

Nussbaum on Moral Perception and the Priority of the Particular

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Abstract

Martha Nussbaum's account of moral perception holds the thesis that we perceive moral particulars prior to ethical principles. First, I explain her account. Second, I present her with a dilemma: our perception of moral particulars is either non-inferential or it is inferential. If Nussbaum accepts a non-inferential interpretation, then she is committed to an unsavory view about moral epistemology – one that invites intuitionism and further invites relativism. But if she accepts a non-inferential account, then the moral particular is no longer prior to the ethical principle. I suggest that her better option is to grab the second horn. This move avoids the problems of the first horn without sacrificing her neo-Aristotelian commitments or her overarching view that literature plays an ineliminable in moral enquiry. At the same time, this move renders her priority thesis trivial. (135 words)

§0. Introduction

What is moral perception? In *Love's Knowledge*, Martha Nussbaum describes it as follows:

[The] ability to discern, acutely and responsively, the salient features of one's particular situation.¹

[This] is some sort of complex responsiveness to the salient features of one's concrete situation.²

By way of example, consider the following sketch. One day a spouse asks, 'Honey, how was dinner? Was it good?' And suppose that the dinner was really, really disgusting. The virtuous person can tell that answering negatively would likely hurt her spouse's feelings. Perhaps the virtuous person is especially perceptive of her spouse – she can tell that her spouse is especially sensitive to criticism about certain things, such as cooking. If she is both honest and kind, she will try to find an honest way to respond that will also spare the spouse's feelings. Perhaps she will notice that she is particularly proud of a side dish, which she can honestly compliment. Or perhaps she realizes that honestly saying that the food was not very good is actually, in the long run, the kindest course of action. So the person in question starts with the particulars of her given situation – her spouse, the quality of the dinner, and all of the salient features of the situation. That is to say, she looks for creative, unique ways of solving these everyday dilemmas. And this process seems to involve a kind of moral perception, that is, a kind of sensitivity to what is valuable in her perceptual field.

Nussbaum claims that “much is made of an ethical ability that [she] call[s] ‘perception’”³ –but much also depends on what she means by this. Her grand thesis in *Love's Knowledge* is that literature is “indispensable to philosophical enquiry in the ethical sphere.”⁴ The proper starting point of such enquiry, she suggests, is to ask: ‘How should one live?’⁵ This question is the basis for her Aristotelian conception of moral epistemology, which involves moral perception: our ability to perceive moral value in objects that are ultimately particular. Central to this is the claim that we perceive moral particulars

prior to ethical principles. This is her priority of the particular thesis and my stalking horse of my paper.

§1. The Priority of the Particular Thesis

Nussbaum's account of moral perception assumes that moral value is heterogeneous and non-commensurable.⁶ She claims that the objects of this moral perception include: new and unanticipated features, the context-embeddedness of these relevant features, and the ethical relevance of particular persons and relationships.⁷

We perceive new and unanticipated features the same way doctors perceive the medically relevant features when performing differential diagnoses.⁸ Doctors are trained to apply their medical knowledge to novel cases with unexpected symptoms. So too, moral deliberators are trained to apply ethical knowledge to new and unanticipated features. But just as a doctor's knowledge of medical texts radically under-determines her response toward new cases, a moral deliberator's knowledge of ethical principles radically under-determines how she will respond to the new and unanticipated features of her situation. Rather, it seems that moral deliberators, like doctors, perceive something valuable in particular features. And these features play an important role in moral deliberation. The moral deliberator may have to look for creative unique solution when faced with an everyday moral dilemma, as in the ‘Honey, how was dinner?’ example.

In addition, we perceive the context-embeddedness of these relevant features. The ways in which the moral deliberator looks for creative unique solutions depends greatly on the context-embedded features of her situation. The deliberator in the dinner example might look to the kind of person her spouse is, the quality of each dish, the amount of time and effort put preparing ... and so on. Nussbaum refers us back to Aristotle to explain this context-embeddedness.⁹ According to the doctrine of the mean, virtue requires being rightly disposed toward many different

