MORALITY AND PRINCIPLE

Jonathan Dancy is largely responsible for the recent vigorous discussion of the position known as “moral particularism” (Dancy 1993, 2006, 2009, Hooker and Little 2000, McKeever and Ridge 2005, 2006, and Lance and Little 2006). In his original 1983 *Mind* article, Dancy dubbed the view he there defended “ethical particularism,” but his focus was squarely on particularism about morality (Dancy, 1983). As Dancy’s thought has developed since then, however, it has mainly been driven by considerations about normative reasons in general, rather than anything specifically about morality.

In *Ethics Without Principles*, for example, although Dancy again defines particularism as the position that “moral thought and judgment” do not require “moral principles,” what does the major work in his argument is a general view about normative reasons he calls “holism.” Holism, as Dancy defines it, is the thesis that a consideration can be a normative reason for something in one case, while no reason at all, or even a reason against it, in another (2006: 7). Dancy’s diagnosis is that “errors of generalism” (denying moral particularism) “can mostly be traced back to errors in the theory of reasons” (2006: 15). So Dancy first tries to show that normative reasons are holistic generally and then argues that, since there is no reason to think that moral reasons are any different, they are likely to be holistic also. Moral particularism is then claimed to follow more or less directly.

Dancy’s arguments for holism are convincing and his observations about the complex relations between normative reasons persuasive. Not every consideration that is relevant to there being reason to have some attitude, or the attitude’s being justified or one one ought to have, is relevant in the same way. Normative reasons are considerations that count in favor or against an attitude. But considerations can also defeat or enable normative reasons, and so affect what attitudes we have reason, or ought, to have without being normative reasons themselves. For example, something’s looking red can be a reason to believe that it is red. When, however, it becomes apparent that it looks red because a red light is shining on it, there is no longer any reason to think it actually is red. The fact that a red light is shining on the object is not, however, a reason to believe that the object is not red, or even not to believe that it is red, that is, a reason that weighs against and outweighs the earlier reason. It rather defeats the earlier fact’s claim to be a reason. It shows that the fact that the object looks red is not, in fact, any reason to think it is red, and so affects what one should believe in a different way.

It is not difficult to find similar cases with normative reasons for action. If I promise to peel you a grape, that gives me a reason do so. Suppose that it is the only reason in the circumstances and therefore that peeling you a grape is what I ought overall to do. If you release me from my promise, then I no longer have reason to do what I promised. It is no longer true that peeling a grape is what I ought to do. But, usually anyway, that is not because your releasing me counts against my peeling you a grape, although there might be circumstances in which it would. It is rather because it defeats the earlier reason. It makes it the case that what was a reason in favor of an action is one no longer.

The existence of defeaters and enablers is sufficient to establish holism, as Dancy understands it. The fact that something looks red is sometimes, but not always, a reason to believe that it is red. The fact that one promised to do something is sometimes, but not
always, a reason to do what one promised. Defeaters (and enablers) affect what attitude there is overall reason for one to have, but not by favoring or disfavoring attitudes or actions themselves. They are not themselves normative reasons, but help determine whether other considerations are.

Dancy canvasses other possibilities also. A fact might intensify a normative reason, give it more weight, without being itself a reason. Dancy gives the following example. The fact that someone needs help that I am in a position to give is a reason to help her. But the fact that I am the only person who can help seems to be, in itself, not so much a(n additional) reason to help as something that intensifies the weight of the first reason (2006: 41). Likewise, if I am but one of a billion who can help, this seems not to be a reason not to help, but something that attenuates the weight of the reason to help consisting in the fact that someone needs help that I can give (2006: 42).

Let us assume, therefore, that holism holds true in the theory of reasons. How does this bear on moral particularism? I believe we should also grant Dancy that holism holds true in the theory of moral reasons also, that is, reasons that favor or disfavor actions from the moral point of view and so bear on what one morally ought to do in the sense of being morally choiceworthy or best supported by moral reasons. After all, all the examples of normative reasons for acting we have been considering seem to be moral reasons (2006: 37).

It turns out, however that, as Sean McKeever and Michael Ridge have argued, holism about moral reasons does not establish moral particularism (2005, 2006). Dancy acknowledges this, moreover. We can see why with an example Dancy himself gives that he takes to be in the spirit of McKeever and Ridge’s point. That one’s promise was extracted under duress, like being released from one’s promise, can defeat the normative reason to do something that would otherwise be provided by the fact of one’s promise. But it is entirely consistent with that nonetheless that the following general moral principle exists (Dancy calls it ‘P1’): “If you have promised, then you morally ought to do the promised act, unless your promise was given under duress” (Dancy 2006: 81). So holism about reasons, even holism about moral reasons, cannot entail moral particularism. As McKeever and Ridge point out, indeed, a general principle like P1 actually presupposes holism, as Dancy defines it. So moral reasons’ being holistic in Dancy’s sense can hardly be incompatible with moral generalism.

P1 is no doubt too simple as it stands. Any plausible general principle about keeping promises would have to be much more complicated, including, for example, the absence of other defeaters such as having been released from one’s promise. Taken by itself, however, holism in the theory of reasons, even of moral reasons, cannot establish that some such plausible generalist principles do not exist, as Dancy himself acknowledges (2006: 81-82).

Despite this, Dancy claims that an “indirect” argument from holism to moral particularism can nonetheless be given (2006: 82f). He grants that there are some areas, like mathematics, where we plausibly suppose that universal general principles hold despite the fact that there is a kind of holism there also: “dividing one number by another will not always yield a smaller number; sometimes it will, and sometimes it won’t” (2006: 82). But there is nothing, he claims, that could explain a similar supposition with respect to morality.

