objective hedonism remains an empty criterion - one that in fact concedes that the nature of the criterion of right action remains unknown. In other words, objective hedonism would seem to have no account of the notion of 'optimally good consequences', and it is quite hard to see how knowledge of it is possible on a consequentialist theory. Indeed, this dilemma is suggested in a remark that Railton himself makes, which I shall quote at length. He notes that

> "A further objection (to objective consequentialism) is that the lack of any direct link between objective consequentialism and a particular mode of decision making leaves the view too vague to provide adequate guidance in practice. On the contrary, objective consequentialism sets a definite and distinctive criterion of right action, and it becomes an empirical question (though not an easy one) which modes of decision making should be employed and when. It would be a mistake for an objective consequentialist to attempt to tighten the connection between his criterion of rightness and any particular mode of decision making: someone who recommended a particular mode of decision making regardless of consequences would not be a hard-nosed, non-evasive objective consequentialist, but a self-contradicting one."[29]

The remark that it is "an empirical question...which modes of decision making should be employed and when" reminds us that a consequentialist need not deny the claim (advanced by Williams and Blum) that spontaneous modes of judging and deciding can have moral worth that no sound conception of the ethical life can deny; still, the consequentialist rightly points out that natural response can block appropriate thoughts of justice in many circumstances less simple than those described by Williams and Blum, so that judgement concerning the relative claims of these modes of response will be

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[27] Ibid. p. 221.
[28] See Chapter One, Section 3.

necessary. Railton takes it that objective hedonism might aim to show certain people's judgement in this regard to be superior to others. Thus, he thinks of the authority of such persons as grounded in a form of theory. How plausible, though, is this thought?

James Griffin has recently voiced some strong opposition to it.

> "(M)y doubt about indirect utilitarianism is whether we could often perform the tremendously large-scale cost-benefit calculations that it requires, or even often arrive at probabilities reliable enough for action. We can do these calculations in fairly extreme small-scale cases [Griffin's discussion of the famous trolley example, and the most simple cases in the euthanasia issue, come to mind here] but not usually otherwise. Something else will then have to be at work producing determinate moral norms and relations. Such norms and relations must be tailored to fit the human moral torso. They are nothing but what such tailoring produces. There are no moral norms outside the boundary set by our capacities. There are not some second-best standards, standards made for everyday use by agents limited in knowledge and will, and then, underlying them and sanctioning them, true standards, standards that make no compromise with human frailty."[30]

On the distinction between criterion and decision procedure, Griffin accepts that such a distinction can indeed be made. But a criterion functions as a criterion of success only if success can fairly regularly come close to being met in a given domain of action and decision. Railton's indirect consequentialism seems to be posited as a rational strategy in the face of great ignorance concerning what optimally wise judgement (judgement that best promotes human interests) is like. But where we have areas of life in which adequate knowledge of the consequences of our decisions and their contribution to human welfare lies largely beyond reach, then the would-be criterion of the objective

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[29] Peter Railton, "Alienation,Consequentialism, and Morality", in Neera Badhwar, *Friendship*, op. cit. p. 231.

hedonist can play no role, not even as a criterion. Consider how the objective consequentialist might justify the reliance upon existing authoritative motives in circumstances of ignorance. If this reliance is justified in terms of terms an impressive survival record, the justification is hardly in terms of consequentialism. If the justification must be to the effect that this reliance would maximize good consequences in the long run, such a justification is presently unavailable to the objective hedonist.[31] And if it is claimed that the posited criterion in morals is independent of human capacities, an item to be discovered that is hopefully not beyond our powers of knowledge to do so, Griffin's just retort is that this capacity-blind objectivism lacks support. As before, we might wonder how that as yet hazy criterion is to guide ethical thought, for instance, how could it sanction one large-scale strategy or set of judgemental heuristics over another? If the answer is that we should proceed by trial and error, how will this theory be an advantage over common sense? More importantly, what wisdom supports the implementation of large-scale, and thereby risky, decision-procedures whose consequences remain largely unknown?

In short, the proposed consequentialist criterion of right action is barely intelligible; and when brought under closer scrutiny, it seems to supply no palatable strategies over the reliance upon common sense. This raises a question about how, and how much, ethical philosophy can do to help improve upon our common sense ethical judgements. This question is the focus of Griffin's concise but wide-ranging work, *Value Judgement*. In it, he argues that universal critical procedures in ethics aim at standards of systematization of thought and explanation that we have no reason to accept. Griffin's

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[30] James Griffin, *Value Judgement*, Oxford, Clarendon Press, 1996, p. 105.
[31] Ibid. p. 106, pp. 160-1 (Ch. VII, footnote 5).

response is to embark upon a programme of methodological intuitionism. His version of this programme is critical of the assumptions of an older version, namely, Rawls' method of 'reflective equilibrium', which endorses a general method of ethical reflection that appeals to substitutes for perceptual input and explanatory system in coherence theories of justification for such domains as natural science, mathematics and logic. In addition, he notes that meta-ethical debates that try to reach strong conclusions about ethics from very general considerations about meaning and knowledge are immodest. "I thought...that merely identifying models of cognitivism, objectivity, and realism that ethics might find easier to comply with fell well-short of showing that it actually did comply with them. One needed, I thought, to pay much more attention to how we actually arrived - and, more importantly, had to arrive - at our ethical decisions. I could not see how we could reach interesting conclusions in meta-ethics without reaching some fairly hefty ones in normative ethics."[32] I think, but cannot at present offer a systematic argument, that both his approach, and that of Rawls' method of reflective equilibrium by which he is influenced, construe the question of explanations of credibility in ethics too much in epistemological terms.[33] I doubt the ethical relevance of this emphasis. In the next chapter I offer some specific reasons for saying this.

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[32] Ibid. *Preface*

[33] According to Bernard Williams, the Rawlsian understanding of the term 'intuitionism' now dominates. This says that: "an ethical view is intuitionist that admits a plurality of first principles that may conflict, and, moreover, it has no explicit method or priority rules for resolving such conflicts." Someone who accepts the plausibility of this doctrine may reflect on whether it has any particular epistemological consequences. Urmson held that methodological intuitionism describes our ethical experience well; but as Williams points out, there is an issue whether our experience should be left in that state, or whether there is might be antecedent warrant for the demand that our ethical beliefs should be rationalized in some way. And a further issue concerns what conceptions of rationality are to be deployed in that demand. (Cf. "What Does Intuitionism Imply?", in his collection, *Making Sense of Humanity*, Cambridge, Cambridge University Press, 1995, pp. 182-91.) I think it is not uncommon to find, among methodological intuitionists responding to the charge of unreflective conservatism, an assumption that the question of warrant for our ethical beliefs is to be framed in terms of their *epistemic* warrant. And I think that this assumption deserves careful scrutiny.

Here, I wish only to raise some matters that seem to me not well handled by the dominant tradition of ethical philosophy, which is a philosophy oriented towards the search for universal values that can apply systematically to particular cases as providing special grounding for the rest of ethical life. The most plausible forms of methodological intuitionism, it seems to me, retain this emphasis and leave a large gap in our understanding of ethical reflection. I doubt that they assist us in thinking about some very typical beliefs of apparently high credibility that experienced persons could come to hold. And I sense that posing the question of improving our ethical judgements is unhelpful until we have a clearer sense of what value is added to ethical life by any proposed programme of improvement.[34]

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[34] In *Nicomachean Ethics* VI.xii, Aristotle compares the process of arriving at *phronesis* with that of becoming healthy. He remarks that one becomes healthy by taking medicine, rest, a proper diet, exercise, or whatever else one's physician recommends; and one's vision of the good is improved by being good. The question then arises: what is the utility of philosophical reflection upon matters of ethics? His answer is that it *befits* human beings to reason philosophically. If we searched that passage in expectation that he would explain how philosophy could improve our ethical judgements, we find only Aristotle's silence.

Chapter Four: Ethical Judgement, Knowledge, and Objectivity

1. Introduction and Terminology: Ethical Realism and Ethical Cognitivism

In an earlier chapter, I followed Hume in thinking that a case could be made for the objectivity of the ethical judgements that are regularly delivered by persons of practical wisdom. A question one might raise is that of whether the objectivity of these ethical judgements is due to their being expressions of a special ethical kind of knowledge - let us call it simply 'ethical knowledge' - that needs characterization. In contemporary ethical philosophy, the idea that ethical judgements are grounded in a special sensitivity to features of moral reality, and that these judgements are cognitions, is advanced by the ethical realist. My aim in this chapter is to assess the doctrines of ethical realism, and ethical cognitivism, in relation to the question of ethical objectivity. I shall be pursuing a line in these matters which leads me to a conception of the character of ethical objectivity.

First, ethical realism and anti-realism. The debate concerns the status of ethical claims, more specifically, the source and character of ethical judgements, and not usually their substance. Most philosophers on both sides of the debate tend to endorse the same particular ethical claims that most people do anyway. For instance, Simon Blackburn insists in his writings that our normal ways of speaking about ethical issues must be shown to be neither fraudulent nor diseased, even though he thinks that they are to be given an anti-realist construal.[1] What, then, is the importance of the debate? It has many

[1] Cf. Simon Blackburn, "Errors and the Phenomenology of Value", in his *Essays in Quasi-Realism*, New York, Oxford University Press, 1993, pp. 149-65.

important points.[2] It has wide-ranging implications for our ontology, epistemology and semantics. In ethics, it addresses our conceptions of the nature of value and ethical disagreement. It may have an influence upon our reactions to divergence of ethical opinion and the importance we place upon ethical reflection (in particular, the point it serves). It may make a difference to our happiness, if that depends upon our desiring things for the value we take them to have. David Wiggins has suggested that we can see our lives as meaningful only if we attach a value to our ends that transcends the mere fact that we have adopted them.[3]

What is ethical realism? For the present purpose, I shall adapt a definition by Geoffrey Sayre-McCord.[4] Ethical realism is the view that ethical judgements (i) are to be literally construed, and (ii) can be true or false. (Ethical realism thus assumes ethical cognitivism: the view that there is some fact of the matter which determines the truth or falsity of particular ethical judgements.) Further, (iii) some of them are literally true. This last clause is meant to exclude an anti-realist position such as John Mackie's, which is cognitivist, but holds that all ethical judgements bear the truth-value 'false' because they all share a false presupposition. The ethical realist seeks to uncover for our ethical claims some kind of objective grounding in 'the world', and it would fail if, although ethical statements reported facts about the world, these statements in some principled way always report the wrong facts. Mackie believed he had provided an error theory to show why: our ethical experiences and practices are misleading indicators of cognitive content; we have a tendency, he claims, to objectify the ethical attitudes that we project upon the world, and

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[2] I am indebted here to Geoffrey Sayre-McCord. See: "The Many Moral Realisms", the introductory chapter in Geoffrey Sayre-McCord (ed.), *Essays on Moral Realism*, Ithaca, Cornell University Press, 1988.
[3] David Wiggins, "Truth, Invention, and the Meaning of Life", *Needs, Values, Truth*, Second Edition, Oxford, Blackwell, 1991, Essay III.
[4] Geoffrey Sayre-McCord, op. cit. p. 5 ff.

this practice generates false beliefs about the actual content of our ethical claims. The extent to which his error theory succeeds depends on whether this is an accurate portrayal of ethical experience and practice, and whether the false beliefs he ascribes to us are what we actually believe about our ethical statements. I am not sure that we normally take such a reflective view of our ethical statements. If we did, which view would we be convinced by? The subjectivist's? The one ascribed to us here? It begins to look now as if Mackie has foisted his error theory upon us, and besides this, a view we are still trying to make up our minds about.

