

"*Seeing Things*"
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I.

In an earlier discussion,¹ I argued that Kant's moral theory satisfies some of the basic criteria for being a genuine theory: it includes testable hypotheses, nomological higher-and lower-level laws, theoretical constructs, internal principles, and bridge principles. I tried to show that Kant's moral theory is an ideal, descriptive deductive-nomological theory that explains the behavior of a fully rational being and generates testable hypotheses about the moral behavior of actual agents whom we initially assume to conform to its theoretical constructs. I argued that the moral "ought" is best understood as the "ought" of tentative prediction expressed in the range of uses of the German *sollen*; and that the degree to which such a theory is well-confirmed is a function of the degree to which we actually judge individual human agents, on a case-by-case basis, to be motivated by rationality, stupidity, or moral corruption in their actions.

I assume that a similar case could be made for other major contenders, such as Utilitarianism or Aristotelianism. But there still remains unanswered the question of which of these theories is the best among the available alternatives. To answer this question, further criteria of selection must be invoked. Among these are structural elegance and explanatory simplicity, but even these do not exhaust the desiderata for an adequate moral theory. More pressing in the case of moral theory is the requirement that the theory enable us to understand *all* the available data of moral experience;² that its

¹ "The Meaning of 'Ought' and the Loss of Innocence," Invited Address delivered to the American Philosophical Association Eastern Division Convention, December 1989; abstracted in *The Proceedings of the American Philosophical Association* 63, 2 (October 1989), 53-54.

In the discussion of moral theory that follows, I reserve use of the term "laws" to refer to the components of ideal descriptive, explanatory moral theories, and "principles" to refer to their prescriptive practical applications for imperfect human beings.

² In "Piper's Criteria of Theory Selection," Betsy Postow misinterprets this particular dependent clause as requiring that "all *candidates* for valuable or disvaluable experiences, and all *candidates* for moral perceptions... must be included in the body of data to be made sense of by an adequate moral theory." But my first, rough formulation of the criterion of inclusiveness which these opening paragraphs introduce clearly *presupposes* that moral data are identifiably moral, independently of the theory invoked to explain them. It purports to offer a test for the adequacy of the theory, not a means for distinguishing moral from nonmoral data, as Postow's discussion assumes. She asks, "Why can't every moral theory allow us to explain deviant perceptions of moral

explanatory power not be vitiated by ignoring, dissociating, or minimizing the importance of recognizably anomalous cases that seem to violate particular formulations of its higher-level laws.

Consider what happens when a scientific theory fails to satisfy this requirement. Thomas Kuhn does not charge its proponents with a failure of rationality. But he does argue that a crucial role in eventually subverting the authority of that theory and contributing to a paradigm shift is often played by anomalous data that the theory not only fails to explain but misguidedly relegates to insignificance.³ However, the case may be made that what is involved here is, in fact, a failure of rationality - to wit, pseudorationality - of the kind that ostriches exhibit when burying their heads in the sand.⁴ To advance a theory intended to, for example, explain the revolution of the planets that denied, dissociated, or rationalized away the importance of the gravitational pull of the sun would be pseudorational because it would sabotage the explanatory power the theory attempted to claim, by rejecting available data that should influence the formulation, scope and application of its laws. Of course no theory can realistically claim comprehensiveness for its explanatory paradigm, even in theory;⁵ and new and anomalous data are always coming in. To these conditions a conservative epistemic policy is clearly the best response. However, a practice of recognizing bona fide anomalous data, ascertained through replication and intersubjective

relevance by appealing to psychosocial causes?" The answer is that it can, of course; but that this is irrelevant, since both deviant and nondeviant perceptions can be explained in this way. It is implausible to suppose that only *inaccurate* perceptions are the result of acculturation, conditioning, and training, whereas accurate ones are purely the result of direct access to moral truth.

³ Thomas Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1971), Chapters VI-VIII.

⁴ The notion of pseudorationality is discussed in "Two Conceptions of the Self," *Philosophical Studies* 48, 2 (September 1985), 173-197; and in "Pseudorationality," in Brian McLaughlin and Amelie O. Rorty, eds. *Perspectives on Self-Deception* (Los Angeles: University of California Press, 1988). It is applied to the analysis of moral theories of defective scope in "Higher-Order Discrimination," in Owen Flanagan and Amelie O. Rorty, eds. *Character and Morality* (Cambridge, MA: MIT Press, 1990).

⁵ I would distinguish comprehensiveness from inclusiveness as follows: A theory is *comprehensive* if it is a "theory of everything," i.e., explains all the data there is or could ever be to explain. A theory is *inclusive* if it incorporates all the data relevant to what it purports to explain within its domain of explanation. Theoretical comprehensiveness is theoretically impossible because it implies the conceptual impossibility of disconfirmation, which invalidates it as a genuine theory.

confirmation of experimental results, as official impetus for further revision and elaboration of the theory is not methodologically unrealistic. Certainly it would be more rational than denying the existence of such data in the hope of preserving the credibility of the theory intact.

Similarly, to advance a moral theory that, like Kant's, purported to explain the behavior of an ideally rational agent in terms of character, principles, aims, desires, etc., that nevertheless denied, dissociated or minimized the moral significance of, for example, the treatment of men and women by one another or the treatment of children by adults would be to insure the explanatory impotence and practical irrelevance of the theory in virtually every situation in which such a theory might be expected to provide guidance. This would be a paradigm case of pseudorationality. A viable moral theory cannot ignore the actual data of moral experience, on pain of vitiating the formulation, scope and practical application of its laws. As an antidote to pseudorationality in the construction of a moral theory, we may therefore require of a moral theory that it be maximally sensitive to what counts as moral data; that it include all morally significant behavior within its domain of explanation,⁶ and not confine its purview to simplistic injunctions to keep promises or maximize happiness.

We can then formulate roughly, as a criterion of adequacy, that the theory be sufficiently *inclusive* that in the formulation of its descriptive laws and practical principles, it be capable of identifying as morally significant all the behavior to which moral praise, condemnation, or acquittal is a relevant and appropriate response. A moral theory that yields applications to newly formulated specific issues, such as contemporary Utilitarianism has done with regard to the issue of animal rights,⁷ satisfies the criterion of inclusiveness, but not merely by extending its reach downward to the empirical. Classical Utilitarianism, as well as the casuistical elements in Kant's

⁶ Of this particular dependent clause, Postow (*op. cit.* Note 2) objects that "to use [this requirement], of course, we would need theory-independent guidance in identifying that which really is morally significant." I do not see why, since we do not in scientific theories. If we did not need theory-independent guidance to identify as physically significant the correlation between the ebb and flow of the tides and the phases of the moon, I do not see why we need it to identify as morally significant that behavior that really is morally significant. In both cases we depend on prereflective perceptions of salience which it is the function of the theory to articulate and refine. Thus Postow misunderstands the point of my criteria (1)-(4), below, which are intended to elaborate the rough formulation of the criterion of inclusiveness (as I say repeatedly on pages 33, 37, and 40), not to distinguish moral from nonmoral data.

⁷ Peter Singer, *Animal Liberation*, Second Edition (New York, NY: New York Review Books, 1990).

moral theory both do that much. The metaethical importance of the contemporary Utilitarian discussion of animal rights is that it extends the scope of the theory outward as well, to encompass preexisting moral phenomena, now clearly recognizable as such, that was not formerly identified as falling within the moral domain.

A moral theory that satisfies the criterion of inclusiveness as roughly formulated here is distinct from a theory that satisfies criteria of explanatory (and practical) strength. A theory that has explanatory strength can generate practical solutions for new moral phenomena that the theory may not originally have foreseen. An example of a theory that satisfied these latter criteria might be a Kantian theory that, because of the interpretation of the notion of rational capacities built into its theoretical constructs, generated definite answers to the questions of whether abortion in the first trimester is justifiable, whether human fetal tissue up to that age can be used in treating Parkinson's disease, and whether robots of a certain level of cognitive complexity are moral agents. This would be an example of a theory that yielded testable hypotheses and valid inferences about agent character and action under previously unforeseen circumstances, in virtue of the empirical validity of its higher-level laws.

