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ALEX JOHN LONDON

THE INDEPENDENCE OF PRACTICAL ETHICS

ABSTRACT. After criticizing three common conceptions of the relationship between practical ethics and ethical theory, an alternative modeled on Aristotle's conception of the relationship between rhetoric and philosophical ethics is explored. This account is unique in that it neither denigrates the project of searching for an adequate comprehensive ethical theory nor subordinates practical ethics to that project. Because the purpose of practical ethics, on this view, is to secure the cooperation of other persons in a way that respects their status as free and equal, it seeks to influence the judgments of others by providing them with reasons that are accessible to their own understanding. On this account, the independence of practical ethics is rooted in an appreciation of the constraints that non-ideal circumstances place on the role that the philosophically refined premises of moral theory can play in such public deliberations. Practical and philosophical ethics are united, not by shared theoretical frameworks or principles, but by the need to exercise intelligently the same intellectual and affective capacities. They are separated, not by the particularity or generality of their starting points, but by their responsiveness to the practical problem of facilitating sound normative deliberations among persons as we find them, under non-ideal circumstances.

KEY WORDS: Aristotle, ethical theory, moral reasoning, particularism, rhetoric

As a reflective, practical endeavor, bioethics seems to stand in a precarious relationship to its more theoretical counterparts, philosophical ethics and political philosophy. On the one hand, its recent success as an academic discipline is due in part to a concerted effort to vindicate its status as a genuinely philosophical enterprise. Rejecting the idea that the philosophically interesting work in ethics is carried out prior to, or independently from, an engagement with practical circumstances, bioethicists have argued that "no significant differences distinguish ethical theory and applied ethics as philosophical *activities* or *methods*."[1] At the same time, however, its recent success in a variety of public and institutional settings has come as a response to the idea that bioethics can engage important normative questions without simply recapitulating the lengthy and seemingly interminable disputes that mark the battle lines between traditional comprehensive ethical theories. For many, though, the idea that bioethics is a practical deployment of recognizably philosophical activities and methods is in tension with the aim of making ethical issues more tractable without having to settle substantive and difficult theoretical questions in order to do so. Bioethics appears to be in a precarious position in that it

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requires a conception of practical ethics that can substantiate its claim to be a genuine form of ethical inquiry without either collapsing back into ethical theory or simply devolving into some less rational form of social transaction [4].

In what follows I outline such a conception of practical ethics, one that is modeled on Aristotle's account of rhetoric and philosophical ethics as engaging the same affective and intellectual capacities in order to move in different directions from shared starting points. On this model, a defining feature of practical ethics is its focus on achieving social cooperation through shared deliberation between free and equal persons and it is argued that this focus fundamentally shapes the nature of its relationship to ethical theory. In particular, it provides a conception of philosophical and practical ethics as different faces of a common search for value in human life, separated by the degree to which they are responsive to the obstacles facing ordinary people attempting to reason together in public settings. Seeing the limitations of practical ethics as rooted in an attitude of respect for others as free and equal also provides an account of the dangers posed by the desire to import the technical resources of ethical theory directly into the deliberations of practical ethics. Although this account is drawn from an understanding of Aristotle, it is one that may also be latent in the self-understanding of several prominent methods of practical ethics [5], and recognition of this fact will provide additional insight into the compatibility of what are sometimes treated as incompatible methods of ethics.

THE DANGER OF DEPENDENCE

The relationship between practical and philosophical ethics presents something of a moving target since the degree to which one perceives a tension within the ambitions of practical ethics will, in large part, be a function of one's more general views about the nature of moral reflection and the proper goals and ambitions of ethical theory. Nevertheless, recent attempts to provide an account of this relationship have been shaped by two important perceptions.

The first we might call the perception of *danger in dependence*. This perception is usually premised on the widely noted fact of theoretical pluralism, namely, that there is currently no consensus on which of the prominent ethical theories is best and the prospect of reaching such a consensus in the near future seems grim. If we take a more traditional view of practical ethics as needing to take place within, or to somehow employ, a robust theoretical groundwork, then the worry is that without eliminating

this pluralism practical ethics will simply devolve into a language game in which different power groups opt for whatever theoretical position will best support the needs of their particular agenda. Alternatively, if we reject this conception of "applied ethics" and draw no meaningful distinction between philosophical and practical ethics, then the worry is that there is no way to prevent deliberations in the practical context from becoming fragmented by the very issues that separate and distinguish competing approaches to ethical inquiry in its more abstract mode.

