

Genealogy, Reflective Equilibrium, and Ethics Without Theory

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In this talk, I want to ask why we should look for an ethical theory, and why we should think that there is such a thing to be found. In other words, I do not want to ask which one of the various ethical theories might be correct, or might at least come close to being correct. I want to ask the different and more fundamental question of why we should think that *any* such theory might be correct, and what the alternative to *all* such theories may be.

For one thing, it is certainly not obvious that we need a theory in ethics. For another, it is certainly not obvious that a sufficiently convincing theory can be found. If that should be so, we might be well advised to try to understand our ethical predicament in different, and more fruitful, ways.

This is the spirit in which my remarks are to be taken. In what follows, I will say something more about what I take the project of ethical theory to be. I will then try to support my contention that there is no need for that project, and that its prospects are probably dim.

I should say straight away that I do not expect any argument that I could give to be conclusive. Like other skeptical views, it may only convince the converted. In fact, it may not convince very many of them. My description of ethical theories has to be highly schematic, and I cannot discuss any of them in detail.

So perhaps the best way of describing my contribution would be to say that it is an invitation to try out a different perspective, and to consider its merits on its own terms. In this way, I hope to make a case for a negative conclusion, which is that we do not have to think in terms of theories if we think about our ethical commitments and try to answer the question of what we should do.

I. Williams

Let me begin with a quotation from a canonical text of the skeptical view, *Ethics and the Limits of Philosophy* by Bernard Williams:

»The resources of most modern moral philosophy are not well adjusted to the modern world. I have tried to show that this is partly because it is too much and too unknowingly caught up in it, unreflectively appealing to administrative ideas of rationality. In other ways, notably in its more Kantian forms, it is not involved enough; it is governed by a dream of a community of reason that is too far removed, as Hegel first said it was, from social and historical reality and from any concrete sense of a particular ethical life – farther removed from those things, in some ways, than the religion it replaced. These various versions of moral philosophy share a false image of how reflection is related to practice, an image of theories in terms of which they uselessly elaborate their differences from one another« (p. 197f.).

Here, Williams offers us a diagnosis of the appeal that certain conceptions of ethical theory owe to what he calls »administrative ideas of rationality«. What he has in mind, I think, are those conceptions that embody the ideas of law and principle, and use them to derive substantial ethical conclusions that appear uniquely justified from an impartial, universal point of view. These ideas are prominent in Kantian theories. However, they are equally embedded in the consequentialist tradition, where theories tend to start with some conception of the good, and then establish a conception of right action on that basis. Here, the appeal to »administrative ideas of rationality« comes from the link between right action and

the common good, where distribution merely takes account of need, and everyone is equal as provider and recipient of goods. In either case, ideas of law and principle take centre stage. Given this, and given the idea of justice and equality, we can see how many theories of ethics are unwittingly bound up with distinctively modern ideas from the political sphere.

Of course, there are alternative conceptions of the ethical, and of rationality, which are not weighed down by any such extensive borrowings from, among other things, the theory of the republican, liberal state. Unsurprisingly, some of these are found in antiquity, most prominently in the works of Aristotle. His conception draws on a much wider range of concepts, intellectual and psychological resources. In this way, it is certainly much closer to the social and historical reality of which Williams speaks. In this way, it can also hope to better respect, and illuminate, what Williams calls the »concrete sense of the particular ethical life«.

But even in the classical tradition, there is pressure towards a theory, and Aristotle is a representative example. His ethics is quite helpfully unburdened by conceptions of the Moral Law or the Greatest Happiness of the Greatest Number. But in a sense, it does attempt to give ethics a foundation, and it emphasises that some traits of character and judgment are required for a life that can be said to have gone well. While Aristotle thinks that the force of that »required« can only be appreciated from within a life that is structured by a certain kind of ethical concern, and therefore shaped by traits of character and judgment that contribute to its going well, he also seems to think of that force as objective, as valid for human beings »as such«. As Aristotle thinks of it, human nature, reason, and the virtues are harmoniously connected, and ethical theory brings that connection to light.

II. Ethical Theory

With that, we have three examples of ethical theory before us, and for now, that is enough to delineate the target area of my remarks. Despite their many obvious differences, all three examples of ethical theory have something important in

common. They claim to find some underlying structure in considered judgments that concern what we should do.

Thus, a Kantian type of theory will appeal to the importance of principles that are determined by a relation that holds between everyone who is subjected to this legislation, and their own rational judgment, agreement or will. By contrast, a consequentialist type of theory tries to account for the distinction between morally right and wrong action in terms of their respective contributions to bringing about something of value or worth. Finally, a type of theory that primarily appeals to the idea of virtue will demand that the good person acts as practical reason directs, and then try to stabilise the idea of the good person in terms of character traits and virtues that such a good person has to possess. While it is certainly more skeptical of principle and formula, this type of theory holds on to the idea that there is an informative general answer to questions of how we should live, and that philosophy can bring that answer to light.

