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VIRTUOUS PARTICULARISM

By

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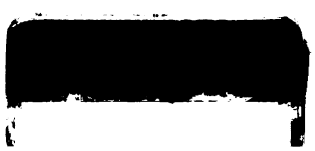

ABSTRACT

VIRTUOUS PARTICULARISM

By

Rory E. Kraft, Jr.

Moral particularism is a theory of ethics advanced most prominently by Jonathan Dancy. For the particularist the decision about what is the right action to take is always situation dependent and arises out of the successful perception of the salient features of the world. Since particularists believe not only that the morally correct action could change depending upon which features are present in an instance, but also that the individual features' relative right-making and wrong-making weight could change, be reversed, or perhaps be irrelevant, particularists are in need of a system wherein agents can be educated into how to properly pick out saliencies and how individual features come together to reveal the morally correct action.

Drawing upon an Aristotelian virtue based approach I propose a system of moral education that focuses on exposure through laws to social norms, mentored guidance in the selective rejection of those norms and laws, consideration of cases, observation and questioning of mentors and models, and self-reflection. Through this continual process moral agents can come to see the features of the world (and the individual situations) that allow them to determine for themselves what action is morally correct.

In the dissertation I explicate a theory of moral particularism and a virtue-based education system to create a system of virtuous particularism that is able to educate agents in how to be moral without relying upon principles or ordering of moral values. In doing so I show how particularism and virtue theory can come together to create an

understanding not only of how we come to see what action is morally correct to take, but also how to understand and use in moral education instances where agents appear to act against moral reasoning.

To Carolyn

Starting when they are little children and continuing as long as they live, they teach them and correct them. As soon as a child understands what is said to him, the nurse, mother, tutor, and the father himself fight for him to be as good as he possibly can, seizing on every action and word to teach him and show him that this is just, this is unjust, this is noble, that is ugly, this is pious, that is impious, he should do this, he should not do that. If he obeys willingly, fine; if not, they straighten him out with threats and blows as if he were a twisted, bent piece of wood.

– Plato, *Protagoras* 325c7 – d7

ACKNOWLEDGEMENTS

While everyone seems to claim that it should go without saying, it never seems go without saying that large works like dissertations do not come together easily. Perhaps inevitably this is the case with this work. Many individuals beyond my committee helped along the way, sometimes in small ways and sometimes in large ways.

Thanks to Sean McKeever and Michael Ridge for their helpful comments on my critique of their work in my first chapter, Garrett Cullity for his clarification of his account of possible moral particularism, and Jonathan Dancy for his timely assistance in rethinking how prudential reasons function in the perception of moral shapes.

Both Debra Nails and Chet McLeskey put up with many questions about how to best link together the various aspects of Aristotle's moral education and actions which do not conform with virtuous reasoning. Debra's comments on an earlier draft of chapter four assisted me greatly, and reinforced the large gap that remains between my work with the Greeks and specialists in the ancient world. Chet's receptiveness to my bouncing ideas off of him was marvelous. A better office-mate could not have fortuitously occurred.

Special acknowledgement needs to be made for Tricha Shivas's assistance in this project. She freely shared of her time, her work, and her musings on these issues. The biggest debt I owe to her is not for her willingness to look over this, but for being a marvelous friend throughout.

The final and largest acknowledgement is owed to my wife, Carolyn, who put up with me being grumpy, distracted, and occasionally short-tempered throughout the writing.

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NOTES ON CITATION

As much as possible, I have endeavored to follow standard conventions for citation of texts. Below are explanations for the standard conventions which deviate from the normal use of page numbers.

Citations to the works of St. Thomas Aquinas are handled in two manners. Citations to his *Commentary on the Nicomachean Ethics* are by section number. The *Summa Theologiæ* is cited by part, question, article. For example, a citation to Ia2æ. 13, 6 is to the first part of the second part (the "*Prima Secundæ*"), question 13 (regarding choice), article six ("Does a man choose necessarily or freely?"). In all cases, the referent is to Aquinas' reply to his questions. This is to ensure that the content conforms to Aquinas' own beliefs and is not simply a considered objection.

Aristotelian references are to Bekker line numbers, rather than page numbers. References consist of a page number, a column letter, and a line number in the Immanuel Bekker standard edition of the Greek text of Aristotle. The translations throughout are those in the Jonathan Barnes edited *Complete Works*.

Kantian references are to the standard German edition of Immanuel Kant's works, *Kant's Gesammelte Schriften*, by volume and page number. All references are to the recent Cambridge translations into English.

Platonic references are to Stephanus line numbers, rather than page numbers. These line numbers are standard across all translations and editions of Plato's work and date back to the 1578 Greek text of Plato's work edited by Henri Estiene (in Latin, Stephanus). The translations used throughout are those in the John Cooper edited *Complete Works*.

Citations to the works of Ludwig Wittgenstein are by aphorism number rather than page number, with the exception of part II of the *Philosophical Investigations* where page numbers are used.

INTRODUCTION

Since 1983, Jonathan Dancy has been advocating a moral theory which focuses on the manner in which event-particular elements work in conjunction in order to create an understanding of and motivation to do an ethical act. In the twenty years since "Ethical Particularism and Morally Relevant Properties" was published, his metaphysical account for his theory has been fleshed out and developed into a robust meta-ethical account of how reasons, specifically moral reasons, operate.[1] His robust theory, laid out most fully in *Moral Reasons* and *Ethics Without Principles* (1993 and 2004, respectively), stays true to his initial stance that "ethical decisions are made case by case, without the comforting support or awkward demands of moral principles."[2]

In his early work, Dancy claimed that particularist epistemology would hold that ethical agents "discern directly that individual acts are right, without needing any detour through principles."[3] While he retains this viewpoint, his fuller accounts have emphasized the metaphysical, not epistemic, elements of his particularism. This presents a possible problem: while Dancy has nicely worked out a theory with strong arguments for why reasons must work the way he claims they do, he does not explain how individual agents learn to use his theory to arrive at morally permissible actions. At best, Dancy hints toward the need for "moral education"[4] or "serious training at an early age."[5] While the majority of objections to Dancy's strong particularism have focused on

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[1] Dancy explicitly states that "Particularism is officially a doctrine in meta-ethical theory." (*Ethics Without Principles*, 190) I read this as a recognition that his work is not intended to be action guiding in itself, but foundational for ethical theories.
[2] Dancy, "Ethical Particularism..." 530.
[3] Dancy, "Ethical Particularism..." 543.
[4] Dancy, *Moral Reasons* 64.
[5] Dancy, *Ethics Without Principles* 49.

the metaphysics of his theory, the lack of a coherent explanation of how agents learn to successfully implement his particularism leaves his account and all particularist accounts open to epistemic objections regarding how one comes to have moral knowledge in the absence of moral principles.[6] In the following, I propose a solution to this epistemic shortcoming which is in keeping with Dancy's project specifically and strong particularism generally. In order to address this objection I propose a manner of augmenting Dancy's theory with a process of moral education and training that borrows from Aristotle's account of how an agent learns to be virtuous. In the first three chapters, I examine the underlying metaphysics of moral particularism, and lay out the relevant elements of Dancy and Aristotle's respective theories to display the extent to which Aristotle's process of moral education completes Dancy's account. I refer to this combined theory as "virtuous particularism."

A problem for this virtuous particularist position is that while Dancy has worked out a metaphysical understanding of ethical action based upon the particulars of a situation, Aristotle's account of the various ways that an action fails to be virtuous is far from clear. He moves back and forth between various conceptions of action taking, some of which would be against virtue, others which would conform with it. Most notably in *Nicomachean Ethics,* but also in *Eudemian Ethics*, Aristotle's descriptions of actions

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[6] I see this objection as distinct from Frank Jackson, Philip Pettit, and Michael Smith's epistemic concern that "we need moral principles to arrive at and justify our moral judgements." (Jackson, Pettit, and Smith, 80) Their objection is questioning the strong particularist rejection of principles; my concern is how we are able to make judgments in the absence of these principles.

which appear to be non-virtuous[7] are convoluted, confusing, and could be read as contradictory to Dancy's account. Understanding how to interpret this aspect of Aristotle's thought and determining the extent to which it meshes well with Dancy's particularism is vital for augmenting Dancy's theory in this manner. If we cannot find a way to resolve the tensions between the two accounts, then the augmentation that I propose here is not tenable. For this reason I present in my fourth chapter a reading of Aristotle's account in light of Dancy's distinctions.

In my fifth chapter, I confront two classes of objections to my own theory. The first class of objections comes from those who could claim that the account of moral education that I offer is not in keeping with strong particularism, but instead is better served to educate agents in any of a variety of moral theories which are morally pluralistic by embracing multiple moral values or allow for multiple instantiations of values which are all instantiations of a single value. In the midst of considering this objection I consider in turn a) formal ordering approaches which provide binding/permanent ordering of principles and b) "limited" ordering approaches such as Rossian *prima facie* duties, Kagan's *pro tanto* obligations, and other approaches which provide limited and non-binding ordering of principles. The second major objection that I consider is that my account still provides no methodology for discerning the features which are morally salient in a situation from those which are not. In order to address this objection I consider again the metaphysics of strong particularism and draw epistemic support from Kant's writings.

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[7] Strictly speaking, for Aristotle agents, and not actions, are virtuous. However, if we consider those actions which will lead to an agent becoming virtuous in character as "virtuous actions" it is far easier to speak about his theory.

In my final chapter, in order to more clearly delineate the theoretical boundaries of virtuous particularism, I present both a summary and re-statement of virtuous particularism as its own theory, noting only in passing what differentiates my work from others.

CHAPTER ONE:

The Metaphysics of Moral Particularism

Moral particularists[1] tend to use two distinct types of arguments to support the metaphysical underpinnings of their particularism. The first, a phenomenological account argued largely through counterexamples, emphasizes the variability of the moral valence of reasons. This account is generally applied to widely accepted moral principles and is meant to display that a holistic understanding of the features present in moral decisions is necessary; no single feature can always decide the morality of an action since individual features of the world have variable moral valence which alter depending upon which other features are present in a given situation.[2]

A non-moral example of how reasons work holistically is the sort of reasoning process that one makes when considering the best driving route through a city while on a cross-country road trip. Factors such as the time of day, familiarity with the city, amount of gas in the tank, and relative confidence in the mechanical integrity of the car driven would all function in mapping a route. While each attribute individually has a role to play in making the decision, the best decision is made only by considering all of the relevant elements collectively (some of which will have no impact on the consideration.)

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[1] I am speaking broadly here of the general principles of particularism. As such, I am lumping together weak particularists and strong particularists. Roger Crisp, Jonathan Dancy, Frank Jackson, Margaret Little, John McDowell, Martha Nussbaum, Phillip Pettit, Joseph Raz, and Michael Smith can all be said to be a member of the general family of particularists, though their individual metaphysics and place on the "weak"/"strong" spectrum varies.

[2] A spirited debate is on-going among and with particularists as to if all features have variable moral valence. The strongest moral particularism entails a belief that all do; weaker particularisms believe that most or perhaps only some do. Non-particularists believe in the existence of at least one feature with non-variable moral valence. These distinctions are expanded and clarified in this chapter.

Further, each individual feature can serve in one situation as a reason for acting in one manner and in an alternate manner in another situation. The right-making/wrong-making valence of the features change depending upon the presence of any number of additional features. For this reason a situation must be seen holistically in order to understand the overall right action to take.

A moral example on the same lines is the manner in which agents stranded on the top of a mountain following a plane crash should distribute resources.[3] Beyond a simple desire for equitable distribution, many factors could be considered by agents. These reason include the relative health of the parties, the calories extended in various rescue-inducing attempts, as well as needs to preserve special skills. By considering holistically the situation the moral decision may be to provide more food to those building a shelter, a physician, or an radio engineer while withholding resources from those too ill to survive. If we consider just one possible feature, for example a particular agent being a physician,[4] we can see that in most situations just being a physician does not mean that one ought to get more resources than a non-physician. However, given the rest of the factors involved (most notably the need for someone who can provided medical care) the presence of this feature could make it right to distribute resources unequally. Only after all features are considered can the moral valence of each individual feature be determined. This first argument for moral particularism emphasizes that moral reasoning, like all reasoning,

[3] I am thinking here of the experiences of the Uruguayan rugby team stranded in the Andes in the 1970s. Piers Read's account of their time in the mountains in his *Alive* was made into a 1993 movie with the same name.

[4] In the real situation, a rugby player had taken some medical courses, but served as doctor to those who survived the crash.

functions best when all factors are considered[5]; moral systems that over-emphasize principles do so at the risk of advocating poor reasoning.

The second argument for moral particularism goes further and proposes that a list of possible relevant features is not possible. This argument emphasizes the uncodifiable nature of morality. Turning again to the previous two examples (mapping a route and distributing resources), it should be clear that both of the lists of relevant features I provided were incomplete. Multiple additional features could be relevant; further, any explication of additional features would also be incomplete. No complete listing of all possible relevant features is possible. For example, in the non-moral case we might expand the considered features to include such factors as the presence of a traveling dignitary, the possibility of outstanding traffic tickets, and a passenger's need to use a restroom. Of course, this list could also be expanded to include a desire to avoid cities that allow concealed weapons permits, or the desire to visit cities which have a museum for Negro League Baseball history. There seems to be no end to the number of attributes which could be considered relevant in this decision. The uncodifability thesis holds that given the infinite variety of possible relevant features it is not possible to determine before the fact what features are relevant. No list, or codification, of morally relevant features, principles, or complete set of rules is possible.

These two arguments, the first for a holism of reasons, the second for the uncodifiable nature of morality, are best considered as two separate but interrelated

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[5] Of course, only in an idealized an abstract situation would all factors be accessible for consideration. In practice we can only consider the finite set of factors we are both aware of and believe impact the consideration. This is similar to the method of examination in the sciences; ideally all variables would be measured, controlled, and tested in determining a causal relationship. In practice we focus on those variables that we believe (could) make a difference.)

aspects of particularism. It is debatable the extent to which the acceptance of holism entails an acceptance of the uncodifiability thesis.[6] Further, since the holism thesis is almost exclusively argued for by use of counterexamples and it is quite easy (though not necessary) to do the same for the uncodifiability thesis (as I have done here), it is far too easy to conflate the two theses. A restatement of these two theses may serve to show their distinct character. Particularists find largely based upon consideration of cases and examples that individual features of the world seem to not have a fixed moral valence. Since the moral valence of features varies with the presence or absence of other features, it is best to make moral decisions holistically or in light of all features of the situation rather than just the presence (or absence) of some feature or set of features. The second argument appears in many ways to grow out of holism, and finds that further it is not possible to establish a list or codification of what features make a difference in the overall moral valence of possible actions. This argument for the uncodifiable nature of morality also utilizes cases and counterexamples, but can also be supported based upon theoretical accounts of the possibility of completeness. I examine these two arguments more thoroughly after discussing how the acceptance or rejection of these arguments affects a thinker's position on a spectrum from weak to strong particulist.

Proponents of both arguments taken together can be understood as strong particularists who hold that moral decisions are made holistically upon consideration of disparate and uncodifiable features. In the following, I refer to this strong position as uncodifiable holism. Weak particularists support one claim while rejecting the other. For example, a weak particularist might believe that we cannot know all possible moral

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[6] Sean McKeever and Michael Ridge's rejection of this connection is considered later in this chapter.

features (thus accepting the uncodifiability thesis) and believe that in all situations the presence of an 'involves killing an innocent person' feature is always wrong-making (thus denying the universal variability of moral valence). For this weak particularist a holistic understanding does not assist in determining the invariant moral valence of features though it may allow an agent to discern a feature not previously considered. An alternate variety of weak particularist is someone who accepts the variable nature of moral valences, but denies that the uncodifiability thesis. She could hold that the right-making nature of a moral feature is not fixed and depends upon the presence (or absence) of other features. However, she believes that it is possible to know which other possible features have the ability to change the valance of the 'original' feature. Strong particularists believe that both of these possibilities for weak particularism (as well as other more nuanced varieties of weak particularism) are flawed because they do not properly accept the strong metaphysical arguments for each position.

An alternate understanding of the distinction(s) between various types of particularisms is offered by Garrett Cullity. In his examination of particularism Cullity parses these arguments differently than by looking at the holism/uncodifiability theses used above. In his system he separates "particularism about principles from particularism about reasons."[7] In his schema both varieties of particularism can be understood as weak or strong depending on the extent to which one denies that general principle are non-trivially linked to moral verdicts or denies that a moral consideration in one decision is a moral consideration in all decisions.[8] The former denial is a denial of moral principles; the latter is a denial of invariant moral reasons for action. A weak principle-particularist

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[7] Cullity, 170.
[8] Cullity, 169 – 170.

would hold that there are general, descriptively specified reasons "that always count in favour of a given moral verdict, although perhaps not always decisively so."[9] W.D. Ross' ethics of *prima facie* duties is an excellent example of this weak particularism. When present, a conditional duty imposes an obligation on the ethical agent; since multiple conditional duties may be present, it is only after consideration of all the morally significant duties that the agent's duty proper is determinable.[10] A "stronger" principle-particularist "denies the existence of correct principles of this more modest form."[11] Margaret Little explains how one could deny this possibility by pointing out that we cannot tell the variable worth of potential principles by "holding other variables constant, for it matters what the substantive content of those variables was in the first place."[12] Moral claims and moral principles are anchored to the individual cases they arise in and we cannot separate individual features from the rest to determine the decisive moral principle. The "strongest kind of particularist about principles" holds that every feature of the world, including "even 'thick' moral properties such as that a particular action can be understood as cruel, has variable valency."[13] As Mark Lance and Margaret Little note, considering consensual sexual S&M practices can cause us to see that in some circumstances the "valences of certain morally significant features of acts" switch from wrong-making to right-making.[14]

In contrast to particularism about principles, which focuses on the possibility of general principles non-trivially-linked to verdictive moral properties, Cullity believes that

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[9] Cullity, 171.
[10] Ross, *Right and the Good* 19 – 20.
[11] Cullity, 171.
[12] Little, "Moral Generalities Revisited" 290.
[13] Cullity, 171.
[14] Lance and Little, 18.

particularism about reasons focuses on the extent to which if a feature is a consideration for action in one instance then it must be a reason for action in other instances. Weak reason-particularists believe that "there are some considerations that are reasons in some contexts but not in others."[15] For example, the fact that a patient is a Jehovah's Witness might be a reason to withhold blood transfusion treatment, but not a reason to withhold respiratory assistance.[16] The patient's religious beliefs provide a relevant reason to act in a particular manner in the first situation, but provide no guidance in the second. "Stronger" reason-particularists hold that "every descriptive consideration can be a reason, but all descriptive reasons sometimes change their normative valency."[17] As Little notes, while one may concede that "'usually' or 'for the most part' lying is wrong-making" we acknowledge that even lying has instances where lying does not function in this manner.[18] The "strongest" reason-particularist believes that "all non-verdictive reasons (even those supplied by 'thick[']' moral properties such as cruelty) sometimes change their normative valency."[19] The distinction between the "stronger" and "strongest" reason-particularists is in their understanding of the role of 'thick' moral properties. A property like cruelty is both evaluative and descriptive, and thus would be in play in the "stronger" reason-particularism.[20] In the "strongest" reason-particularism

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[15] Cullity, 171.
[16] I am assuming for the sake of the example that one would generally accept an adult Jehovah's Witness patient's request to do undertake treatments which involve blood as they believe that these treatments are immoral.
[17] Cullity, 171.
[18] Little, "Moral Generalities Revisited" 302. As will be discussed later, Kant would disagree with this example, but his denial of this example displays nicely how he is not a particularist.
[19] Cullity, 171.
[20] Cullity in private correspondence assisted me greatly in parsing his categories in a way consistent with his intent.

we see that even these 'thick' properties can have variable valence. In *Ethics Without Principles*, Dancy points out how 'thick' aesthetic properties, such as symmetry, painterliness, or imaginativeness sometimes better a work, but that they can "sometimes be out of place."[21] This aesthetic example illuminates how reasons to value an action in one instance ("promotes symmetry"/"alleviates cruelty") may not always be a reason to value an action in a similar instance.

Cullity's taxonomy allows for multiple relationships between the different weak, "stronger" and "strongest" varieties of both principle and reason particularism. Two possibilities that Cullity's schema does not allow are the combinations of weak principle / "strongest" reason and "strongest" principle / weak reason particularisms. Cullity states that "Strong particularism about moral reasons entails and is entailed by particularism about principles."[22] (While he uses "strong" here, I believe he must mean his own "strongest." Otherwise, we are left with only weak and strong particularists and his distinctions become useless.) The "strongest" particularists in his account would be strongly particular about both principles and reasons. However, his account allows one to be a weak principle and "stronger" reason particularist. In this possibility, one could believe that some feature always, though non-decisively, counts as a reason for action when it is present. But the valence of that reason could be either right or wrong-making. An example of such a feature might be the feature 'is a taking of a single life.' This feature can be wrong-making (such as when considering random murder) or right-making

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[21] Dancy, *Ethics Without Principles* 76.
[22] Cullity, 172.

(such a heroic/martyr-like sacrifice of ones life in order to save multiple lives[23]). Of course in many situations, such as in determining if one can break an appointment this feature is absent entirely. In each situation when the feature is present it serves as a non-decisive feature, but the valence of the feature differs.[24]

Cullity's account offers the possibility of more moderate positions on both principles and reasons, but at the cost of complicating the particularist picture unnecessarily. Given his concession that the strongest particularism of either reason or principle variety entails the other strongest particularism we are left with the following particularist possibilities:[25]

Figure 1: Possible Particularisms in Cullity's Schema

weak reason & weak principle particularism
weak reason & "stronger" principle particularism
"stronger" reason & "stronger" principle particularism
"stronger" reason & weak principle particularism
"strongest" reason and "strongest" principle particularism

The first of these possibilities corresponds to the first weak particularism described above (those who accept that morality is uncodifiable while holding that some features have invariant moral valence). The final possibility corresponds to my strong particularist who believes moral decisions are made holistically upon consideration of disparate and uncodifiable features. While it is possible to understand the middle positions (as evidenced by my above parsing of the weak principle / "stronger" reason particularist), it

[23] I am assuming here that most people would find that this form of self-sacrifice is somehow "more right" than the sacrificing of another to save an equal number of lives. If this moral intuition is correct than self-sacrifice would have right-making features though it still can be understood as 'a taking of a single life.'
[24] There could be other situations, such as a soldier's battlefield actions which may be ones in which the presence of the feature would have no relevance. As such the feature would have no impact on the moral valence of the action considered.
[25] Excluded from these possibilities are non-particularists of all varieties.

is unclear what theoretical clarity comes from doing so. The difference between the weak principle / "stronger" reason particularist and the "stronger" principle / weak reason particularist comes down to a parsing of the variable nature of a reason. The weak principle and "stronger" reason particularist holds that some features are pertinent to all decisions in which they are present, though in a non-decisive manner and with variable moral valence. In comparison, the "stronger" principle and weak reason particularist denies that any descriptive feature functions in all moral decisions in which it is present, but believes that a particular moral feature is a reason to act in a particular manner in a specific set of situations. The first "mixed" particularist possibility believes that some features operate as reasons in some situations but not in all. The second "mixed" particularist possibility holds that some features operate as reasons in some situations but not in all. These particularisms both arrive at the same position. While they may arrive there from different metaphysical beliefs about reasons, they both amount to a weak particularism. Cullity's account of possible moral particularism needlessly complicates the possibilities beyond weak and strong particularism. Since his intent is to argue for weak reason particularism,[26] he does not seem to be concerned with the possibility that weak reason / "stronger" principle and "stronger" reason / weak principle particularisms though metaphysically distinct are practically identical. However, his schematic can be useful if one conceives of it as a sequence of educating individuals into how to better be a strong particularist. (I return to this point in my discussion of moral education.)

In the explication of my account of virtuous particularism, I begin with a strong particularism. As a leading proponent of strong particularism, Dancy's writings provide

[26] Cullity, 173.

an extensive metaphysical account of strong particularism. As such, I utilize his theory as the beginning point for my own, though I am throughout conceiving of virtuous particularism as addressing a deficiency in strong particularism generally. However, the epistemic objection that I am answering could be presented to Dancy's account specifically. Dancy's particularism is perhaps the strongest of all strong particularisms; he embraces uncodifiable holism[27], holds that principles carry no more weight than other salient features[28], and believes that all features of a situation have variable valence[29]. In the following, I examine both the phenomenological account and the arguments for uncodifiable nature of morality to support Dancy's metaphysical argument for a strong particularism.

Particularists' phenomenological accounts of apparent exceptions to generally held moral principles are intended to show the variability of the moral valence of a feature. In most standard conceptions of morality, the presence of a feature always functions in the same manner. A Utilitarian will always find that the foreseeable additional pain as a consequence of an action reduces the overall moral correctness of that action in all instances.[30] For Kantians the absence of duty as the motivating factor of an action precludes in all instances that action from possessing moral worth.[31] While particularists may not deny that some features do have invariant valence[32], they believe it

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[27] Dancy does not appear to link these two features together. The uncodifiable nature of morality is argued for most recently in *Ethics Without Principles* at 11 – 12; holism is defended in *Ethics Without Principles* at 112 – 113.
[28] Dancy, *Ethics Without Principles* 34 – 36.
[29] Dancy, "Can a Particularist..." 61.
[30] Mill, 7.
[31] Kant, *Groundwork* 4:397 – 401.
[32] Dancy may be admitting their existence for purely rhetorical reasons. I can find no instance where he proposes an instance of a feature with an invariant moral valiance. The

is impossible to find enough of these features to reason properly. (As Dancy states, particularists "do not deny the possibility of finding some exceptionless general truths linking descriptive predicates on the left with moral predicates on the right."[33] What they deny "is the possibility of finding (a sufficient range of) truths of this sort that specify features that make actions right" or wrong.[34] These predicates can vary from the explicit moral predicate "is wrong making" to predicates which could be either descriptive or moral in nature such as "is cruel.") While Dancy's admission appears odd at first glance for strong particularists to make, I read these moves toward allowing for the presence of some invariant moral features as both in keeping with particularists desires to avoid making universal claims and as attempts to attract individuals who are committed to some particular principle but who otherwise acknowledge the metaphysical account underlying strong particularism. We can read Dancy on this point in two manners. Either he is claiming that even if there were some ethical principles we do not need them to function ethically, or he is remaining committed to a strong metaphysical particularism by refraining from making universal claims. Since the outcome of each case is to conceive of an ethics that operates independently of principles, it is safe to categorize Dancy as a strong particularist (a "strongest" reason and principle particularist in Cullity's schema.)

Particularists most often show the variability of moral valence of relevant features by calling upon counter examples to proposed invariant principles/features. For example,

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closest instance of naming such a feature is when he states that "probably the intentional inflicting of undeserved pain, which necessarily constitute[s] the same sort of reason[s] wherever" it occurs is not sensitive to context. ("Particularist's Progress" 131)

[33] Dancy, "Can a Particularist..." 61.

[34] *ibid.*

if we considered the claim that purposefully inflicting pain upon others is wrong we would find wide agreement in the moral tradition. Not only does this conform to the Utilitarian ethic, but it also calls upon common intuitions that pain is considered bad. We could even utilize a Kantian test of universalizing the maxim behind a pain inducing action to show that we ought to avoid inflicting pain on others. There seems to be good grounds for believing that the feature of causing pain for others is morally wrong-making in all instances. For example, consider a situation wherein one agent stabs another seventeen times with a butcher's knife. The wrongness of this act for the first agent (the stabber) is displayed by the purposeful infliction of pain on another. This example illustrates an instance where inflicting pain on another is wrong-making.

However, contrary to this position, the particularist could point to situations where pain does not have this moral valence. For example, we could say that an athletic trainer, Marine drill sergeant, and dentist all inflict pain upon others in instances which do not carry any moral weight (strength training, conditioning, and root canals, respectively.) Of course, each of these instances can to a large degree be thought of as consensual. To that end, Dancy points to an occasion where he caused "considerable pain" to his daughter when extracting "(not entirely with her consent)" from her foot the spines of a sea-urchin she had trod upon.[35] While we might not go so far as to say that this pain was right-making, it does not appear to be wrong-making.[36] Here we have

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[35] Dancy, *Moral Reasons* 65.