2. Robust Ethical Realism

In what sense are ethical judgements held to be literally construed? Ethical philosophers who adopt a robust realist stance hold that ethical judgements are genuine descriptions of a larger reality, which is, correspondingly, their source. A strong motivating idea for this kind of realist position is the view that the world cannot be partitioned so as to contain some states-of-affairs but not others, for example, physical ones, but not moral, counterfactual or causal ones. Thus, realists typically contend that Mackie's famous denunciation of moral properties as ontologically "queer" is a prejudice orchestrated by moral philosophers of an anti-realist persuasion. For instance, some ethical anti-realists claim that ethical judgements do not aim at depicting reality at all; rather, they are projections of human attitude and sentiment, aided by linguistic invention, that create the appearance of an independent ethical reality. They have a special non-cognitive character that may be traced to each agent's attitudes, feelings and personal recognition of reasons for action. Robust realists dismiss this construal of the nature of

ethical judgements as an exaggeration. Ethical truth, they claim, is deeply opaque. The opacity of ethical truth is due to powerful forces of subjectivity. Indefinite configurations of natural emotional and attitudinal tendencies lead human beings to cling to the localized, subjective forms of ethical belief that these tendencies motivate and sustain, without due attention to critical reflection that could produce genuine ethical knowledge.

Critical reflection, in turn, cannot entirely free itself from subjectivity; nor should it, in case the effort leads to a distortion of human values. It is these facts that, according to the realist, render ethical truth opaque in a deep sense, so that it is extremely difficult to tell whether one's ethical beliefs are true or false. But they do not show that, necessarily, ethical judgements have a special non-cognitive character, and that as a consequence, ethical judgements do not depict ethical reality and should not be literally construed.

Like perceptions of secondary qualities, they might be regarded as non-literal representations of reality in the sense that they offer a perspectivally ordered representation of it. But the realist argues that a perspectivally ordered representation of reality is still a representation of *reality*.

Further, ethical beliefs can be non-accidentally related to ethical truths, such that, they (i) may be criticized and corrected by the discovery of ethical truths, or (ii) may be eventually given up because of their lack of correspondence to ethical truths. (The account of how ethical beliefs are adopted, criticized or abandoned can help us to understand how a non-accidental relation to truth might be detected.) And there can be ethical knowledge: it is possible that a person's particular ethical beliefs, which enable her to find her way around a particular social world, 'track the truth' in the sense that, otherwise, she would have acquired different beliefs.

3. Scepticism and Robust Ethical Realism

To the above argument, it may be replied that if ethical truth is deeply opaque (in the realist's terms, even the best efforts at critical inquiry are not free of subjective influence that could obscure the truth), then *scepticism* about the cognitive status of ethical judgements would seem appropriate. Thus, the robust realist's defence seems self-defeating; it hardly leaves us with a convincing case in favour of the claim that any given set of ethical beliefs and judgements are true descriptions of a larger reality.

One who doubts the plausibility of ethical cognitivism might concede that some disagreements of ethical judgement do *resemble* disagreements that arise out of some sort of ignorance. These are not typically disagreements near to action, concerning what to do, which do not involve any failure of understanding; nor are they like the kind of dissonances that stem from incomprehension of a foreign language. They are, rather, the sorts of disagreements that occur among people who may be presumed to have had a similar upbringing, who use a common mode of ethical discourse which enables them to pick up on features of the social world that they share. Often enough, attempt is made to resolve such disagreement through ordered speech, and in a manner that might seem to resemble inquiries of a knowledge-seeking kind. What is taken as doubtful is whether the resolution of disagreement here bears a close enough analogy to settling disagreements on questions about the nature of reality.

Bernard Williams has argued a compelling case against robust ethical realism on grounds that there is not a sufficiently close analogy between the kinds of convergence achievable by thoughtful inquiry in the two cases.[5]

He describes two models for the interpretation of the ethical activities of members of a maximally non-reflective society who use descriptively-rich (thick) ethical concepts such as 'courageous', 'brutal', and so forth. Members of this society believe the judgements they make under these concepts, and their beliefs track personal and social phenomena to which the concepts apply. Can their beliefs be true, so that ethical knowledge might be ascribed to this unreflective society? Williams points out that it depends on how one interprets their ethical practice.

Someone who is disposed to think of the ethical activities of the hyper- traditional society as localized attempts to discover truths about ethical reality suggests an 'objectivist model' for the interpretation of their judgements. On this model, judgements of what for them are the *right* things to do are held to be expressible in an observer's terms and may be rejected by the observer. Williams notes that Prescriptivists in ethics have interpreted ethical practice in this way; and presumably, their way of putting the point would be to say that an all-purpose evaluative term (an 'all-purpose right') is entailed by local ethical judgements. Local ethical judgements are thus seen as bearing an implicit reflectiveness, implying answers to reflective questions about their own practices (which they have never raised).

Alternatively, ethical beliefs and judgements may be conceived quite differently. According to a 'non-objectivist model' for their interpretation, people's ethical beliefs and judgements may be seen as "part of a way of life, a cultural artifact they have come to

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[5] Bernard Williams, *Ethics and the Limits of Philosophy*, London, Fontana Press, 1985. See: ch. 8.

inhabit". If we subscribe to such an interpretative model, we have to take it that the ethical judgements of the members of our hyper-traditional (maximally unreflective) society carry no implications concerning a larger reality. And we may view the relations between their activities and critical reflection differently from that suggested by the objectivist model.

Williams notes that the question, "Does the society possess ethical knowledge?" is ambiguous between (a) knowledge involved in making judgements in which they use their thick concepts, and (b) knowledge displayed in using those thick concepts rather than others. He points out that (b) is a kind of knowledge that could only be countenanced at the level of reflective thinking, and the hyper-traditional society would certainly not have it. (a), on the other hand, refers, he thinks, to a form of knowledge, namely, knowledge about the world to which the members of that society apply their concepts, and such knowledge they *might* have. Concerning *when* they might be said to have such knowledge, Williams remarks,

> "if we take the non-objectivist view of their ethical activities: various members of the society will have knowledge, when they deploy their concepts carefully, use the appropriate criteria, and so on."[6]

However,

> "on the objectivist view, they do not have knowledge, or at least it is most unlikely that they do, since their judgements have extensive implications, which they have never considered, at the reflective level, and we have every reason to believe that, when those implications are considered, the traditional use of ethical concepts will be seriously affected."

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[6] Ibid. p. 148.

Taking the objectivist model's conception of ethical judgement to capture the robust realist's view of the matter, we might then ask: if ethical judgements are thought to aim at depicting truths about a larger reality, might they then be analogous to other judgements of that kind such as, for instance, perceptual judgements?

But against the assumption of an analogy, Williams invites us to consider what the vindication of ethical judgements on the one hand, and perceptual judgements on the other, would be like.

> "Some think of the knowledge given by applying ethical concepts as something like perception. But we can ... see a vital asymmetry between the case of the ethical concepts and the perspectival experience of secondary qualities such as colours. ...(I)n the case of secondary qualities, what explains also justifies; in the ethical case, this is not so." [7]

Social scientific explanations of how a community might have evolved distinctive ethical concepts and a form of true speech as part of a social world it inhabits does not yet answer the unstoppable question of whether their ethical outlook offers the best way to think of the world, themselves and other people, given other possible options, or indeed, whether the way they live is the best way for them to live. That question does not arise in the perceptual case, since there is no analogous question there of other options. Thus, in the case of our experience of secondary qualities, an explanation of how we have evolved in such a way that experiences of this sort constitute reliable ways of representing the physical world to ourselves would, if indeed they do so, 'justify' our continued trust in these experiences. If they do not, we would be suffering from cognitive impairment, and the explanation itself could yield a theory of error. But social scientific explanation does

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[7] Ibid. p. 149.

not yield theories of ethical error, and will under-determine the choice of one form of ethical life over others. This is the first disanalogy.

The second disanalogous feature may be explained thus. If, recognizing the limitations of social science, we then tried to reflect upon an *ethical* justification for the community's concepts (with the help of some form of consequentialist theory, say), whatever is removed (because found to be unjustified) is not likely to be replaced by new knowledge of the ethically proximate kind. This is a point commonly acknowledged in discussions of consequentialism. Some philosophers have suggested that theorizing can yield knowledge at a practical level, but it would involve a hard slog. In particular, they have thought it possible to achieve this through empirical investigations that might uncover a set of judgemental heuristics that would, if stringently obeyed, produce the form of flourishing that characterizes a determinate (and examined) way of life. But I have earlier argued that it is not a viable substitute for ethical knowledge.[8] There is uncodifiable knowledge of reasons to act that is afforded by the possession of certain dispositions of attitude or sentiment that are natural and indefinitely configured, but which can be shared and made constitutive of a way of life. Williams' elegant summation of this matter is well-known, and I believe, true: ethical reflection can destroy ethical knowledge,[9] whereas reflection upon physical reality merely rids us of false belief. Inquiries into our perception of the physical world offer theories of error, replacing false beliefs with true ones. Perhaps too, the kind of project envisaged by the 'sloggist'[10] philosophers may be effectively applied to the treatment of forms of cognitive

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[8] See Chapter 1, Section 2.

[9] The claim is most plausibly restricted to some social scientific styles of inquiry that tend to have a corrosive effect upon traditional practices. But Williams' formulation, which claims only that reflection *can* destroy ethical knowledge, clearly leaves room for the obvious point that not all styles of reflection on ethical questions are corrosive.

impairment. At this point, we might add that the fact that this strategy would not work in the ethical case shows that to *lack* an ethical concept is not best conceived as a form of cognitive impairment.

