The Power of Example

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Less than twenty years ago Peter Winch complained of the

> . . . fairly well established, but no less debilitating tradition in recent Anglo-Saxon moral philosophy, according to which it is not merely permissible, but desirable to take *trivial* examples.[1]

The examples of which he complained were trivial in either or both of two ways. Some were examples of the minor perplexities of life, such as returning library books or annoying the neighbours with one's music; some were examples described only in outline rather than in depth; and some examples were both minor and schematic.

Since Winch wrote these words the climate of Anglo-Saxon moral philosophy has changed. The wintry ethics of logical positivism and the cold spring of meta-ethical inquiry have supposedly been supplanted by a new flourishing of substantive ethical writing. This new concern has developed in two quite distinct genres of writing on ethics. In Britain the change is apparent in the writings of Winch and of others working in a Wittgensteinian vein.[2] Throughout the English-speaking philosophical world, and especially in the United States, it shows in 'philosophical discussions of substantive legal, social and political problems' that apparently confront us.[3] In writing both of the Wittgen-

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[1] Peter Winch, 'The Universalizability of Moral Judgments', in *Ethics and Action* (London: Routledge and Kegan Paul, 1972), 154–155.

[2] A basic source for this writing is Wittgenstein's 1929 'Lecture on Ethics', which was published together with reports of conversations Wittgenstein later had with F. Waismann and Rush Rhees, *Philosophical Review* **LXXIV** (1965), 3–12, 12–26. Wittgenstein's discussions of examples in non-ethical contexts are also influential. In addition to the papers in Winch, op. cit., Wittgensteinian approaches to ethics include: Rush Rhees, *Without Answers* (London: Routledge and Kegan Paul, 1969); D. Z. Phillips and H. O. Mounce, *Moral Practices* (London: Routledge and Kegan Paul, 1970); R. Beardsmore, *Moral Reasoning* (London: Routledge and Kegan Paul, 1969); Rodger Beehler, *Moral Life* (Oxford: Blackwell, 1978); various articles in *Philosophical Investigations,* including C. Diamond, 'Anything but Argument?' (1978), 23–41; some papers in R. F. Holland, *Against Empiricism* (Oxford: Blackwell, 1980) and some in D. Z. Phillips, *Through a Darkening Glass* (Oxford: Blackwell, 1982).

[3] William Ruddick, 'Philosophy and Public Affairs', *Social Research* **47**

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steinian and of the 'problem-centred' variety we find no attempt to spare the reader from considering either the most tragic or the most lurid examples, both public and intimate. Indeed some writers now apologize not for the trivial but for the sensational nature of their examples.[4]

Yet there are great differences between the ways in which these two genres of ethical writing have tried to replenish Anglo-Saxon moral reflection with substantive examples. I shall try here to show how these differences reflect distinctive conceptions of practical reasoning, and in particular of the prospects for resolving ethical problems. Both Wittgensteinian and problem-centred writing in ethics differ from much earlier writing in that (for quite different reasons) they view the examples they discuss as relatively independent of ethical theory. But in most other respects the differences between the approaches are enormous. Wittgensteinian writing, I shall argue, has tended to be more reflective, but, despite some claims to the contrary, it has also been more remote from moral life and in particular from the practical resolution of moral problems. Problem-centred writing, by contrast, aims above all to be practical, in the sense of resolving moral problems. But at times it risks being too unreflective in its construal of what these problems are. To provide an appropriate context for these discussions I shall first sketch an older view of the role of examples in ethical thinking. Finally, in the last section of the paper I shall try to sketch an account of the application of practical reasoning which is both reflective and practical.

Older Views of Examples in Ethics

The use of trivial, schematic examples in writing on ethics was prevalent during and after the period of Logical Positivism, but is compatible with many older views of the point of examples in ethical writing.

(1980), 734–748. This article surveys the movement in problem-centred ethics in the United States. It lists the main journals, charts institutional bases and affiliations and identifies both some successes and some dangers of the movement. Since the literature is vast no short list of sources can be offered; Ruddick's article provides a sketch of the terrain.

[4] A sample of lurid examples includes: abortion by craniotomy; drowning a child in a bath; organizing judicial murder; inviting a visitor to be a guest executioner; adjudicating mutiny; having a child to grow a kidney transplant for the father. Philippa Foot apologizes for her sensational examples, 'The Problem of Abortion and the Doctrine of Double Effect', *Virtues and Vices* (Oxford: Blackwell, 1978), 31; most writers now seem quite at home with harrowing examples.

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Kant's comments on examples form a well-known and well-developed instance of a traditional view; they will also serve as background to some less familiar Kantian themes on which I shall draw at a later stage.

On Kant's view actual cases of moral deliberation do not use examples at all. When we have to decide what to do we are required to test the principle on which we propose to act according to the Categorical Imperative. It is only at a prior stage of assimilation of the Categorical Imperative and its more central implications that examples may be useful as illustrations of moral action rather than as applications of moral theory. Some examples are *hypothetical*: they consist of more or less specific principles of possible action (e.g. the principles of cheating a gullible customer, or of systematic refusal of help to others)[5] whose moral significance can be determined (at least illuminated) by applying the Categorical Imperative. Other examples are *ostensive*: they point out acts or persons or lives some of whose features are held to be morally significant (e.g. taking the life of Christ as a model for imitation, or the action of some other as a warning or cautionary tale) (*DV* 476–485; *R* 54–60).[6]

When we come to apply the Categorical Imperative (or any derivative moral principles) to *actual* cases—where we have to act or decide—we face the difficulty that, however detailed the subordinate principles previously worked out, however diverse the examples of action which have been pointed out, these can at most help us to discern the moral status of a maxim of proposed action, but never determine fully just what sort of act should be done. Hypothetical examples, being themselves principles of action, must evidently remain indeterminate

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[5] These are two of the well-known 'four examples' of which Kant makes repeated use in the *Grundlegung,* trans. H. J. Paton as *The Moral Law* (London: Hutchinson, 1953). Further Kant citations will be given parenthetically, using the following abbreviations: *G* for the *Grundlegung*; *CPR* for *The Critique of Pure Reason,* trans. N. Kemp Smith (London: Macmillan, 1961); *R* for *Religion within the Limits of Reason Alone,* trans. T. Greene and H. Hudson (New York: Harper and Row, 1960); *DV* for *The Doctrine of Virtue,* trans. M. Gregor (New York: Harper and Row, 1964); *A* for *Anthropology from a Pragmatic Point of View,* trans. M. Gregor (The Hague: Nijhoff, 1974); *L* for *Logic,* trans. Robert Hartmann and Wolfgang Schwartz (Indianapolis: Bobbs Merrill, 1974); *CJ* for *The Critique of Judgment,* trans. James Meredith (Oxford University Press, 1978); *FI* for *The First Introduction to the Critique of Judgment,* trans. J. Haden (Indianapolis: Bobbs Merrill, 1965). The standard pagination will be used for *CPR*; otherwise the Prussian Academy pagination if the edition cited includes it, and if it does not the pagination of that edition.