⁶ Her argument for this goes as follows (see Nussbaum (1990), 118): Suppose that value were homogeneous and commensurable. Particular instances of value, such as persons, would therefore be nothing more than placeholders for value. (Perhaps ‘instance’ is not the right word; it is unclear what sort of value Nussbaum associates with persons. She claims that it is “mysterious” – see Nussbaum (1990), 31.) For example, suppose that all value in the world were to consist entirely in pleasure. Then different states of affairs are valuable insofar that they are the *loci* of pleasure. But the particulars that confer pleasure are “thick and interesting” enough to differentiate from one another (Nussbaum (1990), 118). That is, we can *qualitatively* differentiate, which suggests that different instances of value are not, or at least not always, commensurable with one another. For example, the pleasure I get from reading a fascinating book is different from the pleasure I get from eating a delicious meal. This, at the very least, suggests that particulars are relevant in ways that set them apart from homogenous, commensurable value. Given this, she suggests that we perceive heterogeneous, incommensurable value in the world. (One may well be suspicious that Nussbaum's argument is question-begging. However, she sees this not as a knock-down argument, but more as a *prima facie* reason for the heterogeneity and non-commensurability of value. See Nussbaum (1990), 118.)

⁷ See Nussbaum (1990), 38 – 40.

⁸ See Nussbaum (1990), 38.

⁹ Nussbaum (1990), 38.

¹ Nussbaum (1990), 37.

² Nussbaum (1990), 55.

³ Nussbaum (1990), 37.

⁴ Nussbaum (1990), 23.

⁵ See Nussbaum (1990), 25.

features depending on the given situation (*EN.II.6.1106b20-24*). For example, Milo, the wrestler must take his weight, physical training, relative size, and so on, into account when trying to determine how much to eat. Eating too much and eating too often are both excessive with respect to temperance. Eating too much involves an amount feature, while eating too often involves an occasion feature. Similarly, a person may be deficient by eating too little or too seldom. But note the deep context-embeddedness of these kinds of features. Because Milo is a wrestler who exercises all the time, perhaps he needs to eat a large amount of protein and carbohydrates. If he has a big wrestling match the next day, perhaps he needs to eat a lot of carbohydrates. If he plans on exercising soon, perhaps he should not eat (or wait 20 minutes after eating). And so on.

Finally, we perceive the ethical relevance of particular persons and relationships.¹⁰ Nussbaum draws an example from *The Golden Bowl*, by Henry James. In the novel, Adam Verver is Maggie's father. Maggie marries Prince Amerigo and encourages Adam to propose to Charlotte, a former mistress of the Prince. Although Charlotte accepts Adam's proposal, Charlotte and the Prince eventually rekindle their relationship. (This is in no small part because Maggie and Adam appear more interested in their relationship with one another than in their respective marriages.) Nussbaum claims that Maggie perceives the value of her relationship with her father. Even if Adam were replaced with a clone, or with another person meeting all of Adam's describable properties, something would be missing: "She loves *him* ... – however mysterious that is."¹¹ This is not something she can abstract from her particular situation because it is ultimately particular.

Nussbaum's argument for ultimate particularity goes as follows:

Principles are authoritative insofar that they are correct; but they are correct only insofar that they do not err with regard to the particulars. And it is not possible for a formulation intended to cover many different particulars to achieve a high degree of correctness.¹²

The thought here is that principles fall short of correctness because they cannot accurately account for ethical judgments in particular cases. If this is right, the principles themselves are not authoritative; this is because whether they are correct depends in no small part on moral particulars. In support of the premise that principles cannot accurately account for particular cases, Nussbaum argues that principles lack concreteness and flexibility. They lack concreteness in the sense that they do not tell Milo how to be temperate in his particular situation. Milo may espouse an ethical principle that tells him, 'be temperate,' or 'occupy the mean between excess and deficiency.' However, such a principle, considered in isolation, is of no use. He needs particularizing details to

make the right decision. Moreover, ethical principles lack flexibility to accommodate moral particulars.¹³

Nussbaum cites the following passage to defend her Aristotelian conception:¹⁴

[Practical] wisdom is concerned with the ultimate particular, which is the object ... of perception ... (*EN.VI.8.1142a-23-30*)¹⁵

Aristotle claims the ultimate particular is the object of moral perception – but to understand this, commentators have suggested that we look at Aristotle's practical syllogism.¹⁶ This is because practical wisdom is the intellectual virtue which structures the practical syllogism is constructed: it finds the right means to the right ends. A syllogism has a major premise, such as 'All men are mortal' and a minor premise, such as 'Socrates was a man.' From this we can infer 'Socrates was mortal.' In the practical syllogism, the major premise is a universal ethical principle and the minor premise is a particular fact that falls within the perceptual field. When the agent combines the major and minor premises, she infers the conclusion. And when this demands virtuous action, she therefore acts. What the virtuous agent perceives is some morally salient particular in her perceptual field. This is the ultimate particular.

