

Ethics and the Wittgensteinian Approach

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In his paper “Ethics without Principles,”¹ Avrum Stroll argues against “a certain model about the nature of moral reasoning”: a model which “is a form of classical foundationalism; it holds that all moral reasoning rests upon a foundational principle that is the basis of other moral principles or injunctions, and that is itself not supported by evidence, reasons or any other moral principles” (Stroll, p. 310). Examples of ethical theories conforming to this model are Utilitarianism (in which the Principle of Utility serves as the foundational principle) and Kantianism (in which the Categorical Imperative serves as the foundational principle).

In contrast to this model, Stroll advocates an approach to ethics inspired by Wittgenstein's view of language in *Philosophical Investigations*. He advocates the view that “the moral world is infinitely complex and accordingly . . . that no single theory will accommodate its variety of practices and the cases falling under them” (p. 315); that cases calling for moral reasoning can't be classified in precisely definable categories based on a common feature and are instead grouped together by family resemblances; and therefore that moral reasoning consists of examining particular cases and the many factors applying to them, with no reference to fundamental principles.

In the following I will examine Stroll's arguments against the foundationalist model of ethics. I will argue that Stroll's arguments do work against the foundationalist model as he presents it, and against those ethical theories (such as Kantianism or Utilitarianism) that conform to such a model. However, Stroll has failed to refute moral foundationalism, or to establish his own “ethics without principles” as the only viable alternative, because of a basic weakness in his argument—his failure to distinguish *rules* from *principles*. Stroll's own proposed approach to moral reasoning shares the essential feature of the model he is arguing against—morality as consisting of a set of rules; as a result, Stroll's approach is itself vulnerable to Stroll's own arguments. In contrast, the Aristotelian or Objectivist approach to ethics presents a version of foundationalism which, unlike the Kantian or Utilitarian version, leads to a morality based on principles rather than rules; and consequently, Stroll's objections do not apply to it.

What is the foundation of morality?

Before turning to Stroll's central argument, let me address a side issue that he raises in his paper against foundationalism. Stroll argues that moral foundationalism suffers from “a patent inconsistency”:

Moral reasoning is, according to the model, deeply committed to the exercise of justification. . . . Yet the principle which is ultimately appealed to in this process is stipulated to be beyond justification. . . . There is thus a kind of pragmatic inconsistency in attempting a justification while employing a principle which itself cannot be justified. On this ground alone the model can be rejected. (p. 315)

This may be a valid argument against Kantianism or Utilitarianism; but it does not work against Aristotle's approach to ethics, or Ayn Rand's, or that of neo-Aristotelian philosophers such as Machan or Den Uyl and Rasmussen; and these are also forms of foundationalism.

In the Aristotelian or Objectivist approach to ethics, evaluative propositions are derived from facts about the nature of man, or of any other living organism. These approaches do not accept Hume's "is-ought" dichotomy, which Stroll takes for granted; they hold that what any organism ought to do is determined by what it is.

On the Aristotelian view, moral judgments identify the constituents of man's flourishing. These identifications are based on observable facts of man's nature.

On the Objectivist view, moral judgments identify how man should act so as to make his own long-term survival most likely. Again, this identification is based on the facts of man's nature and what will in fact help him to survive or hinder his survival. (Survival as the standard is not itself any sort of "moral axiom which is itself beyond justification"; there is no moral principle on this view which states that "man should choose to live". Rather, ethics only applies to those people who do choose to live. Hypothetical people who don't choose to live have no reason to take any action at all, and moral judgments do not apply to them; nature will simply take its course.)

