

Laws, Rules, and Particularism

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1.

Every day we live under natural laws and follow social rules. They seem to constitute order and structure in the natural or human world. Therefore laws and rules are projected in new situation and show us how to think, do, teach. Our ordinal rationality partly depends on the prospect of their effectiveness.

But philosophers have suspected that they are really true or not, whether they are justified or not. For example, the status of induction by which we can conclude and understand general laws and rules has been examined. Or it has been argued whether each word or concept used in them can correspond to unique content. If not so, we can not determine the very content of our laws or rules.

In the realm of ethics, we find the argument that simple moral principles can not determine or guide our evaluation or decision. Such ethical position is called as moral particularism. “Moral particularism is the view that the rightness or wrongness of an action is wholly determined by the context or situation in which the action occurs.”¹

An example by Dancy, one of representative particularists, is this: “that I borrowed a book from you is, often, a reason to return it to you. But if having borrowed it I discover that you stole it from the public library I have no reason to return it to you.”² Probably ordinal solution to this case is to make the rule complete: we must return it to “someone entitled to have it.”³ So our investigation may make our rules more detailed and sophisticated.

But the fundamental insight by moral particularists is this: “everything hangs on whether what it is to follow a rule and what it is to know a rule are understood as the grasp of a universal generalization from which knowledge of particular instances is derived, or as the knowledge of how to respond to paradigm instances, with an appropriate but perhaps inarticulate ability to generalize.”⁴

It is also said that “The point is that the classification (of our actions) does not follow logically from a rule, but rather emerges from our skill at understanding the significance of the various features that a situation presents.”⁵ Therefore even if we can manipulate etical rules, to make a good judgment we need another kind of ability or skill,

or perhaps so-called virtue.

Here, we encounter a remarkable assertion which seems go against some philosophical (for example Kantian) intuition. Above mentioned ability, skill, or virtue do not allow linguistic expression, their codification. McDowell says that “But to an unprejudiced eye it should seem quite implausible that any reasonably adult moral outlook admits of any such codification. As Aristotle consistently says, the best generalizations about how one should behave hold only for the most part. If one attempted to reduce one’s conception of what virtue requires to a set of rules, then, however subtle and thoughtful one was in drawing up the code, cases would inevitably turn up in which a mechanical application of the rules would strike one as wrong”.⁶

Then how to get rid of our prejudice? McDowell refers to Wittgenstein. “The prejudice is the idea that acting in the light of a specific conception of rationality must be explicable in terms of being guided by a formulable universal principle. This prejudice comes under radical attack in Wittgenstein’s discussion, in *Philosophical Investigations*, of the concept of following a rule.”⁷

Now we change our concern to the rule following problem by Wittgenstein which leads us to particularism.

2.

This influential problem was posed by Wittgenstein and since then Kripke and other philosophers have discussed it.⁸ Once someone intend to explain or justify a rule by something else such as her interpretation, she must make sure again that this something offers the genuine explanation or not, and this way leads to controversial regress. So Wittgenstein says: ““But how can a rule show me what I have to do at this point? Whatever I do is, on some interpretation, in accord with the rule.” —That is not what we ought to say, but rather: any interpretation still hangs in the air along with what it interprets, and cannot give it any support. Interpretations by themselves do not determine meaning. “Then can whatever I do be brought into accord with the rule?” —Let me ask this: what has the expression of a rule—say a sign-post—got to do with my action? What sort of connection is there

here?—Well, perhaps this one: I have been trained to react to this sign in a particular way, and now I do so react to it.”⁹

Even we try to rely on our intuition to solve this problem or riddle and to fix our rules, we should not succeed. “So it must have been intuition that removed this doubt?—If intuition is an inner voice—how do I know how I am to obey it? And how do I know that it doesn't mislead me? For if it can guide me right, it can also guide me wrong.”¹⁰

