

## “VIRTUE RULES AND UNIVERSALIZABLE RULES”

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Attempting to describe the relation in meaning between the imperatives, ‘Be honest’ and ‘Tell no lies,’ seems to be an effective way to illustrate the dilemma posed by talk of virtues and rules. That being honest entails the abstaining from telling lies is obvious. That abstaining from telling lies entails being honest, however, is a much more contentious statement. A “proud thief,” for example, may exhibit honesty in readily confessing to his crimes, bragging about his skills of deceit, while nevertheless maintaining a dishonest character by regularly committing the dishonest act of theft.

What, then, is the root of this asymmetry of meaning between the two imperatives? The asymmetry here seems to follow from the fact that, rather than focusing merely on the act of lying or acting right in general, honesty has much more to do with possession of certain inner qualities. Are such qualities, however, capable of providing us with clear rules for action? Or, to narrow the question further, are imperatives like ‘Be honest’ capable of providing us with clear rules for *right* action? ‘Act candid,’ ‘Act trustworthy,’ ‘Act sincere,’ etc. are indeed treated as standards characteristic to honesty, but asking someone what each trait means will nevertheless produce vastly different responses depending on who is asked. Therefore, as a character trait it appears that honesty assesses first and foremost not particular actions, but persons and their states of character, feelings, and perceptions, among else.<sup>1</sup> The difference between the two imperatives, then, may be summarized as follows: ‘Tell no lies,’ prescribes only the direct action to refrain from telling lies, whereas ‘Be honest’ prescribes a state of mind that possesses general qualities of candor, trustworthiness, sincerity and fairness.

Here, the prominence of (1) *eliminativism* among early virtue ethicists appears obvious: if the virtues are defined foremost by appeal to character traits rather than actions, it follows that the virtues eliminate any need for rules formulated as prescriptions for action. In fact, that leading a moral life requires far more than the following of clear-cut rules has been a central point for many virtue ethicists from Aristotle onwards.<sup>2</sup> Skepticism towards rules, the virtue ethicist contends, results from the fact that rules are unable to account for all the possible particularities that life may bring.

How might we go about reclaiming the subject of right action for the virtues following such a skepticism towards moral rules? If talk of the virtues indeed opposes the formulation of rules, focusing instead on inner character qualities, then it follows that a virtue-ethical approach to right action would be predicated on such character qualities. This is the logic employed in the talk of “correct perception” as the primary involvement of the virtues.<sup>3</sup> Under the ‘correct perception’ approach, an act is the right thing to do insofar as it is in accordance, not with the correct rule or rules, but a type of perception dependent on certain inner qualities – perception of correct reasons from the correct

<sup>1</sup> Stephen Hudson, *Human Character and Morality* (London: Routledge, 1986).

<sup>2</sup> Aristotle, *Nicomachean Ethics*, trans. W.D. Ross (Franklin Park, IL: World Library Publications, 2009), 1131a11-25.

<sup>3</sup> John McDowell, “Virtue and Reason,” *Monist* 62 (1979): 331–50.

salient moral features of the situation-at-hand, that is. In particular, such perception relies on the twofold practice of discernment and deliberation: first one discerns what features of a situation are relevant to the dilemma at hand, and then one deliberates about how such salient features provide favoring or disfavoring reasons for performing a particular action. Only then, after careful consideration, does an answer to the question “What is the right thing to do?” become available.

This is not to suggest that the application of u-rules does not also demand a level of perceptual sensitivity. Consider a case where one has to choose whether or not to break a promise to a friend, when doing so means saving a stranger from becoming ensnared in a lie. A utilitarian might argue that the correct action is that which will prove most beneficial for all those involved, and as such accords with the u-rule, ‘Do what maximizes utility.’ Alternately, a deontologist might characterize the problem as an effort to determine what he or she would do if the situation were reversed, and as such is being guided by the u-rule, ‘Do unto others as you would be done by.’ In others words, defenders of u-rules as sufficient tools for action guidance are also quick to stress the point that such rules cannot, reliably, be applied correctly without exercise of practical wisdom, because u-rules require situational appreciation just as do v-rules.

Distinguishing u-rules from v-rules requires, then, focus on the function of perceptual sensitivity: unlike v-rules, which demand sensitivity to how each particular situation involves factors irreducible to universal rules, u-rules demand sensitivity to how each particular situation relates to a given universal maxim. A utilitarian, for example, denies an obligatory status to any general type of action beyond the foundational obligation to ‘Do what maximizes utility.’<sup>4</sup> Murder, however despicable, may be justified when taking a single life may save multiple lives. Conversely, a deontologist, in qualifying multiple actions as obligatory, would say that a moral quandary arises from a merely *prima facie* conflicting presence of multiple universal rules.<sup>5</sup> In the above example of breaking a promise, an agent is presented not only with the obligation to ‘Do unto others as you would be done by,’ but also with the obligations ‘Do not lie’ and ‘Do not break promises.’ The function of perceptual sensitivity as regards to u-rules, therefore, is in the arbitration of which rule out of several is the correct rule to apply.