III. Three Preliminary Points

As these examples show, ethical theories locate different kinds of conceptual structures at different levels of ethical thought. The result is a variety of ethical theories, all of which share a basic presumption to the effect that such a basic conceptual structure is there to be found. Once that presumption is granted, the question becomes which of these theories is best, or better than some other theory, or escapes some objection that some other theory fails to address.

But should that presumption be granted? I will now consider why we might be skeptical that such a basic conceptual structure *is* in fact there to be found.

One general, preliminary point that bears on this was made by Wittgenstein and others. It is that, from our point of view as speakers, much of our linguistic competence does not require any underlying principle that we could consult as we would consult a division table or a colour chart. Our most fundamental concepts do

not have informative analyses, and even if we had a principle to hand, that would not by itself determine how that principle applies.

A second point that bears repeating is that there is no presumption that such a structure is there to be found in ethics, just because it can be found in science or in law. It is most obviously found in logic and in mathematics, but these are *designed* to be deductive, formal systems; so we should expect the structure of the system to reflect this. Where the law works on the basis of explicit rules that have been laid down as the law, this provides a common point of reference; but there can be law in the absence of such rules. Science has intrigued philosophers for centuries; but it has almost always led them astray. Once again, Wittgenstein has made the point quite well:

»Our craving for generality has a another main source: our preoccupation with the method of science. I mean the method of reducing the explanation of natural phenomena to the smallest possible number of primitive natural laws; and, in mathematics, of unifying the treatment of different topics by using a generalization. Philosophers constantly see the method of science before there eyes, and are irresistibly tempted to ask and answer questions in the way science does. This tendency is the real source of metaphysics, and leads the philosopher to complete darkness« (BB, p. 18).

The fact that science has discovered laws and regularities of many different kinds, and on many different levels, does not support the application of that model to ethics or any other enquiry *in any way*. The modes of ethical reflection are in fact entirely alien to it.

Finally, there is no reason to believe, as Kant and others did, that rationality itself is tied to the idea of principle or law. As Hume saw, it may equally concern what he calls »relations of ideas« or »existence and matter of fact«. For Aristotle, it is clear that something can be seen both as an exercise of reason, and as an exercise of sensibility and judgment, aiming at truth, giving due consideration to the particular

features of the particular case. We should follow him in this, letting the ideas of principle and law fall into place at a later stage.

IV. Conflicts with Considered Ethical Commitments

With these preliminary points in place, we can now turn to the argument. It begins from a simple observation that concerns relations between theory and practice, and then adds a temporal, specifically historical dimension.

The simple observation is that all types of ethical theory have had significant trouble accommodating some of our most basic ethical commitments. If those theories have substantial content, it is likely to distort or misrepresent the content of our ethical experience, of which these commitments are a part. By contrast, if the theories stay faithful to our ethical experience, they face a different charge, namely that of being virtually empty.

This is most obviously so in the case of the Kantian formulae. In its most familiar formulations, the categorical imperative is a test of maxims. It tells us to generalise a given maxim, and to ask ourselves whether that maxim, once generalised, leads either to a »contradiction in thought« or, failing that, to a »contradiction in the will«. The basic problem here is that the content of the test itself remains unclear, and that attempts to spell it out in one way or another tend to lead to false results. Where Kant appeals to the very different idea of always treating others as an end, and never as a mere means, this undoubtedly has more appeal. But it is certainly less than fully precise, and much more work needs to be done before it can serve as some kind of test of moral right and wrong.

By contrast, consequentialism is precise, as far as the basic structure of the theory is concerned. It is, of course, far from precise when we consider applications. But that is not the basic problem. The basic problem lies precisely in the structure of the theory, and in its exclusive focus on the function of morality to maximise a given good. Again, there are difficult questions of content, most obviously regarding that

conception of the good. But there are very many others, and some of the most pressing have to do with the purely instrumental conception of morality that is an essential feature of the consequentialist approach. It would seem that some abhorrent actions always turn out to be right, provided only that a large enough amount of good hangs in the balance. Conversely, it could not be right to do something that does not produce the best outcome in terms of promoting the good.