On the other hand, however, there is a widespread perception that in actual fact disciplines such as bioethics have succeeded in forging an ethically informed and reasonable consensus on a range of important normative questions in spite of this theoretical pluralism [6]. This perception of success lends the strongest support to bioethics' ambition of independence from moral theory and explaining the nature of this independence has been a major point of contention in the method debates in bioethics.

No matter how deep our convictions run concerning the reality of this success, our ability to explain the truth in the danger of dependence is essential to an adequate account of the nature of practical ethics. In part, this is because of our own need to understand the scope and limits of ethics in its practical mode. It is also because this understanding will affect our ability to convey an adequate account of these limits to a public that may be inclined to overestimate the success that practical ethics can achieve, or to underestimate the legitimacy of the means used to reach it.

THREE POPULAR RESPONSES TO THE DANGER OF DEPENDENCE

Before turning to Aristotle, it will be useful to look at three ways of responding to the danger of dependence that frequently appear in the literature of applied ethics. Consider first what I will call the "rigorist" approach. This is a general family of views that see the actual danger to the integrity of practical ethics as coming, not from a relationship of dependence on ethical theory, but from the idea that theoretical pluralism is a brute fact. Proponents of such views take seriously the differences between comprehensive ethical theories and their ability to provide a critical perspective on local commitments and prejudices that may affect moral judgments. They also argue that bioethics can be practical and avoid becoming stymied by lengthy theoretical disputes without distancing itself from comprehensive ethical theories. This may be because the rigorist believes that he or she already has an ethical theory that is superior to

its competitors and precise enough to offer adequate practical guidance [7, 8]. Regardless of whether it was constructed from the bottom up or from the top down, rigorists of this stripe embrace the idea that bioethics can only offer genuine practical guidance by utilizing the resources of such a well worked out theoretical framework [4, 9].

Alternatively, the rigorist might believe that he or she possesses a method for locating or constructing the best moral theory in due course and that, just as this method will enable us to adjudicate ethical issues at the theoretical level, it can be used to adjudicate issues in practical ethics as well.[2] For instance, there are two respects in which proponents of wide reflective equilibrium frequently embrace rigorist ambitions. To achieve wide reflective equilibrium is to achieve maximal coherence or "fit" between one's considered moral judgments, a set of moral principles, and a set of relevant background theories. In the context of philosophical ethics, it is thought that this process will provide a method for constructing or selecting the ethical theory that is authoritative and superior to its competitors.[3] In the context of practical ethics it is thought that this same process will enable one to arrive at normative conclusions that are justified by their overall coherence with this same range of considered judgments, moral principles, and set of background theories [3].

Because wide reflective equilibrium currently enjoys a tremendous popularity in practical ethics, more detailed and substantive criticisms must be reserved for another paper. For now, I simply suggest that the holism of such views may also give rise to the perception of danger in dependence to the extent that it expands the range of beliefs included in this process of reflection to encompass a set of theories about issues that may themselves be the source of abiding controversy. Since local normative claims are justified by their degree of fit with these higher-level moral principles and background theories, one might worry that here again, the ability to adjudicate issues in practical ethics depends on reconciling a particular judgment with, and thereby adjudicating between, some of the very theoretical issues that may divide competing comprehensive doctrines. Instead of having to settle the theoretical questions first, as in traditional "top down" approaches, the holism of wide reflective equilibrium requires one to engage these theoretical questions *at the same time as* one engages a particular, practical question. Here the danger in dependence is the danger of a holism that subsumes practical ethics into philosophical ethics. Whether or not there could be a plurality of distinct equilibrium states on some issue also seems to be an empirical question that may fan the flames of such worries.

Contrast the rigorist approach with a family of views that take what I will call the "deflationist" approach. Deflationists take seriously the idea that ethical theories provide a useful critical distance from local bias but they reject the idea that theoretical pluralism is a vicious pluralism. According to one version of this approach, underneath the appearance of pluralism there is in fact widespread convergence across moral theories such that these seemingly different theories frequently yield strikingly similar action guides.[4] On the strong interpretation of this view, different moral theories are each complete and they converge at some deep level. We might think of them as logical notations that employ different symbols and require different steps to express the same underlying relationships. On the weak interpretation, different theories are incomplete and, therefore, not mutually exclusive attempts to account for the normativity of the same set of practical rules.