[6] Kant draws but does not always observe the distinction made here between hypothetical and ostensive examples (*Beispiel, Exempel*); see *DV*, 479 n.

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even when relatively specific, and so cannot fully determine any act. The acts or persons or lives which are pointed to in ostensive examples may, in themselves, be fully determinate. But their relevance to a case in hand must (since there is never total correspondence of features) be guided by some (necessarily indeterminate) understanding of the morally significant aspects of the example. Ostension, as is well known, is always equivocal and requires interpretation. *Judgment* is therefore always needed when principles are applied to particular cases or when ostensive examples are adduced as relevant guides. Neither principles nor examples alone can guide action.

Kant insists that there can be no complete rules for judging particular cases. In the first *Critique* he writes:

> . . . Judgment will be the faculty of subsuming under rules; that is of distinguishing whether something does or does not stand under a given rule . . . General logic contains, and can contain no rules for judgment . . . If it sought to give general instructions how we are to subsume under these rules, that is to distinguish whether something does or does not come under them, that could only be by means of another rule. This in turn, for the very reason that it is a rule, demands guidance from judgment . . . judgment is a peculiar talent which can be practised only, and cannot be taught (*CPR* A132–133/B171–172; cf. A 199).

He goes on to liken judgment to 'mother wit' (*Mutterwitz*) and insists that 'its lack no school can make good'. However, he presumably means only that there can be no *algorithms* for judging and no formal instruction, for he allows that 'sharpening of the judgment is indeed one of the benefits of examples' (*CPR* A134/B173).

In particular he favours the use of examples in educating the power of *moral* judgment:

> . . . it would be most helpful to the pupil's moral development to raise some casuistical questions in the analysis of every duty and to let the assembled children put their reason to the test of how each would go about resolving the tricky question put before him . . . casuistry is the most suitable to the capacity of the undeveloped . . . and so is the most appropriate way to sharpen the reason of young people in general . . . (*DV* 482–483).

The primary use of hypothetical and ostensive examples is then educational. By considering examples we become better able to judge cases requiring decision and action. Kant summarizes the point in a much quoted metaphor whose sense has, perhaps, become obscure in the usual translation: 'examples are thus the go-cart [*Gängelwagen*—a child's 'walker', formerly known as a go-cart] of judgment' (*CPR* A134/B173–174).

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Examples provide us with support at the stage when our (moral) judgment is faltering. The famous four (hypothetical) examples of the *Groundwork* help us to see what might be involved in applying the Categorical Imperative; so does the less famous but more traditional ostensive example of the *Religion* where Christ is construed as the archetype (*Urbild*) of moral perfection. They are indeed highly schematic examples. However, no addition of detail could make them fully determinate, and if they were cluttered with detail they would lose their pedagogic usefulness. Good illustrations need to be clear and simplified, even caricatures, if they are to get their point across. They need not, however, be trivial in the other sense. Good examples need not draw on life's minor dilemmas, and Kant's examples generally do not; on the other hand it may not matter if they are examples of minor dilemmas, provided that they are appropriate illustrations of principle. If ethical examples are seen as illustrations they may (but needn't) be trivial; but they must present sparse sketches rather than deep or nuanced pictures.

In viewing examples of moral (or immoral) action as schematic illustrations of moral theory or outlook, which help to develop powers of judgment, Kant joins a long tradition which sees attending both to hypothetical cases and to the deeds and lives of others as ways in which to develop powers of discrimination about cases requiring action. From the New Testament parables and Aesop's fables through morality plays, histories and stories of heroes and cautionary tales, to contemporary work on moral education, examples have been used to make points which are independent of any specific example and might equally well have been conveyed and illustrated by other examples. In this tradition, however, Kant is distinctive for his articulation of the relationships between moral theory or principles, illustrative examples and the judgment that is involved in actual moral decisions, none of which he thinks a dispensable part of the moral life.

Examples viewed as illustrative are theory-dependent. Far from being independent of moral principles, they are themselves more narrowly specified, but unavoidably still indeterminate principles. Such examples can have a point only if they illustrate a principle; illustrations must be illustrations of something. But the conception of examples as dependent on theory and principles does not preclude all critical use of examples to cast doubt on moral principles. Sartre's famous example of the young man who is torn between caring for his mother and joining the Free French is a case in point.[7] Here the example is purportedly

[7] J.-P. Sartre, 'Existentialism is a Humanism', in *Existentialism from Dostoevsky to Sartre,* W. Kaufmann (ed.) (Cleveland, Ohio: World Publishing, 1956).

used not to illustrate a moral principle but to show that moral principles and codes cannot make our decisions for us. However, the entire force of the example—the reason that it so evidently casts decision back on the agent—depends on the fact that the young man (and Sartre's readers) can see the situation as a conflict of moral principles or ideals. Only those who see point both in personal devotion and in a certain conception of public duty can appreciate this dilemma. Sartre works to leave his readers on the cusp: both loyalties are vividly characterized. Hence this example, while theory-dependent, cannot be set out schematically. Its power depends on making it difficult for us to think that giving precedence to either loyalty would be right. But turning example against theory in *this* way does not require us to see such examples as independent of theory: on the contrary, the principle of construction of the example is entirely theory-led. The anguish which Sartre sees in moral responsibility reflects a conception of principles as still having a central part in the moral life. We find ourselves confronted with problems and dilemmas whose force derives from certain moral positions and principles which, tragically, lack the resources to resolve the problems they generate.

A Wittgensteinian View of Examples

An entirely different view of the use of examples is found in contemporary Wittgensteinian writing in ethics. In his 'Lecture on Ethics' Wittgenstein had said little about examples, and was still largely concerned with the Tractarian view of ethics as lying outside the world and hence not expressible in propositions. Rush Rhees records that in later conversations Wittgenstein thought 'it was strange that you could find books on ethics in which there was no mention of a genuine ethical or moral problem', refused to discuss a highly schematic historical example (Brutus's killing of Caesar), but enlarged and elaborated on a contemporary (hypothetical) example of conflict between the demands of work and of marriage.[8]

Since then insistence on a fastidious respect for the detail and nuance of examples has become a hallmark of Wittgensteinian writing in ethics. Examples are conceived neither as incidental, let alone sketchy, illustrations of moral theory and principles nor as models for moral action, nor just as morally educative. Rather the claim made very clearly by Winch, and supported by other Wittgensteinian writers (often with the very same emphasis), is that

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[8] Rush Rhees, 'Some Developments in Wittgenstein's View of Ethics', *Philosophical Review* **LXXIV** (1965), 17–26, esp. 21.

All we can do, I am arguing, is to look at particular examples and see what we *do* want to say about them: there are no general rules which can determine in advance what we *must* say about them.[9]

Examples are here neither merely illustrative nor primarily educational. They are not theory-led but are themselves the pivot of moral thought: hence the importance of considering serious rather than trivial examples. Instead of schematic, possibly unimportant illustrations of principle and theory, Wittgensteinian writers provide elaborate and extended discussions of serious moral vicissitudes.