By contrast, satisfaction of the criterion of inclusiveness requires that the formulation of a theory's laws and principles take into account all the *existing* moral data, and not just some of them. A theory can have explanatory strength without being inclusive. For example, Kant's own theory might yield the valid futuristic inferences just described, yet be said to lack inclusiveness by making no provisions for the treatment of animals or the mentally impaired in its laws and principles. And a theory can be inclusive yet lack explanatory strength, as does Thales' theory that all is water, or the psychological Egoist's that all actions are motivated by self-interest, from which no testable hypotheses can be generated. So explanatory strength and inclusiveness are mutually independent. A theory that has explanatory strength but lacks inclusiveness is less adequate than one that has both, because its hypotheses are vulnerable to disconfirmation by the anomalous data excluded from them - Aristotle's exclusion of women and slaves from the moral domain might exemplify this vulnerability. A theory's explanatory strength enables us to forecast the future; its inclusiveness enables us to see what is under our noses.⁸

⁸ Note that satisfaction of the criterion of inclusiveness does not conflict with Popper's requirement of disconfirmability, since this is the requirement that the higher-level laws and theoretical constructs of a theory not be tautologous. A moral theory can satisfy criteria of inclusiveness and of disconfirmability simultaneously because it can

The criterion of inclusiveness is also distinct from the metaethical requirement of impartiality in the application of a moral theory's laws. This requirement states, roughly, that similar cases are to be treated similarly, without bias either towards one's own case or towards others'.⁹ But impartiality in the application of a theory's laws is compatible with a failure of inclusiveness in the formulation of those laws themselves. Aristotle's moral theory, for example, may be said to apply impartially to all citizens of the polis, yet for that very reason ignores, dissociates, and rationalizes women and slaves out of moral consideration. Similarly, a theory may be inclusive in that its laws and principles identify as morally significant all behavior that is morally significant. Yet it may fail to treat similar cases - as picked out by the terms of the principles themselves - similarly, and may thus express bias towards a particular group, person, or set of interests in the way it is applied. A moral theory that satisfies both inclusiveness and impartiality both incorporates all the relevant data into the moral domain in the formulation of its laws and principles, and also accords them their due once they are there.

The criterion of inclusiveness is important because only a theory that satisfies it as well as the others mentioned will be sensitive to those nuances of social interaction that are of no less moral weight for being subtle in their manifestations, and therefore no less in need of guidance by moral principle. For example, are causally disparaging jokes about a professional competitor, uttered in the presence of powerful colleagues, grounds for moral condemnation? Does an attempt to convince a partner to accept one's occasional adulteries by threatening to otherwise end the relationship and withdraw economic support count as psychological coercion? Does confiding in one's pre-adolescent offspring about one's romantic entanglements constitute child abuse? These are instances of seemingly trivial behavior that

be true both that the theory explains all the relevant data and also that it not do so by definition of its basic terms and hypotheses. For example, a Kantian moral theory might generate practical principles that both apply to all agents who have any rational capacities whatsoever - hence satisfy inclusiveness, and also are disconfirmable by, say, an agent who fully exercises those capacities and disciplines her sensuous inclinations in the ways Kant specifies, yet regularly violates the prescriptions of the Categorical Imperative. One consequence of tying his account of rationality to his account of morality is that Kant rules out the possibility of a fully rational agent who is also morally vicious. This speaks in favor of the claim of Kantian moral theory to the status of a genuine theory.

⁹ The concept of impartiality is examined in greater depth in my "Impartiality, Compassion, and Modal Imagination," *Ethics: Symposium on Impartiality* (forthcoming 1991).

may have major moral ramifications - *if* they are brought within the realm of moral concern.

The question in each such instance is whether the particular act-token in question should be brought into the moral domain or not. This is the dilemma, not about which of two mutually incompatible and equally obligatory acts to perform; but rather about which of two mutually incompatible and equally compelling interpretations of an act to accept: that which situates it inside, or, alternatively, outside the range of morally significant behavior. Typically, one interpretation of the act identifies it as a moral dereliction - and therefore subject to moral control, whereas the other identifies it as morally innocuous, and therefore irrelevant to moral discussion. The former interpretation presupposes a moral theory that includes this type of act within its scope, whereas the latter interpretation presupposes one that does not. Thus the dilemma is not generated by an inconsistency in the moral theory we accept, but rather is a dilemma about *which* moral theory *to* accept in order to understand the act in question and the data of moral experience more generally. This is the issue I want to address in this discussion. By examining some of the issues involved in granting or withholding moral significance in interpreting a particular act, I will try to suggest in somewhat more detailed terms what the criterion of inclusiveness comes to in the case of moral theory.

II.

The goal of understanding the data of moral experience by subsuming it under the terms and concepts of a moral theory is distinct from that of explaining the data of moral experience. The question is not the relatively higher-level one of which hypothesis about ideally moral agent character will correctly predict the act in question as an outcome. That question can be raised only following an answer to the more basic and essential questions as to whether the act is morally significant at all; and if so, under what moral rubric it should be subsumed. Thus a resolution of the dilemma will yield us the correct *observational* term to apply to the act in question: Is it an abuse of power? A betrayal of trust? Or, alternately, is it an act of conviction? Or an affirmation of loyalty? Or is it more appropriately treated as an innocuous act, unremarkable in its moral neutrality and so inherently proscriptive of moral commentary?

That these questions are raised at all probably rules out the last-mentioned alternative. A genuinely innocuous act does not proscribe moral

commentary; it renders it superfluous.¹⁰ The proscription of moral commentary is, more likely, a conspiratorial proscription of boat-rocking - a sure sign that moral commentary is urgently needed in order to prevent the boat from sinking and the rats from jumping ship. In order to arrive at an answer to these questions, characterizing the sequence of behaviors in morally neutral observational terms alone is insufficient unless there is prior intersubjective agreement on its moral significance - in which case the search for observational moral terms in which to describe it is unnecessary.

But prior intersubjective agreement does not always exist. Some people need to have explained to them what is questionable about using federal funds earmarked for low-income housing to build a luxury high-rise for personal profit. Others understand what there is to question, but conclude, in accordance with the dictates of their moral theory, that the questions can be answered without imputation of wrongdoing. We begin to discover which moral theory we accept when we settle the question of how to describe the acts on which it passes judgment. And we may sort moral theories into those that recognize and provide appropriate sanctions for certain kinds of acts, and those that recognize and provide sanctions for different ones. We may have to begin with morally neutral observational terms when these other questions are at issue. But we can end with them only when all of them have been resolved.¹¹

This is not to claim that morally identifying an act is sufficient for identifying the particular moral theory that evaluates it. The data of moral experience is regularly overdetermined by the plethora of moral theories that may be invoked to explain it. For example, both Kantian and Utilitarian theories may prescribe promise-keeping, the first as an expression of respect for rational ends in themselves and the second as a dispensable means for maximizing happiness. Similarly, both theories may agree that killing, when neither for self-defense nor for defense of one's national borders under conditions of declared war, is murder. Any choice of an observational term is

¹⁰ In a footnote, Postow (*op. cit.* Note 2) objects to this sentence that it is wrong because "[t]he premise that behavior is morally 'insignificant' or innocuous actually supports the important moral consequence that it is *prima facie* (sic) wrong to interfere with people's freedom to engage in that behavior." I would have thought that behavior protected from interference by moral principle would be clearly identifiable as morally significant.

¹¹ Of course the distinction between theoretical terms and observational terms can be ultimately only a matter of degree, rather than of kind, to the extent that it is valid at all. See Norwood Hanson, "Observation," in Richard Grandy, ed. *Theories and Observation in Science* (Englewood, NJ: Prentice-Hall, 1973), 129-146.

consistent with a variety of upper-level theories that may succeed in giving it contextual coherence. The term finally chosen may commit one only to an identifiable range of moral theories.

All the theories in this range may concur in condemning, or praising, or acquitting the agent for a particular act. Yet they may differ as to the practical consequences of this condemnation, praise, or acquittal. For example, three different moral theories may agree that rape is morally blameworthy. Yet one may prescribe punishment and ostracism for the perpetrator, while another in fact prescribes punishment and ostracism for the victim, and the third prescribes no punishment to anyone because other considerations always outweigh it. We may use our responses to such examples as a guide to solving the dilemma of which range of moral theories we should choose in order to identify the correct moral interpretation of a particular act, relying on detailed refinements in the case under study, and our responses to them, in order to narrow and sharpen the particular moral theory to which we ultimately find ourselves committed.