In both cases, the existence of this underlying convergence is taken to license several approaches to practical ethics. Deflationists might argue, for instance, that by focusing on this area of convergence we can derive a set of practical principles that will provide sufficient normative guidance to achieve a workable consensus in a reasonable variety of cases. Alternatively, they might argue that the fact of convergence legitimizes the use of different ethical theories on different occasions. The reason is that, while they converge on their ultimate action guides, these theories place different degrees of emphasis on different kinds of concerns. We are thus free to modulate our choice of theoretical approach according to the particular features of the case at hand that require special emphasis or attention.[5] Finally, deflationists might simply advocate sticking with whatever moral theory one feels most comfortable in order to take advantage of the elegance and the explanatory power that comes from the systematization such a general framework provides. If indeed different moral theories converge at the practical level, then we should be able to arrive at roughly the same normative conclusions via different theoretical routes.

Finally, for my present purposes, there are those who make a version of what I will call the "Copernican" move. Here the danger of dependence is dismissed as the product of an outmoded and ultimately untenable conception of ethical theory as having some kind of meaningful priority over particular judgments [12]. The Copernican move is to turn the universe on its head, as it were, and to reverse the order of priority among particulars and universals. This move has a variety of permutations, some of which are more radical than others but they share a common rejection of a "top down" approach to ethics in favor of a method that works instead from the "bottom up." This metaphor is relatively vague but it seems to have played

an important role in the development of bioethics. It characterizes traditional moral theories as striving to adjudicate particular cases by working to particulars from principles that are abstract, universal, and true in a way that is foundational. In contrast, the Copernican suggests the image of a structure that is built from the ground up, having at its foundation an intelligent experience of particulars upon which higher-level, more general ethical claims are based and to which they are responsible.

Like certain elements of the periodic table, the positions sketched here may be difficult to find in a pure form because different approaches to practical ethics combine or nest them together in various ways. Nevertheless, these sketches should be sufficiently familiar to provide a useful contrast for Aristotle's defense of the independence of practical ethics. In particular, I will argue that Aristotle's conception of the relationship between rhetoric and philosophical ethics can account for what is most plausible in these positions while avoiding many of their attendant problems. In order to make this argument, however, we need to look briefly at what some of those problems are.

PROBLEMS WITH THE COMMON DEFENSES OF INDEPENDENCE

Those who take the danger of dependence seriously tend to reject baldly rigorist responses as unrealistic and overly optimistic. Yet, it is crucially important to distinguish two aspects of the rigorist position, its optimism about the project of philosophical ethics and its conception of the relationship of dependence that practical ethics holds to that project. To anticipate, while Aristotle rejects the relationship of dependence between practical and philosophical ethics, he embraces the rigorist's optimism about the project of philosophical ethics. This marks one important difference between Aristotle's view and the alternative defenses of the independence of practical ethics outlined above. As I will now argue, the latter defenses either embrace a contentious skepticism about the project of philosophical ethics, or covertly elaborate substantive and controversial positions within that project, thereby, in effect, staking out what is merely a different but no less rigorist conception of practical ethics.

Consider first the Copernican move. In itself this is not a sufficient response to the danger of dependence for two closely related reasons. First, particularism is a substantive and controversial position within philosophical ethics and responses to the danger of dependence that rely on it will have to defend it against the challenges of competing moral epistemologies. Second, and more importantly, simply embracing particularism does

not thereby rule out also embracing rigorism. Interestingly, although proponents of views of this type look to Aristotle as a philosophical forefather, Aristotle himself is well aware of these criticisms.

Aristotle appears to be what I have called a Copernican to the extent that he places a significant emphasis on the importance of being able to discriminate intelligently among particulars in order to adjudicate individual cases. Yet this does not prevent him from embarking on a very ambitious project of philosophical ethics in the *Nicomachean Ethics*. There we are told that the project of philosophical ethics must begin from "what is known to us" (1095b1–10),[6] from an examination of impressions of value and views of the human good that are drawn from three sources: those that are widely held, those that are backed by some reasoned account (1095a29–30), and those that can be inferred from people's lives (1095b15–16). No doubt, some of our most considered views will be about the moral status of certain paradigm cases. But some of these views will be of a more general nature, concerning the importance of things like friendship, wealth, or the virtues. Aristotle believes that these views frequently capture some element of the truth but that they also give rise to puzzles and contradictions. As a result, he sees philosophical ethics as the search for an account of value that uncovers what is true in these views, that can refine them, solve the puzzles they generate, and that is also defensible and attractive in its own right. In other words, philosophical ethics embraces the rigorist goal of moving "from what it known to us to what is most knowable in itself" (1095b1–10).

