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# Wittgenstein and the Recovery of Virtue

G. Scott Davis

University of Richmond, [sdavis@richmond.edu](mailto:sdavis@richmond.edu)

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## 8. Wittgenstein and the Recovery of Virtue<sup>1</sup>

G. SCOTT DAVIS

In the 'Lecture on Ethics', written shortly after his return to Cambridge in 1929, Wittgenstein remarks that 'the tendency of all men who ever tried to write or talk Ethics or Religion was to run against the boundaries of language' (*LE*, p. 44).<sup>2</sup> This repeats the spirit of his remarks in the *Tractatus*, where he wrote that 'the sense of the world must lie outside the world . . . Hence also there can be no ethical propositions. Propositions cannot express anything higher' (*TLP* 6.41–6.42). The world pictured in language is one of facts and does not include values or laws, be they natural or moral. This was clearer to the ancients than to us:

At the basis of the whole modern view of the world lies the illusion that the so-called laws of nature are the explanation of natural phenomena. So people stop short at natural laws as at something unassailable, as did the ancients at God and Fate. And they are right and wrong. But the ancients were clearer, in so far as they recognized one clear terminus, whereas the modern system makes it appear as though *everything* were explained. (*TLP* 6.371–6.372)

The ancients, when invoking God and Fate, did not deny that there were deep and puzzling aspects of human experience, involving matters 'higher' than our ordinary encounters with the facts of our world; but they insisted that those puzzles were fundamentally unanswerable. Moderns, entranced by the achievements of the sciences, assume that there is an answer for everything. Thus, in the lecture, Wittgenstein asks his audience to imagine:

That one of you suddenly grew a lion's head and began to roar.

Certainly that would be as extraordinary a thing as I can imagine. Now whenever we should have recovered from our surprise, what I would suggest would be to fetch a doctor and have the case scientifically investigated and if it were not for hurting him I would have him vivisected. (*LE*, p. 43)

Modern, scientific, man doesn't see miracles, only odd phenomena that call out for more thorough study. Ethics, like the miraculous, doesn't defy scientific explanation; it just doesn't exist. In what follows I hope to do two things. On the one hand, I want to embrace Wittgenstein's rejection of ethics as theory, in the sense of a systematic body of knowledge about the world. On the other, I hope to suggest that this rejection opens up conceptual space for understanding ethics as a critical human enterprise.

### *The antinomies of liberalism*

Contemporary moral and political conservatives, religious and otherwise, remain in the condition of the ancients, willing to invoke God or Tradition or Reason to justify their views. The conservative legal theorist Robert George is a prominent example. He identifies himself with the 'new natural law theory' developed by Germain Grisez and John Finnis. For them, basic human goods are 'strictly speaking "self-evident." They come to be known in non-inferential acts of understanding' (George 1999: 231). Like 'the walls of our cage', the basic goods are simply there for reasonable people to see. People who don't see them are either self-deluded or depraved (cf. George 1999: 300-14).<sup>3</sup>

Liberal theorists, however, are in a more difficult situation. Not only must they face the objections of their conservative critics, they often find themselves trapped in what I'll call the antinomies of liberalism.<sup>4</sup> By this I mean the sort of situation where what appears to be one fundamental commitment of liberalism runs up against another, *prima facie* equal, commitment. For example, liberals have learned from the pogroms of the last 200 years that it is important to protect group rights, particularly those of minorities, but then those minorities use that privilege to perpetuate an exclusive and intolerant

tradition (cf. Okin 1999: 9–24). Freedom of conscience would appear to be one of the great rights secured by the Enlightenment from the authoritarianism of the *ancien régime*, but as often as not that freedom is invoked against some individual or unfavoured group (cf. Nussbaum 1999: 81–6).

Consider the following case. An earnest couple intent on having children seek fertility treatments. As a result they conceive and remove from their remote island residence to the capital of the commonwealth, where the mother can receive advanced prenatal care. In the course of this care doctors determine that the mother is carrying Siamese twins, who unequally share a single heart and respiratory system. Both will die unless surgery is performed to detach the more viable from its less viable sibling. The doctors insist that they *must* sever the two at birth so that one may live.

Even if the couple were not, as I will assume, earnest and devout Roman Catholics, this would be a tragic situation. They want children. They are overjoyed at the thought of twins. And now, whatever they do, there will be tragic consequences. Their Catholicism leads them to one tragic choice – do not intervene to bring about directly the death of an innocent – even though they know that both will die. The alternative looks, to them, a lot like murder, or at least the sacrifice of one individual for another. The liberal public, on the other hand, finds it unthinkable that the parents should sacrifice a baby for their private religious feelings.

