

PRINCIPLES AND CUSTOMS IN MORAL PHILOSOPHY

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John Stuart Mill noted that “every attempt to analyze morality and reduce it to principles” shares the same problem: “when a person is asked to believe that this morality derives its obligation from some general principle round which custom has not thrown [its] halo, the assertion is to him a paradox; the supposed corollaries seem to have a more binding force than the original theorem; the superstructure seems to stand better without than with what is represented as its foundation.”¹ Although Mill resisted the implication that the authority of principles may be inferior to that of the conventions they are often meant to test, more recent movements appear to have embraced it. Honoring the etymology of “moral” and “ethical,” they suggest a conception of moral rationality without the grounds of choice that unaided principles were once supposed to supply.

In this devolution of authority from moral principles to patterns of customary judgment, capacities for judgment are loosened from skill in logic and calculation, and moral thinking is understood as more varied and complex than the idealized picture of deriving practical conclusions from principled reflection on the facts of a case. In the development of these ideas, principled moral philosophy is increasingly represented as an extreme position, and moral convictions without principled grounds are taken often to be more rather than less rational. Once having departed from the principled standpoint, however, it is difficult to stop short of a contrary extreme. On one version, well established but historically transitory interests give their “ideas the form of universality, and present them as the only rational, universally valid ones.”² On another, our fondest ideals are “parochial, recent, eccentric, cultural developments.”³ The structure of this movement between apparent extremes is a useful tool for testing several competing views about moral reasoning.

I Skepticism about Principles

Skepticism about principles has at least two sources. One is the inability of universal propositions to reach all the way down to particular cases. If

¹ J. S. Mill, *Utilitarianism* (New York: Liberal Arts Press, 1957), pp. 34–35 (Ch. 3, paras. 1 and 2).

² Karl Marx and Frederick Engels, *The German Ideology*, in Vol. 5 of the *Collected Works* (New York: International Publishers, 1976), pp. 60–61.

³ Richard Rorty, “On Ethnocentrism,” *Michigan Law Review*, 25 (1986), p. 532.

the practical point of general laws or principles is taken to be the provision of adequate reasons for particular moral choices, then it will be seen as a problem that they fall short in the cases where guidance is most wanted. However, this shortcoming was already perceived by Plato and Aristotle. The protagonist of the *Statesman* convinces young Socrates that “the endless irregular movements of human things do not admit of any universal and simple rule”; and the *Nichomachean Ethics* agrees: “all law is universal but about some things it is not possible to make a universal statement which shall be correct.”⁴ Some modern philosophers have resisted this limitation on moral reasoning, but without complete success. Kant tried to distinguish “determinate principles” from empirical “counsels of prudence”; however, he also had to acknowledge that judgment is needed in order to determine whether something is an instance of a rule.⁵ Mill insisted that “if the principle of utility is good for anything, it must be capable of weighing . . . conflicting utilities,” as between saying the truth and saving others from harm, and “marking out the region in which one or the other predominates.” In this era of applied philosophy, however, it has become clear again that it is mainly on the borderline between such regions that difficult moral questions arise, and here no principle may be able to resolve the issue between them.⁶ The underdetermination of judgment by principle leaves us in need of an adequate method of assessing particular cases.

The problem is that if principles are to define classes of permissible or impermissible behavior, then they are not well designed for the particular circumstances that may make them appear irrational, trivial, indecisive, or ambiguous. Thus, the principle, “Never break a promise,” seems irrational in circumstances where it would lead to grievous harm. This problem is avoided if the principle is instead, “Never break a promise simply because it is beneficial.” This is highly plausible – it reflects the fact that in conferring rights we forego benefits – but it is not very interesting. It gives no guidance unless we know how to balance the claims of rights and benefits in particular cases, and then the guidance offered by the principle is superfluous, like consulting a second, less detailed map in order to confirm a more detailed one. Triviality can in turn be avoided by embellishing an abstract principle, making it as rich

⁴ See Plato, *Statesman* (294a); Aristotle, *NE* (1137b; cf. 1104a1–7).

⁵ Immanuel Kant, *Grounding for the Metaphysics of Morals*, trans. J. W. Ellington (Indianapolis: Hackett, 1981), pp. 26–28; and *On the Old Saw: That May Be Right in Theory But It Won't Work in Practice*, trans. E. B. Ashton (Philadelphia: University of Pennsylvania Press, 1974), p. 41.

⁶ See Mill, *Utilitarianism*, Ch. 2, para. 23, and, for contemporary concerns, Baruch A. Brody, *Moral Theory and Moral Judgments in Medical Ethics* (Dordrecht: Kluwer Academic Publishers, 1988), pp. 2–3, or Albert R. Jonson and Steven E. Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley: University of California Press, 1988).

and detailed as desired by articulating its prima facie point. Thus, "Never break a promise unless . . .," where a list of clearly described exceptions follows. However, in order to remain plausible, the proposition must remain open-ended. Unforeseen cases will arise that call for further exceptions. The force of new circumstances suggests that judgment in the particular case is the test of the principle ostensibly supporting it.