In part this can be ascertained by measuring our willingness to act on the practical consequences of a particular moral interpretation the theory prescribes. And in part it can be ascertained by gauging the explanatory power of the theory that results from excluding or including this interpretation in it. So, for example, we may discover our unwillingness to apply the relevant moral sanctions to an act we initially interpreted as morally blameworthy. In this case we can either revise our moral interpretation of the act within the theory, or jettison that type of act from the domain of the theory altogether. Suppose the former alternative ramifies throughout the rest of the theory in such a way as to generate inconsistencies. Suppose, for instance, that after discovering our unwillingness to prosecute date rape, we revise our interpretation of the act so as to excuse date rape while continuing to condemn physical assault more generally (perhaps on the grounds that the concept of a date implies a mutual presumption of intimacy). We are then confronted with a *prima facie* inconsistency, between proscribing physical assault in general and permitting what would seem to be a particular instance of it, that damages the viability of the theory. In order to repair it, the dilemma of moral interpretation may be raised again: Is so-called date rape really an instance of physical assault - thus subject to moral sanction? Or is it just particularly energetic sex between consenting adults - thus (at least on some accounts) morally unremarkable? The dilemma of moral interpretation may be reiterated at increasingly higher level laws of the theory. Thus one may also call into question whether kissing someone could ever constitute physical assault; whether physical assault itself is always a bad thing;

whether bad things may not be more accurately identified as good if their consequences are; and so forth.

Alternatively, we may solve the dilemma of moral interpretation by circumscribing the scope of the theory more narrowly. For example, we may deny that date rape ever fact occurs (perhaps on the grounds that the woman indicates her desire for sex by going on the date in the first place). Or we can circumscribe the theory even more radically, by jettisoning physical assault in general as a type of act warranting moral condemnation. Thus we may fiddle endlessly and pseudorationally with the interpretative terms of the theory so as to avoid the consequence of having to prosecute date rape, finally transforming a vague but unexceptionable moral theory into a bizarre Nietzschean parody of moral reasoning. In order to avoid getting stuck with a moral theory vitiated by inconsistency, moral blinders, and bad conscience, we must either fashion a different theory that avoids these evils, or else rethink our unwillingness to act on our original condemnation of date rape. Only after we have solved the dilemma of moral interpretation of the particular act in some such manner does the type of moral dilemma concerned with conflicts between obligations, now so popular in the literature, even arise.¹²

III.

In settling on the morally appropriate terms in which to describe an act, we may discover not only the range of moral theories to which we subscribe, but also the particulars of our own personal investments¹³ in the issues under consideration. If we identify the act as a moral dereliction, condemnation or

¹² These remarks rightly suggest that the target of scrutiny here is the moral theories that individual agents actually hold, as revealed in their social behavior, not the abstract and idealized theories they may defend in intellectual discussion. These latter theories are usually inadequate to the moral data because they fail to reflect the complexity of our actual moral practices. By focussing on the question of how to apply the criterion of inclusiveness in subsuming under a moral rubric acts we often assume to be morally unremarkable in practice but that are rarely addressed in metaethical discussions of moral theory, we may articulate a practically viable moral theory that can be distinguished both from an impractically idealistic one on the one hand, and from the frequent deviations from any such theory that regularly prod our conscience on the other.

¹³ The concept of personal investment is developed at greater length in "Moral Theory and Moral Alienation," *The Journal of Philosophy* LXXXIV, 2 (February 1987), 102-118. Also see "Pseudorationality," *op. cit.* Note 4.

perhaps even some stronger interventive action may be called for, whereas if not, we are let off the moral hook. Being ever reluctant to assume the burden of moral responsibility, we may prefer to fiddle with the terms of our moral theory in the manner just described, in such a way as to allow us to see the act as morally innocuous, and hope that the case for that interpretation will stick. Thus, as we will see, fixing on the correct verbal description of an act can be a case study in pseudorationality that ultimately yields its own moral strictures, for it requires us to distance ourselves from our personal investment in evading culpability - by resisting the temptation to deny clear evidence of wrongdoing, or to dissociate that evidence as irrelevant to the broader significance of the act, or to rationalize the subsumption of the act under less morally charged concepts.

Even thinking about this issue in the abstract presents this difficulty, for we may find ourselves instinctively identifying or sympathizing with one or another agent involved, and this, together with our reluctance to encourage attributions of moral responsibility to ourselves, may influence our willingness to identify any as perpetrator or as victim. Consider, for example, the Viet Nam veteran who protested the rail transportation of chemical weapons across state lines by lying on a railroad track, and was named the defendant in a suit brought by the conductors of the train that cut off his legs, charging him with having caused them mental anguish. "Blaming the victim" is, in this as in other comparable cases - rape, wife-beating, child abuse, sexual harassment, for example, a misnomer; for to those instinctively allied with the instigator, it is obviously not the victim who is being blamed.

In this way who counts as the victim and who as the perpetrator cannot be settled in advance of settling the question as to how the act itself is to be morally interpreted; and settling these questions in turn settles the further question of who, if anyone, is to be blamed. What is not settled thereby are the questions of just how blameworthy the perpetrator is judged to be, and what form any consequent punishment should take. Settling these further questions of comparative degree will help situate the act and the agent within a broader moral context in which other acts are weighted and evaluated in relation to this one. This process of inquiry, in turn, will help focus the boundaries and content of the particular moral theory we finally accept.

In what follows, I want to begin this process by discussing at length a hypothetical example in which the moral interpretation of an act is in dispute, in order to derive at least some of the more specific requirements on a moral theory to which satisfaction of the criterion of inclusiveness commits us. The point of the example is to explicate what I will assume to be shared methodological intuitions of moral salience, and then to formulate them as

more detailed elaborations of the criterion of inclusiveness offered at the outset of this essay.¹⁴

Because the resulting criteria are metaethical requirements on any adequate theory rather than substantive requirements on a particular one, they will call our attention to certain recognizably moral data that must be given weight within an adequate moral theory. They will not thereby provide an answer as to *how* this data should be weighted within the domain of any *particular* moral theory, nor how individuals should be treated because of it. Nor will they provide substantive answers to any other pressing moral questions in which competing interests have a claim on our moral consideration (for example, to the question whether a human foetus has rights that outweigh a woman's right to control her own body). Rather, the strategy will be to examine certain typical, pseudorational mechanisms by which such data is excluded, and then to derive more specific criteria of inclusiveness from them. Although I conclude that only one type of theory satisfies each of these criteria, this is not to deny that there might be further criteria of inclusiveness that it fails to satisfy.

The example:

Smith is the History Department Chairman, a full professor, and a white male. *Vogeler* is his colleague and pal, also a full professor, and a white male. *Washington* is an assistant professor, untenured, and a black female.¹⁵ Some of the remarks *Vogeler* makes to *Washington* over the course of her first semester are as follows: that *Washington* certainly is a hot number and must have a lot of boyfriends; that *Washington* only got this appointment because she is black; that *Washington* needs to learn to be more friendly to her senior colleagues if she wants to get tenure. Some of the remarks that *Vogeler* makes about *Washington* to her male graduate students and to his male colleagues are as follows: that *Washington* does not know the literature well enough to teach her courses; that *Washington* does not like men; that *Washington* is going to complain to the university administration about the department's treatment of her. *Washington* gets wind of these allegations, describes all of *Vogeler's* behavior to *Smith*, and asks *Smith* for help in putting an end

¹⁴ One implication of proceeding in this way - which I accept - is that intuitions that directly conflict with those I formulate as criteria of inclusiveness are based on some sort of cognitive deficit: incorrigible pseudorationality or sociopathy, perhaps. I discuss incorrigible pseudorationality about racism, sexism, homophobia, elitism, and anti-Semitism in "Higher-Order Discrimination," *op. cit.* Note 4.