The Wittgensteinian focus on examples rather than moral theory and principles has a number of distinctive features. Typically, the focus is on examples of completed action in a context which invites moral consideration or assessment, rather than on less complete examples of a situation which raises moral problems or dilemmas, as though the primary exercise of moral judgment were to *reflect* or *pass judgment* on what has been done rather than to decide among possible actions. Given this emphasis on examples of completed action, one might perhaps expect such writing to draw heavily on actual (perhaps including historical or legal) cases and case histories, that is on ostensive examples of a publicly accessible sort. But in fact Wittgensteinian writing draws predominantly on literary examples of action in a context which has moral aspects, as well as on hypothetical examples constructed on similar lines.[10]

As we shall see, this preference for literary examples, chosen almost entirely from novels, has important implications. This is not because the literary situations discussed are bizarre or difficult to understand; on the contrary, it is a corollary of being committed to discover 'what we *do* want to say' that we must start with mutually comprehensible examples, and not, say, with examples drawn from science fiction or from alien traditions of letters. The examples shown are counterfactual, but they are not counter-nomic or even remote from us; rather care is taken to present examples which are plausible or at least comprehensible, or become so when scrutinized. The importance of

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[9] Peter Winch, 'Moral Integrity', *Ethics and Action,* 182.

[10] Literary works can provide ostensive examples of a sort, for a literary figure may be presented or taken as a model or exemplar of certain virtues or failings. Such figures may be important in moral education. Some are discussed in J. Schneewind, 'Moral Problems and Moral Philosophy in the Victorian Period', *English Literature and British Philosophy*, S. P. Rosenbaum (ed.), (Chicago: University of Chicago Press, 1971). There are interesting parallels between the contrasts Schneewind finds between Intuitionist and Utilitarian writing in the nineteenth century and some of the contrasts between Wittgensteinian and problem-centred writing discussed here.

depending on literary examples is rather a matter first of the *authority* of the literary text in the presentation and construal of each example, and secondly of the *type of example* to be found in works of literature.

The literary examples discussed by Wittgensteinian writers on ethics are distinctive, nuanced and well articulated by the authors of the literary works from which they are drawn. It is hard to challenge the articulation of such examples and all too easy to agree with Winch of such examples that each is *sui generis* and in itself a complete example of moral thinking which can provide no basis for prescribing for others,[11] and so, more generally, that moral theories are redundant, since no task remains to be done once examples have been fully articulated. On the other hand, the fact that works of literature (and especially novels) tend to be preoccupied with private rather than public crises has produced in Wittgensteinian ethical writing a focus on inwardness and personal relations and a lack of attention to the dilemmas of public and working life.[12]

The Wittgensteinian approach to ethics by examples depends on the possibility of arriving at 'what we *do* want to say' in the course of reflecting on the example. This method must presuppose sufficient community of moral views—an ethical tradition, perhaps, or a shared ideology—for there to be something which 'we' (whoever 'we' may be: and this is a large question) do want to say about a given example. Where that shared tradition is lacking, some Wittgensteinian writers claim, we find ourselves confronting not moral disagreement but a breakdown in moral communication—an impasse of incommensurable moral frameworks. For example, Phillips and Mounce claim in *Moral Practices* that in our society certain fundamental phrases [*sic*] such as 'honesty is good', 'lying is bad' or 'generosity is right' are not genuine expressions of a position (pp. 7–9). These are not matters over which we might either agree or disagree and reflect and argue, but are 'taken as a matter of course' (p. 8). They are parts of the framework which makes moral judgment intelligible. According to Phillips and Mounce 'we do not *decide* that lying is bad, because the alternative, that it is good, is not something we can bring before our minds' (pp. 8–9).

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[11] Peter Winch, 'The Universalizability of Moral Judgments', *Ethics and Action*, 154ff.

[12] Writing which discusses Wittgensteinian approaches to political philosophy seems more concerned with how this might change one's conception of politics than with questions of *Rechtslehre*. See H. Pitkin, *Wittgenstein and Justice* (Berkeley: University of California Press, 1972); John Danford, *Wittgenstein and Political Philosophy* (Chicago: University of Chicago Press, 1978); Alan Wertheimer, 'Is Ordinary Language Analysis Conservative?', *Political Theory* 4 (1976), 405–422.

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Beehler, by contrast, holds in *Moral Life* that it is the practice of caring that provides the fundamental framework which makes moral discussion possible but is itself beyond discussion. He claims that 'you cannot decide to care about others' and that 'Caring about others is integral to the "moral point of view" ' (p. 155). Any attempt to provide reasons for caring involves a *petitio principii* (p. 160) and moral discourse is therefore confined to those who already care. Beardsmore in *Moral Reasoning* makes remarks in a similar vein about different practices: 'there is a range of concepts (murder, adultery, suicide, truth-telling) which are in some sense constitutive of morality' (p. 44; cf. pp. 160ff.). He asks rhetorically

> would it . . . make sense to suppose that a man brought up to regard suicide, murder and adultery as evils might somehow get outside these values and ask himself whether they were not perhaps virtues? It should be quite clear that on my account such a question would be incoherent (p. 79).

Clearly these and similar claims about the practices which underlie the moral life are taken as instancing Wittgenstein's insistence that 'in the end there must be agreement in judgment'.[13] Traditions and practices, it is held, must be shared if there is to be any moral discourse; and if they are shared we can conduct discussion of particular ethical cases and what 'we' might agree to say about them without invoking any principles or theories which are not implicit in those practices. But the framework on which agreement rests must lie beyond possible discussion or dispute: it is not 'a matter for decision'.

On the Wittgensteinian account as developed by these writers, moral reasoning presupposes shared moral traditions and practices. Only within such a context can moral discourse about examples take place, and questioning of the shared framework of moral practices is not possible. In this picture genuine moral disagreement is taken to be preliminary and dispellable: if it persists what we really have is a case of non-communication. The only permanent possibilities are moral agreement and lack of moral communication. In a way this approach has dissolved the area of primary moral concern for problem-centred approaches to moral reasoning, which is the range of moral problems about which we can communicate but about whose solution we cannot readily agree.

This dissolution of what the other type of contemporary Anglo-Saxon writing in ethics takes as most problematic depends heavily on

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[13] L. Wittgenstein, *Philosophical Investigations,* Nos. 241–242. This passage is much discussed by the Wittgensteinian writers referred to above. See *Moral Practices,* 62–72; *Moral Life,* 92–97; *Moral Reasoning,* 120ff.