[36] It could be claimed, as James Lindemann Nelson has in conversation with me, that given the possibility of not causing pain but getting substantially the same results, the moral choice would be to avoid the pain-inducing option. While I am unsure of the applicability of this in the military training possibility, where enduring pain appears to have some training worth, I certainly think that this counter-example points to the necessity of considering holistically the morality of the situation. Dancy's pain-inducing

instances where the presence of the same moral feature (purposeful infliction of pain) is wrong-making and neutral in valence. We need not find an instance where inflicting pain is right-making to show the variability of moral valence; we already have displayed that the feature is not always wrong-making (i.e. does not always have negative moral valence.) Particularists believe that any attempt to display the invariant moral valence of any given feature will succumb to similar counter-arguments. Through consideration of various cases we can find particular situations where the moral valence of individual features change.

Based upon these and similar arguments, Dancy and other particularists have come to embrace that moral reasons can have a variable valence. Something which serves as a reason to make a given action in one instance right (a right-making feature), in other circumstances would have no right-making weight or perhaps even serve to provide reason against taking the action (a wrong-making feature). Given the particular nature of the connection between features and their potential right-making status, Dancy rejects the usefulness of ethical principles in decision-making processes because principles by their nature are general.[37] As he states, "A principle-based approach to ethics is inconsistent with the holism of reasons."[38] By rejecting the decision-determining properties of principles, Dancy places them on par with all other features of a situation. In order to

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action would appear to be wrong if he could have removed the spines without pain, provided that doing so would not otherwise endanger his daughter. As he notes in a possible world with a pain-free alternative causing the process of removing the spines followed in the actual world would be "wrong, wrong because of the pain it caused, and the worse for the pain." (*Ethics Without Principles* 209). However, in the actual world there was no alternative and holism explains how the action, while potentially wrong in another world, is not wrong in the actual world because the totality of the features of the world display that there is no better alternative available.

[37] Dancy, "Particularist's Progress" 135.

[38] Dancy, *Ethics Without Principles* 77.

determine what is morally right to do in a given situation an agent should consider all of the features of the situation. In other words, she should evaluate holistically the current state of affairs. (I describe Dancy's more substantial explanation of this evaluation later in this chapter.)

Holistic accounts are not limited to particularists, nor is holism merely appropriate for moral reasoning. A non-moral instance of reasoning is provided by Dancy. When one perceives an object in front of them which is red, normally this perception would be reason to believe that there was a red object before oneself. However, if "I also believe that I have recently taken a drug that makes blue things look red and red things look blue, the appearance of a red-looking thing before me is reason for me to believe that there is a blue, not a red, thing before me."[39] For strong particularists holism is accepted for all reasoning attempts, not just instances of moral reasoning. The metaphysics of reasons leads particularists to holism. Relying upon holistic awareness of the features of a situation is not unique to particularism. Marilyn Frye in *Politics of Reality* famously compares oppression to a bird cage. Focusing on each individual wire does little to allow one to see the reality of oppression; it is only by seeing the larger structure composed of many wires that we can see both the structure of the cage and the barriers to freedom that each individual wire working together creates.[40] This account relies upon a holistic evaluation of a situation[41], and (at least in this initial explanation) is not explicitly

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[39] Dancy, *Ethics Without Principles* 74.
[40] Frye, 4 – 7.
[41] Frye refers to the holistic evaluation as the macroscopic view, as opposed to the microscopic view of examining each feature/wire individually.

ethical.[42] The ethical aspects of the situation arise not from the consideration of the individual elements, but rather from the understanding of how they collectively function together (as a bird cage or an oppressive society) to prevent escape, flourishing, and self-determination.

One may object to accepting holism on the grounds that even if some features have variable moral valence, not all features function in this way. A likely possibility is that just the very example that Dancy was willing to admit may be invariant ("the intentional inflicting of undeserved pain")[43] displays that some features do have invariant valence. There are two clear answers to this objection. First, the particularist can hold that if some (specific) features do have invariant valence, "this will be because of the particular reasons they are."[44] The invariant nature of these specific features arises from their content, not the nature of moral reasoning. One way to read this response is as a claim that those who find that reasons function with invariant valence based upon a single reason functioning in this manner have committed a category mistake by moving from the particular to the general. Just because the content of one feature may be such that it operates with invariant moral valence, does not mean that all reasons operate similarly. (In logical terms, we cannot properly superalternate from claims about one object to universal claims about a class of objects.) Further, a particularist would hold that it is the content of this specific reason, not the nature of how reasons function, that leads us to believe the feature has invariant moral valence. Perhaps most importantly, particularism

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[42] By this I mean that evaluating an actual bird cage in this fashion is not an ethical evaluation; clearly, the metaphorical birdcage that Frye is using to discuss gender oppression is.

[43] Dancy, "Particularist's Progress" 131. He also speaks of "gratuitous pain on unwilling victims" as a (probably parallel) possibility. ("Particularist's Progress" 136.)

[44] Dancy, "Particularist's Progress" 136.

rejects not the possibility of finding a unitary reason of this sort, but instead rejects the possibility of "finding (a sufficient range of) truths of this sort that specify features that make actions right."[45] This response avoids the category mistake and places the particularist phenomenological argument for holism as distinct from attempts to refute a position "by producing one counter-example."[46] While the same objection could be made about particularists' use of counter-examples, they sidestep the category mistake issue by refusing make any universal claims. (As such, Dancy generally tempers his language so that he claims that *most* features have variable moral valence,[47] or claims that any feature could in principle change its valence.[48] The stance that all features have variant valences is only suggested.) The second response to this objection is that attempts to find moral reasoning atomistic while believing otherwise in holistic reasoning is unattractive.[49] Further, since Dancy denies that atomistic reasoning or generalism about theoretical reasons is accepted by anyone,[50] he suggests that holism is the best approach to adopt for morality. (His refutation of atomism/generalism in theoretical reasoning does not rely solely on the lack of acceptance. He also provides plausible examples of how we function holistically in those reasoning instances.[51])

The second metaphysical argument for moral particularism rests upon the acceptance of holism, but moves beyond this acceptance to show that we cannot codify

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[45] Dancy, "Can a Particularist..." 61.
[46] Dancy, "Particularist's Progress" 136.
[47] Dancy, *Ethics Without Principles* 81.
[48] Dancy, "Particularist's Progress" 130.
[49] Dancy, *Ethics Without Principles* 77.
[50] Dancy, *Ethics Without Principles* 74.
[51] *ibid.*

the relationships between features of the world and their right-making nature.[52] Of course, if one accepts a radical particularism wherein all features have variable moral valence then there is no need for further discussion. If we cannot show an invariant link between a feature and the overall rightness of an action then we cannot put forth even a limited listing of right-making attributes. However, weaker versions of particularism which retain the possibility of some features having invariant moral valence also can hold that it is not possible to determine a list of these attributes. This belief that we cannot list, or codify, all features which are potentially relevant to moral decision making is referred to as the uncodifiability thesis.

Acceptance of the uncodifiability thesis is the acceptance that we cannot provide a complete listing of relevant features and their relationship to each other. That is, just as in non-moral situations we cannot specify in the abstract in which situations it is preferable to drive through or around a city, we cannot specify in the abstract in which situations we should distribute scarce resources unequally. Both the non-moral and moral situations can only be properly understood in their particular context; attempts to pre-determine acceptable actions will necessarily be at a disadvantage since they would omit features not discernable beforehand. The uncodifiability thesis holds that in light of the incomplete nature of any listing or ranking of features, we should acknowledge that we cannot create such a listing at all. Not all particularists agree that morality is uncodifiable, but the acceptance of the uncodifiability thesis makes one a strong

[52] Sean McKeever and Michael Ridge argue that arguments which attempt to link holism with uncodifiability are weak. I disagree, and explain my disagreement below.

particularist.[53]

One argument for the uncodifiable nature of morality is to display via examples that we cannot linguistically capture the content of the purported rules/standards/principles of morality.[54] We can start out by returning to the example used above of avoiding pain. While generally we might say that the infliction of pain on another is morally wrong-making, we ought not make this claim in this manner because of just the variable valence pointed out previously. To account for personal trainers, Marine drill sergeants and dentists we could modify this claim to involve the consent of those upon whom the pain is being induced. However, we still have the problematic case of medically treating those who object in some manner to the pain involved in the treatment (as in Dancy's daughter and the removal of sea-urchin's needles). Cullity proposes that we can instead scrap this whole approach and consider the wrong-making aspect to occur when "inflicting suffering on others for your own enjoyment."[55] However, this seems to leave out the possibility of consensual cases of sadomasochism. Perhaps Cullity's claim could be modified to include the need for consent in pain inducing actions. Revising or specifying the principle in this manner seems to avoid the difficult cases of sadomasochists. However, if we accept this amendment then questions about so-called Ulysses contracts could be raised (wherein one initially agrees to an action and stipulates that later attempts to withdraw consent are to be ignored.) Resolving this difficulty would have to require a fuller conception of consent than we

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[53] This dispute about the (un)codifable nature of morality is at the heart of disagreements between Jonathan Dancy and Frank Jackson, Phillip Pettit, and Michael Smith (among others) and is discussed below.
[54] For ease of reading, hereafter I refer to all of these possibilities as principles.
[55] Cullity, 182.

have previously used. In any case, arguments by example like these tend to devolve into further and more complicated attempts to refine a principle in light of particular situations in order to save a role for the principle.

Refinement of individual principles will fail because it seems inevitable that some additional complication of that feature had not been considered. With the exception of Kantians and other deontologists who believe that a proper rule can have no exceptions, our intuitions about moral reasons seem to indicate that any principle will require quite a bit of refinement. (Kant famously held that one has no moral right to lie even to someone who is threatening harm to another.[56]) The process of displaying the impossibility of understanding even a single feature by continuing to add even more complexity to a situation relies upon the particulars of odd situations to draw upon this common intuition. The increasingly refined principle is always refined because of the presence in some hypothetical of a particular feature which seems relevant. This approach, while non-theoretical, relied upon strong particularism because it is exactly the particulars of the situation that will always complicate the attempted use of any principle. The uncodifiablity thesis can be understood as stating that ethical principles can be understood only vaguely and incompletely. Further, our inability to properly formulate a single principle displays that we will be unable to determine a complete listing of features which are relevant. Strong particularism unifies this idea with the holism of reasons to advocate that an agent should just examine holistically the situation and determine the right action to take.

[56] Kant, "On a Supposed Right..." 8:426.

A more theoretical argument for the uncodifiability of morality could be made that we cannot ever establish our list of principles because there is no end to the possible test cases. In the absence of such a closed set of test cases, we cannot determine the competence of any agent in using a list; without a complete list of possible cases we will not know if our list is complete. In absence of such a complete list, we cannot require that moral competence include the ability to determine, in practice or in principle, which moral principles are relevant prior to encountering the situation. This argument draws upon Wittgenstein (and Kripke's Wittgenstein) in order to make some strong claims about our abilities to learn rules. A rule must go beyond explaining what to do in instances of which we are already aware. This claim is backed up by Wittgenstein's consideration of making mistakes in learning rules: we cannot tell that a rule has been learned badly until is has been tested in a case that the learner did not previously know.[57] Of course, as there are an infinite number of unencountered situations, we have a real problem in determining how far to test a rule before we can say that someone **knows** the rule.[58] In the field of mathematics we cannot be sure that the rule of addition has been understood unless the rule has been tested against a large set of possibilities – including possibilities beyond single, double, triple digits.[59] Even at this point, we have no way of knowing that the rule itself has been grasped; it is possible that some other, rather similar, rule has been learned.

This uncertainty about grasping a rule leads to Saul Kripke's skeptical paradox. Simply put, Kripke points out that Wittgenstein (or at least "Wittgenstein's argument as it

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[57] Wittgenstein, *Philosophical Investigations* §143.
[58] Wittgenstein, *Philosophical Investigations* §145.
[59] cf. Wittgenstein, *Philosophical Investigations* §185.

struck Kripke"[60]) does not allow any rule to be understood. We cannot be sure that when we learned the rule for 'plus' we were not actually learning the rule for 'quus' (which is quite similar to 'plus' up to a certain point, after which the results differ.)[61] The skeptical paradox is drawn from a passage wherein Wittgenstein worries that "no course of action could be determined by a rule, because every course of action can be made out to accord with the rule."[62]

Paul Boghossian understands Kripke as offering up two considerations with his skeptical paradox. First, there is no limit on the number of "truths about how I ought to apply the term, namely to just the members of this set of triples and not to others, if I am to use it in accord with its meaning."[63] In essence, since there are infinite possible understandings of a term, we cannot discern which meaning is the 'correct' one without allowing for unforeseen cases. The second consideration focuses on the normativity of meaning. Boghossian states that "if I mean something by an expression, then the potential infinity of truths that are generated as a result are *normative* truths: there are truths about how I *ought* to apply the expression, if I am to apply it in accord with its meaning, not truths about how I *will* apply it."[64] Where the first consideration focused on demarcating the set of cases in which the term applies, the second consideration focuses on cases to which the term *should* apply. One consideration wonders how to tell 'plus' from 'quus'; the other wonders, given the existence of rules for 'plus' and 'quus,' when we should use each. Strong particularists can utilize these rule-learning difficulties to

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[60] Kripke, 5.
[61] Kripke, 8 – 9. (The discussion on this point actually continues through Kripke, but this section is where it is most succinctly laid out.)
[62] Wittgenstein, *Philosophical Investigations* §201.
[63] Boghossian, 509.
[64] *ibid.*

show that we cannot codify morality because we have no way of knowing when we have learned the proper principle, and even if we did come to know that we had learned the principles, we would not know when to apply them. If we remain uncertain about both aspects (the knowing and the application) of a codified list of principles, it is not clear that we really have codified anything. After all, the point of such a list was exactly to know what to do in a given situation and at best we face the possibility of having a list but not knowing how to use it.[65]

Margaret Little acknowledges that particularism can induce "a distinct sense of philosophical queasiness,"[66] but attempts to show that Wittgenstein can offer us something like a philosophical Alka-Seltzer. While the uncodifiability thesis gains some support from the Wittgensteinian rule-following considerations, particularism gains further support from language-game concepts. While our awareness of mathematical rules may be only approximate and uncertain, we do share "things such as understandings, skills, and practices, that outstrip finite sets of propositions."[67] We may not be able to learn principles, but we can learn "to become competent with the concept" such that we can use it under most normal circumstances.[68] In essence, we can utilize useful generalizations but we cannot say that we have knowledge of the truth of these generalizations. Even though these generalizations seem to be true, Wittgenstein would

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[65] It is in this last aspect that the rule learning considerations in ethics and mathematics seems to converge. We may be able to say that the rules of mathematics are codifiable, though it can be hard to tell if one has really learned their proper application. Kripke's Wittgenstein focuses on that difficulty. A strong moral particularist can use the same considerations to display how it can be hard to codify ethics because if we cannot test for understanding of a set of rules/principles, then the set cannot be said to be codified.
[66] Little, "Wittgensteinian Lessons..." 168.
[67] Little, "Wittgensteinian Lessons..." 169.
[68] Little, "Wittgensteinian Lessons..." 170.

be quick to point out that it does not follow that they are true.[69] Further, while we "recognize normal circumstances" under which these generalizations hold we "cannot precisely describe" these circumstances.[70] "At most, we can describe a range of abnormal" circumstances.[71]

For the strong particularist, moral reasoning is like a game played with the rules discerned as the game is played.[72] Moral concepts understood in a particularist manner may be blurred or indistinct but often an indistinct concept is "exactly what we need."[73] The proper test for these indistinct concepts is to see the extent to which they are useful. To the extent that the working-concepts "are too impoverished, thin, or conflicting to reach a modicum of consensus, then we have found grounds for concluding that the discourse does not, in fact, describe the world."[74] Little's approach, which emphasizes the Wittgensteinian possibilities of understanding our practices as language-games, allows particularists to both accept the uncodifiability thesis and still retain some role for what can be termed "generally morally salient" features. Our understanding of these features being relevant in most situations is not a codification of their worth. Further, by bringing in the discursive element of ethics this approach allows one to address partially how to learn which features are salient while still accepting uncodifiable holism.

An attractive outcome of this Wittgensteinian argument for the uncodifiability thesis is that this approach addresses how it is that agents are able to "go on" ethically without needing to explain how they come to understand the rules they follow.

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[69] Wittgenstein, *On Certainty* §2.
[70] Wittgenstein, *On Certainty* §27.
[71] *ibid.*
[72] Wittgenstein, *Philosophical Investigations* §83.
[73] Wittgenstein, *Philosophical Investigations* §71.
[74] Little, "Wittgensteinian Lessons..." 174.

Competence with ethical terms is ever challenged and no definitive knowledge is ever reached. Further, this approach emphasizes that perception of what makes a particular case different from other cases. This awareness of the particular and of the importance of the ability to perceive what makes *this* case different from *that* case is both in keeping with strong particularism and reaches back to an Aristotelian emphasis on moral education as a process of perception sharpening. Proponents of this Wittgensteinian approach believe that we cannot explicate or codify the rules that we use, though we are able to "go on" without a firm footing in explicit rules.

Jackson, Pettit, and Smith have objected to arguments for the uncodifiability thesis by calling for an acknowledgement that we can discern patterns of valence, even if we cannot completely codify.[75] (While Dancy initially referred to the trio from Canberra, Australia, as the "Canberries,"[76] he later amended this label to "Canberrans."[77] In the following, I adopt the more recent convention.) The Canberrans accept the Wittgensteinian rule-learning objection, but note that we are able (generally) to understand to what the predicate 'is right' refers.[78] We are able to find the referent of the predicate because we utilize our awareness of patterns of regularity that, perhaps, do not rise to level of rules of codification.[79] The perceived commonality of the features must entail an acceptance of a pattern of right-making features because otherwise "*every* new case would call for decision, and any decision would be as good semantically speaking,

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[75] While apparently an epistemic objection, they hold that their objection "turns more on semantic and metaphysical considerations" than epistemic ones. (Jackson, Pettit, and Smith, 81.)
[76] Dancy, "Can the Particularist..." 60.
[77] Dancy, *Ethics Without Principles* 109.
[78] Jackson, Pettit, and Smith, 87.
[79] Jackson, Pettit, and Smith, 82 ~ 83.

as any other."[80] The acceptance of patterns, and thus a weak-codification, does not mean that decisions are always made on the basis of these proto-principles. They suggest that a non-moral example of examining sentences for grammatical correctness displays how the pattern approach works: "sometimes we do best to go by the fact that the sentence 'looks funny', and sometimes by the fact that it violates a principle" but in both cases we can see a pattern of grammatical acceptability emerging.[81] Agents with awareness of these patterns use them, as appropriate, in determining how to categorize the features of the world. They hold that our ability to discern patterns of fit, even if we cannot pinpoint in all circumstances what makes a case fit the pattern, shows that morality is in principle codifiable.[82] Thus, they reject the uncodifiability principle. However, by accepting that moral decisions are made on a case by case basis and that resolving the patterns involves an awareness of the features of the situation, they accept holism. They believe, however, that holism will allow for codification of moral principles.[83] While they would reject the label (and they do by referring to themselves as "principle-ists"[84]), in both the strong/weak schema I presented, and in Cullity's ordering, the Canberrans should be considered weak particularists.

Dancy's response to the Canberrans occurs in two ways. First, he states that even if they were correct about the possibility for discerning patterns in moral reasoning, the existence of the patterns would only show that "descriptive specification of the right-

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[80] Jackson, Pettit, and Smith, 88.
[81] Jackson, Pettit, and Smith, 91.
[82] *ibid.*
[83] Jackson, Pettit, and Smith, 98 – 99.
[84] Jackson, Pettit, and Smith, 99.

making relation" would be shown.[85] We can accept a description of the relation without accepting "the existence of a descriptive specification of rightness, or of the right-making properties."[86] (As it happens, virtuous particularism relies upon an acceptance of just this sort of description of the relationship between properties and right-making.) In essence, Dancy's first response to the Canberrans is to state that the patterns they refer to do not provide an understanding of what makes a right-making feature right-making. The Canberran patterns might show a general relationship between certain 'thick' moral properties like "is an instance of cruelty" or "is an instance of pain inducement" and an overall moral valence, but cannot determine in the abstract if a specific case conforms to the pattern or not.[87] Additionally, we cannot tell which, if any, of the 'thick' moral properties are related, and in what fashion they would be related, to the 'thin' moral properties of rightness, wrongness, etc. Their patterns merely describe the relationship between the features, not the explanatory connection between them. Further, given the complexity of placing a particular event in the pattern as shown in the first argument for uncodifiability we may find that general understandings of these patterns are useless for moral reasoning. Just because we know that a light when cast upon a wall will present a general pattern of illumination, we cannot determine in the abstract if a specific spot on the wall will be illuminated to a specific degree. In order to determine if a specific spot is lit, or if a specific action is morally correct, we would need to consider the salient features of that situation, not our general awareness of the regular patterns of morality/photodynamics.

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[85] Dancy, "Can the Particularist..." 63.
[86] *ibid.*
[87] Dancy, "Can the Particularist..." 62.

Dancy's second response to the Canberrans is to work through two models of how one can acquire competence in a skill of discernment without relying upon a principle to make decisions. Both examples (a connectionist machine and Roschian prototypes, respectively) display how it is possible to "correctly" reason without needing underlying principles.[88] While Dancy does not use them, I believe that the Wittgensteinian language-game considerations that Little utilizes in her account of moral particularism is a nice supplement to his responses. The incomplete understanding of relevancy that the Canberrans point to is comparable to our incomplete understanding of the rules of a game. Each of these responses (Dancy's and the Wittgensteinian approach) moves beyond the metaphysics of reasoning to an understanding of the epistemic possibility of practical functioning without deeper theoretical understanding. Just as the millipede does not need to "know" what order to move its legs in order to move forward, ethical agents do not need to be able (and arguably could not be able) to express principles of ethics used in decision making. The lack of codified principles of movement/decision making does not hinder either millipede movement or an agent's moral decision making; both are able to function, and function well, in the absence of relevant codified principles.

Sean McKeever and Michael Ridge object to the uncodifiablility thesis on different grounds that any other thinker considered here. They claim that particularism (by which I read them to mean strong particularism) entails uncodifiable holism only because uncodifiable holism "simply *is* a form of particularism."[89] Their claim acknowledges the separation of holism from uncodifiability as discrete elements of particularism. Oddly while they, as I have done above, separate the question of holism

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[88] Dancy, "Can the Particularist..." 66 – 71.
[89] McKeever and Ridge, 95.

from uncodifiability as two distinct theses, they do not consider arguments for uncodifiability separately from holism. They appear to believe that if holism does not independently lead to the acceptance of the uncodifiability thesis, then uncodifiable holism is somehow an erroneous position to hold.

After describing and arguing for holism,[90] they point out that particularists "do not have a monopoly on holism."[91] They establish that utilitarian approaches to moral reasoning are holistic.[92] This claim is uncontroversial. However, their claim that utilitarianism is an instance of codified holism is more controversial. They suggest as a model codification principle (U*):

> The fact that an action would promote pleasure is a reason to perform the action if and only if the pleasure is non-sadistic. The fact that an action would promote pain is a reason not to perform the action if and only if the person who will experience the pain has not consented to experiencing it. An action is morally right just in case it promotes at least as great a balance of reason-giving pleasure over reason-giving pain as any of the alternatives; otherwise it is wrong.[93]

Since the application of (U*) would require an agent to assess the totality of the features in the circumstances prior to application, it is unquestionably holistic. The larger question is if this codification of the utilitarian principle is complete. It certainly appears so at first glance, even to the inclusion of premises which disallow sadistic action except by consent. (I do not know that they intended their first two premises to work in this manner; they may have intended consensual but not sadistic pain to be allowable.)

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[90] McKeever and Ridge, 95 – 96.
[91] McKeever and Ridge, 96.
[92] McKeever and Ridge, 96 – 98.
[93] McKeever and Ridge, 97 – 98.

On greater reflection, even this attempt at codifying a moral principle may be incomplete. It seems that physical pain inflicted by World War II era drill sergeants on draftees would be considered not only as a reason not to train draftees, but also wrong in the account inasmuch as it is not clear that any "reason-giving pleasure" derives from the training. Similarly, mental pain and suffering that an adolescent would experience after being grounded would be wrong, if we accept the normal caveat that parental figures are pained more than those punished. Considering these actions (training for national defense and punishing a misbehaving teenager) as wrong seem unintuitive to me. In the very least, we would need to consider more features to determine if the actions were wrong. Was the training unusually harsh? Was the punishment justified and proportional to the misbehavior? McKeever and Ridge could amend (U*) to address these situations, but additional alternative cases could be found. Prior to testing any revised theory, be it (U**), (U***), or any other revision, against all cases we would not know for sure that it properly expressed the utilitarian claim they offer. Until we can be certain that any model theory accounted for all possible scenarios, any Utilitarian model would be holistic but not represent a codification.

The attempted use of Kant is more odd. It is the case that Kant allows at the outset of the *Groundwork* that some features of the world are "undoubtedly good and desirable for many purposes" but not for all.[94] Based upon this claim, McKeever and Ridge see Kant as a holist. Roughly, their argument is that since "understanding, wit, judgment,"[95] "courage, resolution, and perseverance"[96] all have variable moral valence

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[94] Kant, *Groundwork* 4:393.
[95] *ibid.*
[96] *ibid.*

that Kant embraces holism.[97] This claim in itself is odd given that Kant does not utilize any of these features to establish his moral theory. Good will, the only thing "that could be considered good without limitation,"[98] forms the basis for his morality. In addition, since Kant's morality does not allow exceptions to moral dictates even on philanthropic grounds,[99] calling him a holist seems to be quite a stretch.

Their use of Kantian principles as an instance of codification of morality is also distressing. Kant does call for moral agents to test their maxims against the Categorical Imperative to discern the morality of the maxim. However, not only is it the case that the Categorical Imperative itself can be codified in multiple manners,[100] but the maxims agents are testing remain throughout their own maxims.[101] Testing a maxim for universalizability does not codify that maxim; it merely tests it.

McKeever and Ridge move beyond their examination of the codified holisms that they believe they have presented to another argument: even if holism is granted, we need not accept the uncodifiability thesis. In their analysis of the relationship between holism and codifiability they rebut Little's belief in the so-called "cosmic accident" thesis (the belief "that any substantive moral principles would be a cosmic accident")[102], the

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[97] McKeever and Ridge, 98 – 99.
[98] Kant, *Groundwork* 4:393.
[99] Kant, "On a Supposed Right..."
[100] Kant states that he offers three formulations of the Categorical Imperative. (*Groundwork* 4:436) Numerous commentators have parsed additional formulations and corollaries in nearly as many manners as there are commentators.
[101] Kant, *Groundwork* 4:402. In my reading of Kant, I place emphasis on the call that the agent "could also will" the maxim "a universal law." There is no requirement that the maxim actually be accepted by all, nor that it be applied to anyone beyond the agent whose maxim it is.
[102] McKeever and Ridge, 99.

possibility that codification is unnecessary or useless given holism,[103] and the possibility that "whether a consideration counts as a reason depends *in a way that transcends codification* on its context."[104] In each instance they display that holism need not entail uncodifiability. They close their argument by considering the possibility that "once we begin to notice some of the specific ways in which reasons can be context dependent, we may suspect that they are so many and so various as to escape codification."[105] They find that this argument is simply an argument from cases, and does not depend upon holism itself.

