Questioning Moral Theories

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Not a day passes but we find ourselves indignant about something or other. When is our indignation justified, and when does it count as *moral* indignation rather than a legitimate but non-moral gripe? You might think that we should turn to moral theories – to the varieties of utilitarian, Kantian, virtue theories, etc – to answer this question. I shall try to convince you that this is a mistake, that moral theory – as it is ordinarily presently conceived and studied – does not have a specific subject matter, a specific aim, scope or boundaries. You might think that the difference between *echt* moral indignation and other forms of disapproval is their relative strength or the importance of their target; but moral indignation can be quite faint, directed to a relatively minor transgression and a strongly felt gripe may be directed to a serious but presumptively non-moral infraction. I shall try to persuade you that morality does not constitute an important and distinctive domain with a distinctive set of over-riding norms or a privileged mode of reasoning: morality is everywhere or nowhere in particular.[1] Radical as this claim may sound, I am not a complete Luddite about the matter. Traditional moral theories nevertheless have important functions. But rather than being competing 'winner takes all' explanatory and normative theories, OldSpeak moral systems function heuristically. They offer a heterogeneous set of reminders, questions, advice, ideals, warnings, considerations for deliberation. While we try to integrate and systematize them, there is no single overarching organizational plan.

As things now stand, we seem to have two, quite different and perhaps conflicting conceptions of the functions of moral theories. On the one hand, they take their subject matter as given: they are supposed to describe, analyze and explain the phenomena commonly characterized as 'moral,' contrasting them with what is immoral or

[1] Though I do not believe that morality does not constitute a distinctive domain, I shall use OldSpeak to refer to morality and moral practices *de dicto*, without using shudder quotes. See 'The Many Faces of Morality', *Revue de Metaphysique et de Morale*, 1994; reprinted in *Mid-West Studies in Philosophy*, **20**, 1996, ed. Peter French and Howard Wettstein.

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morally neutral. On the other hand, a moral theory is also normative: it is meant to provide criteria for evaluating, and sometimes radically revising and correcting the practices with which it is initially presented. In the largest sense, a moral theory is not only an analysis of what's immoral about immorality, but also a critique of our common beliefs about what constitutes it. Going beyond a critical rational reconstruction of the phenomena commonly classified as 'moral', it sets itself to present ideals of conduct and character for emulation that may be strongly revisionary. What is the relation between these two aspects of moral theory, between its descriptive explanatory function and its idealizing normative force, between interpreting our practices and attempting to guide and revise them? Rawls' method of reflective equilibrium is sometimes presented as a model for the mutual adjustment of considered moral judgments and practices with general regulative normative principles.[2] I shall suggest that the method is best construed as presenting normatively charged heuristic questions and reminders in the process of practical deliberation, rather than as a stage in the construction of a normative moral theory. It is directed to prompting, rather than telling.

I

We need an example. Tracing the ramifications of attempts to distinguish a moral indignation from a legitimate but non-moral gripe will help us to reconceive the import of moral theories. It will lead us to – and through – three problems about the relation between moral theory and the phenomena that it is supposed to explain, and perhaps justify. The resolution of each problem invites the next, and eventually introduces a fourth set of questions about the status of moral theories.[3]

[2] See John Rawls, *A Theory of Justice* (Harvard, 1971) 20–21, 48–50. Platonic dialogues, Aristotle's ethical treatises, Hume's experiments and Kant's transcendental arguments all exemplify Rawls' method: they begin with descriptions of what passes for moral experience, attempt to explain and reconcile conflicts in the phenomena and move to a theory that first explains, and then provides norms for moral judgment and deliberation, norms that reinterpret and sometimes realign the phenomena with which they began.

[3] For the time being and for the sake of argument, I shall speak indifferently about the concerns of moral agents engaged in deliberation and those of moral theorists engaged in moral judgment.

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Problem One: Moral egalitarianism vs. moral elitism

We seem conflicted about the qualifications for morally responsible agency, about when a person is a legitimate target for moral indignation.[4] On the one hand, absent countervailing considerations, we hold everyone equally morally responsible, equally capable of morality, whatever it may demand. Any and everyone capable of agency is presumed to have the capacities – whatever they may be, basic intelligence, corrective self-reflection and self-control – to adhere to a few simple principles that also forthwith qualify them as morally responsible agents. Just as we are all equally subject to the law of the land, so we are equally subject to the courts of morality. That's on the one hand.

