ABSTRACT

Moral Particularism, Aquinas, and the Problem of Context-Dependence:
A Formal Solution to a Material Puzzle

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This dissertation is a historically informed response to what I call the *problem of context-dependence.* The problem of context-dependence is a problem for moral philosophy that stems from the fact that the rightness or wrongness of an action seems to be dependent upon the context in which it occurs. Moral particularists, such as Jonathan Dancy, use the context-dependence of rightness and wrongness to cast doubt upon our ability to formulate universally true moral principles. I contend that this is troublesome because if it is true that moral principles might not apply to all cases, then worries arise about our ability to understand and rationally navigate the moral domain.

In response to this concern, I argue that it is possible to solve the problem of context-dependence by retrieving a neglected understanding of the structure of morality from Thomas Aquinas—namely his view that each instance of right and wrong is a composite of formal and material elements. I maintain that this

distinction allows Aquinas to embrace the variability of right and wrong acts at the material level, while maintaining that all right actions share the same general form. In turn, the notion that right and wrong actions are made right by intelligible universal forms restores confidence in our ability to articulate and defend moral principles.

Moral Particularism, Aquinas, and the Problem of Context-Dependence:
A Formal Solution to a Material Puzzle

by

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To my parents

PART I

THE PROBLEM OF CONTEXT-DEPENDENCE

CHAPTER ONE

Getting to the Heart of the Matter: The Problem of Context-Dependence and Particularist Criticisms of Moral Principles

1. Introduction

Contemporary ethicists are deeply divided about the importance of moral principles. One of moral philosophy's aims is to explain what it is that makes actions right or wrong. According to the traditional view, often referred to as *moral generalism*, such explanations must take the form of universally true moral principles that specify the features, considerations, or properties that determine the moral quality of human actions. These principles, in turn, are thought to be necessary for moral thought and practice. Additionally, Generalists hold that moral principles serve as the starting point for practical reason and thus are what ultimately justifies our moral claims and judgments.[1] Insofar as principles identify features, considerations, or properties that are always morally relevant, generalists also maintain that moral principles are what enable us to identify the right course of action in unfamiliar circumstances. Thus, according to generalism, moral principles have a central place within moral philosophy

[1] In other words, moral explanations reveal why an action act is right or wrong. In doing so, they also provide justification for believing that the act in question is right or wrong. Moral generalists typically hold that moral explanations are not only capable of providing moral justification, but that are a necessary condition for moral justification.

because they are required to fulfill vital explanatory, justificatory, and action-guiding roles.

In opposition to the proponents of moral principles there stands a growing number of *moral particularists*. Particularists are suspicious of moral principles for a number of reasons, some of which are more radical than others. Moderate particularists, such as Lawrence Blum and Martha Nussbaum, are willing to grant that moral principles can contribute to moral thought and practice. Yet they contend that generalism overemphasizes the role that principles play in moral reasoning. Thus, they reject generalism's (implied) claim that moral principles are sufficient to guide and justify our actions.[2] Other particularists, such as John McDowell make the stronger claim that moral principles are in fact unhelpful because they tend to lead us astray by oversimplifying the complex nature of morality.[3] The most radical particularists, especially Jonathan Dancy, argue that the moral landscape is simply too variegated to be codified into a manageable set of principles—let alone into a single supreme, overarching principle.[4] Thus, according to the various strains of

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[2] Lawrence A. Blum, "Moral Perception and Particularity," in *Moral Perception and Particularity*, ed. Lawrence A. Blum (Cambridge University Press, 1994), 30–61; Martha C. Nussbaum, "The Discernment of Perception," in *Love's Knowledge: Essays on Philosophy and Literature* (New York: Oxford University Press, 1990), 54–105.

[3] John McDowell, "Virtue and Reason," *Monist: An International Quarterly Journal of General Philosophical Inquiry* 62 (July 1, 1979): 331–350.

[4] Jonathan Dancy, "Ethical Particularism and Morally Relevant Properties," *Mind* 92 (October 1, 1983): 530–547; ibid.; Jonathan Dancy, "The Role of Imaginary Cases in Ethics," *Pacific Philosophical Quarterly* 66 (January 1, 1985): 141–153; Jonathan Dancy, *Moral Reasons* (Blackwell, 1993); Jonathan Dancy, "The Particularist's Progress," in *Moral Particularism*, ed. Brad Hooker and

particularism, generalism's attempt to discover universally true moral principles is either unnecessary, undesirable, or pointless.[5]

Radical particularists base their arguments for the likely non-existence of moral principles upon what I call the *problem of context-dependence*. On their view, the normative 'polarity' of morally significant features and considerations is irreducibly context-dependent. The same consideration that is right-making in one situation can be wrong-making, or even silent, when found elsewhere. For example, it is usually wrong to cause pain and right to keep one's promises. Yet, while having a needle inserted into the fleshy part of one's thigh is incredibly painful, this fact in no way counts against the rightness of having my daughter vaccinated. Similarly, it would be wrong for me to leave an accident victim alone on the side of the road in order to keep my promise to meet a friend for dinner.

Examples like these are meant to compel assent to the context-dependence of moral features and considerations. Radical particularists then add that once we accept that circumstances can affect the morality of an act, we must also accept the conclusion that principled approaches to ethical theory are unpromising. Roughly, they argue that if right and wrong-making features are

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Margaret Little (Oxford: Clarendon Press, 2000), 130–156; Jonathan Dancy, *Ethics Without Principles* (Oxford University Press, 2006). See also McDowell's claim: "If one attempted to reduce one's conception of what virtue requires to a set of rules, then, however subtle and thoughtful one was in drawing up the code, cases would inevitably turn up in which a mechanical application of the rules would strike one as wrong – and not necessarily because one had changed one's mind; rather, one's mind on the matter was not susceptible of capture in any universal formula" (*Virtue and Reason*, 336).

[5] As particularists often use the term, a universal moral generalization does not count as a moral "principle" unless it is true.

context-dependent, then it is unlikely that we will be able to formulate the universally true moral principles that generalism requires. There is no guarantee that what makes an action right or wrong in one situation will have the same moral import at all times or in all places.

According to generalism, the particularist argument that the context-dependence of morality speaks against the existence moral principles also casts doubt upon our ability to provide moral explanations. But instead of ruling out the possibility of moral explanations altogether, particularists counter that there are some moral generalizations that are capable of explaining, even if they admit of exceptions.[6] Thus, on their view, the context-dependence of moral features presents an insurmountable problem for generalists, who rely upon moral principles, but it can easily be avoided by adopting a new way of providing moral explanations.

This debate between generalists and particularists gives rise to two main sets of questions. The first set concerns the nature and possibility of ethical theory.[7] Must moral explanations take the form of universally true principles? If

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[6] See especially Dancy, *Ethics Without Principles*; Mark Lance and Margaret Little, "From Particularism to Defeasibility in Ethics," in *Challenging Moral Particularism*, ed. Mark Lance, Matjaž Potrč, and Vojko Strahovnik (Routledge, 2007), 53–74; Mark N Lance and Margaret Olivia Little, "Where the Laws Are," in *Oxford Studies in Metaethics, Volume 2* (Oxford: Oxford University Press, 2007), 149–171; Mark Norris Lance and Margaret Olivia Little, "Defending Moral Particularism," in *Contemporary Debates in Moral Theory* (Malden MA: Blackwell Publishing, 2006), 303–321; Uri D. Leibowitz, "Scientific Explanation and Moral Explanation," *Noûs* 45, no. 3 (2011): 472–503.

[7] As I am using the terms, the primary aim of ethical theory is to explain what makes human acts right or wrong, whereas moral practice encompasses aspects such as moral justification and action guidance.

so, can we expect to identify and articulate them? The second set of questions concerns the relationship between ethical theory and moral practice. Are moral explanations necessary for moral justification? Are they needed to identify the right course of action in unusual circumstances? If not, are there other ways in which moral explanations might be essential for acting well?

Any remaining questions concerning the place of principles within moral philosophy fit nicely within these two broader lines of inquiry. For example, what makes generalist theories undesirable might not be their principled approach to moral explanations, but rather their tendency to overemphasize the role that moral principles play in moral reasoning.[8] Or, the problem might be that there are no moral principles, and thus all generalist theories are inevitably bad theories.[9] Either way, it seems that the importance of moral principles will depend upon their nature and existence, their relation to and influence upon moral practice, or some combination thereof.

I think it is important to acknowledge that the set of questions pertaining to the relationship between ethical theory and moral practice are worthy of discussion. For instance, there are good reasons to think that moral thought and practice do not depend upon the moral explanations supplied by ethical theory, on the one hand, and there are equally strong reasons to be skeptical of the view that moral practice either should be or can be separated from ethical theory, on

[8] See Blum, "Moral Perception and Particularity."

[9] This is Dancy's position.

the other. For instance, it seems reasonable to believe that a person could be morally justified in acting as she does, even if she cannot explain what ultimately makes her chosen action the right thing to do.[10] But, it also appears that forming an overall conception of what makes actions good, bad, right, or wrong, and then acting in accord with such a conception is an important part of responsible agency and an essential way of unifying one's moral life.

Yet, despite the need to better understand the relationship between ethical theory and moral practice—and more specifically the roles that moral principles might play within this relationship—I contend that it is best to put such an inquiry on hold until (1) there is more clarity about whether it is possible to fulfill the explanatory aims of ethical theory and (2) moral philosophers have some idea of how an attainable ethical theory might be structured.

One reason for suggesting as much is that radical particularism's rejection of moral principles and its alternative account of moral explanations both rest upon mistaken views about moral explanations, or so I will argue. I have found that particularists often conflate ethical theory with moral practice. As a result, they make the fallacious inference that if a moral generalization justifies one in claiming that an action is wrong, then it also explains why the action is wrong. Particularists also appear to assume that the best moral principles appeal solely to the concrete, analyzable features at hand. They neglect the fact that

[10] John McDowell endorses this view, which I will return to in Section 3.

explanations are often found at levels that are more abstract. Plausibly, an act is wrong not because it involves causing pain, but because that instance of causing of pain constitutes cruelty. And cruelty, it seems, is not context-dependent.[11]

On my view, then, the recent abundance of work in moral particularism serves as an indication that much of contemporary moral philosophy is operating with an impoverished view of what moral explanations are, what they are intended to accomplish, and how they relate to moral principles. If I am correct, then it is no wonder that there is deep disagreement about the importance of principles for moral philosophy.

Motivated by the above observation, the primary aim of this dissertation is to address the first set of questions outlined above: those that concern the nature and possibility of ethical theory. Ultimately, I argue in favor of retrieving a neglected understanding of morality from the history of philosophy, namely Thomas Aquinas's view that all instances of right and wrong are a composite of formal and material elements. I contend that the formal/material distinction makes ethical theory possible because it allows us to embrace the variability of moral features and considerations at the material level, while maintaining that all right actions share the same formal element.

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[11] Roger Crisp endorses something like this view by claiming that an act's being "generous, honest, just, thoughtful, or helpful is always a reason to do it" Roger Crisp, "Particularizing Particularism," in *Moral Particularism*, ed. Brad Hooker and Margaret Little (Oxford: Clarendon Press, 2000), 23–47.

In addition to commending Aquinas's moral philosophy as a model of ethical theory, I want to show the relevance of his approach for contemporary moral philosophy. Thus, I begin by taking particularism head-on. After concluding that particularism is a misguided view, I then set out to demonstrate how the distinction between form and matter, and Aquinas's use of it, can be used to demonstrate that principles play a central role in moral philosophy.

Before turning to that task, however, I devote this opening chapter to showing in more detail that settling the debate between generalists and particularists requires ascertaining (1) if moral principles are the only means of providing moral explanations and (2) whether the context-dependence of right and wrong merely presents us with a solvable puzzle or if it reflects the uncodifiable, and thus inaccessible, nature of morality.

2. Moral Generalism

In this section, I describe the traditional stance towards moral principles, which particularists refer to as *generalism*. In an effort to explain what makes actions right or wrong, generalists appeal to universal moral principles. Arguably, not every moral philosopher in earlier history took this approach but, as we will see, some important ones did.

Generalism is informed by the reasonable belief that if there is a difference between two things—in this case, between the rightness and wrongness of human actions—then there must be some unique, underlying feature that

accounts for that difference.[12] Thus, providing an account of an act's moral status requires pointing to the universal feature, consideration, or property that makes all right actions right or all wrong actions wrong. As moral principles are generalizations that pick out the features, considerations, or properties that are universally right or wrong-making, moral explanations simply *are* moral principles.

Kant and Mill are paradigmatic generalists. Both try to explain the rightness of our actions by appealing to a single, exceptionless, unifying moral principle. In Kant's case, it is the Categorical Imperative; in Mill's, it is the Principle of Utility. Although the content of their explanations could not be more different, they answer the question 'What makes right actions right?' in the same way—i.e., with a general principle. They do so because they believe that appealing to some essential and uniquely defining feature or consideration is the only way to answer such a question.[13]

In seeking to explain what makes actions right or wrong, moral generalists aim to improve our ability to act well. As Bernard Gert puts it, "Moral theory is useful because it supplies an explicit account of morality, so that the moral

[12] This includes uniquely essential features, considerations, or some unique set consisting of some combination thereof. For simplicity's sake, I will not reference this latter possibility in the body of this chapter.

[13] One does not have to look very hard to see that generalism remains ubiquitous in contemporary ethical theory. Today's utilitarians (e.g. Peter Singer, Brad Hooker, and Roger Crisp), contractualists (e.g. T. M. Scanlon), and so on, all demonstrate their commitment to universal moral principles by attempting to use some single feature or consideration to explain the morality of human actions.

system can be applied to new and difficult situations."[14] Likewise, John Rawls describes ethical theory as the attempt "to find reasonable principles which, when we are given a proposed line of conduct and the situation in which it is to be carried out and the relevant interests which it effects, will enable us to determine whether or not we ought to carry it out and hold it to be just and right."[15]

The moral principles produced by the generalist approach to ethical theory can improve moral practice because they have the potential to provide universal action guidance—even in cases where there appears to be moral conflict. For, if there is a unique and foundational feature or consideration that accounts for the rightness of an action, then it is impossible for there to be a fundamental conflict between moral demands.[16] Kant and Mill also represent this aspect of generalism. In his *The Metaphysics of Morals*, Kant writes:

> Since duty and obligation are concepts that express the objective practical *necessity* of certain actions and two rules opposed to each other cannot be necessary at the same time, if it is a duty to act in accordance with one rule, to act in accordance with the opposite rule is not a duty but even contrary to duty; so a *collision of duties* and obligations is inconceivable.[17]

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[14] Bernard Gert, *Morality: Its Nature and Justification* (Oxford University Press, 1998), 8.

[15] John Rawls, "Outline of a Decision Procedure for Ethics," *Philosophical Review* 60, no. 2 (1951): 178.

[16] The claim that it is impossible to have conflicting moral demands does not rule out the possibility of tragic dilemmas, in which an agent must choose between two courses of action that are in equal violation of the same moral principle such as a "Sophie's Choice" scenario [See Rosalind Hursthouse, *On Virtue Ethics* (Oxford University Press, 1999), especially Chapters 2-3].

[17] Immanuel Kant, *The Metaphysics of Morals*, trans. Mary Gregor (Cambridge University Press, 1996), 16, emphasis original.

Similarly, Mill writes in his *A System of Logic*:

> There must be some standard by which to determine the goodness or badness, absolute and comparative, of ends or objects of desire. And whatever that standard is, there can be but one: for if there were several ultimate principles of conduct, the same conduct might be approved by one of those principles and condemned by another; and there would be needed some more general principle as umpire between them.[18]

Notice that in the passages above, the inability to adjudicate between conflicting moral duties represents a theoretical failure. A complete and sufficient explanation, it seems, will be able to dictate a course of action in any situation. According to generalism, an ethical theory that cannot do so is deficient because it has failed to identify and isolate what it is that ultimately makes actions right or wrong.

Like Kant and Mill, Henry Sidgwick also held that the ability to provide universal action-guidance follows from a complete moral explanation, which is why he ends his *Methods of Ethics* on what is often described as a "despairing note."[19] Sidgwick was worried because he could not reconcile his two practical principles of rational egoism and utilitarianism, as it is inevitable that in some cases they will demand contrary courses of action. On his view, this practical failure was indicative of a deeper explanatory one and he worried that his inability to resolve this "fundamental contradiction" would cause some to

[18] J. S. Mill, *A System of Logic*, 8th ed. (London: Longmans, Green, 1957, book 6, chapter 12, section 7, 620-21.

[19] cf. James D. Wallace, *Norms and Practices* (Cornell University Press, 2009), 88.

believe that there are no foundational ethical truths, thus inviting "universal skepticism" about moral matters.[20]

In addition to the above two claims, proponents of generalism usually endorse, albeit tacitly, the notion that moral practice is in some way dependent upon ethical theory. That is, along with holding that ethical explanations must take the form of moral principles and that moral principles have the potential to provide universal action guidance, moral generalists tend to maintain that moral principles are *necessary* for moral thought and practice. In other words, they believe that without moral principles to inform our moral reasoning, we could not make rational, informed moral judgments.[21]

Much like the view that moral explanations must appeal to some unique and essential right-making feature, the notion that moral reasoning must be informed by moral principles is grounded in the reasonable, deep-seated belief that making moral judgments, especially when faced with the unfamiliar, requires knowing in advance what makes actions right or wrong. According to generalists, moral principles provide the epistemic resources that are needed to identify particular instances of right and wrong.[22]

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[20] Henry Sidgwick, *Methods of Ethics*, 7th ed. (University of Chicago Press, 1907), 506–9. Notably, this aspect of generalism continues to be endorsed today. For, if philosophers did not endorse it, they would not question the explanatory potency of rival ethical theories by appealing to counterexamples involving particular cases.

[21] cf. Barbara Herman, "The Practice of Moral Judgment," in *The Practice of Moral Judgment* (Harvard University Press, 1996), 73–93.

[22] One might argue that we might have intuitive capacities that account for this ability. However, the generalist will likely counter that acting morality is a rational endeavor, which in

Thus, from the standpoint of generalism, moral principles are indispensable for explaining the rightness and wrongness of our actions and at least helpful (if not necessary) for rationally making our everyday moral judgments.

3. Particularist Critiques of Generalism

Kant and Mill, whose writings are paradigmatic examples of generalism, have difficulty countenancing the fact that the rightness or wrongness of an action is often dependent upon the circumstances at hand. Kant's Categorical Imperative infamously requires us to tell the truth at all times, even if we know that the information we provide will be used to commit a heinous act. Similarly, Mill's Principle of Utility always requires us to produce the greatest amount of happiness, even if it means killing an innocent person.

According to particularists, this problem—the problem of context-dependence—not only presents a challenge for Kant's deontology or Mill's utilitarianism; it presents a challenge for all generalist theories. On the one hand, the purpose of ethical theory is to explain what it is that ultimately makes actions right, wrong, good, bad, virtuous, or vicious. Yet, on the other hand, the context-dependence of morality speaks against generalism's ability to determine in advance which features will make actions right or wrong.

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turn requires informed, consistent behavior. Acting based upon one's moral intuitions provides consistency, but it does not appear to be rational in the relevant sense. Using moral principles as the basis for one's actions, on the other hand, provides both the requisite rationality and consistency needed for genuine moral agency.

Again, the problem of context-dependence is the main reason why moral particularists think that generalism is a philosophical dead end. On their view, because circumstances can always affect the rightness or wrongness of an act, we are unable to produce the principles that ethical theory requires. Nearly all moral generalizations, they claim, are subject to exception. And the few universally true generalizations that we do have available to us, such as the prohibitions against rape and torturing innocents, only account for the moral status of a small number of acts.[23] So, according to particularists, the context-dependence of moral features makes moral principles widely unattainable, a conclusion which entails that the prospects for generalism are rather bleak.

Although I will discuss their argument against moral principles more thoroughly in the following chapter, it is worth noting that particularists are so deeply committed to the context-dependence of morality that they even attack non-standard versions of generalism such as Ross's *prima facie* pluralism.[24]

According to Ross, there are certain features that always count for or against the rightness of the actions that have them. For example, one should not lie, one should be kind, one should save the life of another, one should not break a promise, etc. These features are only *prima facie* right or wrong-making,

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[23] In claiming that torturing innocents is universally wrong, I do not mean to imply that there are other instances (e.g., when 'non-innocents' are involved) in which torture is acceptable. I am merely choosing an uncontroversial example.

[24] W. D. Ross, *The Right and the Good*, New ed. (Oxford : New York: Clarendon Press ; Oxford UniversityPress, 2002).

however, because they can be overridden by other moral features, which carry greater moral weight given the circumstances at hand.

While Ross's prima facie pluralism includes some universal generalizations that might rightfully called "principles of *prima facie* duties," his account is not a standard version of generalism in that he refuses to posit a more foundational moral principle by which to adjudicate between competing *prima facie* duties. Yet, despite recognizing that the context in which a feature occurs can affect its moral relevance, particularists argue that Ross does not go far enough. This is because even when a *prima facie* duty is overridden, it still retains its initial force. But, according to radical particularists such as Jonathan Dancy, there can be occasions in which features such as breaking a promise carry no moral weight at all. In other words, the context-dependence of morality can be used to falsify even *prima facie* principles because it is possible to think of a situation in which a feature that is supposedly always *prima facie* right-making has no moral significance at all or is even wrong-making.[25]

In addition to their metaphysical objections to generalism, moral particularists also offer a normative critique of generalism's use of moral

[25] Dancy's objection to Ross's pluralism depends upon the following (widely accepted) interpretation of *prima facie:* "In Ross's usage, it does not mean 'at first sight', as it does, for instance, in the law, where a prima facie case is one which may turn out to be no case at all. For Ross, a prima facie duty is not one which may turn out to be a mere appearance of a duty." It is really *pro tanto*, meaning 'as far as that goes.'" (Dancy, *Ethics Without Principles*). See also, Robert Audi, "Intuitionism, Pluralism, and the Foundations of Ethics," in his *Moral Knowledge and Ethical Character*, vol. 109 (Oxford University Press, 1997), 35; and Brad Hooker, "Theory Vs Anti-Theory," in *Luck, Value, and Commitment: Themes from the Moral Philosophy of Bernard Williams* (Oxford University Press, 2012).

principles. On their view, the moral principles provided by generalist approaches to ethical theory are, "at best useless, and at worst a hindrance."[26] Moral principles are viewed to be a hindrance by particularists because relying on moral principles for moral guidance causes us to confront the circumstances of particular situations with insufficient attention. Jonathan Dancy voices this worry as follows:

> Particularism claims that generalism is the cause of many bad moral decisions, made in the ill-judged and unnecessary attempt to fit what we are to say here to what we have said on another occasion. We all know the sort of person who refuses to make the decision here that the facts are obviously calling for, because he cannot see how to make that decision consistent with one he made on a quite different occasion. We also know the person who insists on a patently unjust decision here because of having made a similar decision in a different case. It is this sort of looking away that particularists see as the danger in generalism. [Moral features] function in new ways on new occasions, and if we don't recognize this fact and adapt our practice to it, we will make bad decisions. Generalism encourages a tendency not to look hard enough at the details of the case before one, quite apart from any over-simplistic tendency to rely on a few rules of dubious provenance.[27]

As for the critique that generalist moral principles are unnecessary, particularists argue that it seems too stringent to claim that being morally justified for acting a certain way requires the explicit appeal to moral principles. That is, it seems extreme to claim that one must first have an articulate understanding of what makes actions right or wrong in order to act morally. John McDowell makes this point as follows:

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[26] David McNaughton, *Moral Vision: An Introduction to Ethics* (B. Blackwell, 1988), 191.

[27] Dancy, *Moral Reasons*, 64.

> Of course a kind person need not himself classify the behaviour he sees to be called for, on one of the relevant occasions, as kind. He need not be articulate enough to possess concepts of the particular virtues; and even if he does, the concepts need not enter his reasons for the actions which manifest those particular virtues. It is enough if he thinks of what he does, when—as we put it—he shows himself to be kind, under some such description as "the thing to do." The description need not differ from that under which he thinks of other actions of his, which we regard as manifesting different virtues; the division into actions which manifest kindness and actions which manifest other virtues can be imposed, not by the agent himself, but by a possibly more articulate, and more theoretically oriented, observer.[28]

According to McDowell, then, it is not necessary to grasp the essence of kindness in order to act kindly. So long as an agent sees what others might describe as a 'kind action' as 'the thing to do'—a notion that she may or may not have fully grasped or be able to articulate—her kind action is morally praiseworthy. What makes her kind action praiseworthy is that she correctly identified the situation at hand as calling for a particular sort of act and she responded appropriately.