But ordinarily we seem to go on with rules. His explanation is: “To obey a rule, to make a report, to give an order, to play a game of chess, are customs (uses, institutions).”¹¹ Then no further explanation which makes our practice justified? For example does our community fulfill the role to fix our rules? Some say yes, some not.¹²

Anyway, “How am I able to obey a rule?”—if this is not a question about causes, then it is about the justification for my following the rule in the way I do. If I have exhausted the justifications I have reached bedrock, and my spade is turned. Then I am inclined to say: “This is simply what I do.”¹³

Is this the final answer for us? If so, probably some (many?) philosophers may still feel anxiety. If we are perplexed by the lack of explicit reason how we should understand and follow laws or rules, in the face of various problems, our practice may lose its way, or we cannot determine what is true or right among different opinions by reason alone. Does particularism give us a way out?

3.

But Wittgenstein's discussion is general one and not restricted to ethics. Is there any proper difficulty in ethics which lead us to particularism?

Again, the problem is this: “To be sure, no one (sensibly) rejects principles that tell us to ‘respect autonomy’ or to ‘be kind’. But the particularist denies that we can unpack those very abstract principles into generalizations that are both accurate and contentful enough to be action-guiding.”¹⁴

Why this is so? The reason is explained as follows. “A set of features that in one context makes an action cruel can in another carry no such import; the addition of another detail change the meaning of the whole... The moral contribution (natural features) make on each occasion is holistically determined: it is *itself* dependent, in a way that escapes useful or finite articulation, on what other nonmoral features are present or

absent... there is no cashing out in finite or helpful propositional form the context on which the moral meaning depends.”¹⁵

Now, the trouble is caused by double way. Firstly, ethical rules refuse simplified expressions, and this is admitted if we know the general nature of rule following problem. Next, there is some holistic character in the domain of ethical considerations. Of course we have much to do to see whether these assertions are true or not. But, the view particularists show us seems influential. In epistemology or philosophy of knowledge too, such holistic context-dependency may concern our important belief revisions. We safely use scientific theories and mathematical laws inside the domain where holistic context-dependency has little impact. But from outside it, scientific method faces serious difficulty and we often fail to make good prediction.¹⁶

Philosophical way of thinking often avoids detailed factual investigation and aims to search simpler universal principles. This seems to maintain philosophy as one discipline as before. But does particularism recommend another way or the opposite way? If so is the emergence of particularism good news for philosophy? Does it promote or threaten our thinking, doing, teaching way?

Notes

1. D.Furrow, *Ethics*, Continuum, 2005, p.70
2. J.Raz, ‘The Truth in Particularism’, in B.Hooker, M.O.Little(eds.), *Moral Particularism*, Clarendon press, 2000, p.60
3. J.Raz, *op cit*, p.68
4. J.L.Garfield, ‘Particularity and Principle: The Structure of Moral Knowledge’, in B.Hooker, M.O.Little(eds.), *Moral Particularism*, Clarendon press, 2000, p.178
5. D.Furrow, *Ethics*, continuum, 2005, p.73
6. J.McDowell, ‘Virtue and Reason’, in *Mind, Value, and Reality*, Harvard univ. press, 1998, p.57-8
7. J.McDowell, *op cit*, p.57-8
8. For example, the books by Kripke, McGinn, Malcolm contain such argument and are translated in Japanese.
9. L.Wittgenstein(trans. by G.E.M.Anscombe), *Philosophical Investigations*, Blackwell, 1953, 198
10. L.Wittgenstein, *op cit*, 213
11. L.Wittgenstein, *op cit*, 199
12. See M.Luntley, *Wittgenstein Meaning and Judgement*, Blackwell, 2003, p.19, note 10
13. L.Wittgenstein, *op cit*, 217
14. M.O.Little, ‘Moral Generalities Revisited’, in B.Hooker, M.O.Little(eds.), *op cit*, p.278
15. M.O.Little, *op cit*, p.280
16. Impact on our evaluative nature by holistic context-dependency, see M.O.Little, *op cit*, p.283