On the other hand, it seems we also acknowledge that the skills for robust moral activity – whatever it may be – are not equally distributed. Perhaps anyone and everyone is capable of good will, of attempting moral seriousness; perhaps anyone and everyone is accountable for moral thoughtlessness and inattentiveness. But earnest general attempts at intending and doing the right thing ensures only minimal morality, the thinnest wedge of rectitude. Minimalist morality – the morality of good will – does not, by itself, characterize, energize or deliver the actual fulfillment of its directions. It commands morality without ensuring its performance or delivery. If morality goes beyond the righteousness of intention to active engagement in attempting to achieve whatever morality requires (as it may be perfectibility or good works), then it demands a wide array of intellectual and practical virtues: emotional and intellectual sensitivity, insight and foresight, astuteness and

[4] I am grateful to Robert Frederick for pointing out that states of affairs can also be the targets of moral indignation. Because I believe that the real but latent targets for this kind of moral indignation are those presumed to be responsible for such states of affairs, I shall focus on agents as the targets of appropriate moral indignation. Frederick also remarked on the oddity of focusing on indignation – a non-voluntary emotion – as a moral emotion. My question could equally have focused on distinction between moral and non-moral blame. Although my concerns are quite different from his, I think they are compatible with Thomas Scanlon's subtle revisionary characterization of blame: 'To blame someone for an action ... is to take that action to indicate something about the person that impairs one's relationship ... and to understand that relationship in a way that reflects this impairment.' I take it as significant that Scanlon's account applies indifferently to presumptively moral and non-moral blame. (See *Moral Distinctions*, 122–3. Cambridge: Harvard University Press, 2008).

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resourcefulness, courage and stamina, a sense of proportion and perhaps a sense of humor.[5] As things stand, the capacities for robust generative morality – the substantive morality of performance expressed in action and character – are not equally distributed. Because those who are more endowed with such skills and abilities are more able to fulfill their commitments to morality, they are presumably more accountable for doing so. Under such circumstances, 'can' seems to command 'ought'. Ironically, the good fortune of a person's talents also carries a burden of responsibility and accountability, vulnerability to moral indignation. In that sense, we are not equally subject to moral indignation. 'From those to whom more has been given, more is demanded.'[6]

Of course these two views – let's call them *moral egalitarianism* and *moral elitism* – can be superficially reconciled by the introduction of a few sensible distinctions. We can distinguish several layers of moral engagement:

- the minimal morality of a righteous will and intention
- the morality of basic performance, of lawfulness and neighborly decency
- the robust generative morality of beneficence
- the supererogatory morality of ideal exemplars

Fulfilling the requirements of each of these demands a distinctive level of morally relevant traits and capabilities. The *minimalist morality of will and intention* – the morality of righteousness – seems egalitarian. It remains *in foro interno*, within the scope of what is presumed to be within the domain of any and everyone's command and control. It requires intending all that is morally required and only what is morally permissible, whatever those imperatives may be. Abelard – the sharpest and clearest analyst of such matters – initially locates moral responsibility in the formation of intention.[7] But since he thought that all sorts of factors can affect or intervene in an agent's ability to formulate appropriate intentions, he located moral responsibility in the power to endorse or to condemn even the strongest intentions and desires. He further argued that the ability to disassociate oneself from the strongest and most persistent

[5] See Aristotle, *Nicomachean Ethics* VI and my 'What It Takes To Be Good', *Morality and the Self*, ed. Tom Wren, Gil Noam and Wolfgang Edelstein (Cambridge: MIT Press, 1993), 28–55.

[6] See 'King Solomon and Everyman: A Problem in Conflicting Moral Intuitions' *American Philosophical Quarterly*, 1991, 181–194.

[7] See Abelard, *Ethics: Know Thyself* (Indianapolis: Hackett, 1995).

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intentions and desires lies within everyone's power. But since it takes considerable astuteness and judicious understanding to discern, evaluate and manage, let alone execute intentions and desires, even Abelard's minimal criterion for responsibility seems subject to external contingencies. To begin with, the abilities, the fortitude to distance oneself from desires whose directions are judged impermissible are not always in our control. A bad cold, a sleepless night can undo the firmest resolution to avoid voluntarily eliciting fantasies that one judges impermissible. In any case, the abilities involved in evaluating the moral permissibility of desires – let alone those of being able to distance oneself from them – vary greatly among individuals. If moral egalitarianism depends on every moral agent equally being able to discern the fine shades of moral permissibility, if it depends on the strength and habits of successfully managing one's intentions, it seems to rest on a fragile base. And if egalitarianism depends on readily available clear self-knowledge, it seems a lost cause. It would be circular – a bootstrap operation – to postulate moral egalitarianism in order to provide a justification for the egalitarian practice of moral praise and blame. That practice would be justified only if moral egalitarianism had been independently established. When the postulate of moral egalitarianism was ensured by a set of beliefs about Divine Authority and Purpose, it seemed on secure ground. Absent those beliefs, the postulate is grounded by the practice ... and the practice is grounded by the postulate. If such bootstrapping is acceptable in Euclidean geometry, where plausible interpretations of the axioms are strengthened by the theorems in which they function, it is suspect in moral theory.