¹⁵ An easy way to keep clear the cast of characters is to connect *Vogeler's* name with the double entendre in the German vernacular.

to it. Smith replies blandly that all junior faculty find it difficult to "run the gauntlet" in order to get tenure; that he has known Vogeler since college; and that Washington is overreacting, seeing offense in Vogeler's behavior where none is intended.

Clearly, Washington and Smith accept different moral interpretations of Vogeler's behavior. Washington condemns it as harassment, whereas Smith treats it as morally innocuous. Which of them is correct? Is Vogeler's behavior to be described as harassment, or as mere impish teasing? Is it possible to decide between them, or must we content ourselves with impotent musings on the subjective incompatibility of different worldviews?

That mere different worldviews are not what is at issue is signalled by Smith's calling into question Washington's competence to make a considered moral judgment. By accusing her of overreacting, of taking Vogeler's behavior too seriously, Smith does more than suggest that Washington might be mistaken, in this instance, in her moral evaluation. A mere mistake in moral judgment can be corrected with added information or further reflection on the implications and consequences of action. It is susceptible to adjustment through the application of rational procedures of information-gathering and inference. Thus it can be revised within the framework of the substantive moral theory that the mistaken moral judgment presupposes.

By contrast, if I react with vehement repugnance, upon learning of a black man who has been beaten to death for venturing into a white neighborhood, it is because such an act violates my values, i.e., my moral theory. There is no mistake in judgment I have made that can be corrected by learning that this is common practice in parts of greater New York City, or that the man was a drug addict, or by adjusting my stance to reflect my probable partiality as a black person. If an unsympathetic observer suggests that I am overreacting, seeing personal malice where none is intended - perhaps the murder is intended merely as an impersonal deterrent, to keep blacks in their place - the implication is not only that my values are misplaced, but also that my capacity for moral judgment itself is therefore impaired: By disvaluing too strongly the practice of murdering blacks who trespass into white territory, the observer might reason, I am revealed to be incapacitated from passing reliable judgment on a whole host of moral issues.

Similarly, Smith's suggestion that Washington is lacking in reflective balance, or values Vogeler's behavior too negatively implies that those rational processes themselves have been subverted by Washington's psychological or emotional makeup, and hence that her substantive moral theory itself is deficient. Smith also implies his own authority and competence to make such a judgment, based on his superior knowledge of Vogeler and of the tenure process, and on his greater distance from the conflict in question.

Smith's response to Washington thereby raises essentially the same dilemma, about how to choose between moral theories, at the meta-level, of how to choose between choosers of moral theories: Is Washington's identification of Vogeler's behavior as harassment itself evidence that she is defective as a moral judge? Is Smith's identification of Washington as defective in moral judgment itself a testimonial to his moral acuity? Who is to decide between Smith and Washington as to who is the more reliable moral evaluator?

This hypothetical case demonstrates that the object-level dilemma, of how to choose between competing moral theories, is not *conceptually* dependent on the meta-level dilemma, of how to choose between competing choosers of moral theories. In theory it is possible that, rather than attack Washington's credibility as a moral judge, Smith might have politely begged to differ with her interpretation and retreated from the field. This would have left intact the presumption of Washington's equal status as a competent player in the game of moral evaluation. But it also would have left unresolved the impasse between Smith and Washington, as to whether Vogeler's behavior was morally blameworthy or not. This impasse must be resolved if Vogeler's behavior is to be situated within the system of practical moral controls that govern the community of moral agents of which Vogeler, Smith, and Washington are all members. Otherwise the efficacy of that system itself will begin to deteriorate, to no one's ultimate advantage.

So it is not a trivial matter which interpretation of Vogeler's behavior finally prevails. Nor is it merely a matter of intellectual disagreement that Smith and Washington have different moral views of this. Their respective moral theories concur to the extent of agreeing that *if* Vogeler's behavior toward Washington constitutes harassment, Vogeler is morally blameworthy and Washington deserves vindication. Where they differ is at the crucial point of determining what overt physical behavior constitutes harassment and what does not. For example, it may turn out that Smith's moral theory groups under the rubric of "harassment" only physical abuse - pinching, hitting, rape, etc., whereas Washington's theory groups under that heading any hostile behavior that causes her intense mental distress, i.e., emotional and verbal as well as physical abuse. Determining which of these theories is to prevail is also to determine which of these theories is more adequate to the data of moral experience - i.e., which most perceptively and inclusively identifies behavior to which a condemnatory moral response is appropriate. This is important because that theory, in turn, will determine when and where to apply the practical moral controls that return the community to equilibrium; and who has a say in deciding in what community equilibrium consists.

In this enterprise there can be only one winner, and polite talk of the subjective incompatibility of different worldviews is beside the point. If Washington is right, Smith and Vogeler are morally culpable and she is not,

whereas if she is wrong, she is morally culpable and they are not. Washington's and Smith's moral theories are not just different; they are competing, and serious personal and professional consequences follow for everyone, depending on whose moral theory prevails. To fight *this* "war of words" is thereby to fight the Great War for Control of Reality, in which no prisoners are taken. Hence from the no-holds-barred perspective, it is perhaps not surprising that Smith attempts to undermine Washington's evaluative authority and credibility at the same time that he rejects her moral judgment. The object-level dilemma is *practically* dependent on the meta-level dilemma, because the authority and credibility of one's favored moral theory presupposes the authority and credibility of oneself as moral judge.

IV.

The practical dependence of the object-level dilemma on the meta-level dilemma itself provides a starting point for deliberation about the relative merits of Washington's and Smith's favored moral theories respectively. Although there can be only one winner of the competition among moral theories as candidates for the actual system to which the community of moral agents consistently adheres, a moral theory that prevails because its proponents have obliterated, ignored, or sabotaged the credibility and authority of their rivals is no real winner at all, for it cannot command the rational assent of those rivals who continue to maintain different theoretical allegiances. In reality, Smith's attempt to devalue Washington as a competent moral judge *to her face* is a pseudorational attempt to simultaneously deny her status as a moral agent and gain her theoretical allegiance, without examining rationally the case to be made on her behalf. If he can convince Washington that her mental distress is excessive relative to the event that purportedly caused it; that that event did not in fact cause it because Washington saw offense in inoffensive behavior; and that in any case Washington's reaction is unimportant relative to preserving the collegial *status quo*, he will have convinced Washington, effectively, that she really was just "seeing things," and so that there is no moral case to be made on her behalf after all. In this instance, Smith's moral theory prevails, not through considered evaluation of its merits, but rather through ideological reprogramming of the opposition.

However, for Smith to succeed in convincing Washington that Vogeler's behavior was innocuous teasing rather than harassment would be for him to convince her that Vogeler's behavior was appropriate, whereas her reaction was inappropriate. It would be to convince her that it was appropriate for a professional colleague to treat her noticeably differently than he treated his other colleagues, differently than her other professional colleagues treated

her, and differently than, in her experience, professional colleagues ordinarily treat one another. Thus it would be to convince her that others were not bound by metaethical requirements of impartiality in the application of professional rules of conduct in their treatment of her, and so that she was not an equal partner in the enterprise of moral community. It is unlikely that one could *rationally* convince a rational moral agent that she in fact was not one. But in the absence of any such rational assent, Washington's *de facto* cooperation with Smith's moral theory, according to which there is nothing untoward about Vogeler's treatment of her and so nothing to protest, can only be coerced - by verbal or emotional abuse, perhaps, or insinuated threats about her professional future. This is not exactly a secure basis for future moral cooperation.

So from consideration of the foregoing meta-level dilemma, we might derive at least one criterion of selection for the most adequate moral theory (or range of theories) among the alternatives:

(1) A practically adequate theory K must respect fully the moral agency of any full participant in the social and economic life of a community of ordinary adults, even if that person espouses a moral theory that, under particular circumstances, competes with K for practical implementation.

To *respect* something about a person is (a) to acknowledge it verbally to oneself and to the person under appropriate circumstances; (b) to elaborate on it verbally to oneself and to the person under appropriate circumstances; (c) to facilitate verbal acknowledgment of and elaboration on it by oneself and others to the person under appropriate circumstances, such that (d) these spoken declarations call up the appropriate emotions of respect and acceptance in the speakers, and motivate the appropriate behavior. A moral theory that respects something about a person imposes these requirements of behavior on its proponents. That is, it requires them to express this respect for others in their conduct toward them.

