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Theory, Practice, and Moral Reasoning

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Abstract and Keywords

This article argues that one needs to make use of moral principles in order to satisfy a normative requirement on responsible moral inquiry and discourse—the requirement of “consistency,” or systematic coherence. Sometimes thinking about right and wrong in particular cases is called applied ethics. In particular, bioethics, business ethics, environmental ethics, and legal ethics are included as branches of applied ethics. This article includes these under moral practice, but uses the term more broadly so as to include any attempt to determine what is morally permissible, forbidden, or obligatory in particular circumstances. Such contexts are mainly informal and routine matters that do not come under the heading of a particular discipline such as medical ethics. This article therefore argues, by implication, that an adequate moral theory must articulate and defend moral principles. It is concerned primarily with the attempt to justify moral assessments of act tokens.

Keywords: moral principles, moral inquiry, applied ethics, bioethics, business ethics, environmental ethics

The study of moral philosophy, how exceedingly beneficial may it be to us, suggesting to us the dictates of reason, concerning the nature and faculties of our soul, the chief good and end of our life, the ways and means of attaining happiness, the best methods and rules of practice; the distinctions between good and evil, the nature of each virtue, and motives to embrace it; the rank wherein we stand in the world, and the duties proper to our relations: by rightly understanding and estimating which things we may know how to behave ourselves decently and soberly toward ourselves, justly and prudently towards our neighbors; we may learn to correct our inclinations, to regulate our appetites, to moderate our passions, to govern our actions, to conduct and wield all our

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practice well in prosecution of our end; so as to enjoy our being and conveniences of life in constant quiet and peace, with tranquility and satisfaction of mind.

Isaac Barrow

We can no more learn to act rightly by appealing to the ethical theory of right action than we can play golf well by appealing to the mathematical theory of the flight of the golf-ball. The (p. 625) interest of ethics is thus almost wholly theoretical, as is the interest of the mathematical theory of golf or billiards.

C. D. Broad, *Five Types of Ethical Theory*

A philosopher is someone who seeing something work in practice, wonders whether it will work in theory.

Unknown

In recent years there has been a steady flow of skeptical reactions to the very idea of an ethical theory. The doubts take various forms but include, at least, the question of whether our ethical beliefs or judgments can be codified or captured by any structure that deserves the name of a theory. My topic is a different one. Even if such structures were possible, there are additional doubts about the relationship, if any, of such a theory to our moral practices of judging, evaluating, and determining how we ought to act. It is clear that if we are to understand and evaluate such doubts, we need some fairly clear understanding of what an ethical theory might be.

Bernard Williams, one of the skeptics, suggests the following conception of an ethical theory. "An ethical theory is a theoretical account of what ethical thought and practice are, which account either implies a general test for the correctness of basic ethical beliefs and principles or else implies that there cannot be such a test" (1985, p. 72). Jonathan Dancy suggests a similar conception: "a list of basic moral principles, a justification of each item on the list, and some account of how to derive more ordinary principles from the ones we started with" (1991, p. 219).

The first thing to note is that moral theories include at least two distinctive types of theory—to use Scanlon's terminology—Moral Inquiry and Philosophical Inquiry. The first "has the aim of clarifying our first order moral concepts and judgments, clarifying the grounds of the judgments we make ... and clarifying the relations between various moral concepts such as rights, justice, welfare and responsibility." Philosophical inquiry, on the other hand,

[a]ims not at establishing which claims merit acceptance as moral truths but rather at explaining what it means for there to be such truth at all. What kinds of claims do moral judgments make? How can we best understand the distinctive importance and authority that they seem to have for us. (1995, p. 344)

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So, if we ask about the relationship of moral theory to moral practice we have to ask, at least, about the relation of moral inquiry and philosophical inquiry separately, as these are theories developed to satisfy different aims, and may have different relations to practice. One would expect, for example, that the former has more relevance than the latter.

The next thing to note is what I have in mind by moral practice. Sometimes thinking about right and wrong in particular cases is called applied ethics. In (p. 626) particular, bioethics, business ethics, environmental ethics, and legal ethics are included as branches of applied ethics. I certainly mean to include these under moral practice, but I am using the term more broadly so as to include any attempt to determine what is morally permissible, forbidden, or obligatory in particular circumstances. Such contexts are mainly informal and routine matters that do not come under the heading of a particular discipline such as medical ethics.

What I shall mean by moral practice is to be distinguished from the attempt to justify very general moral principles, for example, the principle of utility, and also the attempt to justify moral assessments of act types, for example, it is wrong to lie. I shall be concerned primarily with the attempt to justify moral assessments of act tokens, for example, it is wrong for me to lie to my student about his philosophical abilities in order to avoid an uncomfortable situation. These all-things-considered judgments have been called “verdictives” by Philippa Foot, and I will use her terminology (Foot, 1978, p. 182).