The *morality of lawfulness and basic decency* is less egalitarian than that of righteous intention. Beyond the minimal requirements for basic agency, the qualifications for the morality of decency is a matter of degree, varying from reliability and competence in fulfilling basic obligations, to willingly responding to requests for extra help, to taking initiative for imaginatively promoting whatever morality requires.[8] The abilities relevant to moral decency also vary regionally and contextually. In a hospital, a nurse's scope of morally charged

[8] The scope of the morality of decency also varies culturally. Cultures that stress strong individual autonomy tend to distinguish the strict requirements of moral obligations from admirable but supererogatory non-moral 'neighborly' outreach activities. By contrast, the obligations of neighborliness in tightly knit 'no man is an island' communities tend to become a central part of morality, the focus of a good deal of education and evaluation. When such communities are homogeneous and relatively stable, the

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responsibilities – and so the range of her morally relevant skills and sensitivities – differ from those of the hospital office manager. To be sure, becoming a nurse rather than an accountant is partly a matter of circumstantial luck. If luck sets the range and depth of a person's moral responsibility, moral egalitarianism might seem to be ensured by Fortuna, by our being equally subject to the kinds of contingencies that determine the power and scope of our capacities, whatever they may be.[9] But although luck is pervasive in affecting all our circumstances and abilities, it may not affect us all equally. Once luck has equally played its differentiating role, those upon whom Fortuna has – by chance – bestowed greater skills and understanding have a greater weight of moral responsibility, without being entitled to congratulate themselves for what their skills can achieve. While we are all equally subject to the luck of our constitutions and circumstance, that luck results in unequal endowments and opportunities and thus of unequal responsibilities . . . and so an unequal vulnerability and liability to moral indignation.

We are not yet done with the layers of morality. Beyond righteousness and decency, there is robust generative morality. If morality is governed by the maxim 'From each according to his ability', the Solomons of this world – those with exceptionally sensitive and imaginative intelligence – carry a greater weight of moral and epistemic responsibility than is required from good-enough decent folk.[10]

To be sure, Solomon is not obligated to exercise his gifts in all directions at all times; and not all of his activities need be subject to moral scrutiny. Nevertheless, he might be held morally accountable if he took a much needed and deserved vacation in Cyprus when he could have spent the time working with his economic advisors to craft a better health-care policy. There seems no bright line that distinguishes judging that it was permissible but morally questionable for Solomon to have taken that vacation in Cyprus from judging that absent over-riding considerations, he was morally culpable for doing so. It might seem that conditions of excusability could

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morality of decency can be readily conveyed by imitation, without recourse to moral theory.

[9] See Thomas Nagel, 'Moral Luck', Mortal *Questions*, Cambridge University Press, 1979; Bernard Williams, 'Moral Luck', *Moral Luck*, (Cambridge University Press, 1981); Daniel Statman, ed. *Moral Luck*, (Albany: SUNY Press, 1993).

[10] See Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford, 2007) for an account of the ways that elistist practices affect epistemic access . . . and epistemic access in turn reinforce elitist power.

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differentiate Solomon's moral culpability from his merely behaving questionably. But determining those conditions would already presuppose distinguishing moral from non-moral blame.

Finally there are legendary figures who extend – and sometimes violate – the standards of decent morality. These are Dostoyevskian characters like Alyosha and Myshkin, whose moral presence extends even beyond that of Solomon. Buddha and Jesus of Nazareth seem to have been figures whose legendary lives inspire ordinary good-enough people to emulate them in ways that surpass – and often conflict with – the conventions of even the best and most imaginatively substantive generative decency. Although such morally revolutionary figures sometimes have an egalitarian outreach, in that they model a mode of life for Everyman, very few people seem – as things are – to be capable of even coming close to living up to the ideals they represent.

The tensions between our commitment to moral egalitarianism and our recognition of moral elitism can be resolved by distinguishing levels and regions or moral capability. Each and every person is equally responsible for developing and acting from her morally relevant moral capacities, whatever they may be, however they may vary. The abilities required for rectitude, neighborly decency and generative beneficence are differentially distributed, and even the capacities for reliable righteousness are subject to a wide range of contingencies: they vary regionally and on a continuum. There seems to be no bright line that distinguishes legitimate moral indignation from appropriate non-moral censure or condemnation. Problem posed, problem solved. 'Equally, from each according to her ability, to each according to her performance.' Ironically, it seems that the more we are capable, the more we are subject to moral indignation.