There are, it seems to me, some puzzling points in Williams' account of ethical knowledge, and perhaps this is the moment to raise them. By 'ethical knowledge', I mean what was earlier described as "knowledge involved in making judgements in which (members of a society) use their thick concepts". Recall Williams' answer concerning when the members of the hyper-traditional society (or some of them) might be said to have such knowledge:

> "if we take the non-objectivist view of their ethical activities: various members of the society will have knowledge, when they deploy their concepts carefully, use the appropriate criteria, and so on."

Here, Williams thinks that particular claims that are made in terms of thick concepts may constitute expressions of knowledge. However, this seems a very undemanding notion of what it is to have ethical knowledge. The claim may perhaps be dignified if some other claim is in the offing, perhaps, that such expressions track the truth.[11] But we might object that these expressions are, as examples of ethical knowledge, rather unimpressive. Williams might be assuming something like the following view, namely that: while the persons who make those statements have no knowledge of any larger claim, they have practical knowledge of the kind that involves understanding a social world, or knowing one's way in it. But then this answer raises a problem for him: a person who does not use, say, the concepts 'obscene' or 'cruel' ostensibly does not fail to

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[10] The description is borrowed from Allan Gibbard, in a work I cited in Chapter 1, footnote 11 .

grasp something true about the social world that applies these concepts. He or she may in fact grasp certain important truths about that world, namely, that there could be some people within it who will not use the concepts, or will use them counter-ethically, or inconsistently, for example. To say that such a person lacks ethical knowledge must therefore mean something other than lacking an understanding of the social world that uses the thick concepts in question. The point may be expressed in another way: suppose that, upon closer scrutiny, we see that the hyper-traditional society is not homogeneous in the sense that it contains two groups using the same set of thick concepts, but in opposing ways, say, one group uses (some of) those concepts counter-ethically, or inconsistently, or whatever. The difference between these two groups does not consist in the failure of one group to understand the social world that they unhappily share. Williams' brief remark "when they deploy their concepts carefully, use the appropriate criteria, and so on" does not reveal enough about what further conditions besides understanding a particular social world are needed for the attribution of ethical knowledge to some members of the society. A grasp of the assertibility conditions for various sentences deploying those concepts is not identical to a grasp of their truth conditions. At least, not obviously. I suggest, and will develop the point later, that a realist account of the difference might attribute ethical knowledge to some members of the society on the basis of an account of 'ethical truth'.

But returning to the comparisons between ethical and perceptual judgements, it may be said that these disanalogies already challenge the prospects for a ready acceptance of the robust realist's account of ethical judgement. But the account can perhaps still be saved. Even if we accept that ethical reflection typically generates pieces of knowledge that are too abstract in form to directly yield truths of an ethically proximate kind (that is,

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[11] Bernard Williams, *Ethics and the Limits of Philosophy*, op. cit. p. 142-3.

the kind that could be expressed in our ground-level ethical judgements), this does not yet rule out an intelligible ethical objectivism of the kind that robust realists aspire to.

As Williams points out, there is room, for example, for the neo-Aristotelian projects of inquiry into the most satisfactory life for human beings in general, founded upon an ethical schema for guiding more detailed inquiries into human needs, capacities, and basic motivations. If the resolution of ethical disagreements were to be founded upon these discoveries, this would require not only sound ethical theorizing (in particular, of a style that holds all that is humanly valuable in proper balance, while overcoming the temptations to distortion inherent in human subjectivity), but also practical intervention. Conditions and policies would have to be set in place that effectively shaped practical reason in the direction that conduces to such flourishing as is envisaged by the theorist. The achievement of ethical convergence, in this portrait, would depend crucially on the state of human practical reason. But Williams remains sceptical with regard to the robust realist's case.

This scepticism is readily understandable. Even if robust realism, as represented by neo-Aristotelian conceptions, offers an *intelligible* account of ethical judgement, it would invite extreme scepticism about all purported claims to have lighted upon ethical truth and a sound understanding of ethical realities. And this is because of a point earlier noted about robust ethical realism, namely, that it claims from the outset that ethical truth is deeply opaque and difficult to discern. An inquiry into the only plausible shape for robust ethical realism to take, as undertaken by Williams, shows why that is indeed so.

4. Ethical Cognitivism

Given the various forms of flourishing life that human communities might pursue, which may represent mutually exclusive alternatives, the objectivistic ethical programme may be unable to arrive at a determinate conception of the best ethical outlook that it seeks to reconstruct. If so, the robust realist confidence that some ethical judgements are literally true would be misplaced. However, the cognitivist claim (concerning literal truth) may be weakened. Moreover, a defence of literal truth[12] independent of any commitment to robust ethical realism is possible. Following David Wiggins, ethical cognitivism holds that,

> "where a moral judgement is found to be worthy of being affirmed, (a) the judgement is a candidate to be known and a candidate for plain truth, and (b) the judgement stands or falls for acceptance according as it attains to that status."[13]

Wiggins is prepared to countenance ethical cognitivism, or 'moral cognitivism' as he calls it, *in its weakest form only*, a version which "will explicitly refrain from asserting (b) - without denying that truth is the proper aspiration of all moral judgements". He calls it 'under-determinationism'. Moreover, he eschews the grand objectivism of robust ethical realists for a modest form of objectivism:

> "what really matters, as regards the truth and objectivity of a practical judgement and its prospect of commanding the interesting and significant kind of convergence is only that the judgement should represent an answer to a question asked with respect to a given place and

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[12] Peter Railton is helpfully clear on this point, noting that the basis for acceptance of literal truth in ethics may be independent of any view about moral metaphysics. See his "Subject-ive and Objective" in Brad Hooker (ed.), *Truth in Ethics*, Oxford, Blackwell, 1996, pp. 51-68.

[13] David Wiggins, "Truth and Truth as Predicated of Moral Judgements", in *Needs, Values, Truth*, Oxford, Blackwell, 1991, Essay IV, pp. 140-1.

> time, that the question should have a sense held fixed by reference to the historical context and circumstances of place and time, and that the answer should be better understood than all competing answers to that question, *so understood*."[14]

The question is, is ethical cognitivism, even thus weakened, a tenable view? Wiggins explains the standard of truth to which ethical judgements might properly aspire as follows: ethical judgements should aspire to judge that p precisely because p. This is to be understood as entailing that

> "the best full explanation of one's coming to (judge) that p requires the giver of the explanation to adduce in his explanation either the very fact that p or something which leaves no room to deny that p."[15]

This standard may be held to apply to ethical judgements as it does to non-ethical judgements, such as that the cat is on the mat, or that 7+5=12. In assessing this view, we might again consider whether there is a sufficient analogy between ethical judgements and these non-ethical judgements to justify the claim that the plain truth which may be attributed to the latter is the proper aspiration of all ethical judgements.

Consider the mathematical belief that 5+7=12. The calculating rule leaves no other answer, so that anyone who understands the calculating rule would have no room to deny that 5+7=12. But consider the belief about what kindness consists in. In a disagreement over the issue, disputing parties present different answers in view of their understanding of the point of being kind. The first thing we might record is that there is no analogous demand upon mathematical understanding that it consider what matters and what does not in deciding whether 5+7=12 is true. Further (and Wiggins says as much), in giving the

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[14] Ibid. pp.162-3.
[15] David Wiggins, "Objective and Subjective in Ethics, with Two Postscripts about Truth", in Brad Hooker

explanation of convergence, the more a history of the development of the parties' convictions about this question is included, the more it would tend to reveal the prior values that inform their predicament and their evaluative perspective, and the greater room there would be for the explainer to distance himself from their beliefs. Moreover, the idea that in converging upon the belief that p, they do so because *there is nothing else to think but p*, would appear less credible.

In reply, Wiggins accepts that there is "something intrinsic to the subject matter of moral decision that raises the doubt whether all sufficiently informed intelligences ought to be expected to converge in a sufficiency of cases on a practical judgement of rightness, permissability, etc.". By such "cases" is meant those practical decisions that survive criticism, are not regretted in retrospect, and which other people concur with both during and after the decision. The reason for doubt, he notes, is that human interests, including moral interests, are indefinitely various and heterogeneous. The same may be said of human predicaments. The world is replete with social and economic conflicts, conflicts of personality and preference that "there is simply no general reason to expect that a common moral consciousness will issue in some rational disposition to single out just one from among all the moral/practical alternatives apparently available in any situation."[16]

In addition, there is the point that the world was not made to fit our concerns; and our ethical concerns have not developed simply in order to fit the world. We would, even if we were able to achieve this, find it despicable. If one of the marks of truth is that everything true must be consistent with everything else that is true, and all true beliefs about how the world is are reconcilable, then ethical beliefs are unlike beliefs about

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(ed.), *Truth in Ethics*, op. cit. See: p. 35.

[16] David Wiggins, "Truth and Truth as Predicated of Moral Judgements", *Needs, Values, Truth*, op. cit. p.

reality: "The relation of considerations for and against a course of action is unlike the relation between evidence and judgement ...there is no one answer to a practical question whose authoritative revelation can dissipate the force of all other answers".

As I understand Wiggins' view, the above points are facts acknowledged by the doctrine of cognitive under-determinationism, and they imply that answers to the question about convergence in ethical judgement are hardly favourable to truth. Yet, Wiggins thinks that this does not mean the new condition for ethical judgement, namely, of aspiring to approximate truth in the sphere of ethics, needs to be set aside. What encourages Wiggins in this is the thought that with certain practical judgements, especially of the morally prohibitive kind, human judgement might easily meet the condition.[17] The issue then centres upon the value of aspiring to approximate truth in ethical judgement. As Wiggins puts it,

> "What it [cognitive under-determination] does not confirm is the supposition that, wherever it seems that all convictions will fall short of their aspiration to plain truth..., there argument and criticism must simply fall away."