Yet it seems intuitive that the eliminativist approach to moral rules cannot make sense of common notions of intrinsic rightness. No virtuous person, it seems, would ever argue against the unconditional wrongness of telling a lie that places someone’s life at risk. Perhaps we might locate a sort of middle ground between *eliminativist* sentiments and a more rigid defense of intrinsic rightness or wrongness: this is the starting point to the (2) *complementarist* approach. To argue the wrongness of, say, the lies that Hitler or Pol Pot perpetuated to retain power on the sole basis of their misguided perceptions and poor character is too weak. The extreme wrongdoing of such actions results from something deeper. One might condemn such actions insofar as they violate basic human needs, denying a group of persons their basic rights. Conversely, one might condemn them insofar as they violate the general rule, ‘Do not put another’s life at risk.’ Either way it seems undeniable that the actions themselves violate basic intrinsic notions of rightness. Therefore, given such cases, the (2) *complementarist* argues: while certain concerns highlighted by the

<sup>4</sup> John Stuart Mill, *Utilitarianism* (Indianapolis: Hackett Publishing, 1979), §5.

<sup>5</sup> W.D. Ross, *The Right and the Good* (Oxford: Oxford University Press, 1930), *passim*.

virtues are indeed important for moral evaluation, it is also true that an account of moral evaluation needs to be complemented as well with a definition of intrinsic rightness, independent of any relation to the virtues. Virtues may provide us with some of the tools to evaluate an action, but to stop there and deny certain intrinsic senses of rightness and wrongness would be erroneous.

Is it erroneous too, then, to deny the intrinsic sense of rightness and wrongness regarding honesty? Let us return to the question of whether or not honesty generates any u-rules. That ‘tell no lies’ is too general a command to constitute a universal standard of honesty has been demonstrated already, so perhaps the rules about lying apply only to particular classes of lies rather than lies *tout court*. Again, a “proud thief” may exemplify an instance of truth-telling while maintaining a dishonest character, but there are plenty of ways to lie while maintaining an honest character as well. White lies, to begin with, are said to be those harmless untruths that even persons of high moral rectitude regularly commit – for example, the common etiquette to decline unwanted social invitations by feigning business. On the other hand, some types of permissible lies, such as lies to children and jocose lies, are often not only harmless, but beneficial. Innocent, nonsensical platitudes are often told to children to be used as, to borrow Wittgenstein’s turn of phrase, “steps to climb beyond them,” pointing to a greater truth.<sup>6</sup> Tales of the existence of Santa, for instance, can be an effective pedagogical tool in instilling a sense of desert in the young: promise of gifts or fear of the lack-of, however misleadingly materialistic, can help elucidate a sense of which actions are deserving of what. Similarly, a jocose lie depicted through irony can express insights that cannot be expressed in an otherwise straightforward manner, and therefore seems to be of beneficial value.

The idea of a ‘virtuous lie’ poses an additional difficulty here: how are we to consider instances where telling lies is not only beneficial, but seemingly obligatory to being honest? The popular thought experiment which asks, “if you were approached by the Nazi Gestapo while hiding a Jew, and were asked whether you are hiding a Jew, do you lie or tell the truth?” illustrates this dilemma well. Coming clean to the Gestapo would not be considered the virtuous action by any means.

Here the conversation seems to have turned to reducing the act of honesty to an exhaustive list of its respective prohibitions, permissions, and obligations. This is the logic informing the (3) *reductivist* approach. A tentative account of the prohibitions might include, following the above discussion of justifiable lies, something along the lines of, ‘Do not tell barefaced lies,’ ‘Avoid confabulation,’ ‘Avoid deception,’ ‘Do not tell half-truths,’ ‘Do not lie by omission,’ and ‘Do not lie to oneself.’ Then, a list of permissive lies might include ‘Permit jocose lies’ and ‘Permit lies-to-children’ – pending appropriate discretion, of course. Coming up with all the obligations concerning lying, however, proves to be even more difficult. Inverses of the listed prohibitions, i.e. ‘Be truthful to oneself’ and ‘Tell the whole truth,’ make for an obvious starting point, but stopping there would be inadequate. Plenty of other obligations seem characteristic to honesty. Being truthful to oneself, for example, sounds a lot like talk of modesty: does that mean we ought to add to our list of honesty’s obligations those that are characteristic to modesty as well? Common parlance

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<sup>6</sup> Ludwig Wittgenstein, *Tractatus Logico-Philosophicus*, trans. C.K. Ogden (New York, NY: Cosimo, 2007), 6.54.

treats these two virtues as overlapping, insofar as a person who is modest, or acts modestly, is said to be equivalent to a person who is honest with oneself, especially in regards to one's achievement or self-worth. It seems that 'Do not lie to oneself' would form a central prohibition to both honesty and modesty.