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the reliance on literary examples. For it is the authority of the text which imposes a largely shared interpretation of examples. The only acceptable disagreements about the construal of literary examples are those for which there is warrant within the text. Nobody can reasonably speculate whether the interpretation of such examples hinges entirely on factors of which the author has neither told nor hinted. (It is hardly open to a Wittgensteinian to adopt principles of interpretation— whether radically subjectivist or deconstructive—which call in question the possibility of a shared, open reading of the text). Consider how impertinent it would be to construe *Macbeth* as a murder mystery[14] by adducing extratextual hunches, or to wonder whether Raskolnikov wasn't perhaps mistaken in thinking that he had murdered Alyona Ivanovna, who survived his assault and was finished off by someone else, so that his entire experience of agitation, guilt and remorse is just misplaced. Even in a poor whodunnit extratextual importations are suspect; they are totally destructive of the literary examples on which Wittgensteinian ethical reflection builds. But in respecting the integrity of literary examples, the depth and ubiquity of moral disagreement are obscured. Yet without a focus on literary examples, with their artificial exclusion of many types of moral disagreement, it is hard not to be sceptical of many Wittgensteinian accounts of moral deliberation. For these accounts suggest that we can deliberate only in so far as we share the practices of those with or about whom we deliberate.

This position leads readily both to moral conservatism and to moral relativism. Wittgensteinian methods of moral reflection practised among the like-minded will yield a local consensus of views; Wittgensteinian methods practised by those of disparate moral traditions will lead to no shared conclusions, but to a realization that moral communication has broken down at some points. The perspective is at once disquieting and comforting. It is disquieting because we sense that we *can* communicate many of our disagreements to those of different traditions: we cannot easily believe that those with whom we persistently disagree over, say, the eating of animals, the nature of property or the limits of favouring our own families and friends are beyond the pale of moral communication on these topics. On the other hand the Wittgensteinian vision of moral communication and justification as essentially local[15] is comforting because persisting disagreement is seen as something we could not have hoped to resolve by reasoning, but may

[14] Impertinent and hilarious. See James Thurber, 'The MacBeth Murder Mystery', *The Thurber Carnival* (London: Hamish Hamilton, 1945), 60–63.

[15] See, for example, Rush Rhees, 'Natural Law and Reasons in Ethics' and 'Knowing the Difference Between Right and Wrong', both in *Without Answers*, 94–96, 101.

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nevertheless be able to deal with by educating or converting those of alien moral outlook and bringing them within our own pale.[16] If conversion succeeds, moral practices will be shared and moral communication possible. Faced with breakdowns of moral communication we can seek to enlarge (or perhaps shrink or restructure) the moral outlook and imagination of the other.

It is notable, however, that Wittgensteinian discussions of moral 'conversions', of coming to see the sense or point of a mode of life in a different way, tend to see such conversions as an 'education of the heart' towards enlarged and deepened moral sympathies. This seems empirically dubious—plenty of people have been converted (or corrupted) to mean or violent or racist moral practices and outlook—and in any case assumes a standpoint from which distinct moral traditions can be compared, which is not obviously available within the Wittgensteinian approach. We have to remember that within a position which sees all justification as relative to locally accepted practice any reason for converting those beyond the pale of one's own current practices would be matched by others' reasons for undertaking a counter-conversion. There is no neutral standpoint from which to discern who is the missionary and who is seducing missionaries into 'going native'.

Much of our difficulty in this area is due to a feeling that we don't know how much to read into Wittgenstein's claim that 'in the end there must be agreement in judgment'. For even if we accept that communication requires *some* agreement in judgment, we are quite unsure *how much* disagreement there can be before communication breaks. Do 'we' share the traditional Sicilian practices and form of life sufficiently to be able to communicate, and so after sufficient reflection to agree, with traditional Sicilians about when revenge killings are and are not required? Or do 'we' share too few of their traditions and practices even to communicate with them on the topic of revenge killings? A revealing—and literary—example for Wittgensteinian ethical reflection might be the predicament of Burgess's Victor Crabbe,[17] caught and drowned in the ethical babel of nearly post-colonial Malaya, who can understand and even appreciate alien moral practices, but is powerless

[16] Wittgensteinian proposals for dealing with apparent disagreements which reflect incommensurable practices can be found in *Moral Life,* esp. 162–174; C. Diamond, op. cit., 27ff.; D. Z. Phillips, 'In Search of the Moral "Must": Mrs Foot's Fugitive Thought', *Philosophical Quarterly* **27** (1977), 140–157, esp. 152–153; *Moral Reasoning,* 117–119, and in S. Clark, *The Moral Status of Animals* (Oxford University Press, 1977), 22–23; 186–187. The latter work is only selectively Wittgensteinian, but is on the matter of resolving obstinate moral disagreement, cf. C. Diamond, op. cit., 117–119.

[17] Anthony Burgess, *The Long Day Wanes: a Malayan Trilogy* (Harmondsworth: Penguin, 1972).

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to resolve the dilemmas with which he is faced. Ethical writing which has nothing to propose for Crabbe's situation (except 'conversions': but whose?) has little appeal for those whose lives confront them continually with heterogeneous practices. Traditional ethnocentrism was prepared to override the practices of those beyond its pale; it preached and practised a colonialist ethic, offering to 'natives' at most the opportunity for 'them' to assimilate to 'us'. Wittgensteinian ethnocentrism, it appears, has nothing to say to those who live beyond 'our' local pale; in the face of a world in which adherents of distinct practices meet increasingly it proposes a retreat to the cosiness of 'our' shared world and tradition. Perhaps it is not surprising that such a conception of ethics should flourish mainly in the academies of a formerly imperial power, and that it should focus predominantly on judging what has been done. Precisely because of the variety and transience of ethical practices, to which Wittgensteinian writers draw our attention, we cannot easily lead our lives without raising questions which are not just internal to but about local practices. In doing so, however, we can still leave open the question of whether there is a rational or neutral standpoint from which all moral problems can be resolved.[18]

Wittgenstein himself appears to leave opening enough for such enquiry, for he asserts only that communication requires agreement in *judgment,* and that this does not preclude disagreement over opinions.[19] A number of Wittgensteinian writers, in particular Winch himself and R. F. Holland, have moved Wittgensteinian ethical writing in this direction. They have sought to interpret Wittgenstein's comments on absolute value, and to show the possibility (indeed importance) of coming to see the sense of different ways of construing one's life. Winch, for example, allows that 'it is important for philosophers to see that there are other possible [moral] outlooks'[20] and that 'certain moral conceptions . . . must be recognized in any human society'.[21] But these moves away from the predicament of relativism are matched by increased insistence that the primary task of ethics is reflection rather than the resolution of problems. The moral life is seen as consisting in coming to understand things in a certain light, in seeing the sense of

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[18] Many Wittgensteinian writers insist that deep moral conflicts cannot be resolved, so that there are ineliminable and tragic clashes of moral outlook. See *Moral Reasoning,* Chaps. 9 and 10; *Through a Darkening Glass,* esp. the first three essays. But one does not have to hold all moral disagreement tragic and irresolvable because some is. Even if some disputes are irresolvable and tragedy is unavoidable, there may still be more than local justification by which other disputes can be resolved.

[19] L. Wittgenstein, *Philosophical Investigations,* Nos 241–242.

[20] Peter Winch, 'Can a Good Man be Harmed?', *Ethics and Action,* 200.

[21] Peter Winch, 'Nature and Convention', *Ethics and Action,* 58.