It is easy to capture the point of our open-ended principle in a complete sentence by saying, "Be faithful and trustworthy," but now ambiguity becomes a serious problem. These evaluative words lack tight behavioral definitions. Whereas "promise" is a tolerably definite descriptive word, "faithful" and "trustworthy" are subject to interpretation. One's keeping promises is not conclusive evidence that one is worthy of trust, and breaking a promise is not conclusive evidence of faithlessness. This is especially clear in cases of conflict between the urgings of faithfulness and other principles, such as beneficence. If it is possible to save a life only by breaking a promise, sacrificing the promise to the life is not evidence of poor character. Neutral descriptions leave open questions arising from the different behavior of words like "faithful." The term of evaluation fails to give unambiguous direction, since one can always wonder whether an example of described behavior demonstrates faithlessness.

The other main source of skepticism about the authority of principles lies here. Statements of principle may display either of these descriptive and appraisive types. An important part of moral reasoning consists of determining relationships between them in order to pick out classes of prohibited or required action as definitely as possible, that is, to free moral principles from the uncertainties of interpretation clinging to moral appraisals. Of course, the boundaries of application for descriptive words also tend to be indefinite, so that they too may require a sort of interpretation; but dealing with vagueness on the periphery does not call upon all of the skills required for specifying the practical meaning of an appraisal. The problem is evident in competing theoretical representations of the desired skills. For casuists they are expressed in processes of elaborating and refining intuitions about cases, so that principles are essentially summations of prior judgments and have no independent role.⁷ Seen from the holistic standpoint of "reflective equilibrium," though, descriptive principles and intuitions make separate claims, so that good moral reasoning includes arguing back and forth between them in a fashion elaborated below. Not only do the accounts disagree, however. Neither seems adequately to encompass

⁷ For this characterization of the Jonsen and Toulmin apology for casuistry, see John D. Arras, "Getting Down to Cases: The Revival of Casuistry in Bioethics," *The Journal of Medicine and Philosophy*, 16 (1990), 29-51.

the influence of customary expectations whose authority is important for testing particular appraisals.

In order to illustrate how customary expectations may be crucial in moral reasoning, it is useful to rectify Mill's complaint that Kant "fails, almost grotesquely, to show that there would be any contradiction . . . in the adoption by all rational beings of the most outrageously immoral rules of conduct."⁸ It is certainly true that Kant's test of universalization admits principles he tried to reject as contradictory. Self-interest, for example, can be universalized, since saying that people should only pursue their own interests appears now to describe an imaginable way to live. Not all maxims survive Kant's test, however. We cannot universalize selfishness, for to say, "all persons should always act selfishly," has the incoherence Kant ascribed to universal self-interest. To be selfish is to be not just self-interested but excessively self-interested. The maxim, "let me be selfish," when universalized, becomes: "all persons should act too self-interestedly," that is, more self-interestedly than they should. In short, "all persons should act more self-interestedly than they should." This is genuinely contradictory.

Whether this contradiction shows that one should not be selfish (a question we may leave moot), it clearly fails to show when self-interest becomes selfishness. Until we know that, we do not know which actions are morally permitted. The test of universalization cannot serve us because the properties of selfishness tie claims about this vice to particular circumstances and expectations. It is not the case that rational persons will everywhere and always count the same self-interested acts, since no natural criterion defines the boundary of excessive self-interest. This leaves judgment depending in part upon customary expectations and understandings. In this way, selfishness occupies a dimension of evaluation that yields particular obligations not derivable from reasonable descriptive principles. The same is true of other vices and virtues.

It is not the test of universalizability that creates these difficulties, for alternative formulations of the categorical imperative have the same instructive limitations. The principle of respect for persons – that people should be treated as ends and never simply as means – also lacks definite practical implications. It does not rule out suicide, as Kant thought it does, because it is now easy to imagine cases in which suicide is an expression of self-respect. It does not require keeping promises come what may because we sometimes break a promise for another's good, treating the other person as valuable, and the other may be grateful. To be sure, rather than being grateful for someone's well-intentioned decision to break a promise, one might be offended. It can seem demeaning, paternalistic, contemptuous for others to determine what is in one's own good. I am responsible for myself, you are not, and when

⁸ Mill, *Utilitarianism*, Ch. 1, para. 4.

you deny this through your actions you are failing to show me appropriate respect by violating my autonomy. Such a reaction, though, shows that one has certain expectations about human relationships and personal responsibility. There are other possible expectations, for example, those embedded in customs of caring and mutual support. Kant's argument expresses the first rather than the second. Since both are possible, the argument fails. Neither the describable fact of making a promise nor a corresponding general principle determines the appropriate response. Because the same point can be made about any neutral fact and descriptive principle the failure is systematic.