The dilemma is exacerbated by the fact that the parents don't see the matter as one of 'private religious feelings'. If the doctors act as they see fit, they violate the deeply held moral and religious views of the parents themselves. The parents are willing to allow their children to die because they love both equally and they believe their God does so as well. As parents, the couple wants nothing more than to embrace their children, protect them and bring them up in a world of love and devotion. But, finally, they are willing, despite a congeries of conflicting feelings, to let the children both die because they revere the moral law promulgated by God. On the level of what Rawls calls 'comprehensive doctrine', the conservative Catholic vision of the parents is as rich and complexly developed as the liberal individualism that would protect the viable newborn against its parents.<sup>5</sup> The parents have a

story to tell about the origins and order of the universe, genuine, as opposed to merely apparent, goods, and the ultimate hopes they have for the highest good of themselves and their children. Such comprehensive teachings may, as Rawls admits, be true (Rawls 2001: 183). He merely denies that this story can have any standing in public discourse.

Suppose, in order to avoid state interference, the couple decides to check the mother out of the hospital and remove to a conservative Roman Catholic country where hospitals follow rather different guidelines, which prohibit a direct attack on the innocent. Can the liberal state justly prohibit their going? On one hand, the answer would seem to be no. Rawls distinguishes early on in the most recent statement of his theory between a 'person', who has moral and intellectual powers, and 'a member of the species *homo sapiens*' (2001: 24). The parents are clearly persons; the status of the foetuses is unclear. What right does a state have to compel otherwise free adults to stay within its borders?

On the other hand, the answer would seem to be yes. Rawls claims that the 'basic rights' of 'children as future citizens are inalienable and protect them wherever they are' (Rawls 2001: 166). If children are future citizens, why not viable foetuses? If one can be saved, perhaps the state does have a duty to do so. Then again, is it just to save the one at the expense of even five minutes of the life of the other? Does the lack of viability in the one reduce its value even though, presumably, it becomes a citizen at birth?

I don't think there is an answer, 'in principle', to these questions, at least not within the parameters of rights-based liberal theories. Cosmopolitan political theorists such as Martha Nussbaum and Brian Barry may insist on 'the familiar list of basic human rights', and go on to insist that 'anybody whose human rights are violated – say, by being denied freedom of speech or freedom of religious worship – has a legitimate complaint' (Barry 1998: 156–7). But it is precisely how these purported rights get established, and who gets to establish them, that remains unclear. If we usually tolerate state intervention, particularly in cases where the parents would deny life-saving medical care for reasons of religion, it is because the majority feels that the commitments of such religious minorities are ill-conceived and pernicious. That, however, seems very much like the tyranny of the majority.<sup>6</sup>

Unless they can maintain a credible argument for the self-evidence of 'the familiar list of basic human rights', contract theorists like Rawls have, as Gilbert Harman points out, 'no reason to expect agreement to be reached under the stated conditions, or at least no reason to think a unique agreement would be reached under those conditions' (Harman 2000: 67). It doesn't help for Rawls to shift his claims from the 'metaphysical' to the 'political'. In the absence of a 'metaphysical' justification, 'justice as fairness' has the status of any other convention a given group might choose to embrace. But in that case, as Harman sees it, we have a straightforward instance of moral relativism.

### *The spectre of relativism*

Rather than a nightmare of moral chaos, Harman sees his relativism as

a soberly logical thesis – a thesis about logical form, if you like. Just as the judgement that something is large is true or false only in relation to one or another comparison class, so too, I will argue, the judgement that it is wrong of someone to do something is true or false only in relation to an agreement or understanding. (Harman 2000: 3)

If we use the language of 'right' as the basic language of ethics, then there has to be some stipulation of what moves are allowed within the system. This requires that certain cases constitute the norm against which other moves or outcomes are to be judged. Once we accept, for example, a convention that only legitimate agents of the state, in accordance with the rule of law, can execute a convicted criminal or use deadly force against the agents of aggression, then we can hold each other accountable for the injuries we do. But until he has accepted the convention, the mafioso has no overriding reason to abide by its demands (cf. Harman 2000: 33). We don't have to tolerate him, but not because he has made some philosophical mistake.