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one's life as a whole. Winch is at pains to emphasize that such under-standing is itself a form of activity. But seen in the context of many more traditional conceptions of ethics, it is only one sort of activity and perhaps not the most significant. Indeed, if examples *are* the pivot of moral thought, this is not only because there is no acceptable theory, but also because they are instances of problems in human lives which stand in need of resolution. Reflection and even understanding are not enough to bring to human difficulties—unless, of course, these difficulties are merely imagined, as they are in works of literature.

Literary examples impose a spectator perspective; and in context the imposition is without costs. For just as we cannot challenge the inter-pretation of a literary example beyond appropriate bounds of literary interpretation, so we do not have to do anything, beyond 'deciding what we do want to say' about the example and making sense of it. We do not have to decide whether to turn Raskolnikov in or whether to find Billy Budd guilty. The concern shown by Wittgensteinian writers on ethics for detailed examples understood in their context conveys an atmo-sphere of moral seriousness and closeness to moral life. But this is in some ways illusory. For those Wittgensteinian writers who reject relati-vist readings of Wittgenstein do not offer an account of moral practice and decision which goes beyond the practice-based conception of ethi-cal decision offered by relativist writers. Winch maintains that 'a deci-sion can be made only within the context of a meaningful way of life',[22] and Holland suggests that 'politics', by which he clearly understands all compromising intervention in an evil world, is ethically impossible.[23] But if much of lives are, like Victor Crabbe's, surrounded by discrepant practices and set in the interstices of 'meaningful ways of life' then a Quietist or Stoic will be at most of inward help.

Winch claims that moral reflection can guide our acting as well as our passing judgment, for he describes reflection on examples as 'making a hypothetical agent's judgment' and as 'reflecting on what I would think it right to do in such a situation'.[24] He holds that such judgments do not commit us to judgments about what others in a like situation should do, and so that in that context 'the universalizability principle is idle' (a

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[22] Ibid., 55.
[23] R. F. Holland, 'Absolute Ethics', *Against Empiricism,* 135–142. Holland draws a stark dichotomy between 'absolute ethics', which must be an ethic of forgoing and non-intervention, and 'consequentialist ethics' which is prepared to do evil for the sake of greater good, and so to engage in 'politics'. 'Politics', he claims, 'belongs for overdetermined reasons to the pursuits that have to be forgone' (137). Mere forgoing is not likely to leave us uncompromised.
[24] Peter Winch, 'The Universalizability of Moral Judgments', *Ethics and Action,* 154.

claim that has been considerably disputed,[25] but which I will not discuss). But it is clear that in making a transition from 'hypothetical agent's judgments' to any actual moral judgments, Winch does, as he explicitly states,[26] rely on a weak universalizability principle. For if he did not there would be no reason for thinking that any literary example or any hypothetical agent's judgment has *any* implication for action. The move from an example and the judgment reached by reflecting on the example in the light of our shared practices to a decision about an actual case, which is unlikely to match the example in all respects, is far from obvious. Somehow we have to decide whether *this* very situation which we confront is one for which *that* example is relevant. Precisely because the examples are elaborate there is less chance of a clear match between example and actual situation than there would be in a pattern of moral thought which relied on 'stock', schematic examples. It is difficult to see how the transition from articulated and intelligible literary or hypothetical examples to moral decisions is to be made without the mediation of principles or theory which indicate or suggest which *sorts* of correspondence between example and actual case are important and which trivial. Without such principles the spectator perspective from which Wittgensteinian moral reflection begins dooms it to a 'moral connoisseurship' which fails to resolve the problems we actually face. It is perhaps, then, not surprising that Wittgensteinian writing in ethics has produced no wider or more popular ethical movement. Literary examples (and perhaps particularly ostensive examples drawn from literature) may be of the greatest importance in moral development and education:[27] but the Wittgensteinian claim that moral thought can be reduced to 'looking at particular examples and seeing what we do want to say about them' excludes elements which are indispensable if moral thought is to be not just a spectator sport but a guide to action.

[25] See, for example, Roger Straughan, 'Hypothetical Moral Situations', *Journal of Moral Education* **4** (1975), 183–189; Roger Montague, 'Winch on Agents', *Analysis* **34** (1973–74), 161–166; Michael Levin, 'The Universalizability of Moral Judgments Revisited', *Mind* **88** (1979), 115–119.

[26] Peter Winch, 'The Universalizability of Moral Judgments', *Ethics and Action*, 154.

[27] This point is quite independent of Wittgensteinian considerations. See, for example, Christopher Butler, 'Literature and Moral Education', *Moral Education* **1** (1969), 39–46; A. D. C. Peterson, 'A Vanishing Tradition in Moral Education', Ibid., 47–51; T. Beardsworth, 'The Place of Literature in Moral Education', Ibid., 52–62; L. O. Ward, 'History—Humanity's Teacher', *Journal of Moral Education* **4** (1974–75), 101–104; Clive Jones, 'The Contribution of History and Literature to Moral Education', ibid. **5** (1976), 127–138.

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Examples in Problem-centred Ethics

Problem-centred writing in ethics is based on a conception of moral thought and enquiry quite different from that of Wittgensteinian ethics. As in some more traditional ethical writing, a central task of ethical theory is seen as the resolution of moral problems and disagreements by the application of principles to cases which can themselves be picked out and identified independently of the theory or principles which are to be brought to bear on their resolution. So central is this commitment to making ethics practical that mere illustration of principles by hypothetical and theory-led examples has tended to take second place to (sample) applications of principles to supposedly independently arising moral problems. The examples mostly discussed are therefore in one respect like Wittgensteinian examples, in that their force is not thought to depend on any ethical theory or principle. But this is not because examples and the practices they embody are taken as constitutive of moral thought, but rather because examples are taken to be there in the world, candidates for investigation and resolution by any of a variety of possibly adequate moral theories.

An apparent exception to this view of the relation of theory to examples in problem-centred writing is Rawls's method of reflective equilibrium. The moral judgments with which (tentative) moral theories are to be equilibrated are not independent examples or problems, but simply more determinate moral principles. In seeking a reflective equilibrium we are only constructing, and not applying, a moral theory containing both more and less general principles. Once a theory has been built and tested by this method, it is available for application to further problems, which may be thought quite independent of theory. Problem-centred ethical writing aims at far more than the articulation of examples in terms which are implicit in those examples or their context. It aims to justify certain principles which are then to be applied to examples. The goal of ethical thinking is a reasoned decision which can be defended in terms which appeal beyond local practice. Ethics, as in many traditional conceptions, is to be both reasoned and practical.