1. Possible Interpretations

In this section, I will canvass the various interpretations that have been advanced concerning the relation between moral theory and practice. Some of these are not directly relevant to my topic but are mentioned for the sake of completeness. For example, there is a considerable literature devoted to what might be thought of as the converse of my topic—how do we develop ethical theory in light of our particular moral judgments? Do we test our moral theories in terms of their implications for our considered moral judgments? Can a coherence between our theories and judgments validate our theories, or does this beg the question of whether our judgments can be considered reliable?

The main set of claims concerns the ways in which theory enters into the determinations of practice. It should be noted that there are two kinds of claims at issue. The first is a normative one. The relation between theory and practice ought to be the following: For example, theories provide principles that, in connection with particular facts, allow deductions of what to do, and are the proper way of justifying such particular judgments. The second is a descriptive claim. If we observe the way people reason to particular moral judgments, we see that they deduce them from general principles (which are

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supplied by moral theories). If I do not explicitly refer to a descriptive claim, I should be understood as examining normative claims about the proper use of theories.

(p. 627)

Such claims include the following views.

Deductive: Moral theory is related to practice as premises are to conclusions. A moral theory contains rules or principles that, together with the details of the particular circumstances, allows us to deduce the right thing to do.

Balancing: Theory provides us with a list of relevant factors, or a set of prima facie principles. But we get from these to particular judgments by a process of intuitive balancing.

Norm specification: We start with the norms of theory, but rather than deduce the conclusions of practice, we engage in a process of making the norms more specific. We replace general norms by ones that reflect more accurately the details of our case until we arrive at a norm that, by deductive reasoning, settles the case.

Virtue theory: The virtue theorist defines right action as the action that a (perfectly) virtuous agent would (characteristically) do in the particular circumstances we are faced with. Therefore, to determine what to do in a particular case one must determine what the virtuous agent would do.

Reflective equilibrium: This is best thought of as a way of justifying principles that could then be used in any of the ways already listed.

All of these suggest some role for moral theory. A number of views deny that theory plays any significant role in determining particular moral judgments. These include:

Particularism: There are no general principles, or even lists of factors, that enable us to determine what to do. A factor that has weight and direction in a particular set of circumstances may have a different weight or direction depending upon the circumstances of another case. As already mentioned, particularism is the denial that moral theories are true and, therefore, the claim that they can play no role in moral practice. But the theory leaves open how we ought to arrive at particular moral judgments.

Casuistry: We start from particular cases in which we are confident of our judgments and then reason by analogy to new cases. Like particularism, this theory denies that moral theories ought to play a role in justifying particular moral judgments. Unlike particularism, it need not deny that moral theories are true and play some other role.

A distinct set of claims concerns the issue of whether a theory is supposed to be used to inform practice or whether it has some other role. This is the issue of two-level theories, such as indirect consequentialism (one version of which has rules validated by utility and cases settled by rules). These are views that some (p. 628) theory stands in an indirect relationship to our moral practice. A distinct question is whether a theory provides us

with an explanation or account of what makes an action right but does not claim to be useful in thinking about what to do (Bales, 1971).

2. Deductive Reasoning

The brunt of skepticism about the use of moral theory to moral practice has been borne by the claim that the relation between the two is one of deductive inference. The claim is that there are quite abstract principles about act types that, together with the premise that the act at issue falls under one of these principles, determines deductively that the act is permissible or not. So, if we have a theory among whose principles is “It is always wrong to take the life of an innocent person,” then when faced with the example of whether it is permissible, while driving five badly injured persons to the nearest emergency room, to drive over someone trapped in the middle of the road, we deduce the conclusion that we must not drive over her. For surely the person in the road is an innocent person.

It has seemed to some that the relation between ethical theory and determining what to do in particular circumstances must be deductive, for what else could it be? In principle, one might think that one could reason inductively, that is, from the belief that in past cases like this, the right thing to do was X, and therefore it is likely that the thing to do in this case is X. But, as the foregoing example shows, we are at least hypothetically, and sometimes actually, faced with cases that we have never encountered before; not even cases roughly similar. And, in any case, even when faced with a case similar to those encountered before, we must have reason to think that the past generalization is correct, that is, X was the right thing to do. But, at least for the first of those cases encountered, we could not have used induction from the past.

If the relevant reasoning is to be deductive, then we must have principles available that are absolute in form. That is, they must be of the form “All acts of type A are forbidden, obligatory, or permissible.” The antideductivist claim is that we don't have such principles, or, more cautiously, that any such principles we do have are very unlikely to figure in any decision we might have to make. It is true that the infliction of pain on babies for the amusement of those present is always wrong. But what quandary about our own acts is it supposed to help resolve? Who might we be dealing with who needs to be told this?

The obvious riposte is that we do have such principles but they are much more complicated than the example of killing innocent persons supposes. The (p. 629) principle governing the taking of innocent life is of the form “It is always wrong to take the life of an innocent person, unless (a), (b), ... (w).” For example, (a) might be the case in which no matter what we do, innocent persons will be killed, and in such a case we may kill the fewer number, as in the case of a pilot whose plane is doomed to crash and who has a

choice between a more populated and a less populated area, aiming his plane at the less populated area.