Still, questions remain: A certain level of epistemic capability seems required even for the basic morality of minimal decency. Under what conditions are we justifiably indignant at a person's failure to fulfill her epistemic responsibility, at her ignorance or failure to think? When is 'You should have known!' a moral charge? 'The members of the town council should have known the plant was dumping toxic waste in the canal' typically carries moral opprobrium. But when does 'You should have been sensitive to the needs of your aged and bedridden neighbor' have moral weight? And so we move to:

Problem Two: The epistemic responsibility of moral decency:

How closely are moral and epistemic responsibility linked? How much are we required to know in order to vote responsibly?

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How much about their patients are physicians responsible for knowing in order to prescribe a therapeutic regimen? When does 'plausible deniability' qualify as legitimate exculpation? As Yeats puts it:

> I lie awake night after night
> and never get the answers right.
> Did that play of mine send out
> certain men the English shot?
> Did words of mine put too great a strain
> On that woman's reeling brain?
> Could my spoken words have checked
> That whereby a house was wrecked?

Of course this is not primarily a problem about knowledge in the strictest, demonstrative, justificatory sense, whatever that may be. It is a problem about the scope of due diligence, about good faith careful inquiry. We again seem conflicted. The formulaic answer, 'as much as is required to be morally liable and responsible', comes full circle round to the problems of negotiating between the claims of moral egalitarianism and moral elitism. If the bar of epistemic responsibility is set at the level of the minimal capacities for agency, it rests at the minimal level required for the minimal morality of a righteousness. Unfortunately, even the most righteous may have very low capacities for due diligence. On the other hand, if we set the bar high, marking an ideally possible agent, then moral egalitarianism is ruled out at the outset.[11] 'Above all, do no harm' extends everywhere, not only to physicians, but also to plumbers, not only to the authors of encyclicals, but also to the authors of encyclopedias. You might even think there is an epistemic ethics of bird watching and of reading footnotes, and most of us fail to meet it.

Due epistemic diligence goes well beyond ensuring valid logical inferences, robust empirical investigations, and a thorough canvass of the consequences of action–options.[12] It also includes what we might call 'lateral imaginative thought': foreseeing collateral

[11] Hillis Miller remarks '[T]here is an ethical moment in the act of reading as such, a moment neither cognitive, nor political, nor social ... but properly and independently ethical' *The Ethics of Reading* (Columbia, 1987), 1. See also Wayne Booth, *The Company She Keeps: An Ethics of Fiction* (Berkeley, 1988); and Amelie Rorty, 'The Ethics of Reading', *Educational Theory* (1997).

[12] See Frances Kamm, *Intricate Ethics: Rights, Responsibilities and Permissible Harm* (Oxford, 2007).

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damage and finding ways to bypass it; refusing the retreat to plausible deniability; questioning or reframing conventional categories and dichotomies. For instance, an architect designing low-income housing might not only be epistemically responsible for taking the strength and durability of building materials into account but also for foreseeing how her designs could affect the safety of unattended children, or for considering the role of daylight on mood and depression. But extending the epistemic responsibility this way would be overwhelming: there seems no end to the kind of apparently tangential but generally predictable considerations that might significantly affect the outcomes of what we do. Setting the limits due diligence by reference to those of moral culpability invites circularity.

Like moral responsibility, epistemic responsibility is not distinguished by its vocabulary, its rationale or its sanctions. The requirements of epistemic responsibility – whatever they are, however widely they may reach – are everywhere and nowhere in particular. While there does not seem to be a bright line that defines the boundaries of the epistemic responsibility, common sense and linguistic sensitivity nevertheless seem to provide context-defined limits. In practice, the morality of decency does not depend on our being epistemological paragons. A nurse need not suffer Yeatsian anguish about diagnosing the symptoms of an obscure form of bacterial endocarditis; and citizens are not responsible for inquiring into the Brazilian economy to determine whether to vote for a candidate who supports NAFTA. The language and practices of the morality of decency suggests that there is a reasonable good-enough though contestable consensus on the demands of epistemic responsibility. Common sense suggests that we are obliged to fulfill the duty of due diligence only as far and as much as is necessary to act as responsibly as our situations and roles require. But, as is so often the case, common sense is circular: the conditions for epistemic responsibility refer to those of moral responsibility; and those of moral responsibility presuppose epistemic responsibility. In practice, they both rely on conditions of excusability . . . which in turn presuppose the network of conditions distinguishing moral permissibility and impermissibility.

The difficulty of determining whether or when epistemic responsibility has been satisfied raises a problem about how thick evaluative moral judgments differ from equally thick evaluative judgments of non-moral conventional social behavior . . . Which brings us to:

Problem Three: What distinguishes the language of moral judgment that of ordinary non-moral evaluation of action and agency?