It certainly is the case that one can accept holism without accepting the uncodifiability thesis. Weak particularists routinely do this. Further, most of the arguments that they consider for the uncodifiability thesis do appear to have tentative connections, if any, to holism. However, in quickly dismissing the final argument they miss a strong connection.[106] Acceptance of holism is an acceptance that the moral valence of individual features is variable. Given this variable nature and the limited experience base of any agent (or for that matter set of agents), it certainly seems clear that even the best codification of moral principles will have to include a *ceteris paribus* (other things being equal) clause. Unless one includes just such a clause, than any codification can at best be considered temporary or contingent upon later clarification. But the inclusion of a *ceteris paribus* clause not only requires a holistic approach, but also short circuits any codification. Holism at its core states that other things are *never* equal. All

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[103] McKeever and Ridge, 100.
[104] *ibid.*
[105] McKeever and Ridge, 102.
[106] I am excluding here, as they apparently do, arguments which move from uncodifiability to holism.

relevant features need to be considered; no two situations are exactly the same, even if different only by time of day. The incompleteness of any possible codification is attributable to holism; further, attempts to acknowledge the variable nature of moral valence in codifications display that holism disrupts codifiability.

McKeever and Ridge find that holism has "very little" to do with moral particularism.[107] They more properly are claiming that holism has little to do with uncodifiability. They do show that most of the arguments made for the uncodifiability thesis appeal to holism while they could be adopted independently of a belief in holism; to that extent it may be true that holism has "very little" to do with uncodifiability. However, holism does have something to do with uncodifiability. We can come to accept the uncodifiability thesis independent of holism, but an argument can be made that the incomplete nature of any holistic codification displays that holism has something to do with uncodifiability. Holism does make "the prospects for substantial moral principles 'bleak'," [108] if only in that any holistic codification of morality must include an incompleteness clause. Acknowledgement of the incompleteness of codification certainly seems to display uncodifiability as well as the link between holism and uncodifiability.

Depending upon the degree to which one is willing to accept the two theses of holism and uncodifiability, one can be labeled either a weak or strong particularist. (Of course, if one denies both theses then one is not a particularist at all.) Weak particularism generally accepts arguments for holism but desires to retain some role for a (likely incomplete) directory of features which function in such-and-such a manner. Essentially,

[107] McKeever and Ridge. 95.
[108] McKeever and Ridge, 99.

these weak particularists want to retain some role for principles or standards of morality while accepting a holism of reasoning. (Many who fall in this category, including Jackson, Pettit, and Smith, would likely object to my labeling them as particularists even of the weak variety, despite their acceptance of holism and situation particularity.) Those who believe in uncodifiable holism in moral reasoning are strong particularists.

Strong versions of moral particularism, and specifically Dancy's particularism, rely metaphysically on an uncodifiable holism. In this view, agents should make decisions about the morally correct action to take based upon the entirety of the situation, not upon the mere presence of one or more features. This holistic account further includes a belief that we cannot come to meaningfully understand which principles necessarily are right-making for two reasons. First, most if not all features have variable moral valence. Second, even if we admit some feature whose moral valence in invariant, we would only understand on the descriptive level the connection between the feature and the right-making ability. We would not be able to express what about the feature is right-making nor would we be able to discern what other features shared that inexpressible feature. In the next chapter I put forth in more detail the specifics of Dancy's account and display how, while metaphysically strong, his theory is epistemically weak.

CHAPTER TWO:

Dancy's Theory and its Epistemic Shortcomings

Dancy provides in his writings a thorough working through of the metaphysics of strong particularism. It is natural to use Dancy's account as the basis for any moral theory which is strongly particularist as his account is both a serious proposal and well developed. Given the proceeding account of the metaphysical basis for strong particularism, I largely omit his arguments for moral particularism. In utilizing his theory as a beginning point for my own theory it is appropriate to examine not just the groundings of the theory (as I have done in the last chapter), but also to present the core elements of his own theory. This chapter provides the latter explication, focusing on a central element in Dancy's theory (his shape metaphor). In analyzing Dancy's strong particularism, I find an epistemic weakness that is present in other strong particularisms as well. Without an account of how agents come to know which features of a situation are relevant for moral decision making one is left in a position in which any moral decision can be rationalized and moral agents are left squinting at the salient facts in the attempt to discern the shape that others see.

In traditional ethics, we test conflicting principles by considering (or facing) dilemma situations; these tests cause us to revise, reject, or lexically order our beliefs about moral actions. Moral particularism holds that testing principles in these methods misses the point: the morally salient features of a situation could vary so greatly that there is no hope of finding that what counted as a reason in one situation can count as a reason in another situation. The variability of features in a situation is shown well by Marian

Verkerk, et al. when discussing a "particular patient's refusal to eat."[1] In order to understand the morally correct act to take in this situation, we would need to consider the patient's

> fears about her prognosis; her daughter's continued attempt at spoon feeding; the inoperable nature of her cancer; her husband's emotional distance; the nurse's horror at the thought of letting the patient starve to death; the oncologist's reluctance to override the patient's wishes; and the family practitioner's impossibly busy schedule.[2]

All of these features, and others, combine to inform agents as to why to respond in "*this* way rather than *that* one."[3] It would appear that the vast amount of possible differences between one situation and another would make any attempt to think through what to do in various instances difficult if not impossible. However, casuistry is not dead for particularists; Dancy believes that case studies can be very handy for seeing which features of a situation tend to be morally salient.[4] Further, particularist "epistemology tells us that moral knowledge comes from our knowledge of cases."[5] Comparison of the situation before one to "other cases may help us to decide how things are here, just as a long experience of car engines may help up to diagnose the fault this time."[6] Both in areas of mechanics and morality additional experience assists us in seeing properly a new case. However, particularism differs from casuistry in the questions that it asks. For example, in both car repair and moral decision making we ought to ask not "'which other

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[1] Verkerk, et al. 32.
[2] *ibid.*
[3] *ibid.*
[4] Dancy, "The Role of Imaginary Cases in Ethics" 141 – 142.
[5] Dancy, "Ethical Particularism..." 534.
[6] Dancy, *Moral Reasons* 63.

case does this one best resemble?', but rather 'What is the nature of the case before us?'"[7] Where casuistry might call for us to look to which case is the most similar, particularism calls for us to look who what sets this instance apart from others. From our knowledge of and experiences with cases we can come to recognize salient features, but cases "cannot help us in *this* decision at all."[8] Further, these cases cannot result in an universal rule regarding what to do in a similar situation because "we must be careful to retain the sense that considerations may not be functioning here as they have previously done."[9] We cannot derive from these cases a decision "which we can transport to the actual case before us."[10] In considering cases (real or imaginary) agents should consider them training tools for proper observation, not the sources for math-like formulas or analogies which allow for individual variables to be replaced. A reason which is sufficient for moral judgment in one situation may not be sufficient in another because of differences in both the moral and non-moral features of the situation.[11]

For the particularist, the world is just far too messy for us to rely upon guiding rules as the final arbiter of morality. Each situation that we encounter in the world has so many pressures, demands, and salient features that we cannot generate from our

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[7] *ibid.*
[8] Dancy, "The Role of Imaginary Cases in Ethics" 149.
[9] Dancy, *Moral Reasons* 63.
[10] Dancy, *Moral Reasons* 68.
[11] Dancy states this throughout his work. In "Ethical Particularism..." he first poses this position as a question: "[W]hy should we admit that if a property 'makes a difference' in a particular case, then it generally 'makes a difference'? Isn't it possible that circumstances in a later case has the effect that the presence of *this* property does not make a difference there, though it does here?" (534, italics in original.) In *Moral Reasons* he rejects an assumption that "if a state is anywhere sufficient for action, it must be everywhere sufficient." (22) This position is presented in a positive light when he claims that a state (of circumstances, reasons, etc.) "can in suitable circumstances be sufficient for action, but which can also be present in other cases without leading to action." (24)

experiences some moral dictum to follow in all circumstances. When we try to apply general principles to the world we can end up with conflicting principles. For example, consider an ethical description of Jean Valjean's attempted theft of bread in Victor Hugo's *Les Misérables*.[12] Prior to learning of the attempted theft, the reader learns both that Valjean willingly took on the role of father-figure and provider to his sister's seven children[13] and that he respected other's ownership of property (as shown in his repayment of the unauthorized "borrowing" of milk from neighbors by the children[14]). Since Hugo has already established these features, the attempted bread-stealing (and similar situations, such as Lawrence Kohlberg's "Heinz Dilemma") is understood in most conceptions of morality as a conflict between a general principle of providing for starving relatives and a general principle not to steal. Conventional approaches conceive of principles which an agent applies to the situation before her and derives the "correct" action. But these conventional accounts end up with problems explaining what to do in situations like Valjean's and others where more than one principle appears to apply. Dancy avoids this problem by inverting the normal belief that it "is conflict between principles that lies behind conflict between properties in a given case."[15] Instead, "it is conflict between principles that needs to be explained by conflict between properties relevant in particular cases, not vice versa."[16] In situations where principles appear to come into conflict, we ought to turn toward the relevant features of the situation to discover the reason for the conflict; we are looking in the wrong place if we believe that

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[12] Hugo, 84.
[13] Hugo, 83.
[14] *ibid.*
[15] Dancy, "Ethical Particularism..." 534.
[16] *ibid.*

the conflict springs forth from the principles unaffected by the facts of the situation to which we are trying to apply them.

Instead of following any of the numerous theories which treat moral reasons for action as different from non-moral reasons for action (such as Brad Hooker, Thomas Scanlon, or Bernard Williams[17]), Dancy proposes that we consider moral and non-moral decisions as working in the same way. In non-moral reasoning, we should not conclude that just because we have a walk signal at a cross walk, we are safe to cross. If we were aware that this particular intersection is prone to red-light running, we might decide that we should cross precisely when we do *not* have a walk signal *if* traffic was clear, and to hesitate in crossing with the signal if traffic is not already stopped. Similarly, in moral reasoning when we discover a rare piece of art (such as the *Mona Lisa*) on the wall of a known art thief's residence we might take it without permission *because* it is wrong to steal. In both situations, our larger knowledge of the situation and the salient features to include in our decision making process could lead us to deviate from well-understood precepts (about following traffic signals or respecting property rights.) Our observations of the facts of the world could cause us to act against principles, or our understandings of principles could cause us to break a principle in order to uphold another (or in my art-thief example, the same principle.) Real life situations are just too complicated to allow for generalized claim(s) that apply to all situations and derive "the" correct answer for *all* situations.

My recent use of 'principle' deserves some clarification. Even given the inflammatory title of his most recent book, Dancy does not totally dismiss principles. He

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[17] Dancy, *Ethics Without Principles* 133.

refers to their existence in publications from 1983 on, and even calls "rash" his "occasion[al]" claim that "moral principles are impossible."[18] While he "still think[s] something of the sort... the passage of years brings caution."[19] The caution that he has is that since he wants to reserve the possibility that because of the particular type of claim that a specific claim is, it may be possible for there to be an invariant reason, then "there certainly can be true general statements whose role is to articulate that fact."[20] Further, if we call these statements principles then "holism will turn out to be compatible with the existence of at least some principles."[21] Be this as it may, the role that he conceives for principles here is more a limitation of the possibility of moving directly from holism to particularism, not an endorsement of ethical principles themselves. As he states, he "certainly accept[s] that our actual morality is unprincipled."[22] I use this understanding as both consistent with and constitutive of strong moral particularism.

Dancy holds that in an instance of moral decision-making, we are faced with a variety of features to assist us in our decision-making. He writes that

> Some of the properties of a situation are relevant to the question what one should do, and some are not. And even among those which are relevant, some are more relevant than others. These relevant features are *salient*; they stick out or obtrude, and should catch our attention if we are alert.[23]

In any given situation, a full description of it would have to include many features. For

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[18] Dancy, *Ethics Without Principles*, 81
[19] *ibid.*
[20] *ibid.*
[21] *ibid.*
[22] Dancy, *Ethics Without Principles* 82.
[23] Dancy, *Moral Reasons* 112.

example, in Philippa Foot's famous trolley car problem,[24] these characteristics can vary from the number of people on the trolley car and the health of the person on the tracks to the day of the week. Some of these features will be relevant to a decision making process, while others (such as the color of one's shoelaces) are generally not.[25] Some features may only be relevant to particular individuals, such as a fastidiously observant Jew who refrains from taking any action which could be considered work in light of the admonition to rest on the Sabbath in Exodus 31:15 and 34:21.[26] The facets which "stick out or obtrude" are the salient features. Like equality in Orwell's *Animal Farm*, some salient features "are more salient than others."[27] Just because a feature is salient does not mean that it is the deciding factor; the various salient features each make "a difference to what one should do in the case before one."[28] Another way that Dancy puts it is that "to see a consideration as a reason to act is to see it as salient."[29] The features relate to each other in various ways. For example, potential loss of life, property rights, and personal relationships with affected persons might all be salient features in a situation. In addition to these salient features, there are multiple non-salient features such as (potentially) the temperature, the average rainfall in Buenos Aries, and the logical status of the name of the present king of France. (Of course, there may be a situation in which some or all of

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[24] Foot, 23. In Foot's original example it is a tram, not a trolley car, out of control. The change from British to American terminology appears to have occurred when Judith Jarvis Thompson brought it over the pond in her "Killing, Letting Die, and the Trolley Problem."

[25] The shoelace example is adapted from Little, "Moral Generalities Revisited" 295.

[26] Arguably an observant Jew would make a poor strong particularist as the codes of behavior laid out in Exodus and Leviticus alone would clearly imply a codification of some principles of morality, if not a codification of morality in its entirety.

[27] Dancy, *Moral Reasons* 112.

[28] *ibid.*

[29] Dancy, *Moral Reasons* 114.

these features are salient.) When all of the salient features and their relationships to other salient features are viewed together, we "grasp the *shape* of the circumstances."[30]

On one level, that of 'thick' moral concepts, we can understand the shape of a situation as a narrative of the event. When we describe a situation to another, we commonly include only the relevant/salient features.[31] An apt analogy to giving a narrative is to describe a building to another. As Dancy says, "No description worth the name would simply start from the left, as it were, and work its way along until it reached the last feature on the right."[32] Instead of being a description, this would be nothing more than a list of properties. Lists of moral properties, like lists of architectural features, do not provide us with any useful information to make decisions. A proper narrative of an event lays "out how one sees the situation, starting in the right place and going on to display the various salient features in the right way."[33] This narrative should not be understood as an attempt at argument, but rather as an appeal to others to see the situation as one sees it.[34] "We succeed in our aim when our story sounds right."[35] When the narrative "sounds right," then others presumably are seeing the same shape that you are seeing. Observing the shape of the situation is similar to the medical practitioner seeing "the underlying coherence of a patient's condition."[36] Both the moral shape of a situation

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[30] Dancy, *Moral Reasons* 112.
[31] Dancy, *Moral Reasons* 112 – 113. (The ability to discern the salient features to describe to another in a narrative is probably what separates "good" story/joke tellers from "bad" ones.)
[32] Dancy, *Moral Reasons* 112.
[33] Dancy, *Moral Reasons* 113.
[34] *ibid.*
[35] *ibid.*
[36] Tanenbaum, 63.

and a patient's condition are made up of numerous attributes, all of which contribute in a non-binding way to the understanding of the complete whole.

The other level of understanding shape is to see the shape as "the so-called thin moral properties of rightness and wrongness, goodness and badness."[37] The rightness or wrongness of an action is not part of the shape, but is revealed through the shape. The shape, which is the combination of the salient features (the 'thick' concepts), *is* the thin concept. In this Dancy is establishing that thin concepts are not the result of salient features, instead the combined salient features are and reveal the thin concept. The shape/thin concept is not itself a reason. As Dancy explains, the "wrongness of the action is not a reason for not doing it; reasons for not doing it are more mundane features."[38] These mundane features, some of which are salient, combine to display the rightness or wrongness of the action. Just as the shape is not separable from its features, and as such cannot be a resultant of the saliencies, the thin concept ought not be understood as a result of the shape. The thin concept is displayed by the shape, which in turn is nothing more than the salient features understood in a proper narrative structure.

We can continue to use the process of medical diagnosis as a metaphor for shape. In an initial encounter with a patient, a physician encounters "a vast amount of information: the patient's lifelong personal and medical history; the patient's report of the current medical problem; and the results of numerous examinations, procedures, and tests" among other aspects, and possesses "a tremendous amount of knowledge about health and disease."[39] Some information normally considered salient to the situation may

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[37] Dancy, *Moral Reasons* 115.
[38] *ibid.*
[39] Eddy and Clanton, 200.

be missing, or not readily discernable without causing great amounts of discomfort to the patient. However, based upon her "own sensory perception and partly on" reasoning, the physician fits these pieces into a coherent whole.[40] The details are sorted, any confusion cleared, and the diagnosis is made.[41] The total picture of the evidence can be understood as the shape of the situation and the diagnosis is akin to the thin moral concept of rightness/wrongness. The diagnosis is not a part of the shape, but is revealed by it, is identical with a properly perceived shape, and could change given additional information or the absence of some elements. Similarly, the thin moral concept arises from the salient features of the situation, but is not itself a part of the shape which is composed of the thick concepts. (A distinct difference between a thin shape and a diagnosis is that in the end a diagnosis may be confirmable via autopsy, while the thin shape's truth status may be unconfirmable by any additional testing even despite particularisms' reliance on moral realism.)[42]

The shape metaphor is meant to explain how the salient elements of a situation come together to form a totality that captures the situation. Although Dancy does a thorough job of explaining how shapes work, his only explanation in *Moral Reasons* of how we come to pick out the salient features is his belief that the features "obtrude" and "catch our attention if we are alert."[43] (The shape metaphor is not elaborated upon in *Ethics Without Principles*. Dancy only uses the term in two places, one of which is not referenced in the index.)[44] He cautions that "skills in reason-discernment are not rule-

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[40] Tyrer and Eadie, 152.
[41] Eddy and Clanton, 200.
[42] This distinction was pointed out to me by Tom Tomlinson.
[43] Dancy, *Moral Reasons* 112.
[44] Dancy, *Ethics Without Principles* 103 and 143. The usage on 103 is not indexed.

based."[45] By this he means that we do not extract rules from prior cases' "reason-giving features" and attempt to "subsume new cases under these rules."[46] Any rules derived in such a manner would at best be "a dispensable crutch for judgement."[47] These crutches may be accurate enough in many circumstances, but would be no better than rules of thumb which should only use for approximations and not accurate assessments of the shape of the situation.

For example, we can look to the life of St. Francis of Assisi as a "prototype of a moral life," and use Francis' life as a sort of moral measuring stick, but we cannot tell "which features of this prototype are not really contributing much at all, and which are pretty central."[48] We can derive rules of thumb, such as to be kind to everyone, but not be sure what aspects of Francis' life are necessary to emulate to be morally correct in our circumstances. For example, it is said that while still young Francis abandoned the bolts of cloth he was selling in the market in order to seek out a beggar who had asked for alms while Francis was previously engaged in a negotiation.[49] As a prototype of morality we should strive to follow this model, but ought we abandon our own work to do the right, or only abandon the material manifestation of our work (i.e. our bolts of cloth), seek out the opportunity to do right, or only seek out the opportunity to do right for those who have first confronted us? Even with this prototype, we find little in terms of guidance for what specific aspects of the moral life we ought to emulate.

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[45] Dancy, *Ethics Without Principles* 142.
[46] *ibid.*
[47] *ibid.*
[48] Dancy, "Can a Particularist..." 71.
[49] Chesterton, 40-41.

While Dancy works out a nice ontology for moral shapes by omitting the epistemic process of learning how to see shapes, his readers are left in a situation similar to Polonius in Act III of *Hamlet*. Polonius is convinced (or at least agrees) that the same cloud is shaped like a camel, backed like a weasel, and "very like a whale."[50] Dancy's conception of moral shape allows that the similar circumstances will result in different "thin" moral concepts of rightness, but he does not address how to keep the very same set of circumstances from having multiple thin concepts. By "the same set," I mean identical even to the persons involved. Polonius, perhaps only out of a desire to please Hamlet,[51] conceded that the very same shape was a camel, a weasel, and a whale. Even if we take Polonious's agreement to be less than genuine, it remains the case the nebulous shapes were open to multiple readings in a manner that other perceptual tasks, such as the color of a book, would not be. Unlike cloud-shapes, we should hope that our moral shapes would provide only one thin concept – at least to the same viewer. Otherwise, Dancy's moral reasons allow one to acknowledge any actions as being morally right, because the shape can be read in multiple and conflicting ways.

One approach to solving this gap in Dancy's account is to state clearly that it takes skill to learn how to pick out the salient features and form them into a coherent narrative. (To be fair, Dancy hints at this approach throughout his work though he never explains what these skills are or how one learns them.) This skill-based approach is expressed quite well by Margaret Little:

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[50] Shakespeare, *Hamlet*, Act III, Scene II.

[51] The possibility of reading Polonius' assents as being merely sycophancy was pointed out by Fred Rauscher. I think that his ability to agree displays the same problems, regardless of if the agreement is actual or out of an attempt to flatter.

> It is a skill to read the world – to know what, in the face of an infinite amount of change, would for a given purpose count as a sufficiently relevantly similar world, to know when a pattern is robust, to know how to navigate through patterns of competing influences, to determine which possibilities are epistemically relevant alternatives, to know when you know enough and when you don't, to know when you have entered a context in which previous experience no longer points the way.[52]

To use Dancy's own example, it takes skills to learn how to describe a building. Further, depending upon the level of skills that our narrator has, the description will be more or less nuanced. It is easy to imagine the average American describing a building as having decorative columns, while an architect or an art historian might note the flying buttress. Both are describing a cathedral, and both are correct. It took skills to understand what the features were, and even more skills to describe them most accurately. For this reason it seems clear that we do not always need to be able to read the shape the same way. More moral skill and knowledge could bring one to describe the same situation in more detail, perhaps pick out additional features as salient, or even cause the overall moral verdict of an action to change. Thus someone with more skill could tell at a glance that a particular columned building was intended as a courthouse as opposed to a mansion, because of the wider experience with columned buildings and skill at discerning the importance of differences (such as the scale of the approaching steps, for example.) In a moral setting, we can see how additional experience might bring one to parse the differences between a physician acting paternalistically toward an individual with persistent short-term memory loss and one who acts paternalistically toward an eighteen-year-old pregnant woman.

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[52] Little, "Moral Generalities Revisited" 297.

While it seems appropriate to adopt an understanding of moral reasons that allows for growth in both specificity and complexity, it strikes me that a weakness remains in Dancy's account and strong particularism generally. In the examination of our fictional building, it may be that those with more sophisticated architectural knowledge would describe the building differently, or notice features that a less experienced observer might miss. However, even given these differences in skill level, it remains the case that the inexperienced observer would be able to see those salient features if they were pointed out to them. Thus, Jastrow's duck-rabbit is understandable both as a duck and rabbit head when the proper orientation is pointed out.[53] Similarly, the use of Nazi research data on hypothermia survival rates can be seen as both life-saving and morally reprehensible once the facts about the data are known. In both situations the shapes are ambiguous until a viewing perspective is picked. (These examples also allow us to see that some features can be both ducks and rabbits, or life-saving and reprehensible, at the same time.)

However, morality does not always seem to work like buildings, duck-rabbit figures, or clouds. Some salient moral features are unobservable unless one has previously bought into a whole manner of observing the world. It seems implausible that one could, by pointing out the proper features, convince an anti-abortion activist that in a given specific instance an elective abortion was morally permissible. No matter how calmly the salient features were narrated, the shape would never solidify in the suggested manner. If one could convince this activist that a particular feature, such as that it is his raped teenage daughter whose future is at issue, is pivotal, then we could have to

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[53] Wittgenstein, *Philosophical Investigations* part II, §xi.

emphasize those features in the attempt to solidify similar shapes. The success of this approach would vary depending upon the relative strength of values the activist holds. If the activist is unable to see a particular abortion as morally acceptable, it could be because he is seeing additional salient features, or it could come from his inability to see some of the features salient to another. Either way, in this case it seems highly unlikely that the anti-abortion activist and the abortion-rights activist would be able to see the same shape. This goes beyond seeing the same cloud as a camel, weasel, and whale. This is more akin to a friend pointing to the cloud and announcing its similarity to a teddy-bear while you see an automobile. Despite all attempts to reconcile the two shapes, you cannot figure out what is going on. There is a danger here that unless the salient features are at least in principle observable to others, Dancy's particularism could dissolve into some sort of relativism. My shape is just as good as your shape, even if we are looking at the same situation.

If we limit acceptable shapes to those which others can see, we run into the moral version of the problem of other minds. I cannot know that another agent has grasped the salient features I see, that they see the shape that I do, nor even that they are perceiving in a manner similar to how I am. Further, if one is in a position of relative power, their shape-seeing abilities can never be adequately tested. It seems too much to ask that, like the child in Hans Christian Anderson's "Emperor's New Clothes," someone be brave enough to point out that no one else sees the moral shape. Depending on how one reads *Hamlet*, this is again a Polonius issue. We cannot be sure that Polonius really saw a whale in the clouds, or if he was just agreeing with Hamlet. We have an additional difficulty if we rely upon popular assent, since it is possible that the population could be

wrong. We need only consider the extent to which slavery was considered acceptable to see that popular assent can be in retrospect considered wrong.

Dancy appears to be aware of this problem, and believes that it is the objective presence of the features, not our beliefs about the presence of the features, that (ought to) ground our moral reasoning.[54] Our ignorance of any facts of the situation is an additional factor to be included in the forming of the shape of the situation. If we are not properly Socratic enough to know that we do not know,[55] then we would appear to be left with a shape formed in part of our ignorance of some of the features of the situation. That ignorance, even if we do not know it, would affect our conception of the shapes. This leaves us in the difficult situation of trying to ensure that we are ignorant of as few features as possible, which seems to entail a method of educating agents in discerning the salient features of any given situation. While Dancy does not provide details on a method of moral education, we can find such a theory in the works of Aristotle.

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[54] Dancy, *Practical Reality* 52.
[55] Plato, *Apology* 21d2-6.

CHAPTER THREE:

Aristotle's Account of Moral Education

A significant problem for strong particularism is that while it may well be the case that agents make moral decisions in a particular situation based upon the features of the world that are both present and salient in that instance, we do not currently have a well understood process to determine which features are salient. As noted previously, Dancy has hinted that a process of moral education may be necessary for an agent to become fully competent. However, at no point do we have an indication as to how to educate agents without giving up a morality which is both holistic and uncodifiable. The easiest forms of moral education would seem to either focus on particular features of the world (as in simplistic Utilitarian approaches) or to provide a set of features to be aware of (as in Messianic commandment based approaches). These easy forms of education could not be considered in keeping with the uncodifiable holism that is strong particularism. In order to have a moral education which embraces strong particularism, we have to look elsewhere.

In many ways, particularism carries echoes of Aristotle,[1] and Aristotle provides some possible solutions to these difficulties for Dancy's theory. In this chapter, I provide a particularist reading of Aristotle[2] in order to display how Aristotle's system of moral

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[1] While not extensively developed, Little refers to the need for particularists to utilize an Aristotelian "skills model of moral discernment" in "Wittgensteinian Lessons..." (172). I believe that the account I lay out in this section is in keeping with her intent.

[2] Terence Irwin believes that a particularist reading of Aristotle is only one possible reading, and that key passages on moral "prudence and perception do not require a particularist interpretation." ("Ethics as an Inexact Science" 129) His own exegesis emphasizes that Aristotle's practically wise agents bring to a particular situation some knowledge of a universal rule. ("Ethics as an Inexact Science" 104, 112 – 113) I consider his interpretation only indirectly in this section (when I consider the role of

education is an answer to the epistemic objections to strong particularism. His account of how to live a moral life and how to educate others to live such a life provides a realistic possibility for a strongly particularistic moral education. The education focuses on the acquisition of experience and reflection upon it through awareness of legislation, habituation to right action, and reflection under the guidance of a mentor. In the midst of my exegesis, I confront Terrance Irwin's reading of Aristotle which is less amenable to strong particularism. At the close of the chapter, I begin to consider how adopting an Aristotelian conception of virtue leads to unique problems for determining what action is morally correct. Resolving this problem is treated more fully in the next chapter.