II The Diminishing Authority of Principles

It has often seemed that universal principles of justice and utility should be supported by logic or self-evidence, owing their authority to the fact that they cannot be intelligibly contradicted or denied. In order to be effective, this authority must be capable of distinguishing these principles from others that are also universal in form but lack any evident rationale for obedience. The principle that customary obligations are to be obeyed, for example, is far from undeniable. Assuming for the moment that this distinction can be sharply drawn, principles of justice and utility may be taken in turn to support various lower-level principles – for example, those mandating truth-telling (an implication of justice for Kant) and freedom of expression (an implication of utility for Mill). How, then, are principles at either level related to customary opinion? The spectrum of possibilities includes places for four major answers. Let us first abbreviate lengthy descriptions by labelling these several views “rationalism,” “pluralism,” “holism,” and “particularism,” respectively. These are ideal types whose actual expressions shade into one another, but the names can help to organize our thoughts and permit us to examine important relationships with some economy. Beginning from the first, each of the next three subtracts an attribute ascribed to principles in the prior position.

Rationalism views moral principles as (1) solely, (2) supremely, and (3) universally authoritative in ethical reflection.⁹ To claim sole authority for these principles is to hold them to be the ultimate source of moral justification for particular moral beliefs and courses of action. It follows immediately that principles are supreme, there being no equal or higher authority, and also universal, there being no other relevant considerations capable of restricting their range of valid application. On this view, some parts of customary morality should prove explicable by appeal to principles: conventions of promising and property, for

⁹ Kantian rationalists include Alan Gewirth, *Reason and Morality* (Chicago: University of Chicago Press, 1978). Utilitarian rationalists include Richard Brandt, *A Theory of the Good and the Right* (Oxford: Clarendon Press, 1979).

example, are plausibly said to rest upon considerations of justice and mutual benefit. However, other conventions may lack an obvious principled explanation: prevailing expectation governing particular familial obligations and sexual prohibitions are plausible candidates. If these expectations are taken to conflict with acceptable principles, they will be deemed objects for ruthless criticism. If they do not appear to conflict, then they simply fail to connect with moral reasoning and will seem better treated as subject matter for the social sciences.

Either way of banishing seemingly moral requirements is arbitrary if it rests only upon the questionable assumptions of rationalism. One may therefore prefer moral pluralism, divesting principles of sole moral authority and holding there to be at least two general types of moral consideration: principled choice and customary obligation.¹⁰ There are, then, supremely authoritative principles that guide everyone, although their often ambiguous direction or silence requires us also to consult local mores in determining what to do. This account thus leaves an undiminished place for the claims of convention and sentiment downgraded by rationalism. It is, however, a two-tiered view, according principle a certain supremacy over custom. In this respect it resembles rationalistic accounts that seek to identify levels of principled thinking, often basing principles of right upon a principle of utility or, conversely, putting rights above utilities. The ongoing nature of this dispute shows that no such ordering has been successfully established. Pluralists similarly fail to explain why the conventions and sentiments they try to respect are overruled when they conflict with universal principles.

Resulting doubts about the precedence of principles over conventional moral beliefs may have the effect of levelling the authority of their respective claims. One thus arrives at holism, which subtracts the claim to supremacy from the moral authority of principles.¹¹ Universal principles and prevailing intuitions are seen to influence one another in the course of moral reflection, making both important in moral reasoning, enabling intuitions to modify general principles and enabling principles in turn to influence intuitions, customs, and traditions. In this account we begin with sets of competing assumptions and can speak of authoritative moral beliefs only as judgments and principles become fully considered in the complex course of reflection. Just as intuitive judgments are replaced by considered judgments, provisional principles

¹⁰ For versions of this view, see Stuart Hampshire, *Morality and Conflict* (Cambridge, MA: Harvard University Press, 1983) and Charles E. Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987).

¹¹ The most important statement of this view is John Rawls's *A Theory of Justice* (Cambridge, MA.: Harvard University Press, 1971). An Aristotelian version is to be found in Martha Nussbaum, *The Fragility of Goodness* (Cambridge: Cambridge University Press, 1986).

are replaced by considered principles. Principles have no prior or superior authority.

Particularism finally discards the claim of principles to universal authority altogether.¹² Certainly there are practical principles that appear to us both rational and universal. They play a part in our moral thinking, focusing attention on existing patterns of approval and disapproval. In the absence of independent reasons to think them authoritative, however, the best account of the demands they make may be that they specify factors on whose relevance people agree in making moral judgments. They have no separate normative force. As a result, moral reasoning begins and ends with involvement rather than ever achieving principled detachment from particular social practices.

A virtue of this typology is its capacity to mark an interesting progression of thinking in moral philosophy. Another is the possibility it provides for elaborating these descriptions positively, showing that with each move away from the principled standpoint each successive view restores to moral reasoning one of the elements denied to it by rationalism. The first of these is a central role for perception, the second a role for discrimination, the third a role for imagination. Taken together, they provide the explication of rational judgment needed when this skill is distanced from the geometrical ideal that sees the entire body of true moral propositions being logically derived from a few basic axioms. If these descriptions are accurate, it is a mistake to view departures from rationalism as openings for irrationalism or as violating our sense of the philosopher as one who seeks the best possible reasons for action. To the contrary, the critical resources they identify may make them central expressions of the philosophical enterprise. In order to test this proposition, we must examine rationalism and the reasons for alternatives to it in more detail.