There are resources of a dialectical kind that may be explored by those who would attempt to create moral conviction through argument and criticism.[18]

What there is *already* going for this position is that the practices of argument and criticism are constitutive of any human life; they represent the possibility of social and moral progress through reflection, although their effectiveness in creating moral conviction is curtailed by realities well-appreciated by the cognitive under-

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[17] Ibid. pp. 176-7.

determinationist. It is important that the doctrine is not committed to a notion of the *theorist* as ethical expert. To the suggestion that the cognitive under-determinationist has ignored the possibility that moral philosophy might take up the slack that prevents conditions for convergence upon truth from being satisfied, and that a more perfect moral philosophy of the future might allow human beings to converge in their judgements because there will then be nothing else to think, the cognitive under-determinationist remains sceptical. It is a scepticism that arises from accepting the features intrinsic to the subject matter of ethical decision earlier mentioned, and the fact that no moral theory has "shown signs of mustering even one distinctive, substantial premise that will possess the second mark of truth"[19] (which holds: If x is true, then x will under favourable circumstances command convergence, and the best explanation of the existence of this convergence will either require the actual truth of x or be inconsistent with the denial of x.). The cognitive under-determinationist takes this as a signal, not for giving up on truth in ethics, but for coming to a clearer view of the ideas of "endorsing, accepting, believing, and assenting" that remain open to those who have "charted the extent of essential contestability in human affairs".[20] In addition, it should lead us to study and review other dialectical resources that are actually and potentially available.[21]

According to cognitive under-determinationism, our readiness to apply the notions of truth and falsity to ethical judgements need carry no controversial implications of a

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[18] David Wiggins, "Objective and Subjective", *Truth in Ethics*, op. cit. p. 44.
[19] David Wiggins, "Truth and Truth as Predicated of Moral Judgements", *Needs, Values, Truth*, op. cit. pp. 178-9. However, it should be noted that in making the claim that he does in the second half of this statement, Wiggins assumes a *further* requirement upon truth, namely, that there must be conceptual homogeneity between investigator and participant if the ethical statements involving substantive valuations by participants of a practice can be true. But the possibility of there being insightful observers who are not totally identified with a society's practices, who can track the conditions under which statements are made or withdrawn by competent participants of those practices, suggests that this assumption is flawed.
[20] Ibid. p. 183.
[21] David Wiggins, "Objective and Subjective", *Truth in Ethics*, op. cit. p. 44.

metaphysical nature; rather, it is grounded in a certain form of ethical discourse, that embodies the practices of demanding consistency of speech, summoning evidence for one's claims, seeking justifications for action.

An important point to register in response to cognitive under-determination is the following: when the nature of these dialectical resources is more adequately studied, we may well find that such resources will not always be deployed for the sake of the cognitivist's aims, for instance, moral progress, having the truth about ethical values, or whatever. If so, we should attend equally to *other possible purposes* which a variety of forms of disciplined thought and speech might have for living an ethical life.

5. How Can Ethical Judgements Aim at Truth?

I earlier indicated that a realist might attribute knowledge to some members of a society and not others on the basis of an account of ethical truth. For judgement under a given ethical concept to count as an expression of knowledge, a necessary condition is that the judgement be true, such that those who do not arrive at such a judgement may be held to judge a given question wrongly. Wiggins has developed a well-known account of the 'marks' of truth, according to which sentences that are assertible within a language of practice or morals L come up to the standard of truth if and only if: 1) they are answerable to evidenced argument that will under favourable conditions converge upon agreement whose best explanation involves the truth converged upon; 2) their being true is independent of our will and our means of recognition of the presence or absence of truth; 3) they are true in virtue of something; 4) every true sentence is compatible with every

other true sentence; 5) the truth concerning all questions expressible in L is completely determinate. And, according to the first mark, for instance, to say that a person who judges that torturing a cat is cruel judges truly is to imply that the application of the concept 'cruel' is mandatory for anyone who hopes to arrive at a true judgement concerning that state-of-affairs. I take it that the formulation of the question to be judged here must allow for answers other than to the specific question whether torturing a cat is cruel.[22] The upshot of this is that, if ethical judgements aim at truth, they would have to aim at seeking to bring a *uniquely best set* of ethical concepts to bear upon a state-of-affairs to be judged.

The impulse to improve our ethical vision is presumably what motivates the construction of ethical truth. But Wiggins raises a difficulty for the proposal that ethical judgements might aim at truth. He notes that nobody who takes a given deliberating agent seriously as a moral agent (whose concurrence in an answer is worth anything) can simply take that agent as viewing his own life, character and attitude towards his predicament as simply "given among the realities", and highlights a problematic result of the attempt to do so:

> "(T)he pressing difficulty is that, if it is by these means [that is, acceptance of the dependence of ethical judgement upon the subjectivity of agents] that we meet the requirement of convergence in the belief that p among those who properly understand the question to which p is the answer, and if we count among the facts or realities of the case such things as the very dispositions that sustain the belief that he ought to X, then the question that the agent is deciding will diverge from that which would-be convergers are answering."[23]

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[22] Cf. Bernard Williams, "Truth in Ethics", in Brad Hooker (ed.), *Truth in Ethics*, op. cit. p. 29.
[23] Wiggins, "Truth and Truth as Predicated of Moral Judgements", *Needs, Values, Truth*, op. cit. p. 180.

Hence, it would seem that, in order for ethical judgements to aim at truth, one condition that must be met is that the question judged by would-be convergers must be introduced in an 'objectified' form. There are many forms of objectification that, following Nagel, we might view as hypotheses (or inventions, following Wiggins), that could receive reflective endorsement if they seem to put in good order our existing self-conceptions and sense of various sorts of intelligible reasons for action.

A point should be recorded concerning the ambitions of this kind of reconstructive exercise. Both Nagel and Wiggins reject a suggestion that values disappear in considering objective reasons for action. According to that suggestion, when we transcend the subjective point of view of our own desires and look at life "from outside", all we see are psychological facts. In looking at life through the objective lenses of naturalistic psychology, there is no room in the world for crucial values of the meaning-generating kind at all. So the argument - which naturally leads to nihilism, or the view that life has no objective meaning or value - goes. But, as Nagel observes, here, an epistemological criterion is covertly assumed which excludes without argument large domains from an account of reality. This move, he notes, represents a tendency toward 'overobjectification' that is common in ethics and metaphysics:

> "There is a persistent tendency in both areas to seek a single complete objective account of reality. In the area of value that means a search for the most objective possible account of all reasons for action: the account which engages us from a maximally detached standpoint ...This underlies the fairly common moral assumption that the only real values are impersonal values, and that someone can really have a reason to do something if there is an agent-neutral reason for it to happen."[24]

[24] Thomas Nagel, *The View From Nowhere*, New York, Oxford University Press, 1986, p. 162.

But since the denial of personally important values is so outrageous, such theories of value typically seek mitigation "by pointing to the availability of the participant perspective," as Wiggins puts it. "But the most that (they) can do is to point to it. Otherwise the theorist is himself engulfed by a view that he must maintain to be false."[25] If we reject such an unsupported epistemological criterion, the reality of the domain of the personal, or of agent-relative values or reasons, becomes a possibility. Wiggins has argued forcefully for the claim that if the question of the meaning of life is to receive proper focus in ethical philosophy, it is from these ethically proximate places that our thoughts about it should begin. And along with this, such commonplace insights as the importance not only of what human beings do but of what manner of human being they are, the importance of finding one's activities pleasurable or desirable, the importance of "a conceptual appreciation of the structure of values and focused unfrustrated concerns presupposed in a man's finding a point in his life",[26] would help to focus the question for a would-be theorist. From this point, Wiggins suggests the route by which the theorist might then continue:

> "labouring within an intuitionism or moral phenomenology as tolerant of low-grade non-behavioural evidence as is literature (but more obsessively elaborative of the commonplace, and more theoretical, in the interpretive sense, than literaure), he has to appreciate and describe the working day complexity of what is experientially involved in seeing a point in living. ...The phenomenological account I advocate would accommodate all these things in conjunction with (1) ordinary anthropocentric objectivity, (2) the elements of value focus and discovery, and (3) the element of invention that it is the non-cognitivist's conspicuous distinction to have imported into the argument."[27]

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[25] Wiggins, "Truth, Invention, and the Meaning of Life", *Needs, Values, Truth*, op. cit. p. 100
[26] Ibid. p. 135.
[27] Ibid. p. 137.

Thus, a naive non-cognitivistic orientation towards the question, familiar in modern philosophical discussions,[28] is to be eschewed. Rather, the non-cognitivist critique of ethics - which has advanced the idea that we do not strictly discover a meaning for life but have to make do with an artifact or invention, that is, a form of life that is constitutive of rationality and meaning itself, the origins of which are arbitrary, contingent, unreasoned - may be usefully taken to have pointed us in the direction of an important truth about cognitive under-determination concerning this question.

But how could this process yield ethical judgements on a significant range of ethical questions that leave us convinced that there is nothing else to think than that which is prescribed by a putative best set of ethical evaluations or ethical outlook? It would be apt at this point to remind ourselves of a Humean insight earlier recorded in this dissertation, namely, that there is an enormous variety of tastes and ethical opinions even among persons of similar upbringing, and that general agreement on moral precepts or maxims is no guarantee of the same response to a particular object.[29] Wiggins has admitted that Ethical Objectivism of the kind he envisages enters a very strong claim: "to rule otherwise would damage the generality of the schema that covers empirical, necessary and evaluative."[30] And that: "It represents a form of high optimism about the latent resources of moral argument."[31] This brings upon it the same problem that faced robust ethical realism, that is, that it simply shows how reasonable a sceptical response would be to any ethical judgement that would lay claim to objectivity in the form of

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[28] Wiggins discusses Richard Taylor, *Good and Evil*, New York, Macmillan, 1970, ch. 18. But see also: Thomas Nagel, "The Absurd", *Journal of Philosophy*, 68, 1971.
[29] Cf. Chapter One, Section 2.
[30] Wiggins, "Objective and Subjective", *Truth in Ethics*, p. 43.
[31] Ibid. p. 41.

literal truth. This, though, is not the only problem with it. There is a pressing question concerning the value of such a reconstructive enterprise as writers such as Wiggins and Nagel (in a different form from that considered here) have advocated.

6. Ethical Objectivism

The success of the project of Ethical Objectivism, optimistically conceived, would presumably consist in convergence upon a set of general moral precepts. For example: that courage, modesty, spirit, truthfulness, responsiveness to suffering, and so forth, are commendable and sadism, insensitivity toward others, false brilliancy, self-indulgence, greed, fear, and so forth are not. But, as Hume urged, whatever general agreement there is in the things that people applaud and condemn, when each begins to specify what he or she means by, say, insensitivity towards others, spirit, or whatever, agreement tends to dissipate, and the conceptualisation and application of moral epithets by individuals will carry differences explicable in terms of the moral sentiments of individuals. Moreover, generalism in ethics was sharply criticized by Hume. Recall a remark earlier recorded:

> "The merit of delivering true general precepts in ethics is indeed very small. Whoever recommends any moral virtues, really does no more than is implied in the terms themselves. That people, who invented the word 'charity' and used it in a good sense, inculcated more clearly and efficaciously, the precept, 'be charitable', than any pretended legislator or prophet, who should insert such a maxim in his writings. Of all expressions, those which, together with their other meaning, imply a degree of blame or approbation, are the least liable to be perverted or mistaken."[32]

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[32] Cf. Chapter One, Section 2.