4. Finding the Center of the Debate: Why Ethical Theorists Must Examine the Relationship between Principles and Moral Explanations

At the most general level, the three particularist arguments just described all support negative attitudes towards moral principles. At the same time, however, each argument puts forth a different reason for being suspicious of moral principles, and consequently, generalist approaches to ethical theory.[29]

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[28] McDowell, *Virtue and Reason*, 322.

[29] As noted above, moral particularism is comes in different varieties. Not all particularists, however, recognize their counterparts as representing "moral particularism." Jonathan Dancy, who by all accounts, is the founder of contemporary moral particularism, writes that many so-called moral particularists have "little idea of what they are committing themselves

The first argument supports the conclusion that there are no (true) moral principles or, at the very least, that we should be skeptical about their existence. The second argument supports the normative view that appealing moral principles is dangerous and thus undesirable. The third argument casts doubt upon whether moral thought and judgment depend upon moral principles.

While each of these three arguments is undoubtedly different from the other, there are important ways in which they relate. Notice that Dancy's normative critique of generalism, for example, presupposes the truth of the metaphysical claim that there are few (if any) universally true moral principles. The fact that we must supplement our grasp of moral principles with attention to the moral *relevance* (as opposed to the mere presence) of some particular feature or consideration, as it relates to the circumstances at hand, implies that the principles we have at our disposal are in fact not principles at all. The reason we need to discern the relevance of some moral generalization (which we might be tempted to *think* is a principle) is that there is always the chance that the "principle" in question does not apply to the particular case under consideration.

Thus, properly situated, it seems that Dancy's normative criticism of generalism is that it prompts us to treat moral generalizations as universally true moral principles when, in reality, there are no such things. In fact, he explicitly

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to" ["The Particularist's Progress," in *Moral Particularism*, ed. Brad Hooker and Margaret Little (Oxford: Clarendon Press, 2000), 130]. On his view, the only particularists are radical particularists—those who hold that principles have no role in moral thought and practice because there likely are none.

states, "a moral principle amounts to a reminder of the sort of importance that a property *can* have in suitable circumstances."[30] Given such a view, it necessarily follows that it is always a mistake to base one's moral judgments upon principles. At best, so-called "principles" can help us to notice features or considerations that are usually right-making. But they can do no more than that.

Importantly, the only way to settle this facet of the generalism/particularism debate is to determine whether there are any universally true moral principles upon which we can rely to provide moral guidance. That is, ending the dispute over the desirability of ethical theory requires first addressing the question of whether the reality of context-dependence rules out the possibility of meaningful, universally true moral principles.

One might think that the particularist claim that ethical theory is unnecessary for moral thought and practice is an issue entirely separate from the metaphysical dispute over the existence of moral principles. I am not entirely convinced that this is the case, however. To see why, consider Brad Hooker's claim:

> When important ethical considerations conflict and we are accountable to others for our decisions, we want to be able to justify these decisions by reference to something more general than merely saying 'in the context, this consideration seemed more important to me than that one.'[31]

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[30] *Moral Reasons*, 67.

[31] Hooker, *Theory vs Anti-theory,* 30.

In effect, Hooker is claiming that there are occasions when it is conceivable that moral explanations play an essential role in moral practice. That is, when the stakes are high enough, we want to know not only that a course of action was chosen because someone justifiably thought it was the right thing to do, but we also want to know *why* it was the right thing to do. What kinds of moral explanations are available and appropriate for answering such a question will depend upon whether rightness and wrongness are as variegated and fluid as particularists claim.[32]

As mentioned above, particularists attempt to preserve the possibility of providing moral explanations by arguing that some moral generalizations are capable of explaining, even if they admit of exceptions. Thus, one again, addressing this particularist criticism of generalism requires first answering questions concerning the nature and possibility of ethical theory. More specifically, it must be determined if moral explanations must take the form of universally true principles. And, if so, whether we are capable of identifying and articulating them.

To address these questions, I begin Chapter Two by engaging the recent work of several moral particularists who hold that some non-principled moral generalizations are capable of explaining why actions are right or wrong.

[32] One could approach the question of whether moral principles are necessary for moral thought and practice by examining practical reason, see Sean McKeever and Michael Ridge, *Principled Ethics* (Oxford University Press, 2006). But if such an approach yields an affirmative answer, then one cannot avoid addressing questions concerning the existence and nature of moral principles.

Unfortunately, this non-principled approach to moral explanations is unsuccessful. Furthermore, I contend that the failure of particularist approaches to ethical theory demonstrates the need for principle-based moral explanations.

Given that moral principles appear to be a necessary means of providing moral explanations, then, if particularists are correct, it follows that the context-dependence of morality presents a very serious problem for ethical theory. In light of this worry, I devote Chapter Three to evaluating the particularist argument that the context-dependence of moral features and considerations significantly impinges upon our ability to formulate universally true moral principles. I respond by contending that the context-dependence of moral features is not as deep a problem as moral particularists claim. I suggest that instead of appealing to a single feature or set of features, to explain what makes actions moral or immoral, ethical theorists ought to be seeking the "holistic shape" or "formal narrative" that an action must take in order to be morally praiseworthy.

In Chapter Four, I flesh out my suggestion that what makes right actions right and wrong actions wrong are their holistic shapes or "forms." I argue that the distinction between form and matter can play a key role in solving the problem of context-dependence because the relationship between something's form (which is what makes something what it is) and its material elements (the various atomic elements that are used to construct the formal element) is what Julius Kovesi describes as "open-textured"—meaning that material elements of

an action or state of affairs can vary significantly without affecting its overall holistic shape of form.[33] Just as there is more than one way to build a house, there is more than one way to construct a virtuous or vicious act.[34] Thus, the reason why we cannot determine in advance which material elements are morally salient is that determining whether a particular feature or consideration makes a moral difference requires looking first to the overall form that results from the material elements at hand. At the same time, given that something's form is the invariant factor that makes something what it is, we can use it explain why certain actions, events, and states of affairs have the moral status that they have.

In Chapter Five, I turn to the work of Thomas Aquinas in order to show that it is possible to provide an account of the intelligibility of rightness and wrongness, while acknowledging the role that circumstances play in determining the nature of an act. As we will see, Aquinas explicitly uses the distinction between form and matter to respond to a series of objections that mirror the arguments offered by moral particularists against moral principles. After examining his reply, I contend that attending to his approach to moral explanations demonstrates that ethical theory is indeed viable, despite the challenges presented by the context-dependence of morality. I end by suggesting ways in which distinguishing between the formal and material elements of

[33] Julius Kovesi, *Moral Notions* (Cybereditions, 2004).

[34] cf. *DM,* 6.1.

morality should both influence and help clarify our understanding of the relationship between ethical theory and moral practice.

CHAPTER TWO

Explanations in Ethics: Assessing Non-Principled Approaches to Ethical Theory

1. Introduction

In this chapter, I begin determining whether the context-dependence of moral features is in fact a problem for ethical theory, and if so, the precise way in which it presents a challenge. To assist in this aim, I evaluate the non-principled alternatives to moral explanations offered by moral particularists. Given that the reality of context-dependence speaks against our ability to determine in advance which features make actions right or wrong, particularists are skeptical of there being universally true moral principles that are capable of explaining the rightness or wrongness of human actions. Yet, instead of ruling out the possibility of ethical theory altogether, particularists claim that there are some moral generalizations that are capable of explaining, even if they admit of exceptions. Thus, according to particularists, the context-dependence of moral features is only a problem for traditional, principle-based ethical theories. This problem can easily be overcome, they contend, if we accept that moral explanations need not take the form of universally true moral principles.

Unfortunately, the non-principled explanations offered by moral particularists are in fact not explanations at all, or so I argue. Furthermore, I contend that the failure of particularist approaches to ethical theory

demonstrates the need for principle-based moral explanations. If I am correct, then it follows that the context-dependence of moral features and considerations remains a problem for ethical theory.

2. Ethical Theory and Moral Practice

When assessing particularists' explanatory efforts, it will be important to keep in mind the distinction between *ethical theory* and *moral practice*. While the point of ethical theory is to explain, moral practice is concerned with justifying (or criticizing) moral claims. In other words, ethical theory seeks to answer the question, "Why is this action wrong?" while moral practice involves answering questions of the form, "Why should I believe that this action is wrong?"

Answering the first question requires providing a kind of *ontological* explanation: in this case, an explanation of why something is what it is. For example, a deontologist will answer that action *A* is wrong because it violates the autonomy of another person. This reply counts as an (ontological) explanation because it attempts to account for *A*'s wrongness by appealing to the most basic features that make it wrong.

Notice that explanations can also be used to answer the second, justificatory question. By explaining why action *A* is wrong, one also provides a *reason* for believing that *A* is wrong. But, importantly, there are other ways of providing justification for the belief that *A* is wrong. One might appeal to the authority of a moral expert, or point out that *A* involves telling a lie. Not only

are these acceptable answers to the justificatory question, they are often preferable to answering with an explanation. Part of answering the justificatory question involves trying to convince one's interlocutor that *A* is wrong. Thus, one will want to provide a *compelling* reason for believing that *A* is wrong. Importantly, a reason need not take the form of an explanation in order to be compelling. It merely needs to be the kind of reason that one is likely to accept. So, depending on one's interlocutor, the best way of providing moral justification will involve appealing to reasons that are either more accessible, more likely to persuade, or both.[1]

To illustrate this point, consider William Gass's, "The Case of the Obliging Stranger."[2] Gass ask us to imagine that he has just asked a stranger to assist him with an experiment. The stranger agrees, so Gass leads him into an alley, strikes him over the head with an axe, and carts him home. Upon arriving at his apartment, Gass butters and trusses the stranger, and then roasts him in an oven at 450° F. Suppose that we are faced with the question, "Why should I believe that Gass's action is wrong?" How should we respond? Plausibly, simply pointing to *what has been done* would be better than offering a full-blown ontological explanation. To reply, "Roasting the stranger did not serve the greatest good to the greatest number," or "Gass acted wrongly because he could

[1] For more on the distinction between ethical theory and moral practice, see John Ladd, "Ethics and Explanation," *Journal of Philosophy* 49, no. 15 (1952): 499–504.

[2] William H. Gass, "The Case of the Obliging Stranger," *The Philosophical Review* 66, no. 2 (April 1, 1957): 193–204.

not consistently will that the maxim of his action become a universal law" appears inappropriate (not to mention superfluous) when one could just as easily refer to the fact that Gass killed an innocent person and then roasted his body in an oven. In other words, it is sometimes (if not often) more appropriate to respond to the justificatory question by pointing to the features that make the action wrong instead of attempting to explain *why* those features make the action wrong.[3]

By appealing to Gass's example, I do not mean to imply that it is never appropriate to answer the justificatory question with an explanation (when it comes to tough cases, or cases where one has little experience, it might be best to cut straight to the heart of the matter). Instead, my aim is to show that ethical theory and moral practice are distinct. Explanations can justify moral beliefs, but they are not the only way of doing so. At the same time, just because one has a reason to believe that an action is wrong, does not entail that one also has an explanation for why the action is wrong.

It is important to keep this distinction in mind because moral particularism began as a thesis about moral reasons. After observing that what counts as a reason for or against an action often depends upon the circumstances at hand, particularists initially argued that there are at best only a handful of

[3] Gass actually uses this case to make a much stronger point, namely that it is also improper to answer the *explanatory* question by appealing to anything beyond the immediate features at hand. On his view, attempting to explain why these features make the action wrong leads to more confusion that clarity and thus can actually cause us to lose confidence in our moral knowledge. Bernard Williams makes a similar point in, *Ethics and the Limits of Philosophy* (Harvard University Press, 1986).

principles that successfully specify universal reasons for believing that an action is right or wrong. But, because we think of reasons as in some way tracking reality, particularists have since added that it is equally likely that there are only a handful of principles that successfully specify universally right or wrong-making features or considerations. So, particularists now argue that the principles available to us will not be sufficient to guide moral practice, *nor* are they sufficient to satisfy the aims of ethical theory.

From these two parallel conclusions, particularists draw two further implications. First, given the assumption that our moral judgments are in fact justified, particularists maintain that the lack of moral principles indicates that they are not a necessary component of moral practice. The second implication that particularists draw from the likely paucity of moral principles is that, just as moral practice does not depend upon moral principles, neither does ethical theory. According to particularists, there are certain, non-universally true moral generalizations that are also capable of explaining why actions are right or wrong. But remember that to explain and to justify are two different things. Although there are (plausibly) some moral generalizations that are capable of justifying our moral claims, even if they do admit of exceptions, it cannot be taken for granted that these same generalizations are capable of explaining what it is that makes actions right or wrong.

The fact that particularism has expanded from a thesis about moral justification to a thesis about moral explanation is not itself an issue. The issue is

that particularists are not always careful to distinguish whether they are referring to principles that are meant to justify or to principles that are meant to explain. In fact, as I will now argue, they often confuse the two in problematic ways.

3. Non-Principled Approaches to Ethical Theory

By offering an alternative account of moral explanations, particularists are seeking to rid ethical theorists of the widespread assumption that generalizations must be exceptionless in order to explain. Particularists' method of providing non-principled explanations consists of appealing to *non-deductive generalizations*. Like moral principles, non-deductive generalizations represent a general claim about the moral import of a particular feature or consideration. The difference between moral principles and non-deductive generalizations is that non-deductive generalizations admit of exceptions while moral principles do not. Thus, non-deductive generalizations take the form: [usually]$(\forall x)(Fx \rightarrow Rx)$. Moral principles, on the other hand, take the form: $\Box(\forall x)(Fx \rightarrow Rx)$.

As both moral principles and non-deductive generalizations are meant to explain why something has the moral status it has, the "→" that connects the right-making feature (*F*) and the rightness of the act in question (*R*) is meant to indicate a substantial, explanatory relation.[4] Additionally, because moral

[4] cf. Mark Lance and Margaret Little, "Particularism and Anti-Theory," in *The Oxford Handbook of Ethical Theory*, edited by David Copp (Oxford University Press, 2006), 571; Jonathan Dancy, "Ethical Particularism and Morally Relevant Properties," *Mind* 92 (October 1, 1983): 533.

principles posit a universally true relationship between an action having feature *F* and its having the moral property *R*, one can validly deduce that an action is *R* from the fact that it has *F*. As the name suggests, the same cannot be said for non-deductive generalizations. Given that they admit of exceptions, *F* might imply *R*, but it does not entail it.

The "usually" clause of non-deductive generalization admits of two interpretations. The first is a strictly statistical one. On this interpretation "usually" can be read as "more often than not" or "frequently." The second interpretation appeals to privileged conditions. On this interpretation "usually" can be read as "normally" or as referring to privileged conditions, where what is normal or privileged is not necessarily in the statistical majority. I will explain and evaluate each of these two interpretations in turn.

3.1 Statistical Generalizations

Uri Leibowitz has recently defended the view that statistical generalizations can serve as moral explanations.[5] After arguing that we use statistical generalizations to explain non-moral phenomenon, he argues that we ought to be able to use them to explain moral phenomenon as well.

To see how statistical generalizations are capable of explaining non-moral phenomenon, Leibowitz asks us to consider a "law that entails that a certain coin

[5] Uri D. Leibowitz, "Scientific Explanation and Moral Explanation," *Noûs* 45, no. 3 (2011): 472–503.

is 90% likely to land heads when tossed." On his view, "we can explain the event of this coin landing heads by citing the fact that the coin was tossed, and that given the relevant law, it was 90% likely to land heads."[6]

There is reason to be suspicious of the claim that statistical generalizations explain. The worry is that statistical generalizations do not provide an answer to the question, "Why did the coin land heads?" To say that it was because "There was a 90% chance that the coin would land heads" does not tell us why *this* occasion of landing heads was one of the 90%.

But even if we grant that non-deductive explanations can explain certain non-moral phenomenon, there is an even deeper problem with Leibowitz's argument. The coin example is an instance of a *causal* explanation, whereas ethical theory is concerned with providing an ontological explanation. The coin example is not the only place where Leibowitz conflates causal and ontological explanations. He cites examples from economics and history, claiming that if statistical generalizations count as explanations in those fields, they should also count as explanations in ethics. Again, these fields are largely concerned with explaining why certain events have occurred. The aim of ethical theory, however, is to explain why certain actions have the moral status that they have. There is a difference between explaining why something has occurred and explaining why something is what it is. Thus, one cannot conclude that

[6] Ibid., 483. Emphasis original. Leibowitz is drawing upon Carl Hempel's "Aspects of Scientific Explanation," in *Aspects of Scientific Explanation and Other Essays in the Philosophy of Science* (New York: Free Press, 1965), 331–496.

statistical generalizations provide moral explanations solely on the grounds that they can explain the occurrence of events.

Perhaps statistical generalizations can explain why something is what it is in the same way that they can (plausibly) explain why certain events have occurred. According to Leibowitz, statistical generalizations are successful (causal) explanations because "the explanans confers high probability on the explanandum."[7] Does predictive force satisfy the conditions for an ontological explanation? I argue that it does not. To see why, imagine a world in which most four-sided figures are squares. In this world, if a figure has four sides, it is very likely to be a square. Thus, I can reliably predict that a figure is a square on the basis of its having four sides. But clearly, this statistical generalization does not explain why the figure in question is a square. A square's four sides must also be of equal length and they must form four 90° angles.

One might object that I have cheated by providing a mathematical example instead of a moral one. But remember that the explanations that ethical theorists are seeking are a kind of ontological explanation, in this case, an explanation for why something is what it is. Mathematical examples are perhaps the best way of capturing what this kind of ontological explanation looks like.

On this view, then, squares and rectangles are distinct entities in the same way that rightness and wrongness are distinct moral properties. Presumably, the

[7] Leibowitz, "Scientific Explanation and Moral Explanation," 483.

fact that they are distinct indicates that there is something unique that sets them apart. Thus, when it comes to these kinds of ontological explanations, what we are looking for is a feature, or set of features, that uniquely implies the presence of the entity or property in question. This, of course, is the kind of assumption that Leibowitz is hoping that he can compel ethical theorists to give up. But because he conflates causal and ontological explanations, he is unable to provide a convincing alternative.

3.2 Defeasible Generalizations

Mark Lance and Margaret Little offer an alternative account of non-deductive generalizations, which they refer to as *defeasible generalizations*. On their view, when one claims that matches usually light when struck, fish eggs usually turn into fish, and lying is usually wrong-making, one is referring to "privileged" conditions. The conditions under which matches light, fish eggs turn into fish, and lying is in fact wrong-making are not privileged because they are in the statistical majority; rather they are privileged because they are "particularly revealing of that item's nature."[8] To use an example, the conditions under which lying is indeed wrong-making are thought of as privileged because they mark an "intimate connection" between lying and wrongness. Although defeasible generalizations are fundamentally porous, Lance and Little argue that

[8] Mark Lance and Margaret Little, "From Particularism to Defeasibility in Ethics," in *Challenging Moral Particularism*, ed by. Mark Lance, Matjaž Potrč, and Vojko Strahovnik (Routledge, 2007), 62.

because they are revealing of the item's nature they are nevertheless capable of explaining. Such a view, they claim, makes room for moral particularists to "embrace moral theory as a significant enterprise."[9]

Turning to the details of Lance and Little's account immediately gives rise to the worry that they are conflating the aims of ethical theory with the aims of moral practice. To motivate the idea that defeasible generalizations can explain, they make a distinction between metaphysical and pragmatist approaches to principles.[10] On the metaphysical approach, principles are meant to answer questions about aspects of reality. On the pragmatist approach, principles are meant to serve "specialized inferential functions."[11] The first of these functions is providing counterfactual guidance and the second is having the ability to be confirmed inductively. In other words, on this pragmatist approach defeasible moral generalizations count as moral principles so long as they are capable of guiding moral practice and, in turn, are also confirmed by our engagement with the world.

After making the distinction between metaphysical and pragmatist approaches to principles, Lance and Little argue that defeasible generalizations

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[9] Ibid., 54.

[10] cf. Mark N Lance and Margaret Olivia Little, "Where the Laws Are," in *Oxford Studies in Metaethics, Volume 2* (Oxford: Oxford University Press, 2007), 155–58 and 160–61. Lance and Little actually use "laws," which I have changed to "principles" for the sake of consistency, as I see no fundamental difference between their use of "laws" and my use of "principles."

[11] Lance and Little are drawing upon Marc Lange, *Natural Laws in Scientific Practice* (New York: Oxford University Press, 2000).

count as principles on the pragmatist approach. In doing so, however, they seem to be shifting from ethical theory to moral practice. Pragmatic principles are not intended to explain. They are intended to inform our moral beliefs and to justify our moral claims. Of course, some pragmatic principles might be capable of explaining why an act is right or wrong, but if they are it will not be *because* they are pragmatic principles. Their ability to explain will stem from the fact that they capture some fundamental aspect of morality. So establishing that defeasible generalizations count as principles according to the pragmatic approach is not enough to show that they are capable of explaining.

Another worry stems from the fact that defeasible generalizations do not tell us what makes exceptional cases exceptional. Because they do not tell us about the cases in which *F* is not right-making, one can reasonably argue that defeasible generalizations do not sufficiently explain the cases in which *F* is right-making.

Interestingly, Lance and Little state outright that defeasible generalizations "tell us both what happens in conditions that are thus privileged *and* what compensatory moves are required [to deviate from the conditions that are privileged]."[12] Yet, when Lance and Little attempt to expand upon the claim that defeasible conditions can explain both the conditions that are privileged and the conditions that are not, it quickly becomes clear that any explanatory power

[12] Lance and Little, "Where the Laws Are," 152. Emphasis original.

that defeasible generalizations might have is parasitic upon other sources of insight.

On their view, "to understand the defeasible connection between [feature *F* and the moral property of wrongness] is to know what conditions are privileged, to understand the various ways in which conditions can vary from privileged ones, and to understand the difference those deviations make."[13] But as we have seen, one cannot understand these things solely *on the basis* of a defeasible generalization. Defeasible generalizations only tell us that, under privileged conditions, feature *F* is wrong-making. They do not tell us what those privileged conditions are, nor do they tell us why they are privileged. As this information is required to understand the defeasible connection between *F* and wrongness, it seems fair to conclude that defeasible generalizations do not *themselves* explain. That is, no one defeasible generalization can explain the relationship between a particular moral feature and moral properties.

Take, for example, the defeasible generalization: "lying is normally wrong-making." This defeasible generalization tells us: (1) that lying is the sort of thing that is intimately connected to wrongness, and (2) that there are times

[13] Lance and Little, "From Particularism to Defeasibility in Ethics," 62. Their actual example is "the defeasible connection between striking and lighting that governs the concept match." Elsewhere, they claim that "one begins with a complete, theoretically robust understanding of how to behave in privileged conditions and works out in a uniform way the deeply interconnected differences that ramify through the theoretical structure in response to a given departure from privilege" (*Where the Laws Are*, 165). Again, such a claim implies that grasping the defeasible connection between a certain moral feature and the moral property in question requires prior understanding. But this is exactly what we were hoping defeasible generalizations would provide.

when the connection between lying and wrongness can come apart. But notice that neither (1) nor (2) tell why there is a relationship between lying and wrongness. In order to provide us with this information, defeasible generalizations would have to tell us why lying is not always wrong-making, as doing so would reveal important, explanatory information about the connection between lying and wrongness. Unfortunately, defeasible generalizations do not provide any information of this sort.

Does this fact entail that defeasible generalizations cannot do explanatory work? Perhaps not. Lance and Little acknowledge that defeasible generalizations often form "interanimating systems," where the cross-connections between multiple defeasible generalizations help to illuminate the subject matter in question.[14] Thus, before concluding that defeasible generalizations cannot explain, we will want to ask, "Is it possible for defeasible generalizations to form a theoretical system that is fully explanatory?" and, "Are such systems capable of explaining without appealing to an underlying invariant layer?" If the answer to both of these questions is "yes," then Lance and Little will have provided a counterexample to the traditional view that explaining requires appealing to a feature or set of features that uniquely implies the presence of the entity or property in question.

[14] Lance and Little, "Where the Laws Are," 162ff; cf. Lance and Little, "Particularism and Anti-Theory," 571.

In order to evaluate this possibility, let us take a look at what an interanimating system of defeasible generalizations would look like:

(1) Defeasibly, if I strike this dry, well-made match, then it will light.
(2) Defeasibly, if I strike this dry, well-made match, and the match is in a very strong electromagnetic field, then it will not light.
(3) Defeasibly, if I strike this dry, well-made match, and the match is in a very strong electromagnetic field, and the match is in a Faraday cage, then it will light.

Here, (1) tells us that there is an intimate relationship between striking a match and its lighting. Generalizations (2) and (3) help illuminate that relationship by providing examples of when striking a match causes it to light and when it does not. But do (1)-(3) *explain* why matches usually light when struck? I argue that they do not. These generalizations merely constitute a list of various instances in which the striking of match does and does not lead to its lighting. They do very little to explain why the striking of a match and its lighting are intimately connected.