But it is not at all clear that we have principles of this type either. For the list of exceptions cannot be known to be closed, or even, if closed, of manageable computational length. It has been suggested that the principles might be always attached to an “other things being equal” condition. But, as Brandom and others have suggested, “the function of *ceteris paribus* clauses ... is not to mark something else that might be equal, and that when filled in would make the inference deductive rather than defeasible; it is, rather, to mark nonmonotonicity in inference” (2001, p. 468).¹

There is also the issue of monism or pluralism. Assuming that deductive inference were available, it is crucial whether there is (ultimately) only one principle or many in the best or true theory. For if there are multiple principles, then the possibility arises of conflicts between them. More than one might apply to a set of particular circumstances and give conflicting results. So, to use an example made famous by Thomson (1971)—that of the kidnapped violinist, in which the kidnap victim is forced to give life support to a stranger by having her organs hooked up with his, and in which, although she can unhook him, doing so will kill him—we may believe that it is always wrong to take the life of an innocent person but also that no person is required to make large sacrifices (particularly those involving the use of her body) to preserve the life of another person who has not been given the right to use her body. If, in these circumstances, to deprive the person of life support *is* to kill an innocent person, then we cannot deduce the correct thing to do. If we had priority rules for the multiple principles, this would be different, but no system currently available has such an ordering.

As to the systems, such as monistic utilitarianism, that do have a single principle, they are scarcely credible, and if they were, they rely on empirical determinations (what action would maximize human well-being or preferences into the [foreseeable?] future), which rule out deductive inference, because we can never be confident about the truth of the premises.

However slim the evidence for deduction from one principle, or a ranked list of principles, the view remains dominant because of the “What else?” claim. Unless, and until, some other convincing account is presented about how we can make, or ought to make, our particular moral judgments, it will remain the default position.²

(p. 630) 3. Balancing

The model of balancing does not seem to involve deduction, for its whole point is that there are no priority rules by which to order multiple norms. The position, called “intuitionism” by Rawls, has been defined by him as follows: “[a] plurality of first

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principles, which may conflict to give contrary directives in particular types of cases ... and no explicit method, no priority rules, for weighing these principles against one another: we are simply to strike a balance by intuition" (1971, p. 34).

The main objection to balancing is that it seems to leave the agent incapable of giving reasons for his decision other than to say that is how it strikes him, and that there does not seem to be a way of determining after the decision whether it was correct or not.

It is obvious that in other kinds of practical reasoning we do something like the balancing of plural and incommensurable factors. The student deciding which college to attend, the physician diagnosing a patient on the basis of various symptoms, the person deciding how to allocate financial assets for retirement do not operate on an algorithm. They accumulate information about the various options, they use various value criteria, and then they choose. "On balance," they say, it seems the right thing to do, and they can point to various factors that seemed to them the "more important" ones.

In addition, in such cases, there are criteria for whether the outcome was mistaken. The student will find out whether he is satisfied with his choice, and he may have indirect evidence (from friends who made other choices) that he would not have been as satisfied with another choice. The physician will find out whether the treatment based on his diagnosis improves the patient, and may have subsequent tests that confirm his diagnosis. The woman who arrives at retirement will see whether her accumulated assets allow her to live the kind of life she wanted to.

The issue is whether something analogous takes place in the case of moral reasoning. For, after all, the agent does have views as to what are the relevant factors in the case, why some of them seem to be more important (given the particular mix) than others, and uses her best judgment to determine the proper outcome. It is not as if nothing can be said on behalf of the particular determination that was reached.

What about the issue of whether there are tests for the correctness of the decision? As Hare put this point, "I do not object to rational weighing or judging, in which there is a way of telling whether it is done well or ill" (1988, p. 224).

I think it is reasonable to think that there are these kinds of considerations with respect to moral decisions as well. Having made a particular decision, we have to see whether we can adhere to it and live by it. Is the decision one that, (p. 631) because of consistency requirements, creates more moral dilemmas for us than we were faced with originally? Are the cooperative relations with our fellows made more difficult or more congenial? Do we find that a life lived in accordance with this decision is more or less meaningful than previously, or than one that would have been led if we had made another decision? Does the precedent of this decision lead to new decisions that seem reasonable to us, or do the new decisions based on this precedent seem sufficiently distasteful that we are led to reconsider. In short, "Try it; you'll like it" is not a bad way of determining whether we were mistaken or not.

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Still, there remains the suspicion that balancing can be used in arbitrary and inconsistent ways. How can we prevent the person who distinguishes the case before him from similar ones in which he has decided differently by pointing to some feature *x*, simply declaring that the addition of *x* seemed to him to be so important that it changed the nature of his decision? In the absence of something like a general reason, does balancing simply become fiat?