This calls into question the value of objectification in ethics - the attempt to act correctly by seeking a general outlook on correct action, instead of merely acting without the help of theorizing. But we need to reflect on what this sort of general vindication would achieve. Hume suggests that the abstraction of the general perspective can have a deleterious effect upon the ethical life, inviting the thought that one need do no more than what is implied in the terms that are used to state a general precept or maxim. Such generalism, if it comes to dominate an agent's ethical outlook, is liable to lead to greater mistakes in judgement, or worse, perversion of the ethical life. In matters of conduct, we note that Hume advocates that we should learn from example, that is, by listening to and trying to judge as those who use ethical concepts in a good sense (not counter-ethically or deceitfully) judge. But his attack on generalism does not imply that the insightful grasp of ethical concepts arrived at by the kind of theorizing Wiggins has described has no other kinds of practical relevance in ethical judgement. Can it not help to improve our ethical judgements? How would any such improving influence be best conceived?

7. The Shape of Objectivity in Ethics

It perhaps cannot be over-emphasized how optimistic the project of the Ethical Objectivist is. But it is more crucial to raise the question why it is even important to reach for such success. We have noted that convergence of judgements is readily conceivable with respect to strict prohibitions, and we may add to this various substantial ethical values: following Griffin, the list may include freedom from pain, the components of a human existence (in particular, respect for life, and the power of individual agency), understanding, enjoyment, and deep personal relations, among others. Apart from this,

there could be convergence with respect to judgements of a more psychological than specifically ethical nature, concerning mechanisms or patterns of human motivation, cooperation, disenchantment, empowerment, and so forth. It is reasonable to think that such a degree of convergence can adequately supply objective grounding for our decisions about *whose* ethical judgements carry the authority of practical wisdom. This set of shared judgements grounding our beliefs about the soundness of someone's capacity for good judgement of ethical questions, may reasonably be thought to be truth-assessible. But it would not be reasonable to suppose that all ethical judgements of *phronimoi* can be shown true or false in virtue of such grounding.

Why would greater convergence than this be sought? Ethics has its own autonomous subject matter, and we hardly need to be reminded that that subject matter is highly contestable. What is the value of aiming at objectivity here? It seems clear that the objectivity that is aimed at in judging matters within a domain such as ethics, where terms of appraisal are employed that are not just highly but *essentially* contestible, will not be appropriately conceived in terms of the kind of convergence that truth demands. Since even the terms of evaluation are highly contested in ethics, no wide convergence of judgement would be reasonable to expect in this domain. But Hume's point in discussing judgements of taste, among which he included ethical judgements, was precisely that such disagreements are comprehensible, and not reasonably held to be eliminable. Still we may at this juncture recall that Hume held that when one makes a judgement that an object is odious or depraved, a value judgement is expressed which one expects every competent judge to concur with. The aim of reaching for objectivity in judging matters of taste is, I submit, to seek valuable involvement in life though a better *appreciation* of matters for judgement or improved ethical vision. We do this, he suggested, by making more

scrupulous observations, seeking criteria for our judgements, and refining them through experience and debate; and the essential contestibility of these judgements render it such that no codification of what makes a set of criteria sound is possible. The grasp of criteria for sound ethical judgement of an ethical question cannot be attained without extensive involvement with the subject matter to be judged; thus, only those with long experience at judging such questions are likely to make claims that carry any authority. Disagreements among equally experienced persons need not always diminish the standing of any party as an authority. The question of authoritative standing is determined by quite general considerations bearing upon their capacity for good judgement; and it is their standing as authorities, thus established, which serves to render the ethical disagreements and debates in question intelligent and worthwhile pursuits.

Chapter Five: Explaining the Credibility of Practical Wisdom

1. The Credibility of Practical Wisdom

Annette Baier has remarked, "From Mill on, I suggest, philosophers writing on ethics no longer supposed that there was a moral consensus, a body of agreed moral judgements one could appeal to in support of a controversial political or social cause, or in support of one's particular philosophical theory about moral judgements."[1] Accordingly, it might seem that we, living in modern multicultural societies populated by sometimes many different understandings of a rationally intelligible life, are threatened by the absence of any form of ethical convergence capable of sustaining a shared life. And if so, what credibility can the idea of practical wisdom have in modern pluralistic communities?

In broaching this question, one should first be careful, as Owen Flanagan has urged, not to make any general assumption that a moral conception or way of life based in different traditions is bound to be unstable or incoherent.[2] Flanagan cites two reasons for challenging the assumption, one that he attributes to such writers as Anscombe and MacIntyre. The first is that ethical concepts can undergo change. Although they may have originated in specific historical contexts in the past, they may change their sense and continue to have 'special purpose uses' in the present. And even though the ethical concepts we use might have no historical connection to each other, this does not preclude their working well together in an imaginative amalgam, without any crippling

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[1] See: Chapter Two, footnote 8.
[2] Cf. Owen Flanagan, *Varieties of Moral Personality*, Cambridge, Harvard University Press,1991. See: pp. 187-91.

incoherence. That prospect, however, may seem a formidable challenge, since sets of ethical ideas not naturally connected to each other[3] are apt to pull our judgement in different directions, creating difficult tensions and dilemmas within our lives. But what exactly is the challenge in the face of this?

If the challenge has to do with attempting to find unitary justification for an ethical life based in these diverse ideas and concepts, then Flanagan argues that the aim is one we are well entitled to find suspect. And this is his second point: ordinary people who, unlike ethical philosophers, do not demand unitary justifications for a way of life to which they are committed, may sense no scepticism or vertigo at the prospect of being unable to meet such a challenge. They need not be imagined as persons who suffer from philosophers' afflictions, as persons whose commitment to the lives they live might readily be destabilized by the realization that, for instance, the religious foundations of their common ethical beliefs are missing. Flanagan notes that this sort of realization would have a destabilizing influence only if certain rather strong assumptions hold, namely that: people generally care about justifying their way of life, they will not accept novel justifications for old beliefs, or the deep structure of ethical concepts and life forms can never change. In general, we need not assume that philosophical difficulties have to be reflected in the psychology of individual agents. Real life agents, Flanagan notes, might have moral psychologies that reflect a potentially stable compromise among traditions of ethical thought that influence their judgement.[4] That divergent traditions can create tensions and ambiguities is not a fact that in itself implies an unstable psychology.

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[3] I shall return to the notion of 'natural connections' among ethical ideas later in the discussion.

[4] For a subtle treatment of this issue, see: Samuel Scheffler, *Human Morality*, New York, Oxford

> "A multiplicity of special purpose competencies (might possibly be) given a unified justification in terms of its overall suitability to meet the demands of some complex life form. Furthermore, the rationalization of a morality in heterogeneous sources with no foundational, unifying thread other than such overall suitability need not discomfit us so long as we are not in the grip of an expectation that philosophy can or should be able to give firm, unitary, and non-relative foundations for all knowledge and life."[5]

A more plausible understanding of the challenge of which we spoke a while ago is the task of minimizing "cognitive dissonance", trying, as Flanagan says, "to tune incompatible demands toward compatibility". Persons do this, he suggests, "long before philosophers have noticed strict incompatibilities between starkly formulated theories." It is the main concern of this concluding chapter to reflect upon how this kind of effort might be conceived, and what capacities of mind it calls for.

2. The Humean Account of Ethical Convergence

Hume's ethical philosophy provides an account of natural forces of ethical convergence, but several difficulties that might be raised for his account are quite instructive for our purposes. Its appealing features from the point of view of one who seeks a modern conception of ethical authority based in practical reason should, however, be appreciated. In what follows, I rely on Annette Baier's account and development of the Humean view.[6]

Hume presented a naturalistic picture of the structure of human motivation that sought to advance a version of ethical life that would be plainly recognizable to his

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University Press, 1992.
[5] Owen Flanagan, *Varieties of Moral Personality*, op. cit. p. 191.

eighteenth-century contemporaries, and possibly a wider audience including the likes of us. The account is, in addition to this, psychologically minimalist and predicts high degrees of cooperation and ethical convergence.

In the *Enquiry into the Principles of Morals*, Hume observed,

> "In proportion as men extend their dealings and render their intercourse with others more complicated, they always comprehend, in their schemes of life, a greater variety of voluntary actions which they expect, from the proper motives, to cooperate with their own."[7]

In her studies on Hume's thought, Baier points out a truth of which this passage reminds us. In a commercial society, widespread conformity to the conventions of justice is not necessarily, in fact not usually, motivated by belief in the independent goodness of justice on the part of interacting parties. All that there needs to be here is belief in the availability of a variety of responses and motives that cooperate with our own,[8] and these responses and motives may well be expected to rest mainly on self-interest, and perhaps some degree of sympathy among individuals or groups who have natural affinities with each other.

Baier and other philosophers have emphasized that most of our actions require the response of other people for their completion; and that in action, we "confidently predict and rely on others' voluntary actions."[9] This includes our reasonings. Baier contends that Hume, in his less rhetorical moods, did allow great latitude in his use of the term 'reason' to cover a miscellany of forms, often emphasizing the inclusion of enjoyable forms over

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[6] Cf. Annette C. Baier, *The Commons of the Mind*, Chicago, Open Court, 1997.
[7] David Hume, *Enquiry into the Principles of Morals*, § 7, Part 1, op. cit.
[8] Annette C. Baier, *The Commons of the Mind*, op. cit. pp. 21.
[9] Ibid. p. 21.

unduly solemn and rule-governed forms.[10] Hume saw that human beings generally have a broad set of conversational capacities of a clearly social nature. We are beings that associate with others, and our speech, humour and understanding depend upon the presence of others, and on the development of standards of speech, inference, wit, moral evaluation and consensus building. Hence, he took it to be evident that we are not self-sufficient in our rationality.

Nor are we capable of acquiring the competencies involved in voluntary action (levels of bodily and emotional control, an understanding of responsibility, and so forth) independently of others including, under normal conditions, significant others, such as parents, spouse, friend, teacher, employer, enemy, and so on. Under quite normal circumstances, we develop ties to others through these interactions, some of which resist any severance at will. In addition, we acquire competencies throughout life, and this can be aided by what Hume refers to as 'convention', in addition to our natural (that is, uncontrived) associations. In a famous discussion of the "infirmity in human nature" that makes us prefer lesser proximate goods to greater but remote ones, he shows how we are able to overcome natural infirmities by changing our situations and suitably managing the flexible nature of pleasure, for example, by attaching immediate costs to close, tempting goods. This can be effected through the setting up of magisterial authority, or by sealing our dependence upon collective intention in such matters as our property transactions, our keeping of promises, and the maintenance of fidelity.