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What, if anything, distinguishes moral from non-moral rewards and sanctions?

Nietzsche remarked that morality begins in admiration and disgust. As it goes beyond minimal morality, the language and the force of indignation and admiration, praise and blame, condemnation and approbation range widely. Consider the implications of subtly distinguishable shades of culpability in calling a person: devious, a slime, a rascal, a sleaze, a jerk, rude, insensitive, inconsiderate, unreliable, thoughtless, disgusting, hardhearted, callous, selfish, pitiless, brutal, merciless, malicious, contemptible, ruthless. Although first impressions suggest that these epithets carry moral implications, immoralists like deSade or Michael Corleone can be sensitive, reliable, generous, courageous, while a rude and thoughtless unreliable slime may or may not be immoral. In chiding Emma for being insensitive to Miss Bates, saying 'That was not well done' Mr. Knightly fused social disapproval with moral instruction. He would not have reprimanded her if he did not esteem her sensibility and good will. Distinctions among expressions of admiration – loyal, heroic, gallant – are equally subtle and morally diffuse. The language of moral contempt and condemnation is much more discriminating than that of admiration. Certainly the language of admiration for Holy Idiots and saints, for the perfect and the awesome, flounders in comparison to the rich and subtle distinctions among modes of condemnation. We are, after all, in practice more attuned to marking and differentiating varieties of untrustworthiness than we are to celebrating the merits of the faultless. There seems no bright line that differentiates the language of thick moral concepts from those that indicate social approval. Context tells all that can be told. But even then, we might ask: 'If you've got the condemnation, what does it matter – what more do you get – by calling it a moral condemnation?'

In practice, rewards and sanctions are as subtle as epithets. A slime or a boor is often judged and treated more harshly than an immoral hedge-fund manipulator.[13] Both typically express varieties of exclusion that can be as passing light as a snub or as life-changing as impeachment and imprisonment. Similarly, the discriminating practices associated with social respect merge with those conventionally marked by moral approval. They range from the kind of reverence

[13] See Jeffrey Murphy and Jean Hampton, *Forgiveness and Mercy* (Cambridge, 1988) and Herbert Morris, *On Guilt and Innocence* (University of California Press, 1976).

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accorded to exemplary (and often morally revolutionary) figures like Buddha to the relatively formal esteem accorded to the righteous. The subtleties of respect for decency and beneficence are expressed in the varieties of trust we confer to those on whom we rely to make significant decisions for us. We trust a neighbor to forward our mail without thinking of asking them to serve as guardians for our children. We are ready to appoint colleagues to powerful decision-making university committees without being willing to give them power of attorney.

In sum: The phenomena of morality – its discourse and practices – are so highly differentiated and nuanced that they merge with those of other ideals, norms and forms of social control. To be sure, there are marked differences at the extremes: although both may be condemned, a social ingrate does not receive the opprobrium of a Judas; nor will a socially graceful person gain the same kind of esteem as a Mandela.[14] Yet contextualized neighborliness is nevertheless indistinguishable from the core morality of mutual concern and respect. In any case the criteria for moral respect are, like other forms of respect, themselves highly contested, both in practice and in theory. The respect prescribed by one moral theory is merely accounted the courtesy of *noblesse oblige* by another ... and vice versa. Which brings us to:

Problem Four: What kind of theory is moral theory?

Having argued that the phenomena commonly characterized as moral does not form a unified or distinctive domain, we seem to have left moral theory high and dry, without any proper work of its own.[15] If it stays close to linguistic and social phenomena, it seems to become the social anthropology of local moral discourse and behavior, only as good as our anthropological training and linguistic sensitivity. Even if such a theory were to offer an explanatory reconstruction of the phenomena, it would not satisfy the normative ambitions of classical moral theories.

In the interest of moving from anthropology to theory construction and eventually to moral guidance, classical moral theorists engage in a bit of Procrustean tidying up. They limit the focus and scope of their inquiries, defining the categories that organize the chaotic subtleties of the phenomena. Their reconstructive investigations are channeled by distinctions between (as it may be) virtues and natural talents, or the right and the good, or the permissible and

[14] I am grateful to David Wong for this point.
[15] See 'The Many Faces of Morality' loc. cit.