III Transformations of Rationalism

Rationalism seeks to limit unruliness, ambiguity, and fragmentation in the moral domain. It resists the suggestion that there might be special obligations independent of any general duty. Alan Gewirth well expresses this viewpoint in defending “the doctrine that all persons ought to be treated with equal and impartial positive consideration for their respective goods or interests.”¹³ He opposes this doctrine to the idea that “one ought to give preferential consideration to the interests of some persons as against others,” favoring those with whom one has a

¹² Views of this sort are expressed by Michael Oakshott, *Rationalism in Politics* (London: Methuen, 1974) and Richard Rorty, *Contingency, Irony, and Solidarity* (Cambridge: Cambridge University Press, 1989).

¹³ See Alan Gewirth, “Ethical Universalism and Particularism,” *The Journal of Philosophy* 85 (1988), 283–302.

special relationship – members of the family, friends, countrymen, etc. Observing such special obligations may be genuinely dutiful, he thinks, but only if they are justified by universal principles.

This form of justification is available if one begins from the “principle of human rights . . . that all persons have equal rights to freedom and to well-being.” Gewirth believes that this principle of justice is demonstrable; but, even if it only appeals to intuitions, it may permit derivation of the universal right to form voluntary associations. Further, the acceptable purposes for which voluntary associations are formed may justify special concern for their members. Since a family is formed for purposes of intimate union and mutual support, the preferential attitudes people have for members of their families are clearly allowable. Hence this view appears to justify certain special obligations and preferential attitudes without supposing that customary relationships possess any independent authority. The thesis that rational principles are solely authoritative is preserved.

The same form of argument is available to utilitarians, especially in “rule utilitarianism.” Where the greatest-happiness principle justifies acceptable social institutions whose rules preclude applying the principle of utility directly to cases, utilitarianism ceases to seem unfriendly to special duties deriving from one’s institutional roles rather than from the good of the world at large. One of the attractions of this form of argument is its promise of reconciling universal principles with parts of the moral domain that appear to conflict with them. This makes for a pleasing coherence, restoring unity where there seemed to be division in the moral domain. Yet this is a questionable virtue. Stuart Hampshire experiences “no pressing need for satisfactory total explanations of our conduct and our way of life,”¹⁴ a reservation that might be explained by thinking of principled accounts of special obligations as false friends. The acceptance of special duties to one’s spouse and children depends upon the perception that they are one’s family. To base familial obligations on their contribution to a larger scheme promoting human happiness would be to accept them conditionally and to be indifferent to the independent claim they make. The account thus fails to capture the distinctive binding force of special duties.¹⁵

In precluding any such independent claim, Gewirth’s derivation of special from general duties faces a related difficulty. The problem is clear once the distinctiveness of special duties is connected with the authority of customary expectations. With Gewirth, we may think of a family as a voluntary association (of its adult members), but *the* family is not one. That is to say, the decision to marry may be voluntary, but the

¹⁴ Stuart Hampshire, *Morality and Conflict* (Cambridge, MA: Harvard University Press, 1983), p. 168.

¹⁵ Cf. Philip Pettit, “Social Holism and Moral Theory,” *Proceedings of the Aristotelian Society*, N.S. 86 (1986), 173–197, pp. 184–186.

choice is available only because the institution is a fact of social life.¹⁶ Now, testing this institution against a principle of freedom would have serious effects. The principle of human rights permits not only conventional voluntary couplings but also any number of other relationships outside institutional norms of behavior. At first glance this may seem unobjectionable, even desirable. One of rationalism's attractions is its promise of a clean method for criticizing conventional expectations when they deserve it and for distinguishing acceptable from unacceptable customs and constraints. If an institution, in its existing form, cannot survive this critical examination, there is reason to encourage changes of the kind sanctioned by principle. However, a second look diminishes this attraction considerably. The principled account rules out too much by depriving criticism of its object. Carried into practice it tends to dissolve the institution by dissolving its constitutive conventions.

An institution – marriage or property, for example – creates a field of choice for individuals, establishing enabling rights and restrictions. One may marry, though not with just anyone; one may sell one's property, although not everything that is one's own. Only with the enabling rules and their exclusions in place is there an object for examination: what counts as a spouse or a commodity is defined by these rules, including their exclusions. If we now propose a principle of human rights to justify acceptance of these rules, they make little sense. Why not be able to marry one's brother or a rugby team? In order to fashion an effective argument for according social recognition to relationships that strain conventions, we appeal primarily not to principles of justice or utility but to acknowledged social roles of the institution, for example, the role of marriage in fostering families. Focusing on this connection may facilitate an argument for same-sex marriages between partners who wish to adopt children. By contrast, to assert the legitimacy of same-sex, incestuous, and group marriages in abstraction from some such rationale carries no weight. That appeal endorses a conception of spouses so indiscriminate that the relationship loses any claim to privileged public status.