A study of the entire range of natural human capacities for reasoning and intending, and the conditions of their functioning, would seem to reveal a vast potential for cooperation and ethical convergence within human communities.

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[10] Ibid. p. 12.

On the question of morality, Hume saw its source as lying in a general human capacity for 'sympathy', that is, "fellow-feeling and reflexive feelings about our feelings", as Baier helpfully describes this notion.[11] Hume prominently linked normativity with reflexivity. He famously thought that a judgment was not a moral judgement unless the individual making his or her judgement had reason to believe that others would concur in the sentiment expressed by that judgement. This feature of reflexivity in the practice of moral judging is a deep source of ethical variation, as we shall see. Baier notes that there is some support for the view that Hume took sentiment to be the source of moral judgement (rather than will or reason) because he believed there to be in human beings a communion of passions and sentiments more than of reason or will.[12] For instance, he reasoned, quite plausibly, that the passional roots of morality must predispose us towards a degree of agreement in our valuations, that is, towards fairly uniform ranges of desire and emotion. Otherwise, absurdity would threaten our moral and emotional ways of proceeding. Baier agrees with Hume that if there were no correspondence with regard to at least our "indestructible moral feelings", for instance, against unfairness, cruelty, or deception, or simpler reactions such as those desires or fears we experience that have clear analogues in certain higher animals, we would lose all confidence in our judgement.[13]

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[11] Ibid. p. 41.
[12] Ibid. p. 43.

3. The Humean Problem

But Baier notes that a central problem that the Humean faces is to "spell out the requirement that moral sentiment be one we *expect* others to share with us."[14] We know that shared human nature does not generate agreement on moral matters: indeed, Kant observed that having the same sorts of desires as others can generate conflict. Wanting the same things can set the scene for dispute rather than cooperative, supportive communion.[15] Further, there is the following general feature of passions to come to terms with: In merely existing or being felt, they are not answerable to standards of rectitude (unlike, say, beliefs or reasons that, in their very formation, aim at being answerable to standards of truth which genesis depends on the existence of others on whom our rationality depends); however reprehensible or unintelligible, they remain passions that are possible for us.[16] As Hume says, they are truly "original existences". If moral sentiment has its roots in the passions, then its task must be in part to *discipline* or *constrain* these original existences in some manner. Finally, as mentioned a moment ago, there is the feature of reflexivity in the experience of moral sentiments. "Because moral ways are ways of judging behaviour, they have intrinsic potential to be turned on themselves."[17] "Moral ways" are thus a deep source of human variation, even within the same person over time. It involves the idea that moral judgements are essentially contestable. In the face of all this, to put the matter starkly: moral judgement in the Humean sense, grounded in reflexive fellow-feeling (sympathy), faces extinction unless

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[13] Ibid. p. 52.
[14] Ibid. p. 47.
[15] Ibid. p. 43.
[16] Ibid. p. 44.
[17] Ibid. p. 53.

we have *good* reason to believe that others will concur in the sympathetic sentiments expressed in such judgement.

Hume's own way of trying to solve this problem was to make sympathetic passions seem also to be *benevolent* ones. Hume's conception of the passions depicts them as intrinsically individualistic. So in order to account for sociable nature, he had to supplement this account with, as Baier puts it, a mechanism by which passions that second someone else's passions are added to the original set.[18] But she notes that Hume makes the sympathetic passions not, as one might expect, simply copy-cat passions like spontaneous panic in a crowd; instead, sympathetic passions duplicate not just the type and intentional object of another's desire or sentiment, but also its person-reference. (Thus, sympathy leads me to desire not that *I* rule Milan but that my *sister* does, perhaps even with my help.)[19]

Clearly, though, such a model would fit only a small class of our ethical reactions. But David Wiggins, in a vindication of Hume's scheme, has described how Hume recognized the need to extend the model to account for a variety of ethical reactions. It is here that Hume introduces his distinction between artificial and natural virtues. The readings that one might give to Hume's innovation are various, and there are controversial matters of exegesis that I do not wish to enter into here. Instead, I shall merely follow Wiggins' emphases in his discussion of the relations between natural and artificial virtues distinguished by Hume, where he adopts quite standard lines of interpretation with respect to these notions. In his study "Natural and Artificial Virtues", Wiggins writes,

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[18] Ibid. p. 44.
[19] Ibid. p. 44.

> "There is much more to morality than non-egoism...and there are many virtues beside those that exert their influence on an agent directly and without the assistance of a scheme or system requiring 'concurrence' and 'imitation' on the part of members of society distinct from the agent himself. Hume's problem is to account within his benevolence-based scheme for loyalty, honesty, veracity, allegiance, fidelity to promises, justice (respecting property and so on)."[20]

The first indication of inadequacy in the natural, sympathy-based (or benevolence-based) model shows itself in cases where benevolence conflicts with, say, considerations of justice (when a seditious and dangerous bigot is accused of a crime he is innocent of, when a rich man is wronged by a poor man, *et cetera*). As Wiggins puts it, Hume saw that if the "whole theoretical origin of morality" is to be traced to the "weak sentiment of benevolence", then a way must be found for showing how the force of benevolence can be redirected to propel our conduct along other lines, sometimes in a manner such that "the redirected force of benevolence must work against benevolence itself."[21] And to this end, Hume introduces the notion of 'convention'.[22]

Regard for conventions of various kinds usefully provides a general source of motivation that helps to solve an important theoretical problem that Hume puzzled over. The problem begins from Hume's acceptance of the common enough belief that the worth of actions lies not in their 'external' manifestations (including their consequences) but in their motive. But the source of reflective approbation for those motives of actions that display justice, honesty, fidelity to promises, and so forth, cannot be referred back either

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[20] David Wiggins, "Natural and Artificial Virtues", in Roger Crisp (ed.), *How Should One Live?,* Oxford, Clarendon Press, 1996, pp. 131-40. Quote on: p. 132-3.

[21] Hume somewhat neglects to explain why conventions of justice should be thought of as having such power over benevolence, and pays scant attention to the idea that the results of the operation of the conventions of justice can be varied, without upsetting those conventions. It may be conjectured that his insistence upon the general utility of conduct motivated by regard for conventions expresses a consciousness of the disposition of rule-utilitarianism to unravel.

[22] David Wiggins, "Natural and Artificial Virtues", op. cit. p. 133

to a) the motives of the acts themselves, or to b) the merit of the actions, Hume contended. His solution: they lie in a humanly natural regard for conventions, or more precisely, the motives that human conventions (compacts, rules, *mores*, or whatever) are able to introduce into our lives - such as *conformity* to useful or time-honoured rules of conduct. This implies that the invention of the artificial is itself a natural phenomenon. It also touches upon a long-standing problem in philosophy, namely, the explanation of how the conventional can overcome the natural.

The source of our natural regard for conventions is located in *generalized benevolence*. Hence, the Humean benevolence-based scheme for the explanation of human morality is not departed from. Wiggins does not emphasize this, though I think at times he approaches the same point. As Wiggins explains: "(T)he conventions in question may be imagined to be conventions such that, if most people observe them, then things will be better for most people."[23] To be moved to act by imagining them as possibilities is to be moved by benevolence of such a generalized nature. Why would an individual persist in following socially useful conventions even when it runs contrary to his or her own interest? Hume's answer to this obvious and pressing question is, as noted by Wiggins, the following:

> "(Men) are induced to inculcate on their children, from their earliest infancy, the principles of probity, and teach them to regard the observance of those rules by which society is maintained as worthy and honourable, and their violation as base and infamous."

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[23] Ibid. p. 135. Wiggins cites here the following remark by Hume for support: "(T)he benefit resulting from (justice and fidelity and so on) is not the consequence of every individual single act; but arises from the whole scheme or system concurred in by the whole, or the greater part of the society." (*Enquiry into the Principles of Morals*, Appendix iii.)

But Hume's explanation merely glosses the point that the psychological power of justice requires a condition of mutual public recognition, and relies upon such resources as a concern for reputation. And his answer, according to which upbringing is the preserver of generalized benevolence, does not serve to explain how people with *different kinds of upbringing* can be motivated to adhere to the *same* conventions. Is generalized benevolence inculcated through parental guidance so expansive as to support social conventions that would (sometimes) be more useful or appealing to groups other than the ones toward which one has some allegiance and identification? That is what is demanded of the notion of Humean generalized benevolence in a modern pluralistic society.

The Humean might seek at this point explain how artificial virtues "can exert their influence on an agent directly", and, as they take on life and come to be sustained in ways of living, can be ascribed a value over and above the expected benefit of their observance. Hume's allusions to what has been called the 'projective' capacity of the mind are well-known, and an apparently crucial element in the attainment of civility in his estimation.

> "It will perhaps be said that my regard to justice and abhorrence of villainy and knavery are sufficient reasons for me, if I have the least grain of honesty, or sense of duty and obligation."[24]

The subordination of worldly interest to a sense of duty can, for us, possess a moral beauty of its own. Wiggins remarks that, "Hume sees no special reasonableness in the promptings of self-interest";[25] and that, "The reasonableness of the convention (not the reasonableness of individual prudence!) helps to constitute its moral beauty and the moral

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[24] *Treatise*, III.ii.2. Cf. David Hume, *A Treatise of Human Nature,* edited with an introduction by Ernest C. Mossner, London, Penguin Classics, 1984 reprint, p. 531. Quoted in David Wiggins, "Natural and Artificial Virtues", op. cit. p. 137.

beauty of its observances."[26] It can have authority over prudential considerations. If we then asked what *justifies* the felt reasonableness and authority of a convention by which we live, we may, like Kant, conclude that no systematic justification of the unconditional nature of its authority is possible: it is a 'fact of reason', as Kant put it. But unlike Kant, we may find no necessary or general priority of one kind of consideration over the other, say, duty over prudence or considerations of just character over prudence. Indeed, this democracy among moral reasons seems to be Wiggins' (though not, at least not obviously, Hume's) preferred position at the end of his study of the Humean account of artificial virtues.

> "What a grown-up moral philosophy might attempt is an account of morality that embraces the full gamut of moral predications, seeing them as mutually irreducible and mutually indispensable, allowing no primacy to character traits *or* practices *or* states of affairs - or allowing primacy to all at once. Such a theory, being neither consequentialist nor virtue-centred, might take on some of the subtlety of the moral phenomena themselves and of our moral deliverances upon them."[27]

What can this enlarged account of human moral capacities offer to enhance the prospects for greater ethical convergence that generalized benevolence could not? It certainly opens up an array of moral and other motivations for action besides consequentialist ones that are driven primarily by benevolence. But we do well to note that this enlargement of the sphere of reasons afforded by projective capacities of the mind is not restricted to moral reasons. Our capacity for seeing reason to conform to the

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[25] Ibid. p. 138.
[26] Ibid. p. 139.
[27] Ibid. p. 140.