While there is a long tradition that denies the possibility of deriving evaluative conclusions from facts, Stroll is not justified, when criticizing foundationalism, in taking for granted that foundationalists accept this dichotomy. On both the Aristotelian and Objectivist views, moral conclusions are no different in principle from medical ones. They are derived from general conclusions about man's nature and the requirements of his life. These conclusions, like all factual propositions, are derived from perceptual observation and logical reasoning; and they in turn lead to principles about how man should live, which serve as the basis for specific moral (or medical) decisions. This is a form of moral foundationalism; moral reasoning on specific cases is based on general principles, and these principles are justified on the basis of more fundamental propositions. The foundation, however, is in observed facts; there is no need for a moral axiom that is itself beyond justification. Stroll's argument, therefore, fails against this form of moral foundationalism.

Rules vs. Principles

Stroll uses the terms "moral rules" and "moral principles" interchangeably in his paper. However, these are two very different types of moral propositions, representing very different approaches to ethics. Stroll's failure to distinguish between them causes a major weakness in his argument. (My discussion below of the distinction is based on David Kelley, "Rules—or Principles?" *IOS Journal*,

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A principle is “a fundamental, primary, or general truth, on which other truths depend”. (Ayn Rand, “Anatomy of Compromise”, in *Capitalism: The Unknown Ideal*, p. 144). Moral principles are fundamental, primary, or general truths about how man needs to act in order to live successfully, on which other moral truths depend. Rules, in contrast, are “self-contained prescriptions about concrete actions or situations, telling you what to do or how to do it”. (David Kelley, “Ruled—or Principled?” p. 1).

Rules are limited in scope, prescribing or forbidding a particular type of action in a particular type of situation. While they are not strictly “concrete”—i.e. they don't refer to one action on one occasion—they are very narrow abstractions, associating occasions and actions by specific aspects that are either directly perceivable or require only very simple concepts to recognize. Principles, in contrast, are broad abstractions covering a multitude of different actions and occasions, providing comprehensive guidance for a wider range of situations than any set of rules could possibly cover. “Do not smoke in elevators,” “do not commit adultery,” or “honor thy father and thy mother.” are examples of rules; “treat other people with courtesy,” “try to build relationships with others that are based on mutual trust,” or “treat people as they deserve in light of the benefit or harm they have done you,” are examples of principles.

Rules are supposed to be applied to the cases they cover with no need for exercising judgment. Principles, in contrast, because of their abstractness, have to be applied to any particular case by the exercise of judgment, taking account of the specific facts of the context. Rules, if they are not anchored in principles, cannot be rationally defended. Rule-based moralities are either based explicitly on authority rather than reason—e.g., the Ten Commandments in the ethics of Christianity—or are derived from some moral axiom which must be accepted without justification—e.g. most practical attempts to practice Kantianism or Utilitarianism, which end up as a set of rules. Principles, in contrast, can be justified in the Aristotelian or Objectivist approach to ethics, rationally defended by identifying man's needs and capacities, deriving from them man's basic requirements for living successfully.

It is common to refer to a person as “principled” if he consistently sticks in his actions to certain moral rules. There is a huge difference, however, between someone who accepts specific rules of action and then follows them regardless of the context, and someone who formulates broad principles to guide his actions and then makes concrete decisions by carefully considering the applications of his principles to the case. It is the second type of person that is more deserving of being called “principled.” Such a principled person will usually have—at least for the easier, more commonplace concrete decisions he has to make—specific rules of action derived from his principles, which he need not think about in every case, and which he will experience as ingrained habits and as emotional reactions; but he is always committed to understanding the justification of such specific habits, and to acting against them if the deeper principle and the specific context make them inappropriate.

There is one other crucial difference between the function of rules and principles, which is not illustrated by the discussion below, but which should

be noted to fully appreciate the distinction. Moral rules have only one function: to limit man's actions, identifying certain actions as wrong or as mandatory. Moral principles have a much wider function—to guide man through the fundamental choices of his life, in how to live, how to choose his purposes, and how to find happiness. Identifying actions as wrong is only a small part of that function. It is, however, the part I focus on in the discussion below, because all of Stroll's examples in his paper involve identifying actions as wrong. In order to make my answer to Stroll as clear as possible, I have chosen to illustrate how a principled approach would address the same examples that he raises.