(1) requires that, in the formulation of the descriptive laws and practical principles of conduct to which a community is expected to adhere, an adequate moral theory K must include all recognizably moral agents in its scope of application, whether or not particular agents agree with K theoretically. It states that all deserve equitable moral treatment - and, in particular, equal respect for their particular moral theories.¹⁶ It precludes

¹⁶ Of (1) Postow states (*op. cit.* note 2), "I don't see how any theory can satisfy (1), for to disagree with any rival theory is to regard as distorted some of the moral perceptions that are informed by that theory." Again I do not see why. If I believe you are wrong to assert that I must keep my promises in a particular instance, my reason may be simply that your general principles are too parochial. I do not see that I must regard any of

drawing the lines of the community of fully moral agents to which K applies such that only one's moral allies and cohorts fall within it, whereas competitors, enemies, and strangers count as morally defective outsiders.

(1) does not prescribe a single right way Smith ought to respond to Washington's allegations.¹⁷ But it does sift out pseudorational tactics of the sort Smith deploys in suggesting that Washington is "seeing things" rather than seeing clearly the intrinsically offensive character of Vogeler's behavior. (1) also rules out any moral theory that withholds full membership in the moral community from certain adult groups on the grounds that they are, by nature or by ideology, not fully competent members of that community: that views women as irrational, for example, or Jews as subhuman, or blacks as childlike.¹⁸ Moreover, (1) rules out any Anti-Rationalist¹⁹ moral theory that stipulates an agent's inclusion in one's family or circle of friends or local professional network as a necessary condition for full moral treatment of her. Finally, (1) eliminates any moral theory that justifies the devaluation or subversion of an agent's rational and evaluative faculties in order to influence her action - e.g., through coercion or manipulation. So, in particular, it eliminates Classical Utilitarianism as a viable candidate for practical moral adequacy.²⁰ If the impasse between Smith's and Washington's moral theories regarding the import of Vogeler's behavior cannot be resolved without reliance on underhanded attacks on the moral and rational competence of the theorist, it cannot be genuinely resolved at all.²¹

your moral *perceptions* as distorted on that account (I assume Postow accepts the distinction between beliefs, principles, and perceptions; and between mistaken perceptions and distorted perceptions).

¹⁷ For example, Smith might satisfy (1) either by begging to differ and retreating from the field, or by engaging Washington in rational evaluation of the evidence for and implications of Vogeler's behavior, or even by cautioning Washington that because Vogeler is a close friend of his, he may not be the best person to assume responsibility for this situation.

¹⁸ Such theories are discussed at greater length in "Higher-Order Discrimination," *op. cit.* Note 4.

¹⁹ I intend this term to refer to the host of related views spawned by Bernard Williams' attack on moral theory. See my review of Michael Slote's *Goods and Virtues*, *The Journal of Philosophy* LXXXIII, 8 (August 1986), 468-473.

²⁰ Extended argument for this claim is to be found in my "Utility, Publicity, and Manipulation," *Ethics* 88, 3 (April 1978), 189-206.

²¹ Perhaps controversially, (1) implies that, in the event that the practical consequences of choosing one moral theory over another involve life and death - for example, if my rival's moral theory legitimates the killing or torture of heretics and infidels whereas

V.

(1) gives us *prima facie* reason to suspect Smith's moral theory. Clearly, it violates (1) in its rules of conduct toward competitors for moral truth. This is damaging because it reveals that the claim to superiority of Smith's moral theory depends, not on a careful assessment of its intrinsic epistemic and practical merits; but instead on undermining Washington's status as a fully responsible moral agent. But there is more to be said about it than that, even putting aside for the moment the meta-level dilemma. Among the many things that Washington communicates to Smith is the mental and emotional anguish she feels at being the target of Vogeler's verbal attacks. Smith's response is to (a) minimize the moral importance of Washington's pain by suggesting that her reaction is out of proportion to the events that purportedly caused it; (b) deny the causal effect of Vogeler's behavior by suggesting that Washington's pain is largely self-generated by her tendency to see slights where none were intended; and (c) dissociate Washington's pain from Smith's constellation of significant moral priorities, uppermost among which is preservation of collegial equilibrium. Let us look at each of these reactive strategies more closely.

(a) judges Washington's level of mental distress to be morally unjustified by the situation that purportedly gave rise to it. Thus it presupposes that there is some morally appropriate level of mental distress that is justified by the situation. Smith indicates what this is: It is the level of distress experienced by all untenured junior faculty members as they "run the gauntlet" of performance, evaluation, and interaction with their senior colleagues in their attempts to obtain tenure. One problem is that this inclusive criterion of justifiable mental distress is too inclusive, for it does not distinguish the kinds of professional behavior by senior colleagues that are themselves morally justifiable from those that are not. Therefore it cannot distinguish levels of mental distress in response to such behavior that junior colleagues ought to learn to take in stride from those that constitute justifiable grounds for protest.

But a larger problem with (a) is that it is circular. The idea of an appropriate, justifiable level of mental distress implies that there are some morally justified ways of treating others that can be expected to cause them a certain, justified level of mental anguish - and no more. But it is hard to imagine how this level could be specified independently of the behavior that

mine does not, it is impermissible to deploy tactics of persuasion such as the killing or torture of my rivals, just because I anticipate their deploying those tactics against me. (1) does not exclude self-defense against one's rivals when necessary. But it does exclude any behavior that "sinks to the level" of reciprocally coercing moral assent through psychological or physical power plays against them.

is expected to cause it, and of who could possibly be in a position to do so. To what independent standard could we possibly appeal in order to ascertain this? No variant on the "Impartial Rational Spectator" would suffice. Suppose we could spell out the psychological and emotional makeup of some such "Emotional Rational Participant" on a statistical basis that at the same time corrected for gender, class, and ethnic bias (which is unlikely). We still would have no means of making interpersonal comparisons among distress or happiness levels of different individuals. Therefore we would have no means of ascertaining to what extent the standard of the "Emotional Rational Participant" had been met in a particular case.

In any event, the very idea of a common standard of appropriate emotional response, independent of appropriate conduct, is suspect. No one is exempt from sensitivities on a wide range of individual and idiosyncratic matters. These sensitivities may increase the intensity of one's emotional response beyond some local convention when those sensitivities are wounded: Sensitivity to one's height or weight, to being teased or not invited to parties, to one's class background or table manners or general condition of moral dereliction are just a few of the sore spots that may elicit a more vehement response than one's audience may have expected. In these cases we do not ordinarily think such a response is inappropriate relative to some emotional norm.²² Instead we are reminded of how broad and inclusive the range of acceptable emotional responses may be, and we adjust our behavior accordingly so as not to give offense in the future. Unlike criteria of rationality, which are more or less uniform and systematic across a large variety of groups,²³ emotional responses are not the kind of thing that meaningfully can be legislated across individuals. This is why Anti-Rationalist moral theories that insist on grounding moral behavior solely in some implied standard of correct moral emotion sometimes seem so arrogant. They presume to instruct us as to the sort of inner emotional life we all ought to lead in order to enjoy moral rectitude, as though acting from conscientious and well-intentioned motives toward others were not enough.

The most serious objection to (a), then, is its moral arrogance. Smith simply is not in a position to presume knowledge of that level of mental distress that it would be morally justified for Washington to feel; and even if

²² That is, unless it is patently self-destructive or morally costly to others - in which case the relevant norm is not emotional but moral.

²³ In "African Traditional Thought and Western Science," (in Bryan Wilson, ed. *Rationality* (New York: Harper and Row, 1970), 131-171), Robin Horton furnishes convincing evidence for the cross-cultural validity of at least some fundamental norms of theoretical rationality.

he were, he would have no business imposing that standard on Washington. Washington's level of mental distress may be greater than Smith is comfortable witnessing. It may be greater than Smith imagines he would feel under similar circumstances. It may even be greater than previous victims of Vogeler's aggressions have expressed to him. Smith nevertheless has no basis for claiming that Washington's reaction is excessive. Minimizing the moral importance of Washington's pain is a pseudorational tactic that excludes that pain from the domain of Smith's moral theory.