"new creations" of our projective minds can be a powerful force both of universal altruism *or* egoistic self-advancement.

To sum up, according to the mechanism that Hume has introduced to account for our moral nature, it would seem reasonable to think that the sorts of passions or sentiments that bear similarities to passions or sentiments we are *used to* will be more readily endorsed by us than remote, unfamiliar kinds. If so, then we have good reason to believe that there can be concurrence of reflexive fellow-feeling among persons who share a close existence, for instance, persons who share an identity within a sub-culture or perhaps one forged by a particular historical tradition. But this implies a parochialism that will make no headway towards solving the problem of a coherent sociality within a modern multicultural society. The capacity for morality in the Humean sense, then, seems not to be an idea of much importance, at least for contemporary ethics if not also Humean ethics. However, those who wish to persist in finding special resources for ethical convergence in our moral capacities may attempt to develop certain suggestions in Hume's thought. They could look, in particular, at the account of the artificial virtues. But I do not see in this development anything to encourage a *firmer* expectation of wide ethical convergence on account of these extended resources. Let me, however, sound a cautiously positive note. The Humean notion of artificial virtues reminds us that our capacity to see reasons for action is able to travel a certain distance. And further that, by reflection upon our conventions, we can reform our lives. Now, while this development of the account of our capacities of mind is an important aspect of modern self-understanding, it says nothing substantive enough to encourage the view that a wider ethical convergence is possible within modern pluralistic societies. But there are other ideas (some impressive

ones) in Hume's ethical thought that carry a great deal of salience for us. As we have noted, a study of the entire range of natural human capacities for reasoning and intending, and the conditions of their functioning, would seem to reveal a vast *potential* for cooperation and ethical convergence within human communities. These resources, both of the naturally social character of our reasoning, and of our natural interest in others' cooperation with our intentions, certainly fills in some crucial ground for understanding the bases of a shared ethical life in the modern world. But *how* may these resources help us to resolve the cognitive dissonance that can result from the influence of different sets of ethical ideas upon our way of life?

4. A Suggestion

Let me consider a number of important motives for the rise of proceduralism in ethics, bearing in mind our earlier criticisms of this movement in modern ethical thought. We may take a leaf from Rawls and endorse[28] his defence of the importance of political values such as fairness, freedom, toleration, peace, and general prosperity for contemporary multicultural societies - political values which express a notion of *neutrality* with respect to the ethical values of different cultures represented within a given society. This neutrality of the political realm is conceived not as an outcome of political organization, but rather as a characteristic of the *procedures* of the organizing principles of the state. Charles Larmore has described political neutrality as follows:

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[28] One of the important tasks of liberal theory is to show how pluralism and disagreement in society justifies the desirability of such values. Here, I do not try to broach this task, but simply assume acceptance of this position. My concern is to consider how the most familiar values espoused by procedural ethics can be rationally sustained in a multicultural context.

"(P)olitical neutrality consists in a constraint on what factors can be invoked to justify a political decision. Such a decision can count as neutral only if it can be justified without appealing to the presumed intrinsic superiority of any particular conception of the good life. ...Neutrality leaves open to a large extent the goals that the liberal state ought to pursue. Of course, some ends (e.g., the establishment of a state religion) are impermissible, because there can be no neutrally justifiable reason to pursue them."[29] The values of fairness, freedom, toleration, *et cetera*, satisfy this condition. This condition may also be satisfied without drastic restrictions on the choice of patterns of wealth distribution, so long as the desired pattern does not favour some modes of flourishing over others. And so forth. The general suggestion I then wish to make is that these values might not require any strong form of ethical convergence in order to be kept alive. The Kantian motivations that Rawls appeals to as the main support for such values seem far too weak for the job, and here, Hume's account of the naturalistic sources of our tendencies toward association and cooperation with others would appear to be more reliable partners. The Kantian underpinnings of the Rawlsian conception of the just society contrasts markedly with Hume's efforts to ground a conception of the just society in the sentiments. Kant argued against Hume that ethical convergence could not be grounded in the sentiments. In the light of this Kantian insight, my proposal is to explore a conception of the just society that can be supported by a much weaker form of ethical convergence, and which allows that the values of a just society be sustained by a plethora of motives that may not be sharply distinguishable as ethical and non-ethical. Humean ethics helps us in this respect. In my view, Hume's most significant contribution to our understanding of the "circumstances of justice" was that the values needed to preserve a

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[29] Charles Larmore, *Patterns of Moral Complexity*, Cambridge, Cambridge University Press, 1987, p. 44.

just and tolerable modern social order may be maintained without requiring any very strong form of ethical convergence.

One reading we may give to the notion of a weaker ethical convergence is that proposed by Charles Larmore, namely, that the highest ideals of the political order need not mirror what are our highest personal ideals.[30] Larmore commends a neutral justice as *modus vivendi* that, he notes, forms a part of Rawls' theory of justice. But he rejects what he calls Rawls' co-option of "Kantian expressivism" - which takes acting on the principles of abstract justice as fundamental not simply within the political order, but in shaping our general ideal of the person. He contends that Rawls "could have accorded the priority of the right over the good, or the neutrality towards ideals of the good life, a strictly *political* relevance, governing our role as citizens, without having to be our dominant ideal in other areas of life."[31] Now, we do well to remind ourselves here of the point, emphasized by Charles Taylor, that the proceduralism of the modern political order can only be rendered rationally intelligible in the light of its motivations and the *substantive* conception of human good that underlies such a political ideal.[32] Some crucial values that support such an ethic are, according to Taylor, human dignity, reflective articulacy and universality. Procedural ethics, let it be emphasized, does invoke a

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[30] Ibid. p. 121.

[31] Ibid. p. 121.

[32] Cf. Charles Taylor, "The Motivation Behind a Procedural Ethics", op. cit. Indeed, Larmore echoes Taylor's point in *Patterns of Moral Complexity*: "Neutrality of the state ensures a large measure of predictability, but its ultimate rationale lies elsewhere. It grows directly out of what I described...as one of the principle defects of Aristotelian ethics. The ideal of neutrality can best be understood as a response to the variety of conceptions of the good life. In modern times we have come to recognize a multiplicity of ways in which a fulfilled life can be lived, without any predictable hierarchy among them. And we have also been forced to acknowledge that even where we do believe that we have discerned the superiority of some ways of life to others, reasonable people may often not share our view. Pluralism and reasonable disagreement have become for modern thought ineliminable features of the idea of the good life." (op. cit. pp. 42-3)

substantive conception of the good that transcends local conceptions of the good, and hopes thereby to exert a critical or reforming influence upon the latter.

As we countenance the possibility of keeping 'political morality' and 'personal morality' distinct, the question of a reasoned conception of their relationship to each other in modern pluralistic ethical communities may be raised. The political morality in question is clearly a substantive one that envisages what a just social order in multicultural modern societies might consist in. I argued in Chapter Two that ethical proceduralism fails to supply any adequate account of the authority or rational intelligibility of such a morality in pluralistic ethical communities. It now remains for me to consider whether an alternative conception of practical reason, grounded in a notion of modern individuals with insight or practical wisdom, may help. In the next section, I sketch an alternative account of practical reason.

5. Re-inventing Practical Wisdom

We have already noted the suggestion by Flanagan that the challenge of reducing 'cognitive dissonance' in everyday ethical judgement need not be interpreted as involving the search for any unitary justification for a way of life to which one is committed. It is, after all, not for the sake of an intellectual exercise that we deploy the resources of reason in ethics. The task at hand, as Flanagan puts it, is to tune incompatible demands toward compatibility. The problem for us has been well stated by such writers as Charles Taylor and Charles Larmore. Larmore asks: how shall we define the way that distinctive forms of

modern experience should orient our moral thinking?[33] This issue, as he explains in his book *The Morals of Modernity*, is not the problem of taking modern society or culture as an object of moral evaluation, but rather the problem of "the way modern forms of experience should constitute or be reflected in the very categories of our moral thinking." For this, however, a nuanced positive outlook upon modernity is a prerequisite: modernity would have to "figure as something morally positive, as an element in what...we should value"; but modernity is not a reference to modern life as a whole, nor does everything that is distinctively modern have to be celebrated.[34]

Perhaps the most outstanding work to date on the problem of articulating the nature and forms of modern ethical experience is Charles Taylor's *Sources of the Self.* In it, Taylor embarks upon an ambitious search for an adequate "picture of our spiritual nature and predicament which makes sense of our responses", a moral ontology that articulates more fully the nature of our moral and spiritual reactions, what makes them appropriate, what they presuppose about ourselves and our situation in the world.[35] There is powerful resistance against such a project, Taylor notes,

> "It will be my claim that there is a great deal of motivated suppression of moral ontology among our contemporaries, in part because the pluralist nature of modern society makes it easier to live that way, but also because of the great weight of modern epistemology...and, behind this, of the spiritual outlook associated with this epistemology. ...But besides our disagreements and our temptations to suppress, this articulation of moral ontology will be very difficult for a third reason: the tentative, searching, uncertain nature of many of our moral beliefs. Many of our contemporaries, while they remain quite unattracted by the naturalist attempt to deny ontology altogether, and while on the contrary they recognize that their moral reactions show them to be committed to

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[33] Charles Larmore, *The Morals of Modernity*, New York, Cambridge University Press,1996, p. 1.
[34] Ibid. p. 2.
[35] Charles Taylor, *Sources of the Self,* Cambridge, Cambridge University Press, 1989, p. 8.

> some adequate basis, ...confess that they cannot subscribe with complete conviction to any particular definition, at least not to any of the ones on offer."[36]

Indeed he thinks that most of us are "in the process of groping for answers here", and this marks "an essentially modern predicament".[37] But Taylor urges that without an account of the modern self and its ethical predicament (a moral ontology) there can be no adequate understanding of human agency. This recalls an aspect of Hume's extended account of human moral capacities through the development of the idea of artificial virtues: Hume regarded these as "civilizing states" that regularly motivate human beings, and Taylor insists upon the persistence of such motivations in modern life: "We struggle to hold on to a vision of the incomparably higher, while being true to the central modern insights about the value of ordinary life." I have suggested that by itself, the search for a vision of the "incomparably higher" will not encourage the expectation of wider ethical agreement. The result of this struggle is likely to be as Taylor describes, and I quote him at length.