Presumably, there is something about being in a strong electromagnetic field that makes matches unable to light. In order to fully understand the relationship between striking a match and its lighting we will want to know what that something is. Likewise, there is presumably something about being in a Faraday cage that allows matches to light even when in the presence of strong electromagnetic fields. Again, we are in want of an explanation of what it is about Faraday cages that counteracts the effect that electromagnetic fields have upon matches' ability to light when struck.

Put simply, explanations aim to inform us *why* exceptional cases are exceptional. Thus, in order for defeasible generalizations to be capable of explaining, they will need to form systems that do more than simply list various exceptional cases. To further illustrate this point, let us look at another example, this time a moral one:

(1) Defeasibly, if you are causing someone pain, you are doing something wrong.
(2) Defeasibly, if you are causing someone pain, and the pain is a statutory punishment for a recognized offence, you are not doing something wrong.
(3) Defeasibly, if you are causing someone pain, and the pain is a statutory punishment for a recognized offence, and the punishee was unjustly convicted, you are doing something wrong.[15]

Similarly to our previous example, (1) tells us that there is an intimate relationship between causing pain and wrongness. Generalizations (2) and (3) help to illuminate that relationship by providing examples of when the causing of pain is wrong and when it is not. But do (1)-(3) explain why pain is defeasibly wrong-making? Here, it seems that the defeasible generalizations listed do a better job of helping us to see why certain exceptional cases are exceptional. This is because generalization (2) invokes the concept of justice and (3) mentions justice explicitly. From this, we can reasonably infer that causing pain is not wrong when it is done in the service of justice, but that it is wrong to cause pain when doing so is unjust. In making this inference, then, we have identified why

[15] The original version of this example is from Jonathan Dancy, *Ethics Without Principles* (Oxford University Press, 2006), 8–9.

(2) is an exceptional case and why (3) is not. And, although this claim was not captured by the defeasible generalizations listed above, one might argue that they nevertheless did important theoretical work by pointing us in the direction of the ultimate explanation for why certain privileged conditions are privileged and for why exceptional cases are exceptional.

Notice, however, that explaining why (2) is exceptional and why (3) is not requires appealing to a single concept, in this case justice. This fact suggests that defeasible generalizations can explain only insofar as they eventually appeal to a more basic, invariant layer. Here the particularist might argue that justice could itself have a defeasible relationship with the moral properties of rightness and wrongness. But even if this is true, the particularist is still faced with the same problem as before. In order to offer an explanation, they will still need to tell us why justice is not always right-making and why acts of injustice are not always wrong-making.

Hence, the problem with claiming that defeasible generalizations can explain is threefold. First, defeasible generalizations do not tell us why exceptional cases are exceptional, and as such, they do not fully explain the cases in which the feature in question is indeed right or wrong-making. Second, it appears that explaining what makes exceptional cases exceptional requires referring to a more fundamental feature, concept, or property that is itself non-defeasible. As such, defeasible generalizations cannot be viewed as an alternative way of explaining why actions are right or wrong. Finally, according

to the pragmatic approach, defeasible generalizations may very well count as "moral principles." But they will not be the kind of principle that explains what it is that makes actions right or wrong. Rather they will be generalizations that (at best) are capable of justifying our moral claims. Defeasible generalizations might be capable of satisfying the needs of moral practice, but they cannot fulfill the aims of ethical theory.

3.3 Dancy's Particularist Approach to Explanations

Jonathan Dancy argues that it is too much to demand that explanations must tell why exceptional cases are exceptional. This is because, on his view, there are two kinds of explanations, each of which is meant to answer a different question.[16]

The first question is: "Which is the feature(s) that make this action right?" According to Dancy, the answer that "*F* is the feature that makes this action right" is a complete explanation, albeit a "smaller" one. However, if we find out that there are instances in which an action is *not* right, despite having *F*, then there is room for another sort of explanation—a "larger" one which is meant to answer the second, comparative question, "Why did *F* make the first action right but not this other one?" This question, Dancy writes, "is interesting and

[16] Dancy, *Ethics Without Principles*, 47–49.

important, but the answer to it is really not part of the answer to the question what made this right."[17]

But perhaps it should be. Suppose I answer the question, "Which are the features that make this shape a square?" by asserting: "The shape has four sides." Clearly, I have not explained why the shape in question is a square. Yet, this is precisely the kind of answer that I would have to give in order to allow for an instance where there is a four-sided shape that is not a square. Furthermore, answering the question, "Why was the first four-sided shape a square and not the second?" ultimately requires explaining *what it is* for something to be a square. I must fill in what my first "smaller" explanation was lacking.

There is also a problem with the way Dancy frames his two questions. It seems that the question, "Which is the feature(s) that make *this* action right?" is more of a request for justification than anything else (e.g. justification for believing that that the action is right or believing that there is good reason to perform it). Whereas to have the sort of ontological explanation that ethical theorists are after is to have an answer to the question, "Which is the feature(s) that make *actions* right?" Contrasting *these* two questions (as opposed to the two questions Dancy proposes) helps us to make sense of Dancy's claim that the "smaller" and "larger" explanations are doing different jobs. The purpose of the

[17] Ibid., 48. "Smaller" and "larger" are Dancy's words, not mine. He also describes these two kinds of explanations as being "nested"—a description that implies that there is something more to be said. As I have suggested, this additional information is not unimportant, as it what explains why the action is right or wrong (as opposed to merely explaining why it is likely that the action is right or wrong).

smaller explanation (if we can call it an explanation) is to provide justification. The purpose of the second, larger explanation is to provide an account of what it is for an action to be right. But once we understand the difference between our two questions in this way, it becomes clear that the "smaller explanation" is not really an explanation at all.

4. Conclusion

The failures of statistical generalizations, defeasible generalizations, and Dancy's appeal to "simple explanations," demonstrate the need for principle-based moral explanations. Particularist approaches to moral explanations are unsuccessful because, insofar as they are non-principled, they all take the form of non-deductive generalizations. Non-deductive generalizations do not explain because they do not fully specify right and wrong-making relationships. The very fact that they are non-deductive signifies that they are in some way incomplete. Because ethical theory is concerned with explaining ontologically what makes actions right or wrong, it seems that providing a complete and explanatory account of an action's moral status requires appealing to some invariant feature or consideration that uniquely implies the presence of the moral property in question.

On the one hand, this conclusion bolsters confidence in the traditional view that moral explanations must take the form of exceptionless moral principles. On the other hand, it presents a challenge for ethical theory. For, in

order to defend against particularists' claim that principle-based moral explanations are impossible, ethical theorists will need to show that the context-dependence of morality presents a merely superficial problem.

CHAPTER THREE

How Deep a Problem? Evaluating Particularist Challenges to Moral Principles

1. Introduction

Having argued that the non-principled explanations offered by moral particularists are in fact not explanations at all, I now direct my attention to particularist arguments against moral principles. Moral particularists argue that the context-dependence of moral features and considerations significantly impinges upon our ability to formulate universally true moral principles. Given that moral principles appear to be a necessary means of providing moral explanations, then, if particularists are correct, it follows that the context-dependence of morality presents a very serious problem for ethical theory.

In what follows, I focus primarily on the work of Jonathan Dancy. Not only is he the most central figure in contemporary moral particularism, but he offers what is considered to be the strongest argument against moral principles. After explaining Dancy's argument, I respond by contending that the context-dependence of moral features is not as deep a problem as Dancy claims.

2. Holism: Establishing Context-Dependence

Dancy begins his argument for particularism by rejecting what he calls *atomism*. Atomism is the view that the moral import of particular features and considerations remains invariant across all situations. If it is right to return what

I have borrowed on one occasion, then, according to atomism, it is right for me to return what I have borrowed on all occasions. If causing pain counts against one action, then causing pain counts against all of them. In other words, atomism is the view that what counts as a right, wrong, good, or bad-making feature is context-independent. The moral import of particular features or considerations remains constant no matter what the circumstances happen to be.

Notably, on the atomistic view, ethical theorizing is relatively simple. It involves two main steps. The first step is to formulate universally true moral generalizations by cataloging all of the morally relevant features and considerations. The second step is to determine if there is either a unique, more basic feature or a set of features that these moral generalizations have in common.[1] Once this feature (or set of features) has been discovered, we will have identified what it is that ultimately makes actions right or wrong.

Unfortunately for ethical theory, atomism is a naïve view of morality. As Dancy points out through a serious of counterexamples, the moral "polarity" of a particular feature or consideration can become stronger or weaker, it can become completely switched, or even defused.[2] One of his favorite counterexamples to atomism involves the feature of having borrowed a book from a friend. Usually, the fact that I have borrowed a book from a friend makes it right for me to return

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[1] Bernard Gert exemplifies this view in, *The Moral Rules* (New York: Harper & Row, 1973).

[2] Jonathan Dancy, *Ethics Without Principles* (Oxford University Press, 2006), 6.

it to her. This, however, will not be true if I discover that the book was first stolen from the public library. In this latter case, the fact that I have borrowed the book no longer counts in favor of my returning it; the moral polarity of my having borrowed the book has been reversed by the circumstances at hand. Now, to return the book my friend would be the wrong thing to do.[3]

The same strategy can be applied to causing pain, which is usually viewed as having a negative moral import. If my companion has sea urchin spines embedded in her heel, I ought to remove them—even if doing so will cause her considerable agony. Moreover, the fact that I will cause her pain in no way counts against the goodness of my removing the spines.[4]

Finally, consider pleasure. While it is usually the case that pleasure has a positive moral import, most would agree that there are cases when pleasure has a negative effect on the moral quality of actions and states of affairs. The sadist's enjoyment of her victim's suffering, for instance, contributes directly to the wrongness of what she is doing. It is not as if the sadist's pleasure is a good that has simply been trumped by her victim's suffering. On the contrary, the fact that the sadist enjoys what she is doing makes her actions all the worse.[5]

Dancy's examples are meant to show that the moral import of the feature or consideration in question has not been outweighed by some other feature or

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[3] Jonathan Dancy, *Moral Reasons* (Blackwell, 1993), 60.

[4] Ibid., 65–66.

[5] Ibid., 61.

consideration, but rather that it is behaving differently than before. But if this is true, then atomism is false. It is not the case that the moral important of particular features or considerations remains context-independent.

The most cautious way of stating Dancy's conclusion thus far is to say that he has demonstrated that at least *some* moral features are context-dependent. It would be fallacious to jump straightaway from his few examples to the conclusion that *all* moral features are context-dependent. After all, it seems that torturing innocents, rape, and murder are always wrong-making. Yet, Dancy remains confident that he, and other particularists, have a stable of counterexamples available to them that are sufficient to show that invariant moral features are few and far between.[6] More importantly, as he sees it, admitting that *some* features retain their moral polarity across all situations only causes him to lose a battle; overall he and other particularists, have "won the war."[7] Although there may be some instances of invariance, the fact remains that circumstances do affect how moral features and considerations behave. If this is true, then atomism is false.

Because atomism is false, Dancy concludes that we must adopt the opposing view, which he calls *holism*. According to holism, most moral features

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[6] Jonathan Dancy, "The Particularist's Progress," in *Moral Particularism*, ed. by Brad Hooker and Margaret Little (Oxford: Clarendon Press, 2000), 131; *Ethics Without Principles*, 85; cf. Elijah Millgram, "Murdoch, Practical Reasoning, and Particularism," in *Ethics Done Right* (Cambridge University Press, 2005), 169.

[7] Dancy, "The Particularist's Progress," 131.

are context-dependent. Moral features and their surrounding circumstances interact in various ways to bring about different kinds of actions, and importantly, these actions are right or wrong for different reasons. And given the reality of context-dependence, we cannot take it for granted that the features or considerations that have made actions right or wrong in the past will behave the same as before.

Dancy is correct to reject atomism in favor of holism. After all, circumstances do make a difference when it comes to determining the morality of an act. This, of course, is not a new idea. Perhaps one of Aristotle's most important contributions to moral philosophy is drawing our attention to the context-dependence of moral features and considerations. Although he claims that virtuous actions always lie in a mean state between excess and deficiency, he also maintains that the precise point on the continuum where the mean state lies depends upon the contingent circumstances at hand. To use his own example, due to the diet and training regimen of Milo the wrestler, what is an appropriate amount of food for him would be excessive for you or me.[8] The fact that the same portion of food counts in favor of the rightness of eating it in one situation and against it in another demonstrates that, at least on some occasions, the moral import of particular features or considerations is context-dependent. Even J. S. Mill, for that matter, admits that morality is context-dependent in a way that

[8] *EN* 1106a29-1106b5.

resists codification, writing in his *Utilitarianism,* "There is no ethical creed which does not temper the rigidity of its laws, by giving a certain latitude, under the moral responsibility of the agent, for accommodation to peculiarities of circumstances."[9]

Clearly, Dancy has not yet shown that particularism is true, but at this point, we can grant that the foundation upon which he builds his argument against moral principles is a firm one. Furthermore, by arguing that the number of context-dependent features is far greater than the context-independent ones, he has already put pressure upon traditional approaches to ethical theory. For, given that invariance is the exception and not the norm, we should not expect to capture the whole of morality by appealing to invariant moral features alone. What remains to be seen, however, is whether holism and moral principles are fundamentally incompatible.

3. Resultance: From Holism to Particularism

According to Dancy, holism goes hand in hand with the view that moral properties are *resultant properties*. Resultant properties are properties that "result from" or exist "in virtue of" some other properties or features, known as the

[9] Mill, *Utilitarianism*, Chapter 2. What Mill likely has in mind here is the fact that when deciding how to act one must take into account both private and public utility, two considerations which do not have a clear-cut line dividing them (Ibid.).

resultance base.[10] For example, the property of "being a house" is a resultant property. It exists in virtue of its various constitutive base features, such as having a roof, four walls, a foundation, and so on. Dancy appeals to resultance in part because it captures the holistic manner in which various features and considerations interact in complex and diverse ways to establish the moral status of an action. But he also maintains that resultance is not a "generalizable relation," meaning that one cannot use resultance to generate moral principles.[11] So, for Dancy, the fact that rightness and wrongness are resultant properties explains both why moral features are context-dependent and why context-dependence presents a problem for principled approaches to ethical theory. Understanding this latter portion of Dancy's argument requires becoming better acquainted with the relationship between resultance bases and the properties that result from them.

The move from the resultance base of a moral property such as 'rightness' to the moral property of rightness itself is often thought of as a move from the "non-moral" to the "evaluative." This is because resultance bases usually consist solely of descriptive features such as:

(F1) I promised to meet John for a drink.
(F2) My promise was not made under duress.
(F3) I am able to meet John for a drink.

[10] Dancy use of "base properties" is equivalent to my use of "features." To avoid confusion, I will refer to the properties that comprise the resultance base as "features" from here on.

[11] Dancy, *Ethics Without Principles*, 88.

Together, (F1)-(F3) yield:

(R) Meeting John for a drink is the right thing to do.

So, according to Dancy's theory of resultance, meeting John for a drink has the resultant property of 'being the right thing to do' in virtue of certain non-moral, descriptive features that function as the resultance base.

Importantly, the property of 'being the right thing to do' cannot be found *among* its base features. It is not a property that exists alongside my having freely promised to meet John for a drink or the fact that I am able to fulfill my promise. Rather, the act of meeting John for a drink has the property of rightness because of the manner in which its base features interact with one another. So although a resultant property is intimately connected to its base features, it is not found 'in' the resultance base itself.[12]

Resultance is often confused with supervenience. Supervenience is another way of viewing the relationship between the non-moral and the moral. On this view, instead of "resulting from" descriptive features, moral properties "supervene" upon them. The main difference between supervenience and resultance lies in the breadth of their respective bases. The descriptive base that the moral supervenes upon consists of *all* the non-moral features at hand. So, the rightness of my joining John for a drink not only supervenes upon (F1) the fact that I promised to meet John for a drink, (F2) that my promise was not made

[12] Resultant properties, then, are analogous (if not identical) to what metaphysicians refer to as "emergent properties."

under duress, and (F3) that I am able to meet John for a drink, but it also supervenes upon features such as the name of the pub where I promised to meet John, the time of our appointment, and even the fact that I was wearing a plaid shirt when I made my promise.

Similarly, on the view that the property of 'being a house' supervenes upon all the descriptive features at hand, we would have to include in the supervenience base the color of the interior and exterior paint, the size of the yard, the number of occupants, its precise location, etc. Put simply, supervenience bases are indiscriminate.

Given the indiscriminate nature of supervenience, the supervenience base of moral properties includes all of the features present, including those that play no role in determining the rightness or wrongness of the act in question. The resultance base of moral properties, on the other hand, is much more refined; it includes only those features that are morally relevant.

But what makes a feature morally relevant? A feature is morally relevant, and hence a member of the resultance base, if it plays one of the following roles: right-maker, wrong-maker, enabler, disabler, intensifier, or attenuator.[13]

[13] Dancy himself prefers limiting the resultance base to only right and wrong-making features. But I think that this is a mistake, as it reflects the kind of atomistic approach to morality that he is trying to reject. He does mention, however, that he is confident that expanding the resultance base to include enablers/disablers and intensifiers/attenuators (as I have) will not present a problem for his argument (cf. *Ethics Without Principles,* 89ff).

In our example above, (F1) is a *right-making* feature. That fact that I promised to meet John for a drink is what makes (R) true. It is right to meet John for a drink because I promised to do so.

But my having promised to meet John does not make (R) true all on its own. To make (R) true, (F1) requires an *enabler*, in this case (F2). The fact that I made my promise freely enables (F1) to be the right-making feature. Had I actually given the promise under duress, then (F1) would no longer make (R) true. In the above example, (F3) is also an enabler. If I were not able to meet John for a drink because my car would not start, then I am no longer obligated to keep my promise. Having a drink with John at the local pub might still be the best thing to do, but if I am unable to do so, then I am not required to do it.

For an example of an intensifier, consider the following:

(I1) I have broken promises to John in the past.

This additional feature makes keeping my promise all the more important. It would be especially wrong for me to break yet another promise to John, as it would be callous and indicate a lack of concern for our relationship. The fact that I have broken promises to John in the past is not itself a right-making feature because my past promise breaking plays no role in providing me with an obligation to join him for a drink; it merely intensifies an obligation that is already existing in virtue of other right-making and enabling features. Having a drink with John would certainly be a good thing to do, but this consideration is unrelated to previous instances of breaking my promises to him. Once I have

promised to meet John, however, (I1) becomes morally relevant. It increases the moral significance of keeping my promise to join him for a drink.

Thus far, I have only provided examples of features or considerations that are right-makers, enablers, and intensifiers. But given that the remaining roles of wrong-maker, disabler, and attenuator mirror the three roles just discussed, there is no need to expound upon them in detail.[14] We have already seen enough to grasp what kind of moral relevance a feature or consideration must have in order to be included in the resultance base of a moral property.

Due to the fact that resultance bases are limited to only those features that are morally relevant, one might think resultance can be universally generalized and thus enabling one to capture the holistic nature of morality in a moral principle or set of principles. For example, one might make the following generalization:

> PROMISING: In all cases, if (F1) I promised to ϕ, (F2) my promise was not given under duress, and (F3) I am able to ϕ, then (R) ϕ-ing is the right thing to do.

Yet, although this generalization is holistic, it is not universally true. In Dancy's words, the defeasibility of this generalization is due to fact the resultance bases are "too narrowly delimited to ensure that where it recurs it will have the same effect."[15] To illustrate, there could be a case where (F1)-(F3) is accompanied by a disabler such as:

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[14] For Dancy's complete discussion of these roles see, *Ethics Without Principles*, 39–43.

[15] Ibid., 88.

(D1) If I ϕ, then an innocent person will likely die.

It is not hard to imagine such an occasion. I might be driving into town on desolate country road to keep my promise to meet John for a drink. Along the way, I discover a car flipped over in the ditch with the driver trapped inside. There is no one to help for miles around, nor is there likely to be anytime soon. Despite the occurrence of (F1)-(F3), surely (D1) makes keeping my promise to John the wrong thing to do.

According to Dancy, then, it is not possible to generate exceptionless generalizations using resultance bases for the same reason that we cannot appeal to a single feature to generate a principle. Circumstances can always make a difference.

However, one might suggest saving PROMISING by adding the following requirement to the resultance base:

(F4) There is no great moral reason not to ϕ.

Such an addendum gives us:

> PROMISING*: In all cases, if (F1) I promised to ϕ, (F2) my promise was not given under duress, (F3) I am able to ϕ, and (F4) there is no great moral reason not to ϕ, then (R) ϕ-ing is the right thing to do.

The addition of (F4) closes off the resultance base in such a way that nothing can be added that would make a moral difference.[16] If I were to attempt to add (D1)

[16] Interestingly, Dancy claims that something like (F4) is necessary to enable the move from the resultance base to (R). In making this claim, however, he makes it impossible for the members of this particular resultance base to occur without instantiating the resultant property of rightness (cf. *Ethics Without Principles,* 40).

that ϕ-ing would likely cause an innocent person to die, (D1) would the render (F4) false and, in the process, alter the resultance base. Thus, wherever (F1)-(F4) occur, (R) will necessarily be true.

Given that PROMISING* appears to be universally true, should we be optimistic about the possibility of capturing the holistic nature of morality using similar generalizations? Dancy maintains that we should not, arguing that such an achievement will be possible only if "we are lucky enough to be dealing with a set of morally relevant features whose [morally relevant relations] are finitely specifiable."[17] It would be a "cosmic accident," he claims, "if it were to turn out that morality could be captured in a set of holistic contributory principles of the sort that is here suggested."[18]

Dancy's point is not just that the resultance bases of moral properties will have to be finite in order for us to formulate universally true moral generalizations, a claim which could reasonably be challenged. Rather, he is claiming that the potential members of these resultance bases must also be limited enough for us to comprehend the final list of potential right-making, wrong-making, enabling, and disabling features.[19] After all, as far as ethical theory is concerned, the purpose of formulating moral generalizations is to explain. If it turns out that the generalizations we are capable of specifying

[17] Dancy, *Ethics Without Principles*, 81.

[18] Ibid.

[19] Ibid., 12.

cannot be grasped by human thought, then they cannot serve the ends of ethical theory.[20]

To illustrate, let us take another look at PROMISING*:

PROMISING*: In all cases, if (F1) I promised to ϕ, (F2) my promise was not given under duress, (F3) I am able to ϕ, and (F4) there is no great moral reason not to ϕ, then (R) ϕ-ing is the right thing to do.

As it stands, PROMISING* describes the conditions under which it is always right to keep one's promises and, conversely, wrong to break them. Yet the question "What counts as a great moral reason not to ϕ?" remains unanswered, and this is precisely the kind of question that the ethical theorist is hoping to have resolved.

Specifying what counts as a great reason not to ϕ is no easy task. For one, any number of features or considerations could act as disablers or wrong-makers and it is certain that at least one of these features will also be context-dependent. Furthermore, identifying what kinds of features could serve as disablers or wrong-makers requires knowing what ϕ-ing consists of. As there are an infinite number of actions that I could promise to perform, enumerating all of the features that might constitute a great moral reason not to ϕ is not only difficult, it appears impossible. So, even if we grant that PROMISING* explains the

[20] Although Dancy makes this point he is actually thinking of whether moral principles of this kind can contribute to moral practice, it still applies to ethical theory. The fact, however, that such principles cannot inform moral practice is also a concern. For even if we grant these non-comprehensible generalizations do explain, there will be a fundamental disconnect between ethical theory and moral practice due to the fact that moral explanations are not something that can be grasped by human thought.

rightness of keeping one's promises, ethical theorists are still faced with the challenge of specifying the resultance base for the property of "being a great reason not to ϕ" such that it can be generalized in a manageable way.

The argument from holism to particularism is, as Dancy puts it, "at best indirect."[21] In order to prove that holism entails particularism, he would have to show that morality is so complex that it will always outrun our attempts to articulate the behavior of moral features in way that is both universal and meaningful. As it is too difficult to prove outright that this is in fact the case, he resorts to claiming that holism strongly implies particularism. Despite being indirect, Dancy's argument is still a powerful one. For as he has demonstrated (and as our everyday experience suggests), it is reasonable to believe that the relationship between descriptive features and the moral properties that result from them is so irreducibly complex that it cannot be codified into a single generalization or set of generalizations that are both universally true and explanatory in nature.