In all fairness to Aristotle and Aristotelian experts, I want to acknowledge at the outset that my concern here is to establish not so much what Aristotle thought about these questions, but rather how we can use Aristotle in resolving these issues. In the following I explicate as clearly as I can a position which seems to run throughout Aristotle's texts, and in doing so I know I have walked into minefields of Aristotle scholarship without taking positions on how to resolve some difficulties. For example, I use both books I and X of the *Nicomachean Ethics* without attempting to work through the consistency and coherence problems between them. Similarly, I use the *Eudemian Ethics,* even at points where it closely parallels the *Nicomachean Ethics*, if it seems like the treatment in the *Eudemian* is clearer. For these and other related reasons, it is perhaps best to read 'Aristotle as it struck Kraft' for most instances of 'Aristotle.'

For Aristotle, the virtuous person is the individual who does the right action "at the right times, with reference to the right objects, towards the right people, with the right

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incompletely comprehended universal truths), but I examine his approach more substantially in the "Aristotle's Particularist Metaphysics" section.

aim, and in the right way."[3] While all this discussion of various "right" aspects might lead one to believe that Aristotle held that there was one correct manner of doing things (or correct motivation for doing so, etc.), all of these "right" making attributes are relative to the agent acting and the situation encountered. As he notes, in matters of living, similar to "the art of medicine or of navigation," "the agents themselves must in each case consider what is appropriate to the occasion" without the use of "any art or set of precepts."[4] Without a set of precepts for agents to rely upon, it does not seem that we are dealing with a system of ethical absolutes. The agent-particular nature of Aristotle's ethics is reinforced when we consider how excellence is defined.

A central tenant of Aristotle's ethics is that the various excellences or virtues are understood to be the mean between the extremes of excess and deficiencies.[5] The general concept of each specific virtue is "equidistant from the extremes," while the specific excellence of each individual is "that which is neither too much nor too little" for that agent.[6] This mean is not an arithmetic proportion true for all, but is an agent relative mean.[7] For example, just as we know that we need to feed Milo the wrestler more than a non-athlete,[8] we know that we cannot set the marker between conflicting passions to a individual's specific mean derived from any set of individuals. An action which is courageous for one would be fool-hardy for another. Courage is the virtuous mean between cowardice (a deficiency of excellence) and fool-hardiness (an excess).[9] While

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[3] Aristotle, *Nicomachean Ethics* 1106b20-24.
[4] Aristotle, *Nicomachean Ethics* 1104a6-9.
[5] Aristotle, *Nicomachean Ethics* 1106a30.
[6] *ibid.*
[7] Aristotle, *Nicomachean Ethics* 1106a35.
[8] Aristotle, *Nicomachean Ethics* 1106b1 – 4.
[9] Aristotle, *Nicomachean Ethics* 1104a19 – 22.

generally an action like rushing into a burning building to save a child would be courageous, if a particular agent is asthmatic then rushing in would be fool-hardy. Since finding a specific mean between conflicting passions can be a tricky task, Aristotle provides us with a method for how to gauge our excellence. He explains "[e]xcellence... is a state concerned with choice, lying in a mean relative to us, this being determined by reason and the way in which the man of practical wisdom would determine it."[10] Comprehending the way that "the man of practical wisdom would determine" the mean is crucial to acting virtuously because these individuals would understand how to find the mean particular to the agent and the situation. Practical wisdom itself "is concerned with knowing just what to do in particular cases, in order to hit the mean, and in order not to give the wrong amount, or to the wrong causes."[11]

Aristotle states that "choice is a deliberate desire attended with thought" about what ends are desirable.[12] This choosing is done in concert with a capacity for practical wisdom which is not "concerned with universals only – it must also recognize the particulars; for it is practical, and practice is concerned with particulars."[13] Achieving practical wisdom is not measured by understanding some set of rules, because understanding is always comprehension of some knowledge. Knowledge of or comprehension of some facts is always "of the definitions, for which no reason can be given, while practical wisdom is concerned with the ultimate particular, which is the object not of knowledge but of perception... akin to that by which we perceive that the

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[10] Aristotle, *Nicomachean Ethics* 1106b36 – 1107a2.
[11] Sorabji, 113.
[12] Aristotle, *Magna Moralia* 1189a27 – 32.
[13] Aristotle, *Nicomachean Ethics* 1141b14 – 16.

particular figure before us is a triangle."[14] This perception "is not a rule-governed procedure, but rather a creative knack sharpened by discipline and experience."[15] Just as a "geometer 'sees' that the complex figure can be broken down into a series of triangles" and as such can find the area of a many-sided figure, [16] the practically wise can 'see' how the component features of a situation work together to form a complex whole. This perception of the parts and the whole in a situation of moral decision making is the perception of the moral shape of the situation.[17]

Aristotle's practical wisdom involves a synthesis in the particular case of the universal rules and the specifics of any given case. These universal rules can best be considered "primitive universals" which are familiar to agents through inductive reasoning following perception.[18] We cannot be said to come to understand these universals fully, only to come to an incomplete comprehension of them.[19] While incomplete, the comprehension a practically wise agent has enables him to perceive what virtue requires "of him, in the particular case, and it instructs him to act accordingly."[20] The general and incomplete awareness that virtuous agents possess is functional only as applied to specific cases. Further, specific cases allow agents to understand in a fuller

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[14] Aristotle, *Nicomachean Ethics* 1142a25 – 28.
[15] Louden, 130.
[16] *ibid.*
[17] I am here equating the perception of salience with other sorts of perception, such as the perception of colors. If we want to take the perception of salience instead as a process of reflecting upon the world and determinging which objects are salient, then that process would more properly be considered "thinking" in the Aristotelian sense. "Thinking," however, requires both an awareness of the objects of perception (*On the Soul* 431a15) and affects the manner in which we process those perceptions (*On the Soul* 432a10-14.)
[18] Aristotle, *Posterior Analytics* 100a16, 100b4.
[19] Aristotle, *Posterior Analytics* 100b9 – 12.
[20] Sorabji, 113.

(but still incomplete fashion) how various aspects of the world work together to inhibit or allow virtuous action.

With his concern with particular case and specific features of an instance and since virtuous means are uncodifiable (in that they are agent and situation specific), Aristotle is largely in tandem with strong particularism. However, unlike Dancy's strong particularism, Aristotle provides us with guidance as how to learn what particulars are more-often-than-not salient. Aristotle's motivation in providing moral education is that an agent "who has been well brought up has or can easily get" the facts of a situation and will not "need the reasons" for acting virtuously as well.[21] These facts are the primary items in discerning what to do and we "see some by induction, some by perception, some by a certain habituation, and others too in other ways."[22] As Randall Curren points out, these methods of moral education can only function properly if an agent is naturally capable of being moral.[23] Those who act against both "habit and nature" could possibly be "moulded by the hands of the legislator," but perhaps not.[24] (Those who cannot or will not act in conformity with practical reason about morality are examined in the next chapter.)

A key element in Aristotle's account of moral education is that individual agents need to become habituated to performing moral actions. This is because "moral excellence comes about as a result of habit."[25] Further, just as builders become such by building, and lyre-players by playing the lyre, "we become just by doing just acts,

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[21] Aristotle, *Nicomachean Ethics* 1095b6 – 8.
[22] Aristotle, *Nicomachean Ethics* 1098b3 – 4.
[23] Curren, 204.
[24] Aristotle, *Politics* 1332b8 – 11.
[25] Aristotle, *Nicomachean Ethics* 1103a16.

temperate by doing temperate acts, brave by doing brave acts."[26] A child is not able to perceive "what is required in the particular situation," but "in time experience" and proper training from elders "will enable him to make these particular judgments for himself."[27] The ability to mold and shape the youth displays the importance of proper moral education. Aristotle states that forming the right habits from youth on "makes no small difference... it makes a very great difference, or rather *all* the difference."[28]

When an agent has formed the proper habits then she would find that the process of perceiving the world properly would occur as if on its own. This proper perception is similar to the way that once one has learned to think through a process afterwards the "thought is then able to think of itself."[29] The purpose for the process of habituation "is not standardization – unchangeable moral efficiency – but, to put the point boldly, an assurance that *critical* morality is possible."[30] In order to be able to discern the moral action to take or to discuss a disagreement with another agent about what the moral action is, agents must know what it is that they are discussing. The possibility of this knowledge is created by becoming exposed to moral situations, and through training to be habituated in knowing what the commonly accepted right action in that situation is. As Nancy Sherman notes, through "collaboration on projects and through listening to and identifying with the viewpoints of others, an agent's vision becomes expanded and enlarged."[31] This process of relying upon others initially to assist us in seeing properly is not unusual. As Aristotle states, we "call in others to aid us in deliberation on important

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[26] Aristotle, *Nicomachean Ethics* 1103a3 – 1103b2.
[27] Sorabji, 125.
[28] Aristotle, *Nicomachean Ethics* 1103b24 – 26.
[29] Aristotle, *On the Soul* 429b6 – 9.
[30] Henderson, 25.
[31] Sherman, *Fabric of Character* 30.

questions, distrusting ourselves as not being equal to deciding."[32] Based upon the ongoing advice from those who can better see the relevant features, agents come to pick out properly those features and learn "different questions to pose in order to see the picture with increased insight and clarity."[33]

An additional method of becoming properly habituated toward correct action is through the following of civic laws and social norms.[34] Aristotle states that the best way to foster practical wisdom is to "get from youth up a right training for excellence" which is brought about when one is "brought up under right laws."[35] Further, since it is not clear that we will remain habituated to right action when mature, "we shall need laws for this as well, and generally speaking to cover the whole of life."[36] These laws are the ways that we learn what it is to be virtuous, but they cannot speak to virtuousness itself. Far from being only for the young, laws must continue throughout life because it is helpful to point out to those who are not living virtuously that indeed it is wrong because it is unlawful (as opposed to the reverse). Aristotle, as I read him, is speaking exactly to those who will not or cannot learn how to live life virtuously – those who "obey necessity rather than argument, and punishment rather than what is noble."[37]

Laws and norms not only serve to foster practical wisdom and habituation to virtuous action, but also provide broad general rules that should be tempered in specific situations based upon experience and the individual situation. We know from right

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[32] Aristotle, *Nicomachean Ethics* 1112b10 – 11.
[33] Sherman, *Fabric of Character* 30.
[34] Aristotle refers to laws, but in my reading I bring this further to include not just civic restrictions on killing, traffic controls, and littering, but also the underlying social norms and standards of politeness in a society that seem to be underlying the civic laws.
[35] Aristotle, *Nicomachean Ethics* 1179b31.
[36] Aristotle, *Nicomachean Ethics* 1180a3.
[37] Aristotle, *Nicomachean Ethics* 1180a4 – 5.

training that "light meats are digestible and wholesome," and from experience that chicken is light meat.[38] Thus, we can know that chicken is both digestible and wholesome. But we might want to avoid a particular chicken dish if we know that it was not properly cooked, because our experience with undercooked meats also tempers our knowledge (acquired through experience and syllogistic reasoning) that chicken is digestible and wholesome. The particular case may not function as the universal laws proscribe because of additional features of the situation. Resolving how to balance training and experience takes time and skill.

A similar relationship between training and experience can be seen in medical diagnosis. A common test of orientation is to ask a patient the "year, the month, and the exact day."[39] Medical students and professionals (as well as the regular television viewer) know that not being able to accurately answer is an indication of diminished cognitive awareness. However, since many people "pay no attention to the day of the month" they are "technically disoriented to time" but are not cognitively impaired.[40] Learning to distinguish the two cases involves both experience and discretion. We can acquire this discretion and the skill of discerning the proper facts only through experience, but we can augment our own skills by attending "to the undemonstrated sayings and opinions of experienced and older people... because experience has given them an eye they see aright."[41] By following the lead of those who have been through similar experiences, we learn not only the relevant features for this situation, but also learn how to pick out those features. As an agent learns how to discern the relevant

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[38] Aristotle, *Nicomachean Ethics* 1141b17 – 20.
[39] Sapira, 19.
[40] *ibid.*
[41] Aristotle, *Nicomachean Ethics* 1143b11 – 14.

features she will be able to demonstrate her reasoning to others.[42] This method of demonstration to display learning can be considered analogous to the medical student presentations during rounds. As Tanenbaum notes, attending physicians routinely relate their accumulated experience by noting that "you have to see enough" to know how to diagnose.[43] Further, medical students are "grilled about exactly how" diagnostic tests, individual therapies, and "whole courses of treatment" fit into the larger picture of the patient's health.[44] Only when the students have learned to discern by experience what the relevant factors are in a situation are they considered competent at diagnosis.

Experience also provides us with the ability to discern far better what the appropriate response in a given situation is. As Aristotle notes, "it is no easy task to be good."[45] This task is without doubt difficult, and especially so "in individual cases."[46] Determining to what extent one can properly deviate from the mean "before he becomes blameworthy... is not easy to determine by reasoning."[47] Over time, we "incline sometimes towards the excess, sometimes toward the deficiency" until we learn the proper actions to take to remain within our relative mean.[48] A possible way of reading Aristotle on this point is to acknowledge that in the formation of habits we would have need to overcompensate for our current inclinations. Thus, to reform the indulgent in pleasures we would need to first utilize an apparent excess of diet and exercise to not

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[42] Aristotle, *Nicomachean Ethics* 1139b31 – 32.
[43] Tanenbaum, 66.
[44] Tanenbaum, 65.
[45] Aristotle, *Nicomachean Ethics* 1109a24.
[46] Aristotle, *Nicomachean Ethics* 1109b14.
[47] Aristotle, *Nicomachean Ethics* 1109b21 – 22.
[48] Aristotle, *Nicomachean Ethics* 1109b25 – 26.

only change habits but also "repair" the damage done from prior indulgence.[49] Additionally, we would need to learn which deficiencies of character do not occur in degrees. For example, an adulterer cannot become less-so by having less intercourse with married women; "the act is simply in itself wicked" and has no degrees.[50]

Aristotle states that "the mark of a man of practical wisdom [is] to be able to deliberate well about what is good and expedient for himself."[51] This deliberation depends upon an agent having the "practical perception needed to determine what type of circumstances he is in and what type of action he is actually doing."[52] David Wiggins understands the practically wise individual to be one "who brings to bear upon a situation the greatest number of genuinely pertinent concerns and genuinely relevant considerations commensurate with the importance of the deliberative context."[53] In other words, the practically wise individual is one who can both discern properly the situation and reflect upon her own past experiences. Based upon this self and situation awareness the practically wise agent will be able to choose properly.[54] The choice between virtuous actions is not an act of whim, but involves "consideration and deliberation" because "choice is not simply picking but picking one thing before another."[55] Each possible virtuous action is not only the correct action to take in this instance, but also expresses

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[49] Adapted from Aristotle's *Eudemian Ethics* 1222a21 – 30.
[50] Aristotle, *Eudemian Ethics* 1221b20 – 22. Aristotle's use of adultery as an activity which holds no mean in *Nicomachean Ethics* 1107a14-16 does not refer to the act as wicked-in-itself, though it is one way in which "one must always be wrong."
[51] Aristotle, *Nicomachean Ethics* 1140a25 – 27.
[52] Reeve, 97.
[53] Wiggins, 234.
[54] As Sorabji notes, strictly speaking, agents consider, seek, and deliberate about the means and manner of performing an action. "But this implies that we choose them, for we choose what is decided upon as a result of deliberation." (108n)
[55] Aristotle, *Eudemian Ethics* 1226b6 – 7.

the principles "for the sake of which they are to be done."[56] This is because "in choosing we show both what we choose and for what we choose it."[57] In deliberating an agent considers what will bring the desired end about, or at least what can be done toward that goal.[58] As such, the deliberation of matters of moral excellence requires one to consider what action most closely brings the agent to acting out the virtuous mean (and by doing so, becoming virtuous.) In order to undertake properly this deliberation an agent needs practical wisdom in order to apply properly what one knows. Further, we should only regard as practically wise those who observe "well the various matters concerning" themselves.[59] This self-observation is necessary because we cannot separate practical wisdom as a concept from the agent who is practically wise.

Up to this point, the account of moral perception that Aristotle and Dancy separately offer appear to work in conjunction with each other. Dancy, and strong particularism, holds that it is the specific features of the situation that provide us, upon reflection, with the awareness of what is the morally correct action to take in this situation. Aristotle finds that in a situation an agent needs to determine what action to take, when to take it, and to what extent to take it, depending upon the features present. Both find that reflection upon past cases and experience will assist in understanding what to do, at least in part because the experienced agent would be better at determining which features are salient. Even Aristotle's belief that a virtuous action expresses the principles "for the sake of which they are to be done" can be understood as equivalent to the relationship between the thick and thin features in Dancy's shape metaphor. A properly

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[56] Aristotle, *Nicomachean Ethics* 1140b15 – 16.
[57] Aristotle, *Eudemian Ethics* 1226a11 – 12.
[58] Aristotle, *Eudemian Ethics* 1227a20 – 21.
[59] Aristotle, *Nicomachean Ethics* 1141a25.

perceived shape displays the thin concept of rightness or wrongness, but that action is right/wrong because of the composite thick concepts. Similarly, the virtuous action is virtuous because of the underlying ordering of features. Where Aristotle goes further than Dancy is conceiving of the compounded impact of multiple actions and reflections in forming the virtuous agent who has practical wisdom. Unlike Dancy's examples which focus always on each case, and never on the conjunction of multiple cases, Aristotle reflects upon the character built and displayed by the exposure of an agent to many particular events.

Practical wisdom "is not a concept that can be displayed, assessed, used, or determined separate from the individual. Rather, it is part of who the *phronimos* is, is part of the way that one goes about everyday life."[60] Because this self-knowledge is "to be found only within particular situations, informed by particular histories and societies, and made strong by repeated encounters with" the agent's prior actions and future possibilities,[61] virtuous agents cannot be said to know directly the good. They only know their good. We discover the good "as we discover what a crab is, by experience, empirical investigation, and dialectic."[62] This discovery through experience is what allows Aristotle's account of moral education to go beyond the moral perceptions where Dancy and Aristotle are on similar ground. For Aristotle an agent learns to be moral through stages of experience. No corresponding process occurs in Dancy. These stages of moral education, combined with legislation, habituation, and mentorship are the central figures of the educational system of virtuous particularism.

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[60] Noel, 284.
[61] *ibid.*
[62] Reeve, 82.

Sherman likens Aristotle's process of moral education to the methods used in learning an athletic skill, and specifically how one learns to play tennis.[63] First, a student becomes skilled through repetition of the component parts of the full act. In tennis this could involve focusing on the individual strokes through endless repetition, sometimes with the assistance of instructors but often using ball machines or "uncompromising and unfriendly backboards."[64] In moral education this repetition could come from the ongoing use of careful consideration of various hypothetical cases; educated elders would initially assist in pointing out the gross structures of the moral situation, but over time novice agents are increasingly asked to work on their own to determine the moral features.

The second component of training is the enjoyment that an agent derives in "exercising our skills the more developed they are."[65] As agents become more skilled at tennis or moral discernment they begin to derive satisfaction and pleasure from completing the tasks. As Aristotle notes, "the pleasures arising from contemplation and learning will make us contemplate and learn all the more."[66] In addition, "activities are made more precise and more enduring by their proper pleasure."[67] Rawls draws upon

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[63] Sherman uses this model to specifically test if skill training can be used to educate courageous individuals. In the end, she thinks not because agents, unlike athletes, need to form their virtues "in relation to others and our ability to be moved by their interests and desires as well as our own." ("Aristotle's Theory of Moral Education" 74) However, she believes that there is some similarity between the method of acquiring technical abilities and acquiring the proper moral skills. ("Aristotle's Theory of Moral Education" 76) Since I am not concerned here (as Sherman is) with training agents to have individual virtues (i.e. courage), but rather with the method for training agents to perceive which actions are virtuous I believe my use of Sherman's rejected analogy is appropriate.

[64] Sherman, "Aristotle's Theory of Moral Education" 62 – 63.

[65] Sherman, "Aristotle's Theory of Moral Education" 64.

[66] Aristotle, *Nicomachean Ethics* 1153a21 – 22.

[67] Aristotle, *Nicomachean Ethics* 1175b14 – 15.

these comments to propose the 'Aristotelian Principle'.[68] The Principle itself is that "other things being equal, human being enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized, or the greater its complexity."[69] Another way of understanding the Principle is that that "human beings take more pleasure in doing something as they become more proficient at it."[70] The implication of the Aristotelian Principle is that as an agent's capacities increase over time she will "in due course come to prefer the more complex activities" which call upon the more developed abilities.[71]

Sherman's third component to moral training is that at some point "we become inspired to perfect our own competence by witnessing the exemplary performance of others."[72] Just as a tennis player enjoys, and learns from, watching good tennis, moral agents would enjoy and learn from watching others make moral decision. In this understanding, a moral agent would enjoy observing ethical action taking in much the same way that a tennis player would enjoy watching a match at Wimbledon.

The final component of training is the "cultivation of technical reason."[73] 'Intelligent' or 'smart' tennis players "execute their game thoughtfully" and modify their play to fit the new requirements/facts of the situation.[74] Similarly, moral agents can use reason to determine subtly different actions will result in different outcomes. To utilize

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[68] Rawls terms this the Aristotelian Principle as opposed to 'Aristotle's Principle' because Aristotle "does not state such a principle explicitly, and some of it as at best only implied." (*Theory of Justice* 374n)
[69] Rawls, *Theory of Justice* 374.
[70] *ibid.*
[71] Rawls, *Theory of Justice* 375.
[72] Sherman, "Aristotle's Theory of Moral Education" 65.
[73] Sherman, "Aristotle's Theory of Moral Education" 66.
[74] *ibid.*

Dancy's terms, the agent would be able to see not only the moral shape of the situation, but reason through which of the competing moral acceptable actions will produce future situations which could result in the possibility of ever better morally acceptable actions. Like the tennis player who hits a shot not only to remain in play, but to bring about a potential later point-scoring play, the moral agent can take an action that is not only morally acceptable in this instance, but that creates the possibility for future actions which are also preferable to other alternatives. At the end of this process, perception of morally salient features, like tennis to a skilled player, "has become habitual... [and] comes to us almost naturally; once we have the knack of it, we can do it without actually thinking through the steps of how it is done."[75]

Educating moral agents to perceive properly what is morally salient in a situation is done through stages of moral education. First, agents need to become sensitive to features which we commonly think of as salient. This is accomplished through both civic law and social norms. As these understandings, or partial codifications of morality, are by necessity flawed, agents need to become habituated to seeing which aspects of a situation are salient and how those saliencies interact. This process of habituation is achieved through the consideration of cases, practices at proper perception, and attempts to act. Throughout this process, agents would need guidance from mentoring figures who can serve to assist in the transition from inexperienced agent through to capable agent.

Aristotle's Particularist Metaphysics

The account that I have provided for Aristotle's method of moral education is one which appears to aptly provide a solution to how strong particularists can come to know

[75] Sherman, "Aristotle's Theory of Moral Education" 62.

what particular elements are relevant in a given moral decision. Aristotle's account emphasizes that these decisions will be particular to each agent, situation, place, and time. Yet, through habituation and experience agents come to know their own particular virtuous means; based upon this self-knowledge (and knowledge of their situations) they can come to make the correct decision about how to act in each situation. The epistemic benefit of bringing Aristotle's moral education to strong particularism seems clear: agents now could come to know how to discern which particular features of a situation are relevant. To use Dancy's terms, Aristotle's virtue education provides a mechanism to discern the salient features which make up the moral shape of a situation. However, this epistemic fit would be all for naught if the metaphysics that it relies upon does not mesh well the strong particularism. In this section, I examine the metaphysical basis for Aristotle's virtue theory[76] and compare it to the metaphysics of strong particularism.

For Aristotle the physical world is in a constant state of flux. Individual substances are moving in location, growing and diminishing in size, becoming healthier or more diseased, being generated and being destroyed.[77] In addition to these changes to particular entities there are the larger scope changes such as "the ceaseless movement of the heavenly bodies, the coming to be and passing away of living beings, the alternation of seasons, the local, qualitative, and quantitative changes that constantly take place in sensible things."[78] Individual aspects of the world can be changed in contrary fashions. For example, a tub of water can be made either hotter or cooler, depending upon what

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[76] Though it could probably go without noting, I do want to note that I do not provide a complete picture of Aristotle's *entire* metaphysics. In this section I merely focus on the elements of his metaphysics which are relevant to morality and decision making.
[77] Aristotle, *Metaphysics* 1042a34 – 1042b2.
[78] Verbeke, 192.

particular force is brought upon it. A "non-rational power produces only effect; e.g. the hot is capable only of heating."[79] However, rational processes can work in either extremity. For example, "the medical art can produce both disease and health."[80] Of course, it is not possible for a process to move toward both extremes at the same time. When "one has a rational wish, or an appetite, to do two things or contrary things at the same time, one cannot do them."[81] A physician cannot both heal and poison a patient in one action (assuming that in instances like chemotherapy that the "poisoning" is a healing.) A rational agent in acting is acting toward a potential extreme, and distancing herself from the companion extremity. This account of both choice and extremes can be seen in Aristotle's account of the virtuous means. In doing the courageous action, an agent is acting in a manner in contrast from cowardice, but does not go to the extremes of fool-hardiness. In order to make this proper choice the agent needs to be aware of the ever-changing sensible world around her, and act appropriately. It is perhaps for this reason that Aristotle emphasizes that knowledge of the facts of the situation (i.e. "the that") needs to come before knowledge of the reasons for action (i.e. "the because.")[82]

Our understanding of the situation will always be incomplete, but at the same time will always be of the particulars of a situation. This is appropriate, however, in that even Aristotle's unmoved-mover, or God-like first cause of the universe,[83] does not issue forth rule-like commandments for proper action.[84] As individuals we must be aware of the

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[79] Aristotle, *Metaphysics* 1046b6 – 7.
[80] Aristotle, *Metaphysics* 1046b7.
[81] Aristotle, *Metaphysics* 1048a20 – 22.
[82] Aristotle, *Nicomachean Ethics* 1095b6 – 8.
[83] Aristotle, *Metaphysics* 1072a19 – 1073a13.
[84] Aristotle, *Eudemian Ethics* 1249b13 – 14.

particulars of a situation and act to gain "the highest of all goods achievable by action"[85] or happiness. Happiness itself "is an activity of soul in accordance with excellence, and if there are more than one excellence, in conformity with the best and most complete."[86] Further, this complete conception of happiness is the "human good" and needs to be considered as the goal for a complete life. The complete life needs to be understood in both senses: fulfilled and finished. Happiness brought forth from ethical action will cause one to be complete. However, this completeness needs to be considered in the context of a whole life because just as "one swallow does not make a summer, nor does one day; and so too one day, or a short time, does not make a man blessed and happy."[87] This conception of the complete life, and of the goal of humanity being happiness, plays out in Aristotle's conception of moral education. Agents need to become attuned to the larger picture and act always in the best manner, though the happiness that comes from that action ought not be considered in the short term.