So a second criterion of selection for the most adequate moral theory among the alternatives might run as follows:

(2) A practically adequate moral theory K must respect fully the moral importance of an agent's pain, as sincerely expressed in words or behavior.

(2) seems so obvious that, on reflection, it may be unclear why it is necessary to state it. A moral theory that prescribed disparaging or belittling another agent's expression of pain, or was silent on the question of whether it was worth alleviating, would be no moral theory at all.²⁴ And indeed, no self-respecting moral theorist would prescribe any such principle explicitly. Yet the foregoing hypothetical case combines elements of behavior that are all too familiar in a variety of social contexts, and that are implicitly assumed to be entirely consistent with a variety of standards of moral rectitude. We often disregard or belittle another's pain, or exclude it from the domain of moral concern, or give it only cursory attention or moral weight, simply because we

²⁴ Postow (*op. cit.* Note 2) worries about whether we can accept (2) as a metaethical (as opposed to substantive moral) principle on the grounds that I do "not explain why a theory that held that other people's pains are not worth alleviating would fail to be a moral theory at all." In a footnote she appeals to the authority of Richard Miller's discussion of the Yanomamo as a counterexample (Richard Miller, "Ways of Moral Learning," *The Philosophical Review* XCIV, 4 (October 1985), 507-556). But I am not convinced by Miller's discussion that even the Yanomamo regard it as *morally* right to shoot their wives in the thigh for being too slow with the dinner, much less that we should accept this. Miller's defense of this thesis is based on the unquestioned extension of linguistic practices unproblematic among Yanomamo men to cases that are clearly problematic for Yanomamo wives - as though the victims of a social practice should have no voice in evaluating its moral legitimacy. Moreover, Miller furnishes no substantive criterion for identifying a moral theory, or for distinguishing it from mere social or psychological conventions. Let me suggest an obvious one: A moral theory must, at the very least, provide a solution to Prisoner's Dilemma-type situations, which the Yanomamo convention of fierceness does not (for example, it decimates 25% of Yanomamo tribesmen and incapacitates Yanomamo wives from getting the dinner at all). It is rather for Postow to explain why we should identify a self-defeating social convention as a moral one.

disapprove of its hypothesized cause. We may judge the person to be oversensitive, or self-indulgent, or manipulative, or temperamental, or distorted in her perceptions. These are terms of evaluation that indicate that we are second-guessing the motive or causes behind the agent's expression of pain, and invoking this *ad hoc* hypothesis about the disreputable origins of that expression in character or circumstance in order to minimize its moral significance. This type of rationalization is highly vulnerable to the charge of moral arrogance just discussed. It is difficult to imagine what causal origin of pain could possibly justify taking the pain itself less seriously.

Or it may happen that an agent passes such judgment on herself. She may not realize that she is a victim of moral transgression, even though the act itself causes her intense pain, because she believes she deserves it, or that the transgressive act is unexceptionable, or that it hurts the transgressor more than it hurts her. Or she may believe about the status of her own pain any of the dismissive judgments just mentioned, if she abdicates epistemic authority about her inner states to someone else who makes them. In these cases, (2) protects the victim of moral transgression against the loss of epistemic self-confidence that often comes with being such a victim, by enjoining us to take her anguish very seriously, even if she herself does not.²⁵

(2) requires that Smith respect the moral importance of Washington's pain, but it does not prescribe a single, morally correct way he should act in order to do so. Nor does (2) imply that the moral importance of an agent's pain is such that it may never be outweighed by other moral considerations. What it does imply is that it may never be ignored or belittled because of them.²⁶

²⁵ It might seem that Kant's own moral theory violates (2), by subordinating sensuous empirical reactions to the dictates of the Categorical Imperative; so that, for example, conscience may require Washington to tell Vogeler honestly that she does not appreciate his attentions, even though she knows that this will only cause him to retaliate against her with more offensive remarks to her and about her to others, which will increase her mental distress. By requiring her to tell Vogeler the truth when that will only intensify her pain, it might be argued, Kant's moral theory subordinates the full moral importance of that pain to the impartial duty to tell the truth. But in fact Kant's moral theory has no such implication. Among its imperfect duties is the duty to render aid to one in distress, and Kant acknowledges that an agent may have occasion to fulfill this duty by rendering aid to herself - as Washington does by protesting Vogeler's behavior to Smith. Although this does not abrogate Washington's perfect duty to tell the truth, it does not require that she allow herself to be treated by Vogeler as a sitting duck, either.

²⁶ Of course there do exist moral theories that prescribe stiff-upper-lipping in response to felt mental anguish; Stoicism might be interpreted in this manner. But at

VI.

Next let's look at (b). According to (b), Smith denies that Vogeler actually offended Washington, by suggesting that Washington's pain is largely self-generated by her tendency to see slights where none were intended. Earlier it was suggested that Washington would have to be irrational to accept the suggestion that Vogeler's intrusive and personal remarks to her, and his disparaging comments to others about her, were anything less than obviously offensive. Yet it is possible that, as Smith maintains, Vogeler's behavior was not the main cause of Washington's pain. And it is also possible that Washington wrongly imputes offensive intent where none exists.

To see this more clearly, consider an analogous case, that of the Insensitive Busybody (the IB for short). Once the IB finds out that you have failed your law boards or are getting a divorce, you will never be allowed to forget it. In her concern for your distress, the IB never fails to ask you how you are handling the disappointment, nor to express concern for your wellbeing and state of mind. Whenever you encounter the IB socially, she will dilate upon this topic at length: will commiserate, suggest coping strategies, recommend relevant readings, and solicit the opinion of others as to how you should best manage your personal crisis. At first you may be gratified by her concern. But after a while, it will be difficult not to take offense at her continually dwelling on your professional or social inadequacies. And it will be difficult not to suspect that she intends to remind you of those inadequacies, even if in fact she has no such intention. If she has none, it will be true both that she is not the sole cause of your pain, and also that you are imputing offensive intent where none exists. For at this point the other, and perhaps main cause of your pain will be your false imputation to her of the offensive intent to remind you of your inadequacies. It will be your mistaken assumption that she intends to cause you pain that causes you pain, more than anything she actually does.

It is possible that Vogeler is like the IB: tactless, insensitive, frightened, insecure, lacking both in social skills and in enough imagination to envision the psychological effect of his behavior on others - but nevertheless guileless. It may be, in short, that Vogeler is a basket case; and that the diplomatic response would be to ignore him, as Smith suggests. But even if this explanation of Vogeler's behavior were accurate, it would not acquit him of causal responsibility for Washington's pain. That pain is caused, not only by her putative tendency to see offensive intent where none exists, but by

best this is enjoined in response to one's own acknowledged pain, not in response to others' pain (and not, therefore, in response to the empathic pain one may feel in response to others' pain).

Vogeler's deliberate *behavior*, which is intrinsically offensive regardless of intent. Nor would this explanation of Vogeler's behavior acquit him of moral responsibility for Washington's pain: if he is not enough of a basket case to be relieved of his professional responsibilities as a senior colleague, he is not enough of a basket case to be excused for not fulfilling them, either.

Moreover, Smith wrongly implies that his greater familiarity with Vogeler's personal foibles furnishes a more adequate information base upon which to evaluate the moral significance of Vogeler's behavior: Having known him from college, Smith claims, he knows better than to interpret Vogeler's behavior as morally blameworthy. But Smith's greater knowledge of Vogeler does not necessarily translate into a more informed moral evaluation of him. It may be that, although Washington hardly knows Vogeler personally at all, she has often encountered individuals like him in the past. It may even be that she hardly knew any of them personally either; yet she still may be in a position to make a more informed moral evaluation of Vogeler than Smith. For it may be that racists and sexists almost always are basket cases in precisely the way Vogeler is; that they never mean any real harm, but are instead reacting only to their own inner anxieties, nightmares, and resentments, without the imagination or sensitivity to envision the psychological effect of their behavior on others. But it is hard to see why their self-centered brutality should be thought to abrogate their accountability for those effects. Washington may have no interest in speculating on Vogeler's intentional states, nor consider those states relevant to the question of whether or not his behavior constitutes harassment. For the primary features of Vogeler's behavior relevant to Washington's moral interpretation of it are its disparity with public norms of collegial professional conduct, and the corrupt system of personal values Vogeler reveals to Washington by engaging in it.