4. 'Right' as Resultance: A Remaining Possibility

If Dancy is correct, and it is indeed likely that the relationship between descriptive features and moral properties is irreducibly complex, then it might seem as if ethical theory is faced with a very deep problem. But notice that there are two possible ways of using resultance to generate moral principles. The first

[21] Dancy, *Ethics Without Principles*, 82.

way is to use resultance bases, which is the method that Dancy rejects. The second way is to appeal to what *results* from the resultance base, a suggestion that Dancy does not entertain. One might think that Dancy does not consider this approach because, on his view, moral properties simply *are* what results from the resultance base. So taking the second route provides nothing more than vacuous generalizations that all right actions share the resultant property of rightness and all wrong actions share the resultant property of wrongness. As it turns out, however, the notion that rightness and wrongness result *directly* from their base features is misguided. A closer look at Dancy's account reveals that resultance actually requires at least three distinct layers. The bottom layer consists of the descriptive, non-moral features that comprise the resultance base. The various interactions between the members of the resultance base then form a holistic "shape," which exists as a part of the "thick" intermediate layer of morality. This intermediate layer then gives rise to the "thin" top layer, where the moral properties of rightness and wrongness are found.[22] I will discuss the interaction between these three layers momentarily, but for now it is worth noting that because Dancy's argument focuses only upon those principles that attempt to account for the truth of moral facts by appealing solely to descriptive features that are found at the base level, he leaves the possibility of formulating moral principles using the intermediate level of holistic shapes untouched.

[22] cf. Dancy, *Moral Reasons*, 115–116 and *Ethics Without Principles*, 84.

4.1 Shape and Narrative: The Intermediate Layer of Resultance

When discussing resultance, Dancy often portrays the features of the resultance base as creating a holistic "shape." On his view, describing the shape of the resultance base is akin to "telling the story of the situation" or offering an "aesthetic description of a building."[23] Dancy writes:

> No description worth the name would simply start from the left, as it were, and work its way along until it reached the last feature on the right. First, this would not be a description but a list of properties, which is quite another thing. The [base properties] do not have a flat profile in the way that a mere list of them would lead us to suppose. They have a shape which the order in which they are mentioned (the narrative structure of the description) is intended to reveal. So the sort of description I am talking about is a form of narrative, and it can have the vices and virtues of narrative; features can be mentioned in the wrong order, and important relations without which the story does not make sense can be omitted, distorted or misplaced.[24]

By employing the notion of "shape," Dancy is reminding us that the rightness or wrongness of an act is determined by how its base features interact with one another. Different features play different roles. And even though some roles may be more prominent, all are equally important when it comes to giving the resultance base the shape that it has. Properly describing these various relationships requires specifying each feature's role, such as right-maker, enabler,

[23] Dancy, *Moral Reasons*, 113 and 112, respectively.

[24] Ibid., 112–114.

etc. It also requires being careful not to omit any important details, such as features that might serve as disablers or intensifiers.[25]

The idea that we describe an action's shape using a narrative is also important, as it points out that once we begin to articulate the various roles that each feature plays, we have moved beyond the level of the "grounds," as Dancy sometimes calls it, to the thick intermediate layer. For instance, when I say, "Dr. Josef Mengele intentionally amputated healthy limbs without anesthetic," I am not merely providing a list of features and empirical facts; I am describing an act of cruelty. That is, am describing an action that has the holistic shape of "a display of a complete lack of concern for human suffering." Thus, we might say that Dr. Mengele's act is cruel because of its holistic shape, and that the thin property of wrongness attaches to is cruelness.

As far as moral concepts are concerned, we need to be careful to avoid assuming that the "thick" intermediate level of resultance consists solely of thick concepts,[26] for it is also possible to provide a narrative description of the thin shape of rightness. Suppose, for example, that actions are right if they satisfy the golden rule. On this view, when I describe the act of helping someone in need as an occasion of "treating others as the agent herself would like to be treated," I am

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[25] Dancy also portrays describing the resultance base as describing a landscape with various "valleys" and "peaks," which is another way of capturing the fact that resultance bases are multi-dimensional (Ibid., 112).

[26] Dancy appears to make this mistake (cf. Dancy, *Ethics Without Principles*, 84; *Moral Reasons*, 115–116).

simply providing a narrative description of rightness. But notice that even in this instance, there is no direct move from the resultance base to the thin property of rightness. In order for the act in question to be right, it must take the holistic shape of rightness, the structure of which is specified by its right-making narrative.[27]

Thus, resultance bases cause resultant properties to occur because of the holistic shape that they form. In other words, it is the holistic shape of an action's base features that determines whether an action is right or wrong. The "thin" moral properties of rightness and wrongness adhere to the "thick" narrative structure of an act's holistic shape, which in turn is comprised of various descriptive features.[28]

4.2 The Possibility of Shape-Based Principles

The fact that an action's moral status is determined by its holistic shape allows for the possibility that there might be certain holistic shapes that are always right-making and certain shapes that are always wrong-making. If this is indeed the case, when it comes to formulating explanatorily potent moral principles that reflect resultance, ethical theorists simply need to add a clause specifying the kind of base-level interaction that is needed in order for a particular resultant property to occur.

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[27] Notice that the narratives that provide structure to the intermediate layer of resultance can be quite short.

[28] cf. Dancy, *Moral Reasons*, 115–116..

For an example of such a principle, consider:

RIGHTNESS: In all cases, if features F_1-F_n take the holistic shape S, then action A is right.

Assuming that the notion of a universally right-making shape can be adequately spelled out, RIGHTNESS is explanatory insofar as it specifies that what makes right actions have the resultant property of rightness is that their base features all take the same holistic shape.

Not only does appealing to invariant holistic shapes seem to be a possible way of explaining why actions are right or wrong, but also it can be argued that such an appeal is *necessary* in order to make the move from the resultance base to a resultant property. To illustrate, let us take yet another look at PROMISING*:

PROMISING*: In all cases, if (F1) I promised to ϕ, (F2) my promise was not given under duress, (F3) I am able to ϕ, and (F4) there is no great moral reason not to ϕ, then (R) ϕ-ing is the right thing to do.

Recall that PROMISING* leaves us with the question: "What counts as a great moral reason not to ϕ?" This is a crucial question, because in order for it to be right to keep my promise to ϕ, (F1)-(F4) must be true. While establishing that (F1)-(F3) are true is relatively simple, establishing that (F4) is true requires knowing whether there are any other features in the vicinity that might make a moral difference. But how is this determined? The answer, I suggest, is that features only make a moral difference insofar as they affect the holistic shape of the resultance base. If there are features in the vicinity that could change it in some way, then they are difference makers that need to be included. But if not, if

they merely stand idly to the side, then they are the sort of background circumstances that we can leave out.

Suppose, again, that all right actions take the shape of the golden rule. That is, they must meet the narrative description of "treating others as the agent herself would like to be treated." On this view, staying home to play video games is not a great moral reason to break my promise to John that I would meet him for a drink. It is not a great moral reason because I would not want John to break a similar promise to me simply so he could play "Call of Duty." But stopping to save someone who is trapped inside her overturned vehicle is a good reason to break my promise to John, because I would want someone to do the same for me. And, presumably, John would want me to do the same for him if he were the one trapped. So, because I can describe the act of breaking my promise to John in order to assist someone in dire need as an act of "treating others as I would like to be treated," it is not wrong. Rather, if I were to do so, I would be acting rightly.

Notice in the above example that establishing what counts as a great moral reason to break my promise to John requires appealing to the invariant shape of the golden rule. Without a consistent right-making narrative there is nothing that explains why staying home to play video games is not a great moral reason to break my promise to John, and why attempting to save a person trapped in her vehicle is. It appears, then, that in order to tell whether a feature makes a moral difference (e.g. that it presents a greater reason not to ϕ) we not

only need to see what results when it is added to the resultance base, but we must also have an invariant, right-making narrative in mind. Likewise, determining the moral quality of an act also requires paying special attention to both the features in the resultance base itself and to the kind of holistic shape that they produce. Put simply, it is the holistic shape resulting from an act's constitutive base features that ultimately explains why it is right or wrong.[29]

What has been established thus far, then, is that resultance is not immune from standard explanatory demands. Explaining why an action has the resultant property of rightness or wrongness requires appealing to something that uniquely and consistently implies the existence of the resultant property in question. Fortunately for the prospects of ethical theory, it appears possible to meet these demands by appealing universally right and wrong-making holistic shapes. What still needs to be discussed, however, is whether claiming that all right-actions take the same holistic shape restricts the context-dependence of moral features.

I think it can be shown fairly easily that shape-based moral principles can countenance the fact that moral features are context-dependent using a simple

[29] Although Dancy often appeals to the thick layer of holistic shapes when discussing resultance, he maintains that he is not sure if his account requires it. He does, however, acknowledges that it is consistent with his view, and he even mentions that he is tempted to believe that a thick intermediate layer is needed to "put the non-ethical material below [it] into a sort of [moral] shape." Nevertheless, he also states that he does not know of anyone who has provided a convincing argument for such a claim. So, determining whether the intermediate layer is necessary remains, as he says, "unfinished business" (*Ethics Without Principles,* 84). My argument intended to show both (1) that the thick intermediate layer is necessary, and also (2) that there must be certain invariant right and wrong-making shapes if we are to explain the existence of thin moral properties.

mathematical example. Consider the resultant property of 'being a triangle.' The base features of a triangle consist of its three line segments. When suitably arranged, they take the holistic shape of a 'three angled figure,' to which attaches the "thin" property of 'being a triangle.' Notice that there are multiple ways of creating a triangle: it can be scalene, isosceles, or right; the length of its sides can vary infinitely. Also notice that whether a particular line segment is a constitutive part of a triangle depends upon how it is arranged with the other line segments at hand. Furthermore, the very same line segment (or one identical to it) could be a constitutive part of some other shape when found elsewhere. If such claims can be made about the fairly simple entities of geometric shapes, surely we can say the same about the holistic shapes that produce moral properties.

Of course, at this point I have merely provided a sketch of how ethical theorists might appeal to invariant moral shapes to explain why actions are right or wrong. Given that much more needs to be said, I devote the next chapter to fleshing out the details. Before turning to that task, however, I want to address any immediate challenges that might be found in Dancy's own work on resultance.

4.3 The Viability of Shape-Based Principles

When Dancy first introduces resultance in *Moral Reasons*, he appears resistant to anything like the claim that all right actions take the same holistic

shape. For example, he claims that because each right action is made right by its own unique resultance base, we must adopt a "token identity" theory of rightness rather than a "type identity" theory.[30] According to such a theory, each right action is not only a distinct individual, but there is nothing that individual right actions share in common with one another. That is, there is no commonality shared among them that one could use to classify them as token instances of the type "rightness." Yet another way of articulating this same view is to say that every right action is made right because of its own unique narrative, but that these right-making narratives do not all belong to the same genera. Thus, instead of identifying actions as being right because they tell a certain *kind* of narrative, Dancy's token theory of identify requires identifying them as right because they tell a right-making narrative, *simpliciter*. The problem, of course, is that without a criterion for determining what counts as a right-making story and what does not, we are left without a means of explaining why actions are right or wrong.[31]

Dancy does not provide an argument for why resultance requires adopting a token identity theory. He merely writes that we must do so because

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[30] Dancy, *Moral Reasons*, 74 and 116.

[31] At one point, Dancy does claim that the persuasiveness of a narrative lies in its "internal coherence" (*Moral Reasons,* 113). Conceivably, one could apply a similar claim to moral explanations, which would provide a kind of constructivist account of rightness. It is doubtful, however, that internal coherence alone can fix an act's rightness. For, as G. A. Cohen has shown, it is possible to imagine an "idealized Mafioso" who acts in accord with a narrative that is both internally coherent and morally objectionable. See his, "Reason, Humanity, and the Moral Law," in *The Sources of Normativity*, ed by. Onora O'Neill (Cambridge University Press, 1996), 167–188.

he is attempting to remain faithful to a "particularist account of moral reasons."[32] I suspect, however, that, at the time, Dancy wanted leave room for the fact that moral features are context-dependent. Perhaps it had not occurred to him that adopting the appropriate kind of type identity theory would still allow for infinite variability at the descriptive level. As we have seen, even the type "triangle" allows for some degree of variance, and when it comes to complex narratives, there are innumerable ways of telling different stories that all manage to embody the same basic themes.

More recently, Frank Jackson, Philip Pettit, and Michael Smith have collectively attempted to push Dancy into acknowledging that in order for there to be a concept of rightness, there must be a consistent "pattern" that recurs in every case.[33] Although Dancy ultimately rejects their argument, turning to his reply will be instructive. I contend that his response does not speak against the possibility of using resultant shapes to capture what it is that all right actions share because Jackson, Pettit, and Smith do not present their argument in quite the right manner.[34]

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[32] Dancy, *Moral Reasons*, 116.

[33] Frank Jackson, Philip Pettit, and Michael Smith, "Ethical Particularism and Patterns," in *Moral Particularism* (Oxford: Clarendon Press, 2000).

[34] For Dancy's replies see his, "Can a Particularist Learn the Difference between Right and Wrong?," in *The Proceedings of the Twentieth World Congress of Philosophy, Volume 1: Ethics* (Bowling Green: Philosophy Documentation Center, 1999), 59–72; and, *Ethics Without Principles*, 109–11.

The argument offered by Jackson, Pettit, and Smith, whom Dancy refers to as the "Canberrans," is a semantic one, beginning as follows:[35]

> We use words to mark divisions. Tables are different from chairs...wrong acts are different from right ones...What, then, marks off the acts we use 'right' for from the acts we use 'wrong' for? Or, equivalently, what do the right ones have in common that the wrong ones lack?[36]

The Canberrans are taking as their starting point what Dancy calls the "core intuition," which is the idea that "if an action is right there is something that makes it right."[37] As we saw earlier, what fixes an act's rightness cannot be one of its individual features, so the Canberrans maintain that there must be some consistent pattern of right-making features that makes actions right.

To advance their argument, the Canberrans ask us to consider all of the various combinations of descriptive features or considerations that make actions right. They call this set "D^i." Whenever a member of D^i is instantiated, rightness occurs. According to particularists, such as Dancy, the only thing that the members of D^i have in common is that they are all members of the same set. The Canberrans reject this notion, arguing that merely being members of the same set is not the kind of commonality that allows us to grasp (or explain) the concept of rightness:

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[35] Dancy refers to them as the "Canberrans" because, at the time of writing their article, they all worked at the University of Canberra, Australia.

[36] Jackson, Pettit, and Smith, "Ethical Particularism and Patterns," 86–87; as quoted in, Dancy, *Ethics Without Principles*, 109.

[37] *Ethics Without Principles*, 89 and 93.

> [Belonging to D^i] cannot be *all* that unites the class of right actions. There must be some commonality in the sense of a pattern what allows projection from some sufficiently large sub-set of the D^i to new members. If there is not, we finite creatures could not have grasped...the predicate 'is right'. So, there must be a pattern or commonality—in the weak sense...of that which enables projection—uniting the set of right acts.[38]

As it stands, the Canberrans' argument is a promising one. As we have seen, if there is indeed a difference between right and wrong, then there must be something unique that sets them apart. Given that Dancy has shown that individual descriptive features cannot account for this difference, the next logical step is to appeal to patterns of descriptive features, a route that becomes especially promising once we recognize that moral properties are the products of resultance.

The problem with their argument lies in the fact that they do not articulate what they think a right-making pattern consists of, and they often use examples that give the impression that they are viewing it lineally (e.g. as a set containing lists of various combinations of right-making features).[39] Regardless of whether this is actually the Canberrans' view, the fact that they do not flesh out their conception of right-making patterns in any sort of detail allows Dancy to interpret them as treating it as a kind of one-dimensional mathematical pattern.[40]

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[38] Jackson, Pettit, and Smith, "Ethical Particularism and Patterns," 86; as quoted in, Dancy, *Ethics Without Principles*, 109.

[39] Jackson, Pettit, and Smith, "Ethical Particularism and Patterns," 95 and 90.

[40] The Canberrans are likely making what they think to be a purely theoretical point, whereas Dancy reads them as committing to them to something substantive. The worry, then, is that the Canberrans and Dancy are simply talking past one another.

Unsurprisingly, Dancy rejects such a notion. Not only is it impossible to formulate a patterned list of base features that is universally right-making, but such a list would not capture the various right-making, enabling, and intensifying relations that exist between the members of the resultance base.

After rejecting the Canberrans' proposal, Dancy mentions that they have adopted the misleading characterization that moral particularism is the thesis that "the non-moral is shapeless with respect to the moral and vice-versa."[41] Whereas, according to Dancy: "It is true that particularism claims that moral properties have no descriptive shape. But this is best understood as the claim that the relevant similarities *are not discernible at the level of the grounds* (whether these be moral or non-moral)."[42] When put this way, it remains open to think that the relevant similarities between right actions will be found "above" the grounds at the level of the holistic shapes that result from the base features at hand. So, crucially, although Dancy does not entertain the thought of using holistic shapes to generate moral principles, such an approach does not appear to be in tension with his account of resultance.

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[41] Dancy attributes this characterization to Margaret Little, "Moral Generalities Revisited," in *Moral Particularism*, ed by. Brad Hooker and Margaret Little (Oxford: Clarendon Press, 2000), 276–304.

[42] Dancy, *Ethics Without Principles*, 110.

5. Conclusion

As we saw in the previous chapter, demonstrating the possibility of ethical theory requires showing that the problem of context-dependence is merely a superficial problem. For, if moral particularists are correct, and the variability of morality speaks against our ability to formulate moral principles, then it also diminishes our ability to provide moral explanations.

In this chapter, I have argued that the context-dependence of moral features is not a very deep problem at all. Although Dancy argues that resultance is not a generalizable notion, and hence precludes the possibility of moral principles, examining the metaphysics of resultance reveals that it is possible to explain the occurrence of moral properties by appealing to what I have crudely called "shape-based principles."

Given that an action's holistic shape is what gives it its moral status, appealing to invariant right and wrong-making shapes, along with the holistic narratives that provide them with structure, allows us to provide an account of why acts are right or wrong. Most importantly, shape-based principles are capable of accommodating the fact that moral features are context-dependent. Not only can different features combine in innumerable ways to create the same holistic shape, but the same base level materials can play diverse roles and contribute to holistic structures that are both right and wrong-making.

Finally, although Dancy's argument fails to prove that there are no moral principles, his work is nevertheless incredibly valuable, as it teaches us that we

should not expect to find principles of *a certain kind*—that is, principles that claim to account for all instances of rightness or wrongness by appealing to solely to moral features. For it is not the features themselves, but the holistic shape that results from them that determines the moral quality of an act.

Admittedly, the substantive details of this conclusion are still in need of development. So I devote the next chapter to linking Dancy's understanding of resultance to the Aristotelian distinction between form and matter. As I will argue, maintaining that moral explanations should appeal to holistic shapes is a version of the claim that we identify what something is by its form. Also, examining the relationship between form and matter will also help us to see how shape-based or what might be referred to as "formal" principles are not at odds with the context-dependence of moral features. It is to that task I now turn.

PART II

OVERCOMING THE PROBLEM OF CONTEXT-DEPENDENCE: FORM AND MATTER IN ETHICAL THEORY

CHAPTER FOUR

Form and Matter in Moral Explanations

1. Introduction

In Part I, we saw that moral particularists are mistaken on two fronts. First, because they are not careful to differentiate ethical theory from moral practice, particularists fallaciously claim that non-deductive generalizations can explain why actions are right or wrong. At best, non-deductive generalizations are capable of justifying our moral beliefs; they cannot account for why those beliefs happen to be true or false. The fact that non-deductive generalizations cannot explain why actions are right or wrong lends credence to the traditional view that moral explanations must take the form of universally true moral principles. This is not a surprising conclusion, for given that rightness and wrongness are two distinct moral qualities, it seems commonsense that there must be something distinct that sets them apart.

The second particularist error is that Dancy's argument against moral principles does not remain faithful to the metaphysics of resultance upon which it depends. On his view, moral properties are resultant properties, meaning that the rightness or wrongness of an act is determined by the holistic "shape" or "narrative" that results from the interaction between that act's various constitutive base features. For instance, what makes it right to hold the door for

a person with an armful of boxes is that the features of 'holding open a door, for a person who intends to enter, who also happens to have an armful of boxes' can be described holistically as 'showing consideration and caring.' By themselves, none of the listed base features have any moral import. What makes them morally significant is that, when combined, they take on a right-making holistic shape.

Dancy contends that it is unlikely that there are any moral principles because the relationship between the base features of our actions and the holistic, morally determining shapes that result from those features is irreducibly complex. For if the relationship between the constitutive features of our actions and the resultant properties of rightness and wrongness is as multifarious as he suggests, then it is improbable that we will ever be able to generalize about what makes acts right or wrong in a way that is both universally true and explanatory in nature.

The problem with Dancy's argument, however, is that it does not preclude the possibility of there being a universal, invariant shape of rightness. And given that an act's holistic shape is what determines its moral quality, this omission is a major oversight.

In light of these two errors, I ended Part I by claiming that instead of appealing to a single feature or set of features to explain why actions are moral or immoral, ethical theorists ought to be seeking the holistic shape that an action must take in order to be morally praiseworthy. Admittedly, this is an inchoate

suggestion. Thus, the aim of this chapter is to begin fleshing out the claim that what makes right actions right and wrong actions wrong are their holistic shapes. The best way to develop this idea, I contend, is to employ the familiar Aristotelian categories of *form* and *matter*.

Employing the categories of form and matter to help correct the mistakes made by Dancy (and other moral particularists) requires first linking his understanding of resultance with the language of Aristotelian metaphysics. To accomplish this task, I begin by introducing Julius Kovesi's work on the formal and material elements of concepts.[1] Kovesi's lucid treatment of this topic will make it easy to see the connection between his view that 'right' and 'wrong' are a composite of both formal and material elements, and Dancy's claim that rightness and wrongness are resultant properties. Afterwards, I show how Kovesi's view that entities are defined by their formal elements helps solidify my claim that actions are right or wrong because of their holistic shape, or form. I then argue that Kovesi's account of the relationship between an act's material elements (base features) and its overall form (holistic shape) points us in the

[1] Kovesi's book, *Moral Notions,* was originally published by Routledge & Keegan Paul, London, 1967. I am working from the more recent Cybereditions text, published in 2004. [Julius Kovesi, *Moral Notions* (Cybereditions, 2004).] Although Kovesi's work has gone largely unnoticed as of late, it has been highly esteemed by Philippa Foot [Philippa Foot, "Foreword," in *Moral Notions* (Cybereditions, 2004), ix–x], Alasdair MacIntyre [personal conversation with Alan Tapper; cf. Alan Tapper and R. E. Ewin, "'MacIntyre and Kovesi on the Nature of Moral Concepts,'" in *Meaning and Morality: Essays on the Philosophy of Julius Kovesi*, ed. Alan Tapper and Brian Mooney (Brill, 2012), 123–37], and even Jonathan Dancy (personal conversation). Upon publication, Bernard Mayo described *Moral Notions* as "lightening campaign" that "decisively and permanently alters the balance of power" against the distinction between matters of fact and matters of value [Bernard Mayo, "Critical Notice of Moral Notions," *Mind* 78, no. 310, New Series (April 1, 1969), 285].

direction of a solution to the problem of context-dependence by demonstrating how it is possible to embrace the variability of moral features without abandoning the claim that there is something essential that makes all right actions right and wrong actions wrong. I end by pointing to two shortcomings of Kovesi's work and suggesting that they can be overcome by examining the moral philosophy of Thomas Aquinas.

2. From Resultance to Form and Matter: A Terminological Shift

To facilitate the shift from the terminology associated with Dancy's resultance to the vocabulary of 'form' and 'matter,' I will first show how Kovesi uses the distinction between the formal and material elements of concepts to undermine Hume's argument for the division between description and evaluation. I will then discuss Dancy's remarkably similar objection to the very same Humean argument. Attending to these two objections, I argue, will reveal that Dancy's claim that moral properties are resultant properties mirrors Kovesi's own views about the formal nature of 'right' and 'wrong.'

2.1 Hume's Misplaced 'Gap': Kovesi's Objection to the Division between Fact and Value

According to the Humean view that Kovesi and Dancy offer parallel objections to, there is a sharp division between descriptive and evaluative concepts. Hume endorses this position on the grounds that descriptive concepts appear to refer to observable matters of fact, while moral concepts do not. Thus, he concludes that descriptive concepts pick out actual objects within the mind-

independent world, and evaluative concepts refer to sentiments in one's mind about those objects.

Hume's argument for this division between fact and value is brief but forceful:

> But can there be any difficulty in proving, that vice and virtue are not matters of fact, whose existence we can infer by reason? Take any action allow'd to be vicious: Wilful murder, for instance. Examine it in all its lights, and see if you can find that matter of fact, or real existence, which you call *vice*. In which-ever way you take it, you find only certain passions, motives, volitions and thoughts. There is no other matter of fact in the case. The vice entirely escapes you, so long as you consider the object. You can never find it, till you turn your reflexion into your own breast, and find a sentiment of disapprobation, which arises in you, towards this action.[2]

Hume is claiming here that we cannot find 'viciousness' among the features that constitute murder. In addition to only finding "certain passions, motives, volitions and thoughts," none of these observable features can themselves constitute the viciousness that we attribute to murder. Intentionally killing a person, for instance, is not necessarily vicious—for it could be an act of self-defense. Because we do not observe the property of viciousness among the features that constitute a murder, Hume concludes that the viciousness we attribute to acts of murder is not an observable matter of fact within the world. As an alternative, he suggests that the notion of viciousness is referring to a product of our human sentiment, or how we feel about murders. What makes an

[2] David Hume, *A Treatise of Human Nature*, ed. L. A. Selby-Bigge, 2nd ed. (Oxford: Clarendon Press, n.d.) Bk III, pt I, sec. I, at pp. 468-9.

action vicious or virtuous, right or wrong, is that it elicits a non-cognitive, conative response.