A different approach to the task of balancing is to claim that all such weighing must be in terms of values, that is, some feature that is good or bad, or casts a favorable or unfavorable light on the alternatives being weighed. Such an evaluation may be particularistic in character. In each case of conflict, there is some value that provides a means of evaluation of the choices. The choice that comes out highest on that value scale is the one that should be chosen. Whether such a strategy will prove successful cannot be settled a priori. It is a hypothesis that must be tested by first seeing if some of the choices that we are confident are correct are resolved in that fashion—and whether that strategy can be projected onto new cases and provide solutions that stand up over time.

Those who defend the role of theory believe that it is the only way to avoid mere fiat in the balancing of reasons or values. Again, the issue can be resolved only by comparison of the use of theory to alternative structures.

4. Norm Specification

One attempt to go beyond the first two models—deduction and balancing—is the idea of norm specification. Associated with Henry Richardson (1990), the idea is that when we have plural norms, we attempt neither to introduce priority rules (enabling deduction) nor to simply balance conflicting norms and weigh them against one another—the first because there are no such rules available, the second because the metaphor of weighing is misleading in assuming that there are independent weights which the balance measures. The idea of norm specification is (p. 632) that we start with a set of norms considered as typically qualified by “generally” or “for the most part.” When faced with cases of conflicting norms, we attempt to specify one or more of the norms until the point at which it becomes obvious that the case before us falls under it and that no other conflicting norms cover it. The specified norm does not replace the original norm, in the way in which if we find an exception to an “absolute” norm, we build it into a revised norm. The specified norm remains alongside of the original norm, both honoring the point of that norm, and, in some cases, allowing the original norm to dictate actions of compensation or apology (Richardson, 1990).

As an example, suppose we are faced with the case of the Nazi storm trooper inquiring as to the whereabouts of Anne Frank, when we know where she is. Our only alternatives are to speak truly or to lie. We have a norm: For most actions, the fact that it is a lie makes it

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forbidden. We also have a norm: For most actions, the fact that it would save an innocent person from being murdered, without comparable cost to the agent, makes it required.

The idea is to modify the norm against lying by supplying particular circumstances so that it does not apply to the case before us. In this case: For most actions, the fact that it is a lie told to someone who is not going to use the information to violate the rights of others makes it forbidden.

It is clear that this procedure does not allow us to arrive at verdictives by deduction. For one thing, a norm preceded by a “for the most part” cannot yield any conclusion about a particular case. In any case, it is not merely a balancing of one norm against another, since it is possible that only one norm is at issue. Finally, we are to arrive at a new norm, which balancing does not do.

The specified norm will be controversial, but that is not problematic. What is at issue is how one can defend the new norm—precisely the point that is supposed to improve the situation over balancing. The idea is that we are to engage in a process of reasoning about the new norm and its relation to the old, and to evaluate the new system by seeking reflective equilibrium. What is the point of the original norm, and is it preserved in the new? Do the particular circumstances built into the specified norm seem relevant to the issue? Are there assumptions built into the original norm that may be legitimately questioned and revised in the specified norm, for example, does the prohibition against lying assume that those being lied to are themselves willing to abide by norms of cooperation? Does the new system of norms produce decisions that we are able to abide by and commit ourselves to?

As James Wallace puts it, “[when moral considerations conflict], the aim [of deliberation] must be to modify one or more considerations so that it applies, so that its original point is to some degree preserved, and so that one can live with the way [of proceeding] so modified” (1988, p. 86). While all this seems perfectly plausible, it is not clear how it diverges fundamentally from the deductive model. It looks very much as if the specified norm (if it had a universal quantifier) would (p. 633) function like an exception to a (universally quantified) original norm. The advantage, of course, is that we are not open to counterexamples, since it is only a “for the most part” norm.

The corresponding disadvantage is that we do not know that the norm does (not) apply to the case in question. To take my example, maybe this is one of those exceptions in which although the person being lied to would use the information wickedly, one is still not allowed to lie.³

The claim is that we must use judgment in the final step. But then this view faces the objection to balancing I have already considered, that is, that all we can say is that this case does not seem to be an exception.

5. Casuistry

I turn now to the tradition in moral philosophy, associated with Catholic theology, known as “casuistry.” The most comprehensive modern treatment of the subject defines the term as

the analysis of moral issues, using procedures of reasoning based on paradigms and analogies, leading to the formulation of expert opinion about the existence and stringency of particular moral obligations, framed in terms of rules or maxims that are general but not universal or invariable, since they hold good with certainty only in the typical conditions of the agent and circumstances of actions. (Jonsen and Toulmin, 1988, p. 257)⁴

The essence of this mode of reasoning is to start with some general principle (Thou shalt not kill), to present a series of paradigmatic cases that clearly fall under the prohibition (a direct unprovoked attack on an innocent person causing her death), and then to move away from the paradigm in small steps, introducing various circumstances that make the case more problematic. The traditional list of circumstances was “who, what, where, when, why, how, and by what means.” This was also usually accompanied by various moral maxims (a lesser evil can be tolerated to prevent a greater; what is not explicitly granted should be considered forbidden) that served as additional argumentative material. The conclusion was that the case at issue was sufficiently like or unlike the paradigmatic cases, supplemented by maxims, so that it warranted being decided one way rather than another.