The account that results from this process is important because it seeks to harmonize disparate but partially correct perceptions of value in a way that can explain what in them is correct and where they miss the mark (1098b9–1101a22). It will thus increase our understanding of moral value and, in doing so, help us shape our lives, both individually and communally, in a way that is more deeply informed by this understanding. Aristotle certainly rejects the idea that this or any such account can function as an algorithm for generating solutions to moral problems. Nevertheless he does think that it will be of some practical importance to the person who understands it (1094a23–28). For my present purposes, it is also important to remember that one need not think that a moral theory must function like an algorithm for decision making in order to hold that practical ethics must draw on the resources of such a theory if it is to be genuinely truth seeking.[7]

In Aristotle's case, particularism does not prevent him from making general claims about the nature of moral value as when he divides goods into those that are of purely instrumental value, those that are of both

instrumental and intrinsic value, and those that are intrinsically valuable and never instrumental (1097a30–b7). This division of goods, and the place of virtue in the second category and happiness in the third, is a schematic hierarchy of value that is both abstract, substantive and controversial. Furthermore, a proper understanding of this philosophical claim would have important consequences for the setting of practical priorities and individual conduct. As we will see below, Aristotle does want to defend the independence of practical ethics, but he does not rely on the Copernican move in order to do so.

Philosophical projects that strive to systematize our disparate impressions of value into a coherent, abstract topology of the normative universe can begin from radically different views about the starting points of moral inquiry and the degree of precision and comprehensiveness such an account can attain. The central problem with the deflationist move is that it either fails to recognize the significance of substantive differences between comprehensive ethical theories or it winds up covertly embracing a rigorist position of its own. It fails on the first account if it asks us, for example, to gloss over the strikingly different way that Peter Singer's brand of utilitarianism maps out the morally salient features of the normative universe when compared to the resolutely Kantian standpoint of someone like Alan Donagan. I mention these philosophers because they are particularly diligent about adhering to the letter of ethical theories that purport to represent not just different, but mutually exclusive accounts of the nature and source of moral value. That others are less diligent, or opt for less stringent, hybrid versions of these theories does not support the claim that there is a reliable convergence among the various competing comprehensive *theories*.

In actual practice it may be that the deliberations of many who espouse a strict form of utilitarianism or libertarianism are more easily accounted for by some less rigid hybrid of these views, something akin to Ross's intuitionism or Frankena's constrained utilitarianism. If this is true, it might support explicitly adopting such a hybrid position as one's considered comprehensive view. However, we must not confuse the deflationist claim that such a hybrid position is the result of a de facto consensus across competing ethical *theories* with the very different, rigorist claim that the hybrid position in question is preferable to its competitors because it is a more attractive theoretical framework. Hybrid theories may have many virtues, but they remain substantive and controversial theoretical positions that claim to more adequately capture the full range of value that we perceive in the moral life. To the extent that the language of convergence is used to downplay substantive differences between comprehensive ethical

theories, it is in danger of masking what is in effect the covertly rigorist endorsement of an alternative, hybrid ethical theory.

We are now in a position to explore Aristotle's very different defense of the independence of practical ethics. As I will argue, it is unique in that it does not cast aspersions on the significance or importance of philosophical ethics and it does not simply reiterate and then employ what is in fact another controversial and substantive ethical theory. For Aristotle, philosophical ethics is the appropriate context in which to explore our desire to understand and he is refreshingly forthright about his own ambition of working from the appearances of value to some sort of rough, general topology of value that will help us appreciate and respond in the right way to the right things. Nevertheless, he champions the independence of practical ethics on the grounds that it seeks to secure the legitimate cooperation of other free and equal persons and, as such, it must respond to the constraints that real-world settings place on our ability to share reasons with one another. In order to understand this defense, we must explore these differences.

ARISTOTLE'S RHETORIC AND DELIBERATION AMONG PERSONS FREE AND EQUAL

From an Aristotelian perspective, the independence of practical ethics grows out of a fundamental attitude of respect towards others as free and equal persons combined with an appreciation of the constraints that practical contexts place on our ability to secure the cooperation of others through the exchange of reasons. What may come as a surprise to some contemporary readers is that the aspiration of living up to this ideal within circumstances that can be achieved in the real world is what makes Aristotle's *Rhetoric* an important model for practical ethics.[8]

To begin with, practical ethics and Aristotle's conception of rhetoric share a common subject matter. For Aristotle, rhetoric deals with normative issues that are common to ordinary people (1354a1–4) as when we are faced with a choice between alternative courses of action, the merits of which we have to evaluate for ourselves (1357a4–8). It deals with "such matters as we deliberate upon without the knowledge of specialized arts or professions (techne) to guide us" (1357a1–7) such as how we ought to evaluate a person's conduct or shape our institutions and policies (1358b20–29). This means that rhetoric is primarily concerned with normative questions that we cannot appeal to experts to settle for us (1357a24–28), in part because they are not the special province of any technical discipline, and in part because they involve us in a way that we

cannot abdicate our responsibility to others. Sometimes we are involved in these issues because we will ourselves be affected by their solution. More frequently, though, we are involved in these issues in that working through them requires us to undertake moral commitments that can themselves become the subject of moral scrutiny. Are we, for example, responding to others in a way that is compassionate or selfish? Do we support equitable policies or those that unfairly privilege a few?