Kovesi objects that Hume's argument appears convincing only because it exploits the 'gap' between a thing's material elements and its defining, formal elements. Borrowing the terminology of 'form' and 'matter' from Aristotle,[3] Kovesi defines the *formal element* of an object, situation, or action as the defining element that makes the thing in question what it is.[4] To put it another way, the formal element is what determines when it is appropriate to apply general concepts to particular entities. The formal element of the concept 'murder,' for example, consists of 'intentionally taking the life of someone who is innocent, with the aim of personal gain or satisfaction.'[5] Only actions that meet this description can rightfully be called acts of murder.

While all acts of murder share the same formal element, there is also a sense in which they can differ. One might, for example, commit murder by driving a knife into the heart of one's victim, administering poison, strangulation, or by pushing one's victim over a cliff.[6] For Kovesi, these

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[3] Although Kovesi borrows the terms 'form' and 'matter' from Aristotle, his primary source of inspiration is Plato. However, when one compares his reading of Plato with the works of Aristotle, it is hard to see any real points of contention. (Kovesi does not himself see any, *Moral Notions*, 26-27). Unfortunately, this is not an issue that I am able to take up here. For more on Kovesi's reading of Plato see his three papers on Plato included in the 2004 edition of *Moral Notions,* especially: "Foreword."

[4] See especially Kovesi, *Moral Notions*, 10 and 26.

[5] *Moral Notions*, 7.

[6] Ibid.

differences occur at the level of murder's *material elements*. Material elements are the features, qualities, or aspects that may vary within a thing or entity without it ceasing to be what it is.[7] As just illustrated, there are innumerable actions that can qualify as murder, so long as their material elements constitute murder's formal element. Thus, despite the fact that all murders are formally identical, they can be materially distinct.

Kovesi insists that the concepts that we apply to both moral and non-moral entities are a composite of formal and material elements. For instance, we might define the formal element of a table as 'a piece of furniture with a flat top, designed for placing things on or doing activities at.' Its material elements include not only the various materials that we use to construct tables (wood, iron, etc.), but its geometric shape (oblong, square, round), height, number of legs, color, and so on. Although the pieces of furniture that we call tables may be constructed in unique ways, we are entitled to call them 'tables' so long as their material elements satisfy the formal element of a table in "an accepted way."[8]

When determining whether the material elements of a piece of furniture satisfy the formal element of a table, we begin with a series of observations. For example, we observe a flat top resting on four legs, along with the distance between the flat top and the ground. We then determine whether the object before us is indeed a piece of furniture used for placing things on or doing

[7] See especially *Moral Notions* 7, and 26.

[8] *Moral Notions*, 6.

activities at. For example, if the flat top rests only a foot off the ground, and is thus not at a suitable height for sitting or standing at, then the object in question is not a table. Instead, it might be appropriately called a stepping stool or footstool, depending on whether it is designed for standing upon or merely for the resting of one's feet.

Notice that there is a 'gap' (so to speak) between a table's material elements and its defining, formal element. As Kovesi puts it, "We do not perceive something called 'table' over and above the material elements that have to be present in order that something should be a table."[9] That is, when we identify something as a table, it is not because we observe its formal element alongside the materials from which it is constructed. Rather, we identify something as a table because we view its material elements as constituting 'a piece of furniture with a flat top, designed for placing things on or doing activities at.' Notice also that we 'bridge the gap' between a table's matter and its form through an act of reason. That is, we make a rational judgment about whether the material elements before us adequately satisfy the formal description of a table.

Kovesi's criticism of Hume is that he confuses the gap between an object's material elements and its overall form with the gap between description and evaluation. In his argument, Hume uses 'murder' as an example of an observable matter of fact. But even with the descriptive term 'murder' there is "a

[9] *Moral Notions,* 17.

difference between what is given to the senses and what we judge a thing or act to be."[10] That is, when we examine an act of murder, we also find only its material elements, such as "certain passions, motives, volitions and thoughts." There is no property or "fact" of murder to be observed.

The problem with Hume's argument, then, is that it fails to recognize that our descriptive and evaluative concepts are structured in the same way. Both are composites of formal and material elements. Once we recognize this fact, Hume's argument proves too much. For, if he wants to be skeptical of the objective, rational nature of moral concepts such as 'viciousness' because we cannot observe its formal element, then we must be equally skeptical of non-moral concepts such as 'table' and 'house.'

2.2 Dancy's Parallel Argument

Dancy makes the same point as Kovesi in his own criticism of Hume's argument. The only difference between Dancy's objection and Kovesi's is that instead of relying on the distinction between form and matter, Dancy's objection relies on his distinction between resultant properties and the features of the resultance base.

According to Dancy, Hume's argument appears convincing only because he asks us to look in the wrong place for the property of viciousness. As a

[10] *Moral Notions*, 12.

resultant property, viciousness is not a property that exists alongside the base features from which it results. Rather, viciousness "consists in those [base features] and the way they relate to each other."[11] For Dancy, the difference between resultant properties and their base features explains why we cannot find the property of viciousness when Hume asks us to look for it alongside the "passions, motives, volitions and thoughts," that constitute a vicious act.

To help illustrate his criticism, Dancy mimics Hume's argument, using instead the resultant property of being a table:

> But can there be any difficulty in proving, that whether something is a table is not a matter of fact, whose existence we can infer by reason? Take any object allow'd to be a table: This one, for instance. Examine it in all its lights, and see if you can find the matter of fact, or real existence, which you call *its being a table*. In which-ever way you take it, you find only certain shapes, sizes, textures, and colours of its component parts. There is no other matter of fact in the case. It's being a table entirely escapes you, so long as you consider the object. You never can find it, till you turn your reflexion into your own breast, and find a certain sentiment of respect-for-tableness, which arises in you, towards the object.[12]

The above argument is flawed because it rests on "a misconception of the relation between the property of being a table and the other [base] properties which make this object a table."[13] By extension, Hume's argument rests on a misconception of the relationship between resultant properties and the base features which cause a particular resultant property to occur—thus making the action, object, or event what it is. It is because of this misconception, then, that

[11] Dancy, *Moral Reasons,* 75.

[12] *Moral Reasons,* 75.

[13] *Moral Reasons, 75.*

Hume asks us to look for viciousness in the wrong place, and then fallaciously concludes that because we do not see it, viciousness, and other moral properties, do not exist as objects of reason.

2.3 Parallel Arguments, Corresponding Vocabularies: Linking Resultance with Form and Matter

The parallel between Kovesi's criticism of Hume and Dancy's is that both involve making a distinction between the element or property that makes something what it is and its various component elements or features. This parallel suggests that Kovesi and Dancy have the same understanding of how our moral concepts are structured[14]

Put simply, the material elements of a concept are its resultance base. The formal element, on the other hand, is the defining property that results from a particular arrangement of material elements. Thus, the relationship between the material and formal elements of a concept is one of resultance. For, the formal element of a concept is not found "in" its material elements, but it "results" from them.

Once again, this distinction is the key insight informing both Kovesi's and Dancy's rejection of Hume's argument for the division between fact and value. In the same way that one cannot find the property of viciousness *among* the material elements that comprise a vicious act, one cannot find the property of

[14] Or, in Dancy's case, how the properties to which our moral properties refer are structured.

being-a-table among a table's material parts. This claim undermines Hume's argument by showing us that our moral concepts are structured in the same way as our non-moral ones. It draws attention to the fact that if we want to be skeptical about the factual nature of our moral concepts we must, on pain of inconsistency, also be skeptical about the factual nature of non-moral concepts.

The primary purpose of highlighting the similarities between these two criticisms of Hume has been to show that it is unproblematic to apply the formal/material distinction to the contemporary debate surrounding moral particularism and the problem of context-dependence. So, when I shift from the claim that all right actions share the same resultant property to the claim that all right actions have the same formal element, as I will in a moment, I am not changing the subject. Instead, I am merely transitioning to a more familiar vocabulary—one that will allow us to make use of the resources provided by Kovesi, and eventually, Aquinas.[15]

[15] It is worth noting that because of its potential to undercut Hume's arguments for the fact-value divide, moral cognitivists have an additional reason to endorse the view that our moral concepts are a composite of formal and material elements. That being said, I will not pretend to claim that the formal/material distinction settles the non-cognitivism debate once and for all. But it does provide a setting in which one can begin to make legitimate progress on this deep and complicated philosophical problem. In addition, as I am arguing here, this same philosophical framework can be used to address another one of moral philosophy's perennial puzzles: the problem of context-dependence.

3. Formal Elements as Holistic Shapes

Having introduced Kovesi's work on the formal and material elements of concepts, and showing how it can be applied to the contemporary moral particularism debate, I will now turn my attention to demonstrating how Kovesi's idea that the nature of a thing is determined by its formal element can help clarify my suggestion from Chapter Three that what makes right actions right, and wrong actions wrong, are their holistic shapes.

Recall that the holistic shape of a thing or action is created from the interaction of its base features, or to use Kovesi's terminology, its material elements. Dancy identifies the holistic shape of a thing with the resultant property that makes the thing in question what it is. For Kovesi, the holistic shape of a thing or action is its formal element. Together, the material elements of one man stabbing another man in the chest outside of a bar in order to end an argument, and the subsequent stopping of the victim's heart, take the holistic form of an action that we identify as 'murder.' Recall also, that for Dancy, we describe the holistic shape of an action by providing a kind of "narrative." As we have seen, these narratives can be brief. Again, the narrative description of the formal element of murder is 'the intentional taking of an innocent person's life, with the aim of personal gain or satisfaction.' Thus, in order for the action in question to be an act of murder, it must take the holistic shape of murder, the structure of which is specified by the narrative description of murder's formal element.

Both moral and non-moral entities are identified by way of these formal descriptions. Take, homes, for example. A home is 'a shelter made for people to live in.' If we did not identify homes by their formal element, a child who has only known homes to be buildings would not be able to identify the hillside dwellings of hobbits as homes. Similarly, if we did not identify an act of murder by its holistic form, I could reasonably argue that I did not commit murder because my method of ending my victim's life was unlike all other recorded instances of murder. As Kovesi reminds us, I can only conduct my defense by showing a difference in the overall form of my action—that is, "by showing that it was not intentional, or that I had a legal right to kill, etc."[16] What these examples are meant to show, then, is that both the coherence of our legal system and our ability to navigate everyday life are made possible by the fact that we identify things, actions, and states of affairs by their formal elements. So, by claiming that right actions are made right by their holistic forms, I am not introducing a novel idea. Rather, I am merely drawing attention to an often unnoticed fact about what makes entities houses, tables, chairs, acts of cruelty, murder, and even instances of rightness and wrongness.

4. Formal Explanations amidst Material Variability: The Open-Texturedness of Moral Concepts

Kovesi's work on the formal/material elements of concepts can also help show how it possible to embrace the context-dependence of moral features

[16] Kovesi, *Moral Notions,* 16.

without abandoning the claim that there is something essential that is shared by all right actions. Indeed, Kovesi's notion that the nature of a thing is determined by its formal element allows us to identified varied and even unique instances of the entity in question.

Recall that the relationship between the material elements of a thing and its form is one of resultance. Together, the material elements of the entity in question create a holistic shape, or form, which in turn governs the concepts that can appropriately be applied to it. Described as such, the relationship between the material elements of a thing and its form is clearly a causal one. But according to Dancy and Kovesi, resultance relationships are not deterministic. To use Kovesi's term, they are "open-textured." To say that resultance relationships are "open-textured" means that the material elements of a resultant property can vary significantly without affecting its overall shape or form.

Because our moral concepts are open-textured, there is no entailment between a concept's form and its material elements. Thus, Kovesi claims that the material elements that constitute a particular thing, act, or situation cannot be enumerated in a final list.[17] Similarly, Dancy claims that the open-texturedness of resultance "resists analysis; or at least I know of nothing by way of analysis that looks even remotely plausible."[18] When it comes to our moral concepts,

[17] Kovesi, *Moral Notions*, 10.

[18] Dancy, *Moral Reasons,* 73.

then, the fact that they are open-textured accounts for why we cannot determine in advance which material elements are morally salient.[19]

The same can also be said when it comes to identifying the relevant material elements of non-moral concepts. While certain features are often indicators of when a particular concept applies, it cannot be taken for granted that these features will guarantee its proper application. For example, an object's ability to brown bread is often an indicator that it is a toaster. But, it could be the case that the object in question has other material elements that make it an oven, or an electric griddle, or even a clothes iron.

Despite the open-textured relationship between an entity's formal and material elements, Kovesi acknowledges that some material elements play an instrumental role in helping us to identify when a particular concept applies. He calls the material elements that help us to identify the occurrence of a thing or action "recognitors." As mentioned above, the ability to brown bread is a recognitor for a toaster. But, as our example also showed, the ability to brown break does not make something a toaster. This is because recognitors are "passive," meaning that "they do not tell us: 'whenever my features appear use the word x,' let alone tell us what else we can or should do with a word."[20]

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[19] It is worth noting that the degree to which concepts are open-textured will vary. For example, there is a more restrictive relationship between the material and formal elements of concepts like 'adultery' than there is for a concept like 'murder.' This is because the formal element of 'intentionally having sexual relations with a person other than one's spouse' is open to less variability than the formal element of 'intentionally taking an innocent person's life for personal enjoyment or gain.'

[20] *Moral Notions,* 32.

Importantly, Kovesi's claim that recognitors are passive should not be understood as the claim that material elements play no role in determining whether a particular concept applies. He is merely claiming that we cannot infer that a concept applies solely on the basis of a material feature. For example, one cannot infer that a murder has been committed solely by appealing to the material element of one person killing another. We *can* infer, however, that an act of killing was not murder by pointing to the material fact that the killing was not intentional or by drawing to attention to the fact that the killing was done in self defense. But notice that the only reason that inferences of this kind are valid is because they appeal to material features that alter the narrative of the act in a way that makes it impossible for the formal element of murder to obtain. So, while we can change what something is by altering its material elements, we ultimately need the formal element "in order to determine in what respect and to what extent we should make these changes."[21] For, as Kovesi reminds us, without the formal element, "we cannot decide what are and what are not instances of a thing or action."[22]

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[21] Kovesi, *Moral Notions,* 51.

[22] *Moral Notions,* 30. Given what has been said thus far about the relation between the material and formal elements of concepts, one might think that in order to correctly apply a concept we must first take each and every material element at hand into account, and then determining whether the material elements, taken as a whole, satisfy the formal standards of the concept in question. But this is not quite right. There are material elements that will have no bearing on certain types of concepts. For example, the color of the object that was used to kill someone has no influence on whether the act of killing should be considered murder. This means that the correct application of moral concepts does not always (and perhaps never) requires taking each and every material element into account. It does, however, require a sufficient understanding of what material elements are relevant for the concept in question.

Crucially, we can recognize the context-dependence of material elements without denying that the formal element of a thing remains invariant across all situations. Ultimately, there is only one way for an action to be a murder. Yet, there are also innumerable material instantiations of murder, just as there are an indefinite number of material constructions of tables and homes. Thus, differentiating between the formal and material elements of things makes it possible to solve the problem of context-dependence by embracing the fact that the moral significance of material features indeed does vary from situation to situation, while at the same time maintaining that there is something essential that is shared by all right actions.

Even when faced with the variability of moral features, the idea of a single resultant property, or form, that all morally right acts share is perfectly coherent, and, as I argued, sufficient for an explanation. After all, it is something's *form*, not its material elements, that accounts for what it is. And, because of the open-textured relationship between an entity's form and its material elements, it is possible for the base features that constitute its formal element to vary widely without affecting its holistic shape.

5. Form and Matter in Ethical Theory and Moral Practice: Principles, Rules, and Rules of Thumb

Although I have relied on the language of form and matter to put forth my proposed solution to the problem of context-dependence, it is worth being reminded of the fact that I have used only resources available to Dancy. As we

have seen, it is consistent with his account to maintain that all right actions share the same holistic shape, or right-making narrative, and to accommodate the context-dependence of morality by claiming that the relationship between an action's overall shape and its base features is open-textured. Given that a solution to the particularist problem has been at Dancy's fingertips all this time, it is worth asking why he has not availed himself to it. What I will suggest is that Dancy's failure to see that it is possible to explain why actions are right or wrong by appealing to holistic shapes once again has to do with his failure to separate ethical theory from moral practice.

As we saw in Chapter Two, Dancy (and other particularists) mistakenly claim that non-deductive generalizations can explain why actions are right or wrong because they conflate ethical theory with moral practice. There is a difference between theoretical generalizations that provide moral explanations and practical generalizations that help to justify our moral beliefs and guide our actions. Just because certain moral generalizations such as, 'it is usually wrong to kill' and 'in most cases, it is right keep our promises,' can help us to identify concrete instances of right or wrong, it does not follow necessarily that those same generalizations will explain why particular acts have the moral status they have. Kovesi's work has helped us to see why. Generalizations such as, 'it is usually wrong to kill' and 'in most cases, it is right keep our promises' refer only to potential material components of rightness and wrongness. To be explanatory

in nature, moral generalizations must include the formal elements of rightness and wrongness.

Kovesi's work on the formal and material elements of concepts also leads to the corresponding conclusion that just because a moral generalization provides us with an explanation of what makes something right, wrong, virtuous, or vicious, it does not follow necessarily that the same generalization will provide practical guidance. For, the fact that our moral concepts are open-textured often means that their formal elements do not specify the necessary and sufficient conditions for their correct application.[23]

Take, for example, Aristotle's doctrine of the mean. On his view, the formal elements of a virtuous action consist of being done "at the right times, with respect to the right things, towards the right people, with the right motive, and in the right way."[24] Notice that while Aristotle's doctrine of the mean is meant to explain what makes something an act of virtue, it provides very little practical guidance. This has to be the case, he contends, because when dealing with particular moral matters things are always indefinite and "the standard applied to the indefinite is itself indefinite." [25] Thus, on his view, it is possible to explain, or identify the principle (*archē*) that makes all actions right, but there is

[23] J. M. Brennan, *The Open-Texture of Moral Concepts* (New York: Barnes & Noble Books, 1977), 104.

[24] EN, 1106b21-24.

[25] EN, 1137b30-21.

no rule (*kanôn*) for specifying precisely how various features and considerations must come together in order to give an action the quality of being virtuous.[26]

Aristotle's distinction between *archai,* which are universal generalizations that have explanatory priority, and *kanôns*, which are a practical "straightedges" that guide actions, allows him to embrace the possibility of providing a universal account of virtuousness, all the while mistrusting moral generalizations that are ostensibly capable of providing universal practical guidance. Using Aristotle's distinction, we can differentiate between three kinds of moral generalizations: (1) principles, (2) rules, and (3) rules of thumb.

As already discussed, *moral principles* are primarily meant to explain why actions are right or wrong. Because the overall form of the act in question is what determines its moral status, moral principles include the formal elements of our moral concepts (e.g. virtuous acts are those that are done at the right times, with respect to the right things, towards the right people, with the right motive, and in the right way). *Moral rules*, on the other hand, are not meant to explain; their purpose is to guide action. In order to guide action, moral rules must be more specific, and thus, less open to interpretation. As such, rules usually refer to particular material elements. For example, we tend to think of rules as taking the form, 'never break a promise,' or 'always return what you have borrowed.' Rules can help direct us how to act, but they do not tell us why we should act in these ways. That is, rules do not explain why promise-breaking is wrong or why

[26] EN, 1137b29-32.

it is right to return borrowed goods. Importantly, their inability to explain does not mean that the rules are in some way deficient. For, the purpose of a rule is to direct our behavior, and accomplishing this aim requires sacrificing an explanatory account in favor of practical guidance. Finally, *rules of thumb* are meant to assist moral reasoning by pointing us to those features that are usually morally salient. Unlike moral rules, rules of thumb are defeasible. They do not offer universal action guidance.

The context-dependence of particular material elements is why Aristotle rejects *kanôns* (moral rules), and why Dancy claims that at bottom, all moral generalizations are really nothing more than rules of thumb. Although certain features are *usually* components of rightness or wrongness, they needn't always be. Nevertheless, because of their tendencies, we can use them as helpful heuristic guides. Or, as Dancy presents it, as a kind of "mental checklist" which points us in the direction of those features that are usually morally salient.

When Dancy claims that all moral generalizations are nothing more than rules of thumb, he fails to consider that it is possible to generalize about the morality of an act by appealing to its holistic form. As a result, his skepticism about moral rules also causes him to mistakenly reject moral principles. Had he kept in mind the distinction between theoretical and practical generalizations, he could have avoided this mistake.

Nevertheless, both Dancy's and Aristotle's suspicion of rules raises the question of whether there are any moral generalizations that provide universal

action guidance. Ultimately, I do think that there are moral rules, but some will be more helpful than others.

If there are moral rules, they cannot include material elements alone. To be universally true, they will have to refer to the formal elements of actions that are always right or wrong. Furthermore, in order to provide action-guidance, the formal element must be somewhat constrained. Take, for example, two of the Ten Commandments. Consider, first, the commandment to "honor one's father and mother." I take this commandment to be a moral rule, and not a rule of thumb, because it holds true in all times and in all places. Yet, as far as action-guidance is concerned, it does not offer an explicit directive for how to act. This is due to the fact that the formal description of 'having an attitude of admiration, consideration, and deference towards one's parents' is relatively porous. The commandment, "do not covet," on the other hand, offers more direct action-guidance. This is because the formal element of coveting—'a strong desire to possess something that belongs to another person,' is fairly constrained. The commandment against coveting is a better rule, then, because it is open to less interpretation than the commandment requiring respect for one's parents. All the same, these two commandments are examples of moral rules because they are universally true and they both offer at least a modicum of practical guidance.

Finally, the reason these two commandments succeed as rules is that they are both generalizations about formal elements that are universally right or wrong-making. By providing a complete formal description of the action in

question, it is impossible for an action to meet that description and yet fail to have the rightness or wrongness specified by the rule. To use Dancy's terminology, rules are successful when they provide a narrative that closes off the resultance base.

In Chapter Three, I concluded that while particularists fail to exclude the possibility of moral principles, their arguments are nevertheless important because they show us that we should be skeptical of principles of a certain kind—principles which claim to explain the rightness or wrongness of actions by appealing to isolated moral features, without regard for how they interact with the other features at hand. A similar conclusion can be reached here. There is nothing in particularism that precludes the possibility of moral rules—i.e. moral generalizations that provide universal action guidance. Yet, at the same time, particularists do successfully exclude rules of a certain sort: rules that attempt to guide our actions by referring to singular material elements. Due to the context-dependence of material features, these rules cannot help but admit of exceptions. And, as such, they are not rules proper; they are rules of thumb.

Finally, as we saw in Chapter Two, Dancy and other moral particularists fail to set apart those moral generalizations that explain the rightness of an act (i.e. moral principles) from those moral generalizations that are meant to justify our moral beliefs and provide practical guidance (i.e. moral rules). As a result, particularists claim to have shown that there are no moral principles, when, in fact, their arguments only challenge the existence of moral rules.

6. Conclusion

The primary aim of this chapter has been to preserve the viability of ethical theorizing by showing that it is indeed possible to explain the moral status of an action by appealing to its holistic shape, or form. By engaging the work of Julius Kovesi, we saw that the overall form of an action is what determines whether it is right or wrong.

Thus, we concluded that moral explanations are possible and that they are formal in nature. We also saw that the relationship between an act's form and the material elements that constitute it is open-textured, which means that right or wrong actions can vary significantly on the material level while still having the same overall form. Realizing the open-texturedness of our moral concepts provides the key for solving the problem of context-dependence. For, it shows us how it is possible to embrace the variability of moral features without abandoning the claim that there is something essential that makes all right actions right and wrong actions wrong.

Despite these positive findings, our work is not yet done. There are two immediate worries stemming from the limitations of Kovesi's work that need addressing. First, due to Kovesi's narrowly defined target and the truncated nature of his argument, he does not provide us with a principled way of identifying an action's overall form. As Dancy observes when introducing

holistic shapes, there are good and bad ways of providing a moral narrative.[27] To be sure that our moral descriptions are coherent, accurate representations of our moral actions, we want to be sure that we are focusing on the right kinds of formal elements. Thus, we need to know what it is that gives an act its overall form. The second shortcoming of Kovesi's treatment is that he does not provide an account of the universal form of rightness. We suspect that there must be one, but we are unsure of where we should begin looking for it or what it might be like. As a result, we are left with the question: "What is the moral point of view that determines the formal element of moral concepts?" So, while Kovesi provides us with a theoretically sound solution for addressing the problem of context-dependence, more needs to be accomplished before we are able to put it into practice. In the following chapter, I will argue that we can address the above shortcomings by attending to use of form and matter in Aquinas's moral philosophy.