Consider, for example, the question “May you kill someone who insults you by beating and slapping him?” One argument proceeded by drawing the analogy with the theft of money. If defense of one's money is permitted, then so was (p. 634) defense of honor, since honor is more valuable than money. But against this analogy it was objected that the stolen goods still existed and might be recaptured by pursuit, whereas honor is gone for good. To this it was replied that honor can be recovered. In addition, it was argued, if pursuit and punishment were not permitted, license would be given to wicked persons to insult anyone and run away (Jonsen and Toulmin, 1988, pp. 224–225).

Casuistry is essentially tied to arguments from analogy, which are certainly present in most legal reasoning and clearly occur in many moral contexts as well. Again, in a trivial sense, they can be put into deductive form.

- (1) We judge that P in case Y because of features a and b.
- (2) Case Z has features a, b, and d.
- (3) Feature d does not play a significant moral role in how we should judge case Z, and no other feature of Z is morally relevant.

Therefore, we ought, if we are consistent, to judge that P in case Z.

But (3) is clearly not a general principle of moral theory.

This process of reasoning can at most show that we are consistent with our original judgment(s). But, by itself, it cannot show that we are right to judge P. That depends on whether we were right to judge P in case Y. But the same is true of all deductive arguments. We either have to accept the conclusion or abandon one of the premises.

A more troubling problem, as Bernard Williams has noted, is that “the repertory of substantive ethical concepts differs between cultures, changes over time, and is open to criticism. ... It has no claim that there are preferred ethical categories that are not purely local” (1985, p. 96).

Since everything depends on the initial starting point, as well as a shared sense of similarity, and both of these are culturally variable, the issue of whether this leads to an objectionable form of relativism arises. It may be that there is nothing better than the Wittgensteinian point that a community shares a sense of similarity, of knowing how to go on, that has no deeper foundation.

6. Particularism

It might seem that the method of casuistry is as antigeneral as one can get. We start from particular cases, we proceed to particular judgments, and we do so by making use of claims about the relevance and similarity of the cases in question. It is true that, as always, we are dealing with types of cases, but the only generalization seems to be: “Cases such as B are sufficiently similar to cases such as A that we ought to judge them similarly.” But there is a view that is even more radically antigeneral, which goes by the name of particularism. It is, perhaps, most associated with Jonathan Dancy. What is unique about this doctrine is its denial that a morally relevant consideration, if it has positive (or negative) weight in one case, has the same weight wherever it appears. Some particularists believe that a property that counts in favor of an act in some circumstances may count against it in others. Far from being at least close to casuistry, this would make all casuistry impossible. For the casuist focuses on feature X and says that since it leads to a judgment in one case, it ought to lead to a similar judgment in another (provided there are not other dissimilarities). The idea is that since our initial judgment is made *because* of the presence of X, we would be inconsistent, *ceteris paribus*, in not making the same judgment whenever X is present. This idea is present in all the theories we have considered and seems to be a necessary feature of moral argument. As Blackburn points out:

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In trying to discover what to do, we imagine different actions, and register their good and bad features. It is essential to this process that these features are reliably extracted from any contexts or total situations in which we have come across them and carry some moral import when translated into the new hypothetical situation. (1996, p. 97)

Dancy denies this. Consider “pleasure,” for example. Most theorists assume that pleasure always contributes positively to the goodness of a state of affairs, even though on many occasions it may be outweighed by other considerations. The particularist, among others, claims that if we consider the pleasure that people take in the torturing of others, then the pleasure actually contributes negatively to the goodness of the total state of affairs. It is not that it is outweighed by the means used to produce the pleasure; it is that its contribution to the total goodness of the state of affairs is negative. It would be a better state of affairs (though still horrible) if the torturers were not to derive pleasure from the actions. Note that this thesis is similar to Shelly Kagan's denial of what he calls the ubiquity thesis. This is the claim that if a factor makes a difference anywhere, it makes a difference everywhere. Now this claim is consistent with the particularist thesis, that is, a given factor could always make a difference, but the difference could vary from case to case. Nevertheless, the particularist, like Kagan, denies the ubiquity thesis. Where they differ is that Kagan believes that there is some finite list of principles (undoubtedly very complicated) that determines the moral status of an act, based on the particular features of the act. The function from features to moral status of the act may very well be nonadditive, that is, it is not the sum of independent right- and wrong-making features, and undoubtedly very complicated, but it is there waiting to be discovered. It is this claim that the particularist denies.

(p. 636)

How then does a particularist decide what to do? For surely she does not think that the fact that we are presented with a new case means that we must start completely afresh, or that there is no story to be told about how the factors interact in the new case. One must make a careful, detailed, and sensitive assessment of each individual case with all of its particulars.

This view is similar to Rossian balancing, except that we do not have the luxury of being able to assume that if the case can be brought under a certain description, for example, is a lie, then we at least know that counts against doing the act. We cannot know in advance whether the property of being a lie counts for, counts against, or is neutral concerning our reasons for doing the act.