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the obligatory, 'ought' and 'is,' natural and conventional law, or *echt* morality and the norms that govern other social practices. In the process of formulating criteria for evaluating (as it may be) intentions, actions, persons, policies, moral theorists from Socrates to Rawls used the method of reflective equilibrium to explain and resolve conflicts among the judgments and principles with which they began. As Rawls formulated it, the method attempts to reconcile or harmonize conflicts between particular moral judgments (for instance, about whether a particular indignation qualifies as a moral indignation) and the general principles that are supposed to govern them (for instance principles that define conditions for moral responsibility). Conflicting judgments are modified or resolved by reference to a larger scope of beliefs, practices and principles, moving towards an acceptable consistent and explanatory view.[16] So far, the construction of classical moral theories seems parallel to the construction of classical scientific theories.[17] But besides redescribing and rationalizing the phenomena, moral theories have an added legislative dimension: they prescribe moral and motivational ideals and guiding principles. Scientists interpret and explain the world; moral theorists accept the challenge of attempting to change it. Even a naturalist like Hume wants to change our attitudes, to redirect our attention away from superstition and towards fulfilling our social roles. Similarly, Dewey's naturalism is directed against authoritarian regimes and towards his conception of a liberal democracy.

II

But there's the rub. We have responsible normative moral theories galore. Having themselves conscientiously exercised critical reflective equilibrium to rationalize the booming buzzing subtleties of the phenomena, Kantians and utilitarians, Humean Naturalists and Aristotelian perfectionists regard one another with suspicion. Even when classical moral theorists hesitated to call their theories 'true', they wrote as though they believed that their claims and arguments should make their ideals or principles convincing, winning the assent of any reasonable person who has understood them.

[16] See Rawls, *A Theory of Justice* (Harvard University Press, 1971), 20–21, 48–53.

[17] I am grateful to Catherine Elgin for raising this point.

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At this point, faced by the continuing apparently irresolvable conflicts among moral theories, it is tempting to retreat, to give up trying to resolve our problems and turn instead to apparently neutral responsible academic research, concentrating on analyzing the views of the bold masters of the Canon. We might write tidy papers comparing the premises and arguments of Augustinian egalitarianism with those of Aristotelian elitism; or we might study the sources of Rousseau's concept of the self as citizen, distinguishing it from Mill's views on the civic significance of epistemic responsibility. There is no harm – perhaps there's no harm – in serious scholarly work. But because such scholarship is often far less politically innocent than it seems, we should not be surprised that it often involves bitter and venomous controversies. Sometimes deliberately, sometimes innocently, learned academic commentators can become the bearers of latent political agendas.[18] Under such circumstances, they are natural subjects for the metascholarship tasks of unmasking the hidden agendas of philosophic doxography. And so on, in unending process of unmasking.

In the spirit of reconciliation, many theorists use the method of wide or broad reflective equilibrium to integrate and harmonize the insights and arguments of their competitors into their own systems.[19] Utilitarians try to accommodate deontic restrictions; Kantians try to absorb perfectionist goals; Humeans give rationality a significant role in forming the sentiment of justice. But the process of mutual alignment and revision does not go smoothly, in part because the domain and characterization of moral experience itself remains conceptualized in terms and principles derived from diverse and conflicting moral theories. (While scientific theories also begin with theory laden descriptions of the phenomena they attempt to explain, they are in principle capable of translating these descriptions into a theory neutral extensional vocabulary.) Not even the broadest, most generous construal of the method of reflective equilibrium provides a procedure for weighting the relative

[18] See, for instance, controversies among commentators on Plato's *Republic*, as they range from Allan Bloom and Stanley Rosen to Julia Annas, Richard Kraut and Malcolm Schofield. Even the most scholarly and responsible interpreters of Hobbes – Quentin Skinner, John Pocock, Richard Tuck, Tom Sorell and Susanne Sreedhar – find one another's interpretations questionable.

[19] See Rawls, 'The Independence of Moral Theory', *Proceedings and Addresses of the American Philosophical Association* XLVII (1974/5), 5–22, 8 and Norman Daniels, 'Reflective Equilibrium and Theory Acceptance in Ethics', *Journal of Philosophy* **76** (1979), 256–82.

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importance among the contributors to an eclectic syncretistic theory.[20] Nor does it answer the question: 'Why should we take existing beliefs and practices seriously, considering that they – and the arguments that were offered for them – may be tainted by morally suspect power structures?' To the likes of Nietzsche, Marx or Foucault, even such syncretising projects seem deeply conservative, intellectual formulations of the very practices they claim to justify. They are open to the charge of being projections or paraphrases of the phenomena they purport to legitimate. Defenders reply: 'That question – the suspicion of the moral deflection of power relations – is itself an instance of an historically based normative judgment. Put it into the to-do pile for further reflection.' The reply indicates the continuously open-ended character of the process critical reflection. The metaphor is misleading: reflective equilibrium does not come to an equilibrium. It suggests another, different way of interpreting the point and tasks of moral inquiry, one which is not understood as a method of theory construction.