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[27] Dancy, *Moral Reasons*, 112-113.

CHAPTER FIVE

Aquinas's Formal Solution to a Material Puzzle

"Do circumstances place a moral action in the species of good or evil?"
Summa Theologica I-II, q. 18, a. 10

1. Introduction

As we have seen, the above question, or rather one very much like it, is a source of frustration for contemporary ethical theory. It is not that the question itself is difficult to answer, circumstances clearly do influence the moral standing of our actions; difficulties arise when attempting to explain what it is that makes actions right, wrong, good, bad virtuous or vicious. As shown in Chapter Two, ethical theory is bound by the reasonable notion that if there is a difference between two things (e.g. right and wrong), then there must be something essential that accounts for that difference. Yet, if contingent circumstances play a role in specifying the moral nature of an act, there is no guarantee that what makes an action right or wrong in one situation will have the same moral import at all times or in all places. These two realities create what I have called the "problem of context-dependence." On the one hand, the purpose of ethical theory is to explain what ultimately makes actions right, wrong, good, bad, virtuous, or vicious. Yet, on the other hand, the context-dependence of morality

speaks against our ability to determine in advance which features will make actions right or wrong.

Up to this point, we have been primarily focusing upon contemporary reactions to the problem of context-dependence. Yet, older versions of this puzzle can be found in the corpus of Aquinas's moral philosophy. Interestingly, Aquinas handles the puzzles that arise from the context-dependence of moral features and considerations with relative ease. As we shall see, he is keenly aware that circumstances cause significant variability in moral matters, and yet he manages to provide a unified explanation of the rightness and wrongness of human acts.

The aim of this chapter is to show that Aquinas is able to provide an account of the intelligibility of rightness and wrongness because, unlike his contemporary successors who attempt to explain the morality of an act by appealing to its discrete moral features, Aquinas recognizes that the moral species of an action is not determined by its material features alone, but rather by its overall form.

Importantly, Aquinas employs the Aristotelian distinction between form and matter in a manner consistent with both Kovesi's use of these terms and our earlier application of the distinction to Dancy's understanding of resultant properties. But unlike Kovesi and Dancy, Aquinas provides both a plausible narrative description of the universal form of rightness and an account of how to identify the moral form of individual actions. Thus, as I aim to show, Aquinas is

not only a suitable interlocutor for the moral particularism debate, but contemporary ethical theorists in general could benefit greatly from attending to the structure of his moral philosophy.

2. Encountering the Problem of Context-Dependence in Aquinas's De malo

Aquinas confronts the problem context dependence in his *De malo,* q.2, a.4, "Are acts morally indifferent?" There, he responds to a series of objections that are nearly identical to present day arguments for moral particularism:

> *Objection 13:* What is by nature such is always and everywhere such. But things are not always and everywhere just and good, since it is just to do things in one place and time and unjust to do them in another place or time. Therefore, nothing is by nature just and good, and so by nature neither unjust nor evil. Therefore, every act as such is morally indifferent.[1]

The above objection does not include any specific examples, but finding one within Aquinas's work is not difficult. One such example is his claim that although killing is usually wrong, there are times when exercising capital punishment is the right thing to do:

> Something may be good or evil in its first consideration, insofar as it is absolutely considered, but with an additional consideration, matters may be reversed, for example, according to the absolute consideration it is good for a man to live and evil for him to be killed. But if concerning a certain man it is added that he is a murderer, or that he is a danger to the community, then it is good for him to be killed and evil for him to live.[2]

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[1] *DM,* 2.4.objection 13.

[2] *ST,* I.19.6.ad 1; cf. II-II, 64.2, 65.2, 64.3, and 40.1.

According to the line of reasoning put forth in Objection 13, Aquinas's treatment of capital punishment shows that the act of killing is not intrinsically wrong. If it were intrinsically wrong to kill, then killing would be wrong "always and everywhere." So, by claiming that killing is not always wrong, but in fact sometimes right, Aquinas appears to be indicating that the act of killing is, in itself, morally indifferent.

This point is made more forcefully by the fifth objection:

> *Objection 5:* We call a moral act good insofar as it is adorned by the requisite circumstances, and evil insofar as it is adorned by improper circumstances. But circumstances, since they are accidents of an act, are not part of the species of the act. Therefore, since we say that what belongs to something by its species belongs to it intrinsically, it seems that an act as such is morally indifferent, neither good nor bad.[3]

As we saw in Aquinas's statement on capital punishment, the rightness or wrongness of killing appears dependent upon other considerations. It is wrong to kill a man if he is innocent; but if he is a danger to the community, then putting him to death is the right thing to do. According to Objection 5, if it is intrinsically wrong to kill a man, then the same act of killing cannot become good. This is because "what is intrinsically in something is necessarily in it."[4] So, the fact that an act of killing seems to obtain its moral status from the contingent circumstances at hand implies that its rightness or wrongness is

[3] *DM,* 2.4.objection 5.

[4] *DM,* 2.4. objection 2.

merely accidental. Thus, killing *itself* is not morally right or wrong. Instead, it appears to be morally indifferent.

This medieval argument for particularism is advanced by the second objection, which claims that *all* acts are morally indifferent:

> *Objection 2:* ...there is no act that could not be done wrongly, even the very act of loving God, as is evidently the case in one who loves God for the sake of temporal benefits. Therefore, no act is intrinsically good, and by like reasoning, neither is any act intrinsically evil. Therefore, every act is intrinsically morally indifferent.[5]

Together, these three objections function in a manner nearly identical to contemporary arguments for moral particularism. For every act that is supposedly intrinsically right or wrong, there is a counterexample. Not even loving God is immune. Or, as we saw in Dancy's version of the argument, the moral quality of keeping one's promises, returning what one has borrowed, bringing about pleasure, and preventing pain, is always determined by the context in which these acts occur. From these counterexamples, moral particularists, medieval and contemporary alike, conclude that there is nothing intrinsic about an act's moral status; its rightness or wrongness is merely an accidental property.

The seemingly accidental relation between human acts and moral properties is why contemporary moral particularists are skeptical that we can form true, non-trivial, exceptionless moral generalizations—generalizations which play important explanatory and action-guiding roles. Given that the

[5] *DM,* 2.4.objection 2.

morality of any given action appears to be dependent upon contingent circumstances, they doubt that we can explain an act's rightness or wrongness by appealing to the features or considerations that make the act in question right or wrong. Likewise, due to their contingent nature, particularists also contend that we should not expect right or wrong-making features and considerations to provide exceptionless action-guidance.[6]

3. Aquinas's Solution: An Initial Sketch

In the same way that the above three objections found in *De malo,* Question 2, Article 4 can be read as components of a single argument in favor of moral particularism, Aquinas's response to these objections can be read as a comprising a comprehensive rejection of the particularist viewpoint. As I will now argue, the unifying strand of his response is the formal/material distinction, which I contend enables him to show that the context-dependence of morality does not entail that human acts are merely accidentally right or wrong.[7]

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[6] As should now be clear, particularists are correct to think that we cannot (or rarely can) form true, nontrivial, exceptionless moral generalizations using *solely* the features and considerations of right or wrong actions. They are wrong, however, to infer from this claim that are no (or very few) meaningful, universal moral generalizations. For, they neglect the fact that the rightness or wrongness of an action is determined by the holistic shape or form that results from the material features and considerations at hand. As a result, particularists overlook the possibility of constructing true, non-trivial, exceptionless moral generalizations by appealing to the universal forms of rightness and wrongness.

[7] It is worth noting that by arguing in favor of non-deductive moral explanations, particularists also appear to be endorsing the stronger claim that moral properties do not have an essence. Importantly, the accidental nature of moral properties does not entail that they are without an essence. The color white, for example, is an accidental property. Yet, it reasonable to think that there is something essential to whiteness that sets it apart from other colors. As I have argued, not only have particularists failed to show that moral properties are accidental, but they have also failed to show that there is nothing essential to right or wrong actions.

The purpose of this section, then, is to provide an initial overview of Aquinas's solution to the problem of context-dependence, which in turn leads to the rejection of moral particularism. Importantly, as is commonplace in Aquinas's writings, his replies to the above objections depend upon previously argued for aspects of his philosophical system. Consequently, additional work will need to be done in order to make explicit what is implicit in his account. Thus, I will also set the agenda for the remainder of the chapter by identifying the aspects of Aquinas's response that require further attention.

3.1 Reply to Objection 13: Material Variability amidst Formal Consistency

In his reply to Objection 13, Aquinas counters the claim that no action is intrinsically right because, "it is just to do things in one place and time and unjust to do them in another,"[8] by asserting that we can view human acts in two ways: materially and formally. From the material point of view, right actions appear radically different, and even contradictory, thus giving rise to the illusion that their rightness is accidental. From the formal point of view, however, right acts are "always and everywhere the same,"[9] which suggests that their rightness belongs to them intrinsically.

To illustrate his point, Aquinas uses the example of just purchases. Formally, "justice always requires that there be an equal exchange in buying and

[8] *DM,* 2.4.objection 13.

[9] *DM,* 2.4.ad 13.

selling," while, materially, "justice requires that so much be given for a measure of grain in a certain place or at a certain time, and that more or less be given in another place or at another time."[10] For example, in a good year, the material amount of six dollars for a bushel of wheat might satisfy the formal conditions of justice, but in a drought year, a just price might be higher, at eight dollars per bushel.

Although Aquinas overtly appeals to the formal/material distinction in his response, the manner in which he is employing it is much less clear. To shed further light on his reply, it will be helpful to begin with the fact that Aquinas is employing his view that the moral species of a human act is determined by its form. Per the example above, a just purchase is one that satisfies the formal description of "meeting the quality of the thing's worth."[11] Any material act that takes this form qualifies as a just purchase.[12] It makes no difference whether the purchasing price was six dollars or eight, so long as the monetary amount fairly reflects the value of the grain.

Furthermore, when it comes to individual just purchases, we should expect them to vary materially due to the "different conditions of human beings and things at different times and in different places."[13] For instance, given that

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[10] *DM,* 2.4.ad 13.

[11] *ST,* II-II, 77.1.

[12] I will discuss how an act's form is determined beginning in Section 4.

[13] *DM,* 2.4.ad 13.

the worth of a bushel of wheat is dependent upon the current supply, which is in turn dependent upon factors such as the weather, its material value will vary from year to year. Yet, this does not mean that the formal standard that fixes a fair material price varies as well. We must always take into account considerations such as growing costs, the current supply, and whether the charged price will adversely affect the community by artificially driving up the costs of other goods.

In the previous chapter, I argued that appealing to the formal/material distinction is the key to solving the problem of context-dependence because of the open-textured relationship between a moral act's formal and material elements. Clearly, Aquinas is employing a similar notion in his reply to the view that human acts are only accidentally right or wrong. Put simply, the problem with Objection 13 is that it stems from a failure to recognize that the morality of an action is determined by more than its material parts, when, in fact, what makes an action right or wrong is its overall, holistic narrative or form that results from its material elements. As a result, proponents of the objection also fail to see that a multitude of material arrangements can create the same right or wrong-making form, which, in turn, causes them to conclude mistakenly that the variability of moral features entails that there is an accidental relationship between human acts and their moral qualities.

3.2 Reply to Objection 2: Generic Acts Appear Morally Indifferent Because Their Formal Narratives Are Incomplete

The formal/material distinction also informs Aquinas's reply to Objection 2. Recall that according to the second objection, not even the act of 'loving God' is intrinsically right because it is possible to love God wrongly (e.g. for the sake of temporal benefits). As a result, it seems that 'loving God' is morally indifferent because it can take two forms: one good and one evil.

Aquinas replies that although 'loving God' is intrinsically good, it can become a component of a larger, evil act. When ordained to the further end of 'obtaining temporal benefits,' one's 'love for God' becomes a material element that contributes to a new, more global form—in this case, the form of cupidity. He then adds that the same can be said for the act of 'giving alms to the poor,' which, in itself, is morally good. However, when done for the sake of public praise and recognition, one's almsgiving takes the form of vainglory, and with it, the form of wrongness.[14] When taken by themselves, both 'loving God' and 'giving alms to the poor' satisfy the narrative description of moral goodness, but when they serve as the material components of a larger narrative, they take on the moral quality of that narrative's overall form.

Thus, according to Aquinas, Objection 2 mistakenly treats 'loving God' as a complete act, when, in reality, 'loving God' is an incomplete description of an

[14] Both examples are from *DM,* 2.4.ad 2.

act. It is incomplete because it does not tell us whether the agent loves God for God's own sake or for a morally deficient reason.[15]

Aquinas illustrates this point further considering the fact that, by itself, the term 'animal' denotes neither a rational nor an irrational being. For, an animal is nothing more that 'a living organism with independent movement.' Hence, when we use 'animal' without additional features being understood, it is necessarily neutral with respect to species. At the same time, however, in order for an animal to exist as a concrete individual, it must also possess (or lack) additional characteristics that necessarily contract it to a species. It will either give birth to live young or not, have or lack feathers, be rational or non-rational. Hence, in itself, 'animal' is nothing more than a generic, neutral term.

According to Aquinas, the same can be said for human acts. When considered by themselves, generically and in the abstract, human acts appear to be morally indifferent. To use one of Aquinas's own examples, consider the generic act, 'picking up straw from the ground.'[16] Taken as such, there is nothing in this narrative description that inclines it towards a moral species. There is nothing inherently good or bad about picking up pieces of straw from the ground. Yet, there are certain contexts in which picking up straw is right thing to do, and other contexts in which it is morally objectionable. It is right to pick up

[15] To use the language of resultance from Chapter 3, the resultance base has yet to be closed off, which is why it remains possible to change the moral quality of 'loving God' by adding additional base-features.

[16] *DM,* 2.6 and 2.7.

straw if I am helping my neighbor to clean his stables. It is wrong if I am picking up straw in order to steal it.

Aquinas does allow that, when viewed abstractly, we can call some acts intrinsically good or intrinsically evil. As shown above, 'loving God' and 'giving alms to the poor,' are two generically right acts, and the earlier example of 'killing a man' is a generically wrong act. These act types are only generically right or wrong (as opposed to universally) because each can become a material feature within a larger, right, or wrong-making form. As a result, nothing guarantees that their moral statuses will remain as they are once their formal narratives are complete.[17]

Thus, the problem with Objection 2 is twofold. First, it mistakes abstract, general act descriptions for actual, formally complete human actions. Second, it neglects the fact that additional material features can alter the overall formal narrative of an act, thus inclining a general kind of action (such as giving alms, or picking up straw) towards different moral species.

3.3. Reply to Objection 5: Viewed Formally, Circumstances Are Not Accidents

The distinction between an act's form and its material components also plays a crucial role in Aquinas's response to Objection 5. Once again, this objection concludes that human acts are neither intrinsically right nor wrong

[17] *ST,* I-II, 18.4.ad 3.

because the morality of an action is determined by the presence or absence of accidentally related circumstances.

Roughly, Aquinas's responds by arguing that the circumstances that determine the morality of an act only appear to be accidental from the material point of view. From the formal standpoint, however, morally individuating circumstances belong intrinsically to the act in question.

To illustrate, consider the relationship between 'animal' and 'rational.' From the material point of view, 'animal' and 'rational' are nothing more than distinct, atomistic entities. Thus, if an organism happens to have both the property of 'being an animal' and 'being rational,' its rationality appears to be accidentally related to its animal nature. For, having the property of rationality does not affect its status as 'a living organism with independent movement.'

While the material point of view is atomistic, the formal point of view provides a holistic perspective. That is, it draws attention to the interplay between 'being an animal' and 'being rational'—focusing upon what might result from those interactions. As a result, it allows us to recognize that while having the additional property of 'being rational' does not affect an organism's status as an *animal*, it does determine what *kind* of animal that organism happens to be. Thus, from the formal point of view, 'being rational' is no longer a material element, but a formal one—meaning that it contributes to and is essential for the occurrence of the complete form 'human being.'

The same can be said for moral actions. From the material point of view 'killing a person' and the circumstance of 'innocence' are distinct atomistic entities. As such, they appear to be accidentally related to one another. The innocence of the person who was killed does not change the status of the killing *qua* killing. From the formal point of view, however, the added circumstance of 'innocence' inclines the killing into a new kind of species—the moral species of wrongness. Thus, while 'innocence' might be accidentally related to 'killing a person,' it plays an essential role in overall moral form of 'wrongful killing.'

Just as with Objections 13 and 2, the problem with Objection 5 is that it fails to recognize that we can view human acts from both material and formal vantage points. As a result, proponents of this opposing consideration are unable to see that material circumstances can play a formal, and thus essential, role in determining the moral status of an act.

3.4. Two Remaining Questions

Aquinas's responses to the above three objections provide an initial sketch of how to go about solving the problem of context-dependence. Like the strategy suggested in Chapter Four, Aquinas addresses the variability of rightness and wrongness by appealing to the distinction between an act's formal and material elements. On his view, the problem of context-dependence only presents a puzzle when one focuses solely on an act's material elements. This is so because from the material point of view, right and wrong making features can vary in

conflicting ways, thus giving the illusion that rightness and wrongness are merely accidentally related to human acts. From the formal point of view, however, this troubling variability disappears. Despite differing in material makeup, all right and wrong actions share the same moral form.

Nevertheless, there are portions of Aquinas's replies that warrant further attention, as they rely upon aspects of his moral philosophy that he develops elsewhere. As a result, Aquinas's response to the particularist claim that human acts attain their moral status accidentally leaves at least two crucial questions unanswered.

Aquinas's response to Objection 2, which claims that generic acts such as 'giving alms' only appear to be morally indifferent because their formal narratives are incomplete, takes for granted the notion that there is a single form shared by all morally right acts. His reply to Objection 13 also presupposes that there is some universal form of rightness that all right actions share, whether they are just, honest, courageous, generous, humble, or chaste. It also presupposes that all wrong actions share some universal form, whether they are avaricious, prideful, lustful, gluttonous, unjust, or murderous. While this assumption is not unexpected, we are nevertheless in need of a more detailed account that answers the question: What is the overall moral narrative of these universal right and wrong-making forms?

Additionally, Aquinas's reply to Objection 5 does not address how we are to identify an act's moral form or species. For, in order to determine whether a

particular circumstance influences the morality of an act in a non-accidental way, we will first need to know what constitutes an essential moral difference. Aquinas's reply, however, does not tell us what completes an act's moral form. As a result, we are left wondering how to identify the moral status of particular human acts.

These are the same two questions which Kovesi's work on the formal and material elements of moral concepts left unanswered. First, we are left wondering about the universal moral narratives that determine the rightness or wrongness of particular actions. Second, we are left without an explanation of how to identify the moral form of particular human acts. Fortunately, unlike Kovesi, attending to Aquinas's own use of the distinction between form and matter, especially with respect to human acts, will allow us to answer these two questions. Answering these questions will, in turn, help solidify my claim that ethical theory is indeed viable—despite the challenges presented by the context-dependence of morality. In addition, it will also help to demonstrate ethical theory's potential to inform moral practice, insofar as it directs us towards a proper understanding of how to determine the moral quality of the particular, concrete actions that we encounter in our everyday life.

4. Aquinas on the Universal Forms of 'Right' and 'Wrong'

In this section, I address the first remaining question by explaining Aquinas's account of universal moral forms. Throughout, it will be crucial to

remember that my aim is not to identify what moral explanations *consist* of, but rather to provide an account of how moral explanations must be structured.[18]

Recall that the purpose of this dissertation is to show that by appealing to formal explanations of rightness and wrongness, ethical theorists can explain the moral quality of human acts, on the one hand, while accommodating the variability of moral features and considerations, on the other. To demonstrate this point, I need not commit myself to a particular ethical theory. I must, however, appeal to *some* formal account of rightness and wrongness in order to solidify my claim that the formal/material distinction provides us with a way of resolving the problem of context-dependence.[19] As we have seen, Aquinas

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[18] As I argue in Chapter 1, questions concerning the structure of moral explanations are the questions moral philosophers ought to attempt to answer first. Put simply, understanding the structure of moral explanations allows us to see how to situate properly moral concepts, moral rules, and the formal and material components that comprise them. Interestingly, Scott MacDonald notes that this is the order in which Aquinas conducts his own inquiry. Mark D. Jordan makes a similar observation, arguing that Aquinas divides the *secundae pars* of the *Summa* by speaking more universally of human acts and their starting points in the *prima secundae* before turning to the particularities of human acts in the *secundae secundae*. See Scott MacDonald, "Ultimate Ends in Practical Reasoning: Aquinas's Aristotelian Moral Psychology and Anscombe's Fallacy," *Philosophical Review* 100, no. 1 (1991): 31–66., and Mark D. Jordan, "Ideals of the Scientia Moralis and the Invention of the Summa Theologiae," in *Aquinas's Moral Theory: Essays in Honor of Norman Kretzmann*, ed. Scott MacDonald and Eleonore Stump (Cornell University Press, 1999), 79–97.

[19] One might not agree with Aquinas's conclusions about human nature and how our nature influences the rightness or wrongness of particular actions. But, again, such disagreement is between different accounts of right and wrong. The purpose of this project, however, is to show that it is indeed possible to provide an intelligible account of moral evaluation. And, as I will argue, Aquinas's account of the structure of morality shows that it is possible to provide moral explanations, despite the context-dependence of moral features and considerations. We are able to appeal to fixed standards of conduct, as articulated by universal right and forms or narratives, while at the same time taking the circumstances of a situation into account. That being said, how one is to make sense of the moral significance of such circumstances depends upon one's understanding of what our ultimate end is and, if it is grounded in human nature, what that consists of. But by taking up a discussions of *that* kind, one has begun to do actual ethical *theory*, where, again, my aim is to show that such theorizing is actually possible. As I hope will be clear, one does not need to engage the actual content of Aquinas's account of rightness on

employs this distinction in his response to particularist arguments, making him a natural partner for an examination of right-making forms.

On Aquinas's view, our human nature is what determines the universal forms of rightness and wrongness. To understand this position, it will be helpful to start by pointing out that something's nature sets the standards of application for normative concepts such as 'good' and 'bad.' For example, a handsaw is roughly, 'a handheld tool that is capable of cutting wood.' A handsaw that is only barely able to cut through wood is still a handsaw—but it is a bad one. A good handsaw, on the other hand, is one that can cut through wood with ease. Similarly, a good toaster is one that browns bread, while a bad toaster is one that either does not brown bread at all or consistently burns it. What these examples are meant to show, then, is that the nature of a thing sets the ideal standard against which objects of its kind are evaluated.

The notion that the nature of a thing sets the standards of application for normative concepts is supported by the fact that normative concepts are attributive adjectives. This point is established by Peter Geach in his influential paper, "Good and Evil," where he contrasts normative adjectives such as 'good' and 'bad' with predicative adjectives such as 'red.'[20] 'Red' is a predicative adjective, meaning the conjunction of '*X* is a red car' and '*X* is a Volkswagen

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a very substantive level in order to see that the manner in which it is structured indeed does make ethical theory a viable enterprise.

[20] Peter Geach, "Good and Evil," *Analysis* 17 (December 1, 1956): 33–42.

Beetle"' entails, '*X* is a red Volkswagen Beetle.' 'Good,' on the other hand, is an attribute adjective since the conjunction of '*X* is a good basketball player' and '*X* is a chess player' does *not* entail '*X* is a good chess player.' For, it is possible for *X* to be both a good basketball player and a lousy chess player. This difference demonstrates that while the red that is present in a red Volkswagen Beetle is the same red that is present in other red objects, the goodness of being a good basketball player is not the same goodness that is present in other good things, such a good chess players or morally praiseworthy acts.

Drawing upon Geach's observation, Judith Jarvis Thomson argues that given the attributive nature of 'good,' it follows that "being a good K is being a model, exemplar paradigm, or good specimen of a K." In other words, "Being a good K is being good *qua* K."[21] This definition of 'good' not only accommodates its attributive status, but it also ensures that we are not equivocating when speaking of 'good chess players' and 'good toasters.' For, although the goodness of a good chess player is fundamentally different from the goodness of a good toaster, both statements point to the same phenomenon: there is an entity belonging to some kind K that also happens to be a model specimen of K.