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1 Or, as Dancy puts it, what one “most morally ought” to do (2006: 31-37).
Now, as I have noted, Dancy defines “particularism” and “generalism” in such a way that they only concern moral principles, oughts, and reasons. But we can define other versions. A more general normative particularism would hold that the possibility of normative thought does not depend on the existence of general normative principles. Normative generalism would deny this, holding that normative principles are indeed necessary. And we might similarly define generalist and particularist positions within different specific normative domains.

Thus epistemological generalism would hold that the possibility of “thought and judgment” about what there is reason to, or what one ought to, believe depends on the existence of general epistemic principles. And epistemological particularism would deny this. Similarly, practical generalism would hold that thinking or judging there to be things we have reason overall to do, and so ought overall to do, requires us to suppose that there exist general practical principles. And practical particularism would deny this. Aesthetic generalism would hold that aesthetic thought and judgment, say, that something has or lacks some aesthetic quality hence that there is reason, or that one ought, to have some aesthetic attitude toward that thing, requires us to think that there exist general aesthetic principles. Aesthetic particularism would deny this. And so on.

Now partly, I think, Dancy is relying on the fact that although his opponents deny moral particularism, they are much less likely to accept generalism about normative reasons across the board, that is, normative generalism, or generalism with respect to any practical reasons and oughts, practical generalism. He quotes Scanlon as saying that although principles have a “significant role” in morality, there “seems little work for principles to do” when it comes to thought and judgment about normative reasons generally (Dancy 2006: 132).

Dancy, however, denies that there is any relevant difference in this respect between morality and other normative domains. This is because he thinks that moral principles, were there any, would have to concern what we morally ought to do, or perhaps, what we morally ought most to do, in the sense mentioned earlier, namely, what moral reasons for action support, either pro tanto or all things considered. Moreover, he takes it, indeed argues, that oughts quite generally, and so moral oughts in particular, are better conceived in terms of normative reasons and moral reasons, respectively, than vice versa (2006: 31). If what we morally ought to do is what the balance of moral reasons favor, or most favor, and if we have no need of principles to understand what it is for normative reasons in general or for moral reasons more specifically to favor an action, either pro tanto or all things considered, then why, he thinks, should we expect that principles are necessary for moral oughts? If moral oughts are no different from oughts of other kinds in their dependence on reasons, and principles are unnecessary for reasons, and therefore for oughts, of other kinds, wouldn’t they also be unnecessary for moral oughts?

Dancy expresses some skepticism that the moral can relevantly be distinguished from the non-moral within the space of practical normative reasons (2006: 132). If that were so, then moral particularism would simply follow, or perhaps be indistinguishable, from practical particularism. But Dancy’s argument does not depend on this. We, might, for example, simply identify moral reasons by other-regarding content or through some characterization of the moral point of view, and that would not affect anything Dancy wants to say. He could still put his challenge in the following terms: if oughtness consists, quite
generally, in the weight and force of normative reasons, and if principles are not required for
the latter, then why should they be required either for oughts in general or for moral oughts
more specifically? Even if moral oughts can be distinguished from oughts of other kinds by
the content of, or point of view from which we accept, their supporting normative reasons,
that wouldn’t distinguish their normative character, weight, or force. If the normativity of
the moral ought does not fundamentally from that of other oughts, and if principles are
unnecessary for other oughts, then why should they be necessary for moral oughts?

My aim in what follows is to show that even if one were to concede every bit of
Dancy’s case for particularism deriving from the theory of reasons, including almost all of
what he says about moral reasons and the moral ought, there would nonetheless remain a
substantial case for generalism left standing that would have to be considered before
particularism about morality could be established.2 I shall argue, first, that Dancy’s
arguments leave untouched a powerful rationale for thinking, as Scanlon says, that principles
have a “significant role” to play in morality. And second, I shall try to sketch that rationale,
at least in broad outline. My conclusion will be that there is an important and promising line
of thought leading to moral generalism that Dancy has failed to consider.

For purposes of my argument, we can simply stipulate that normative particularism and
practical particularism are both true. So I shall assume that neither normative thought and
judgment in general, nor thought about normative reasons for acting and so practical oughts
more specifically, depend, respectively, upon normative principles in general or upon
normative principles of action more specifically. And we can also stipulate that there is a sense
of the moral ‘ought’, the one I take Dancy to have in mind, that may not require principles
either.3 This is the sense I mentioned before, namely, the one in which to say that someone
morally ought to do something is to say that that action is supported by moral reasons, either
pro tanto or overall, that is, that the action is morally choiceworthy in that sense.

My contention will be that conceding all of this does not yet touch anything a moral
generalist should be, or, I think, that moral generalists primarily have been, concerned about.
This is because the major rationale for being a generalist about morality is the thought that
general principles, indeed general principles that can be assumed to be publicly formulable
and available, are necessary for moral obligations. The concept of moral obligation has a
special character that distinguishes it from that of what moral reasons favor or recommend,
either pro tanto or overall. My argument will be that general principles are plausibly thought
necessary in order for anything having this special character to exist, whether or not they are

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2 I concede that ‘morally ought’ can be understood in terms of the weight of moral reasons, but I shall argue
that moral obligation, moral duty, and moral wrong cannot. My argument will be that the latter have a special
character and that there is reason to think that nothing having this character could exist without there being
relevant general principles. If, as I shall argue, concepts with this special character, like that of moral
obligation, are intrinsic to the concept of morality as we understand it, then moral particularism will follow. It
will also then be true that general principles are necessary for there to be moral reasons as well, since there can
be no moral reasons without morality; moral obligations are necessary for that, and these cannot exist without
general principles. If so, then though I can concede to Dancy that general principles might be unnecessary for
some (non-obligating) moral reasons, they will nonetheless be necessary for moral obligations and therefore for
there to be moral oughts and reasons at all.