But before exploring a heuristic interpretation of the process of moral inquiry, we need first to turn to see why the syncretising project of using the method of wide reflective equilibrium to harmonize the deliverances of competing theories into one grand comprehensive moral theory is so difficult. Beyond universal conditions for formal validity, criteria for morally and epistemically responsible judgments are defined internally within the context of the theories in which they function. The epistemological principles governing the logical structures of Thomistic, Spinozistic, Humean, Kantian arguments differ as widely as their moral theories. In theory construction as well as in the practical practices of their application, Thomistic questions, theses and responsae do not map on to Hume's scientific method or Kant's transcendental turn, let alone Spinoza's ironic *more geometrico*. Each regards the method of other as epistemically questionable, perhaps irresponsible. Each regards the others as developing an incomplete moral theory because it asked the wrong questions and went about answering them in the wrong way. Attempts at a syncretistic eclectic unification of competing moral theories into one grand comprehensive explanatory and normative theory detaches the meaning and force of their moral norms and principles from the epistemic norms of the arguments that support them. Even the most confident and careful application

[20] See Bernard Williams, 'Political Philosophy and the Analytic Tradition' and other essays in *Philosophy as a Humanistic Discipline* (Princeton, 2006).

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of the method of wide reflective equilibrium leaves us with conflicts about what counts as an epistemically responsible integrative solution: some eclectic synthesizers favor elegant simplicity, others prefer staying close to the complexities of the phenomena; some are hospitable to radical revision, others want to conserve existing practices. Because the process of reconciling or harmonizing conflicts among rationally reconstructed moral theories – each with its own self-accrediting epistemic norms – seems to invite the longeurs of a regressive bootstrapping process, we might usefully re-think the tasks and point of moral theories. It is Rawls himself who suggests the best way to do this. Acknowledging that a theory of justice is inevitably a work-in-progress (or better, a work-in-process), he remarks that reflective equilibrium serves 'as a guiding framework designed to focus our moral sensibilities . . . identify[ing] certain considerations as morally relevant.' (TJ, 53)

III

Perhaps we were not able to distinguish moral indignation from a legitimate gripe because the project was ill-conceived, with a set of misleading presuppositions. We would do well to stop construing moral theories on the model of old-fashioned scientific theories, designed to rationalize and explain phenomena that are notionally identified independently of the theory. We might instead construe them as providing heuristic questions and suggestions to bear in mind for practical deliberation. They call attention to a wide variety of salient considerations to be used in making and evaluating decisions and policies; they offer pointers for critical reflection on ideals and practices; they provide reminders of the range of value commitments. Instead of evaluating traditional moral theories as competitive explanatory hypotheses or attempting to construct hybrid theories that cherry-pick favorite aspects of prime traditional theories, we should use them heuristically, to turn our attention the heterogeneous variety of salient features that were classified as 'moral' in OldSpeak.

Instead of thinking of moral theories on the model of scientific theories with a normative Aesopean ending, we should regard them providing leading questions, notes for consideration, pointers for critical reflection and practical deliberation. Rather than offering competing theories, they provide prompt and direct attention to a wide variety of salient features in situations of evaluation and choice. Properly interpreted, moral theories are closer to the starting points of Socratic

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inquiry, Wittgensteinian reminders and Arendtian critical reflection than they are to the construction of scientific theories. As both Aristotle and Hume remarked, the point of moral reflection such reasoning is to enable us to act well and live well.[21] Elaborating on Rawls' remark that a theory of justice is 'a guiding framework designed to focus our moral sensibilities' (TJ, 53), we might stop thinking of moral theories as delivering truths or justifying rules, and rather think of them as providing compatible considerations for reflection. So construed, the divisions among utilitarian, deontological or perfectionist programs are not invitations to eclectic syncretism, but potentially cooperative heuristic tools – reminders, considerations – for deliberation about the problems of OldSpeak 'moral experience'. They counsel asking the canonical questions What if everybody did that? Who benefits and at what cost to whom? How, if at all, has the consent of those who might be affected been gained? Did the agent know what she was doing? Should she be held responsible for her ignorance or for limiting her inquiry? We turn to imaginative scenarios to help us address the questions projected by classical moral theories.[22] They counsel us on ways of interpreting our circumstances, limitations and preferences. Utilitarian theories invite us to specify the phenomenological details of our options, to envisage the ramifications of competing policies and to introduce distinctions that enable us to avoid polarized pre-fab options. Aristotelian theories prompt us to reflect on our priorities while Humean theories recommend exercising the sympathetic imagination. Kantians ask us to determine whether we can consistently universalize the maxims of our actions. Taken together, such imaginative reflections on the leading questions posed by standard moral theories help us to perceive and interpret our situations from multiple perspectives. By providing thicker descriptions and more subtle specifications of our options, they enable us to understand

[21] Aristotle, 'We investigate what excellence is not in order to know it, but in order to become good.' NE II.2. 1103b27–9); Hume, 'Philosophy is commonly divided into speculative and practical; and as morality is always comprehended under the latter division, 'tis supposed to influence our actions [and] to go beyond the calm and indolent judgments of the understanding.' Hume, *Treatise*, 3.1.1.1.