This life-long look at completeness also relies upon the necessity of change for all individuals. Just as the particulars of a situation are constantly changing, so to are the characters of agents as they grow and mature. Aristotle contrasts the youth who are "changeable and fickle in their desires"[88] with those in the prime of life who "have neither the excess of confidence which amounts to rashness, nor too much timidity, but the right amount of each."[89] (Implicit in this contrast is the character of the elderly who are apparently self-controlled but in actually "have lost their vigour: consequently they do

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[85] Aristotle, *Nicomachean Ethics* 1095a15 – 16.
[86] Aristotle, *Nicomachean Ethics* 1098a16 – 18.
[87] Aristotle, *Nicomachean Ethics* 1098a18 – 20.
[88] Aristotle, *Rhetoric* 1389a6.
[89] Aristotle, *Rhetoric* 1390a31 – 32.

not feel their passions much."[90] As Eugene Garver notes, the *Rhetoric* depiction of "the old do not at all sound like the outcome of an ideal moral education."[91] I believe that given Aristotle's belief in opposing extremes of inclinations, we should read *Rhetoric* as portraying the uneducated youth and uneducated elderly in contrast to the "virtuous mean" of educated citizens in their prime.) The youth make mistakes "in the direction of doing things excessively and vehemently,"[92] "think they know everything, and are quite sure about it,"[93] and when they wrong another it is not to harm them, but to insult the other.[94] The youth live in a state of "expectation; for expectation refers to the future, memory to the past, and youth has a long future before it and a short past behind it."[95] They "think themselves equal to great things" and prefer doing "noble things."[96] Perhaps most important to a consideration of the disposition of youth in light of moral education, they "are regulated more by their character than by reasoning."[97] All is not lost for the youth, because while their deliberative faculty is immature,[98] we can come to understand an individual youth's faculty of reasoning by relating his current ability to "the perfect man and to his teacher."[99] As Sherman reads it, these comments "openly invite a developmental model in which the child is not viewed statically, but as in progress toward full humanity, on his way towards some end."[100] In short, Aristotle sees the youth

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[90] Aristotle, *Rhetoric* 1390a12 – 14.
[91] Garver, 177.
[92] Aristotle, *Rhetoric* 1389b2.
[93] Aristotle, *Rhetoric* 1389b5 – 6.
[94] Aristotle, *Rhetoric* 1389b7 – 8.
[95] Aristotle, *Rhetoric* 1389a22 – 23.
[96] Aristotle, *Rhetoric* 1389a33 – 34.
[97] Aristotle, *Rhetoric* 1389a35.
[98] Aristotle, *Politics* 1260a13 – 14.
[99] Aristotle, *Politics* 1260a31 – 32.
[100] Sherman, *Fabric of Character* 161.

as passionate, noble, and mutable individuals. The conception of youth that Aristotle has, whether charitable or not, is reflected in his methods of training. Like an untempered piece of steel, these intemperate individuals can best be molded by deliberately testing them and shaping them towards their ultimate purpose.

Even given Aristotle's somewhat dim view of youth, he strongly believes that their capricious nature is curable through education. This is in part because "all men by nature desire to know."[101] Fulfilling this desire to know is difficult because "no one is able to attain the truth adequately."[102] All our knowledge can at best be considered approximate since "no one fails entirely, but every one says something true about the nature of things."[103] At best we can be grateful for the advice and teaching of our elders because they have developed "before us the power of thought."[104] As any student and any teacher can attest, the ability to learn through the hearing of lectures is not innate, and individual success varies by student depending upon her habits.[105] For this reason we should also acknowledge that we learn through habituation with the customs of a culture, which are often captured in the laws of a society.[106] Because of the incomplete nature of our knowledge and the variable nature of our ability to learn by hearing we should not seek the "minute accuracy of mathematics" for all subjects.[107] These comments appear to both bolster an experiential learning and gives some evidence to support that Aristotle would accept the uncodifiability thesis.

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[101] Aristotle, *Metaphysics* 979b22.
[102] Aristotle, *Metaphysics* 993a28.
[103] Aristotle, *Metaphysics* 993b1 – 2.
[104] Aristotle, *Metaphysics* 993b14.
[105] Aristotle, *Metaphysics* 994b31.
[106] Aristotle, *Metaphysics* 995a3 – 5.
[107] Aristotle, *Metaphysics* 995a15.

Irwin presents in his writings an interpretation of Aristotle which is at odds with mine and represents a likely objection to my attempt to utilize Aristotle in a strong particularism. He provides exegetical evidence in the attempt to show that Aristotle is not a particularist, even if there are elements of Aristotle which are amenable to particularism.[108] If Irwin's account of Aristotle is accepted, then at best I would be left with bringing into particularism a process of moral education that amenable with particularism, but could also be used to educate agents in principleism. I believe that this possibility is less attractive than finding a theory which brings agents to particularism alone, and for this reason take this objection seriously and consider it here in the midst of the consideration of Aristotle's metaphysics of morality.

Irwin states that in order to understand properly Aristotle's claims that the discipline of ethics is built upon the knowledge of the ultimate end of humanity we need more than "some implicit, partial, not always completely coherent overall end reflecting a rough structure and order in [agent] desires."[109] Instead of aiming at some incompletely captured idea of the end, the "rational agent is supposed to aim at an overall end guided by some systematic reflective conception of his good."[110] At times Aristotle claims that agents have knowledge of their ends; for example, his claims that "all knowledge and choice aims at some good"[111] and that the happy man will throughout his life always "do and contemplate what is excellent"[112] can only be understood together if the happy man has always had knowledge of the good. However, by emphasizing that agents are

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[108] Irwin, "Ethics as an Inexact Science."
[109] Irwin, "The Metaphysical..." 47.
[110] *ibid.*
[111] Aristotle, *Nicomachean Ethics* 1095a14 – 15.
[112] Aristotle, *Nicomachean Ethics* 1100b17 – 20.

fallible, sometimes act contrary to virtue, or act without knowledge,[113] Aristotle also seems committed to state that agents need to come to understand the good. Irwin finds that "Aristotle's claim about the final good seems to equivocate between psychological description and ethical advice; sometimes he appears to think that everyone has a conception of the final good, sometimes to advise people to acquire it, without realizing that he is making different claims."[114]

Given Irwin's reading of Aristotle's mixed message on knowledge of the final good, he could correctly point out that the account of moral education I depend upon emphasizes one aspect of Aristotle (that we can have a proper method of acquiring moral knowledge) while denying that we can ever come to know the final good. In other words, while Aristotle is conflicted as to whether agents possess knowledge of the good throughout life or come to know it from a process of moral education, virtuous particularism calls for moral education without an end goal of possessing knowledge about the final good.

Does Aristotle really believe that agents can possess knowledge of the final good? Irwin seems conflicted on this point. On one hand, Aristotle makes claims comparing our knowledge of ends to knowledge of first principles (such as at *Nicomachean Ethics* 1151a14 – 18 and *Eudemian Ethics* 1227b28 – 30[115]). However, he continues to claim that no one can demonstrate the truth of these principles, as all principles are

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[113] These possibilities and the difficulties that they represent for both Aristotle's theory and virtuous particularism are considered in the next chapter.
[114] Irwin, "The Metaphysical..." 47.
[115] The Ross translation I am using, translates *archē* as "starting-points." Irwin translates it as "first principles."

undemonstrable.[116] Irwin concedes, "Aristotle does not explain what is required to 'define' the end, whether 'prove' refers to demonstrative proof or some other kind of argument."[117] Irwin generally desires to read Aristotle not as "a series of rather acute discussions of various philosophical topics" but as a "comprehensive theory."[118] However, this leaves him with a difficulty. He needs to explain how Aristotle can hold both positions. They cannot simply be explained away by considering the works chronologically and seeing a development in Aristotle's thought, because both the *Nicomachean* and *Eudemian Ethics* have common passages which use both conceptions. Irwin proposes that perhaps the conflict stems from Aristotle's attraction to "demonstrative structure of science" and the realization that this method has limits "as a model for rational deliberation."[119] By acknowledging this dual nature, and the shortcomings of the demonstrative model, Irwin has opened the door for the possibility that unlike science (which inductively infers its first principles through demonstration), ethics does not rest upon sure knowledge of the good.[120] Lacking that sure knowledge, agents can be working toward a better understanding of the world and more refined observations of a situation without relying upon principles or rules. This possibility is in keeping with the way I am using Aristotle's account of moral education.

In the end I do not believe that Irwin's reading of Aristotle is that problematic for virtuous particularism. After all, I am not claiming that Aristotle was a strong

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[116] Aristotle, *Eudemian Ethics* 1218b20 – 24.
[117] Irwin, "First Principles in Aristotle's Ethics" 264.
[118] Irwin, "The Metaphysical..." 36.
[119] Irwin, "First Principles in Aristotle's Ethics" 265.
[120] Of course, as any logic student could tell you induction will never get you certainty, so we ought speak of strongly held accepted understandings, rather than sure knowledge of the first principles of science.

particularist and as such the adoption of Aristotle's education is easily done. Instead, I draw upon Aristotle to show that elements of his corpus can be, and should be, used to answer a substantial epistemic shortcoming in strong particularism. Further, given that it is possible to read Aristotle through the lens of particularism, we can see that significant portions of Aristotle's metaphysics can be used to shore up this particularist reading of Aristotle as an acceptable (if not the only possible) reading. For this reason, it is not inappropriate to rely upon Aristotle to improve upon strong particularism.

Having said that, and confronted Irwin's reading of Aristotle in order to show that the metaphysical accounts are not necessarily at odds, there is an element of Aristotle's metaphysics which establishes a problematic aspect of his ethical thought. Implicit in Aristotle's account of virtuous action is his belief that when one reasons properly about action the conclusion itself is an action which is undertaken. To use his example, "whenever one thinks that every man ought to walk, and the one is a man oneself, straightaway one walks; or that, in this case, no man should walk, one is a man: straightaway one remains at rest."[121] The conclusions of these syllogisms are themselves the actions,[122] and the thought of a particular conclusion brings about the desire to undertake it.[123] This same viewpoint is expressed in the *Nicomachean Ethics* when Aristotle states, "that we must act according to right reason is a common principle and must be assumed."[124] (Sherman notes that in this mode of reasoning "Aristotle must be assuming that if a desire to bring about some end cited in the major premiss is in fact

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[121] Aristotle, *Movement* 701a11 – 15.
[122] Aristotle, *Movement* 701a23.
[123] Aristotle, *Movement* 701a34.
[124] Aristotle, *Nicomachean Ethics* 1103b31 – 33.

occurrent, then the necessary inspection of the particulars has been met."[125]) The assumption that an agent will always act in conformity with a practical syllogism appears to cause the greatest difficulty for augmenting strong particularism with Aristotle's account of moral education. This is because if action necessarily follows from reasoning, than strong particularism must entail a strong internalism and the relationship between reasons for action and actions themselves becomes much more complicated than in Dancy's weaker internalism. This problem is considered more fully in the next chapter.

The Difficult Discernment of Shape in Invirtuous Action

Dancy's moral particularism relies upon the agent's ability to discern the shape of a situation by picking out those salient features of the situation. Upon determining the shape of the situation, the agent will know the thin moral concept of rightness/wrongness of a given action, and the morally correct action to take will be clear. Missing from Dancy's account is an indication of how agents learn to pick out salient features. For this reason, I have proposed augmenting strong particularism with Aristotle's account of moral education. In Aristotle's theory agents would become habituated to performing right action through conforming to society's law and modeling actions performed by elders. Eventually agents would come to have the ability to reason about the correct action to take in a given situation based upon their experience and knowledge of the features which tend to be important.

This augmentation at first glance appears to be especially fitting given that Aristotle's virtue theory, like strong particularism, emphasizes the need for particulars to be considered instead of relying upon universal truths. Aristotle takes pains to show that

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[125] Sherman, *Fabric of Character* 41.

the particulars of a situation are relevant.[126] Virtues of character, understood as means between the extremes of deficiencies and excess, are particular to each agent. Further, intellectual virtues come from understanding what the correct action is at the correct time. It is not enough to do the "correct" action at the "incorrect" time; the particulars of the situation need to come into play. Dancy, by focusing on the ontological character of moral reasons, omits how one becomes aware of the salient features. Aristotle provides an answer: we learn to be virtuous through legislation, habituation, and mentorship.

However, Aristotle's belief that the result of practical deliberation is an action taken causes problems. By assuming that an agent will necessarily take the action which conforms with what reflection upon a situation in light of experience reveals as morally correct, Aristotle has a hard time explaining how it is that agents can take actions which are contrary to the decision that a particular action was morally right. (In this category I am temporarily including not taking actions conforming with the decision made; in the next chapter I more fully distinguish the difference between not doing a given action and taking a contrary action.) Aristotle spends some time in *Nicomachean* and *Eudemian Ethics*, as well as elsewhere, trying to explain these sorts of actions, but his distinctions are uncharacteristically confusing and convoluted. However, just as Aristotle was able to augment strong particularism, Dancy's work in turn can be used to clarify the distinctions that Aristotle makes. Dancy provides an account of moral motivation (and the lack thereof) which can be used to better schematize Aristotle's differentiations. Once properly schematized, these distinctions become a useful component of moral education. For this reason, using Dancy's account of moral motivation allows us to use Aristotle's

[126] Recall, for example, that Milo's mean for calorie intake would differ from that of a non-athlete.

account of actions against moral reasoning in the training and education of our strong particularist moral agents.

In the next chapter, I utilize Dancy's theory to re-order Aristotle's account of actions which do not appear to conform with what practical wisdom would demand. Following that, I return briefly to Dancy's shape theory to display how it accounts for the same sorts of actions. I close the next chapter with a comparison of Aristotle and Dancy's accounts of actions apparently taken against what reason would dictate.

CHAPTER FOUR:

The Problems of Using Aristotle

Whether understood as conforming with action dictated by the thin moral concept (as revealed by the moral shape), or as an action which is in keeping with the agent's particular virtuous mean, both strong particularism and Aristotle have an account for understanding actions which are morally correct. Further, since Dancy's shape approach can be understood as a method for perceiving an action consistent with an Aristotelian perception of agent and situation particularity, we can see both approaches as working in harmony when it comes to perceiving right actions. In the previous chapter, I laid out both theories and showed how that can be understood as complementary to each other.

Both strong particularism and Aristotle's account of morality have to grapple with explaining how to understand instances of agents not performing actions which appear to be called for. This is particularly the case with any account of moral education, because we need to be able to explain why instances where an agent discerns a moral shape but does not act upon it are not necessarily instances of insufficient moral education.[1] Given this, it is not unexpected that the augmented theory I propose has to explain such cases. Additionally, we can see that there is a benefit to augmenting strong particularism with an Aristotelian understanding of action since we can come to better understand the fine distinctions between various manners of taking (and not taking) action. While it is problematic for virtuous particularism that these sorts of cases occur, the possibility of utilizing the consideration of these cases in a moral education display the strength of the

[1] Many of these instances can be used for continued moral education, as I lay out in this and in the sixth chapter. From my perspective though it is important to realize that some of these "actions against reasoning" are instances of incorrect evaluation by third parties about what an agent ought to have done.

account. Strong particularism, especially Dancy's particularism, can do little more than explain these instances. Virtuous particularism can, because of the groundwork laid by Dancy and Aristotle, explain these instances and show how to use them in providing a moral education.

In Dancy's shape metaphor, an agent perceives the moral shape of a situation by observing all of the salient features in the situation. It is important to remember that a feature which is relevant in one situation may not be relevant in another situation and that the moral valence of reasons is not fixed. To return to a previous example, that a particular piece of art belonged to another individual may in one situation provide a reason not to take it and in another a reason to take it. In yet other situations, the ownership of a piece of art could be irrelevant. These accounts all present instances of perception and observation, not accounts of action or even of motivation for action. That we often take action based upon our observations about what is morally right seems unquestionable, and perhaps the routineness of our actions can be collapsed back into our observation of the situation.

Since the moral shape is composed of the salient features of the situation, it is only natural to assume that any reason not to take action would be a salient feature, and thus a component of the shape from which we can see the thin-moral concept of rightness (or wrongness). For example, in determining if we should rush into a burning building to save a child, one salient feature might well be our lack of training in performing such a maneuver. This prudential reason not to act would naturally be a component in our shape and affect our understanding of what is morally right in this situation. In this conception

of understanding the moral shape I am going farther than Dancy does.[2] Even if one, like Dancy, is a weak internalist, the understanding of moral actions that I present here is still helpful because it allows agents to understand more precisely some of the possible ways in which moral knowledge provides insufficient moral motivation. Reflecting on these different methods could allow an agent to discern more clearly the salient features of a situation and the manner in which they come together in the moral shape.

I am claiming that since any feature of the world is potentially a morally salient feature, it is only understandable that the features of the world which would contraindicate taking a given action would be considered as part of the moral shape of a situation. Just as the outcome of moral reflection ought not require us to do something which we cannot do (such as successfully hold our breath for fifteen minutes) in order for the morally correct action to occur, the outcome of moral reflection ought to include an awareness of what sorts of action we would be (dis)inclined to take. When speaking of the individual features which compose a moral shape, Dancy notes that

> There are weaker and stronger moral reasons... and it would be better in the end to think only of the strongest moral reasons as requiring [action]. Less strong ones *demand* without requiring, perhaps, and yet weaker ones ***only call*** **for** the relevant action or the adoption of the **relevant** **aim.**[3]

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[2] In private correspondence, Dancy agreed that these prudential reasons would certainly be part of the shape. Thus, one's own lack of training would be a reason to allow another to go in. Additionally, the reason could through supererogation count both as a neutral reason for one not to go in and an agent-relative one for you specifically not to go in. All of this points to the appropriateness of thinking that prudential reasons not to act would be included in the shape. However, Dancy was less comfortable, given his weak internalism, of accepting that since prudential reasons would be included in the shape, the outcome of a reflection on the moral shape would by necessity involve action.

[3] Dancy, *Moral Reasons* 47.

From Dancy's perspective, it is incorrect to believe that all moral reasons are sufficiently motivational that they require action. What we need to remember though is that at this level he is speaking of individual aspects (the 'thick' concepts) of a moral shape, and not the revealed moral shape itself (the 'thin' concept). Is it necessary for agents to act upon the revealed morally correct actions? Dancy does not claim so, and perhaps cannot say so given his weak internalism.

From a strong particularist perspective believing that the outcome of an observation will always motivate is to fly in the face of what we have seen how reasons function. At some level, we can conceive of the reason for taking an action as the fact that moral observation and reflection determined it to be proper. Yet, if we claimed that this would always be the case, we would be admitting that some feature of the world has fixed moral valence; strong particularists cannot properly claim that the outcome of reflection on the moral shape is always morally correct, at least in part because as a moral realism it needs to be possible for agents to see incorrectly the shape (and thus the 'thin' concept of rightness/wrongness.) Just as Dancy holds back from saying that all features are variable, I read this hesitancy in saying that actions will be taken following perception as keeping with a desire not to think in terms of universals, but always of particulars. Dancy's own language quoted above implicitly provides evidence that we will act in accord with our reasoning and perception; the strongest moral claims demand action in accord with what is right in this situation. Yet, these moral demands might incompletely motivate an agent to take action.

In contrast to Dancy's approach which appears to have a place for not taking action, and as mentioned in the last chapter, Aristotle's account of moral reasoning

includes the belief that individual reasoning processes function as practical syllogisms. If one determines that in a given particular situation the proper action to take is *x*, and that this is that particular situation, then it is a given for Aristotle that action *x* is taken. Here we face the inverse problem that was seen with strong particularism. Where particularism seems to allow as open the possibility of knowing the right thing to do without actually doing it, Aristotle apparently allows no room for an agent not to act in accord with what she sees as correct in this situation. But both our own experience and the observations of other's actions display that this is not always the case. We do not always act in a manner that is consistent with our perception of what is moral. Our failure to act in these moral ways could be considered a failure of moral education, just as a student's failure to properly do long division could be considered an instance of a failure of mathematical education. In contrast to seeing this as simply a failure, in Aristotle we find a complicated understanding of various ways to fail to act. These understandings become important both in developing a richer theory of moral education and in addressing the possibility in Dancy's particularism that an agent perceives the right action and perhaps does not act accordingly. Regardless of whether one accepts weak or strong internalism the typology of these actions allows us to see instances that a good moral education ought to consider, providing a systematic understanding of the possibilities that an agent should be aware of and should regard with have some amount of concern.

Aristotle was not unaware that people do not always act in a manner consistent with what perception of the virtuous action would be. His discussion of this is scattered throughout his moral works, is difficult to systematically grasp, and perhaps most

problematically for my purposes here is not linked into his system of moral education. The first difficulty (the scattered approach) is surmountable. The difficulty of systemization I believe is greatly helped by considering Aristotle's distinctions in terms of particularism, and thus perhaps reinforcing the symbiotic relationships between virtue based ethics and strong particularism. The final difficulty, that these distinctions are not integrated into Aristotle's system of moral education, is easily resolved. In the process of moral education brought forth from bringing virtue ethics and particularism into dialogue these distinctions ought to be explained and analyzed along with the facts of a situation.

In this chapter, I explain how to best understand instances where an agent does not act in the expected morally correct manner, and in doing so clarify the distinctions between varieties of moral (in)actions and moral errors that Aristotle provides in Book VII of the *Nicomachean Ethics*. Following this clarification I return to Dancy's shape metaphor to show how we can explain within the framework of his theory how an agent can take non-right (and arguably wrong) action, and compare the accounts provided to address lingering questions about the appropriateness of augmenting Dancy with Aristotle. The typology that comes from these considerations ought to be considered one of many possible typologies, as is perhaps in keeping with a strong particularism that it is the salient features in a specific case that bring about an understanding of the morally correct action. The schematic that I lay out focuses on paradigm cases that display distinct possibilities; the danger in doing so is that the gradient possibilities between cases can be obscured or lost. A good particularist would see these paradigm cases as instances that could be learned from, not as the final word on the possibilities of not taking action in accordance with moral knowledge.

Throughout I am using terminology that is familiar in moral philosophy, but using them in manners which are slightly divergent from the norm. In each instance I utilize the words because they both carry an echo of how we normally conceive of them and appear to aptly fit in this approach. Thus, for example I discuss below that the outcome of a moral reasoning could be 'silenced,' though this term is generally used only to refer to specific reasons/features of the entire reasoning process. There seems to be a clear parallel between the manner of silencing, and the term seems appropriate, thus the somewhat idiosyncratic usage.

Before we can examine theories about how to understand those who do not take action conforming with what practical deliberation upon the moral shape determines, we need to first have an understanding of the variety of ways that one can do so. Even given the number of possible shapes, and the number of possible agents, it initially appears that there are only four ways for an agent to act against moral reasoning. These four methods can best be understood in two possible sets each with two possible durations of action.

The first set is composed of those actions which are performed when an agent does not act. While it may seem odd to consider the lack of action on the agent's part to be an action, this idea meshes well with our experiences in the world. When an angry parent asks why an older sibling did not stop a younger child from doing some action (i.e. cutting the family pet's hair), the parent sees the lack of acting as itself an action. This same perception is used in legal findings such as negligent homicide. If we look at this question theoretically, we see that the claim that the lack of an action can itself be considered an action is at the center of James Rachels' killing/letting die discussion.[4]

[4] Rachels, "Active and Passive Euthanasia."

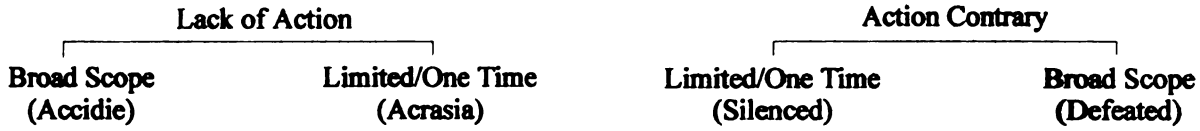
Rachels argues that the distinction between actively killing someone and passively standing by while another dies is a false distinction. For example, we would find an individual who stood by and let a child drown in a tub when a simple action could prevent it equally in the wrong as someone who actively held a child underwater in the tub. The lack of action in the first case, the not saving of the child, is taking an action just as much as is forcefully drowning in an action.

If we accept that the lack of action is itself an action, then we can understand these non-acting actions as occurring in one of two manners. If the action not taken is one which the agent's moral reasoning would normally have called for, these non-acting actions can best be understood as acting against reason. If the lack of action is not limited to this single case, but instead is part of some larger set of non-acting, then the agent appears to be suffering from accidie, or sloth. If the lack of action is more limited in scope then the agent may be acratic, or intemperate.

The second set of possible actions which do not conform to practical deliberation upon moral shape is composed of actions which are actively taken against what an agent's reasoning process would call for. If the action is more limited in scope, and in many respects resembles acrasia, then moral reasoning can be said to have been silenced in this instance. The final category is made up of actions against moral reasoning which are repeated time and time again. In these instances, moral reasoning (at least as regards the scope of the continual actions against reasoning) is defeated. These four possibilities

and their relationship to the taking or not taking of an action is displayed in the following schematic.[5]

Figure 2: Preliminary Typology of Actions against Moral Reasoning



The first possibility (accidie) is considered prior to turning to Aristotle. The other three possibilities (acrasia, silenced reasoning, and defeated reasoning) are considered while clarifying Aristotle's own distinctions.

Accidie is a condition where an otherwise moral agent continually does not take actions which her moral reasoning would call for. As opposed to the amoral individual, who cannot tell the difference between the right and wrong action, the accidic individual knows the right action, but does not take it. As Dancy explains, "People who suffer from accidie are those who just don't care for a while about things which would normally seem to them to be perfectly good reasons for action."[6] These individuals are not amoral; they know what the proper action to take is in a given situation. However, they do not take action. While not in the moral sphere, the most familiar instance of accidie is Bartleby from Herman Melville's short story of the same name. Bartleby was a scrivener, or law-copyist, who initially upon employment "did an extraordinary quantity of writing."[7] However, within a few days he began to respond to all requests with the polite response

[5] Since the lack of action is itself an action, this typology is organized such to show several paradigm cases that are less clear if we consider just limited and broad actions contrary to reasoning, regardless of if the action is a specific contrary action or an action through omission.

[6] Dancy, *Moral Reasons* 5.

[7] Melville,12.

of "I would prefer not to."[8] After Bartleby's refusals reach even to not leaving the office after being fired, the un-named narrator goes so far as to move the office out from under Bartleby.[9] (It had already been established that Bartleby lived in the office, without prior permission.)[10] The new tenants of the office forcefully remove Bartleby from the room when he continues to prefer not to leave.[11] When he prefers not to leave the building, the landlord has Bartleby arrested and brought to the Tombs.[12] Preferring not to eat, Bartleby starves himself to death in prison.[13] Perhaps it is an understatement to note that there was obviously something wrong with Bartleby. No rational person simply allows these events to happen to them, refusing to acting simply because he "prefers not to." But this of course is the point made manifest by the accidic, those who are not rational may find themselves unmotivated to take actions which they can be in normal circumstances drawn to undertake because their reasoning recommends them as the proper action. After noting that depression is a cause for accidie, Dancy explains that "The depressive is not deprived of the relevant beliefs by his depression; they just leave him indifferent."[14] This universal indifference[15] causes an agent to act in some instances against moral reasoning, and in other instance in conformity with it. Just so long as the "act" in question involves an active role by the agent, then it is not taken. In a moral sense, we can see that those

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[8] Melville,13, and throughout.
[9] Melville,37. The firing occurred at 29 - 30.
[10] Melville,21 – 24.
[11] Melville,39.
[12] Melville,42.
[13] Melville,45.
[14] Dancy, *Moral Reasons* 5.
[15] Interestingly, Bartleby continues to insist throughout the narrator's attempts to find a suitable job for him that he is "not particular." (40 – 41) This lack of particularity can only be understood in a logical quantifier sense, as his continued declinations of various possibilities show that he indeed is quite fastidious in his choices.

with accidie fail to act in accordance with moral reasoning, but that failure to act action is only telling of the lack of motivating force from their reasoning (and perhaps all other aspects in their life.) An excellent example of moral accidie occurs in *Les Misérables* when Grantaire, a drunk who despite (apparently) believing in the values of the revolution, sleeps through the entire battle, only to be shot by the guards upon awakening.[16] If this case, and similar other cases, are integrated into the moral education of agents they would come to see that consistently not acting in accordance with moral reasoning is a cause for concern, perhaps bringing the agents to seek out medical or psychological care.

Clarifying Aristotle's Distinctions

Since Aristotle is concerned with individual actions, he did not consider the accidic individual. Throughout his moral works he attempts to explain the problem of the incontinent agent who appears to act against moral reasoning by clarifying the ways in which to understand these actions. However, as he does not distinguish between cases where an agent does not act and cases where an agent acts contrary to reasoning his distinctions come across as convoluted and confusing. In this section, I clarify Aristotle's distinctions, in part by separating cases of acrasia and silencing.