3 That is, as per the preceding the note, that its being the case that one morally ought to do P requires a general
principle that in such and such circumstances, anyone morally ought to do P.
necessary for reasons and oughts generally, or for all moral reasons or oughts, more specifically.

There are two main ideas underlying my approach. First, moral obligations are, as a conceptual matter, what we are morally responsible or accountable for doing. And second, when we hold people answerable for complying with moral demands, we have to assume that they can know that they are obligated, that they can regulate their conduct by this knowledge, and that this is all capable of being common public knowledge. I shall argue that this gives a role to publicly formulable principles in morality that principles need not have in other normative domains. Conditions like these seem to be no part whatsoever of the idea that a consideration is a reason for someone to do something. It seems to be enough that the consideration counts in favor of the action.

In this respect, morality, at least the part that concerns moral obligation, resembles law. Just as a connection to public reason and principle seem part of the very idea of law, so also, I shall argue, are these essential for moral obligation. We need not think, as we do with law, that moral obligations require the relevant public understandings actually to be in place, or that de facto attitudes and practices have the same power to constitute morality as they do to constitute law. Nonetheless, I shall argue, it is plausibly a constraint on moral obligation that the relevant public understandings at least be possible.

By contrast, it is clearly no part of the idea of normative reasons or oughts, whether moral or nonmoral, that we are automatically answerable for complying with them. P’s being a reason to do A just consists in p’s counting in favor of A. And A’s being something one ought to do, either pro tanto or overall, just consists in A’s being supported by such reasons, either pro tanto or overall. Being answerable for doing A when p holds, if anyone is thus answerable, would seem to be an additional fact that is neither part of nor entailed by the simple fact that A is supported by the relevant reason, either pro tanto or overall. In many cases, in fact—for example, with garden-variety self-regarding reasons—we do not believe that people actually are answerable for complying with them. And in moral cases where the operative reasons support a moral obligation, the mere fact that moral reasons favor the choice, even overall, considered apart from the fact that they ground an action’s being morally obligatory, neither involves nor entails answerability either.

MORAL OBLIGATION AS DISTINCT FROM BEING FAVORED BY MORAL REASONS

Sometimes philosophers speak as though ‘moral obligation’ and ‘moral duty’ are simply synonyms for ‘morally ought’ in the sense of being an action moral reasons favor or favor most.4 A moment’s reflection is sufficient, however, to show that this is not so. By ‘moral obligation’ or ‘moral duty,’ I mean here what we are morally required to do in the sense that failing so to act would be morally wrong. To see that being a moral obligation in this sense does not mean being favored, or favored most, by moral reasons, even by reasons that conclusively recommend the act from the moral point of view, all we need to notice is that whether there is such a thing as moral supererogation, that is an action’s being “beyond the

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4 Dancy’s discussion in Dancy 2006: 31-37 suggests this.
call of duty,” and something it would not be morally wrong to omit, is a substantive
normative issue rather than a conceptual one.

Suppose someone puts forward the view that a certain action, say rescuing someone
from a burning building, although it is conclusively recommended by moral reasons and
clearly the morally best thing the agent could do, nonetheless is not, owing to the risks
involved, morally obligatory or something it would be wrong for the agent to fail to attempt.
The idea is not that the risks would be foolhardy for the agent to take, where this could
constitute a moral reason that could weigh against trying to rescue the fire victim. Neither is
the idea that the risks to the agent constitute an excuse for wrongly failing to attempt the
rescue. Rather, the view is that the risks to the agent make an action, failing to rescue
someone, that would otherwise be obligatory and wrong not to do, not wrong in this case.
And this, even though the risks do not defeat the moral reasons for attempting to rescue the
person. Were the person to enter the building and attempt the rescue, we might well regard
her as a moral “hero” in Urmson’s sense, whether she was successful or not (Urmson 1958).
But if she failed to do so, this would not be something she need excuse, since her failure
would not have been wrong or the violation of a moral obligation.

Note also that the idea that the risks to the agent in this case defeat a moral
obligation is not, or at least, not just, that it defeats a moral obligation overall or all things
considered. Rather, the thought is that the risks also defeat any pro tanto moral obligation
that would otherwise exist, that is, if the risks to the agent were not so great.

Now whether any such view is true or not, it seems obvious that it is conceptually
coherent. Someone could clearly hold such a view with full mastery of the concept of moral
obligation and without contradicting herself in any way. If, however, the concept of moral
obligation were the same as that of the moral ought in Dancy’s sense, that is, what moral
reasons favor or most favor, however conclusively, then such a view would simply be
conceptually incoherent. It would be like saying, “Rescuing someone in such a situation is
what moral reasons most favor, or favor conclusively, but such an action nonetheless would
not be what moral reasons most favor, or favor conclusively.” The possibility of
supererogation would be ruled out on conceptual grounds.

It seems clear, however, that this is not the case and that whether there is such a
thing as supererogation is a substantive normative question rather than one that can be
settled on conceptual grounds alone. And if that is so, then, moral obligation must be a
distinct concept from that being favored most, or favored conclusively, by moral reasons.

**MORAL OBLIGATION AND ACCOUNTABILITY**

Moral obligations are what morality requires or demands, not just what there are moral
reasons for doing, however weighty or conclusive these reasons might be. But what is it for
morality to require or demand something?