It might be argued to the contrary, however, that modesty does involve on occasion the act of lying to oneself. To borrow Julia Driver's example, that Einstein is said to have been the paragon of modesty follows from the fact that, while of course cognizant of his own talents, Einstein always regarded his colleagues as more intelligent than himself. Of course, the historical reality of his contributions to science is evidence that Einstein was wrong in considering himself less than his colleagues. Thus, it seems that by advocating a sort of willful ignorance, modesty here obligates an instance of "lying by omission," and thus contradicts the earlier-discussed prohibition to 'Do not lie by omission.'<sup>7</sup>

Here we see just how shapeless the (3) *reductivist's* effort to reducing virtues to their respective list of characteristic rules is. The transitive relation tells us that if obligation-A entails obligation-B, and if obligation-B entails obligation-C, it follows that obligation-A entails obligation-C. However, if being honest effectively entails being modest, and if the obligations derived from honesty are equally valid in regards to modesty, it follows that 'Do not lie by omission' is prohibitory to both honesty and modesty. The above discussion of modesty as a case of obligating lying by omission, then, seems to present an intractable logical inconsistency.

It is difficult to argue that a list of the classes of justifiable lies is necessary to determine the justifiability of a particular lie. Imagine a virtuous person, to repeat an earlier-provided example, faced with the imperative to break a promise when doing so would save someone else from becoming ensnared in a lie. The (3) *reductivist* might envision the person first noting a few relevant features of the situation, foremost that keeping a promise here would result in lying to another person. She next refers to her list of honesty's rules, and identifies the act of breaking the promise here as a 'virtuous lie.' Then, recognizing the obligatory status of virtuous lies, she decides that breaking the promise is the right thing to do. This image of the virtuous person equipped with her "list of rules," however, is of course absurd: a mature, intelligent person ought to *simply know* which actions constitute the general rules incumbent to a virtue, without need for an exhaustively enumerated list of them. However, denying the (3) *reductivist* approach here is not to return to the (1) *eliminativist* position that denies any characteristic rules. Rather, a more moderate middle ground between approaches (1) and (3) is needed – and thus the discussion must turn to the (4) *irreducibilist* approach.

Introducing the (4) *irreducibilist* first requires making explicit how such an approach might be distinguished itself from the previous three already criticized. Merely (1) *eliminating* talk about what constitutes the characteristic actions of a virtue betrays the common sense notion of what it means to have a virtue, as being honest clearly places constraints on how one acts. However, alternately (2) *complementing* the virtues with, or (3) *reducing* the virtues to, an exhaustive list of these kinds of characteristic actions proves equally disastrous: again, what it means to be honest cannot ever be captured by a list of prohibitions, permissions, and obligations. A more moderate, middle ground approach to these issues remains: rather than denying the descriptive constraints of a virtue, or alleg-

<sup>7</sup> Julia Driver, *Uneasy Virtue* (Cambridge: Cambridge University Press, 2007), 18-20.

ing that such constraints can be exhaustively enumerated, why not simultaneously uphold the u-rules as reducible to their v-rules and the v-rules as irreducible to their u-rules? Herein lies the crux of the (4) *irreducibilist* approach.

Let us return to the idea that ‘Tell virtuous lies’ constitutes an obligation for being honest. The (3) *reductivist* describes this obligation as universally *necessary* to being honest: an honest person knows when a lie is virtuous enough that he feels obligated to tell it, regardless of his interests or desires. The (4) *irreducibilist* also admits a kind of obligatory status to ‘Tell virtuous lies,’ but, in arguing that the relevant interests or desires cannot be overlooked, takes it as a *characteristic* rather than *necessary* obligation. Ways in which the rule to tell virtuous lies might fall short are numerous. To return to the earlier example, it might be the case that someone does not know that confessing to the Gestapo would result in the sure death of the Jews they are hiding, and as such falls outside the agent’s wisdom. That a German citizen might not have known about the evolving terror of the Holocaust in the early years of Nazi rule is plausible. Similarly, it might be the case that one does not have the willpower to blatantly lie to the Gestapo, out of fear of the repercussions, and as such the obligation falls outside the agent’s ability. Such cases assuredly do not negate the telling of virtuous lies as important to being virtuous, but simply, again, point to the moderate position that the rule is characteristic, not obligatory to the virtue.

Ultimately, then, the (4) *irreducibilist* approach seems to be logical approach to understanding the relationship between v-rules and u-rules in virtue ethics. The first step may indeed be to (1) *eliminate* talk of rules altogether, given the complexities of the modes of moral response that the virtues demand. The next step then may be (2) *complement* these complex moral responses with a list of straightforward, universalizable rules, which in turn prompts one to ask, “Why not just (3) *reduce* all the different modes of moral response incumbent to the virtues to their corresponding universalizable rules?” But who would say that a finite list of moral rules is all that a virtuous person needs to be virtuous? Does not a virtuous person *simply know* and recognize that the v-rules in general are characteristically inclusive, while nevertheless (4) *irreducible*, to the u-rules? The above essay has been an attempt to demonstrate the validity of this claim.

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