In contrast to accidie's broad scope lack of action upon moral reasoning, acrasia[17] is the occasional action done against reasoning because of a lack of will. Philosophy's understanding of these acts of incontinence goes back to Plato, who considers in the *Protagoras* "a man, knowing the bad to be bad, never the less does that very thing, when he is able not to do it, having been driven and overwhelmed by pleasure" or "a man

[16] Hugo, 1098 – 1099, 1252.
[17] Since the original Greek is *akrasiā,* this phenomena is sometimes referred to as akrasia.

knowing the good is not willing to do it, on account of immediate pleasure."[18] While the dialogue is complete, the discussion is not, as Socrates, Protagoras, Hippias, and Prodicus are not able to determine in the end if knowledge of the virtues is enough to ensure that proper action is taken. In contrast to Plato's account, for Aristotle the agent does not even need to have knowledge of the right; strong opinion of the right is enough as those "in a state of opinion do not hesitate, but think they know exactly."[19] In these instances where our will succumbs to our passions, we are acratiac. While the literature on acrasia includes consideration of actions done against moral reasoning, in my schema I reserve acratic acts to actions against reasoning done by not acting in a given situation. By clarifying the categories in this manner I am able to establish a system of understanding moral actions which is both in keeping with Aristotle's distinctions and Dancy's account of strong particularism. An additional benefit is that by clarifying the categories in this manner Aristotle's understanding of impetuousness, weakness, and involuntary action become clearer, which allows for a stronger system of moral education.

Aristotle believes that the "primary source of movement" behind any action is the principle of the action, and that those principles have necessary results.[20] As he states, "all the acts of which man is the principle and controller may either happen or not happen, and that their happening or not happening... depends upon him."[21] Further, what leads the acratic astray is an "internal tendency" which should be considered "voluntary."[22] As mentioned previously, for Aristotle a conclusion of a syllogism of

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[18] Plato, *Protagoras* 355b1 – 4.
[19] Aristotle, *Nicomachean Ethics* 1146b26.
[20] Aristotle, *Eudemian Ethics* 1220b20 – 22.
[21] Aristotle, *Eudemian Ethics* 1223a4 – 7.
[22] Aristotle, *Eudemian Ethics* 1224b9 – 11.

practical reasoning is an action,[23] and the thought of a particular conclusion brings about the desire to undertake it.[24] The role of individual motivation, and the extent to which the conclusions of our practical reasoning ought to be binding are both shown in instances where there is a "necessity of indifference" wherein a man "though exceedingly hungry and thirsty, and both equally, yet being equidistant from food and drink, is therefore bound to stay where he is."[25] Jean Buridan's commentary on this and other passages of Aristotle on motivation later came to be ridiculed, giving us "Buridan's Ass" or a donkey which cannot choose between two equidistant piles of hay, and thus starves to death. (Spinoza commented on Buridan's example, and considered it a proof that Aristotle was incorrect in placing a strong emphasis on the necessity of action conforming with the conclusion of a practical syllogism.)[26] Through discussion of incomplete motivation and cases where an agent is torn between two equally correct choices into moral education, agents can come to see that motivation and prudential reasons against acting need to be considered along with the other salient features. In addition, cases like Buridan's Ass can be useful in displaying that the difficulties of moral motivation are neither unique to a particular agent nor a new consideration arising from societal pressures.

Since Aristotle's conception of virtue is tied up with habitual action, the problem of acrasia is quite important for him. A virtuous agent must not just have knowledge of the right act, but must actually perform the right action. For this reason, when one has the possibility of living a just life, she needs to do so, because simply willing that she was

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[23] Aristotle, *Movement* 701a23.
[24] Aristotle, *Movement* 701a34.
[25] Aristotle, *On the Heavens* 296b30 – 34.
[26] Spinoza, *Ethica* II Corollary to Prop. 49.

just after the fact is an ineffectual as attempting to un-throw a tossed stone.[27] Thomas Aquinas interprets this passage to mean that the actual performing of just actions lies within the agent's grasp, until she has formed unjust habits after which point great effort and practice are required to reform.[28] But just as clearly present here is that, since our habits/virtues can so strongly be affected by actions which we undertake despite our belief that they are wrong (or perhaps, less right), it is possible that acrasia could lead to the unvirtuous habits.

While some may wish to find an agent acratic "in respect to" some particular aspect, such as not sending money for humanitarian efforts in Darfur despite knowing that they money is sorely needed, Aristotle holds that this wish is not in keeping with a correct understanding of acrasia. An agent does not act acratic through choice, but rather "contrary to his choice and his judgment," and as such we ought not speak of an incontinent action as if it was performed through agent choice.[29] Though this is the case, we can classify acrasia into two types: impetuousness and weakness.[30] Impetuous acrasia originates from not taking the proper time to deliberate upon the situation; acrasia through weakness is acting against deliberation because of one's passions/appetites.[31] Of the two types, "excitable people [are] more curable than... those who deliberate but do not abide by their decisions."[32]

An excellent example of acrasia is shown by *Les Misérables* when Valjean while (apparently) lost in thought following Bishop Bienvenu's command that he become an

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[27] Aristotle, *Nicomachean Ethics* 1114a16 – 18.
[28] Aquinas, *Commentary on the Nicomachean Ethics* §513.
[29] Aristotle, *Nicomachean Ethics* 1148a10.
[30] Aristotle, *Nicomachean Ethics* 1150b19.
[31] Aristotle, *Nicomachean Ethics* 1150b19 – 28.
[32] Aristotle, *Nicomachean Ethics* 1152a27 – 29.

honest man[33] steps on a rolling forty-sous piece belonging to a young chimneysweep (Petit Gervais) and does "not seem to understand" Gervais' repeated requests for the return of his coin.[34] This theft of the forty-sous was accomplished by not acting (i.e. not lifting his foot), and having been given Bienvenu's pardon, Valjean was again an ethical agent. Yet, he was unable to take the only action required to uphold the previously established belief in property rights – which was to raise his foot off the coin. He knew the right action, but was unable to take it because he lacked the will to do so. In this case, the lack of will is traceable to his own processing of the implications of the bishop's actions. If we take Valjean's actions here to be acratic, then the theft is outside the scope of morality. He did not act against his reasoning, as his lack of action was not in any way a reaction to a moral reasoning. Examples like this enable us to show novice agents that not every action contrary to moral reasoning/perception is an action that carries moral culpability. Sometimes we are not able for a variety of reasons to act in a manner that we realize is the morally best course of action. Educating agents to the possibility of weakness of the will both enables them to understand what may occur to them and potentially to prevent them from becoming overly critical of others who fail to act in a manner corresponds to the morally correct action.

Understanding acrasia as a condition wherein an agent holds a belief but does not act upon it due to weakness of the will is not a very popular idea. Since, as I noted above, some of the literature on acrasia does not distinguish between the active taking of an action against values (by performing an action contrary to a value) and the passive taking of an action against values (by omission of action), some objections to the

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[33] Hugo, 106.
[34] Hugo, 106 – 108.

possibility of acrasia are passed over here. One reason for attempts to refute the possibility of acrasia is that if one wishes to adopt a conception of ethics where one's beliefs necessarily motivate action, then accidie and acrasia (which often get lumped, intermixed, and confused for each other in their joint denial) present a serious challenge. If beliefs necessarily motivate action, then it is not plausible for an agent to not act upon her beliefs. While there are many subtle differences between accounts which dismiss acrasia, they can generally be categorized in two manners. The first approach, represented here by R.M. Hare, is to simply deny that acrasia is a problem for the theory at hand. The second approach is to differentiate the necessary motivation from belief and the constant conjunction of motivation and belief.

While R.M. Hare states that "moral weakness is the tendency not to do ourselves something which *in general* we commend, or to do something which *in general* we condemn,"[35] he also labels those who knowing act in such a manner "hypocrites."[36] In this schema, Hare admits that psychological weakness provides a legitimate exception to action in conformity with values for those who genuinely believe but do not act, elevating the acratic's 'shall not' to 'cannot.'[37] (For those who can, "in every sense" of the word, perform an action they believe is right, but do not do so, they are either hypocrites, insincere, or self-deceived.[38]) In short, Hare's reaction to acrasia is that the un-taken action was a) not taken because of force, b) not really believed to be correct, or c) the agent is a hypocrite, whose actions do not match her beliefs. His three distinctions are interesting. Of these possibilities, the first matches more closely to the involuntary

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[35] Hare, 72.
[36] Hare, 77.
[37] Hare, 80 – 81.
[38] Hare, 82 – 83.

actions considered next in the chapter than to a discussion of acrasia. The second possibility corresponds in many ways to the voluntary actions considered at the close of this chapter. The final possibility of hypocrisy is a value judgment about the moral status of the acratic, with no reflection given on the possibility of this value judgment being necessary or not. Hare's dismissal of acrasia is in essence to deflect two of the three possibilities (admittedly, in a manner similar to my own schema) and to judge badly those who do suffer from acrasia as it has been used here. This value judgment does not protect his own theory from having to explain how acrasia occurs; it simply labels the acratic bad moral actors.

A different approach is taken by others in the analytic tradition who would differentiate more subtly the relationship between knowledge/belief, motivation, and action. For example, G.E. Moore believes that "to think a thing good" and willing it to be the case is not identical.[39] However, the willing "always both accompanies and is accompanied by the thinking good."[40] Two things are interesting in Moore's account. First, the (implied) causal relationship he is concerned with is that willing leads to thinking good, while acknowledging that willing and thinking are concurrent. Secondly, in this conception Moore does not have a place for actions "willed" by passions (i.e. smoking, eating volumes of bon bons)[41] rather than intellect, nor does he have a place for thinking an action good but not performing it. He allows that actions (rationally) willed must be thought good, but does not provide for thinking an action good but not willing it. William Frankena is willing to admit that "all men are *psychologically* so constituted as

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[39] Moore, 135.
[40] *ibid.*
[41] This example is borrowed from Kubara, 218.

to be moved by the recognition that something is right."[42] Despite this psychological connection, he believes that there is no logical necessity for action.[43] "I should" and "I shall" are logically distinct terms, and phrases such as "I ought but I shall not" are perfectly understandable.[44] Robert Richman picks up on this distinction between the psychological and logical requirements to act (also bolstered by Donald Davidson's "How is Weakness of the Will Possible?") and finds that there is only a "logical relation between an agent's *believing* that he ought to perform a certain action and his performing it."[45] He sees this relation as between belief and action, not between obligation and action.[46] Richman, however, admits that he "assume[s] that most persons' motivational structure is such that, having made such judgments, they will have some tendency to act, or to form an intention to act, in accordance with the practical evaluation in question."[47] This simply returns us to the problem of acrasia for action. If an agent has a value, which in normal circumstances would lead one to act in a particular manner, and the agent does not possess the will to take the action, then she is outside of "most persons' motivational structure," but none the less corresponds to Richman's own description. All that the separation of obligation from motivation does in all these cases (Moore, Frankena, Richman) is to underscore the universal acceptance that in some cases an agent will believe in a given value, but lack the motivation to take action. This lack of sufficient motivation is a problem of the agent's psychology, because there is a logical connection between belief that one should act in a manner and the attempt to do so. In those

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[42] Frankena, 68.
[43] *ibid.*
[44] Frankena, 71.
[45] Richman, 250.
[46] *ibid.*
[47] Richman, 256.

instances where the logical connection does not function as we would expect because of incomplete motivation, we can understood the weakness to be acrasia.

In educating agents to the complexities of (not) acting on moral reasoning, they need to become aware of the possibility of acting against reasoning by not taking an action. If the lack of action taken applies not only in a narrow range of possibilities, but to each possible action, then we should understand the lack of action as originating in the agent's accidie. For any number of reasons an agent declines to take action, any action, and as such the acting against reasoning ought not be considered as indicative of anything about the reasoning. Instead, the lack of action relates to the agent's underlying condition. If the lack of action is more limited in scope, such as a particular instance of non-acting, then the agent could have suffered from acrasia. Acrasia is in many respects (in this schema) a limited form of accidie, and the lack of action is related solely to the agent's inability to bring forth the will necessary to perform the recommended action. Aristotle's distinction between the two varieties of acrasia (impetuousness and weakness) provides further categorization of lack of action dictated by moral reasoning. In my proposed moral education, these distinctions could be illustrated to novices and students through the use of cases and reflection upon observed actions (their own and others) to see more clearly which aspects of the world impact the shape of the situation. Discerning if their own lack of action is from weakness or impetuousness would allow these agents to either build these salient features into the shape of the situation (i.e. "I really ought to admit that I generally cannot follow through on long-term financial commitments, so the best action to take would not be to promise to send regular payments to aid workers in Darfur.") or retroactively understand what went awry in their understanding of the

situation. As agents are in the situation they are evaluating, self-evaluation on these grounds would be an important consideration in learning how to properly discern the shape of the situation (and thus, the morally correct action.) Additionally, as virtuous particularism draws upon a virtue-based approach of life-long improvement, awareness of these inclinations would allow them to shape themselves into better ethical agents.

In contrast to acting against moral reasoning by not taking an action, it is possible for an agent to take an action which is against the conclusion of a practical syllogism. These actions against reasoning can be understood to be voluntary or involuntary in nature and to be limited in scope or long-standing. When the involuntary action against reasoning is limited in scope, it is most similar to acrasia, and as noted above, these instances are often raised in the discussion of the acratic. These situations will be discussed prior to the voluntary actions against reasoning.

In the Aristotelian tradition, we can act against our values either voluntarily or involuntarily. To borrow Aquinas' distinction, "Involuntary action is against the will, non-voluntary action is without the will."[48] Thus if one is 'unwilling to read,' in the normal circumstances this would be understood as a voluntary non-action if one does not. If one is unwilling to read and does so anyway, that action could be a non-voluntary action or an involuntary action depending upon if force is used upon the agent.[49] Involuntary actions are those performed (or not performed) because of threats or use of force upon the agent.[50] In all cases, Aristotle believes that involuntary actions need to be

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[48] Aquinas, *Summa Theolgiæ* Ia2ae. 6,3, footnote d.
[49] Aquinas, *Summa Theolgiæ* Ia2ae. 6,3.
[50] The parenthetical comment here is intended as acknowledgement that it is possible to use Aristotle's distinctions equally to consider actions not taken. As explained above I do not do so both for simplicity of modeling and to make paradigm cases clearer.

painful and involve regret.[51] An involuntary action is one "which impedes and hinders contrary to impulse and choice."[52] These compulsory actions are necessary, and as necessary "is painful" because they are "contrary to the movement which accords with choice and with reasoning."[53] This contrary nature is important. We ought not say that an agent involuntarily performed an action which they desired to do. Only "when something external moves a thing, or brings it to rest against its own internal tendency, that we say this happens by force."[54] Further, "when the principle is from within, there is no force."[55] It can be difficult to determine if an action by another agent was undertaken because of force, but Aristotle provides the general rule that it is more likely that an agent acted involuntarily "if he acted to escape violent than if to escape gentle pain, and generally to escape pain than if to get pleasure."[56] If under duress an agent does an action against values, then that action deserves forgiveness.[57] This forgiveness comes because the act, though against agent moral reasoning, does not originate with the agent but in external circumstance.[58]

However, even in the face of a possible involuntary action Aristotle appears to believe that it is better "to face death after the most fearful suffering" than to take some actions, such as slaying one's own mother.[59] Setting aside the noble death of refusing to take improper action, it is clear that Aristotle believes that forced or coerced actions are

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[51] Aristotle, *Nicomachean Ethics* 1110b17 – 18, 1111a33.
[52] Aristotle, *Metaphysics* 1015a26.
[53] Aristotle, *Metaphysics* 1015a29, 1015a32 – 33.
[54] Aristotle, *Eudemian Ethics* 1224b6 – 9.
[55] Aristotle, *Eudemian Ethics* 1224b14 – 15.
[56] Aristotle, *Eudemian Ethics* 1225a22 – 24.
[57] Aristotle, *Nicomachean Ethics* 1110a24.
[58] Aristotle, *Nicomachean Ethics* 1110b1.
[59] Aristotle, *Nicomachean Ethics* 1110a25 – 28.

outside the scope of morality.[60] When an agent is considering the morality of possible actions the only options that she can reasonably deliberate about are those which are in her power and could be done.[61] For example, when Valjean (then living as Madeleine, the mayor of Montreuil-sur-mer) was in the throws of his deliberation of disclosing his true identity to free another (Champmathieu) who was falsely accused of being 'Valjean the escaped convict,' Valjean could only consider actions that he could do: turning himself in and freeing Champmathieu or not and retaining his position in Montreuil-sur-mer.[62] Valjean could not in his deliberation determine that what was necessary was a pardon from the king, nor could he deliberate upon the necessity for aliens to solve his problem. It is possible for agents to wish such easy solutions to their conflicts, but these imagined solutions ought not be considered deliberation.[63] Assuming that one has already decided to act morally/virtuously then a deliberation decides "how and by what means it is to be attained; and if it seems to be produced by several means they consider by which it is most easily and best produced."[64]

So far, I have considered actions taken involuntarily against moral reasoning. However, it is also possible to consider actions involuntarily not done as fitting nicely in this category. One of Hare's attempts to deny acrasia was based upon the supposition that the agent was not able to act because of force used upon the agent. Far from being properly considered acratic non-action, those instances would firmly lie here with involuntary action. In those instances of non-action, force would be involved to prevent

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[60] This interpretation runs counter to Aquinas who believes that all acts are moral acts. (*Summa Theolgiæ* Ia2æ. 18,9)
[61] Aristotle, *Nicomachean Ethics* 1112a31, *Eudemian Ethics* 1226a1 – 2.
[62] Hugo, 219 – 239.
[63] Aristotle, *Nicomachean Ethics* 1111b20 – 30.
[64] Aristotle, *Nicomachean Ethics* 1112b15 – 17.

action, and one would assume that our agent would feel regret later for not taking the right action, despite her inability to do so.

In involuntary action we find actions (or non-actions) performed against one's will and inclination and against one's normal moral reasoning. In these instances, we can understand the agent's reasoning process to have been silenced as the moral shape changes in light of the prudential reasons coercing action. For John McDowell when an agent apprehends the constitutive aspects of a situation and sees that some feature (or set of features) provides "a reason for acting in some way," that reason did not outweigh or override the other reasons, but instead silenced them.[65] The other reasons for action (in manners contrary to the method taken) did not go away; they were simply found not to be pertinent in that situation. In these involuntary actions, the force (real or threatened) utilized upon the agent is an external fact of the situation which silences the motivating force of the agent's reasoning. The reasons for right action have not changed, as they were neither outweighed nor overridden by other more powerful values. Instead, the reasoning was found not to be applicable in these instances as the agent was not free to act as she otherwise would. Another way of considering the silencing which occurs in involuntary action is to conceive of a syllogism whose major premise is "When one is free to do so, one should act in manner x, as that is the virtuous/right action" and whose conclusion is the action to perform in such a prescribed manner. When silencing occurs, the minor premise shifts from "This is a situation where one is free to act in such a manner" to "This is *not* a situation where one is free is act is such a manner." The silencing which occurs in involuntary action is a rational understanding of the agent's

[65] McDowell, 335.

ability to perform the action, without the major premise (which contains the value) being affected at all.[66] The observation of a salient fact (in this case the inability to perform an action) replaces the minor premise with its complement. This observation "silences all other" salient features which would normally apply and bring about a different minor premise.[67] While McDowell's discussion of silencing ranges more broadly than involuntary actions, his observations are particularly key to the understanding of these incidents.

The evaluation of these involuntary actions/silenced moral reasons can be integrated into moral education in the same manner that other aspects of moral education are done: consideration of paradigmatic case studies, observation of the world, and reflection upon experiences. An excellent example of a moral decision that was altered via silencing is Valjean's initial ethical encounter (the bread stealing scenario). While he believed that theft was wrong, he none-the-less broke a windowpane and attempted to steal bread.[68] At the surface level, this is an action against his general moral reasonings with no force involved. However, while no one had a gun to Valjean's head, it is possible to conceive of Valjean's concern for the health of his nieces and nephews as indicating a potential threat: without action, his family would die. If read in this way, then Valjean's respect for property would have been silenced by the threat of death to loved ones. As such his action, though against his normal moral reasoning, was not a changing in his moral reasoning process as much as it was an action regardless of his

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[66] McDowell quotes David Wiggins in a similar vein in McDowell 343. Wiggins' analysis however pertains to the desire to do the action whereas mine pertains to the applicability of the virtue in question.
[67] McDowell, 345.
[68] Hugo, 83.

reasoning. Interestingly, Aristotle's two telling points for involuntary action are present here. Valjean suffered immediate pain from cutting himself, long-term pain from imprisonment, and took the action in order to avoid the real pain to his wards and psychological pain to himself that starvation would have brought. He also came to later regret the action, believing that he was wrong in doing it. We can understand the action to be involuntary; a perceived threat to others brought about action which in turn brought about pain, and the action was later regretted. In the course of the action, no thought was apparently given to the dictates of his moral reasoning, which seems to show that it was silenced.

I should note again that I am using silencing in a different way then it is sometimes used. One possible use of silencing is to explain how one moral reason trumps other reasons.[69] However, as Dancy's shape theory already has a role for the balancing and integration of individual moral reasons into a larger whole which reveals the overall moral shape and thin moral concept of rightness/wrongness, we need not be concerned with the manner in which the reasons fit together. For this reason, I am using the term in a slightly different sense to apply only to situations where the generally morally correct action is not followed. In this case, we see not some feature of the overall shape silenced. Instead, we see that a moral shape changes because some morally salient feature silences the result of a previous moral reasoning of the shape of a situation (by silencing the saliency of the individual features which had previously made up a moral shape.) When force enters into the picture, it alters the shape of the situation, silencing the previous thin-concept of rightness and allowing a different thin-concept

[69] This is the case in, for example John McDowell's "Are Moral Requirements Hypothetical Imperatives?".

(and different action) to become apparent. Using Dancy's shape theory we can best explain the broader use of silencing as equivalent to what occurs when features of the world are not morally salient. No one disputes that a feature is there, but in not being salient in this decision making process the feature has been silenced (in the broader use.) This distinction is important because had the feature (such as real or threatened force) been included in the formation of the shape because it was salient, then the shape and the resultant thin concept could be different. The broader context of silencing is akin to determining that a feature, such as the day of the week, is not salient here. The narrower context is one wherein the silencing of a saliency causes a shift in the overall moral valence of a potential action. I believe that the narrow context is the best way to understand when a generally morally correct action is not taken because if we understand silencing in this way we can explain these actions in both Aristotle and Dancy's schemas.

In contrast to the involuntary actions that involve a silencing of saliency, a voluntary action is one where we act without any external compulsion.[70] These voluntary actions are the next possibility of actions against moral reasoning to be considered in moral education. Aristotle provides as an example of voluntarily acting against normal reasoning the "throwing of goods overboard in a storm" because "in the abstract no one throws goods away voluntarily, but on condition of its securing the safety of himself and his crew a sensible man does so."[71] Further, as the throwing overboard of cargo did not involve pain, it ought not be considered involuntary. An interesting implication of this example is that apparently Aristotle believes that even external pressures do not shift an action from voluntary to involuntary. In McDowell's terms, the overriding risk to a

[70] Aristotle, *Nicomachean Ethics* 1109b35 – 1110a2.
[71] Aristotle, *Nicomachean Ethics* 1110a9 – 11.

captain and crew's lives could silence their (assumed) belief that one ought to deliver a promised shipment. The jettisoning of cargo was understandable in light of external conditions, and as such, Aristotle submits that this action may be considered neither voluntary nor involuntary but "mixed" and "more like voluntary actions" than not.[72]

This tricky example shows the attractiveness of Dancy's shape metaphor. If the situation is properly seen in light of all salient features, then the morally correction action becomes clear. In most situations, the intensity of the storm and the apparent danger to the life of the crew would lead the captain to throw the cargo overboard. While not strictly speaking an involuntary action, the external circumstances clearly play a central role and act in a manner akin in silencing a "normal" moral reasoning which would require the delivery of goods. However, if the ship was delivering precious but very light cargo, such as a single dose of a rare antivenin, then we would not say that jettisoning was the correct action. In cases like those, the captain's acts should and would be considered voluntary, and as such silencing would not come into play. This example, the jettisoning of cargo, is an excellent case to consider in educating agents because it allows us to question the ease of separating voluntary from the involuntary actions. The cargo example is especially nice in that it is odd paradigmatic of the various instances where there is little theoretical and generalized clarity to the situation, and as such individual factors and salient features need to be considered to determine if the jettisoning was voluntary or not.

In contrast to the muddy example of the ship's cargo, we do have clearer examples of voluntary action contrary to moral reasoning. Aristotle believes that one

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[72] Aristotle, *Nicomachean Ethics* 1110a11.

would voluntarily act contrary to reasonable deliberation in only three ways: mistake, misadventure, or to perform an act of injustice.[73] A mistake occurs when an agent is ignorant of the likely outcomes.[74] Another sort of mistake occurs when the likely outcomes are known, but the agent is mistaken "in what contributes to that aim" or the steps to take toward the desired outcome.[75] A third class of mistake is those cases where the agent incorrectly knows both the desired outcome and the steps leading to it.[76] A misadventure occurs when injury occurs "contrary to reasonable expectations."[77] An act of injustice occurs when an agent acts with knowledge of likely outcomes but without undertaking deliberation on the proper course of action.[78] (If an agent knowingly takes the unjust act after deliberation then "he is an *unjust man* and a vicious man."[79])

We can see then that for an agent to be virtuous they need to undertake virtuous actions, which are understood to be the appropriate mean between excess and deficiency in this particular instance. In order to properly reason through what the proper action and appropriate mean are agents need to know not only the theoretically correct action but also understand the reality of the situation. Making these sorts of decisions requires one to be practically wise. Practical wisdom might lead one to discover that in this instance it is not possible for the generally right action to be done, in which case the reasoning which underpins the action can be said to be silenced.

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[73] Aristotle, *Nicomachean Ethics* 1135b11 – 25.
[74] Aristotle, *Nicomachean Ethics* 1135b11 – 13, 1135b18.
[75] Aristotle, *Eudemian Ethics* 1227b20.
[76] Aristotle, *Eudemian Ethics* 1227b23.
[77] Aristotle, *Nicomachean Ethics* 1135b13 – 17.
[78] Aristotle, *Nicomachean Ethics* 113519 – 24.
[79] Aristotle, *Nicomachean Ethics* 1135b25.

If as a voluntary matter the right action is not performed, we cannot say that the value was silenced, since there was no force or external hindrance to acting in conformity with one's values. Perhaps the agent was mistaken in her understanding of the situation. This could occur if an agent who believed that violence was a wrong action did not stop a murder from occurring on a theatre stage because she believed that the violence was part of a play being seen. She would have made a mistaken voluntary action and, while regrettable, does not display that her understanding of how to correctly see the moral shape of a situation is deficient. Her moral reasoning was not incorrect nor was it silenced as much as it was not activated. Similarly, if an agent has an ethical misadventure wherein she brings about a violent reaction in another then this also has no bearing on her reasoning process. An example of this would be a stranger returning a dropped expensive toy to a child, when the parent knows that the only way the child could have gotten it is through theft. Any angry and/or violent action on the parent's part would be, again, regrettable, but would not affect the agent's understanding of the situation. The stranger saw the moral shape correctly insofar as her available information provided. Working through these possible understandings and cases of moral mistakes and misadventures would allow a novice who is being educated in moral perception and reasoning to see more fully that part of what makes up the moral shape is the projected outcomes of an action. When a shape is revealed, and with it the thin-concept of rightness or wrongness for a given action, built into the shape is a belief about what the outcome of the action will be. Understanding that we can be wrong about the outcomes (though mistake or misadventure) reinforces the importance of considering properly the

action and at the same time reinforces that particularism is a moral realism, and sometimes we just get the wrong result from our reasoning process.