Plainly the idea of demand or requirement extends more widely than the moral. We
speak also of requirements of reason or logical demands, for example, the demand not to
have contradictory or incoherent beliefs or plans. But unlike demands of reason or logic,
talk of moral demands is linked to accountability conceptually. What we are morally obligated to do is, as a conceptual matter, what we are morally answerable for doing.

There is thus an important difference between moral obligations and, for example, requirements that are imposed by logic. If I fail to act as I am morally required without adequate excuse, it simply follows straightway that what Strawson called “reactive attitudes,” like indignation, blame, and guilt, are thereby warranted (Strawson 1968). Responses like these seem appropriate to logical blunders, however, only in certain contexts, and even here what seems to be in question is a moral error of some kind (as when I have a special responsibility for reasoning properly). And though a connection to accountability is intrinsic to the concept of moral obligation, it is obviously no part whatsoever of the idea of a logical requirement or demand of reason.

Similarly, the idea of excuse is obviously also external to that of rational or logical requirements, though it is not to moral requirements or obligations. It is a conceptual truth that one is warrantedly blamed for failing to comply with moral obligations unless one has some (adequate) excuse, though not that unexcused logical blunders are blameworthy.

Mill articulates this conceptual point when he says that “we do not call an action wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it” (Mill 1998: Ch. 5). “Punishment” may sound overly strong, but Mill includes under this heading blame and “the reproaches of [the agent’s] own conscience.” We do not impute wrongdoing unless we take ourselves to be in the range of the culpable, that is, unless the action is such that the agent is not just morally criticizable in some way or other, but aptly the object of some form of accountability-seeking reactive attitude such as moral blame if she lacks an adequate excuse. What it is, indeed, for an action to be morally obligatory and its omission morally wrong, just is for it to be an action the omission of which would warrant blame and feelings of guilt, were the agent to omit the action without excuse.

In The Second-Person Standpoint, I defend this analysis of moral obligation as entailing accountability and argue that it reveals what I there call moral obligation’s “second-personal” character. Moral demands, I argue, are what we legitimately demand of one another and ourselves, where making such demands is invariably a second-personal matter, even when their object (and so addressee) is oneself, as in the emotion of guilt. Following Strawson, I argue that reactive attitudes have an essentially interpersonal (or, as I call it, second-personal) character since they implicitly put forward or address putative legitimate demands to their objects and therefore presuppose, I argue, the authority to make them.

Because of this second-personal character, holding someone responsible through reactive attitudes inescapably involves what Gary Watson calls the “constraints of moral address” (Watson 1987: 263, 264). In addressing putatively legitimate demands to someone, both addressee are committed to certain presuppositions as conditions of the reciprocal intelligibility of their interaction as second-personal address. Among these, I

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5 This claim is echoed in Baier 1996, Brandt 1979, Gibbard 1990: 42, Shafer-Landau 2003, and Skorupski 1999: 29, 142. Note that this still admits a distinction between wrongness, the violation of moral obligation, on the one hand, and blameworthiness, on the other. An action may be wrong, but not blameworthy, if the agent has an adequate excuse.
argue, is the addressee’s competence to hold himself responsible by acknowledging the legitimacy of the demand and regulating his conduct by it.

My object here will be to argue that these presuppositions can be met only if what we hold people accountable for, moral obligations, are accessible to all, hence to those held accountable, as shared public knowledge. And practices of accountability must be able to be public also. Interpersonal answerability is public in its nature; justifying oneself to others is possible at all only within a shared space of public reasons. Since, moreover, people within a culture of mutual accountability must also be able to question claims of wrongdoing, much as participants in a legal order can contest charges of illegality, due process constraints would seem to be built into the very idea of a mutually accountable moral order no less than they are into that of a genuine legal order. And this, I shall argue, can give general principles a role in moral accountability, hence in moral obligation, that is similar to the role that rules and legal principles have in a valid system of law. It will follow that if the idea of moral obligation is essential to our concept of morality, as I shall argue it is, then morality will indeed depend upon general principles, and particularism about morality will be false.

It would be hubris to suppose that a fully convincing case for these claims can be offered in the space available here. I will be able to give only the barest sketch of an argument for general principles in morality that is broadly akin to one that is more familiar for principles in law. My hope, however, is to convince the reader that, when it comes to moral obligation, and therefore to morality, there are considerations that are relevant to whether principles have a “critical role,” in Scanlon’s words, that simply are not present with respect to normative reasons and oughts more generally, including practical reasons or oughts, or even just any normative moral reason, that is, any consideration that might favor an action from the moral point of view. We are not, in these latter cases, forced by the very nature of our concepts to suppose that people to whom normative reasons and oughts apply are accountable for acting as the reasons recommend and therefore that the reasons and oughts must be able to be practically available as part of a shared public culture.

ACCOUNTABILITY AND “CONSTRAINTS OF MORAL ADDRESS”

Before I begin to make this argument, I need first to say something about the Strawsonian picture of accountability and second-personal address on which my argument will draw.6 In “Freedom and Resentment,” Strawson argues that consequentialist justifications for moral responsibility cannot provide “the right sort of basis, for these practices as we understand them” (Strawson 1968). Whether holding someone responsible would be desirable or promote goods of any kind—whether personal or impersonal, moral or nonmoral—is one thing; but whether the person’s action was culpable and therefore warrants blame is quite another.