There is, however, an ambiguity in this Aristotle passage, which I think carries over to Nussbaum's Aristotelian conception of moral epistemology. It is unclear whether the object of moral perception is the content of the minor premise, or the inference drawn from combining the major

¹³ Here, Nussbaum refers to Aristotle's Lesbian Rule: "the rule adapts itself to the shape of the stone and is not rigid, and so too the decree is adapted to the facts" (Nussbaum (1990), 70). The metaphor is that instead of using a rigid ruler, the architects on Lesbos would use a flexible piece of metal to measure curvature.

¹⁴ See Nussbaum (1990), 54-55, 74.

¹⁵ Note here that Nussbaum has made a distinction between generals and universals, which she claims Aristotle failed to notice. So it is not clear whether Aristotle is discussing general or universal principles in this passage. She states:

The *general* is opposed to the *concrete*; a general rule not only covers many cases, it applies to them in virtue of some rather non-concrete characteristics. A *universal* rule, by contrast ... may be highly concrete.

Ethical principles may be either general or universal. They are general if they are largely devoid of moral particulars. The clearest example of a general principle is perhaps Kant's universal law formulation of the categorical imperative, which tells us to only act on that maxim which we can, at the same time, will to be a universal law. Note that this ethical principle is entirely devoid of moral particulars. It is an antecedent principle fixed prior to any particular ethical judgment; it is knowable *a priori* and depends in no way on perceiving moral particulars. Universals, on the other hand, contain "particularizing details." The idea is that the moral deliberator can universalize, up to a point, on the basis of her past experiences of moral deliberation. She experiences many moral particulars and creates general "rules of thumb" to guide her deliberative processes when she encounters new particulars. So the particularizing details are embedded in the universal principle. Nussbaum herself notes this ambiguity, see (1990) 67-68.

¹⁶ See Reeve, 69; see Cooper, 37. Reeve and Cooper also note that there is further exegetical support for making this connection. Namely, the "ultimate particular" from (*EN.VI.8.1142a-23-30*) seems to correspond to geometrical analogy about practical wisdom (*EN.III.3.1112b20-21*). This is because Aristotle explicitly makes reference to a geometrical construction, the triangle, when explaining moral perception.

¹⁰ See Nussbaum (1990), 39 – 40.

¹¹ Nussbaum (1990), 39.

¹² Nussbaum (1990), 69.

and minor premises.¹⁷ If it is the content of the minor premise, the object of perception is literally the object in the agent's perceptual field. But if it is the inference drawn on the basis of universals and particulars, then the object of perception is a normatively-laden perception of the object in the agent's perceptual field.

§2. Is the Particular *Really* Prior the Principle?

My argument against Nussbaum's priority of the particular is a simple dilemma. Either we perceive the content of the minor premise or we perceive the inference. (That is to say, either we accept a non-inferential or an inferential account of moral perception.) If we perceive the content of the minor premise, then the view is vulnerable to familiar problems associated with intuitionism. But if we perceive the inference, then the particular is simply not prior to the principle. I further argue that while an inferential account renders her priority thesis utterly trivial, grabbing the second horn is her best option.

Regarding the second horn, it may sound odd to say that we perceive an inference. So I would do well to explain what I mean. To perceive an inference is to perceive a proposition. To be explicit, it is to perceive that particular, x , is subsumed under principle, y . That is to say, that what we perceive is the actual subsumption of x under y , which seems, clearly, to involve cognition and not just perception. For example, when Milo perceives white meat, he perceives it in terms of temperance, as the right object for him to eat. He knows that in order to be temperate, he must only eat certain kinds of foods at certain times (in the right way, the right amount, and so on). So his major premise is the morally relevant description of 'the right object'. He knows the kind of food he ought to eat. But then he sees a buffet with an assortment of food. His sense perception fills in the minor premise. Without making an explicit thought, he automatically infers that the white meat meets the morally relevant description of 'the right object'. Milo perceives the white meat *as* the right object for him to eat; he perceives *that* white meat is the right object for him to eat. Early on, he may need to make explicit inferences. 'No, that is a donut; I probably shouldn't eat it, right? It's not very healthy.' But these principles eventually become second nature to him, as he learns to take pleasure in the only the right objects. Eventually, he just sees 'that the donut the wrong object' and 'that white meat is the right object.' So the notion of 'perception' here is somewhat unconventional and highly elastic. It is in this sense that we describe people who are good at drawing correct casuistic conclusions as being perceptive.