Thus Smith cannot argue that his special access to Vogeler's intentional states, which Washington lacks, furnishes him with an information base for evaluating Vogeler's behavior that is superior to Washington's. It may be that Washington's extensive past experience with this kind of behavior more than outweighs any insight she may lack into its phenomenal causes in this particular case. Moreover, it would be difficult to overestimate the importance and quality of the insight Washington gains into Vogeler's moral character solely from her special access to his racist and sexist proclivities. By being their object, Washington thereby discovers something significant about Vogeler that Smith does not know, and that cannot be overridden by what Smith does know about him. Of course these proclivities may coexist with being a wonderful colleague and memorable school chum to Smith. But these positive qualities hardly can be invoked as a justification for denying the

existence of the more dangerous ones as well. This would be as irrational as invoking Vogeler's racist and sexist behavior to Washington as evidence that he was incapable of being a wonderful colleague and memorable school chum to Smith.

A third criterion of adequacy for a moral theory might therefore run as follows:

(3) A practically adequate moral theory K must respect fully the moral importance of the insight into an agent's character a patient gains as the recipient of the type of act in question.

(3) blocks the pseudorational tactic of denying the facts of moral responsibility by denying the epistemic validity of the victim's knowledge of the transgressor. Hence just as (2) safeguards the moral importance of the pain a victim suffers at the hands of her transgressor, (3) safeguards the moral importance of the information about the transgressor a victim obtains at the hands of that transgressor.²⁷ Just as we are sometimes tempted to discount a victim's pain because we devalue its circumstances of origin, so are we similarly tempted to discount a victim's perception of wrongdoing because we devalue her status as a victim, or her social relation to the transgressor, or to the system of social norms that may bestow legitimacy and status on that transgressor. So, for example, a woman who suffers physical abuse at her husband's hands must battle the scepticism and resistance of law enforcement agencies governed by men most of whom are also husbands. A black who suffers employment discrimination at the hands of a white employer must battle the scepticism and resistance of regulatory agencies staffed primarily by whites. Or a homosexual who suffers harassment at the hands of delinquent teenagers must battle the scepticism and resistance of a largely heterosexual public.

These two devaluations - of a victim's pain and of a victim's insight into the transgressor - are not unrelated. When an agent commits a moral transgression from a position of credibility and authority, part of what constitutes that position of power surely must be *empowerment* - in the form of the presumption of moral rectitude - by the same community that confers legitimacy and status on that agent in the first place. So it is unsurprising that members of that community might be reluctant to withdraw that

²⁷ Postow (*op. cit.* Note 2) objects to (3) on the grounds that a moral victim "may, through ignorance of the larger context, be relatively ill-equipped to judge the moral status of the act or of the agent." But the concern of (3) is with judgments of character, and Postow gives no example of any "larger context" that might defeat a victim's judgment that the transgressor has deliberately inflicted harm on her, and therefore is capable of moral viciousness.

presumption by giving a privileged place to accusations which, if well-founded, would have precisely that consequence; and unsurprising that it might deny equal empowerment, legitimacy and status to the accuser.²⁸

Thus (3) is needed in order to balance a natural tendency to assume a certain, tempting viewpoint on the moral interpretation of action, namely the viewpoint of the *cognoscenti* of one's favored moral theory. This is that self-defined subgroup that not only knows and avows the theory in question, but implicitly regards itself and its members as embodying the theory's ideal of moral rectitude. Although virtually any moral theory may generate a *cognoscenti* among its proponents - the Bloomsbury devotees of Moore's Ideal Utilitarianism being a particularly noxious example of this, some moral theories are more susceptible to this form of corruption than others. Moral theories that stipulate as a condition of moral knowledge a special faculty or insight that not all members of the moral community can have are particularly vulnerable to this form of abuse because they implicitly arrogate possession of the special quality to the moral theorist, and invite the inference that one's special faculty or insight sanctify one's behavior as morally acceptable even if it diverges sharply and noticeably from the plebian, Golden Rule brand of moral conduct by which most of us feel obligated. These *cognoscenti moral theories* that stipulate an esoteric inner circle possessing special moral wisdom that ordinary moral agents lack, and by which even the moral victims among them must be guided, include Classical Intuitionism, understood as the view that we discover what to do by consulting a special, mysterious moral faculty which not everyone may have;²⁹ Classical Utilitarianism as propounded by Sidgwick, according to which knowledgeable Utilitarians are obligated by a set of moral rules different

²⁸ Moreover, preserving one's view of an acquaintance as a paragon of moral rectitude is a natural expression of a more general form of pseudorationality. Vigilant self-defense is needed against the loss of moral innocence threatened by the clear and unvarnished presence of moral corruption, for it sullies those who witness it. To acknowledge its presence without excuse or qualification is implicitly to acknowledge the possibility of its presence within oneself, and this is a self-revelation we would each prefer to avoid. The attraction of denying, dissociating, or rationalizing away the bad news that the victim has to disseminate is evident. This thesis is defended at length in "The Meaning of 'Ought' and the Loss of Innocence," *Op. cit.* Note 1.

²⁹ Sir David Ross develops this idea in *The Right and the Good* (Oxford: Clarendon Press, 1973), 29-33.

from and superior to those that enjoin the common run of people,³⁰ and those brands of Marxism that ascribe special, revolutionary knowledge either to the intelligentsia or to the proletariat, in accordance with whose dictates the classless society is to be realized. *Cognoscenti* moral theories violate the criterion of inclusiveness by denying to some moral agents the epistemic authority and credibility necessary for contributing substantively to moral consensus, while supplying it to others. They thus cripple the moral agency of those so deprived, and encourage abuses of power by those thereby empowered.

(3) rules out such *cognoscenti* moral theories because they implicitly presume that membership in the relevant *cognoscenti* involves the highest condition of moral knowledge - superior, in particular, to that any nonmember moral victim might gain from being the recipient of moral vice. Unlike a Kantian moral theory, which supplies metaethical principles of derivation from which commonsense moral precepts available to all and compatible with many such theories can be derived, *cognoscenti* moral theories implicitly presume a connection between moral rectitude and epistemic familiarity with those theories themselves. Because devaluation of a nonmember victim's knowledge of moral transgression relative to a member's is built into the very structure of these theories, they violate the criterion of inclusiveness.

Of course, like any practical principle, (3) may be abused, by constructing a *cognoscenti* of moral victims. Theories that ascribe a privileged status to suffering, as some forms of Christianity do, may be particularly susceptible to this. Nevertheless (3) does provide a counterweight to the empirically more prevalent impulse to discount as false, mistaken, or misguided the insights into moral character to be gained through being on the receiving end of moral vice. It would be consistent with conformity to (3) for Smith to weight Vogeler's collegiality and shared history with Smith more heavily than his moral turpitude, and more heavily than Washington would in deciding what should be done about it. But it would not be consistent with (3) to deny the legitimacy of Washington's insights into Vogeler's character altogether.

VII.

Finally, consider (c), which dissociates Washington's pain as unimportant relative to Smith's constellation of significant moral priorities, one of which is

³⁰ Cf. Henry Sidgwick, *The Methods of Ethics* (New York: Dover Publications, 1966), Book 4, Chapter 5, Section 3. For a discussion, see "Utility, Publicity, and Manipulation," *op. cit.* Note 20.

to preserve collegial equilibrium. This response not only ranks maintaining the collegial *status quo* more highly than alleviating Washington's emotional distress. It ranks more highly a *status quo* that licenses Vogeler's unjustifiably inflicting pain on Washington. On the face of it, it certainly would seem morally unjustifiable to discount the mental distress of a moral agent for the sake of preserving in equilibrium a social network that deliberately and unjustifiably inflicts such emotional harm. But there are moral costs involved in reforming it that must be figured into the equation. Is alleviating Washington's pain worth the pain, inconvenience and disturbance it would cause Smith, Vogeler, and others in the department to change the *status quo* and reform their behavior? Is it worth the resentments, embarrassments, incriminating revelations, betrayed loyalties, ruined friendships, and destroyed professional equilibrium that now exists?