“Strawson’s Point,” as I call it, is an example of what philosophers call the “wrong kind of reason problem” (see, e.g., Darwall 2006, Hieronymi 2005, Rabinowicz and Ronnow-Rasmussen 2004). For example, although there is perhaps a sense in which the fact that one will get a reward for believing $p$ is a reason to believe $p$, this cannot possibly bear on whether $p$ is credible. It is not a “reason of the right kind” to believe $p$ in the sense we usually

6 For a fuller development and defense see Darwall 2006.
have in mind. Similarly, the fact that holding someone responsible for an action would have good consequences, or even indeed that it would instantiate an intrinsically valuable state of affairs, though these can provide some reason to desire to hold him responsible and blame him, it cannot provide a reason of the right kind for our practices of accountability “as we understand them,” since it does not bear on the blameworthiness of his action.

To be a reason of the right kind a consideration must properly justify a reactive attitude. Strawson coined “reactive attitudes” in “Freedom and Resentment” to refer to mental states through which we hold people responsible, whether another person, as with indignation, resentment, or moral blame, or oneself, as in the emotion of guilt. Strawson didn’t give a formal definition of these attitudes, but their central features are clear from the role they play in his argument about moral responsibility and freedom of the will. Strawson’s central idea is that reactive attitudes involve a way of regarding the individuals who are their objects that commits the holder of the attitude to certain assumptions about the object individual and her capacities to regulate her will. Unlike “objective attitudes,” like disdain, disgust, and annoyance, reactive attitudes are essentially characterized by “involvement or participation with others in interpersonal human relationships” (Strawson 1968). There is always an essentially “interpersonal” or, as I prefer to put it, “second-personal” element to reactive attitudes. Through the attitude we hold its object to something and thereby implicitly make a demand of (and so implicitly address it to) him or her (as it were, second-personally). As Strawson puts it, “the making of the demand is the proneness to such attitudes” (Strawson 1968). The reason that reactive attitudes distinctively implicate freedom of the will, then, is that we can intelligibly address a demand to someone to regulate her will appropriately only if we suppose that she can so regulate it as a result of recognizing our demand’s legitimacy. The supposition is a “constraint of moral address” (Watson 1987: 263,264).

Consider the difference between disdain expressed by a put down, like “He’s as thick as a post,” and an attitude of indignation or moral blame. Unlike the latter, the former is unfettered by any constraints of address that inevitably arise when we take a second-person perspective toward someone. Disdain is not standardly addressed to its object at all; if it has an addressee, it is likelier to be others we think capable of appreciating why its object is a worthy target. When we blame someone for something, however, we implicitly make a demand of him to act differently and, if he has not, to take responsibility for not having done so, where taking responsibility is essentially an interpersonal matter (holding himself answerable to us (and, indeed, to himself) as representative persons). In so regarding him, we perforce see him as intelligibly so regarded, as someone, who is competent to take such an attitude toward himself and guide himself by it. We see him as capable of entering into reciprocal human relationships of mutual accountability.

Disdain involves no such assumptions. One can hardly imagine the disdainer in our example, believing his disdain’s object to be too thick to appreciate how thick he is and unable to change his thickheadedness, withdrawing the put down as not expressing a fully intelligible attitude. To the contrary, to such a person, such further “thickness” would only seem to confirm the fittingness of the disdain. Moral blame, on the other hand, holds its object to a demanded standard and to its object’s holding himself to that standard by making himself answerable for compliance. So it is not fully intelligible, or, at least, it is unwarranted in its own terms and not just unfair, when its object is someone who is known to lack the
psychic capacities or knowledge necessary to do this. It just doesn’t make sense to blame someone for dull-wittedness, unless one is under some illusion about the human ability to take responsibility for mental endowments. But no matter how regrettable or unfair, disdain for dull-wittedness is clearly an intelligible attitude.

Strawson makes an important distinction within reactive attitudes between “personal” and “impersonal” ones. This can be confusing, since it is possible to lose track of the fact that Strawson holds that all reactive attitudes, even impersonal ones, are “interpersonal” (or “second-personal”). “Personal” reactive attitudes are those, like resentment and guilt, that are felt as if from the perspective of a participant in the events that give rise to it, whereas “impersonal” reactive attitudes, like indignation or moral blame, are felt as if from a “third party’s” point of view. One cannot resent or forgive injuries to people with whom one lacks some personal connection, but this is no impediment to moral blame or disapproval. Nonetheless, however “impersonal” blame is in Strawson’s sense, it is not an attitude characterizes as “objective. It is just as “interpersonal” or “second personal” as personal reactive attitudes like resentment or guilt. Thus although impersonal reactive attitudes are as if from the perspective of a “third-party,” they are not “third-personal” attitudes in the usual sense; they involve the same second-personal element of implicit address as do personal ones, only as if from the perspective of a representative person rather than any individual’s standpoint.

The difference between warranted personal and impersonal reactive attitudes tracks a distinction between an individual authority we presuppose when we implicitly address putatively legitimate “personal” demands that others not treat us in certain ways and a representative authority we assume when we implicitly address “impersonal” demands as representative persons in moral blame. Personal reactive attitudes and individual authority are conceptually implicated in moral claim rights and correlative “bipolar” obligations that those against whom the right is held have to the right holder. For example, a right not to be harmed or coerced entails a correlative obligation others have to him not to harm him. And this involves, as a conceptual matter, others being distinctively accountable to him for respecting the right and his individual authority to hold them thus accountable, or, indeed not to, at his discretion. Thus in U.S. civil law, for example, it is up to victims whether or not to seek compensation for a violation of their rights, as it is morally, whether to forgive or to resent. Only the victim, or perhaps those personally related to him, has or have the standing to do either.