These evaluative questions persist as common topics of debate because they do not admit of crisp, deductively sound solutions (1356b35–1357a5). The best that one can do is to present others with reasons that ought to weigh on their deliberations and command their assent after proper reflection [5]. One reason Aristotle's rhetoric is interesting as a model for practical ethics is that it purports to be the systematic study of methods for offering others a persuasive argument (pithanos logos), built out of reasons that are accessible to them, "the use of which is to bring about a judgment or decision (krisis)" (1391b7).

Crucial to this conception of rhetoric, however, is the recognition that ordinary citizens are not philosophers; they are simply people with a right to participate in judicial and political affairs (Pol. 1275a22–24) where politics is conceived of as "the rule of people who are free and equal" (Pol. 1255b20–1). The aim of rhetoric is thus to facilitate deliberation between people who are free and equal where it is understood that "the free person exists for his own sake and not for the sake of someone else" (*Metaphysics* 982b25–27). Aristotle is deeply critical of popular treatises on rhetoric because of their failure in this regard; they say nothing about how to treat "the facts" of a case (1354a18) or how to construct arguments and provide informal proofs or demonstrations – subjects that he views as the "substance" of rhetorical persuasion (1354a14–15). Instead, they provide techniques for influencing people's judgments through incitement and subterfuge and teach speakers only how to avoid the substance of important issues. Without addressing the means of presenting others with reasons that engage their own powers of reflection and understanding, rhetoric subverts the status of others as free and equal and poses a danger to legitimate social cooperation.

What the common treatises on rhetoric leave out are argumentative techniques for influencing the deliberations of others by providing them with reasons that warrant making one judgment rather than another. To respect the status of others as free and equal, however, we must secure their cooperation on the basis of rational persuasion. The parties to such deliberations thus take on the obligation of providing one another with reasons that are accessible to the understanding of their follow deliberators

(1357a1–5). This requirement helps to distinguish the practical focus of rhetoric and practical ethics from the theoretical focus of philosophical ethics.

Generally speaking, in philosophical ethics the goal is to find a philosophically compelling account of moral value that can refine and explain what is best in our common perceptions of value. Constructing and evaluating such an account is an ongoing process, one that it is often idealized in various ways.[9] For instance, the inquiry need not be bounded by temporal limitations. It may draw on whatever specialized conceptual resources are necessary and appropriate. It may also treat moral reasoners as transparent in the sense that they possess adequate information and experience and have the cognitive and affective dispositions necessary to further the inquiry. In the *Nicomachean Ethics*, for example, Aristotle excludes the young and the immature from philosophical ethics because they lack the requisite experience with the affairs of life and because their affective dispositions may be unsuited to the nature of moral inquiry (1095a3–b9). Aristotle is thus clear that philosophical ethics is an intellectual enterprise that tries to systematize, clarify, and explain a range of phenomena that most fully emerge only within a certain experiential and affective orientation to the world. The inquiry thus presumes participants who are either familiar with the appropriate range of moral phenomena or have properly developed affective capacities that would enable them to readily become so.

In practical ethics, however, deliberation must frequently take place under non-ideal circumstances. For instance, it is often necessary to arrive at some judgment within a specific time horizon and the parties to the deliberation may differ widely in their background knowledge and interests, their familiarity with the conceptual tools of formal reasoning, in their range of experience, and in their cognitive and affective dispositions relative to different issues. In practical ethics, as in Aristotle's conception of rhetoric, the ethicist must therefore make a special effort to clear a cognitive space (*Rhetoric* 1418b16–17) in which interlocutors can engage their common capacity for perceiving good and evil, justice and injustice, the participation in which makes cooperative association possible (*Politics* 1253a16–19). To do this, practical ethicists must be able to engage a range of the interlocutors' intellectual and affective capacities in order to ensure first, that deliberators perceive the breadth and depth of the issues that must figure into their deliberations and, second, that they perceive them in a way that resonates with their understanding and assigns them proper weight.