Some have insisted that morally relevant factors are univalent, that is, always have the same moral direction. The kinds of counterexamples presented by the particularist are either incorporated into the relevant statement of the principle—for example, all

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pleasures that are not taken in the suffering of others are good—or it is claimed that the factors remain relevant but are overridden.

If the particularist is correct about valency, there are obvious worries about such a view. One is how it accounts for a crucial feature of moral argument—the appeal to consistency. Often we get people to change their minds by showing that they are committed to making a certain judgment in a case with features A, B, and C, and therefore ought to do the same with a different case which also has A, B, and C. But it is always open to the particularist to say that because of feature D in the latter case, A no longer counts for (against) the act. Of course, it is always possible for the nonparticularist to say that although A, B, and C retain their polarity, their force is altered by the presence of D (nonadditivity) or that even if they retain the same force, the presence of D changes the nature of the judgment that should be made about the new case. Consistency can always be achieved. Like postulation, according to Russell, it sometimes has the advantages of theft over honest toil. But, like theft, it may carry costs—in particular, of seeming to be arbitrary and ad hoc.

7. Virtue Theory

The next view to be considered is that of virtue theory. It has been thought by many that virtue theory is not a competitor to other theories such as consequentialism or Kantianism, in that it is agent-centered rather than act-centered. It is interested in the role of character, not that of right action. It is concerned with the concept of acting well, as opposed to acting rightly. If all this were correct, (p. 637) then there would be no role for such a theory to play in providing action guidance, and I should not consider such a theory in my survey.

A number of philosophers have argued that this view is incorrect. While there may be problems with virtue theory as an action-guide, it seems to have the right form to count. The virtue theorist defines right action as the action that a (perfectly) virtuous agent would (characteristically) do in the particular circumstances one is faced with. Therefore, to determine what to do in a particular case, one must determine what the virtuous agent would do. Of course, if “perfectly virtuous agent” were defined in terms of an agent who does the right thing, this would be viciously circular. But this is not the case. A virtuous agent is one who possesses and exercises the virtues. And the virtues are those traits of character that (typically) benefit the agent and others.⁵

If we are faced with a moral issue, such as, for example, whether a doctor should lie and tell the wife of a drowning victim trapped in his car that he died instantly (when in fact he died after a painful struggle), then we are to think about what an agent who is honest and kind would do. And, again, we are not to determine that by figuring out in some other way what the right thing to do is and then imputing that decision to the virtuous agent. The

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difficulty, however, lies in how we are supposed to figure out what the virtuous agent would do. I suppose, if we knew of one, we could simply ask her.

There are two problems. One is that no real person is perfectly virtuous. The second is that perfectly virtuous agents would not find themselves in many of the situations we do. For example, a perfectly virtuous agent would not make two promises to different people that cannot both be kept. We could substitute the idea of what the virtuous agent would advise us to do in situations that she would never find herself in. But this is quite a different theory. The right action is what the virtuous agent would advise us to do, not what the virtuous agent characteristically would do.

There is also difficulty with the idea that we can try to determine for ourselves how an agent possessed of the appropriate virtues would think about the matter before us. In the aforementioned case, we can ask ourselves whether an honest agent would lie in order to spare the wife terrible thoughts, that is, to be kind?

But this suggestion is not like the contractualist view that we try and determine what principles would be agreed upon by suitably motivated agents. In that case, we have to supplement the theory in various ways before we can think about what are the correct principles. We have to have some notion of human interests, and some normative conception of what agreements are reasonable (Scanlon, 1998).

In the case of virtue theory, what would be necessary to supplement the advice to do as the virtuous would do? At the least, some guidance about what it means to act as the virtuous do, for example, what it is to act honestly or kindly. Is (p. 638) acting honestly compatible with telling lies to those who have no right to know your views on certain matters? Is acting justly compatible with doing something that will harm someone, for example, giving a student the grade she deserves, knowing that ruins her chances for being admitted to law school? Hursthouse makes claims such as that the explanation for “why agents do not know the answer to ‘What should I do in these circumstances?’ arises from an inadequate grasp of what is involved in doing what is *kind* or *unkind*, in being *honest*, or in general, of how the virtue (and vice) terms are to be correctly applied” (1999, p. 60). How does she know this? What kind of reasoning or perception gives this result?

One might say that some things are built into the definition of a virtue. The courageous person is prepared to risk harm to himself. But it is not built into the concept of courage that the courageous person does not risk harm to himself by Russian roulette. In the case where different virtues seem to call for different acts (conflicts of virtues), there must be some way of thinking about how to resolve the conflict. It is not enough to reply that any nonmonistic theory is faced with the same question. For other theories either maintain that such conflicts cannot arise (Kantians) or that such conflicts must give rise to priority rules (Rawls) or that such conflicts are resolved by perception of the particulars (Ross). Virtue theory denies the first, denies that the virtues can be ranked lexically, and if it

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takes the Rossian tack, since it is the perceptions of the virtuous that are decisive, we are thrown back to our original doubts about how to determine what those are.