When, however, it comes to the responsibility involved in moral obligations period, as we might call them (that is, wrongful conduct rather than the wronging of someone that consists in the violation of a bipolar obligation to him), accountability is not distinctively to the victim, but to everyone, including the victim and the violator, as representative persons.

7 “The same abnormal light which shows the agent to us as one in respect of whom the personal attitudes, the personal demand, are to be suspended, shows him to us also as one in respect of whom the impersonal attitudes, the generalized demand, are to be suspended” (Strawson 1968: 87)
8 Similarly, second personal does not imply second party. Guilt, like any reactive attitude is second personal, since it involves implicit address, but it clearly is not a second party attitude. In feeling guilt, one implicitly addresses a demand to oneself. Finally, any second-personal attitude is also first personal. Address, whether implicit or explicit is always from someone (an individual (I) or a collective (we)).
9 Of course, these may be the very same action.
It is, again, a conceptual truth that violations of moral obligation warrant the impersonal reactive attitude of moral blame when they are unexcused. It is a reflection of this that whereas it is up to the victim to seek compensation for violations of rights through the law of torts, it is up to the people and its representatives, e.g., public prosecutors, to decide whether and how to hold people responsible for violations of criminal law.

The line of thought I wish to consider for moral generalism derives from the second-personal character of moral accountability, and hence, moral obligation. When we address a moral demand to someone, whether others or ourselves, we take up a second-person standpoint with respect them. We “regard” them, as Strawson says, “interpersonally.” And this makes us subject to “constraints of moral address,” namely presuppositions of the intelligibility of so understanding ourselves. In The Second-Person Standpoint, I sum these into what I call “Pufendorf’s Point”: We can intelligibly hold someone responsible only if we regard her as capable of holding herself responsible. Genuinely to conceive ourselves as under obligation, rather than just obliged by force or having incentives to avoid unwelcome sanctions, we must be capable of blaming ourselves for failing to comply. A being subject to obligation must be capable of being “forced,” not externally, but “of itself to weigh its own actions, and to judge itself worthy of some censure unless it conforms to a prescribed rule” (Pufendorf 1934: 91). As I would put the point, we can intelligibly regard someone as under a moral obligation and hold her accountable, only if we regard her as able to take up the impartial (Strawson’s “impersonal”) second-person standpoint of a representative person on herself, recognize the legitimacy of the moral demand, and make the demand of herself from this perspective.

GENERAL PRINCIPLES, AND ACCOUNTABILITY, LEGAL AND MORAL

It is uncontroversial that generally formulable rules or principles are intrinsic to the rule of law in a way they are not, say, to rule by decree. This is common ground between legal positivists and their critics, the main issue between them being whether the existence of rule-structured practices, including perhaps second-order rules, such as Hart’s “rule of recognition,” is sufficient for a legal order, as the positivists suppose, or whether, as Dworkin argues, appeal to general moral principles are also necessary (Hart 1961, Dworkin 1978: 23ff). Whether conventional rules are sufficient, or whether these must be supplemented by moral principles, it has seemed more or less obvious to philosophers of law that it is part of the very idea of a legal order that it involves regulation by standards that can be formulated in a general way and are not irreducibly particularistic. It is consistent with this, of course, that legal standards will involve concepts that take judgment to apply and that may not be able to be readily operationalized in empirical terms. For example, uses of force otherwise proscribed by law, are permitted in self-defense when they are “reasonably” believed necessary to repel a threat to which they are “proportionate” (Black 1999). Even so, it just seems essential to the rule of law that laws must be formulable in general terms that those subject to them can be expected to understand and regulate themselves by, despite differences in values, taste, and expertise.

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10 See also Hart’s distinction between being obligated and being obliged (Hart 1961: 6-8).
11 Such as, “no person should profit from wrongdoing,” which, Dworkin argues, the U. S. Supreme Court appealed to in deciding law in Riggs v. Palmer
It is widely accepted that law claims *authority* over and to *obligate* those subject to it, thereby making them accountable for compliance (e.g., Raz 1979). I take it that a central attraction of the rule of law, as opposed to rule by decree, is that a legal order’s claims to obligate have a substantially better chance of actually being legitimate and obligating than would comparable claims of a regime that did not govern by rules and principles that can be formulated in general terms and that anyone subject to them can be expected to know, understand, and regulate themselves by.

There are certainly many areas of human life where we live happily and appropriately by particularistic judgments, for example, regarding aesthetic matters. Judgments about art, food, décor, music, and so on, seem irreducibly particularistic, and it would be foolhardy to try to systematize them, or even worse, to attempt to ground them, in general rules and principles. We need not think of these areas as any less serious or even, indeed, less objective, though general agreement or even understanding cannot be expected. As Louis Armstrong is reputed to have said about jazz music, “if you have to ask what jazz is, you’ll never know.” But the aesthetic differs from law and morality in not purporting to impose obligations. Artists may sensibly take themselves to be obligated to pursue their art in certain ways and not in others, of course. And outsiders may make these or similar judgments also. But the point remains that obligation-imposing purport is not intrinsic to aesthetic standards in the way it is to moral and legal requirements.

Because the aesthetic seems particularistic, and because law, by its nature, purports to obligate, legal requirements seeking to impose aesthetic standards would be not simply unjust, but downright ridiculous. Imagine a city ordinance outlawing kitsch, schlock, or the banal, even with restricted scope, say, in literature. What would make such a law ridiculous, I take it, is the manifest absurdity of purporting to hold people answerable for something they cannot be expected to be able hold themselves to in their own judgment, that is, the obvious violation of “Pufendorf’s Point.”