This focus on facilitating shared deliberation between equals plays a crucial role in shaping practical ethical inquiry in a way that distinguishes

it from its philosophical counterpart. For comprehensive theories to shape our understanding of value in the world, we have to inhabit them, intellectually and imaginatively. Only through this extended critical engagement do we become comfortable with their complexities and familiar with the extent of their explanatory and justificatory resources. Even if an account is supposedly the one that results from a carefully conducted process of reflective equilibrium we may not understand the strength of the account, the reasons why it is superior to possible competitors, or be able to revise and extend it in light of actual cases, without having gone through that reflective process ourselves. While the account generated by this process of articulation and construction may be transparent to those who have dedicated their efforts to examining and scrutinizing it, the arguments and clarifications on which it rests may take it some distance from the understanding of others. After all, even if we believe that some account is in fact the most knowable in its own right, it does not follow that its coherence, ability to harmonize the phenomena, and the strength of the reasons it generates will be easily appreciated without considerable effort. Even if we go so far as to claim that our considered account of moral value is self-evident, this means only that the evidence of its truth is contained within itself, not that this evidence can be grasped or appreciated at a glance.

Comprehending the strengths of any philosophical account requires that we consider the arguments on which it rests for ourselves, testing their coherence and scope, comparing them against alternatives, following out their implications. As a result, when it comes to public deliberation, Aristotle excludes the use of his own considered views on questions such as the nature of human flourishing, the nature and value of the virtues and emotions, and so on, precisely because they are the result of argumentation and critical refinements that put them at some distance from the pre-theoretical understanding (1357a7–13). These special premises of philosophical ethics and political philosophy are part of a rich account of moral value that is itself based on theoretical refinements justified by sometimes complicated philosophical arguments. Aristotle thus argues that such special premises should not be imported directly into the arguments of rhetoric (1358a21–26, 1359b2–18) because of the obstacles posed by having to bridge this distance so that those premises might intelligently shape the judgments of ordinary persons deliberating together under less than ideal circumstances (1355a26–28, 1357a1–4, 1395b22–27).

This is not a distance that is unbridgeable, however, and it does not rest on a condescending attitude towards others as childlike or stupid. Quite the opposite, in fact, since it is a purely practical distance, a product of the fact that philosophical inquiry is a human activity that takes place over

time, in a context in which we are free to employ whatever conceptual tools we think necessary to arrive at an adequate account of moral value as such.[10] It is an activity in which the truth of this account need only be accessible to others in the very loose sense that they should be able to arrive at the same conclusions under a set of idealized conditions that include full information and perhaps specialized training, sufficient time to evaluate all counterarguments, adequate emotional responsiveness to the relevant evidence, and so on.[11]

A similar problem arises for premises which, although they are not the result of philosophical refinements, are expressed in an unfamiliar, technical idiom (1404b1–7). If the language of ethical discourse is sufficiently unfamiliar to non-philosophers, they may have difficulty knowing how, for example, the maximin rule, the choice of Bayesian priors, or achieving Pareto optimality relate to their considered ethical commitments [18]. Insisting on the use of such an idiom may also inhibit the open exchange of reasons among interlocutors and exclude a greater degree of participation by a wider range of people. It is true that some sort of exclusion along these lines may be inevitable, simply because of the natural variations in intelligence and interest that characterize people in real world settings. Nevertheless, to the extent that less technical approaches to ethical inquiry can avoid generating inappropriate inequalities among free and equal people they are to be preferred.

For Aristotle, then, the central problems facing the desire to situate practical deliberations within the framework of a comprehensive ethical theory stem from practical problems imposed by the obligation of bringing ordinary people to a position of being able to inhabit such a theory so that their understanding of it will intelligently inform their judgments about particular cases. When it comes to constructing and defending ethical theories, Aristotle can embrace fairly rigorous ambitions. He can claim, for example, that the account set forth in his philosophical ethics aspires to be true, that it is superior to its competitors, and that the person who understands it will come to practical deliberations with a clearer understanding of the kinds of concerns that are relevant to practical issues and how they ought to be weighted in relationship to one another. Nevertheless, the fact that this understanding results from an engagement with philosophical ethics does not mean that the best way to bring others to appreciate the relative importance of certain features of a case is by instructing them in this philosophical ethics. When it comes to the practical context, he can thus agree with critics of ethical theory who claim that, "philosophers' codifications of the moral law increase rather than decrease moral disagreement and conflict."[12]

On this view, the independence of practical ethics is not rooted in a skepticism about the prospects of theoretical ethics. Rather, it is rooted in the practical claim that bridging the distance between such ongoing projects and the understanding of ordinary people is frequently not a suitable way of enhancing the understanding of ordinary persons within the limits of non-ideal contexts (1359b10–15). To the extent that practical ethics seeks to secure the legitimate cooperation of persons conceived of as free and equal, it generates an obligation to present them with reasons that are accessible to their own understanding (1355a21–24). In the absence of such understanding, the use of the refined and technically sophisticated materials of philosophical ethics may even pose a threat to the commitment of treating the participants in practical deliberations as free and equal.