[22] See my 'Educating the Practical Imagination', Oxford Handbook on the Philosophy of Education, ed. Harvey Siegel (Oxford, 2009) 195–210, Sabina Lovibond, *Realism and Imagination in Ethics* (Oxford: Blackwell, 1983) and Iris Murdoch, 'The Idea of Perfection', *The Sovereignty of the Good* (London: Routledge and Kegan Paul, 1970).

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what is at stake in our choices. They are compatible constituents of the process of practical deliberations.[23]

Active engagement in constructing and construing traditional moral theories remains intellectually and morally significant. Carefully and robustly articulated, moral theories refine our concerns, reveal the logic of their inter-dependence and trace their consequences. They analyze and evaluate the basic intuitions and commitments that initially prompted them. Fortunately we have serious, critically reflective and responsible, robustly and coherent moral theories wholesale. Aristotelian and Thomistic virtue theory, varieties of naturalism, Kantian deontology; utilitarianism, social communitarianism, varieties of contractarianism-all call attention to significant and substantive features of evaluation and choice. Construed as guiding fertile reminders rather than as winner-take-all theories, we can use them all heuristically, without expecting that they provide competing regulative ideals or principles that draw us into sterile repetitive and regressive polemics among them.

The heuristic interpretation of moral theories is neutral about many issues that concern contemporary metaethical theorists. Like Peirce's pragmatism, it is compatible with both moral realism and anti-realism; like Dewey's moral psychology, it is compatible with internalist and externalist theories of motivation; like Aristotelian practical reason, it combines particularism with general guidelines; like Wittgeinstein's naturalism, it avoids a sharp distinction between morality and other evaluative activities. Nor does it limit itself to the philosophic canon for its reminders – poets, physicians, theologians, political critics, city planners all set questions – and provide pointers for critical reflection. Except for deciding whether the Essays of Cicero, Montaigne and Hume should be part of the curriculum of courses on moral theory, it does not matter whether we still call such heuristic reflection 'moral theory' or emphasize the ways its questioning stance differs from OldSpeak theory construction. Everything except the mutually exclusionary claims of traditional moral theories remains.

[23] Bernard Williams provides a model of the use of imaginative reflection in his discussion of why the life of the amoralist is not worth living. Williams invites us to imagine the details of amoralist's endlesss and distancing calculations in his relation to his friends and family. Filling in the picture is the best – and in the end – the only convincing demonstration of the poverty of such a life. (See *Morality* (New York: Harper and Row, 1972.) I am grateful to A.W. Eaton for suggesting a parallel between the role of pluralistic imaginative reflection in moral choice and its role in interpreting and constituting the composition of artworks.

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You might object that we are left with the same conflicts with which we began. In a sense, this is true: conflicts remain even after imaginative reflection on the suggestions and questions prompted by moral theories. We might remain ambivalent about whether Solomon was entitled to his vacation in Cyprus or whether an architect had done due diligence in designing a building with randomnly placed windows. Worse yet, we ourselves might remain conflicted about whether we have done due deligigence in researching and acknowledging the work of our colleagues. But we shall be freed of the thought that we need to choose among the major moral theories to resolve these conflicts. Moreover, having used those theories to understand the significance of our options, we shall have a better understanding of what is at stake in them. In any case, why should we expect philosophy to overcome the serious conflicts that constitute our lives? They are intrinsic to our status as moral agents. Moral reflection can only be directed to illuminating the complex and multiple issues and values expressed in moral conflict.

You might object that construed in this way, moral reflection does not issue in any decisive judgments, let alone norms for the specific evaluation of particular intentions and actions. It is true that it doesn't answer the question with which we began: 'When is a particular indignation justified, when does it count as moral indignation rather than a legitimate but non-moral gripe?' I hope to have convinced you that we should not treat that question as an invitation to philosophic theorizing. In any case, why should we suppose that moral theorists – of all people – should be capable of providing wise and sound resolutions to the ordinary difficult problems we encounter in experience? Moral problems are not answered by theories but by reflective people asking a wide range of specific questions about who did what to whom for what reason under what circumstances with what outcome.[24]

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