A common defense of virtue theory is to maintain that it is in no worse condition than alternatives. Kantians have to exercise judgment in determining the level of description for the maxims to be universalized. The particularist cannot do more than tell us to look carefully at the particular facts. Consequentialists, if they are pluralists in their value theory, have to provide tradeoff rules among the values. But what seems distinctive about virtue theorists is that the crucial step is resistant to further illumination. If it's not compatible with honesty to spare the wife her ghastly thoughts about how her husband died, we need to know why. But providing such information seems to itself provide the action-guidance without going through the virtuous agent.

Finally, there is some epistemological difficulty about the idea that nonvirtuous agents such as ourselves can think sensibly about what the perfectly virtuous agent would do (or advise). It's like the character in a Mamet movie who figures out something clever but denies that he is very smart. How did he do it? "By imagining a very clever person, and then figuring out what he would do."

I am not denying that thinking about the virtues is an important part of any comprehensive moral theory. Acting well is as significant a topic as doing the right thing. But as a competitor to the theories I have been considering, virtue theory is a nonstarter.

(p. 639) 8. Reflective Equilibrium

The last suggestion about the nature of the reasoning for determining what to do in particular cases is the method of reflective equilibrium. This methodology, most frequently associated with Rawls, is a broadly coherentist method of justification. The idea is that we start *in medias res* with a variety of judgments that we accept. These range from judgments about particular cases (it's wrong to lie to Jones about his cancer) to judgments about which rules are correct (one should avoid cruelty) to convictions about what kind of reasoning is inadequate (the fact that a rule would have good consequences—only if it were kept secret—is not a justification for the rule) to views about human motivation (the strains of commitment). We seek coherence among these by revising and refining them. Our initial judgments serve as the starting point for reflection, but no judgment need be held free from revision. We test principles by seeing what their implications are for particular cases; we revise our views about particular cases in light of principles that have theoretical support and explain our judgments in a wide variety of other cases.

It seems to me, however, that this methodology does not provide us with a distinct way of reasoning about particular cases. Rather, it is a way of providing support for general reasons and principles that are then used to reason about particular cases in ways I have

already discussed. We reason about a new case in terms of rules or principles that we have reason to accept in light of our search for reflective equilibrium. But the route from these rules or principles is either a case of straightforward deduction, or some process of balancing, or a process of specification, and so on.⁶

Another way of seeing this is to look at arguments from analogy. Here, again, one might say that we are searching for consistency or coherence in our moral views. Since one made judgment J in a case with features a, b, c, and Y, one either must make the same judgment in a new case with the same features or differentiate the two cases. And one may also bring in low-level principles that have guided one in other cases. One seeks to make a coherent whole of one's past practice and judgments. In that sense, one is seeking reflective equilibrium. But in that sense, all methods of reasoning about particular cases seek coherence. What distinguishes them is the different modes of reasoning about particular cases.

(p. 640) 9. Esoteric Theory

One of the important issues about the relation of theory to practice is whether the correct moral theory can be “esoteric.” By this is meant the idea that the correct theory may not be the one that should be learned and used by agents in reaching their decisions. The correct theory may specify that it is best for agents (as judged by the theory) to use an incorrect theory in their decision-making and to remain in ignorance of the correct theory.

While the first appearance of such an idea may be in Plato—the noble lie—it has its most notable exposition in Sidgwick.

Thus, on Utilitarian principles, it may be right to do and privately recommend, under certain circumstances, what it would not be right to advocate openly; it may be right to teach openly to one set of persons what it would be wrong to teach to others; it may be conceivably right to do, if it can be done with comparative secrecy, what it would be wrong to do in the face of the world. (1966, 489–490)

In the contemporary literature, the two poles on this issue are taken by Rawls and Parfit. The former believes that any adequate moral theory must satisfy what he calls the “publicity condition,” that is, it must be a theory that everyone ought to accept, and that is publicly recognized as the code that everyone ought to accept. Parfit, on the other hand, believes that we can distinguish between the questions of which theory ought to be promulgated and accepted and which theory is *true*. A true theory may be what he calls “self-effacing,” that is, the theory itself may call for taking steps to see that it is not believed (1984, p. 43).

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It is somewhat unclear what Parfit thinks a theory is or is for. He seems to think that a theory gives us “aims.” So a consequentialist theory gives us the aim “that outcomes be as good as possible.” But what aims does the theory of common-sense morality, what Parfit calls M, give us? He seems to think that if I am a doctor, then my M-given aim is the welfare of my patient.

But this is quite unclear. Is it the welfare of my patient, the autonomy of my patient, the welfare of my patient as brought about by my not lying, my being an ally of my patient, or something else again? And how is the aim of the theory related to what it directs us to do? A consequentialist theory tells us what it would be good or rational to bring about, that is, maximally good outcomes, so derivatively it may say that it would be best for us to have certain dispositions. But does it tell us to try and develop those dispositions? It might be, after all, as Parfit recognizes, that trying to do that would be counterproductive. So, perhaps, it tells us to do whatever will, in fact, develop such dispositions.