In order to preserve this commitment, Aristotle argues that practical deliberations should be conducted in ways that engage the shared intellectual and affective capacities that are also required in theoretical ethics so that participants can draw directly on perceptions of value and views of the good from which philosophical ethics itself begins and to which it is also accountable. The goal, however, is to make the elements of truth in these perceptions accessible in their own right so that we may then argue for the appropriateness of some judgment based on the merits of those perceptions. As I mentioned earlier, these perceptions of value need not themselves be judgments about particulars. They may be views that are inferred from an aspect of people's lives and then extended in novel ways to new areas of interest or application. However, where philosophical ethics seeks to locate the truth in such perceptions in order to present a refined and philosophically corrected account of the nature and source of moral value, practical ethics attempts to focus attention on the elements of truth within those perceptions and to then demonstrate how they should affect our deliberations about the question at hand.

ENGAGING THE PHENOMENA

I argued earlier that deflationist claims about the existence of a significant convergence among competing moral theories are themselves more substantive and controversial than they purport to be and that those who take seriously the rigorist ambitions of philosophical ethics will likely reject them as false. Nevertheless, there is an important kernel of truth latent in deflationism. Deflationism posits a strong commonality between practical and theoretical ethics but it goes awry by locating this common ground in features that are shared by different ethical *theories*. For Aristotle, this common ground is to be found, not in the theories

that we construct, but (1) in the *shared cognitive and affective capacities* that we must exercise in order to appreciate (2) the appearances of value that ethical theories are supposed to refine and explain and that practical arguments rely on as premises.

The adequacy of a comprehensive moral theory is at least in part a factor of its ability to give a general account of (a) the features of the world that are morally salient, (b) the source of their moral value, and (c) any relationships of priority that obtain between them in light of this. Constructing such a theory, or testing its adequacy, thus presupposes the successful exercise of the cognitive and affective capacities through which we come to appreciate the full range and depth of the appearances of value that such a theory hopes to systematize, clarify, and explain. Consider, for instance, the charge that utilitarian moral theories overlook the distinctness of individuals and the importance of integrity to human life. These arguments challenge the responsiveness of such theories to the experience of the moral life and their success hinges on their ability to make others aware of, and responsive to, these features. To succeed, such objections need only make vivid the importance of the kind of stability, internal order and control in life that they claim utilitarian theories disregard. In the face of such objections we may judge that some particular form of utilitarianism is inadequate without necessarily knowing how then to account for the source of this new awareness of value.

As an independent form of moral inquiry, practical ethics seeks to engage the same cognitive and affective capacities that are needed to construct an adequate moral theory, but for the purpose of bringing to light the full range of moral values that are at issue in a particular case. Instead of then trying to organize and integrate those perceptions into a comprehensive theory that is accessible and intelligible in the abstract, it aims to assess and present them in a way that is accessible and intelligible to people as we find them. Organizing those considerations around the salient features of the case or issue at hand, it is hoped, will facilitate deliberation in a way that supports one judgment rather than another.

Instead of relying on an abstract theory to systematize and clarify these perceptions in practical deliberations, Aristotle recommends using a variety of less technical approaches to moral inquiry. For instance, in the *Rhetoric* he extols the power of well crafted narratives to engage our cognitive and affective sensibilities in a way that links the morally relevant features of a particular case to our existing moral commitments. He also extols the power of examples and analogies to highlight the way that appearances of value that emerge in one context are relevant to more controversial cases in which their presence or significance may not be as

readily evident. Most importantly, he sees these techniques as providing support to the kind of publicly accessible arguments that he claims must be the substance of rhetoric. I have argued elsewhere that it is a strength of contemporary movements such as narrative ethics, casuistry, and principlism that they often develop and refine these techniques in some detail [5].

I have also argued, however, that within the framework of Aristotle's rhetoric these are not treated as comprehensive and incompatible methods of ethics that embody conflicting meta-ethical views. They are treated, instead, on a more practical level, as mutually compatible approaches to reasoning that employ different methods of organizing and making accessible to others the morally relevant features of a case or issue [5]. Their value thus lies in the different methods they provide for reflecting on and refining common perceptions of value in a way that links what is familiar in them to the perhaps strikingly different judgments of value to which they may lead upon critical reflection.