> "(F)rameworks today are problematic. This vague term points toward a relatively open disjunction of attitudes. What is common to them all is the sense that no framework is shared by everyone, can be taken for granted as *the* framework *tout court*, can sink to the phenomenological status of unquestioned fact. This basic understanding refracts differently in the stances people take. For some it may mean holding a definite traditionally defined view with the self-conscious sense of standing against a major part of one's compatriots. Others may hold the view but with a pluralist sense that it is one among others, right for us but not

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[36] Ibid. p. 10. The empirical and rationalistic epistemology of modern naturalistic ethics is apt to induce ethical scepticism, and this is notably exemplified in John Mackie's *Ethics: Inventing Right and Wrong* (Harmondsworth, Penguin Books, 1977). On the spiritual outlook associated with this epistemology, Taylor empathizes with its disdain for ontological claims that have been invented to justify exclusion of alleged heretics or lower beings by the powerful; but urges that being watchful against spurious ontologies does not require their rejection altogether.

[37] Ibid. p. 10.

> necessarily binding on them. Still others identify with a view but in (a) somewhat tentative, semi-provisional way...This seems to them to come close to formulating what they believe, or to saying what for them seems to be the spiritual source they can connect their lives with; but they are aware of their own uncertainties, of how far they are from being able to recognize a definitive formulation with ultimate confidence."

Taylor's third category of response takes us, as he puts it, "beyond the gamut of traditionally available frameworks. Not only do they embrace these traditions tentatively, but they also often develop their own versions of them, or idiosyncratic combinations of or borrowings from or semi-inventions within them. And this provides the context within which the question of meaning has its place."

This is the state of cognitive disorientation with which I am primarily concerned. I think that we may develop a coherent strategy for minimizing our cognitive dissonance in such circumstances. Near the beginning of the present chapter, I suggested that ethical ideas that are not naturally connected to each other are apt to pull our judgement in different directions, but left the expression "naturally connected" quite vague. What does this notion capture?

One possibility is the following: a set of ideas may be naturally connected to other ideas in the sense that they can be shown to be systematically related within a coherent structure of ideas, such as a theory. This interpretation is not going to be deployed in my account of how cognitive dissonance in the ethical life is to be resolved or reduced. As I have explained, I do not think the task at hand is one that demands the construction of theoretically systematic, unitary justifications for our ethical beliefs and commitments.

A second possibility is that certain ideas may be naturally connected to other ideas in the sense that they share a common origin and a set of coherent relations within a

specific social and/or historical context. Clearly, however, this interpretation will not serve my purpose. The confluence of ethical ideas that bear different social and historical origins will not be achieved by attempts to stage a return to the past or to sustain a policy of isolationism in the present. I think both policies would involve self-deceptive denial of present dilemmas, and would perhaps need to be sustained by a chronically nostalgic and ill-founded belief in a less fractured existence at some idealized moment in history.

The third possibility is one that I find useful. It involves the thought that we may occasionally see *analogies* between past and present contexts, such that older ideas might be reinvented and meaningfully used in the present. Or if we are unable by ourselves to frame these thoughts, certain more insightful persons who are good at carrying out these hermeneutic tasks may help us to notice analogous connections, by producing particular conflict-resolving or conflict-explaining accounts of ethical ideas. There is much room here for creative innovation, in addition to imaginative reform. Taylor remarks upon the special predicament of moderns thus: "(M)oderns have become acutely aware of how much sense being there for us depends on our own powers of expression. Discovering here depends on, is interwoven with, inventing. Finding a sense to life depends on framing meaningful expressions which are adequate."[38] A strategy for reducing cognitive dissonance in modern multicultural societies might be predicated upon this third possibility. It is this familiar enough capacity for connecting ideas, displayed by, I submit, some modern persons of astute historical and anthropological understanding, which will ground the search for what Flanagan describes as "an imaginative amalgam" of ideas that work well together to meet the demands of a complex life form.

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[38] Ibid. p. 18.

The credibility of these insightful persons can be grounded in practical wisdom. Our belief in the authority of their ethical judgements may be justified by such revelations as their practical ability to predict with detailed accuracy the outcomes of courses of action, an ability that may depend on their skill at making ethically relevant discriminations in judging situations or characters; or by a certain tact they would display in recognizing what different people can or cannot do or say with regard to particular matters. Their exercise of these forms of perceptive discrimination and good practical judgement do not call upon any special 'ethical expertise', such as a knowledge of ethical theory. They apply to the judgement of diverse types of subject matter and involve, especially, understanding of practical, psychological, and social phenomena. The judgement of such phenomena may be mediated by, variously, concepts involving descriptive content that answer to culturally-specific kinds of motivation, as well as those that answer to more universal motivations. But the demands of contemporary modern life upon that understanding would involve an unprecedented reflectiveness about the sources of our ethical thinking, along the lines of that style of ethical reflection that makes possible our third way of discovering workable connections among ethical ideas.

While persons of practical wisdom display capacities for good judgement that apply generally over different kinds of subject matter, any set of standards for sound ethical judgement does not operate outside the context of shared outlooks. In the opening chapter of this dissertation, I suggested that if a person of insight and sound understanding is judged to have a certain ethical authority on the basis of certain criteria, they would not be criteria that could be grasped by someone who does not share an ethical outlook within which they derive their point. Criterial knowledge is acquired by confrontation with

phenomena the content of which is, or includes, the content of the knowledge acquired, as McDowell has put it. The nature of the ethical sphere sets this demand on the understanding of those who are capable of recognizing ethical authority. This fact reminds us that, given the deeply pluralistic experience that marks the lives of most of us who live in contemporary societies, we are not likely to find it even possible to arrive at a single, systematically coherent ethical outlook (not even, I think, a 'core morality'[39]) from which an account of practical wisdom might be derived. Even if such a feat could be accomplished, and that emergent morality were able to achieve the coherence desired by its proponents, one needs to think what authority we expect it to carry in modern life as we know it. To date, I think it might be agreed that attempts to make such an approach work have not proved convincing. Indeed, persons of insight and practical understanding living in contemporary societies might be reasonably expected to display a certain tactfulness in practical judgement and ethical debate, a quality that reveals sensitivity to this general practical limit upon the reach of the ethical authority of any proposed framework for reasoned discussion of a given ethical question.

6. The Value of Practical Wisdom in Contemporary Life

How would this idea of practical wisdom earn its keep in the context of the negotiating an ethically pluralistic life in contemporary society? Recall for a moment the proposed political morality for multicultural societies that we countenanced at the end of Section 3. I suggested that we describe it as championing a substantive set of political values such as justice, peace, toleration and general prosperity; and a set of procedural

[39] Larmore argues in favour of such a notion in *The Morals of Modernity*, op. cit.

rules that express these values by regulating the fair distribution of political and economic benefits. These principles may be grounded in ethical values that have come to shape modern sensibilities, such as, freedom, the dignity of human reason, and the importance of individual human lives, as well as the values that have shaped modern commercial societies. This structure of values is to be applied within a multicultural context. How can it operate as a rationally coherent framework amid other competing ideals of ethical rationality? Any prospect of its doing so will, I suggest, depend on adopting the style of practical reasoning that I have tried to sketch in the previous section. Someone who is good at reasoning in this style may be held to have a kind of practical wisdom. We might describe in outline the characteristics of this contemporary *phronimos* in more concrete terms.

Perhaps the first point to be made here is that in a modern, and in particular, commercial society, it would be foolish to deny the value of a highly developed bureaucratic apparatus. Larmore remarks that, "In some cases decision-making in accordance with a system of rules that yields single directives in almost every case, but that corresponds only *grosso modo* in our considered moral judgements, may outweigh a more faithfully nuanced appreciation of the way things are. Most of all this is true in the political realm."[40] Further, he observes,

> "Whenever the government acts according to publicly known statutes and laws that allow little room for conflicting directives, this gives actions a *predictability* that can be invaluable for those who must make decisions in other areas of society, or other branches of government. An investment banker will often be more interested in knowing precisely what the government's central bank will do about the money supply than

[40] Charles Larmore, *Patterns of Moral Complexity*, op. cit. p. 40.

> in knowing merely that, whatever the government's decisions here, they will be morally correct."[41]

In a modern commercial society, a large number of people are likely to have an interest in capacities for prediction and understanding of controls of an economic and/or managerial nature. It is clear, and we see this from Larmore's example of the investment banker, that people living in such societies will have to make evaluations about how groups of people are going to react to situations and to various matters that are put to them. These points imply that a contemporary *phronimos* is likely, firstly, to be an individual who has a rather high degree of technical intelligence and of understanding of economic issues. Next, he or she will be identifiable as someone worth listening to if his or her advice reveals a sensitive, even shrewd, perception of how people will react to various issues and proposals that are put to them. His or her success at prediction, as in the case of the dowser mentioned in our model of the *phronimos* developed in Chapter One, will be independently verifiable. But this ability is also likely to be all of a piece with a broad capacity for ethical judgement and understanding, in particular, an ability to gauge the impact of technical large-scale assessments of what will be best, upon different groups whose smaller-scale evaluations of matters may variously differ. In addition, some degree of identification with smaller-scale values, the capacity to perceive with sensitivity and to appreciate, say, forms of unfairness directed towards particular groups, is an important factor in support of the idea that skilled judgement may partially rest upon a person's authoritative ethical judgements. The reverse, however, will also be true: authoritative ethical judgement, as I have been arguing, will be justified in part in terms of skilled judgement in an increasingly technologically complex, commercial society.

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[41] Ibid.

Finally, the ability to offer conflict-resolving or conflict explaining interpretations of values in a way that enhances the rational intelligibility of public values and institutions will be a mark of the idea of practical wisdom we have been considering. The judgements of the contemporary *phronimos* will express a blend of ethical and non-ethical capacities for judgement, the basic idea of which was emphasized in our consideration of Hume's picture of the ethical life.

It need not be denied that someone who understands and can predict what people are going to do, who has impressive hermeneutical skills, and so forth, may be a bad person or one who uses these capacities for manipulative ends. But it will be reasonable, I think, to say that persons of with a highly cultivated understanding of social and political life and the complex values that inform other peoples' reactions, enough to predict with remarkable frequency how things will turn out in the long and shorter term, will only rarely have arrived there by nurturing a manipulative character. Their predictions of people's reactions on account of, say, their perceptions of fairness or unfairness, will for the most part involve the judgement that things *are* fair or unfair to the parties concerned.

This overlap between predictive, explanatory and ethical capacities helps to give substance to the claim that in contemporary modern societies, we need not do, and probably have not done, away with a notion of ethical authority modelled after the idea of the *phronimos*. I have in this concluding section attempted to locate the place for reliance upon persons whose judgements carry weight with us, because they understand matters pertaining to living well better than we do. The value of such a form of authority in a modern commercial society, explicated along the lines suggested here, may thus be rendered plain.

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