Principles and Stroll's argument

Stroll attributes several assumptions to foundationalism. The first two are the most important ones for the purposes of Stroll's objections:

First, adherents to the model presuppose that it is possible accurately to identify those cases or situations to which moral reasoning applies. It is assumed that there is something special about these cases and the reasoning that concerns them. In particular it is assumed that such cases have sharp boundaries and this is why they allow for easy identification. Truth telling or adultery or abortion are such cases. One either tells the truth or does not, one either commits adultery or does not. What counts as adultery, for example, is a matter of definition, and particular actions can be sharply characterized via such definitions. If a married person has sexual intercourse with someone other than the person he or she is married to this is defined as adultery.

Second, because such cases have sharp definitional boundaries, the model of moral reasoning contends that via the application of a fundamental moral principle—such as the Categorical Imperative—one can deduce definitive moral judgments about them. Thus, any case of adultery is always wrong, and adulterers are to be censored for their behaviour. (Stroll, p. 311)

Against these assumptions, Stroll cites the Wittgensteinian view that concepts do not identify any single quality or feature that all the concretes it subsumes have in common, and are based instead on “family resemblance”.

Even where a term like “adultery” can be applied to various cases of human conduct there is no single feature which all these cases exhibit—some common quality, or essence, for example. . . . Because there may be no such feature, we cannot do what the model implies we can always do, namely make infallible assessments about the rightness or wrongness of an act per se or about the conduct of those who participate in it. That is, I deny that from the fact that a case can correctly be described as adulterous it follows that it is necessarily wrong, or that those engaged in such an action have acted wrongly. (Stroll, p. 312)

On the purely epistemological issue, Stroll's Wittgensteinian claim, as applied to the case of the term “adultery,” is false if taken literally. Stroll says that “there is no single feature which all [cases of adultery] exhibit,” but clearly there are at least three such common features—the fact that sexual intercourse has occurred, the fact that the parties are not married to each other, and the fact that at least one of the parties is married.

At the same time, many readers would feel a strong intuition that Stroll's argument seems plausible; I myself did, when first reading his paper. What is it that makes the argument seem plausible? To understand that, let us look at

Stroll's example, adultery, and consider the difference between analyzing cases of adultery in terms of principles or of rules.

A principled approach requires identifying a principle which is relevant to cases of adultery, and which is justified by factual identification of man's basic requirements for living successfully. Such a relevant principle is: "one should seek to build relationships with others that are based on mutual trust." This is a broad abstraction, providing comprehensive guidance in conducting one's relationships with others. It also identifies a wide range of actions that are wrong, in many different situations: dishonest business dealings, deception among friends, as well as many cases of adultery. Adulterers, in most cases, try to hide the adultery from their spouses. Also, marriages usually involve a mutually understood expectation that the sexual relationship between the two spouses will be exclusive, and adultery violates that expectation. For both these reasons, adulterers are harming their ability to build a relationship of mutual trust with their spouse; applying the general principle, we can justify the judgment in any particular case that the adultery is morally wrong.

By using this principled approach, we identify what is essential to morally judging any specific case of adultery, and to guiding one's own decision if one is faced with an opportunity to commit adultery. The principle points to facts that need to be considered about the context of any specific case, which are morally more essential than "does it fall under the definition of adultery"? For example, if a married man has a sexual affair with a woman other than his wife, but does so with his wife's prior knowledge and consent, the principle helps us identify an essential difference between this case and the more common cases of adultery; while the action does fall under the definition of adultery, the principle of mutual trust does not justify judging it as wrong; anyone who claims that it is still wrong would have to defend that claim by formulating and justifying some other relevant principle. In contrast, if a couple form a long-term romantic relationship, with a mutually understood expectation of sexual exclusivity, but do not formalize it by a marriage; and the man then has sexual intercourse with another woman; then the principle of mutual trust will lead us to identify that the essential features that make adultery wrong exist in this case as well, even though it does not fulfill the definition of adultery.