Millian liberalism might formulate this issue as one of whether the rule of the majority or the rights of individuals should prevail, and there is much to be said for such an analysis.³¹ But examination of the social relationships that knit the majority together as a majority in this case suggest an alternative one. The issue can also be formulated as a crucial point of opposition between rationalist moral theories and Anti-Rationalist views that postulate the priority of personal loyalties and attachments over impartial duties to others. On this analysis, the fundamental question is whether it is worth unraveling an entire network of personal and professional attachments in order to rectify the injustice done to a single, unassimilated agent.

To this question, Anti-Rationalist claims about the importance of sympathy, caring, friendship, and so forth can provide no satisfactory answer, since these are the relational attributes that, in the case at hand, generate the problem. Of course an Anti-Rationalist might just bluntly disavow the importance of Washington's anguish when compared to that which would be incurred by shifting the *status quo* in order to ameliorate it. Alternately, the Anti-Rationalist might solve the dilemma by assigning a higher priority to whatever personal or professional attachments she may have to Washington. However, to weight these relational attributes in this instance in favor of Washington is to betray precisely that network of personal and social ties on the importance of which an Anti-Rationalist moral view insists. At best, an Anti-Rationalist might plead divided loyalties in this case. But because an Anti-Rationalist moral view admits of no impartial principles above and beyond the spontaneous dispositions of character that

³¹ Cf. Ronald Dworkin, *Taking Rights Seriously* (Cambridge, MA: Harvard University Press, 1977), Chapter 7.

motivate individual interactions, it can furnish no higher-level principles for adjudication between such conflicting loyalties.

By contrast, a rationalist moral theory tackles the solution to this problem quite straightforwardly because it includes all fully functioning moral agents within its domain of explanation. And in virtue of its aspiration to legitimacy as a genuine theory, it emphasizes satisfaction of the metaethical requirement of impartiality in the application of its laws and principles. Thus as we have seen, a rationalist moral theory rules out violations of (1), above, on impartialist grounds, because these fail to treat a moral agent as an equal member of the moral community. But (c), above, violates (1), because it implies that since Washington is an interloper in and potential disrupter of the collegial social network rather than a fully integrated member of it, she is unentitled to full moral treatment by its members. For a rationalist moral theory, this is unacceptable.

Secondly, (c) violates (2) because it dissociates Washington's pain from the domain of moral importance in which Smith situates the pain Vogeler would feel at being reprimanded for inflicting it, the pain Smith would feel at having to reprimand him, and the preservation of his professional connections more generally. But surely Washington's pain is not outside the moral domain of Vogeler's or Smith's. Surely Washington's pain is to be weighed in the same balance with Vogeler's and Smith's, and, because Washington's pain is an unjustified moral harm whereas Vogeler's and Smith's pain would be the result of a justified moral restitution, to be found of greater moral weight than both. This suggests that Smith's and Vogeler's pain is morally permissible as a means of alleviating Washington's morally impermissible pain. Smith's dissociation of Washington's pain from the domain of moral significance is a pseudorational attempt to protect his social network at the expense of social justice.

A moral theory that assigns greater value to preserving a system's stability than it does to alleviating unjustified pain in a particular case is thinkable, even if the primary purpose of the system is to alleviate pain so far as possible. But a view of the sort expressed in (c), which assigns greater value to the preservation of a system *whose stability depends on permitting the infliction of unjustified harm* - call this a *bully system* - is not. International examples of bully systems include Ceausescu's Romania, Botha's South Africa, and, of course, Reagan's United States. A bully system legitimizes harm to moral victims as a necessary means to the preservation of equilibrium among moral transgressors, as though that sort of equilibrium itself had moral value. It condones the protection of moral transgressors from the punitive consequences of their transgressions. This is a particularly cynical travesty of what a moral theory is supposed to do.

In general, a moral theory that aspires to conform to the metaethical requirement of impartiality cannot condone social practices that even occasionally permit harm to the innocent in order to evade punishment for the guilty, on pain of perverting the meaning of the words "innocent" and "guilty."³² By treating the innocent as guilty and the guilty as innocent in those cases in which the moral victim is seen as outside the social network, bully system practices make impossible the consistent application of punitive sanctions to all those ostensibly picked out by a rationalist moral principle. And by thus violating the requirement of impartiality, they thereby violate that of inclusiveness as well.

We may attempt to capture this conclusion as follows:

(4) A practically adequate moral theory X must assign greater weight to protecting an agent from harm than it does to protecting a bully system from the punitive consequences of harming her.

(4) ensures that the moral laws that govern a network of moral agents are not distorted or tailored so as to effectively legitimize harmful behavior by its members. Although it does not provide a specific answer to the question of how best to rectify the harm done to Washington by Vogeler, it does ensure that preservation of a morally corrupt network does not become an end in itself, to which the value of morality itself is subordinated. And it stipulates that in a run-off between rectifying injustice to an individual and preserving unjust practices that stabilize a group, the former will take clear precedence over the latter. This means that (4) rules out Anti-Rationalism as a valid moral theory, since it permits the opposite order of precedence in some cases. (4) thus elaborates the criterion of inclusiveness to cover those situations in which, although an agent is acknowledged by the group as an agent and her pain ascribed full moral importance, her agency and her legitimate demands for assistance or restitution are not considered sufficiently weighty to take precedence over preserving intact the corrupt but stabilizing practices that cause that pain. Earlier it was suggested that there do exist moral considerations that might reasonably outweigh the *prima facie* duty to relieve an innocent agent's suffering; but preserving a bully system's equilibrium by permitting its members to inflict such suffering is not one of them. By

³² Postow (*op. cit.* Note 2) objects to that that "[t]o say that this is a perversion of the meanings of 'guilty' and 'innocent' is to appeal to what one claims is independent moral reality. The appeal is illicit because no theory-independent way of knowing moral reality has been provided." But I have already suggested (*op. cit.* Footnotes 2, 6, and 24) that what really needs to be provided is some argument from Postow that a theory-independent way of knowing moral reality should be provided rather than presupposed.

constraining the application of moral principles of aid or restitution only to members of the group or network, or perverting their application so as to relieve moral transgressors of accountability, a bully system both narrows the scope of application of the theory and manipulates the formulation of its principles so as to exclude outsiders from its full protection. (4) redresses that exclusion.

VIII.

(1)-(4) obviously have many other applications beyond those examined in the hypothetical case I have invoked to derive them. And it is unlikely that (1)-(4) constitute the only criteria of inclusiveness a practically adequate moral theory must satisfy. But I would maintain that they at least constitute a significant subclass of them, because each responds to a familiar, pseudorational strategy by which relevant moral data are typically excluded from moral consideration.

Among the main contenders for practical adequacy, a Kantian-type moral theory appears to be the only one capable of satisfying each of (1)-(4). Classical Utilitarianism licenses less than full acknowledgment of a person's moral agency when this promotes general welfare (violating (1)), as Anti-Rationalism does when the agent in question is not personally attached to the right social network; Classical Utilitarianism, Intuitionism, and certain varieties of Marxism devalue a victim's moral knowledge relative to that of any arbitrarily selected *cognoscenta* (violating (3)); and Anti-Rationalism permits the devaluation of a victim's claim to aid or restitution when this threatens a bully system's stability and personal attachments (violating (4)). Only some variant on a Kantian theory seems able to resolve satisfactorily the initial dilemma of moral interpretation with which this discussion began, because only a Kantian-type theory unambiguously includes all the data of Washington's predicament within the moral domain, and respects fully their importance once there. That Washington's interpretation of Vogeler's behavior as harassment is accurate has been clear from the outset. That Washington's interpretation presupposes a Kantian moral theory that satisfies these criteria of inclusiveness, whereas Smith's interpretation does not, may help explain why Washington is not just "seeing things," as Smith maintains, but rather is seeing things considerably more clearly than he.³³

³³ This discussion is excerpted from Chapter XV of a work in progress, *Rationality and the Structure of the Self*, work which has been supported by a Mellon Post-Doctoral Fellowship at Stanford University, an NEH Summer Stipend, and a Woodrow Wilson International Scholars' Fellowship. An earlier version was delivered to the Spindel

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