If reasons are relative to sets of principles, and if there is nothing in the nature of things to dispose people to choose one set of principles over another, then we should conclude, Harman thinks, 'that our current principles of justice are the result of ongoing implicit bargaining

and adjustment' (2000: 73). There seems to be something right about this. Even if we were persuaded by Rawls's account of justice, for example, our present practice would be the result of some actual historical give-and-take. Harman wants, obviously, to say something stronger. In particular, he argues that the 'absolutism' of what he calls the 'naive view of morality' – the view, for example, that such institutions as slavery are always and everywhere evil – is untenable. 'Those who are attracted to that conception', he writes, 'find themselves in the position of those who think morality is the law of God and then decide there is no God. Relativism implies that morality so understood is a delusion, a vain and chimerical notion' (2000: 46). Morality as universal law, Harman thinks, should be replaced by 'morality as politics', for which 'the principles that give you moral reasons to do things are the moral principles that you actually accept' (2000: 56).

Harman's sober relativism appears to follow the lead of the later Wittgenstein, who writes that 'logical inference is part of a language-game. And someone who carries out logical inferences in the language-game follows certain instructions which were given him in the actual learning of the language-game' (*RFM* V-23). On this account logic is one game among many, and the way it is played depends on how it is learned. Furthermore, 'rules of inference cannot be right or wrong' (*RFM* V-23), since right and wrong only function in the context of obeying rules. Ways of proceeding depend upon the paradigm or picture that has been adopted, and 'inference is a transition that is justified if it follows a particular paradigm, and whose rightness is not dependent on anything else' (*RFM* V-45). There is, it would seem, no compelling necessity which forces us to adopt one picture over another. 'When someone sets up the law of excluded middle,' Wittgenstein suggests, 'he is as it were putting two pictures before us to choose from, and saying that one must correspond to the fact' (*RFM* IV-10).

This correspondence, however, is an illusion. So is the appearance of necessity in following the steps of logical inference. 'The reason', he writes, 'why they are not brought in question is not that they "certainly correspond to the truth" – or something of the sort, – no, it is just that that is called "thinking", "speaking", "inferring", "arguing"' (*RFM* I-155). Logic is no more stable than the language-games in which it is found; there is no deeper justification for it than for any

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game. That, Wittgenstein seems to be saying, is just the way we do things here, and this seems to put Wittgenstein at one with Harman.

But this isn't the whole story. Wittgenstein considers the case of a student learning the natural numbers:

First of all series of numbers will be written down for him and he will be required to copy them . . . At first perhaps we guide his hand in writing out the series 0 to 9; but then the *possibility of getting him to understand* will depend on his going on to write it down independently. (PI §143)

This needn't preclude mistakes, so long as it is possible to correct them. But suppose, Wittgenstein goes on, 'we get the pupil to continue a series (say +2) beyond 1000 – and he writes 1000, 1004, 1008, 1012'. It looks as though he takes the rule to require doubling the step after 1000, or something like that:

We say to him: 'Look what you've done!' – He doesn't understand. We say: 'You were meant to add *two*: look how you began the series!' – He answers: 'Yes, isn't it right? I thought that was how I was *meant* to do it.' – Or suppose he pointed to the series and said: 'But I went on in the same way.' – It would now be of no use to say: 'But can't you see . . . ?' – and repeat the old examples and explanations. – In such a case we might say, perhaps: It comes natural to this person to understand our order with our explanations as *we* should understand the order 'Add 2 up to 1000, 4 up to 2000, 6 up to 3000 and so on'. (PI §185)

There is nothing in the command itself that rules out the pupil taking it as he does. The steps are not, so to speak, concealed within the rule, so that to *mean* something is to mean the constituent steps. Nor is there a tiny voice, whispering the next step; going on doesn't require feeling 'that one has always got to wait upon the nod (the whisper) of the rule' (PI §223). If it proves impossible to wean the pupil away from his natural inclination there is nothing left to do. As Wittgenstein puts it, 'our pupil's capacity to learn may come to an end' (PI §143). It is futile to appeal to self-evidence, since that's the point at issue.<sup>7</sup>



But that someone cannot learn our technique need not lead to calling our activities into question, or even to thinking them conventional or arbitrary. This comes out in the much discussed wood-sellers of the *Remarks on the Foundations of Mathematics*. We suppose, generally, that no philosophical justification is needed for forms of exchange; that's just how they organize their economy. 'Very well,' Wittgenstein grants:

but what if they piled the timber in heaps of arbitrary, varying heights and then sold it at a price proportionate to the area covered by the piles? And what if they even justified this with the words: 'Of course, if you buy more timber, you must pay more'? (RFM I-148)