¹⁷ The practical syllogism is of course a schematic model for Aristotelian moral deliberation, which Nussbaum would probably accept but is not herself committed to. I suggest it as a mere heuristic for describing Aristotelian moral deliberation to clarify the crucial question, whether the object of moral perception is the bare particular or our inferentially mediated perception of that particular. In other words, we might simply make the distinction between non-inferential and inferential accounts of moral perception. So the inference need not be deductive or syllogistic. See Cooper 31-41; see Reeve, 67-73.

§2.1. Non-Inferential Moral Perception

On Nussbaum's account of moral perception, we *directly* perceive the value of moral particulars. She claims that moral perception is "non-inferential" and "non-deductive" which seems to preclude the inferential account.¹⁸ But if we perceive the content of the minor premise prior to the ethical principle, then we have a problem of explaining the epistemology of moral perception. That is, we have to explain what makes our perceptions of the particulars deliverances of moral knowledge. What do we mean when we say that Milo can 'see' the right kind of food to eat ... that the spouse of the terrible cook can 'see' the right response to 'How was dinner?' ... that Maggie can 'see' value in Adam and her relationship with him? We have to fill in the epistemology. And there is simply no principled way to explain how our perceptions of moral particulars count as deliverances of moral knowledge – it is explicitly unexplained by Nussbaum.

The problem is that the non-inferential account opens the door for intuitionist moral epistemology. Of course, Nussbaum says nothing to commit her explicitly to wholesale intuitionism about moral value across the board. This is a special kind of intuitionism – Henry Sidgwick, for example, when taxonomizing kinds of intuitionism distinguishes this kind as "perceptual intuitionism."¹⁹ On this view, it is our perceptions of moral particulars, not ethical principles, which ground our moral knowledge. In the absence of some principled explanation for why our perceptions of moral particulars give us moral knowledge, Nussbaum leaves us with no more than intuitive awareness of value in moral particulars. As McDowell has argued, a non-inferential account of moral perception invites intuitionism because it "turn[s] the epistemology of value into mere mystification."²⁰

The reason intuitionism about moral particulars is such a bitter pill for Nussbaum to swallow is that it further invites moral relativism. Challenges against cultural relativism are familiar from James Rachels' canonical article. Let's assume that an act is right if and only if it consistent with one's cultural norms. Rachels suggests that this kind of cultural relativism has the untenable consequence that moral criticism across cultures is impossible.²¹ For example, we would be unable to tell the Nazis that their WWII atrocities were wrong. While the kind of relativism invited by a non-inferential account of moral perception is different from cultural relativism, a similar objection applies. For a non-inferential account of moral perception, moral value is relative to each and every individual case of moral perception. Particulars are *loci* of such value, and, as such, their values are ultimately particular. But we may have wildly disjunctive perceptions of value. This may be true in cases where two people perceive the same particular. Milo and Milo* may each perceive a different value in a meal – depending on contextually embedded features, for example.

¹⁸ Nussbaum (1990), 71.

¹⁹ Sidgwick, 98; see Sidgwick, 98-100.

²⁰ McDowell (1998), 132.

²¹ See Rachels, 699.

But, moreover, Milo would have no principled way of criticizing Milo*'s perception of value. For all we know, moral perception may be deeply idiosyncratic.²² Milo may see white meat as valuable and Milo* may see it as disvaluable. Perhaps Milo* instead sees a donut as valuable. There is no *principled* way of determining value; *i.e.*, why the right thing for Milo* to eat is white meat and not the donut.

This problem here is exacerbated because we need principles in order to know where to attend our perceptual processes in the first place. If Milo is a temperate person, he will attend his perceptual processes to the right kinds of food. He needs to attend himself to the white meat and not the donut. But he needs a principle to determine which kinds of food are the right ones, in order to know where to look. Without some sort of principle, it is doubtful that Milo can know where to attend his vision. Indeed, we might think that the principle is prior to the particular for this very reason.