The moral problems with which this genre of ethical writing has been most concerned are disagreements and dilemmas of public and professional life, rather than those of intimacy and inwardness. Matters such as civil disobedience and conscientious objection, the justice of education or welfare or tax policy, the acceptability of affirmative action and reverse discrimination and of new applications of biotechnology have all been much discussed in problem-centred writing. This focus on *Rechtsphilosophie* means that many problems discussed are described in terms used by the relevant professionals and specialists, such as

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lawyers, administrators, educators and doctors. This link with certain sorts of professional discourse is further emphasized when writers in problem-centred ethics seek to get involved with 'practitioners' and help in making difficult decisions.[28]

Problem-centred ethical writing relies, of course, on hypothetical as well as on actual cases. These hypothetical examples are generally quite similar to actual cases. There are, however, two exceptions. Writers who are heavily influenced by rational choice theory are willing to discuss hypothetical examples whose mathematical articulation makes them remote from actual human choosing. However, such examples are generally intended as illustrations of theory rather than as sample applications. In spite of the much favoured analogies with betting behaviour, it is generally acknowledged that such approaches 'idealize' human choosing and that various assumptions about the structuring of preferences, the availability of mathematically detailed information and the various principles of rational choice explored, are few of them likely to be realized. Human life mercifully affords few prisoner's dilemmas or chances to be a rational economic man. In so far as such approaches present examples as illustrations rather than as applications, it is not the examples but the principles they are intended to illustrate which raise questions.

The second use of implausible examples is in discussions of medical and population ethics. In these areas we can often form no firm conception of human relationships, and may be unclear over human identities, so that some examples have a science fiction aspect. Choosing between population policies with varied utility implications is remote from the actual considerations (or lack of consideration) of those who procreate; choosing to have a child for purposes of kidney transplantation even more remote. In large part, however, the more bizarre examples in bioethics reflect the revolution in biotechnology, which has so rapidly brought New (not always Brave) Worlds partly into our horizons. Genetic engineering and screening are, after all, now real possibilities, and the extensive debates over the definition of death have been triggered by real changes in medical technologies.

Beyond these two areas, there is little reliance on examples that are either counternomic or even socially decontextualized. J. J. Thomson (following a suggestion of Nozick's which perhaps has Humean ancestry) imagines at one point that by being pinched one could save thousands of cows from horrible suffering;[29] in another much commented on passage she elucidates a discussion of abortion with the example of a

[28] William Ruddick, op. cit., 734.

[29] J. J. Thomson, 'Some Ruminations on Rights', *Reading Nozick,* J. Paul, (ed.) (Oxford: Blackwell, 1982).

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patient who finds herself the unconsenting other end of a violinist's life support system.[30] Bernard Williams's discussion of an invitation to be a guest executioner[31] and Nozick's examples of innocent threats and innocent shields[32] lack social context. However, in the main, if less self-consciously than in Wittgensteinian writing, the examples discussed in problem-centred writing do not lack social context. The fact that so many examples are drawn from public and professional life ensures this, and also that contexts can easily be supplied by the reader for examples that are only briefly characterized.

The fact that the individuation and specification of both actual and hypothetical examples is often derivative from the standard categories of various professions has considerable implications. It means that the greater hesitancy and psychological depth to be found in many of the literary examples discussed by Wittgensteinian writers is lacking, as is perhaps only appropriate in examples whose provenance is the discourse of public life. But it means also that much problem-centred writing risks proceeding with unreflective acceptance of established categories and labels. This danger is perhaps less in writing on new problems which the revolution in biotechnology has produced. Here we find reflection on fundamental notions such as those of health, illness, disease and life and death themselves. But the grip of established conceptions of what problems there are is quite evident in areas with a staider tradition of public discourse. In his recent survey of the US movement in applied ethics, William Ruddick identifies 'the "legalization" of philosophy' as a principal danger and states that for some 'public issues are tied to current court concerns'.[33] Legalization may be matched by other forms of officialization. This sort of consensus about the specification of problems is quite compatible with disagreement about their solution. Unlike Wittgensteinian writers, problem-centred writers take disagreement about solutions seriously, as something to be rationally resolved rather than assumed away as a presupposition of moral discourse.

Writing in ethics which accepts without thought too much that is the traditional or current outlook and discourse of the staff of policy-

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[30] J. J. Thomson, 'A Defence of Abortion', *The Rights and Wrongs of Abortion,* Marshall Cohen *et al.* (eds) (Princeton University Press, 1982).

[31] J. J. C. Smart and B. Williams, *Utilitarianism: For and Against* (Cambridge University Press, 1973). Williams uses the example only to raise doubts about Utilitarianism—a fair enough move since the theory is claimed to be competent for any case. The implausibility of this example is well brought out in R. F. Holland, op. cit., 138–142.

[32] Robert Nozick, *Anarchy, State and Utopia* (Oxford: Blackwell, 1974), 34–35.

[33] William Ruddick, op. cit., 744ff.

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making institutions and of other professions is, however, in danger of providing no more than a limited critique of institutional and social arrangements. The worldly success of problem-centred writing in ethics (which contrasts vividly with Wittgensteinian insularity) is in part achieved by willingness to accept established and establishment views of what moral problems there are. It is a partial, but only a partial, vindication of this acceptance to observe that many moral decisions must address moral problems as conventionally defined, because most decisions cannot wait on any revolution, inward or outward. For at least some (perhaps the most serious) moral problems, public as well as private, concern the ways which we should construe and specify the problems we face. The reflective activity which is needed if moral problems are to be specified in a serious and non-question-begging way is no more dispensable than a theory of practical reasoning.

Both in its conception of the task of ethics as practical and in its insistence on the need for principles (and for attempts to justify them) problem-centred ethical writing has been more ambitious than Wittgensteinian ethical writing. But on a third matter of equal importance, the process by which examples and cases are generated, it is the Wittgensteinian approach which is the more demanding. Wittgensteinian writers have insisted that examples be fully articulated and understood, that we work towards an awareness of the practices they embody, and even that we seek to find further ways of making sense of the examples. But problem-centred writers have said remarkably little about the process of individuating and specifying actual problems, or of the approach to be taken when there is difficulty or disagreement over the articulation or specification of a problem. And yet the very conception of practical reasoning as applying principles to cases requires that reflection precede reasoning.

Appraisals and Principles: Can Ethics be Reflective as Well as Practical?

The problem of applying practical reasoning to actual cases arises in the first place from the difficulty of individuating cases. Our lives are not pre-packaged into cases of moral dilemmas, each appropriately labelled for handy subsumption under a relevant principle. Even a highly reflective person may find it hard to recognize significant problems that come his or her way, or may fail to perceive morally significant characterizations of his or her own acts. Before we can decide what to do about an actual case, whether by reference to our shared practices or our reasoned principles, we must recognize the case as being of a sort which we can or should handle by reference to a specific practice or principle.

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It does not follow that practical reasoning requires an algorithm by which to decide upon the (only or best) morally relevant description of a situation or problem. The possibility of applying a theory or principle, at least in some cases, requires only that we have at least some strategies for selecting among the many true descriptions of a situation ones which are significant for moral decision. What we need, minimally, if there is to be some possibility of a more than locally comprehensible applied ethics, are some ways of appraising or judging the sorts of cases with which we have to deal.