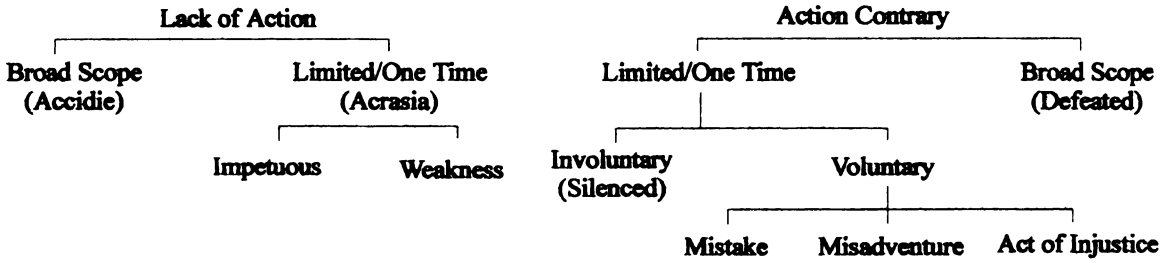
Aristotle also considered that one could act voluntarily to take an action that she knows is wrong. There are two possibilities for these voluntary injustices. Either the action was limited in nature and as such would fall into the purview of Hare's hypocritical attack, or the action would be longstanding and constitute something like an overturning of the reasoning process. If hypocritical, then the action is indeed wrong and against moral reasoning in the clear and normal sense. For example, if one believes in property rights, yet robs a bank simply to gain more money, then she has acted injustly. This wrong action would likely involve no internally imposed regret, but does call the acceptance of a proper moral reasoning into question. If our agent continues to act against this reasoning, then we would claim that the reasoning in question has been defeated or never accepted. If the value is abandoned totally, then we would claim that the value has been totally defeated. An alternative is that the reasoning is defeated in only certain circumstances, and only if it conflicts with other particular values. In those instances of defeated reasoning, we can claim that the values have been ordered in some fashion. The possibilities for value ordering are examined in the next chapter while considering objections to virtuous particularism, so I pass over a discussion of them at this time.

As I mentioned at the outset of this chapter, a potential difficulty for the virtuous particularism I am laying out here is understanding how agents can act against what moral reason would appear to dictate. This is a problem for systems of moral education because it potentially leaves agents knowing the right thing to do, but not taking it. This

situation is problematic for education because if agents do not display the outcomes of the processes of education then we would not know if they had successfully been educated. Aristotle's distinctions provide us, however, with more than just the abstract understanding of the complex nature of acting against reasoning, they also provide us with additional tools for a moral education. Awareness of the various ways that we can act would allow agents to see both prudential reasons which ought to be included in perceiving the moral shape of a situation and an understanding of their own reactions to the results of moral reasoning. By using these classifications for actions against moral reasoning we can assist those learning to properly perceive the salient features of a situation that they need to be attentive to the external factors which are salient (the features that we have routinely been discussing, such as "is an instance of causing pain"), the internal factors which may be salient (i.e. "I never seem to follow through on long range plans), external forces which may alter the outcome of a moral reasoning process (i.e. "But wait, the man with a gun wants me to do something else"). In addition, we can see that even when we take an action that is contrary to what we thought we should do, perhaps we were mistaken ("I thought the mayor said come on Tuesday!"), or incorrectly predicted the outcome of an action ("Ah, perhaps I hit him a bit too hard.")

Thus far, I have shown how we can understand both an agent not taking an action which appears to be morally correct, and the taking of an action which appears contrary to what is morally correct. By utilizing Aristotle's distinctions between various types of incontinent action, and more carefully schematizing them, I have augmented and amended the preliminary typography presented earlier. The following figure displays the richer and more nuanced understanding developed in this section.

Figure 3: Augmented Typology of Actions against Moral Reasoning



What these distinctions show is that it is possible to have a nuanced understanding of how one can act against moral reasoning. For Aristotle, these distinctions are useful to understand how an agent can fail to take the virtuous action. For strong particularism, these distinctions enable us to see both that not all actions against moral reasoning function in the same way (thus reinforcing the particularity of even the reasoning process) and that there is a manner to explain and contextualize instances where people act in manners at odd with their moral reasoning. In that virtuous particularism draws upon both Aristotle's moral theory and strong particularism, it is useful that both accounts are strengthened by this understanding of actions against moral reasoning. However, since I rely heavily on Dancy's theory to establish the attractiveness of strong particularism, a question remains: to what extent does this typology conform to Dancy's shape metaphor? In the next section, I return to Dancy's theory to display how these same actions are captured in his view.

Dancy's Shape Theory

As I laid out in the second chapter, Dancy's particularism utilizes as a metaphor for the moral reasoning process the perception of the moral shape of the situation. This shape is composed of and the result of the various salient features of a particular situation. The correct observation and understanding of this moral shape is crucial to being a completely moral agent, which is what led me to propose that Dancy's theory be

augmented with Aristotle. From Aristotle's account of moral education we can see how our agents can be trained and habituated to discern a correct moral shape. But it is just the correct discernment of the moral shape that remains a problem. How are we to understand agents who appear to have perceived a correct moral shape, but do not act upon the thin moral concept which is the result of that shape? As it turns out, the understanding just developed serves to explain these situations well. In this section I briefly look at the possibilities previously considered and show how they are accounted for in Dancy's moral shape theory.

The first possibility considered was the accidic individual, who has a broad scope lack of motivation to act. These individuals do not take moral action, but more importantly they do not appear to take any action unless forced to do so. The accidic individual does not represent a problem for the motivating force of moral reasoning, but rather represents individuals who lack all motivating forces. As Dancy notes, a possible cause of accidie is depression.[80] If there is a lack of motivation flowing from successful moral reasoning (which is to say, "seeing" a thin moral concept), we could safely claim that the agent does not really understand what is occurring. Such a lack of comprehension might be akin to the manner in which we when watching a theatrical play "know" the morally correct thing to do in the situation but do not actively interrupt the performance to ensure that the action occurs. In this understanding the accidic individual might "see" the shape, but not know that it is relevant.

Another possibility is that the accidic individual does not see the moral shape herself as much as she knows that others would see it in a certain manner. These agents

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[80] Dancy, *Moral Reasons* 5.

might understand and be able to explain why the shape is structured in the way that it is, but have no more involvement with the actual outcomes of the shape than an undergraduate philosophy student who has written a paper on how a Kantian would understand suicide. In both the case of the undergraduate and the accidic agent the total picture may be correctly seen, and even the reasons for the thin moral concept being what they are understood, but there is a lack of involvement in the outcome. In Dancy's theory, we are served best to understand accidic individuals not as moral agents themselves, but as those who merely know what moral judgment others would make.[81]

As acrasia is a more limited non-action than accidie, some of the previous understanding follows in these cases as well. It should be noted that in Dancy's theory we are not concerned with agents who appear acratic because in one situation they act to stop a robbery and in another robbery situation they do not act. Acrasia ought only be applied to agents who seem to not act in conformity with the overall thin moral concept; for particularists one is not acratic for recognizing that a reason sufficient for action in one case is not sufficient in all cases. Thus, we really are only concerned with actions against the total moral shape, not actions against elements of the shape. (When speaking of this more broad sense of acrasia, Dancy notes "the weak-willed person is motivated by every consideration he recognizes as a reason."[82] But it is not with every consideration recognized as *a* reason, but with the resultant shape from *all* reasons with which we need to concerned.) There are some possibilities here. The acratic individual may "know" the shape without understanding that the case at hand is not an exercise in proficiency training. The agent may be impetuous, and act prior to actually seeing the moral shape.

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[81] Dancy, *Moral Reasons* 5.
[82] Dancy, *Moral Reasons* 16.

(I am envisioning a situation like leaving a room and only later realizing that something awful, like child abuse, was occurring.) A third possibility is that the agent actually is weak of will, in which case their action in this limited case is likely a weaker form of accidie. None of these possibilities diminish Dancy's overall theory. The mistaken trainee can be said to have not properly seen the shape, as it appears that a necessarily salient feature would be accepting the reality of the case at hand. The impetuous agent cannot be said to have acted against the shape by not acting; their lack of action occurred prior to the shape becoming clear. In the third case, the case of true weakness, I again believe that the best way to understand these situations is that the shape is not so much seen as understood.

The various forms of actively taking action contrary to what the thin moral concept of rightness or wrongness calls for (as revealed by the moral shape) are fairly easily understood. The involuntary taking of action against moral reasoning (silencing), as well as the voluntary acts against moral reasoning through mistake or misadventure can all be understood as instances of not properly seeing the moral shape. If silencing is understood to be occurring only in cases where one is forced to take action, then the force needs to have been an element in understanding the moral shape. Seen properly in light of the impending (or threatened) harms, the shape would seem to shift in a manner such that the (forced) action would be the action the shape would reveal as correct. Similarly, if an agent voluntarily takes action and discovers through action that they were mistaken about what was correct (perhaps resulting in a misadventure) then we would again say that they had not properly seen the shape. Here, and throughout, I am accepting Dancy's claim that it is the objective presence of the salient features, not the perception of them,

that matters.[83] Silencing, mistakes, and misadventures occur when the perceived shape is not identical with the objective shape. (We come to see the objective shape through the process of moral education I am advocating to augment Dancy's pure theory.)

The final two possibilities of acting contrary to moral reasoning are more difficult to understand. Individual acts of injustice and long-standing dispositions which appear to indicate that moral reasoning have been defeated appear to be contrary to Dancy's theory. If we conceive of a moral agent who has been sufficiently well educated to be able to discern and act properly in every proceeding situation presented, and then on one occasion, and one occasion only, acts contrary to what the shape reveals is correct (and, indeed, can explain the 'right action' shape to others if asked) we can only say that this agent performed an act of injustice. They knew the morally correct act, and without any force or external stimulation did the wrong act. This limited action appears to be the active parallel to acrasia through weakness. The only possible explanation of the action against reason would be something like claiming that she "knew" the shape, but did not see it as her shape. In not enacting what the thin moral concept calls for, the agent would have performed a wrong action. If she understood the correct shape, but did not accept it, we could perhaps consider the revealing case of insufficient moral education. Alternately, if this action and others which follow are consistently seen as actions contrary to knowledge of the right action(s), then we should understand our agent as either evil or a sociopath who understands but does not accept moral reasoning.

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[83] Dancy, *Practical Reality* 52.

Comparing Accounts

Dancy's pure theory and the augmented theory I have presented both have adequate accounts for how to understand actions (and lack of actions) contrary to what proper moral reasoning calls for. Interestingly, since Dancy's consideration of these problems tends to occur at the level leading to his overall theory, his pure account for these actions comes down to two basic possibilities. Either agents who act contrary to the thin moral concept of right action did not properly see the moral shape or they ought not be considered moral agents. Correct perception of the moral shape avoids the difficulties of impetuousness, silencing, mistakes and misadventures. The remaining problems of accidie, true acrasia, and acts of injustice (both short and long term) are best understood as occurring to non-moral agents.

In virtuous particularism, we can see the richness of possible understanding of these various acts, and in all but the most extreme of cases can see them as revealing the need for further moral education. Since it, unlike Dancy's pure theory, provides an account for how moral education can occur, virtuous particularism is uniquely situated to account for how to address these situations going forward. Dancy's pure theory can only call for a better understanding of the moral shape in instances of silencing, mistake, and misadventure. Virtuous particularism can utilize the fine distinctions between the sorts of conceptual errors involved in these actions, and utilize them not only to train this agent, but also include such cases in the training and habituation of other agents.

Both strong particularism generally and my theory (as a strong particularism) rely upon the acceptance that the analysis of the rightness of an action should occur after the perception of the moral shape. (Though this in many ways complicates the situation; the

perception of the moral shape includes the awareness of which action is right.) Other accounts which reject the shape theory and rely instead upon principles can utilize the same terminology used here to account for the ordering in various ways of pluralistic principles and values.

These other accounts, which could usefully accept elements of the schematic account I have offered for actions against reason, suggest some possible objections to my account of moral education. The first possibility is that the moral education that I suggest is in fact not a training in how to discern moral saliency, but instead an implicit teaching of rules to follow to discover saliency. As strong particularism entails the belief that morality is uncodifiable, it would be odd indeed to use rules to discern morality. In answering this objection, I need to be throughout aware of that moving too far from particularism (as this 'rules' education objection seems to be asserting) is not the only problem. Perhaps by holding firm to particularism I am left with a moral education that cannot educate in that there is no essential moral character in the features of the world that we can teach others to observe.

In the next chapter, I confront these various pluralistic accounts and the objections that they could bring to my virtuous particularism by conceiving of them as bringing forth a dilemma. Has my theory in embracing Aristotle's moral education moved away from particularism, or, in remaining true to particularism, have I established a moral education that is empty of any content?

CHAPTER FIVE:

Confronting Objections, Facing a Dilemma

Two basic sorts of objections can be raised to the augmented strong particularist view that I have laid out here. The first variety concerns the manner in which agents would come to appreciate the salient features in a given situation. Some might claim that by augmenting Dancy's particularism in this manner I am accepting a variety of ordering procedures to be taught and thus allowing generalism to creep into a particularist ethics. This class of objections operates from the understanding that individual reasons function as *prima facie* or *pro tanto* reasons for action, or that individual reasons for action can be ordered on a limited or formalized manner. In order to respond properly to these objections I explicate the possible stances, and show how these charges are based upon a misreading of Dancy's project, not on the augmentation that I offer here. These objections, while apparently directed to my project, in fact are against strong particularism.

The second variety of objections focuses not on the content of the education system I offer here, but on the possibility of discerning morally salient features at all. I have situated my proposal as filling in an epistemic element missing in Dancy's pure theory and some may object that my solution still does not address the central difficulty of differentiating the morally salient from the non-salient. I respond to this objection by showing both the metaphysical basis of the epistemology I offer and by suggesting that no one else is in a position to make this claim. I close my consideration of this objection by partially conceding that my account does not provide this mechanism, but believe that this is a strength of the account.

Both classes of objections taken together should be understood as attempting to display in differing fashions a dilemma. By augmenting strong particularism in the manner that I have, it is possible that either I have become a generalist (thus turning away from particularism), or that by holding onto particularism (and rejecting generalism) I have not sufficiently explained how we come to know which terms are salient. The objections that I consider here can thus best be understood as claiming that I have either abandoned the particularist project, or in not abandoning it have failed in my own. Of course, I do not believe that either claim is correct, and respond to the attempted dilemma by rejecting the implicit either-or of these claims. My responses to the claims show that it is possible to reject both horns of the dilemma, without being caught under the (metaphorical) hooves of those who would reject particularism.

In this chapter, I consider in turn these sorts of objections in three major groupings. First, I turn to and dismiss the possibility that my proposed moral education rests upon a formalized ordering of moral saliencies. Next, I look at the possible grounds for objecting from those who believe that virtuous particularism while rejecting principles maintains something akin to *prima facie* or *pro tanto* ordering of salient features. These two possibilities can be understood as the first horn of the dilemma: the possibility that I have embraced generalism through moral education. Finally, I consider the extent to which my view does adequately explain how to discern the situation-particular saliencies. This objection is the second horn of the dilemma: by remaining particularist I am unable to explain what moral agents ought to learn.

Formalized Ordering

After the discussion in previous chapters about the metaphysical basis of strong particularism it should be apparent that particularism cannot accept any system of ordering of saliences. Since the moral shape of a situation, and the resulting valence of an individual possible action, is determined by the relationship between all the features of a situation, and every situation is different, particularists believe that it is not possible to rank *a priori* which feature is more relevant than another. However, in formalized ordering approaches there is an explicit understanding of a hierarchy of relevancy. When features which are generally salient come into conflict there is an understanding of which feature will carry the most weight in the situation. Since their prioritization is done in advance these theories need not include an account of how one distinguishes the feature with the most weight. If my account of moral education included, even implicitly, such a weighting of features then my account could not properly be said to be strongly particularist. I can continue to term my account particularist because it does not include a ranking of this sort.

At first glance, it would seem obvious that virtuous particularism does not embrace any formalized ordering of principles. Based both in strong particularism and an Aristotelian moral education, my approach rejects the possibility of even codifying attributes which are morally relevant. However, given that the system of education I have proposed would include reflection of cases and mentoring by others a plausible objection could be raised here. Without explicit safeguards to protect the mentors from both modeling behavior and bringing forth cases which lead to an implicit formalized ordering, moral agents could become convinced that they understood which features were

not only commonly salient and also in what way the features interact. For example, an agent might come to believe that while salient, property rights are rarely the deciding factor in a moral decision after considering cases including Valjean's theft of bread, governmental seizure of private property for purposes of economic development, instances of communal ownership, and municipal seizure of automobiles for unpaid parking tickets. This agent however will be unprepared to properly determine that it is generally morally wrong to commit armed robbery, at least partially because a salient feature in these instances is that it represents a violation of the property rights of the owners of the property being taken.

At one level, we can easily dismiss agents who would incorrectly make these decisions as those who need more moral training. Further, since the moral education I am proposing, like Aristotle's, retains a role for laws we have some safeguard. The first step in moral education would have to include bringing agents into familiarity with at least the broad outlines of the sorts of behaviors and actions which are illegal, impolite, and generally discouraged by society as a whole. At later stages of moral education agents would come to see that legality need not always be conformed to (as in protests advocating for broader civil rights, or in speeding to take an expectant mother to the hospital.) But both the incorrectly and incompletely educated agents could come away with an understanding that there are potentially some moral features which have unitary moral valence (i.e. 'is wrong-making').

Yet, virtuous particularism denies this unitary metaphysics. It is not the case that a feature or principle with right-making attributes in one situation will have right-making attributes in all situations. Far from promoting that a given feature is always valuable,

the process of moral education that I offer displays to students throughout the variability of moral valence. No account of formalized ordering can accept morally variable features. As the variability of saliency is key to the proposed moral education it should be clear that my account does not rely upon formalized orderings. Virtuous particularism, like all strong particularisms, calls for agents to make moral decisions after reflecting upon the totality of the features of a situation. The phenomenological approach embraced by particularists is geared toward the eventual acceptance of the variable and uncodifiable nature of morality.

The best response to the possibility that incorrectly or incompletely educated agents would make mistakes is to insist that the problem here lies not with virtuous particularism, but with an incorrect or incomplete education. Just as in mathematics, science, geography, or any other field it is possible for students to be incorrectly or incompletely educated. Yet when citizens oversimplify in mathematics or science, or incorrectly remember their state capitals, we do not say that the field itself is flawed. Instead, we claim that they either did not learn it properly, or unfortunately had a bad teacher. The same may be said for virtuous particularism; some agents will not learn properly and others (hopefully few) will have bad teachers. Neither account makes it necessary or likely that my approach will lead to a formalized ordering of salient features.

Limited Orderings

As my account denies the central feature of formalized ordering (invariant moral valences), my account clearly cannot be said to have shifted to generalism by adopting some sort of formalized ordering. The situation becomes, perhaps, less clear if we shift from formalized and hierarchical ordering systems to more limited orderings. These

limited orderings are similar to strong particularism in paying attention to the particulars of the situation, but continue to hold that certain features remain morally salient in the same manner whenever they occur. They are generalist in their acceptance of principles to guide moral decision making, but particularist in applying these principles to individual situation. If my account of moral education can be shown to have implicitly adopted a limited ordering process, then it rightly can be said to have brought generalism into particularism. Since my proposed moral education would include consideration of cases, agents could come to see that while not formally ordered there are features of the world which tend to function in set fashions. The observation would not be totally in error as part of the process of moral education would be to bring agents to be atuned to which aspects of the world are generally salient. But education about what considerations are generally salient could be considered to be an education into the incomplete, and perhaps imprecise lists of features which are relevant. When we recall that strong particularism holds that there is no reason to believe that because a feature was relevant in one case that it will be relevant in the same manner in another case, these general saliencies become problematic. Virtuous particularism would not be a strong particularism if the education process offered included a partial codification of moral features. To confront this objection I look at the possibilities and problems in views which provide partial ranking of values, such as W.D. Ross's *prima facie* duties, or duties "at first sight," Shelly Kagan's *pro tanto* obligations, which hold only to a partial extent, or Tom Beauchamp and James Childress's principle based approach to biomedical ethics.

Different theories of partially ranked ethical duties or obligations are commonly considered. Ross's theory of *prima facie* duties relies upon the earlier work of H.A.

Prichard. (Ross was Prichard's student, and acknowledges his debts to Prichard in the Preface to *Right and the Good.*)[1] Ross's work is in turn used by Kagan in his *pro tanto* obligations, and in a different manner in Beauchamp and Childress's principles of biomedical ethics. These various accounts of "conditional duties"[2] differ in both terminology and the duties/obligations/principles (hereafter duties) that they consider, but they share a common belief that these duties are "more or less incumbent on [an agent] according to the circumstances of the case."[3] In this way, these accounts can be said to resemble particularism because the individual circumstances of the cases can cause the overall valence of an action to change from "is right" to "is wrong." However, what separates these accounts from strong particularism that these approaches hold that we can make general claims about ethical duties of fidelity, non-maleficence, respect for autonomy, etc. Various duties are proposed by individual thinkers, but they all accept that there are duties which generally hold and that one ought to act upon a duty unless obligated by some other, and stronger, obligation originating in another duty.

The *prima facie* duty concept (understood here as applying equally to Kagan and Beauchamp and Childress as well) does quite well explain some possible moral actions. For example, if we consider both Madeleine/Valjean's duties to Montreuil-sur-mer and Fantine to be *prima facie* duties of beneficence and his duties to Champmathieu as originating in the *prima facie* duties of justice, then we can understand why after confessing his true identity he returned to Montreuil-sur-mer. His duties of beneficence were not defeated, but simply found to be *prima facie* less obligatory than his other duties

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[1] Ross, *Right and the Good* v.
[2] Ross, *Right and the Good* 19.
[3] Ross, *Right and the Good* 19.

in this instance. In confessing his true identity, Valjean will have taken an action which was at the same time right and wrong. Valjean's action fits the classic account of Rossian *prima facie* duties: "In virtue of being the breaking of a promise, for instance, it tends to be wrong; in virtue of being an instance of relieving distress it tends to be right."[4] Further, having acted against some of his duties, Ross believes that an agent will feel that it is his "duty to make up somehow" for the obligations not followed.[5] This new obligation can explain in part Valjean's continual care for Cosette, though in this case there is the additional new promise made to Fantine on her deathbed. Having defeated in this instance one *prima facie* duty, he atones for his not following through on prior obligations by taking on a new, more onerous obligation.

However, the ease of using this conception to explain some moral decisions disguises that this conception erases multiple differences between situations by pointing out the similarities that exist. If we continue to look at Valjean's moral experiences we see that strong particularism does a much better job of explaining them all. The differences between Valjean's theft from the baker, the bishop, and the boy Gervais cannot be understood as equal in any manner except that all three involved the potential for him to uphold a property-rights belief. In each instance, he did not uphold the belief; but each "failure" of his value to hold came from different conflicting values (more precisely, the first two deal with family health, and justice while the third can best be described as a mistake in the Aristotelian sense.) Accounts which rely upon *prima facie* ordering point out the feature which is consistent between all situations while obscuring the very real differences between the situations. It should be clear that strong

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[4] *ibid.*
[5] *ibid.*

particularism is not compatible with these approaches for both metaphysical and epistemic reasons.

Metaphysically, these accounts all conceive of reasons for action as functioning in an additive fashion. This conception of reasons to act is not unintuitive. Louise Dickinson Rich draws upon just this sort of conception when she writes "When a problem comes up of decision between the friend who is loyal, steadfast, and trustworthy and the friend who is truly all this and charming as well, the charming friend wins."[6] Similarly, in these accounts the additional presence of one duty induces action accordingly. However, as was shown in the explication of strong particularism reasons do not act only in an additive fashion. A feature which is a reason for action in one case might be a reason to withhold action in another. Consider the standard example of an individual who likes both chocolate sundaes and anchovy pizza. While our agent enjoys each, it seems unlikely that she would enjoy either anchovies in her chocolate sundae or ice cream on her pizza. On a moral level, consider the manner in which the feature "is likely to cause happiness" functions. Even outside of a utilitarian perspective the presence of this feature in a situation might induce one to act in a particular fashion, such as when returning a puppy found wandering the streets to the house displayed on the puppy's identification tags. However, as Roy Hattersley points out, the happiness that fox-hunters derive from their hunting might be a reason not to support the hunting.[7] The feature of predicted happiness supports an action in the first (puppy-returning) situation, while it detracts in the second (fox-hunting) situation. (An alternate to the fox-hunting example is that predicable happiness in both the executioner and crowds in instances of

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[6] Rich, 232.
[7] Hattersley. Quoted in Dancy, *Moral Reasons* 61.

public hanging of rapists is a reason not to conduct the hangings publicly.[8]) A reason for an action in one situation is not necessarily a reason for action in another; further, the changing valence of a feature shows that reasons do not necessarily function in an additive manner.

Metaphysically much depends for Ross, et al. on consistency being a praiseworthy thing, but given the variable moral valence of salient features, even if those features are understood to be *prima facie* duties, *pro tanto* reasons, or key principles for applied ethics, consistency is not a good on its own. These accounts fail to explain as well as strong particularism how moral reasons function at the metaphysical level, and as such objections originating from these theories (to the extent that the objection proposes integrating the theory, as opposed to Aristotle's account of moral education) do not meet expectations.

These accounts also face epistemic challenges from virtuous particularism. Where my account provides a description of how it is that an agent learns to pick out the morally salient features in a situation (which may well include the features these accounts assume), these accounts do not. While all the accounts considered (including virtuous particularism) suppose that moral knowledge begins with the observation that a given feature makes a difference in a particular case, the accounts quickly go in different directions. Ross believes that through a *modus ponens* deduction we find some set of truths which are necessary at the universal level if not at the particular.[9] Ross likens the learning of the "general principles of duty" to the manner that we learn mathematical

[8] Dancy, "An Ethic of Prima Facie Duties", 223 and 228.
[9] Dancy, *Ethics Without Principles* 155 – 156.

axioms.[10] He states, "What comes first in time is the apprehension of the self-evident *prima facie* rightness of an individual act of a particular type. From this we come by reflection to apprehend the self-evident general principle of *prima facie* duty."[11] Of course logically this makes no sense. Something true at the universal level is true at the particular level by subalternation. Since strong particularism never codifies a set of features as relevant, there is no parallel difficulty for virtuous particularism. Further, since the salient features in a given situation can include normally mundane features (such as the color of one's shoelaces), strong particularism need not explain how we learn to distinguish moral from non-moral features. Virtuous particularism presupposes that all reasoning (moral and non-moral) functions in the same way. By providing privileged positions to some aspects in moral reasoning, these various accounts ought to provide a description of how and why the moral reasoning process differs from the non-moral. They do not do so. These theories may have been able to pick out some features which are generally salient in moral decision making, but by reserving a strong role for these features they retain problems that they need not retain. Each theory embraces in some fashion the particular nature of moral decision making, but the privileged position they retain for some features prevents them from being sufficiently particular. Virtuous particularism is a preferable theory because it both explains how we learn what features are salient and is a strong particularism.

The remaining claim to be considered is that by augmenting strong particularism with virtue-based moral education I have slipped into advocating a training in the generalism that is foundational for Ross. This claim is possible only because of the

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[10] Ross, *Right and the Good* 32.
[11] Ross, *Right and the Good* 33.

surface acceptance by Ross, et al. of the importance of particulars. Where they have proposed a (sometimes fragmentary) list of duties to be upheld, the moral education I propose here does no such thing. In the education of moral agents individual features of situations can be emphasized, but the differences between all of the features is not diminished. Perhaps this is best shown in the above examples drawn from Valjean's moral experience. It is possible to show a continuity between the manner that Valjean acted, but if we turn to each instance of moral decision making we see much more clearly that in each instance he was making a unique decision for action based upon that unique situation. Cases can be used to teach how to pick out moral features without showing that all cases involving similar features are decided in similar manners. These cases serve not only to display the salient features but also assist in reinforcing the strong particularist claim that no two situations are the same.

In refuting the possibility that my account has embraced generalism I have diffused the first horn of the objection dilemma. As I noted at the outset of this chapter, virtuous particularism can fail in two manners, either by accepting generalism and thus not longer being particularism, or by rejecting generalism and thus not providing an account of how we come to know what features are morally salient. I now turn from the first horn of the dilemma to the second.