But perhaps the deeper problem is not, at least in the majority of cases, with *what* the theory tells us we should do. After all, this *could* be right quite independently of any consequentialist account. The problem is with *how* we would arrive at that conclusion. It does not seem right that we should, for example, sacrifice a life to save ten others *just because* this is how a certain sum of calculating consequences happens to come out. By contrast, if we try to factor all these complications into the equation, consequentialism tends to lose its profile as a theory, and with it much of its own rationale.

Finally, the virtue ethicist will face the question of the merits of his view. In virtue of its subject matter, character and virtue, it does not propose a formula, and it does not imply some schematic test of moral right and wrong. Accordingly, it does not encourage us to pronounce directly on a given action in terms of some rigid moral code. Rather, the emphasis is on actions that manifest virtue, and on what the virtuous person would do.

Here, once again the challenge is to stabilise that notion. On the one hand, this must not involve unwarranted assumptions, such as an appeal to some teleology concerning human nature. On the other hand, it must give us more than merely different packaging for ethical convictions we already have. If that were all that we could have, it would render the appeal to the virtuous person vacuous. Again, there is the further question whether concepts that pertain to character and virtue really are in any way more fundamental than the many other concepts that we use and recognise. It seems that certain actions are quite simply wrong, and not wrong *because* they manifest some vice. Again, some actions may be justified *in virtue* of

their consequences, but not because we can subsume those consequences under virtues such as prudence or benevolence.

V. A Likely Explanation

The second observation is that these tensions between theory and practice have an explanation that suggests that they are systematic, and that they run deep. This is where the argument leads us back to history, to what we know about the origin and function of ethical attitudes and institutions. While this history is to a large extent unknown, there are a number of points that can be made with a reasonable degree of confidence. They help to explain why diversity, not uniformity, is what we should expect to find.

A first point is that the basis for ethical attitudes was probably shaped to a significant degree by natural selection. It is highly likely that human ancestors gained a significant advantage by being able to coexist, to cooperate, and to regulate and to adapt their behaviour by reference to norms. In addition to that, ethical life has been shaped, and is still being shaped, by culture, learning and tradition. Either way, ethical attitudes and institutions form a significant part of human life.

With that, we already have a basis for a number of predictions. First, we should expect that there will be norms that guide cooperation, division of labour, sharing of goods and resources of various kinds. Second, we should expect that the attitudes in question are instilled and enforced in a number of ways – through education, through conversation, through negotiation, through social pressures of various kinds. We should also expect that some dispositions that people develop will be encouraged, while others are shunned and suppressed.

We should also expect that certain rules are established, that certain kinds of action are marked, and reliably seen, as commendable, called for, or good. By contrast, other kinds of action will be marked, and reliably seen, as shameful, wrong or bad.

Moreover, we can expect that intentions and dispositions are taken into account where people act in accordance with, or seem to violate, rules of this kind, and that ideals of character will come to play a significant role. We should also expect a special concern for the family, and a related concern for those who are close to one another in some other way.

As importantly, we should expect that concerns of this kind come in degrees. There will also be rules that are common to all who have any prospect of interaction. Their nature and scope will be partly determined by the nature and scope of that interaction, and some of them will be such that all participants of interaction have something to gain. Examples may be prohibitions of violence, some rules concerning possessions and transfer of goods, and also rules concerning transgressions of rules. There will be mechanisms for the allocation of benefits and burdens, some norms concerning sexual conduct, and other social conventions of various kinds.

VI. Pluralism

This is a very rough and ready sketch of some functions of ethical life. On any account of the matter, these functions must be a part of the best explanation of why such a thing as human ethical life came to exist. Of course, this explanation is contested. It is also incomplete, taking answers to many large questions for granted. But even so, it seems to me to give support to my contention that ethical life is a complex affair, serving a number of functions by means of ethical attitudes and institutions of various kinds.

Some of these work at the level of action, some at the level of character, others apply to intentions, emotions or thoughts. There is a rich and varied ethical vocabulary that reflects these differences, and it is well worth remembering how rich and varied it is, especially when we are doing philosophy. Our ethical life has grown out of the history of human life. That history does not embody a purpose or plan.

But if that is so, then there is also no presumption to the effect that ethical life has a structure that can be captured by means of a formula, or that stands to be revealed by some fairly schematic conception of ethical thought. We have no reason to expect that our ethical attitudes readily fall into place within the confines of a theory, or show underlying patterns or principles that serve the ends of an ethical theory of the traditional kind.