In Kant's earlier ethical writing the starting point of moral deliberation is the agent's maxim: a principle of action by which the agent proposes to guide his life, or some aspect of his life. Maxims clearly must use the conceptual resources available to the particular agent. For this reason one might suspect (with Hegel) that the vaunted universality of Kantian ethics is spurious. Kant presumably would have held that the shared human capacities to reason and understand preclude radical incommensurability. But the comprehensibility of alternative descriptions of a situation and of proposed lines of action is an insufficient guarantee of a way by which agreement on one rather than another equally comprehensible set of descriptions is to be the basis for action. If we have no way in which to reason over the formulation of descriptions of situations and (proposals for) actions, practical reasoning must remain local. In his later writings Kant turns to this issue, and discusses strategies by which we might arbitrate between competing construals of a situation, so engaging in reflective judging.

I have already noted some of Kant's remarks about the indeterminacy of rules or principles, and the need for judgment if we are to select a (determinate) act from the possible actions specified by a given rule or principle. In other places, especially in *The Critique of Judgment,* he suggests how we can judge which rules or principles may fit a given case. The passages are notoriously hard to interpret, and I shall gather together only some of the points which they suggest.

Kant now divides the faculty of judgment into two:

> If the universal (the rule, principle or law) is given then the judgment which subsumes the particular under it is determinant . . . If however only the particular is given and the universal has to be found for it, then the judgment is simply reflective (*CJ* 179).

The situation of agents is *in the first place* one which requires reflective judgment: only when an account or description of a particular case has been given—only when a process of reflection has produced an appraisal of the case—can principles be applied and a solution sought. It is only then, at the point of action, that the problem of the indeterminacy of judgment arises. Unlike those who discuss pre-packaged

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examples drawn either from literary texts or from the outlook of some group of specialists, agents must first come to an appreciation or appraisal of actual situations and possibilities for action. To suppose that they can instantly recognize their situation as having a certain specification simplifies, indeed falsifies, the predicament agents face. An agent may initially not even realize that this is a situation which requires or permits action. Even one who sees this much may be at a loss as to how the situation should be described or construed. Yet this construal or appraisal is a prerequisite for the application of principles, and, indeed, for evaluation in the light of accepted practices. Without minor premises reasoning cannot be practical.

The problem of reflective judging is that any actual example may fall under many descriptions and so exemplify numerous principles or practices, many of them *prima facie* of moral significance. The most significant single element in moral deliberation may well be coming to appreciate the actual case in a specific way, as falling under one rather than another set of descriptions and hence judgeable in the light of some rather than other practices or principles. We are so familiar with the degree to which different persons may make something different of closely similar situations (one sees challenge in a life situation another sees as humdrum; one is anxious or threatened where the other is relaxed and flourishes) that it can readily be seen why the appraisal of actual situations is crucial. Wittgensteinian writers are surely correct when they insist that focus on cases is crucial: but they fail to give a convincing account of how we can achieve this focus because of their concentration on literary examples where the problem of rival appraisals is greatly reduced. Problem-centred writing, I have argued, has generally been more cavalier still in its assumptions about the construal of actual moral problems. Even if we are convinced that we have grasped and justified the major premises required in moral deliberation (certain moral principles), we will not develop a practical ethics if we fail to formulate minor premises appropriate to the situations we actually face.

Kant remarks of reflective judging that it 'stands in need of a principle' (*CJ* 86; *FI* 211). It is this claim and the suggestions he offers for meeting it which make what he has to say important. Other philosophers have stressed the importance of appraisals for good decisions. Aristotle remarks that in the end decision lies with perception;[34] Simone Weil has emphasized the need for attending to what actually

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[34] Aristotle, *Nicomachean Ethics*, trans. W. D. Ross, 1099b22, in *The Basic Works of Aristotle* Richard McKeon (ed.) (New York: Random House, 1941).

happens.[35] But Kant's claim is that appraisal itself can be guided in accordance with a set of strategies. When we judge or appraise a particular case reflectively we compare or combine it 'either with other representations or with one's cognitive powers, with respect to a concept that is thereby made possible' (*FI* 211). This formulation offers no algorithm of reflective judging: indeed there can be none. But it does suggest some overall strategies. We cannot merely judge whether or not a given case falls under any of a set list of concepts (that would be determinant judgment), but can search for concepts under which it might be placed, so locating it in a larger coherent and systematic whole. The strategies by which we reach such 'situational appraisals' (the phrase is from Wiggins)[36] are relevant to all human endeavours including scientific inquiry and practical reasoning of all sorts, including specifically ethical reasoning.

Strategies which are particularly important in guiding scientific inquiry (so indirectly important for action) include following certain well-known 'maxims of judgment' (*CJ* 182) such as 'nature takes the shortest path' and 'nature does nothing in vain' and other canons of parsimony and simplicity. Such principles cannot guide determinant judging, but can regulate our search for scientific laws. These maxims or regulative ideas can guide us when 'the particular is certain, but the universality of rule of which it is a consequence is still a problem' (*CPR* A646/B674) The regulative use of these principles or ideas of reason provides ways for interrogating, but not determining, nature. More generally, they are ways of interrogating the actual situations in which we find ourselves, and so of more than theoretical importance.

The second group of strategies for appraising a given particular are strategies for discovering the 'coherence of experience with our own and others' cognitive capacities' (*FI* 220). What is at stake, it seems, are strategies by which we may move towards overcoming discrepancies between disparate appraisals of one situation. They are strategies, one might suggest, not for finding that one shares a view with others but for seeking to share one. They can be thought of as strategies by which we seek to escape our 'private horizons' by following the maxim 'always to try to expand rather than to narrow one's horizon' (*L* 48). When we adopt such strategies our 'reflective act takes account of the mode of

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[35] Simone Weil, 'Attention and Will', *Gravity and Grace,* trans. Emma Crauford (London: Routledge and Kegan Paul, 1972), 105–111; also 'Reflections on the Right Use of School Studies', *The Simone Weil Reader,* G. Paniches (ed.) (New York: David MacKay, 1977), 44–45. Several Wittgensteinian writers comment on this point.

[36] David Wiggins, 'Deliberation and Practical Reason', *Proceedings of the Aristotelian Society* **LXXVI** (1975–6), 29–51.

representation of everyone else, in order, *as it were,* to weigh its judgment with the collective reason of mankind' (*CJ* 293).

By following both types of strategy of reflection we may hope to move from fragmentary and partial perception of actual situations and problems towards ones that are more complete and coherent and appropriately integrated both with our understanding of the natural world and with others' possible cognition. Such strategies are not relevant only to aesthetic judgment, but essential whenever we have to select among ways of grasping particular situations. They are indispensable when there is disagreement, and so the need to apprehend and appreciate others' appraisals and connect them to our own. Even when there is agreement in appraisal, complacency is misplaced, for a consensus may be unwarranted. Hence all practical reasoning requires reflective strategies.

The strategies of appraisal which may be most important for practical reasoning *in general* will include ways of connecting our (initial, unreflective) construals of situations with possibly divergent construals. They might include a large range of 'maxims of practical judgment in general' such as 'take account of differences of information' or 'listen to the other's reasons' or 'consider *cui bono*' or 'remember differences between intention and achievement'. Even if we aim at manipulative or hostile rather than morally acceptable interaction with others we will be thwarted if we do not regulate our activity by such maxims. The worldly-wise need good judgment.