In addition, this kind of relativism undermines moral education. For example, Rachels brings up an analogous concern when it comes to cultural relativism: if cultural norms ground right action, it is unclear how and whether a culture can morally progress over time.²³ In the case of non-inferential moral perception: if moral particulars ground our moral deliberation, it is unclear how and whether we can learn to become virtuous agents over time. This kind of objection has been developed by Hastings Rashdall, who gives the following example:²⁴ Say we want to teach a child that stealing a flower from her neighbor's garden is wrong. We don't say that it is wrong in this particular case, depending on the situation – we say that stealing is wrong. Simply put, generalizing over particular cases seems to play an integral role in moral education. We think that a child needs some sort of generalized reason for why something is right or wrong in a particular situation, if she is to make the right decision in future particular situations. But if moral value is relative to each case of moral perception, then she has few resources to learn how to apply good moral deliberation across different cases.

Of course, I have not given a knock-down argument that intuitionism and relativism about moral value are themselves flawed. This is not necessarily a *reductio*. I have simply pointed to some familiar worries associated with these kinds of views, which gives us at least *prima facie* reason to reject a non-inferential account of moral perception over an inferential one.²⁵

²² Of course, Milo may have other resources for moral criticism that do not depend entirely on moral perception.

²³ Rachels, 700.

²⁴ See Rashdall, 82-83.

²⁵ Moreover, the rejection of general ethical principles itself leads to extraordinarily counterintuitive results. Nussbaum seems committed to the claim that the ethical principle, 'do not sexually abuse children for pleasure,' admits exceptions, to borrow an example from Rosalind Hursthouse (see Hursthouse, 58). So there may be cases when it is morally permissible to sexually abuse children for pleasure. This is the general objection to virtue ethics, Robert Louden has in mind when he questions whether virtue ethical theories can ever say that some actions, such as sexually abusing children for pleasure, are just intolerable – full stop. (See Louden, 207-208. Note, however, that Louden clearly has non-principle based virtue ethical theories

§2.2. Inferential Moral Perception

However, the other horn of the dilemma is also available for Nussbaum to grab. That is, she might claim that the object of moral perception is an inference drawn from combining the ethical principle with the moral particular. The obvious problem with grabbing this horn, however, is that Nussbaum flat-out claims that moral perception is “non-inferential” and “non-deductive.”²⁶ But should she have made this claim?

If Nussbaum grabs this horn, her priority thesis is unfounded. This is because we perceive both the principle and the particular. So if the inference is the object of moral perception, it is doubtful that we can say that the particular is prior to the principle, or vice-versa – as a purely perceptual process, we would appear to perceive the two simultaneously. We perceive the moral particular *as* subsumed under the ethical principle. Milo perceives a proposition, *that* white meat is the right object for him to eat. It is in this sense that her priority thesis is a rejection of the inferential account of moral perception. If this is right, however, her priority thesis becomes trivial. It is not clear why the particular is prior in any important way. And emphasizing the importance of moral perception is not special to non principled based ethical theories. Utilitarians and Kantians can well apply their principle of utility and categorical imperative, respectively, to particular situations. Indeed, any principle based ethical theory can accommodate deliberation about particulars. So when Nussbaum claims that ethical principles do not “determine every dimension of choice,”²⁷ she is not telling us anything informative.

If her point is simply to emphasize the importance of particulars in moral deliberation, this suggestion is also not at odds with principle based ethical theories. In this sense, Nussbaum's suggestion may be somewhat informative: it is simply good advice to pay more attention to moral particulars. Perhaps Utilitarians and Kantians ought to pay more attention to particulars. Perhaps we all should. But this objection is not special to principle based ethical theories, *per se*. Perhaps situationists and particularists ought to pay more attention as well. It may well be the case that everyone should, regardless of ethical principles or meta-ethical commitments about value. So as an argument about moral epistemology, her priority thesis is again trivial.

However, I want to suggest that an inferential account of moral perception is the most palatable option. The notion of

in mind.) The wrongness of this action ought not to permit exceptions. What Louden has in mind is that ethically intolerable actions belong in a certain category: the type of actions that are absolutely prohibited, such as, raping for fun ... murdering, torturing, molesting children, and the like. But Nussbaum does not seem have the resources to construct an absolutely prohibited category. On her priority thesis, she must allow for exceptions to the rule. This seems to count against her. Certainly a desideratum for any plausible ethical theory is absolute prohibition.

²⁶ Nussbaum (1990), 74. Note how strong this claim is. By rejecting inferences, not only is Nussbaum rejecting the practical syllogism, but also all other deductive forms of reasoning, as well as inductive ones. The perception, and our deliverances of knowledge, is direct.