VII. Reflective Equilibrium

There is an objection to this line of thought. It can be put in the form of a question: How can any of this bear on the question of what the *right* ethical outlook might be? After all, even if this style of explanation is accepted, it seems to merely concern the *factual* question of how a particular ethical outlook, or any ethical outlook, took shape. Even if it is accurate as a description of our ethical outlook today, it would seem that it could be, at best, of very limited normative significance. And if we think of an ethical theory as an essentially normative enterprise, then it would seem that the explanation could consequently have no substantial implications for the prospects of that enterprise at all. It would pertain to a different subject matter, giving descriptions of how something is, or explanations of how it may have come to be. But those explanations or descriptions would still be compatible with any ethical theory of the traditional kind.

But there is a connection, and this is brought out by the third assumption of the argument. It is an observation that concerns the methods that are used to establish normative conclusions. I will refer to them as *methods of reflective equilibrium*.

What I have in mind is the assumption that ethical theories need some support, and that in the end, this support can only come from a particular source. This is the set of our considered ethical commitments, comprising ethical beliefs we firmly hold.

As far as that assumption goes, it still allows that a theory can overturn some of those commitments. The point is that the theory itself will only be acceptable if its results do not divert us too far from our ethical commitments. After all, why should we accept some theory that tells us that our ethical beliefs are largely false? What could be the basis for that claim?

Accordingly, the claim is *not* that we cannot revise our ethical views in the light of a theory that we have come to accept in this way. We certainly can, and that is why the method is in fact a form of *reflective equilibrium*. For all that I have said so far, we can accept that *if* the evidence in favour of a theory is good enough, we can have good reason to revise our beliefs and attitudes that are not compatible with it. For now, the point is merely that this process has a limit, and necessarily so.

But I suggest that if we *also* think of our commitments and their history in something like the way I have described, that limit stops us short of any theory. In other words, if we accept the explanation, the evidence in favour of a theory is unlikely to be good enough to give us reason to revise our basic ethical commitments.

The reason is that if we take that style of explanation seriously, then we have every reason to expect that the plurality of concepts, principles and values will carry through to the level of theory. At the same time, this plurality is the only basis from which evidence in favour of a theory could be derived. And given that a theory must be able to explain our ethical convictions, and cannot simply explain them away, a thoroughgoing pluralism is the likely outcome.

But if that is true, then the narrow focus of all Kantian approaches on a set of principles that can be rationally willed or agreed begins to look overly narrow, artificial and abstract. Consequentialist approaches seem to be more flexible. But once again, they remain schematic and reductive when it comes to our considered judgments of what we should do, and for what kinds of reason we should do it. Even virtue ethics, with its emphasis of good ethical judgment and dispositions of

character, seems to fail to do justice to the importance and independence of ethical considerations of different kinds.

VIII. Antirealism

Note that this line of argument does not rely on implications of the explanation that concern the plausibility of a *realist* account of ethics. As I understand this view, a realist believes that there are ethical truths or facts, and that these truths or facts are objective in a sense that entails at least their independence of any beliefs about, or attitudes towards, these truths or facts that we or others may happen to have.

Now it is clear that realism does not by itself encourage theory. As Bernard Williams observes, if there is such a thing as »the truth« about the subject matter of the ethical, why should it be simple? In particular, why should it be conceptually simple, building on a single notion such as »duty«, »good state of affairs«? (ELP, p. 17) Again, why should it be built around ideas of »happiness« or »virtue«, as opposed to all of them, and more, that we know and use?

But there is something more to be said, and this also concerns the idea of »the truth« in matters of ethics. In my view, the likely outcome of the genealogical approach *is* a form of antirealism. And in my view, this fact puts further pressure on the project of establishing a theory.

On the one hand, an antirealist account of ethics can forge an even closer connection between the questions of how we should live, or of what we should do, and the plurality of ethical judgments and attitudes that we observe. In one way or another, ethical thought will have to reflect, or express, those ethical judgments and attitudes. To the extent that ethics has a foundation, that foundation will be found in human dispositions. Accordingly, to the extent that there is ethical truth, it will have to be constructed from those source materials. In this way, it will also be

affected by their structure. That structure is pluralist, and every ethical theory of the traditional kind would involve distortion of that structure.

On the other hand, an antirealist account tends to undermine a number of assumptions that are needed to establish a theory of the traditional kind. For example, what kind of principle can be rationally willed, or agreed upon, and what can count as a good reason for whom? Again, it will be harder to determine what counts as practical wisdom, who has good ethical judgment, and what a flourishing life would be like. A similar problem arises for the idea of a good state of affairs. Moreover, we can no longer simply assume that bringing about a good state of affairs is what we have reason to do.

As I have said, none of this decisively rules out the possibility of an ethical theory of the traditional kind. But I think that two conclusions can be drawn. The first is that a theory would really have to *be established*, and that none can be established *by default*. The second, and perhaps the most important, is that there is one alternative to all such theories, which is to have none.