These identifications, made possible by a principled approach to ethics, are all made impossible by a rule-based approach. On a rule-based approach, we have a set of rules, one or more of which apply to adultery; e.g., the Ten Commandments, one of which is "thou shalt not commit adultery." When judging any specific case, the only relevant question is: has the rule been violated? I.e. has adultery occurred? All the rule requires to be applied is a clear definition of "adultery"; once we have that definition, no other question about the specific circumstances and context of a case can be relevant.

To the extent that a person thinks in terms of moral principles, the rule-based approach will seem intuitively wrong. In the case of adultery, it would seem clear that the definition of the concept "adultery" does not identify what is essential for moral judgment. This intuition is what lends Stroll's Wittgensteinian approach its seeming plausibility. While all cases of adultery do have some features in common, it is intuitively clear that there are differences between different cases of adultery—e.g. between those in which adul-

terers do or do not deceive their spouses—that, for the purpose of morally judging the action, are more essential than the common features.

In sum, while Stroll purports to argue against the use of principles in moral reasoning, it in fact his case works only as an argument against a morality based on rules. The argument's seeming plausibility comes precisely from the validity of a principled approach to ethics. Since ethical theories such as Utilitarianism and Kantianism do lead to rule-based moral reasoning, Stroll's argument does work against them; but the Aristotelian/Objectivist form of foundationalism, because it leads to thinking in principles, is not vulnerable to Stroll's argument.

Stroll's model of moral reasoning vs. principled reasoning

Stroll proposes an alternative model of moral reasoning, which he claims to represent “the reasoning of ordinary, non-philosophical folk” in dealing with moral issues; and which philosophers need to adopt in order to “understand, accurately describe, and do justice to the facts of moral life” (Stroll, p. 320). Stroll's discussion and his examples do not discuss how people use morality to guide their own actions, and it is difficult to discern what his model implies about guiding one's own actions. Rather, Stroll focuses in his examples on how people make condemnatory judgments about other people's actions. While, as I note above, this is a very small part of the function of moral principles, it is still an area in which a principled approach is essentially different from a rule-based approach, as demonstrated in the example above of judging adultery. Below I examine Stroll's model of how such judgments are made, and contrast it with a principled approach.

In Stroll's model, people approach cases that need to be judged morally by comparing and contrasting them with other cases, examining their specific similarities and differences. Stroll provides a brief description of his model (pp. 315-318), but in it he never makes clear how such comparisons can lead to any moral judgments. However, he then follows with an illustration (pp. 318-320) of how his model would apply to a specific case, and the method he would suggest for reaching moral judgment is implicit in that discussion.

Stroll discusses a case in which a married couple adopted a daughter; after the adopted daughter had grown up, the husband had an affair with her, and later divorced his wife and married the adopted daughter. The question is: should the husband's behavior be condemned as incest? To answer the question, Stroll suggests that the case be compared to other cases which are or are not judged as incest. It is different from many other cases in that the adoptive father and daughter were not blood relations. However, there are cases in which sexual intercourse between two persons who are not blood relations is still condemned as incest; for example, in some tribes sexual intercourse between a brother-in-law and a sister-in-law is condemned as incestuous. There is also anthropological and historical evidence that sexual intercourse between blood relations is not a sufficient condition for incest; for example, in ancient Egypt, some members of the royal family were required to marry their own sisters, and this was not regarded as incest. All these are considerations which demonstrate that the lack of a blood relationship does not defend the adoptive father in our case against the accusation of incest.