How is one to think about the issue of whether a correct moral theory is one that is itself to be used, and publicly recognized as such, in reasoning about (p. 641) particular moral issues? There are two separate issues. One is that a moral theory may tell us to go about things in an indirect way. This is simply an issue of efficiency. But it remains the case that we can all recognize and acknowledge that this is what our theory tells us. It is a distinct question what the theory tells us ought to be the theory that is publicly acknowledged and advocated. A view such as Sidgwick's or Parfit's is only contradictory if one views morality, by definition, as a public code to be used by all moral agents capable of moral reasoning.

This is exactly the view of contractualist schemes, such as Scanlon's, that tie a moral code to a prior conception of what morality is supposed to be. On their view, the point of morality is to enable us to justify our actions to one another in ways that mutually recognize our desire to do so. Does this beg the question against those who view morality as a special kind of practical reasoning that enables persons to solve certain coordination problems and to reach desirable outcomes? It does not beg the question if some defense is given by the contractualist as to why their conception of morality is superior. This may be in terms of the conception giving us a better explanation of various moral phenomena, or being closer to the moral phenomenology of everyday life, or in terms of the overall superiority of a theory that takes morality as so defined. It is ultimately, then, a philosophical question of what conception of morality is most fruitful for which purposes.

10. Conclusion

I have canvassed a number of different views about the ways in which theory may relate to practice. Are there any tentative conclusions we can draw? Rather than attempting to judge winners and losers, let me suggest an approach to the general issue of the relation

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between theory and practice. Whether we need something like a theory to guide practice is related to the role of principles. If we need principles, if moral reasoning requires general principles, then we need some body of analysis to clarify the nature of, and provide grounds for, the principles. This can be thought of as a theory.

Why might we need principles? There are several possible answers to this, but I want to focus on one in particular. We need principles because we want to impose a constraint on our moral reasoning, that is, that of consistency. Consider the following from Justice Scalia: “[I]t is no more possible to demonstrate the inconsistency of two opinions based upon a ‘totality of the circumstances test’ than it is to demonstrate the inconsistency of two jury verdicts. Only by announcing rules do we hedge ourselves in” (1989, p. 1179).

(p. 642)

This idea can be thought of as pragmatic in nature, that is, it is not a claim about the necessary nature of moral reasoning, or even the contingent claim that we, in fact, cannot get along without principles. It is a claim about how we should regulate our moral discourse. The need for principles is not one that emerges from normative inquiry. It is something we impose to regulate, and make possible, such inquiry. This means that the justification for the requirement of principled action must answer to our best conception of what the point of such inquiry is. Only after we understand that can we see whether the imposition is conducive to that point.⁷

Having justified that much on pragmatic grounds, there are two important issues. The first is the exact nature of the principles. The second is whether principles of that nature can be used to determine verdictives.

As to the first question, my hypothesis is that we can have *pro tanto* principles that are understood to hold only within certain contexts and under certain conditions. Thus, a principle about promising does not build in as an exception the condition that the promise is not coerced or immoral. Rather, it is only under those conditions that a promise has the normal force favoring its being kept. How are these conditions discovered? By examining the kind of thing a promise is, and the value that having such a practice serves.

As to the use of such principles as “One ought to keep promises” to provide answers to particular moral questions, here, I think, the particularist idea has greater merit. The answers to particular questions of what to do when there are competing reasons must be based on the understanding of the particular factors as they occur in the particular case. To show how such judgments are possible, that they are not arbitrary, and what story to tell about how to make such judgments is the most important task for normative theory. But it remains possible that the answer will be that we do not use theory to make such judgments.

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Notes:

(1.) Monotonicity is the property of an argument such that its validity is not affected by the addition of new premises.

(2.) It is important to emphasize that this section is neutral on the issue of whether there are alternatives to deductive reasoning. The criticism is addressed to the existence of relevant premises, not to the relevance of deduction.

(3.) Leaving aside the Kantian view, an interesting essay by W. G. MacLagan, 1968, argues that although it may be just to kill a POW camp guard in order to escape, it would not be just to bribe him, thus corrupting his will.

(4.) The last bit seems distinctly consequential in nature.

(5.) See Hursthouse, 1999, pp. 28–29. There are alternative ways of defining right action that would also have to be considered, for example, the right action expresses virtuous states of character.

(6.) The alternative, suggested by Brock, 1995, is that we actually try to reach reflective equilibrium when we are determining what to do in a particular case. This is very implausible, given the enormous task that this involves. Do we really have to wonder how our particular views about, for example, lying, cohere with the best social science available, or what we believe the best metaethical view is?

(7.) This approach, obviously, avoids the issue of whether we want our principles to be "true," not merely useful for some purpose. To defend this pragmatic view would require an article in itself.

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