Similarly, in the case of property, rational principles do not suffice to answer the question, why not permit exchange without restriction – including, say, my right to sell you my eyes or protection against the harm I may do to you? Competition is always restricted, but the things that money can't buy are determined more by conventional understandings of what is properly offered in the market than by laws of practical reason. In the case of one's bodily parts, selling may be deemed incompatible with personal integrity. Unless something is protected

¹⁶ Joseph Raz develops this point in "Right-Based Moralities," in J. Waldron, ed., *Theories of Rights* (Oxford: Oxford University Press, 1984).

under this heading, nothing is fundamentally one's own, so that all ownership becomes precarious. This is fully evident in the case of extortion, in which force ultimately replaces an institution whose transactions must be partly based upon trust and willingness. In this case, freedom of exchange may seem to be limited by the principle of freedom itself, but we may better discern a self-limitation, the institution of property disintegrating if everything becomes subject to the unrestricted principle. Of course, what constitutes coercion can be fixed at various points, but judgments about acceptable transactions are governed by some established conception of personal integrity, coercion, or the like. Independent principles whose privileged application may throw practices into confusion are insufficient or unnecessary.

A principle of human rights, and many others, may be effective as part of an argument for extending the notion of a spouse or a commodity: an appeal to human rights amidst changing patterns of sexual identification and medical techniques does help to revise conceptions of the practices that are acceptable expressions of a social institution. The principle thus contributes to the interpretation of notions that are central to the institution, but it does not provide an outside source for assessing the overall arrangement. These notions are embodied in judgments about what it is to be a spouse or a commodity, and these judgments about the way things are are not amenable to testing by principles of choice. This is still more evident in the case of principles derived from considerations of utility. The role of appraisive judgment entails that institutions are not adequately conceived as beneficial arrangements whose advantages might be measured. Marriage and the family include affections that make the relationship appear as inherently good as well as advantageous; property includes a conception of oneself as an agent with rights as well as a participant in a generally beneficial scheme. There are thus two scales involved, one of apparent advantage but also one of apparent truth.

This is to say that the binding force of custom resides in perceived rights and obligations rather than in inferences from supreme principles. The contrary presupposition of rationalism misrepresents the nature of authoritative customs, hence of the modes of criticism to which they may be vulnerable. A skeptic about principles might therefore find them doing no work apart from the mischief of divesting customary morality of its particular authority, as happens when customary norms are seen as deriving their force from an independent source. When this view is accepted, what was before perceived as an obligation is inferred to be a rational acceptance of constraints. All the authority of the custom is then owing to that of the principle, and because only principles have any justifiable hold upon us, customs may weaken. Of course, if freedom, personal integrity, fidelity, and the like are counted among principles, then principles do exert moral force; but not in the way described in the

rationalist account, since the meaning of these principles is governed by customary interpretations. The implications of these reflections are therefore closer to pluralism than to skepticism.

In speaking of pluralism, an ambiguity is to be avoided. Gewirth's principle falls short of a satisfactory total account in remaining silent on the partiality for humanity shown by many uses of animals and the natural environment. Even the principle of utility is not fully free of anthropocentrism, since it accords recognition to animals but not to trees. If this narrowness of focus is considered a defect, then one may be inclined towards a pluralism of principles, searching for basic laws of evaluation in addition to justice and utility in order to define moral protections for other species and for nature. However, broadening the concept of morality in this way has no particular virtue from the standpoint of a pluralism of authorities that rejects the unique authority of universal principles in order to recognize the basic importance of customary norms in moral judgment. For a pluralism of authorities, one has to reckon with diverse commitments, conflicts between which show that moral beliefs do not have their source in principles alone. There are, on this view, universal principles, but there are also particular duties arising from participation in a way of life, its practices and institutions, and its patterns of preferment. These duties also make authoritative claims, although the claims cannot be derived from or adequately tested by universal principles. In short, for a pluralism of principles no formula of the sort, "the only basis of moral appraisal is . . ." is correct, whether the proposed basis be justice, human welfare, the preservation of species, or some other single principle. A pluralism of authorities, by contrast, denies that the only basis for moral appraisal consists of any number of universal principles. Principles may be a basis, but not the only one.

In order to hold our interest, this view needs some account of the source of the authority claimed for particular requirements. This source is most clearly distinguished from derivation from superior principles as a form of perception or feeling. One may see where one's duty lies without deducing it from some more general consideration.¹⁷ There is no generally accepted account of this feature of moral epistemology, but pluralists can hardly do without some version of the idea that recognizing the immediate force of an obligation is a matter of competence in the cognitively rich attitudes typical of participation in major social institutions. The family, for example, is sustained by such attitudes as love, care, and concern, that ascribe inherent worth to their objects. Loving includes a sense of object as having value in itself and a corresponding need for relationship with it. The specific character of this need and the obligations attaching to the desired relationship are

¹⁷ Cf. Pettit, "Social Holism and Moral Theory," p. 183.

given by the particulars of the institutional arrangement. By giving content to the emotional attachment, these particulars give the cognitive claims an ostensibly authoritative interpretation.

Pluralism, then, seeks to identify two domains of moral authority, one of rational principles, the other including the fuller, more complex morality of the family, sexual relationships and friendship, and even property. The principled domain is taken to define the obligations of our “common humanity”; the other describes the practices that set peoples apart from one another. Here the pull of conventional obligations to family, friends, and fellow citizens is stronger than the claim of impartiality carried by universal principles and regarded in the modern moral tradition as an essential feature of moral thinking.¹⁸ This fuller morality, replete with parochial expectations and customary patterns of emotional response, cannot, for the most part, be explained by appeal to the level of abstract principles describing the views of a detached and impartial observer. In contrast to the rationalistic view of moral thinking as having two connected tiers – a set of moral principles above and the moral judgments they generate below – the pluralist view therefore denies that universal principles are adequate to all particular cases.