The above illustration makes clear Stroll's model of how moral judgments are reached from examination of cases; they are reached by applying societal rules, which are accepted uncritically and unreflectively. The case is judged by observing how societies (whether contemporary American society or others, such as the society of ancient Egypt) apply the rule prohibiting incest, with no concern for why this rule should be respected at all or for the reasons societies had for regarding cases as covered or not covered by the rule. Stroll is thus accepting the essential feature of the ethical model he has argued against—morality as consisting of a set of rules; his disagreements are only in his rejection of any attempt to justify the rules, and in the method for deciding when the rule covers or does not cover a given case.

Stroll's claim, that his model reflects actual, real-life moral reasoning, can thus be stated more clearly as: "in real life, people uncritically and unreflectively accept societal moral rules." Is this claim correct? Clearly, it can't be universally correct, since then no society's dominant moral views would ever change. And even looking at those people who do accept their society's dominant morality, it is questionable whether all of them are as totally unreflective, lacking any concern for the justification of moral standards, as Stroll's model assumes. But most important, even to the extent that people are unreflective about societal moral standards, it does not follow at all that philosophers should accept the same unreflective attitude, by adopting Stroll's model; it is precisely the job of moral philosophers to provide the reflection that some non-philosophical people neglect.

Let us compare Stroll's example, of the application of his method, to a principled approach to the same case.

To take a principled approach, we have to identify a relevant principle, which can be justified based on man's basic needs and capacities. I submit that the principle relevant to this example is: "Sexual relationships should be voluntary on the part of both parties." This principle provides comprehensive guidance, identifying a wide range of wrong actions in many different situations: rape, child molestation, some cases of sexual harassment, as well as cases of incest. In many cases of incest, one of the parties—e.g. a daughter having sexual intercourse with her father—is subject to the authority and coercive power of the other party, to a degree seldom found in any free country outside of the family unit; because of that, such sexual relationships can't be regarded as voluntary, even if no direct use of force was involved. Also, in most cases of incest, one of the parties is too young to understand the nature and significance of the relationship, and is therefore incapable of giving informed consent to it; this, again, prevents the relationship from being voluntary. For these reasons, the principle justifies a condemnation of many cases of incest.

(This principle is not the historical reason for the rule against incest. That rule came to some extent from concerns about inbreeding leading to genetic deterioration—concerns that are irrelevant if the incestuous couple have no children—and to some extent from a desire to assert the authority of God by imposing arbitrary rules. With modern medical technology, when childbirth is no longer an unavoidable consequence of sexual intercourse, the principle I discuss here is the one remaining rational justification for the continuing condemnation of incest.)

By applying this principle, we can identify the essential questions that need to be answered to morally judge the specific case Stroll raises. The questions are: did the adoptive father, at the time the sexual affair began, possess authority and coercive power over his adoptive daughter, strong enough to prevent the relationship from being voluntary on her part? And was she mature enough to fully understand the nature and significance of the relationship? The principled approach thus makes it possible to identify those features of the case that are essential to judging it morally. Applying it to the specific case may still be difficult; it may be very hard to be certain of the answer to either of the above questions; but at least the principled approach allows us to identify the important questions to ask. That is what Stroll's approach does not make possible; no amount of comparing cases to each other would in itself help single out those similarities and differences that are essential to moral judgment.

Earlier, we saw that Stroll's Wittgensteinian argument gained its seeming plausibility precisely from the failure of rule-based ethics to identify the morally essential features of cases. We see here that Stroll's own suggested approach suffers from the same failure, and for the same reason—its reliance on rules. The argument Stroll has raised, against the Kantian or Utilitarian model he criticizes, therefore turns out to be an equally strong argument against his own approach to moral reasoning. In contrast, the Objectivist/Aristotelian form of moral foundationalism, by allowing a principled approach to ethics, completely disposes of Stroll's objections.

NOTES

- 1 Avrum Stroll, "Ethics Without Principles," in K. S. Johannessen, T. Nordenstam (eds.) *Wittgenstein and the Philosophy of Culture* (Vienna: Holder-Pichler-Tempsky, 1996.), pp. 310-320.