So far we have only seen instances of what Thomson calls "artifact kinds" (e.g. toasters and handsaws) and "function kinds" (e.g. basketball player and service dogs). But there are also "natural kinds" (e.g. tiger and human being). According to Thomson, these three "goodness-fixing kinds" share an essential

[21] Judith Jarvis Thomson, *Normativity* (Open Court, 2008), 19.

common feature: "each of them is such that what being a K *is* itself sets the standards that a K has to meet if it is to be good *qua* K."[22] In other words, in the same way that specific artifact and function kinds set the normative standards for evaluating particular specimens of K, natural kinds such as 'tree,' 'wolf,' and 'human being,' determine the appropriate conditions for applying normative concepts to existing trees, wolves, and human persons.

Foot develops this point more thoroughly in her *Natural Goodness*.[23] On her view, the moral evaluation of human beings shares a conceptual structure with both our evaluation of artifacts and the "operations of living things." Thus, in the same way that evaluating a specific artifact (such as a toaster) requires understanding its nature and purpose, evaluating a particular natural specimen (such as a wolf of human person) requires understanding is what it is and the natural ends intrinsic to its nature.[24] Just as a good toaster is one that fulfills the end of toasting bread, a good natural specimen is one that lives a life that is befitting for its kind. In the same way that a good owl is one that flourishes by using its night vision to detect its prey, a good human being is one that flourishes in accordance with her rational will.[25]

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[22] Ibid., 21.

[23] Philippa Foot, *Natural Goodness* (Oxford University Press, 2003).

[24] Thomson's and Foot's use of "natural kinds" stems from Aristotle, (cf. *EN* 1097b25 and 1101b15).

[25] See Foot, *Natural Goodness*, especially Chapter 3 for the move from animal norms to human norms.

Aquinas demonstrates his commitment to what we call today "Aristotelian naturalism" or "natural normativity" when he writes that something's nature also sets standards for evaluating its acts:

> For we need to divide evil as we divide good, since evil is the contrary of good. And good signifies perfection. And there are two kinds of perfection, namely, one that consists of forms or dispositions, and one that consists of activities. And we can trace everything that we employ in activities to the first kind of perfection, the employment of which is activity.[26]

The reason that the perfection of a thing's activities ultimately reduces to the perfection of its nature (or, as Aquinas puts it, its overall defining form) has to do with the fact that the something's nature is intimately tied to its intended end.[27] As discussed above, the purpose of a handsaw is to cut wood by hand. Hence, it is not surprising that a handsaw is, roughly, 'a handheld tool that is capable of cutting wood.' Given this articulation of a handsaw's nature (goodness-fixing kind), it is easy to see that cutting through wood with ease is a good 'act' for a handsaw; slowly and tediously cutting through wood is not.

Thus, in keeping with the inseparable connection between evaluative concepts and a thing's nature or kind, Aquinas holds that human acts get their moral status from the degree to which they are in accord with our nature as created, communal, rational beings.[28] To borrow a phrase from Alasdair

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[26] *DM,* 2.4.

[27] For a helpful essay on the relation between Aquinas' metaphysics and his moral theory see Eleonore Stump and Norman Kretzmann, "Being and Goodness," in *Divine and Human Action*, ed. Thomas V. Morris (Cornell University Press, 1988), 281–312.

[28] *ST,* I-II, 1.7; *DM,* 7.1.

MacIntyre, this means that human persons should only act in ways that seek to fulfill our nature as "dependent rational animals."[29]

Human actions are right only insofar as their holistic shape takes the form of 'living in accord with reason and with love of God and neighbor.'[30] Conversely, Aquinas holds that human actions are deficient insofar as they fail to satisfy the formal description of human goodness. In the same way that a bad 'act' for a toaster is one hinders its intended purpose, a bad or 'wrong' human act is one that deviates from our intended end. Thus, all wrong acts share the same formal narrative of 'failing to be in accord with reason and with the love of God and neighbor.'

The formal unity of right and wrong pervades Aquinas's moral philosophy. For example, in *De malo,* Q. 2, A.6, he writes that because the virtues are distinguished by the different subject matters in which reason determines the best way to live, they are best understood as various individual species within the same genus. This means that while each individual act of virtue will have a

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[29] Alasdair MacIntyre, *Dependent Rational Animals* (Open Court, 2001).

[30] The account of natural normativity that grounds Aquinas's understanding of the universal forms of right and wrong is not uncontroversial. Some have argued that there is a sense in which 'good' is indeed predicative, thus undermining the grammatical support for Aristotelian Naturalism Charles R. Pigden, "Geach on `Good'," *Philosophical Quarterly* 40, no. 159 (1990): 129–154; Charles R. Pigden, "Identifying Goodness," *Australasian Journal of Philosophy* 90, no. 1 (2012): 93–109. Another worry is that evolutionary biology precludes the existence of universal species with determinate functions, a claim which challenges the notion that there are fixed 'natural kinds' that dictate the appropriate usage of moral concepts. For responses see Micah Lott, "Have Elephant Seals Refuted Aristotle? Nature, Function, and Moral Goodness," *Journal of Moral Philosophy* 9, no. 3 (2012): 353–375; Micah Lott, "Moral Virtue as Knowledge of Human Form," *Social Theory and Practice* 38, no. 3 (2012): 407–431; Carolyn Price, "Functional Explanations and Natural Norms," *Ratio* 8, no. 2 (1995): 143–160.

unique set of material elements that take the shape of that particular virtue's distinguishing formal element, every individual act of virtue will also share a more general formal element that pertains to our intended natural end. Aquinas employs this same method when differentiating the vices. While all vicious acts deviate from the good of loving God and neighbor, Aquinas distinguishes them from one another on the basis of the manner in which they depart from our natural end. Acts of lust, for example, are acts that conflict with the love of one's neighbor and/or the common good due to the agent's disordered pursuit of sexual pleasure.[31] The envious person, on the other hand, contradicts the love for one's neighbor insofar he exhibits sadness over another's good.[32]

What makes the formal unity of right and wrong acts possible is the fact that the material elements of one concept can serve as the formal element of another. For example, the elements of 'intentionally killing an innocent person for personal profit or gain' can function as the material elements of viciousness on the one hand and the formal element of murder on the other.

Given that the form of one kind of action can serve as the material elements in another, each individual right action (1) has a unique set of material elements that take the shape of that particular virtue's defining form and (2) shares a more general formal element with the resultant property of rightness. To use an analogy, the relationship between the holistic shape of rightness and

[31] *DM,* 15.1.

[32] *DM,* 10.1.

specific acts of virtue is much like the relationship between the genus 'triangle' and its various species. For example, in the same way that three line segments can be arranged so as to create simultaneously both an isosceles triangle and a triangle (in general), the unique material elements of a particular action can simultaneously take the holistic shape of both some particular virtue and the overall form of rightness. Consequently, in the same way that identifying a particular arrangement of line segments as an 'isosceles triangle' requires an operative understanding of the concept 'triangle,' determining whether a particular act is an act of virtue requires an operative understanding of what it means to live in accord with love of God and neighbor.[33]

To use an earlier example of a particular right action that shares in the overall form of goodness, suppose it is just to pay six dollars for a bushel of wheat because the price of six dollars matches the quality of the thing's worth. The reason this just act is *right* is that 'matching the quality of a thing's worth' is a way of demonstrating love for one's neighbor, who presumably grew and harvested the wheat at a cost. To be more precise, 'paying six dollars for a bushel of wheat' serves as the material components of a 'just purchase'—formally described as 'meeting the quality of a thing's worth.' 'Meeting the quality of a thing's worth,' on the other hand, serves as a material instantiation of the formal narrative of 'justice' (more broadly construed), which Aquinas defines

[33] The fact that entity with a its own defining form can serve as a material element in a larger formal narrative plays a central role in Aquinas's understanding of the relationship between divine precepts (*ST,* I-II, 99.1) and the unity of vicious acts (*DM,* 13.1-2).

as 'to render each one his own.'[34] In turn, 'to render each one his own,' is a material way of fulfilling the formal narrative of rightness, or 'living in accord with love of God and neighbor.'[35]

Ultimately, attending to Aquinas's account of right and wrong action allows us to see how all right or wrong acts can be unified under their respective forms. Furthermore, by claiming that that all right acts are right in virtue of sharing the universal form of 'being in accord with our nature as dependent rational animals,' Aquinas is able to accommodate the reality of material variability. There are innumerable particular acts that can fulfill this formal narrative, as the moral notion of 'being in accord with our nature as dependent rational animals' has its own formal and material elements. Due to the fact that there is an open-textured relationship between something's form and its material elements, there is more than one acceptable pattern of human action that can satisfy the holistic shape of rightness. So, given the open-textured nature of what it means to live rationally in accord with love for God and one's neighbor, there remains room for contingent circumstances to influence the moral import of particular features and considerations.

Thus, Aquinas's use of the distinction between form and matter allows him to provide an account of the intelligibility of rightness and wrongness.

[34] *ST,* II-II, 58.11.

[35] Crucially, and as discussed previously, given that 'the quality of a thing's worth' can vary according to contingent circumstances, such as the cost of production and the current available supply, it is possible for the price of 'six dollars' to be deemed unjust. At times, one must pay a higher price in order to give the producer of the wheat his due.

Unlike the contemporary particularists we have studied, Aquinas recognizes that the moral quality of an action is not determined solely by its material features. Rather the rightness or wrongness of an action is determined by its moral form, which results from but is not reducible to its material components. By acknowledging this fact, Aquinas is able to account for the variability of moral considerations and features in a way that does not conflict with the claim that there is something unique and essential that all right acts share.

Given the above, I maintain that Aquinas's work further demonstrates that the problem of context-dependence is in fact not a problem for ethical theorists. Rather, it is merely a material puzzle that requires a formal solution. In order to see that there is not an accidental or particularist relationship between human acts and their moral qualities, one must look beyond the material features at hand and adopt a holistic, formal point of view. By adopting such a vantage point, one is able to see that there is indeed a meaningful unity among right acts.

5. The Formal Specification of Individual Acts

At this point, I take myself to have accomplished the primary aim of this dissertation. I have shown that by employing the Aristotelian distinction between form and matter it is possible to overcome the problem of context-dependence and provide intelligible moral explanations. Nevertheless, my secondary aim remains unfulfilled. As I stated in Chapter One, I would also like to show that moral explanations, properly understood, are capable of

contributing to moral practice. Presently, however, we are still without an account of how to identify the overall forms of rightness and wrongness in concrete, particular acts.

The desire for such an account stems from (what John McDowell describes as) a feeling of "vertigo"[36] that ensues when we realize that there are no hard and fast, mechanistic rules to guide us in the application of our moral judgments. Given that the relationship between the formal and material elements of our moral concepts is open-textured, we one might reasonably wonder if that the formal element is insufficient to "keep us, as it were, on the rails."[37] This discomfort is worsened once we take note of just how rarefied and general the forms of rightness and wrongness are. Put simply, there is concern that because ethical theory must operate at such a high level of abstraction in order to accommodate all possible instances of material variability, it has little to no connection with moral practice.

Elizabeth Anscombe appears to have this sort of worry in mind when she urges us to focus on what are now called 'thick' ethical concepts. Given that moral notions such as 'untruthful,' 'unchaste,' and 'unjust' are less open-textured than the concept 'morally wrong,' it is not surprising that she writes, "We should no longer ask whether doing something was 'wrong,' passing directly from some

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[36] John McDowell, "Virtue and Reason," *Monist: An International Quarterly Journal of General Philosophical Inquiry* 62 (July 1, 1979), 339.

[37] Ibid.

description of an action to this notion; we should ask whether, e.g., it was unjust; and the answer would sometimes be clear at once."[38]

Anscombe's commendation of thick concepts suggests that one way of overcoming moral vertigo is to make use of the hierarchical ordering of our moral concepts. As argued above, our moral concepts can be 'nested' — meaning that a material instantiation of highly rarefied moral concept can serve as the defining form of another concept that is, so to speak, 'closer to the ground.' This hierarchical ordering is important because it means that there is an intelligible chain that first connects the thin concepts of 'right' and 'wrong' with our thick, more practically informative concepts, and then continues all the way down to particular instances of right and wrong.

To borrow an insight from Iris Murdoch, by focusing solely on the material features that make actions right or wrong, philosophers have long neglected the "great *variety* of concepts that make up morality."[39] But if we take up a serious study of our moral vocabulary, as she suggests, not only will we find that our moral concepts tend to have a unifying effect,[40] but we will also discover that there are more than enough moral notions to keep us securely on

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[38] "Modern Moral Philosophy," *Philosophy* 33, no. 124 (January 1, 1958), 9.

[39] Iris Murdoch, "Metaphysics and Ethics," in *Existentialists and Mystics*, ed. Peter Conradi (Penguin Books, 1999), 73, emphasis original.

[40] Iris Murdoch, "On 'God' and 'Good,'" in *Existentialists and Mystics*, ed. Peter Conradi (Penguin Books, 1999), 337–362.

the rails as we endeavor to apply the thin concepts 'right' and 'wrong' to concrete acts.

Even so, one might wonder about instances in which it is difficult to tell whether some particular thick concept applies. For instance, one might wonder if it is charitable to correct a wayward friend or if doing so would be a form of meddling. In such cases, it would be helpful to have a better idea of how an act's material elements must be arranged in light of the circumstances at hand in order to produce a right-making form. To put it another way, if we think of right-making forms as moral narratives, we need an account of the roles that an act's material features and considerations must play in order to produce a right-making story.

In what follows, I provide a brief overview of Aquinas's understanding of the formal specification of particular acts in order to show that properly structured moral explanations are not only capable of informing moral practice, but essential for identifying the rightness of particular human acts.

5.1 Ends as the Source of Form and Species

Like Aristotle before him, Aquinas maintains that every human action is done for the sake of some end. What sets human beings apart from other animals is our rational nature, which enables us to deliberate about and then choose the course of action that we decide is best. As Aquinas phrases it, human actions *properly so-called* must proceed from "a deliberate will," which, put

colloquially, means that acting rationally (and thus acting as a human being) requires having a reason for acting as one does. This reason is the intended end of one's action.[41]

As human acts would not exist without the ends for which they aim, Aquinas maintains that an act's intended end is what gives that act its form.[42] To see how an act's end determines its form or species, consider the various reasons why one might insert a knife into the flesh of another person. One might do so in order to end that person's life. In such an instance, the act of 'inserting a knife into the flesh of another' belongs to the species of 'attempted killing.' However, one's aim might instead be to remove the other person's appendix. In this second instance, 'inserting a knife into the flesh of another' belongs primarily to the species of 'surgery,' and secondarily to the sub-species 'appendectomy.' Thus, the ends 'to cause the death of another' and 'to remove an appendix,' determine the formal and consequently defining characteristic of the act, of which 'inserting a knife into the flesh of another' is a material component. Put more simply, viewing an act in light of its end, or purpose, provides it with a kind of narrative structure, which, in turn, allows us to identify the species to which it belongs.

Importantly, the above two examples only illustrate how the end of an action determines its *natural* species, or what we might also refer to as its *non-*

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[41] *ST,* I-II, 1.1.

[42] *ST,* I-II, 18.6.

moral or *descriptive* kind. 'Attempted killing' and 'appendectomy' are examples of merely natural species because they do not contain an inherently moral dimension. Acts of killing may be either right or wrong: it is wrong to kill out of cold-blood, but it may be right to kill for the purpose of self-defense. Similarly, it can be either right or wrong to perform an appendectomy. It is right to remove someone's appendix for the sake of promoting the patient's health, but wrong if the sole purpose is to bill her insurance for an unnecessary procedure. Hence, because one can pursue these two naturally-specifying ends for either good or bad reasons, there is nothing inherently moral about their respective forms or species.

As the above paragraph suggests, and as we saw in Aquinas's reply to Objection 2, determining the *moral* species of an act requires appealing to some further end, or reason, for performing the act in question. To put it another way, determining whether an act is right or wrong requires completing its holistic narrative. Aquinas demarcates the various aspects of such a narrative by delineating three kinds of ends: *proximate*, *remote* and *final.* While each of these three elements play a role in placing the act in question within a moral species, Aquinas holds that the morality of an act is primarily determined by its final end.[43]

[43] *ST,* I-II, 7.4.ad 2.

5.1.1 Final Ends as the Primary Source of Moral Forms. To understand fully Aquinas's view that an act's final end is the primary source of its moral form, it will be important first to explain the difference between proximate, remote, and final ends.

To illustrate the difference between proximate and remote ends, suppose again that a surgeon picks up the knife with the intended purpose of using it to cut into the flesh of another person. In this case, 'to insert the knife into the flesh of another' serves as the proximate end for which the surgeon picks up the knife. It is merely a proximate end because, presumably, the surgeon also has a further reason for picking up the knife—one that goes beyond the initial end of cutting into the patient. Suppose, for instance, that the surgeon aims to remove her patient's appendix. This additional reason serves as the *remote* end for picking up the knife. That is, the surgeon picks up the knife in order to cut into the flesh of her patient (proximate end), so that she may remove the patient's appendix (remote end). A remote end, then, serves as the reason for pursuing some proximate end, which, in itself, serves as an intermediate reason for performing a certain act (e.g. picking up a knife).[44]

[44] Here I am describing discrete aspects of the act in question from the atomistic, material point of view. From the holistic, formal point of view, however, the action under consideration consists of more than 'picking up a knife.' As mentioned above, from its proximate end it should first be described as an act of surgery and second, from its proximate it is best described as an act of surgery first (from its proximate end) and second as particular kind of surgery—i.e. an appendectomy (from its remote end).

An act's final end is the overarching reason for which it is performed. For example, a surgeon presumably has a reason for removing her patient's appendix. In this instance, let us suppose that she wants to do so in order to promote her patient's health. The end 'promoting health' is the ultimate or governing reason for the action in question because if the surgeon did not intend to promote health, she would not seek to remove her patient's appendix, which in turn means that she would not even pick up the knife. Thus, the surgeon picks up the knife in order to cut into the flesh of her patient (proximate end), so that she may remove the appendix (remote end), so that she may promote the patient's health (final end).

Aquinas sometimes calls final ends "ultimate" ends because they are the primary reason for which an act is performed. Yet he also refers to an act's ultimate end as "final" because it is the last end that the act achieves. In his words, final or ultimate ends are "first in the order of intention," but "last in the order of execution."[45] Although the surgeon cuts open her patient because she first desires to promote health, this ultimate end cannot be fulfilled until she accomplishes the proximate and remote ends of making the incision and removing the diseased organ.

Because the final end is the ultimate reason for which an act is performed, it is an essential component of the action's overall form. Recall that one of the problems with Objection 2 is that it treats generic acts such as 'loving God,'

[45] *ST,* 1.1.ad 1.

'giving alms to the poor,' and 'picking up straw' as formally complete, when, in reality, these acts are without final ends. Completing their holistic, formal narratives requires including the reason why one loves God, gives alms to the poor, or is picking up straw.

Aquinas's response to Objection 2 and the above appendectomy examples show not only how identifying an action's final end completes its formal narrative, but also how final ends help to place actions within the moral species or right or wrong.[46] 'Loving God for the sake of temporal benefits' is a form of wrongdoing, while 'loving God for his own sake,' undoubtedly belongs to the species of rightness. 'Giving alms to the poor for the sake of honor and attention' is morally impoverished, while 'giving alms to the poor in order to promote their well-being' the right thing to do. 'Picking up straw to help my neighbor clean out his horse stalls' is a charitable act; 'picking up straw in order to steal it' is a species of wrongdoing. Finally, it is right to 'perform an appendectomy to promote the patient's health,' but wrong to 'perform an appendectomy for the sake of billing the patient's insurance unnecessarily.'

5.1.2 Non-Consequentialist Ends. By claiming that the morality of a human act is dependent upon its intended end, Aquinas is not endorsing a kind of consequentialism. Rather, as discussed above, he is endorsing a version of

[46] See also, *ST,* I-II, 1.3.ad 3

Aristotelian naturalism.[47] Isolating the differences between consequentialism and Aristotelian naturalism will help us to understand better the role that ends play in Aquinas's account of moral species.[48] Doing so will also facilitate the transition from our current discussion of the structure of right acts to a discussion of the narrative content of universal right and wrong-making forms.

Again, according to Aristotelian naturalism, an act is right only insofar as it is proper for a human agent to perform *qua* member of the human species. By contrast, consequentialists maintain that the rightness of an act depends solely upon its consequences—that is, the states of affairs that are *external* to, or

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[47] See Foot, et al.

[48] It is also important to distance Aquinas's account from the view in Catholic moral theology known as proportionalism. Proportionalism seems initially plausible, especially as a response to the problem of context-dependence, insofar as its advocates hold that "no judgment of moral rightness or wrongness of acts can be made without considering all circumstances of the action. Because the human act is a structural unity, no aspect of the act can be morally appraised apart from all the other components" [James J. Walter, "Proportionalism," *The HarperCollins Encyclopedia of Catholicism*, ed. Richard McBrien (San Francisco: Harper, 1995) 1058]. Like Aquinas, proportionalists also reject universal moral rules that reference isolated material features or generic act types, such as 'killing.' What distinguishes proportionalism from Aquinas's account of rightness, however, is the proportionalists claim that any act is permissible insofar as one has a proportionate reason for performing. What this means is that killing is permissible, so long as the goodness of the end that one is pursuing outweighs the badness of the killing. As we will see, the notion of weighing or comparing goods is foreign to Aquinas. Contra proportionalism, he also maintains that some courses of action are never permissible, no matter how good their ends might be.

For an general introduction to the history of Proportionalism see Bernard Hoose, *Proportionalism: The American Debate and Its European Roots* (Washington, DC: Georgetown University Press); J. A. Selling, "The Development of Proportionalist Thinking, " *Chicago Studies* 25 (1986) 165-175; and Todd A. Salzman, *Deontology and Teleology: An Investigation of the Normative Debate in Roman Catholic Moral Theology* (Leuven: University Press, 1995). As indicated by these articles, proportionalism arguably begins with Peter Knauer's essay, "The Hermeneutic Function of the Principle of Double Effect," *Readings in Moral Theology No. 1*, 1. For an overview of the relationship between proportionalism and double-effect reasoning see chapter 2 of Christopher Kaczor, *Proportionalism and the Natural Law Tradition* (Washington, DC: The Catholic University of America Press), pp. 23-44, and T. A. Cavanaugh, *Double-Effect Reasoning: Doing Good and Avoiding Evil* (Oxford).

products of, the act in question. Strictly speaking, acting in accordance with one's nature is not a consequence of some action; it is constitutive of the act itself. Thus, while both consequentialism and Aristotelian naturalism can be understood as end-oriented, or teleological, the kinds of ends that each stipulates as right-making are fundamentally different. The ends that are right-making for consequentialists are states of affairs, whereas the ends that are right-making for Aristotelian naturalists are those that are befitting of human agents, no matter what external goods might result. Thus, according to Aquinas it is morally deficient to give alms to the poor in order to obtain the end of public praise and recognition, because it is unbefitting for a human person to use such an end as their reason for acting.[49] A consequentialist, on the other hand, will claim that the act is right because of the goodness that results.[50]

Crucially, Aquinas's claim that that it is morally wrong to 'give alms to the poor for the sake of honor and attention' does not mitigate the goodness of 'giving alms to the poor.' In itself, helping those in need is always a good thing to do. However, given Aquinas's view that actions are right only insofar as they are in accord with our human nature, moral appraisals must take the entirety of

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[49] *DM,* 2.3.

[50] Foot further distances Aristotelian naturalism from consequentialism by observing that, within the framework of natural normativity, there is no room to evaluate the goodness of states of affairs *qua* states of affairs. She writes, "Where, after all, could 'good states of affairs' be appealed to in judging the natural goodness or defect in characteristics and operations of plants and animals? In evaluating the hunting skills of a tiger do I start from the proposition that it is a better state of affairs if the tiger survives than if it does not? What about pestilential creatures such as mosquitoes, to which the pattern of natural normativity also applies?" (*Natural Goodness,* 49).

the action into account—including the reason for which it was performed. In this case, because the almsgiver's final end is misplaced, one might say that he has done a good thing, but in a morally deficient or blameworthy way.[51] In other words, Aquinas is willing to grant that morally wrong acts can bring about good states of affairs.

Importantly, Aquinas does not deny that consequences play an important role in the quality of a human act. For instance, he maintains that the virtue of justice is "only about external actions and things."[52] Acting in accord with reason—that is, rectifying one's passions and pursuing ends that are indeed proper to our human nature—is essential for moral goodness. But being a good human agent also involves seeking to bring about good consequences. The moral goodness of clothing and sheltering those in need stems from the fact that human person are the sort of beings that are designed to care for one another. Thus, by acting in ways that are befitting of human persons—in this instance, showing compassion for others—human agents also aim to produce good consequences.[53]

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[51] Conversely, acts are never wrong for Aquinas solely because they produce bad consequences. Rather, an act that produces bad consequences is morally wrong only if those consequences can in some way be attributed to a moral defect on the part of the agent—e.g. the agent voluntarily pursued an improper end or when the bad consequences are caused by the agent's lack of care or attention when executing a properly chosen course of action. (See Aquinas's distinction between sin and moral wrong in *De malo,* 2.2.)