From the pluralist’s point of view it nonetheless remains possible to discern a certain order of precedence. There are virtues, such as justice, that originate in obedience to law, giving them a special affinity to universal principles, such as Kantian universalizability, and allowing these principles in turn to explain why impulses to partiality are appropriately overridden in the part of life governed by law, that is, political affairs. The observance of supreme principles is arguably necessary for modern political association, ranking higher than loyalty to contentious ideals of the good life. However, in the narrower spheres of association, where many non-universal virtues make up complex and sometimes rival conceptions of the good – courage and humility, kindness and autonomy, etc. – there is no reason why universal principles should have authority over particular relationships. Even if it is desirable that the requirements of political justice be stated in explicit principles, they do not carry over into the family, for example. While principles of justice may require public neutrality between competing conceptions of the good, parents may rightly seek to instill a particular conception of the good in their children, and it need not include treating siblings impartially. Impartiality towards various interests and ideals can successfully govern a political order, but we also share common forms of life with restricted groups of others whose patterns of privilege, rank, and hierarchy do not operate society-wide.

¹⁸ For a useful elaboration, see Christina Hoff Sommers, “Filial Morality,” *Journal of Philosophy* 83 (1986), 439–456.

In the political sphere, where people encounter one another as strangers, it may be desirable for the requirements of justice to be described as explicitly and precisely as possible. Here rationalistic ideals of a decision-procedure for deriving practical conclusions from principles are appropriate. However, within the shared forms of life for which other virtues are crucial, no such decision-procedure is possible. Something like perception is essential because the duties of courage, generosity, benevolence, and friendship are not sufficiently fixed by precise and explicit conditions. Perception seems, indeed, to be needed everywhere and not merely in the lower level. There is no generally accepted principle for settling conflicts between justice and utility or for determining when a commitment to persons to whom one is emotionally connected overrides an obligation to persons viewed impartially. Only perception will serve when loyalty to friends challenges justice or in those unhappy cases where the most urgent consequentialist reasons challenge the strictest deontological ones.

Unfortunately, this view is more successful in raising questions about rationalism than in establishing its own credentials. In appealing to perception, pluralism does succeed in displaying a cognitive dimension in customary morality, but it remains epistemologically naive. It says little about how perceptions might be challenged and tested rather than being taken at face value. To this extent, perception remains a questionable metaphor for moral knowledge. Moreover, in accepting the priority of principle to perception in the political sphere, pluralism does not appear to recognize that this ordering depends upon contingencies of modern society. If people related politically less like strangers and more like members of a community, the separation of spheres would be less clear. The importance of principles of rational choice then appears as an expression of certain types of culture. For these reasons, it is very difficult to sustain the part of the pluralist account that retains an ordering of greater and lesser moral authorities.

The implication is that there is no general account of the order of priority of moral principles and particular moral commitments. This supports the holistic view that accords no superior authority to universal principles. Moral thinking is now represented as involving reflective testing of existing ethical beliefs and principles against others or against new conceptions presented for exploration. This method of "reflective equilibrium" treats our actual moral intuitions, sentiments, practices, and customs as provisional starting points. It thus honors the perceptions typical of particular communities, while insisting that these perceptions can be tested against moral principles of justice and utility, that are also provisional, until we finally come to a reasonable decision about how to order the elements of moral belief. In some respects this is an ancient view. There is something like it in Aristotle, who stresses that most people, when asked to generalize, make claims that are false to the

complexity and the content of their actual beliefs. They need to learn what they really think by working on the alternatives and talking with one another so as to arrive at a harmonious adjustment of their beliefs.

The comparison with Aristotle helps to explain more fully why principles may be contingent upon culture. Reflecting on the conditions needed for the development of the human faculties, Aristotle concluded that the process depends on the political enforcement of morals (*NE* 1180a). Mill, seeking to promote the same development, argued that it depends upon honoring his contrary principle of freedom. The most plausible account of the difference is that in modern society the diversity of conceptions about the good precludes legislators from exhorting citizens to virtue, since that would be experienced as oppressive by those whose conceptions of the good differ. The principle of freedom reflects our particular social circumstances rather than serving as a principle of justice with universal ethical and political persuasiveness. In the process of testing prevailing moral beliefs and principles against one another and the facts, then, principles have no obvious claim to independent credibility and gain no obvious claim to universality.

Principles have a systematizing role, but the more we stress comparing and contrasting particular sets of circumstances rather than inferring particular conclusions from general propositions the less principles seem to have a separate justifying role. A similar point was made earlier about treating perceptions as starting points. They do not yield reliable data with a privileged claim to recognition in constructing a coherent system. However, that point was appropriately directed against pluralism's epistemological naivete. Holism, by contrast, introduces acts of discrimination, assessing initial judgments in the course of arguing from analogy, precedent and provisionally settled cases.