An Epistemic Objection

A strong objection to the augmentation that I provide is that the moral education that I propose here does not provide a manner of distinguishing moral from non-moral features. If every feature of a situation is potentially salient for a moral decision, then particularist agents in each instance would be reasoning with an almost infinite

conjunctive series. In the consideration of a given moral shape an agent would have to evaluate the presence of every possible feature in order to determine the proper action to take in this instance. This seems unwieldy and inappropriate. A system of moral education ought to train agents to discern what features are important, and to do so must have some methodology for distinguishing the salient from the mundane features of a situation. By avoiding general rules, I may have inadvertently proposed a moral education which does not educate.

It is worth noting that this objection, in contrast to the prior objections considered, cannot be easily answered by returning to the metaphysical basis of strong particularism. Unlike the other horn of the dilemma, this objection does not rely upon a metaphysics which is contrary to particularism. Instead of proposing that virtuous particularism is not particularist enough, this objection probes the epistemic component of the education to test if moral education can remain particular.

An initial response to this objection is to return again to the metaphysical basis of virtuous particularism. All reasoning processes, and all reasons, function in the same manner. Claims that there are special features (the "I'm morally salient" tag in this case) for some reasons and not others is to mistake entirely particularism. We cannot in the abstract and beforehand decide what features are morally salient; in an instance of moral decision making the agent apprehends the total moral shape of a situation and understands the morally correct action to take. This approach reinforces why the ordering approaches cannot be said to work, but admittedly does not address if moral education occurs. I can claim that virtuous particularism will not allow a feature to be

known to be salient prior to experiencing a situation, but this simply reinforces the objection.

An alternate response to this objection is to engage in a bit of *tuo quo que* attack. Even Kant, who believes that moral law is known *a priori*,[12] retained a role for observation and reflection. In the *Metaphysics of Morals*, Kant addresses that given the "latitude" ethics "allows in its imperfect duties, unavoidably leads to questions that call upon judgment to decide how a maxim is to be applied in particular cases."[13] In addition, there are multiple maxims that could potentially be tested in any situation.[14] For this reason, Kant finds that "ethics falls into casuistry" which he understands as "a practice in how *to seek* truth."[15] Kant's method of considering cases to discern using our skill of judgment what is relevant is remarkably similar to the process of moral education that I offer. For example, while Kant generally believes that killing oneself is wrong,[16] by considering cases of both what may be termed "small deaths," such as offering one's tooth to another, amputation of diseased organs, and the suicide of a man bit by a rabid dog, he shows that the prohibition against killing oneself is not a clear cut as it first appears.[17] We would through interaction with individual cases and the world around us test our moral judgment by first reflecting upon the likely outcome of the action, and then reflecting upon any difference between the actual and projected outcome. With continued observation our skills at discerning morally salient features would increase in

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[12] Kant, *Groundwork* 4:411.
[13] Kant, *Metaphysics* 6:411.
[14] *ibid.*
[15] *ibid.*
[16] Kant, *Metaphysics* 6:422. cf. *Groundwork* 4:422.
[17] Kant, *Metaphysics* 6:423 – 424.

ability, though it would remain the case that these features would not be distinguishable from non-morally salient features.

While I admit that establishing that even non-particularists, such as Kant, share in the some fashion the methodology that I propose for educating agents in morality is not a strong response to this epistemic objection, it is a response. Perhaps the best response to this objection, which I understand to be pointing out that my methodology does not sufficiently provide a manner to distinguish the morally salient from the non-moral (or at least not-morally salient) features, is to acknowledge that this is the case. Virtuous particularism does not provide a methodology for distinguishing the moral from non-moral. The lack of this element in the account is not a flaw but a strength of the account. Individual features of a situation, even those considered generally morally salient, are not always morally salient. Other features which are generally not morally salient may well be so in some isolated case. Rather than providing an incomplete and flawed list of features to be aware of, Aristotle's process of training agents to be virtuous established that moral decisions are made by individuals, in individual circumstances, and that the proper action to take is the one that is done at the right time, in the right place, and to the right degree. Further, in my approach the distinction between moral and non-moral features of the world is apparent only in their relationship to the other features of the world. Every feature is potentially a morally relevant feature, and every feature which sometimes is salient not always salient. In addition, salient features do not always function with consistent moral valiences, and salient features do not always carry the same weight in moral reasoning. These complications lead us to turn back to the particularities of a case, rather than focusing on generalities, trends, and protypes of rules.

Moral decisions are necessarily particular, and can be made in better or worse manners depending upon the background that an agent has. Moral education in how to be virtuous enables agents to make these particular decisions, and do so in a better manner. Through virtue based moral education agents come to both reflect upon their own past experiences, their understanding of the world, and what those believed to be wiser have done in similar (though not exactly identical) situations. This education will lead agents to see more clearly which features of *this* situation are relevant, and in what way they interact with each other. Further, having previously considered many different instances of moral decision making, they could come to see not only what action is morally correct in this instance, but when there are multiple morally correct actions, predict which action will lead to better possibilities in future situations. While strongly particularist, the agents should come to take actions that are morally correct in this instance and avoids potential unpleasant situations.

An interesting thing about the line of thinking underlying this objection is that by attempting to separate the morally salient from the non-morally salient, saliency itself becomes a factor in the understanding of the world. While we can hold ourselves apart from those who believe that there is a "I'm morally salient" tag attached to discrete objects, we cannot in the end separate the act of perceiving something as salient from the thing itself. As Wittgenstein noted how it was that we could pay attention to the shape of an object thing without paying attention to its color,[18] when we note the salient features of a situation we are struck by some portion of the total picture. There is nothing unique in the feature which makes it salient; this very observation undergirds particularism.

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[18] Wittgenstein, *Philosophical Investigations* part II, 180.

Something which is salient in one situation may not be salient in another, or may be salient in a different valence.

This objection is in many ways a daunting one. By questioning if the moral education that I propose here is able to fulfill the promise of learning how to pick out morally salient features we are brought to an odd theoretical discussion. While this objection appears to asking "well, did you do it?" in reality it is asking if strong particularism can measure up to an epistemic standard that is not met elsewhere. When we teach another to do any task we test for comprehension by testing in new cases. Since every case is a new case, every case is distinct from the prior cases, and each case has features that other cases lack, we can apparently never know for sure if someone has learned what we attempted to teach. Far from just being open to rule-learning/rule-following considerations, virtuous particularism faces an odd trade-off.

If there is some feature in the world that allows us to test for saliency, then strong particularism is wrong in that it is possible to codify in some fashion what features matter. However, if there is no such feature in the world, then it appears that we are stuck agreeing with Wittgenstein that our perception of the situation is "an internal relation between it and other objects."[19] The relationship between the facts of the world and our perception of these facts creates and is identical with the "moral shape" of the situation. For this reason it is not possible to separate the seeing of the situation from the seer of the situation, or the situation that is being seen. The moral education that I offer here brings agents to the point where they can be aware of seeing the world, and that their observations of the world invariably affect what they view.

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[19] *ibid.*

Avoiding the Horns

In answering these objections, it is always possible that I have muddied the waters more than they were before responding. As I sketched out these objections I proposed that while they can be understood as three separate objections, they represented the two horns of a dilemma. The first horn is represented by those who might claim that by advocating for this form of moral education I have embraced generalism, and thus turned away from the strong particularism that grounded the theory. This horn was represented first by those who might believe that a formalized ordering of morally salient features would be presented, and secondly by those who see in the limited ordering approaches of Ross, et al. something akin to the moral education I offer. My response to both of these classes of representatives was to show the manner in which my account is not generalist at all.

The second horn of the dilemma, the epistemic objection, comes from those who would claim that by not embracing generalism I am left with a moral education which offers no education in how to pick out the particulars of a situation that matter. Since my project is to provide just this sort of education, this objection is a serious one. My response to this objection is to agree partially. Moral education in light with virtuous particularism will not tell agents that *this* and not *that* feature is salient. Doing so would undercut the very particularism that is advocated by the moral education. However, conceding this point is not to concede defeat. My moral education model does not provide this ability because it is not possible to provide this ability through a closed set of lessons and cases. Instead through the use of lessons, cases, mentoring, reflection, and reinterpretation, agents come to see how every feature of the world is potentially salient,

the features contribute in various ways to the moral valence of potential actions, and that it is important to reflect on both the situation and prior experience to come to understand not only what action is best in this instance but also how to explain to someone else what moral shape was present, and why that shape led one to take a particular action.

Strong particularism holds that the features of a situation when observed come together in a moral shape which displays the morally correct thing to do for this agent in this situation at this time. There can be no substitute for actually experiencing the world and diverse situations. For this reason the moral education that I offer is based upon mentorship, modeling, and consideration of cases and the world. With time and more experience agents come to know better how the see the world and the shapes of situations. The education that I offer is designed to bring agents to the point that they also cannot only be aware of the features of the world that impact their decisions, but understand that their seeing of the features is itself contestable and variable.

I have rejected both the possibility that virtuous particularism has become generalist and that it needs to become generalist. My hope is that by dodging both horns of the dilemma I have left virtuous particularism in a theoretical space that is safe from both forms of objection. However, the possibility remains that in confronting these objections the shape of the theory began to shift as some theoretical features came to greater saliency while others diminished. The testing and probing of this account serves on one hand to strengthen its legitimacy by displaying that it contains responses to likely objections. Yet, by focusing on the areas of likely objection, this account of the theory serves to also lessen its impact.

The discussion in the present and preceding chapters has at many points been driven by the need to explain and respond to various alternatives and objections to both strong particularism generally and virtuous particularism specifically. This structure should be considered neither shocking nor unnecessary. In order to understand a theory, one must often distinguish it from other possible theories if only to note how the theories differ. However, there is a problem inherent in theoretical discussions: the belief that by simply shifting theoretical markers around in our head we had made progress.[20] In order to both more clearly delineate the theoretical boundaries of virtuous particularism, in the concluding chapter I present both a summary and re-statement of virtuous particularism as its own theory, noting only in passing what differentiates my work from others.

[20] MacKinnon, 13.

CHAPTER SIX:

Virtuous Particularism

There should be two goals for any process of moral education. First, the morality which is taught should be based upon a sound understanding of the nature of morality. Secondly, the education that is offered needs to be one which provides touchstones and guidance for future moral experiences. These goals should not be shocking, as they ought to be the goal of any education, be it in mathematics, engineering, or literature. An education in mathematics which contradicted expert understandings of the unique properties of zero (for example, in division), an education in engineering which ignored exposure to past failures of the discipline (i.e., the Tacoma Narrows Bridge), or education in literature which did not provide the means to determine the meter of a previously unseen poetic form (perhaps the fairly rare octameter septet) would all be considered to be a failed education. Moral education needs to meet the same standard. In this chapter I lay out virtuous particularism and show how it meets this standard. In doing so, I draw together and summarize the previous chapters.

Virtuous particularism draws upon two approaches in ethics: strong moral particularism and Aristotelian virtue theory. By bringing together these two I am able to provide to moral particularism a method of moral education while bringing to virtue theory an account of moral motivation. If my bringing together of these approaches does nothing else, assisting in these difficulties is a helpful contribution to moral theory. However, virtue particularism goes beyond just clarifying confusions and filling in lacunas. By clarifying the confusions and filling in the lacunas I have also established

more fully what sorts of moral education are possible, and what the limits of moral education are.

At the center of virtue particularism is the acceptance of the thesis that morality is best explained in light of uncodifiable holism. In moral reasoning, just like with any other reasoning, we make decisions based upon looking at all of the relevant features in the situation. The possible features of a situation are numerous and we cannot tell in advance which features will make a difference in determining the morally correct action. Further, in one situation we might find that the presence of a feature, for example 'is owned by a third individual,' is more likely to make the removal of the property wrong. This would be the case in evaluating if one should attempt to take the *Mona Lisa* from the Louvre. However, in another situation if we were to stumble upon the *Mona Lisa* in an acquaintance's living room, the presence of the 'is owned by a third individual' feature would be more likely to make the removal of this property right. Thus, morality is uncodifiable both because of its complexity and the variable moral valence of morally salient features of the world.

One of the implications of accepting uncodifiable holism is that moral decisions can no longer depend upon a set of rules or principles to guide actions reliably toward what is morally good. These sets would at best be an incomplete list of features which are relevant in some, but not all, situations. Perhaps more problematically for those who seek moral codification, the use of these sets of moral rules could blind an agent to other features uniquely relevant in a specific situation. Instead of relying upon anything like a checklist of moral features, agents instead should examine the situation at hand, consider

all the features which appear relevant to a moral decision, and act upon the potential action which is clearly morally right in this situation.

The discernment of which action is clearly morally right arises out of the appreciation of the salient features. The presence or absence of individual features functions in two manners. First, they function to close off options until there remain only few potential actions. In this manner the combination of various features works like the individual tiles in a sudoku number game or the pieces of a jigsaw puzzle. On some occasions, the correct choice will be clear as there would be only one option. In other instances, an agent has to follow a combination of reasoning about consequences and stepping back and looking at the larger shape being formed by the individual features. Some moral decisions, like some puzzles, are easy to solve. Others require that agents are experienced and observant. To this point my description is true of all strong moral particularisms. But, missing from other strong particularisms is a recommended manner for bringing agents to the point where they are experienced and observant enough to make correct moral decisions in instances where there appear to be multiple morally correct actions, or in situations where it is hard to discern the overall moral shape of the situation.

Just as particularism holds that agents determine what is correct in an individual situation based upon what features are present, virtue theory holds that the correct action for an agent is going to depend upon the particulars of the situation. The virtuous agent is one who consistently is able to discern not only what action is correct, but how the proper action is to be done in terms of timing, intensity, tone, etc. In addition, through virtue theory we come to see that it is a mistake to both over- and underemphasize the

importance of any particular feature. We can go wrong both by foolishly risking our lives by rushing into jeopardy needlessly and by cowardly shirking any danger. For this reason agents need to be aware not only of the world around them, but also of their own inclinations so that they can be aware of how their passions could be shaping how they see the world.

Additionally, virtue theory brings with it a process of moral education so that agents can come to understand how the various aspects of the world interact with each other to form unique situations. It is this moral education which is at the center of the bringing together of moral particularism and virtue theory, though virtue theory can be understood in a manner generally consistent with particularism.

Though it seems like an odd starting position for educating agents in strong particularism, the starting point for virtue particularism is the same starting point as in Aristotelian virtue ethics: laws and social norms. The first step in moral education needs to protect society from those who are unable to properly reason through moral decisions. These non-moral agents include the very young, the immature, the incompetent, and those who are prevented in some fashion from reasoning well. Laws based upon generalized standards of right action would by necessity focus on activities which are dangerous to oneself and others, such as violence, traffic control, intoxication, etc. In addition to these civic laws, citizens would become aware of what could be termed social laws, or etiquette. Beyond activities prohibited by criminal law are a host of behaviors that need to be observed to live in polite society. These laws would focus on behavior that makes life (un)comfortable for oneself and others, such as keeping appointments, not telephoning or visiting others late in the evening, and topics to avoid in conversation. (It

is worth noting in passing that much of what makes up non-criminal civil law consists of attempts to codify just these sorts of social behaviors. For example, zoning laws are an attempt to formalize how to be a good neighbor.) The purpose in learning these laws (criminal and social) is not to inculcate citizens into a set manner of behaving, as this would be both against virtue theory and strong particularism, but to establish a baseline of behavior which those who cannot be brought to moral competency can use to guide their behavior. However, there needs to be an acceptance on the part of the moral community that those who follow these dictates are exempt from (at least severe) moral sanctions, as following the law is a minimal level of moral awareness.[1]

Obviously, this cannot be the ending point for a system of ethics which rejects principles as action-guiding. The next stage of moral education is to take agents through an understanding of how these laws can be found to be inapplicable, or even if applicable irrelevant to making a morally right decision. At this point, some person or group of persons would begin the process of mentoring agents as they become more morally mature and assist them in sharpening their skills of moral observation. Parents and teachers seem to naturally fill this role in western democracies, but this role could be filled by anyone. The Christian tradition of naming a friend or relative a godparent nominally in charge of religious education is an apt model for non-parental mentoring.

The early stage of mentoring would include bringing agents to see that laws and norms necessarily are flawed because they cannot capture all possibilities. If confronted with a violent attacker, it is appropriate to use violence, though violence is generally

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[1] I am thinking here in a fashion I take parallel to Kant's reasoning in "On the Supposed Right to Lie..." that "public justice can hold nothing" against an agent who tells the truth in all occasions. (8:427)

illegal. Similarly, rushing the victim of a violent attack to the hospital is cause to ignore traffic laws. In the social realm missing one's appointment because she was rushing a friend to the hospital is generally morally acceptable, as would be calling the spouse of the victim to have them come to the hospital regardless of the time of the call. Further, while in the hospital the victim may have need to explain her religious beliefs or how medication is affecting her digestive system. This early stage of mentoring is intended purely to show agents that sometimes laws and social practices need to be violated, and that often these violations are acceptable, understandable, and praiseworthy.

The next step in moral education is for agents to become more aware of what makes an action morally correct. Two processes would occur concurrently here. Agents would work through a series of cases and stories of moral decision making to become exposed to how particulars of a situation can make the moral valence of an action change. At the same time, agents would be shown how attempts to codify morality at this stage, be it Rossian *prima facie* duties, Canberran moral patterns, or religious doctrines end up either with the same problems as societal laws, or lack clarity in guiding actions. These two elements should occur concurrent to each other so that agents do not come away from a series of case studies with a formalized or limited ranking of morally relevant features. The cases considered should be drawn from a rich variety of sources, and would almost certainly have to be introduced in a manner that is different for different agents. Thus, if an agent is consistently finding that pain is a 'wrong-making' attribute, consideration of cases of athletic preparation, military training, and dentistry should lead her to perceive that this feature is not universally wrong-making. If one is not able to conceive of a counter-example, it may be enough for the agent to have discovered

through moral education that counter-examples do occur and that our understandings of moral valence needs to contain an expectation that we may eventually discover an instance where the valence diverges from our previous experience.

During all stages of moral education, from inculcation to laws, through consideration of case studies, agents would find that around them moral behavior is being modeled by their mentors, parents, teachers, friends, and neighbors. This modeling, of course, never ends, but it is really at the stage following the consideration of cases that I believe agents would come to question these diverse individuals as to why they took (or did not take) a specific action, how they reason through their moral decisions, and how they determine what laws will be followed in which instances. The process of modeling both allows for more cases to be considered and displays that there are people who are better and worse at making moral decisions. Agents will come to see that there are some individuals whose actions can be used as a model for moral decisions, and others who cannot be. What sets these models apart from cases considered is that generally it will be possible to ask others why they took the action they did, a possibility that is not present for individuals in a case study, like Francis of Assisi or Atticus Finch.

In this process agents come to see that correct moral decisions are made based upon the circumstances before them. From the available possible actions, agents need to come to the morally correct action based upon the features which are present here, as well as determining the proper timing and intensity of action. A specific action, for example using force to subdue a bank robber, is not always appropriate. In some instances, taking this action could cause others to come to harm. Even in an instance where this would be a morally correct action, agents need to be aware that the extent to which they use force,

as well as the timing of the action, could change the action from morally correct to morally wrong. Thus, using too much force as the robber is surrendering to the authorities[2] would make the action wrong, precisely because of the extent or the timing. Right actions occur not only because the action is right in light of the salient features, but also because they are taken at the proper time and using the proper amount of "enthusiasm."

As agents experience more of the world and encounter the various ways that one can be brought to make a moral decision, they should be encouraged by their mentors to be utilize self-reflection. Just as they consider cases to hone their ability to discern moral saliences and question mentors and models for understanding of moral decisions made, agents need to consider their experiences. These reflections could enable them to see not only where they have previously gone awry in making moral decisions, but also enable them to see their own predilections toward what features are salient. Just as the mentors previously should have introduced cases for consideration that were at odds with what students tended to determine, agents need to take up for themselves the burden to determining if they are weighing a feature too heavily. Perhaps if they were inclined to value property rights heavily, they would (re)consider cases where it is not clear that property rights are paramount, like a Valjean bread-theft, Kohlberg's Heinz Dilemma, Robin Hood stories, or governmental taxation. From this stage of self-reflection the assumption is that agents would come to rely less and less upon their mentors and would instead seek out the opportunity to better understand morality on their own.

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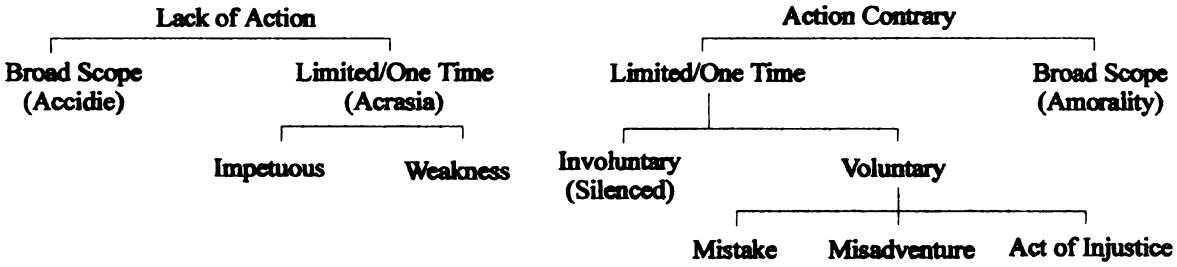
[2] I am assuming here that our agent is not a member of the class of authorities (i.e. police, Secret Service, FBI) normally involved in resolving a bank robbery.

At this point it seems to proper to note that not all agents will continue to undertake self-evaluation, seek out new cases or experiences, or work in other ways to increasingly fine-tune their moral perception and reasoning. While unfortunate, those agents who do not continue to become "experts" in moral decision making will have available to them the skills and knowledge that they had previously gained. Some of these skills may degrade over time without continual practice, much like an individual's ability to calculate the first derivative of a formula in calculus. However, since the earliest stages of this moral education is awareness of societial laws and norms, it seems that for those who are not able to continue to develop their moral perception they will remain bound by laws and norms as these will be continually reinforced. Others will see that sometimes it is appropriate to break laws for a moral purpose. Some will retain knowledge or awareness of particular cases, models, or mentors that they encountered. However, the hope is that like someone learning to cook that eventually agents will come to enjoy not only the end-product of decision making, but also find the process of making a moral decision is enjoyable. These experts could come to take pride in their ability to discern salient features and act properly, while always looking for a new feature or means of considering a situation. While they may not be able to have their cake and eat it too, they certainly can prepare their environment such that when the opportunity comes to utilize an ingredient/skill they can do so.

While the training I have described thus far is generally in keeping with strong particularism, it draws heavily from an Aristotelian virtue education. At the stage of self-reflection we see how strong particularism can assist in an agent's understanding her actions. Perhaps most problematic in self-reflection is coming to grips with instances in

which it is clear that one did not take the proper action. By revising slightly the augmented typology of actions against moral reasoning presented in chapter four, we can get a typology which is useful for self-reflection.[3]

Figure 4: Virtuous Particularist Typology of Actions against Moral Reasoning



As strong particularism rejects overarching principles for moral decision making, the first two categories that should be considered are the 'broad scope' categories. If an agent finds that she has consistently not been acting upon moral decisions, then it is likely that she is suffering from accidie, perhaps due to depression. After becoming aware of this fact, she should seek out clarity as to what is causing this. If the cause is depression, then medical or psychological care (or both) may be indicated. At the other extreme, if an agent is routinely acting against what she believes is the moral action, it may be that the agent has come to consider herself amoral, or that morality does not apply to her. She could have a firm grasp of what morality would call for, but find that there is no real reason to follow morality's dictates. Again, in this instance medical or psychological care may be indicated as amorality is understood as concurrent with sociopathic behavior. In the middle cases, the agent can come to understand that her lack of action could be caused because she succumbed to her passions either by not reasoning (impetuousness) or

[3] This typology is one of many possible understandings of actions apparently against moral reasoning, and emphasizes paradigm cases rather than the gradient differences that could occur between them. Having said that, this ordering is one that I feel is particularly useful for self-reflection in that it allows agents to discern patterns in their own behavior that may need additional attention.

by ignoring reasoning (weakness.) In some instances we are involuntarily forced to take actions we do not believe are proper (silencing), commit mistakes of reasoning, or accidentally take an action contrary to our reasoning (misadventure). In each of these cases, knowledge of how these occurred can assist in understanding later chances at moral decision making. Finally, and hopefully rarely, it is possible that an agent willingly did an act of injustice. Understanding that this wrong action fits into the overall scope of one's life could lead an agent to determine that the wrong action had its own consequences (perhaps punishment by authorities for violating the law.)

While these classifications are derived from Aristotle's distinctions, ordering them in this manner is most helpful for strong particularism. From particularism we can come to see that these actions are unique, and need to be understood only in the context of an overall discernment of what is moral. Just as agents look at the particulars of the situation to determine which action is correct, they can, through looking at the particulars of their moral decision making, come to understand their unique moral difficulties. By looking at the moral decisions and moral actions that one has made, an agent can come to see the shape of the sort of moral agent that she is. This process of self-reflection would take skill, practice, and some would be better at it than others, just as some are better at describing a building, or the moral shape of a particular decision, some would be better at seeing their own placement in the typology. The agent who is apt to impetuous actions can attempt to learn from this awareness to slow down and consider more fully moral features even in situations that do not appear at first glance to involve morality. The agent prone to misadventure can realize that she needs to focus again more fully on the

outcomes of situations, and perhaps return (again) to case consideration so that she can become more competent in this area.

The fully competent agent would enjoy mentoring others in the process of becoming a more astute at making moral decisions. The process of mentoring was laid out above, so I do not repeat it here. However, it is worth noting that even at this stage our agent finds herself with the possibility to see anew aspects that perhaps had become customary or usual. Just as children's questioning of their environment can lead parents to becomes more aware of their own thought process, mentoring others in the process of becoming a full moral agent could involve a re-appreciation for the basic skills of appreciation of the environment and the manner in which features interact with each other in particular ways for each situation of moral decision making.

While this education includes both awareness of laws (criminal and etiquette), and the consideration of limited orderings, at no point in this moral education are moral agents encouraged to follow these orderings at the expense of particularism. The only individuals encouraged to (somewhat) blindly follow these methods are those who for one reason or another are not able to be moral agents, like the young or incapacitated. By not providing a list of features of which to be cognizant, this theory avoids metaphysical problems that theories other than strong particularism cannot. However, by refusing to provide this list, it may be that this education is less than complete. Agents will not be able to, without fail, discern that a certain feature is morally salient or not. Though this may be a weakness of another account of moral education, in this instance it is a strength. As a strong particularism, virtuous particularism holds that a feature which is relevant in one situation need not be relevant in another. In addition, it is possible for similar

features in different situations to act in different manners (i.e. in one instance be a 'right-making' feature, and in another be a 'wrong-making' feature.) The educational account that I have offered, while it does not provide a list or codification of morally salient features, does enable agents to come to see both how these variable valences occur, and to have experience with them. In this way they come to be educated, though perhaps not in a fashion that is easily recognizable.

At the outset of this project I laid out that a problem for theories of strong particularism is that they lack a means of explaining how agents come to discern which aspects of a situation are morally salient. As strong particularism is as an understanding of morality which believes that what is moral is determined by the interaction of all the features of a situation, and that it is not possible to codify which features will be important nor how features interact with each other, the lack of a process of moral education was particularly troublesome. If agents cannot rely upon a list of principles for moral guidance, how are they to determine in the abstract if an action is morally correct or not. A partial answer is to reject that agents can determine in the abstract at all. Moral decisions are always tied to the situations in which the occurred, and the morally correct action is the one which becomes clear upon consideration of all the relevant features.

In the preceding, I have presented a fuller solution of how to bring agents to be able to determine for themselves which action is morally correct. Borrowing from virtue theory, we can see that agents need to be able to find the right action to take at the right time, in the proper setting, and to the proper degree. These particular features cannot simply be taught to another, but instead can only be inculcated in another through exposure to laws, mentored guidance in selective rejection of those laws, consideration of

cases, observation and questioning of mentors and models, and self-reflection. This model of moral education is in keeping both with the broader tradition of virtue ethics and with strong moral particularism. As such, this augmented moral particularism can aptly only be termed virtuous particularism.

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