[52] *ST,* II-II 58.8. See also *ST,* II-II, 58.10.

[53] Foot writes, "it is no doubt a truism that [human beings] *should* act as *well* as they can. And there is also no doubt often a place for an enquiry, somewhere *within* morality, for a question about which action will have the best consequences on the whole, given, for example, that the end is to relieve suffering or to see what justice is done" (*Natural Goodness*, 49. Emphasis

So, while just acts often produce favorable consequences, their rightness is not reducible to the good states of affairs that they bring about. This point is easily missed, as Aquinas often approves of actions such as capital punishment on the grounds that they preserve the common good:

> Now every part is directed to the whole, as imperfect to perfect, wherefore every part is naturally for the sake of the whole. For this reason we observe that if the health of the whole body demands the excision of a member, through its being decayed or infectious to the other members, it will be both praiseworthy and advantageous to have it cut away. Now every individual person is compared to the whole community, as part to whole. Therefore if a man be dangerous and infectious to the community, on account of some sin, it is praiseworthy and advantageous that he be killed in order to safeguard the common good, since "a little leaven corrupteth the whole lump" (1 Cor. v. 6).[54]

The above passage gives the impression that Aquinas justifies capital punishment on consequentialist grounds. But he also appeals to the common good in order to condemn universally the killing of innocent persons, which is something that consequentialists cannot endorse. For Aquinas, the common good is not an aggregate of good states of affairs. Rather, as Steven Jensen argues, it consists of a community of human persons who are "united by attaining the good together as a unit."[55] He continues:

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original). Identifying the right thing to do, then, is not about weighing goods *qua* goods, but rather about situating the pursuit of human goods within a proper understanding of how human beings ought to act—which, as I see it, means acknowledging that noble ends can be pursued wrongly. This point, I take it, applies equally well to proportionalists as it does to consequentialists.

[54] *ST,* II-II 64.2.

[55] Joseph Pilsner, *The Specification of Human Actions in St Thomas Aquinas* (Oxford University Press, 2006), 157.

> The common good is not had by adding up individual goods; it is had through sharing the good, so that the good is no longer just mine and yours; it is ours....When we love others, we seek to share the good with them. We want them to have our good, rather than to produce our good.[56]

The wrongfulness of killing innocents, then, is that such an act is contrary to the love we ought to have for our neighbors. Killing innocent persons excludes them from sharing in the common good so that we may promote our own interests. Capital punishment, on the other hand, is right for Aquinas only insofar as the criminal has already set himself against the community (like gangrene to the body) and killing him is a necessary means of preserving the community's health.

One might argue that Aquinas forbids the killing of innocents based upon the consequences that result from such acts: namely, the fact that killing innocents cuts them off from the shared common good. It is important to remember, however, this kind of external state of affairs is wrong-making only when it is caused by human persons who are not acting in a way that is not befitting or proper to their nature as communal beings who depend upon one another to flourish. As Philippa Foot puts it, just as an architect "must distinguish a pillar that merely holds up an internal arch from one that is weight-bearing in relation to itself," moral philosophers must also be careful not to

[56] Ibid.

mistake internal role that consequences play in determining the morality of an act for the foundation of morality.[57]

Thus, Aquinas holds that human actions primarily obtain their moral status from the final end towards which they aim, for only acts that are ordained towards the fulfillment of our nature have the potential to be right. The reason why acts which have a proper final end are only *potentially* right is that it is possible to act for the right overall reason but to do so in the wrong way. For example, while it is befitting to aim for the health of one's patient, it would be wrong for a surgeon to attempt to bring about this end by removing the patient's healthy appendix. Thus, as the name suggests, in order to complete an act's *holistic* formal narrative, we must also attend to additional features such as the act's proximate end and remote ends.

Given that there are other factors that can place a given action into the moral species of right or wrong, one might wonder why we should think that final ends are the primary source of moral forms. Notice, however, that when proximate ends are right-making or wrong-making, it is due to their relationship to the act's final end. The reason it is wrong to remove a patient's healthy appendix, for instance, is that it is an improper or deficient way of promoting health. So, while an act's final end might not always be the determining moral factor *itself*, it remains the primary source of moral forms because it provides the foundational moral framework against which human acts are to be evaluated.

[57] Foot, *Natural Goodness*, 49, fn 11.

With this point in mind, let us now turn to the ways in which an act's proximate and remote ends can affect its overall moral form and thus its moral species.

5.2 The Role of Material Objects within an Act's Formal Narrative

While the previous section allowed us to see that final ends are the primary source of moral forms, it also revealed that in order to complete an action's holistic narrative, we must also take into account its remote and proximate ends. For, just as we must always *intend* to act in ways that are befitting of our human nature, we must also *act* in ways that are befitting for human agents. That is to say, in our efforts to fulfill our human nature, we ought to choose proximate and remote ends that are indeed befitting of our final end.

It will be crucial to keep in mind for the discussion that follows that 'proximate' and 'remote' are relational terms. Consequently, whether some particular end is proximate or remote varying according to the scope one adopts when considering the action in question. For example, suppose John hits Jack over the head with a club, with the intent of rendering him unconscious, so that he can take Jack's money, in order to buy a gift for his wife. The end 'to take Jack's money' is remote in relation to 'hitting Jack over the head with a club,' but proximate in relation to 'buying a gift.' Hence, with the exception of final ends (which by definition are always remotely related to all other ends) the segment of an act's holistic narrative that one focuses upon determines whether an end is proximate or remote.

The reason it is crucial to keep in mind that 'proximate' and 'remote' are relational terms has to do with the fact that Aquinas straightforwardly asserts that proximate ends are identical to what he calls an act's *object*.[58] Given this claim, one might think that when Aquinas discusses the role that objects play in determining the moral species of an act, he is referring only to proximate ends. Strictly speaking, this is true. Yet, we must be careful to remember that, depending on one's perspective, the term 'object' can apply to different elements within the same act.

Fleshing out the idea that it is possible for the same element to play the roles of both end and object will help us to make further sense of the claim that a particular act, with a form of its own, can become a material component within a larger formal narrative.

To illustrate, consider the act of 'hitting Jack over the head with a club in order to render him unconscious.' Here, 'hitting Jack over the head with a club' is the object and 'to render him unconscious' is the end. As we saw in the previous section, an act's end provides it with its initial shape, whereas the object provides the material components out of which the action formed.[59]

In our example, the reason why John wants to render Jack unconscious is to immobilize him. Thus, 'rending another unconscious' is a material

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[58] *DM,* 2.4.ad 9.

[59] 'Hitting Jack over the head with a club' is merely a material component of 'rendering another unconscious,' as John could have used a chloroform soaked rag or slipped Rohypnol into Jack's drink.

instantiation of the form 'immobilizing another.' Here again we have an instance where an act's end serves as the formal element and the object serves as the matter, but in this case the material object is an act with its own form. By continuing this pattern, we can reach the point where the most general object of the entire act in question is 'taking what belongs to another,' which is done for the final end of 'buying a gift.'

In itself, 'buying a gift' is a good thing to do, as it is one way of expressing our love for others, which in turn, is a material way of living in accordance with our nature as dependent rational animals. But this does not mean that the action in question is morally right, 'taking what belongs to another' is not a morally befitting way of obtaining the requisite funds to buy a gift. Hence, in this instance, it is the action's object that determines its moral quality—but only insofar as it is not a suitable way of pursuing a proper end.

Thus, at the most general level, identifying an act's overall form, or holistic narrative, requires attending to both *what* the agent has done and the reasons for *why* she chose to behave in that way. Articulating the 'why' requires appealing to the act's final end, while articulating the 'what' is a matter of identifying the act's object.

There are some cases, however, in which a cursory examination of the relationship between an act's end and object will not be enough to determine its moral species. Take for example, the generic act 'taking what belongs to another to give to the poor.' Aquinas allows that there are times when it is appropriate to

take another's belongings or property in order to rectify an injustice. 'Taking what belongs to another to give to the poor' has the potential to fit such a description. So how do we determine whether it is indeed just or right to 'take what belongs to another' for the sake of 'giving to the poor'? To answer this question, we must first remember that an act's object (e.g. 'taking what belongs to another') is comprised of its own material elements. For, in order to tell whether the act 'taking what belongs to another in order to give to the poor' is morally right or wrong, we will need to take into account considerations such as who performed the taking, what was taken, how much was taken, from whom it was taken, whether it was taken in secret or by force, and if taken by force, what kind. Considerations such as these must be taking into account because although it might be right for me to sneak some of Gatsby's oranges from his back porch to give to a malnourished orphan, it would certainly be wrong for me to take them by force, or for me to steal all of his belongings while he is away on vacation and give them to a struggling heroin addict who will likely pawn them to fuel his addiction.

These additional considerations that bear upon the object 'taking what belongs to another' are its *circumstances*. Examining the various ways that circumstances influence the morality of an act will allow us to do two things. First, it will allow us to draw an illuminating parallel between Aquinas and Dancy's understanding how circumstances can make a moral difference. Second,

it will bring our discussion of the formal specification of individual acts to a close.

5.3 Formal Specification through Material Circumstances

As we saw above, Aquinas allows that from the formal point of view, circumstances can be said to specify the morality of an act. In his words:

> "What we consider as a circumstance and extrinsic regarding an act considered in one way we can also consider as intrinsic and regarding the act considered in another way, and the circumstance then specifies the act."[60]

From the moral point of view, which regards an act's end, and thus its overall form, the circumstances that influence the act's relation to its end make an intrinsic moral difference. As a result, they help constitute its moral species.[61]

Circumstances shape the morality of an act when they affect the relationship between an act's object and its final end. For example, removing an inflamed appendix is a befitting way of promoting the health of one's patient. But removing a properly functioning appendix is not. Thus, the rightness of an appendectomy depends, in part, upon the material feature or circumstance of being inflamed.

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[60] *DM,* 2.6.

[61] As mentioned in section 3.2, from the material point of view, all additional considerations are circumstances—circumstances that cannot alter the species of the discrete action type under consideration. This is why Aquinas sometimes claims that remote or final ends cannot determine the species of an act. For, when he makes such a claim, he is speaking from the atomistic, material point of view, according to which remote and final ends are merely accidentally related circumstances.

Strictly speaking, when a circumstance alters the morality of an act, it is no longer a circumstance, they are what Aquinas refers to as "condition" or "difference" of an act.[62] The reason for this shift in terminology is that "a circumstance is described as something outside the substance of the act."[63] A circumstance that makes a moral difference, however, belongs to an act's moral substance or form.[64] But, at the same time, Aquinas is willing to call features that qualify as a "condition" or "difference" circumstances because, from the material point of view, they do appear to be externally related to the act in question.

Likewise, for Dancy, there are what he calls the surrounding features or circumstances at hand, and then there are those features that take on specific roles—thus becoming a member of the resultance base. In both cases, once a feature contributes to the specification of an act, there is a sense in which it is no longer merely a circumstance or a 'feature at hand,' but a feature that makes a morally significant difference.

In the same way that Dancy identifies the specific roles that members of resultance base play in creating a resultant property, Aquinas also delineates the various relations that a material circumstance has with a particular moral act. (1) Some circumstances place an act within a moral species, such as the additional

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[62] *ST,* I-II 7.1.

[63] *ST,* I-II, 7.3.

[64] This dual usage of "circumstances" explains why, at times, Aquinas appears to contradict himself by claiming both that circumstances can and cannot influence the morality of an act.

circumstance of 'killing' or 'imminently life-threatening' to the act of 'taking the life of another.'[65] (2) Some circumstances increase or decrease the rightness or wrongness of an act, such as the amount of money that was stolen. And, (3) some circumstances are morally irrelevant, such as the color of the murder weapon or the number of hairs on the adulterer's head. These three categories mirror three of the potential roles that Dancy identifies for the features of an action: (1) right-maker/wrong-maker, (2) intensifier/attenuator, (3) and those features that are not included in the resultance base.[66]

Unlike Dancy, Aquinas is able to provide a positive account for why, in most cases, circumstances can affect the moral status of an act. For, it is almost always possible for some material feature to prevent an act from reaching its proper end. This is why generic act types such as 'returning what belongs to another' and 'killing' appear to be morally indifferent. Specified as such, these objects are neither contrary nor properly ordained to the right-making end of living in accord with love of God and neighbor. For if one were to add the circumstances of 'deadly weapon' and 'sociopathic killer' to 'returning what belongs to another' my returning the weapon would be the wrong thing to do.[67]

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[65] Similarly, Aquinas claims that if one were to add the material feature of 'wife' to the act of 'using what belongs to another' the act becomes adultery as opposed to theft (*DM,* 2.6).

[66] As near as I can tell, Aquinas does not explicitly identify a role corresponding to Dancy's enabler/disabler. He does seem to allow for such a role, however. For instance, the material feature of being voluntary enables an act to be the subject of moral appraisal, whereas the material feature of non-culpable ignorance disables the wrongness of a usually blameworthy act (cf. *DM,* 2.2).

[67] *ST,* I-II, 94.4; II-II, 120.1.

Likewise, if the circumstance 'imminent threat to one's life' is added to 'killing,' then taking the life of another is morally justified.

But, like Dancy, Aquinas allows for the existence of some universally true moral rules. Once again, Aquinas provides an explanation for why this is the case, whereas Dancy does not. The reason there are some universally true moral rules is that it is possible to define an act based upon objects that are universally wrong-making. For example, if an act employs the object 'killing an innocent person' it is, by its very nature, always and everywhere wrong. For, as discussed above, killing the innocent is inherently contrary to the shared common good.

Given that some objects are universally wrong-making while others are not, Aquinas distinguishes between two kinds of moral rules (or what he calls "secondary precepts"). Exceptionless precepts, which are always negative, are those that specify objects that are universally wrong-making. Positive precepts, on the other hand, only hold true generally and for the most part.[68] The reason positive precepts are not universally true is that it is always possible to ordain the object of an act to an improper end. As we have seen, even objects such as 'giving alms to the poor' can be corrupted. Given that I can give alms for the wrong reasons (say for the sake of public praise or material benefits), it follows that positive precepts are always subject to exception. Even if an object is not intentionally directed towards the wrong end, some extenuating circumstance can always obtain that prevents a usually good object, such as 'keeping one's

[68] cf. *ST,* II-II, 33.2.

promise' or 'returning what one has borrowed,' from contributing to a proper end. To use another one Aquinas's examples, it would be wrong for me to return a weapon to its owner if he has become insane and violent.[69]

The reason negative precepts can be exceptionless, unlike positive precepts, is that they specify objects, such as killing the innocent, which are inherently contrary to our ultimate end. Yet, not all negative precepts hold true in all cases. The precept 'one should never break a promise,' is one such example. Thus, positive precepts are always rules of thumb, while negative precepts are sometimes hard and fast rules.[70]

Ultimately, the crucial difference between Dancy's account of circumstances and Aquinas's, then, is that Aquinas recognizes that circumstances can affect the morality of an act only insofar as they alter the befitting/non-befitting relationship between the act's object and its final end. As we saw in Chapter Three, Dancy does not provide us with an account of moral salience, and as such, it is unable to account for why some particular feature is playing a morally significant role. Not only does Aquinas's account allow us to identify the moral salience of particular material features, but it shows how the same feature (or kind of feature) can make a moral difference in one context but not

[69] *ST*, I-II, 94.4; II-II, 120.1.

[70] At the same time, positively stated general principles (what Aquinas calls "primary precepts") such as 'live in accord with love of God and Neighbor' are universally binding.

another, without compromising the notion that rightness and wrongness have an essential relationship with the actions to which they adhere.

6. Implications for Moral Practice

In this penultimate section, I would like to touch briefly on the relationship between ethical theory and moral practice.

As particularists are correct to point out, identifying the how one ought to act in a given situation requires attending to all of the circumstances at hand, identifying which features or considerations are morally salient and which are not, and then acting in accordance with the overall 'shape' or 'holistic narrative' of the situation. As I have argued, "telling the story of the situation," such that the right course of action can be determined, requires appealing to a general moral principle that specifies the universal, holistic narrative form of rightness. The process by which one connects this general grasp of right and wrong to particular acts can be captured by a Thomistic interpretation of the practical syllogism, specifically the relationship between the syllogism's major and minor premises.

I characterize the Thomistic practical syllogism as follows. The major premise of the practical syllogism consists of our total conceptual understanding of what it means to live in accord with our ultimate end. Call this the 'formal premise.' The minor, and decisive premise, is formed by identifying some material action as taking on a holistic shape that matches the holistic shape of the

major premise. Call this the 'material premise.' What follows is a moral judgment that consists of a combination of matter and form—i.e., 'this particular act is the right-thing-to-do.'[71]

As we have seen, by embracing the idea that there is an inseparable connection between the formal element of a thing and the evaluative concepts that we apply to its actions, Aquinas commits himself to the view that our ultimate end must serve as the touchstone against which to judge all of our acts.[72] Thus, he also commits himself to the view that our ultimate end necessarily serves as the major premise of the practical syllogism.

Let me illustrate. Given the open-textured nature of our moral concepts, in order to recognize the act of forgiving a debt as an act of mercy one must first consider whether forgiving the debt is *in fact* the right thing to do. This, in turn, requires that one consider whether the material act of forgiving the debt can combine with the surrounding features of one's circumstances to create an act that sufficiently matches the holistic shape of our ultimate end. Hence, Aquinas writes, "since deliberations and choices regard particular things, which are the

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[71] For once instance of textual support for this interpretation see *ST*, I-II, 95.2. There Aquinas writes that one of the way derivations are made from the natural law is analogous to the method employed by the arts, where "general forms are particularized as to details: thus the craftsman needs to determine the general form of a house to some particular shape."

[72] It is true that one could identify an action as the right thing to do without relating it explicitly to our ultimate end. For example, we do not explicitly consult our understanding of 'quadrilateral' when identifying a shape as a square. But I suspect that one's ability to do this will largely be a function of experience, on the one hand and the simplicity of the situation on the other. For a development of this idea, see Peter Goldie, "Seeing What Is the Kind Thing to Do," *Dialectica* 61, no. 3 (2007): 347–361.

objects of the will's acts, we need to apprehend good and suitable things as good and suitable in particular and not only in general."[73] Thus, on his view, the minor premise of the practical syllogism is formed by taking into account all of the relevant material features at hand and then comparing the holistic shape that results from those features to the holistic shape of our ultimate end.

While at times Aquinas speaks of practical reason as a process of "deduction,"[74] he also reminds us that just as there are "different kinds of conclusions in necessary and hypothetical subject matters" there are also "different ways of deduction in different sciences."[75] What sets moral science apart from the theoretical sciences is that because "moral actions deal with singulars," moral judgments follow from the consideration of "different circumstances."[76] This is why he describes *ratio*—the integral part of prudence that concerns the way in which reason, "rightly applies universals to particulars"—as the process of "comparing one thing with another."[77]

What I take reason to be comparing here is holistic shape formed by some particular courses of action with the holistic shape of our ultimate end, in order to determine whether the action in question it is indeed right. This explains why *part* of practical reasoning consists of capturing the shape of the moral situation

[73] *DM,* 6.1.

[74] *DM,* 3.10.

[75] *DM,* 2.6.ad 13.

[76] Ibid.

[77] *ST,* II-II, 48.5.ad 2, and 53.3 (respectively).

at hand. Afterward a judgment must be rendered as to whether the shape of the proposed action matches that of our ultimate end.[78] We can characterize this aspect of moral reasoning as follows:

1. If the holistic shape of action *X* matches the holistic shape *S*, then action *X* is right.
2. The holistic shape of action *X* matches the holistic shape *S*.
3. So, action *X* is right.

Again, making the move from the first (formal) premise to the second (material) premise requires telling the narrative of the situation at hand. Sometimes, the act will involve objects that are inherently wrong-making, such as the torture of an innocent person. In such a case, a straight-forward moral rule applies, but in most cases a complete analysis of the act's material components will be required. Here, Dancy's notion of a moral "narrative" goes beyond mere metaphor and finds philosophical support. When identifying the overall moral form of some particular action, one is quite literally naming the who, what, why, when, etc. in order to determine whether the 'story' it tells is right- or wrong-making.[79] What makes Aquinas's account so helpful is that he identifies the major characters that any human act that is subject to moral evaluation must

[78] Lawrence Blum does a nice job of arguing that moral perception consists of two main steps—the second of which can naturally be thought of as an "exercise in judgment." See his essay "Moral Perception and Particularity," in *Moral Perception and Particularity*, ed. Lawrence A. Blum (Cambridge University Press, 1994), 30–61.

[79] *ST,* I-II, 7.1.

contain (object and end) but he also leaves room for a supporting cast (circumstances).[80]

How might this picture of moral reasoning influence our approach to moral practice? Although it does not provide us with a straightforward decision procedure consisting entirely of immediately action-guiding moral rules, it does offer a uniform method of making moral judgments. Particular acts are right or wrong in light of their relationship to the proper ends of human agents. This universal account of normativity is applicable across all domains, whether one is reasoning about medical ethics, politics, or environmental issues.[81] Hence, the account of moral explanations offered here has a natural extension to both theoretical approaches to applied ethics and everyday moral reasoning. I maintain that its most significant contribution to moral practice, however, is that it calls for the abandonment of atomism in favor of a holistic view of human acts—all while finding a proper place for hard and fast moral rules, on the one hand, and universally true moral principles that enable us to take the role of circumstances seriously, on the other.

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[80] Thus, one might stay that Aquinas's ethical theory provides us with the necessary understanding of right and wrong narratives, while leaving room for material variability. At the same time, his action theory provides us with an account of how to tell a story that takes on a moral form.

[81] At the same time, however, identifying where some act is indeed conducive to our ultimate human end is notoriously difficult—in part due to the very abstractness of such a notion. Thus, one of the ways that ethical theory can contribute to moral practice is by helping to fill in the intermediate layers of resultance—those that consist of thick concepts and virtue/vice terms.

7. Conclusion

In the Chapter One, I set apart two general sets of questions pertaining to ethical theory, the first of which concerns its relationship to moral principles. Must moral explanations take the form of universally true principles? If so, can we expect to identify and articulate them? Moral particularists, such as Jonathan Dancy, answer both of these questions negatively. They argue that one can account for the rightness or wrongness of a human act by appealing to 'non-deductive' moral generalizations. On their view, non-deductive explanations make ethical theory possible. For, given that right and wrong-making moral features and considerations are context-dependent, they contend that principles approaches to ethical theory are hopeless.

In Chapter Two, I argued that the non-deductive moral explanations provided by particularists are in fact not explanations at all. As a result, the context-dependence of moral features and considerations presents a very real problem for ethical theory. For, if moral explanations must be principled on the hand, but the reality of context-dependence speaks against our ability to formulate such principles, then it seems that we should not expect to be able to explain what makes acts right or wrong. In light of this worry, I set out in Chapter Three to demonstrate that the problem of context-dependence is not as deep of a problem as moral particularists suppose. There, I argue that Dancy's account of resultant properties, which is meant rule out the possibility of moral principles, is compatible with the existence of universally true right-making

holistic shapes. In Chapter Four, I expanded upon this claim by suggesting that we can demonstrate the viability of ethical theory by retrieving a neglected understanding of the structure of morality—namely, the Aristotelian distinction between form and matter. By first recognizing that our moral concepts (or properties) are a composite of formal and material elements, it becomes possible to maintain that actions are ultimately made right or wrong by their form. That is, all right actions share the same form of rightness and all wrong actions share the same form of wrongness. Such a view allows us to explain the moral status of human acts. Considering that we identify all kinds of objects by their form, from houses, to tables and chairs, this is not a novel idea. But it is a powerful one, as it allows us to maintain that there is something essential to all right actions, while at the same time recognizing that moral features and considerations are context-dependent.

Appealing to Kovesi's work on the formal and material elements of concepts in Chapter Four led us to the cautiously optimistic prognosis that ethical theory is indeed possible. But to demonstrate this more confidently, I needed show that there exists a formal narrative of rightness that is capable of both unifying all of our moral concepts, while at the same time capturing the vicissitudes of the moral life. Thus, in this fifth and final chapter, I turned to the work of Thomas Aquinas. Here, I argued that he provides a formal unity to our moral concepts by grounding the rightness and wrongness of our actions in our human nature. Although the content of Aquinas's account may be controversial,

it is not implausible. And, most importantly, it illustrates how a successful ethical theory must be structured.

With this model in mind, I briefly broached the second set of questions outlined in Chapter One, those that concern the relationship between ethical theory and moral practice. Focusing primarily upon the question, 'Does ethical theory have anything to offer moral practice?' I argued that formal explanations can contribute to moral practice. Most importantly, they allow us to see when a material circumstance is in a position to make a moral difference.

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