Such patterns of reflection are remarkably complicated, including intersecting strands of argument, subtle modifications of principle, and changing patterns of response. In describing these forms of critical scrutiny, holism effectively broadens the conception of rationality to include forms of discriminating perception as central to resolving moral disputes. It thus helps to restore to moral philosophy a sense of the importance of rhetorical inquiry largely absent from both rationalism and pluralism. In so doing, it seeks a place for a form of rational persuasion alongside of the logical compulsion exerted by valid arguments and the emotional compulsion exerted by the prejudices of unexamined attitudes and customary expectations. It promotes the Aristotelian view that in ethics it is mistaken to demand proofs, so that moral reflection stands apart from syllogistic and from deduction more generally. In consequence, it recognizes that nothing can guarantee that another person will be persuaded by the force of a comparison, the strength of an analogy, or the weight of a precedent – in this respect there is no logic of persuasion – but it also notes that such decisions are

clear marks of intelligence. They require learning, not merely training, and deliberation, not merely emotional response. This gives good grounds for using the word “rational” in such cases even if the criterion for its use differs from tests of logical validity.

Whether these grounds are good enough may be challenged in at least two ways. First, in continuing to employ the model of perception, holism may appear to avoid a naive epistemology at the expense of an immodest moral realism. It is not necessary to pause long over this concern, since it is not obvious that the model depends upon a controversial metaphysical hypothesis. Some analyses of moral perception find a central place for imagination, for ideas super-added to the world as it exists purely by itself. On such views, the realities perceived have no ontological status more peculiar than that of human responses and their creative interpretation.¹⁹ Second, in adopting a broadened conception of rationality, holism arguably abandons philosophically rigorous notions of justification. Beguiled by the parochial and eccentric, it leads to too extreme a rejection of principled reflection. Further consideration makes it at least unclear, however, whether this challenge can be sustained either.

IV Morality Within the Bounds of Custom Alone

Rationalism, pluralism, and holism all find a place for authoritative principles, but the recent history of holism shows a decided tendency to move from formulations of the position that place it near rationalism to formulations that place it near particularism. John Rawls is the best-known advocate of the method of reflective equilibrium. In *A Theory of Justice* he was taken to think (and may have thought) of it as enabling moral reasoners to arrive at principles valid for everyone. He now sees the universal principles he prefers as articulations of agreements it is possible to reach in liberal-democratic societies.²⁰ The force of moral principles is seen as continuous with that of the moral intuitions and the customary rights and obligations they were once taken to test authoritatively. However, holists continue to view this force as more than “the halo of custom.” It is taken to result from principles having been formulated and tested in the search for a reflective equilibrium that also tests customs and transforms intuitions into considered judgments. It is

¹⁹ See, for example, Evan Simpson, *Good Lives and Moral Education* (New York: Peter Lang, 1989), pp. 71–102; Martha Nussbaum, *Love's Knowledge: Essays on Philosophy and Literature* (Oxford: Oxford University Press, 1990), pp. 148–167 and passim.

²⁰ For recent documentation in the case of “two concepts of Rawls” see Jeffrey Stout, *Ethics After Babel: The Languages of Morals and their Discontents* (Boston: Beacon Press, 1988), pp. 227, 323.

the process of discriminative reasoning that confers authority upon moral principles and moral beliefs.

In order to understand the role preserved for reasoning in this account, the effects of custom and circumstance have to be evident as well. They are unmistakable in the lower-level principles of freedom, political neutrality, and distributive justice that rationalists rest upon the most abstract principles of justice or utility. As we noted in the differing views of Aristotle and Mill on freedom and paternalism, such derivative principles express aspects of modern social arrangements. What may appear as freedoms owing to human beings as such are more cautiously viewed as expressions of institutions and compromises justified where a relatively thin conception of the good is the most on which people can secure agreement. This part of the modern moral consciousness reflects a particular mode of connection between human beings who have to cope with competing views of the world. Human freedoms then reflect facts of our own civilization rather than something required for all human beings by good moral reasoning.

What, though, of the highest-level principles of utility and justice? Promoting well-being and giving others their due are so central to anything recognizable as moral reasoning that the contingencies shaping lower-level principles cannot be assumed to inform all principles whatsoever. Michael Oakeshott thus draws too much from his point that the searching intellect will always find principles seeming to underlie and justify what we approve and disapprove.²¹ The point may be granted without also accepting his conclusion that this approval and disapproval never derives from appreciation of these principles. It may be true to particular theories of utility and justice, and of the particular principles defining them, that they mirror what we are independently disposed to approve and condemn without its being true of the most abstract principles themselves.

Having to speak of “the abstract principles themselves,” however, quickly leads to the conclusion that no interesting principle possesses universal authority. If we ask what the basic principles are, the answer must be, “Promote the good” and “Do the right.” If these are principles, they are also uninformative comments about rational agency. Part of the core concept of rationality is that there is reason to act only when the benefit is greater than the cost, that is when something better will result. It is therefore a simple truism that every action aims at some good. It is equally a truism that no one wishes to do wrong, any action having as its object what seems right so far as the agent’s purposes are concerned. Principles expressing only these platitudes have universal scope but no practical force. They are far removed from plausible candidates for the title of “first moral principle,” such as a greatest-average-happiness principle or an egalitarian principle of justice. Since

²¹ Michael Oakeshott, *Rationalism in Politics*, p. 105

any such principle is potentially contestable, it may have the force of experience and reflection but will lack universal acceptability.