²⁷ Nussbaum (1990), 39-40.

perceiving the inference is not a far departure from neo-Aristotelian virtue ethics, which underlie Nussbaum's Aristotelian conception. So I want to briefly sketch how at least one principle based virtue ethical theory can accommodate such an account. Rosalind Hursthouse offers the following bi-conditional for right action:

An act is right iff it is what a virtuous agent would characteristically (i.e. acting in character) do in the circumstances.²⁸

This bi-conditional implies a virtue ethical principle, 'do what the virtuous person would do if she were in your same situation' which Hursthouse repeatedly calls a 'v-rule.' Of course, this bi-conditional (and its correlative v-rule) is not very helpful in itself because what a virtuous agent might do is thus far radically indeterminate. What the virtuous person does depends on her virtues. A particular virtue (or vice), V, generates a V-rule, 'do V.' So if the virtuous agent has the virtue of kindness, she follows a correlative v-rule: 'do what the kind person would do ...' And so on.

Such an account can retain the flexibility of moral deliberation that is special to the Aristotelian conception.²⁹ Let's return to the example of the spouse who's a terrible cook. When asked, 'How was dinner?', the virtuous agent is of course kind and honest, so she must answer the question following correlative v-rules. As a possible solution to resolvable dilemmas, Hursthouse cites Aristotle's claim that some moral deliberation is based on perception.³⁰ The problem is there is no obvious way for the virtuous agent to be both kind and honest. So she surveys her perceptual field, looking carefully to see whether there is any possible way to fulfill both virtues. Finding the right answer may depend on the morally salient features of the situation. For example, she might notice that she is particularly proud of a side dish, which she can honestly compliment. In short, moral perception is a solution to resolvable ethical dilemmas.³¹

But Hursthouse also suggests that this moral perception is a resource available to Utilitarians and Kantians as well.³² The thought here is that any principle based ethical theory can moral perception into its schema for moral deliberation. For example, the practical syllogism may just as well have the principle of utility or the categorical imperative as its major premise instead of a v-rule. So it seems plausible to claim that moral perception combines our ethical principles with particulars – and this inference is the object of perception. We see *how* to apply the principle and we see *that* this is a situation that demands virtuous action: we 'grasp', 'understand', or 'discern.' With the sole exception of the priority thesis, this kind of moral perception is very compatible with Nussbaum's Aristotelian conception.

²⁸ Hursthouse, 28.

²⁹ The ability to discern new and novel features, their context sensitivity, the value of persons, relationships, and so on.

³⁰ See Hursthouse, 54. Although she does not specifically cite a passage, she no doubt has EN.VI.8.1142a-23-30 in mind.

³¹ Although Hursthouse does not offer a detailed account of moral perception, her view is that what the virtuous agent does is 'grasp' how to apply the v-rules to a particular situation. See Hursthouse, 56-62

³² See Hursthouse, 55.

The Aristotelian conception grounds Nussbaum's larger thesis in *Love's Knowledge*, that literature is "indispensable to philosophical enquiry in the ethical sphere."³³ That is, the proper starting place of for ethical enquiry is to ask 'How should one live?'³⁴ and reading literature helps us answer this question. The kind of ethical enquiry she has in mind is described in her perceptive equilibrium thesis, which is analogous to Rawls' reflective equilibrium.³⁵ On this thesis, our perceptions and ethical principles "hang beautifully together ... an equilibrium that is always ready to reconstitute itself in response to the new."³⁶ This perceptive equilibrium requires an oscillation in reflection between theory (principles) and fact (particulars). We adjust the two to each other in the course of our reflection.³⁷ Reading literature is ineliminable to this kind of enquiry because it helps fill in the content of the perceptive equilibrium.³⁸ So a novel, like *The Golden Bowl*, expresses in convincing detail, objects of moral perception. And they show us why these are morally valuable things. For example, we see Maggie Verver make complex ethical decisions. She must decide how to treat the Prince, Charlotte, and Adam, given that Adam is her father, that the Prince and Charlotte are having an affair, that she set up Adam and Charlotte, and so on. By reading literature, one becomes acquainted with particularity, individual choices, patterns of decision making, rules of thumb, when to admit exceptions, and so on. The underlying idea is that reading an ethics book is insufficient for moral enquiry; we should also read literature to broaden our conceptual repertoire for moral enquiry.