THE PRECARIOUSNESS OF PRACTICAL ETHICS

It is not uncommon to hear students, at the end of an introductory course in ethics, declare that for any position one takes on some issue, there is a moral theory that will justify it. This view is a reasonable response to a tendency that often finds a home in courses on applied ethics, the tendency to take theoretical frameworks and the way they organize the moral universe as starting points for moral reflection. In philosophical ethics, of course, ethical theories are not themselves starting points. Nor are they complete frameworks in which we can place our unconditional trust. They are, rather, ongoing projects that represent the culmination of a constellation of judgments that extend more primary moral perceptions into a structure of value that is only as sound as the sum of those judgments and perceptions. For Aristotle, the project of constructing such a structure, understanding the network of reasons that support its theoretical refinements, can make an important difference to the moral life. It also addresses a very powerful desire to understand ethical uses at an increasingly general level and these are substantial reasons to take the project of philosophical ethics seriously. Nevertheless, without a shared understanding of the refinements on which such a structure rests, they are too distant from the understanding and moral commitments of others to serve as starting points for productive, public deliberations.

Practical and philosophical ethics are united, not by shared theoretical frameworks or principles, but by the need to exercise intelligently the same

intellectual and affective capacities. They are separated, not by the particularity or generality of their starting points, but by their responsiveness to the practical problem of facilitating sound normative deliberations among persons as we find them, under non-ideal circumstances. As an epistemological optimist, Aristotle thinks that by engaging these shared capacities together, we can uncover shared perceptions of value that can serve as starting points for both forms of moral inquiry. He also seems to think that these perceptions will not lend equal support to all judgments and that it is within the power of most people to perceive this. As a result, sound practical judgments and the theory of value that best refines and systematizes the shared perceptions on which they draw, should ultimately converge and support one another. In this sense, practical and philosophical ethics are not unrelated or irrelevant to one another. But they remain independent of one another to the extent that they attempt to facilitate moral understanding within the constraints of very different circumstances.

As a result, practical ethics remains a precarious enterprise. The path that it takes is important because it embodies a fundamental commitment to securing the legitimate cooperation of others within the constraints of real-world settings. It is the path we take in order to justify ourselves to our moral equals, and to have others justify themselves to us. It is precarious in the same sense that Aristotle thinks rhetoric is precarious. The desire to make the process of public reasoning more systematic and conceptually precise threatens to collapse practical ethics into the project of philosophical ethics and rhetoric into logic or politics (1358a20–28, 1356a24–31). And to the extent that each of the latter projects is unsuited to the public context, the desire for theoretical elegance may detract from our commitment to engaging others where they stand, reasoning with them as equal persons.

NOTES

[1] Beauchamp [1], p. 514. See also Upton [2] and Brock [3].

[2] Brock [3], p. 255 asserts that "there is no agreement in philosophical ethics, or in ordinary morality, about the criteria which would establish general moral principles or a general moral theory to be true or correct." His own stated purpose in that paper, however, is to outline a common method that can be used in public settings, and in ethical theory, to determine which moral claims (be they about particulars or general principles) are morally justified.

[3] Daniels [10] defends the method of wide reflective equilibrium as an objective procedure for selecting among competing moral conceptions.

[4] Beauchamp et al. [11], pp. 109–110.

[5] Jonsen et al. [12], pp. 293–303 and Kuczewski [13], pp. 114–117.

[6] Aristotle's works [14] are cited by the standard page numbers of Bekker's edition of the Greek text. These numbers should appear in the margins of any reliable translation.
[7] London [15] examines in more detail two different views of the role of moral theory as a guide to action in Aristotle's ethical works.
[8] To be clear, I defend what I take to be Aristotle's views about the importance of treating other citizens as free and equal persons but I roundly reject the way he would limit the class of citizens.
[9] For the role of such idealizations in contemporary ethical theory, especially those that embrace wide reflective equilibrium as a test for theory adequacy, see Rawls [16], Brock [3] and Daniels [10].
[10] Remer [17] argues persuasively that classical deliberative rhetoric is more suited to the task of fostering democratic political discourse within the constraints of real world settings than the model of conversation that is embraced by contemporary proponents of deliberative democracy.
[11] A number of the arguments Aristotle offers in defense of the independence of rhetoric and philosophical ethics are elaborated by Bertram [18] in the context of liberal political philosophy.
[12] Baier [19] p. 31.

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