The difference between law and morality is that whereas legal requirements *purport* to obligate, moral requirements necessarily actually do. Clearly, laws can exist that do not impose genuine, that is, *de jure* obligations. Law necessarily *claims* *de jure* authority, and arguably it must have *de jure* authority to exist at all. But law need not actually have the *de jure* authority it claims in order to exist *de facto*. However, this cannot be true of moral obligations, at least as we are currently thinking of them. These are *de jure* in their nature; if they don’t have the authority they claim, then they simply do not exist. They are merely putative and not actual moral obligations. ‘Legal obligation,’ by contrast, can refer to something that has only *de facto* authority and none *de jure*.

If what we have said so far about the absurdity of legally mandating the aesthetic is correct, it follows even more strongly that morality could not include any such requirements either. “Pufendorf’s Point” implies that *de jure* obligations cannot possibly exist unless those subject to them can be can intelligibly held answerable for complying with them.

We cannot, however, conclude moral generalism, or even moral-obligation generalism, straightway from this. The example of the aesthetic combines two different features, its particularistic character, one the one hand, and its relation to *expert* or even *esoteric* particularistic judgment, on the other. A putatively obligating standard that would
require a particularistic expertise that only some can be expected ever to acquire would violate “Pufendorf’s Point,” but that might be owing simply to its esoteric quality. Might moral judgment be particularistic but nonetheless sufficiently widely shareable to impose obligation?

The moral particularist can admit that legal obligation cannot be particularistic, since formulability as general rules and principles is part of the very idea of law. But why couldn’t the moral order, even an order of moral obligations, differ from that of law in precisely this respect. Even if, “No law without general rules and principles,” expresses a central truth about the law, why suppose that “No morality without general rules and principles” expresses a core theorem of morality?

The reason why generally formulable rules and principles are essential to the idea of law is that nothing counts as a legal order unless there is something publicly formulable and specifiable with which subjects are held responsible for complying. Locking someone up cannot count as holding him responsible for and enforcing compliance unless there is something that is publicly accessible to enforcer and enforced alike to which the enforcement can refer—for example, that one is not to do an action of kind A in circumstances C. Both ‘A’ and ‘C’ may be quite complicated, but not so complicated that no one could intelligibly expect those subject to the putative standard to understand and be able to regulate themselves by it.

But why must the same thing hold with morality? Might the truth about moral obligation be particularistic even if law cannot be? A particularistic moral order would not be fit to be a legal order, but perhaps it might become one by establishing legal institutions and promulgating the single law: “Comply with your moral obligations.” Such a law would seem to be universal and general, even if the moral obligations of which citizens were legally obligated to comply were themselves particularistic. So even if law has to take a universal general form in order to impose obligations, it might be that morality and moral obligations do not.

While this seems right as far as it goes, it underrates accountability’s role in morality. We can see this by considering some things Dancy says about the idea that morality is tied to the social or interpersonal in a similar, but nonetheless crucially different, way. Dancy considers the possibility that a rationale for moral generalism might be found in the thought that “morality is essentially a system of social constraints” that is necessary to fix expectations in a socially beneficial way (2004: 83). He evidently has in mind a kind of indirect or rule-consequentialist approach like Brad Hooker’s (Hooker 2000). Dancy’s reply is that such a view “is a description of something like a set of traffic regulations (Dancy 2004: 83). “Morality,” Dancy continues, “was not invented by a group of experts in council to serve the purposes of social control” (Dancy 2004: 83). Nor is morality necessary to fix expectation, since “people are quite capable of judging how to behave case by case, in a way that would enable us to predict what they will in fact do” (Dancy 2004: 83).

Dancy is of course right that morality, unlike legal orders, is not invented. So a fortiori it is not invented for any purpose: not social control, not fixing expectations, nor any other. And as far as the point I currently want to make goes, we could even allow Dancy that it is frequently true that people are competent to judge “how to behave case by case” in
a way that enables us to predict what they are likely to do. Of course, this wouldn’t yet enable us to fix expectations as we can through the rule-structured practices, like promising, that rule consequentialists frequently discuss. But the role that rule- and principled-structured practices, like those in which legal systems consist or the more informal “moral” practices of indirect consequentialism, play in bringing about various beneficial consequences, like stable expectations, are actually quite different from the kinds of considerations to which I have been adverting.

According to morality as accountability, rules and principles are essential not to bringing about valuable consequences, even of mutual accountability itself. Rather they must be in play in order for us to be morally accountable to one another, and to ourselves, as representative persons in the first place. The idea is not that general principles are somehow prior to moral accountability, or *vice versa.* Rather they come together as a package deal. Moral obligations entail moral accountability conceptually, and agents can intelligibly be held accountable only if there exist general rules and principles that are accessible to all who are morally bound as a matter of common public knowledge.

Above we considered the conceptual point that the very idea of enforcing law and holding people (legally) responsible for complying with it entails that there must be something publicly formulable and recognizable in which law itself consists. When someone is charged with breaking the law, there must be some way of formulating the law he is charged with breaking. It is no good to say just that he acted illegally; there must be a formulable rule or principle that he can be charged with breaking.

When we think about the conceptual relation between moral obligation and accountability, we can see that something similar must hold in the moral domain also. When we blame someone for having acted wrongly, ourselves or others, we assume the burden of characterizing the putatively wrongful act in some way that goes beyond the judgment that the particular act’s features simply combined holistically in the circumstances to make up a wrongful act. As with the law, there must be some more specific charge. Moreover, when we hold someone accountable, we put him in the position of justifying himself to us, either to us as individuals, as in the case of rights violations, or to us (and himself) as representative persons, as in moral blame. This means that any charge of wrongdoing has to be publicly contestable; it must be able to be put in terms that, in principle, anyone can assess, criticize, and emend. Moral blame must be embeddable in a shared public culture of accountability.