Particularism asserts this limitation. It disclaims the certainties of rationalism, including the idea that odious moral conceptions can always be refuted by argument.²² In so doing, it may attract ill-defined charges of relativism, but these might also be directed against holism. The more that view has moved towards an ethnocentric self-conception, the less it is able to claim a need to, or possibility of, stepping outside shared, socially-interpreted motivations. However, this is not relativism if that means holding that a principle right for one society may be wrong for another. Particularism takes from holism the idea that any acceptable principle gives partial expression to a complex way of life. A principle cannot be meaningfully abstracted from that way of life and compared with another abstraction from another way of life. This does not mean, though, that particularism denies the possibility of passing judgment on whole societies, for ways of life can be compared. Most particularists believe that a liberal way of life commends itself over others that appear cramped and servile. Adopting Mill's practical criterion, they may say that between alternatives the one preferred by almost everyone who has experience of both is the more desirable. Want of rational certainty is not reason to lack moral confidence.

Particularism also takes from pluralism the idea that the operative contrast with universality is not relativity but particularity. Moral principles have force when they express a coherent and workable resolution of the conflicting claims and emotional confusions arising in particular circumstances. They will not seem forceful enough if one suffers fear of parochialism and feels the need of universal criteria in order to keep on the rails, but the fear would be justified only if each step away from rationalism weakened morality. Instead, each step away may be thought to mark a gain, for each subtraction from the rationalistic conception of morality is equivalent to an addition. A brief recapitulation of the argument indicates how each successive departure from rationalism defines additional capacities for moral reasoning.

First, in repudiating the *sole* authority of universal principles, pluralists claim that there need not be only a single source of moral authority. In so doing they restore to moral thinking a place for perception in cases where principles do not suffice. This identifies the potential for judgment, a skill to be called upon when no adequate rules or principles are available.²³ It is a capacity that cannot be disentangled from social institutions, customs, conventions, and traditions whose requirements are known by acquaintance rather than through inference and argument.

²² Cf. Richard Rorty, *Contingency, Irony and Solidarity*, p. 53.

²³ Cf. Harold I. Brown, *Rationality* (London: Routledge, 1988), p. 165.

Second, in repudiating the *superior* authority of universal principles still preserved in pluralism, holists recognize the rationality of analogical and comparative modes of thinking that otherwise appear as simple expressions of feeling and attempts at persuasion. This identifies a capacity for discrimination, including a capacity for interpretation that finds novel possibilities in existing conventions and permits them to be criticized effectively. One result is the possibility of active reform driven not by the demands of rational principles but by fresh perspectives on prevailing arrangements.

Third, in repudiating the *universal* authority of moral principles altogether, particularists try to open a new dimension of imaginative criticism, entertaining the possibility of alternative forms of private life and social arrangements. They thus tend to have a detached appreciation of their own principled attachments. From there, the proposition, “No universals,” is the closest one can come to a universal principle. Conceivably, this proposition may have moral effects, undermining the absolutism that can support oppressive moral dogmas, although it also precludes guarantees that oppressors will be upended by good argument. However, the proposition is not strictly a moral principle. If it were it would labor under a dilemma of self-reference, but it really belongs to meta-ethics as a statement about the scope of moral principles, their open-endedness and latitude for innovation.

The moral principles honored by rationalists, pluralists, and holists are important critical tools. They help to regulate relationships between human beings by fixing the results of experience, argument, and reflection. However, in expressing prevailing patterns of moral judgment, their critical potential is limited by these origins. Any principle of justice will ultimately be glossed in terms of respect, equity, fairness, or desert, appraisive notions whose demands can be differently interpreted. Even when an interpretation has been descriptively fixed it is susceptible to redescription. For the same reason, no principle of utility will ever define standard moral weights and measures, especially when understood “in the largest sense.” Identified in terms of higher desires – to avoid doing wrong, to gain knowledge, to help others – utility is as subject to interpretation as are these purposes. The corresponding principles always presuppose criteria for judgment rather than serving as bases for judgment.

A principle of justice effectively places some conception of justice first among the virtues, and a principle of utility puts a conception of utility first. Principles of honesty, kindness, loyalty, courage, etc., have also been formulated, and they indicate other possible orderings of goods. Each states a view of human well-being, but the good life has no natural set of requirements. Many theories have been formulated in order to justify imposing one set or another, but such theories may constrain moral thinking rather than improve it and discourage

exploration for new practices better suited to circumstances. On this view, moral philosophy serves human beings better by attending to the desirability of such common expectations than by seeking a moral science in quest of principles that are inevitably indecisive or ambiguous.²⁴

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²⁴Earlier versions of this paper were read at the University of British Columbia and the Victoria University of Wellington. I am grateful to the Philosophy Departments there for both their useful comments and their hospitality. Thanks are also due to Stanley G. Clarke for his helpful criticism.