Additional strategies may be important for making situational appraisals which become the minor premises of ethical reasoning. Here we may need not only to see what other views of a situation are and how they differ from our own, but may need to arbitrate discrepancies. One maxim which may guide us here is the so-called 'maxim of enlarged thought' which enjoins us 'always to think from the standpoint of everyone else' (*CJ* 294). Once we seek to share others' standpoints, and so become aware of incompatibilities between standpoints, further reflection may lead us towards reappraisals in which coherence is restored.

Since reflective judging follows strategies rather than algorithms, it cannot be shown to yield uniquely appropriate appraisals which form the only relevant basis for moral (or other) judgment. Strategies of reflection can, however, provide 'guidance for the empirical employment of reason' (*CPR* A663/B691), can help us to detach ourselves from 'subjective personal conditions of judgment' (*CJ* 293) and reach towards appraisals that would cohere with 'the collective reason of mankind' (*CJ* 293). They are strategies both for discerning the unity and systematicity of the natural world and for achieving connectedness and *rapprochement* between different possible perceptions of human

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situations. No doubt such strategies would—like other human activities—be pointless if we were isolated in mutually impenetrable and incommensurate conceptual schemes. But if we are not, these strategies may provide ways in which parochialism and ethical and other relativisms may in principle be eliminated from our appraisals of situations and so from the minor premises of ethical reasoning.

Kant's account of reflective judging offers suggestions for strategies by which actual situations and problems can be appraised which are quite different both from Wittgensteinian reliance on shared appraisals, and from problem-centred acceptance of established and 'professional' appraisals of situations. The mere fact that an appraisal is shared or established does not show that it should be accepted. For it may merely reflect shared culture or ideology. When we judge reflectively, rather than relying on literary or professional appraisals of cases, we may not be able to reach *any* shared appraisal of the actual situation. However, we will have some reasons to think that others who share few practices with us (though no doubt agree with us in judgment sufficiently for communication) may at least be able to see why we hold to one rather than another appraisal of the situation, and that it will be possible to discuss alternative appraisals, for our strategies of appraisal will require us to *listen* to others' appraisals and to reflect on and perhaps modify our own. We do not have to imagine that moral communication will break down whenever ways of life and social practices differ, nor that the effort to make sense of things is the whole of the moral life. Rather the attempt to make sense of the nuances and complexities of situations, which is one of the most attractive features of Wittgensteinian ethical writing, might be incorporated in a more systematic form within an account of practical reasoning. If our search for appraisals of actual situations is guided by considerations of coherence and interpretability to all parties (and indeed to 'the collective reason of mankind'), then an articulation of a case which arises out of appeals to shared practices is only *one* of the articulations which might be brought under consideration. Other, perhaps further reaching, types of appraisal might set a particular case in the context of different, perhaps conflicting, sets of practices, or in the context of a larger understanding of the natural and historical setting of diverse ways of life. Reflective judgment so understood is an indispensable preliminary or background to ethical decision about any actual case. Without it we can at best run through a set of fixed moral categories—whether we think of this as a list of accepted moral practices or as a sort of moral catechism—and posit that these provide an adequate basis for (determinant) judgments about actual moral situations.

Reflecting on examples, whether literary or hypothetical or osten-

sive, may educate us so that we become skilled at reaching situational appraisals. But appraisals alone cannot carry the burden of ethical decision. Indeed it should be clear from the fact that situational appraisals are also indispensable for other modes of practical reasoning that they cannot provide any *sufficient* basis for ethics. If we are to be shrewd or worldly-wise or popular, or if we are to be good farmers or drivers or carpenters, situational appraisals, at least of a limited sort, will be indispensable. But activities of these sorts may often avoid rather than lead to ethical decisions. Specifically ethical decision, then, requires more than skill at appraising situations.

It is, however, easy to construct cases where it *seems* that appraisal is all that is needed, because the appraisal itself appears to show an example in such a decisively (!) good or poor light. So, for example, if we come to see the situation of a compliant but burdened member of a family as akin to slavery, or the religious conversion of a young person as a case of brain washing, these jolting perceptions may seem to leave nothing further to be decided. Yet further consideration shows how open the disposition of such cases remains even after appraisal is completed. For it is not simply obvious what to do about such cases once they have been so construed, however complete and detailed and satisfactory and uncontested the appraisal. The practice of Wittgensteinian writers of focusing on literary examples of action already done obscures both the fact that actual construals or appraisals of situations remain open to challenge, at least until action is undertaken (there are after all strategies and not algorithms of appraising), and the fundamental point that appraisals do not constitute decisions.

Because the most that we need to do about a literary example is to pass judgment, the gap between appraisal and a decision to act can be obscured. But appraisals can lead to decisions only when conjoined with principles. In actual cases of action we cannot elide *either* appraisals *or* the application of principles. For we must both work out whether we are considering a case of family unity and filial devotion or of exploitation, of spiritual transformation or psychic coercion, and then, having reached an appraisal, must decide whether and how to act in the light of it and of principles. There may, after all, be decisive reasons against intervening or altering course even in situations we have come to see as lamentable, and many ways in which to intervene or change course if we decide to do so.

In saying that principles are indispensable we don't have to imagine that they make our decisions for us. We have rather to consider what is going on when we decide. Are we just picking one option for dealing with the situation as appraised? Or are we affirming where we stand and what we are? If the latter, then principles—even if discovered to us only when we act—are indeed indispensable to decision. To have reached

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the same 'decision' by the toss of a coin or by mere whim would be something entirely different.

Principles, then, are not dispensable in practical reasoning. But in addition to their crucial role in moving from reflective appraisals to decisions they may perhaps help us in reaching appraisals themselves. Ethical principles themselves can be used to augment our strategies for seeking coherent appraisals of situations, for we can use principles as *one* set of ways of interrogating a situation. We can ask for example 'Has there been an injustice?' or 'Has anyone been harmed?' or 'If I do this, will it harm others or hurt their feelings?'. However, if we once settle for a finite and ordered list of principles as providing complete rules for the ethical appraisal of situations the open-ended character of reflective appraisals will be lost: we would be left with a moral catechism which specified the types of determinant judgments which were taken as constitutive of the moral life.

Concluding Remarks

We are now perhaps in a position to see why neither of the new waves of writing on ethics has given us a sense of how to solve moral problems, despite their evident eagerness to consider examples. Wittgensteinian writing has focused so exclusively on the discussion of specific (but usually literary and hence closed) situations in terms of shared practices or shared modes of understanding, on coming to see the sense of what has been done, rather than on deciding what is to be done, that it has said too little either about the difficulties of appraisal where practices are not shared, or are not morally acceptable, or about the move from appraisal to decision. Problem-centred writing also has paid too little attention to the difficulties of appraising actual situations, and has too readily accepted the standard descriptions of professionals and other specialists who have to attend to these situations as providing canonical appraisals, though it does not deny the need for principles. But even impeccable and subtle principles cannot lead to good decisions without appropriate minor premises. Principles without appraisals are empty; appraisals without principles are impotent.[37]

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