Consider: you are walking with a friend at dusk in the winter woods, and he falls and badly sprains his ankle, making it impossible for the two of you to get to warmth and safety before nightfall. There is a locked cabin with a fireplace nearby and wood stacked beside. You deliberate about what to do and decide to break in and start a fire in the fireplace so that you and your friend can be safe overnight before trying to get back to town the next day. Have you done wrong?

Note, first, that if anyone, including you yourself, were to charge you with wrongdoing, this charge would have to be put in some more specific way, like, “You acted wrongly because you trespassed; you broke into someone else’s property.” It is no good just to say: “What you did Tuesday night at 5:30 pm in the woods was wrong.” Or even: “The properties of your action on Tuesday night at 5:30 pm taken holistically amount to moral
wrong.” To intelligibly hold you accountable, the person must be able to levee some more specific charge like, “You broke into someone else’s property, and that is wrong,” implicitly assuming a general principle. It is then of course open to you to say, “Yes, often, maybe usually, maybe even almost always, that is wrong, but not when it is necessary for safety and survival.” In so doing, you implicitly emend the proposed principle, “It is wrong to trespass, except when this is necessary for safety and survival.

A particularist might well reply that there is no reason to suppose that this emended principle holds exceptionlessly. No doubt, a fully acceptable principle would have to be significantly more complicated. But, however complicated, two points would nonetheless remain. First, it seems essential to interpersonal accountability (and, indeed to intrapersonal accountability) that criticism, because it is essentially second-personal, must be able to put in terms that the person to whom it is addressed can understand, respond to, and contest. This means, second, that obligation- and wrong-making features are not just normative grounds (which might admit, as such, of being irreducibly holistic and particularistic). Any features that could make an action morally obligatory or wrong have to be able to mediate second-personal accountability. They must be able to be formulated in terms that can mediate a publicly sharable discussion about whether the conduct warrants accountability-seeking reactive attitudes, specifically, moral blame. And if this is right, when it comes to moral obligation, particularism seems to be ruled out on conceptual grounds.

MORAL GENERALISM

The foregoing reflections are obviously too cursory to be fully convincing. I hope, however, that they show that there is a potential line of argument for generalism, and against particularism, regarding moral obligation, that Dancy has yet to deal with. In this last section, I wish briefly to indicate why, if this argument were to go through, generalism, and the denial of particularism, as Dancy understands these, would thereby be established.

In a well-known chapter of *Ethics and the Limits of Philosophy*, Bernard Williams dubbed morality “the peculiar institution” (Williams 1985). Williams’s rhetorical point was to associate morality with a kind of slavery, their “peculiar institution” being the terms in which whites in the antebellum South used to refer to the enslavement of African-Americans. What makes morality “peculiar,” in Williams’s view, in other words, what is distinctive about it, is its characteristic notion of obligation (Williams 1985: 174-175). Williams’s ambition there was neo-Nietzschean, to argue that the “morality system” with its distinctive concept of moral obligation was an unhealthy set of concepts to live with, since it shackles individuals’ pursuits of cherished projects from which they derive their very integrity and identity.

Though I certainly reject Williams’s rhetorical and philosophical agenda, I accept his view that moral obligation is an ineliminable aspect of the concept of morality as it developed in early modern philosophy in the west from the seventeenth century on. The idea that obligation is central to the idea of morality, at least as it has been conceived in the modern period, is also the core of Elizabeth Anscombe’s critique of “modern moral

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12 I do not mean, of course, that the discussion or consideration must actually be public. More often than not, it will not be. The point is that its terms must be publicizable.
philosophy” as essentially incoherent (Anscombe 1998). The only way morality could be a coherent concept is if its putative obligations could derive from God’s supremely authoritative command, but only few moderns accept the divine command theory.

Obviously, this is not the place to try to respond to Anscombe’s critique. My point here is that if she is right, as I think she and Williams are, in characterizing its target—the centrality of moral obligation to morality—then generalism about morality will follow from generalism regarding moral obligation. Assume, then, that there would be no such thing as morality unless there were moral obligations. And assume, as the argument of the last section attempted to conclude, that moral obligations depend upon general principles. It follows from these two assumptions together that there can be such a thing as morality only if there are valid, obligation-creating general principles. So it would follow that particularism as Dancy defines it is false.

What, then, about the possibility of holistic moral oughts and reasons, and therefore, of particularism about these? I said above that I can concede that there is a sense in which there might be non-obligating moral reasons and oughts that are particularistic. However, if what we have just said is correct, then there is also a sense in which the very existence of moral reasons and oughts depends on general principles too. Any non-obligating normative moral reason or ought need not itself depend on a general principle. However, a reason or ought can be a moral reason or ought only if there is such a thing as morality. And there can be such a thing as morality only if there are moral obligations. And these require, if the argument of the last section is correct, that valid general principles be in place. So there can be moral normative reasons and moral oughts at all, and any specific normative reason or ought can be a moral reason or ought, only if there are valid general principles.

I put forward this argument, again, not so much to establish its conclusion as to show that there is an argument for generalism that Dancy’s formidable case for holism about normative reasons and oughts simply does not touch. If this argument is correct, though there are senses of ‘ethics’ in which “ethics without principles” is clearly possible, “morality without principles” is not.

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13 I attempt to do so in Darwall 2006.