Whether Nussbaum has sustained her thesis about the relationship between literature and ethical enquiry is not my concern here. I have smaller fish to fry. But note that this issue does not hang at all on the priority of the particular *per se*. Moral perception may be inferential or non-inferential. Either way literature may play an indispensable role in our moral lives. What results is that her priority thesis is simply unmotivated. Rejecting it does not give up the Aristotelian conception. Nor does it undermine her larger project in *Love's Knowledge*. Given the problems with a non-inferential account of moral perception, it seems that Nussbaum has no good reason to reject an inferential one.³⁹

³³ Nussbaum (1990), 23.

³⁴ See Nussbaum (1990), 25.

³⁵ See Nussbaum (1990), 29.

³⁶ Nussbaum (1990), 183.

³⁷ This, of course, does not entail that there are no general ethical principles, nor does suggest that either the particulars or the principles are prior to the other. To be clear, Nussbaum does not use her perceptive equilibrium in support of her priority thesis. In fact, she repeatedly refers to general principles in her discussion of the perceptive equilibrium. That idea is that the ethical principles in the perceptive equilibrium should be general in form but universal in nature. See 168-194.

³⁸ For example, "the fortunes of the characters, the structure of the plot, the very shapes of the sentences – on the question about human life and how to live it" (Nussbaum (1990), 51).

³⁹ However, Nussbaum might make a *tu quoque* objection on the grounds that all ethical theories are somehow circular. Although I've spent some time criticizing Nussbaum's moral epistemology about particulars, I have not given a positive account of the epistemology of ethical principles. How do we come to that knowledge? Whether we're talking about moral particulars

§3. Conclusion

I conclude that Nussbaum was wrong to claim that the moral particulars are prior to ethical principles. In section one, I explained Nussbaum's argument for her priority thesis. In section two, I presented Nussbaum with a dilemma: either moral perception is non-inferential or it is inferential. I argued that if she accepts a non-inferential account she is committed to an untenable view about moral epistemology that invites intuitionism, and more perniciously, relativism. I further argued that if she accepts an inferential account, then the particular is not prior and her priority thesis is thereby trivial. However, I suggested that she ought to have accepted an inferential account and given up her priority thesis. This is because her Aristotelian conception and larger project in *Love's Knowledge* do not depend on her priority thesis.

or ethical principles, we still need to fill in the epistemology. At bottom, we might think it is an intuition. This is not unlike Sidgwick's suggestion that all ethical enquiry may boil down to some kind of intuitionism. For example, when Hursthouse asks us to follow v-rules, such as 'do what the virtuous person would do in the same circumstances,' or 'do what the courageous person would do ...', it is unclear how one could possibly see how to apply these different v-rules to a particular situation. Is it an intuitive awareness, when the virtuous person 'sees' or 'grasps' the correct application? Applying the v-rules seems question-begging without some way of explaining the connection between the v-rules and the moral particulars relevant to, say, a courageous action in a particular situation. If this is right, then all of my objections concerning intuitionism (and, possibly, relativism) about moral particulars might apply to ethical principles.

Of course, I cannot offer a convincing account of the epistemology of ethical principle here. However, the problems associated with intuitionism seem more damning for Nussbaum than they do for principle based ethical theories. This is for two reasons. First, it is not at all obvious that an explanation of principles need be as epistemically impoverished as Nussbaum's explanation of moral particulars. Nussbaum's epistemology about moral particulars is purely perceptual and non-inferential. But note that these commitments are entirely self-imposed. We come to have knowledge about moral particulars directly, she claims, by perception. How do we come to have knowledge about moral principles? One might easily tell a more nuanced story that is not tethered to direct perceptual processes. Second, even if our knowledge of principles is, at bottom, intuitive, this need not bleed into relativism. This is because there may still be principles to fend off relativism ... and the associated difficulties with moral education, absolute prohibitions, and so on. In short, even if all of ethics is circular, Nussbaum's circle is too small. And smaller circles are more vicious. This kind of response is similar to an argument Nussbaum made earlier. When faced with an objection to her Aristotelian Conception, from a Platonic perspective, her response is that even if Aristotelianism is circular, it inhabits a much bigger circle than Platonism (see Nussbaum (1986), 309-312). At the very least, rejecting Nussbaum's priority thesis, and accepting an inferential account of moral perception, makes the circle much bigger.

§4. References

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