If followed to what we would imagine its natural conclusion, this would violate not only 'common sense' but the central laws of logic. Nonetheless, Wittgenstein continues:

How could I shew them that – as I should say – you don't really buy more wood if you buy a pile covering a bigger area? – I should, for instance, take a pile which was small by their ideas and, by laying the logs around, change it into a 'big' one. This *might* convince them – but perhaps they would say: 'Yes, now it's a *lot* of wood and costs more' – and that would be the end of the matter. – We should presumably say in this case: they simply do not mean the same by 'a lot of wood' and 'a little wood' as we do; and they have a different system of payment from us. (RFM I-149)

If this were the end of the matter, we would have an example of 'Wittgensteinian relativism'. Here it is not simply a matter of one pupil unable to get the hang of a particular mathematical rule. Now we seem to have an entire society whose means of thought and livelihood are bound up with approaches that seem absurd. Not only this, but Wittgenstein suggests in his concluding remark that the most that can be said is that these people have a different system from us.

### *Intelligibility and argument*

But is this the end of the matter? I have already suggested one peculiar consequence of taking the wood-sellers at their word and Wittgenstein

himself suggests another in the passage above. Barry Stroud argues that the wood-sellers represent an apparent alternative 'only because the wider reaching consequences of counting, calculating, and so forth, in these deviant ways are not brought out explicitly' (Stroud 1965: 488). Suppose that we expand the example by saying that among these people wood piles are often exchanged for goods and services. Taking a 1' x 6' x 2" board, consider the customer who enters the general store where he recently bought the board, measured along the 1' x 2" side, for \$2.40. He slaps it on the counter, 6' x 2", to pay for \$14.40 worth of groceries. The clerk cheerfully complies, delivering the goods and laying the board 'flat' with the rest of his daily take. At the end of the week he pays the delivery boy \$86.40 by means of this 'same' board.

And so it goes, with fortunes lost and won. How are we to take this? We cannot consider the first person a crafty entrepreneur, since this would require his recognizing the peculiarity, or whatever we want to call it, of the system. But, *ex hypothesi*, he cannot do this without acknowledging the greater intelligibility of ours. The vendor cannot be called simple-minded, for that would be to invoke our own standards; as far as he is concerned he has only given the delivery boy his due. Nor does the delivery boy have any grounds for thinking that he has received a handsome bonus. Given the rules of this game, how much he now has depends on the way he pays his next bill. It is not even predictable what the value of his fortune will be tomorrow. And this is the central point, for a system that 'worked' like this could not be a form of exchange, since there would be no possibility of predicting at any moment what there was to be exchanged. A community for whom this might be possible would have to be indifferent to the amount of food it consumed. Extend it to glasses of water. People for whom a 1 litre glass with a 2" base held slightly less than an ordinary wine glass could not be people in any recognizable sense. The more we try to make sense of their way of life, the less we're able to keep hold of our own. As Stroud puts it:

to live in their world inevitably leads us to abandon more and more of our own familiar world and the ways of thinking about it upon which our understanding rests. The more successful we are in

projecting ourselves into such a world, the less we will have left in terms of which we can find it intelligible. (1965: 489)

If the activity of the wood-sellers is confined to a narrow and circumscribed portion of their social world then it will not impinge on recognizably human behaviour. Perhaps it is a relic from the past, or from some particular cultic practice. But attempting to imagine it as an integral part of a system of exchange leads to intolerable consequences. Nonetheless, as Stroud points out, the lack of intelligibility does not rest in the 'logical' impossibility of anything being imagined. It is a simple fact that nothing even remotely analogous to a human community could work this way and this, Stroud concludes, is precisely Wittgenstein's point.

Placed in context, the example of the wood-sellers is not intended as an alternative logic or mathematics. Its point, rather, is to bring out the impossibility of providing a 'philosophical' foundation for mathematics in the sense, say, of Carnap (see Carnap et al. 1931). Thus it is closely related to Wittgenstein's general discussion of philosophical theories and, as in the case of the unteachable pupil, the example of the wood-sellers displays the limits of argument and justification. An appeal to logical necessity or the self-evidence of a particular rule or procedure fails in both cases because that necessity only presents itself to us if we have already learned the technique for going on. In fact, the *Remarks* make common cause here with the *Investigations*, not in presenting a philosophical theory but in exposing the inclinations that impel us towards theory. The idea that meaningful language requires a foundation which possesses the 'crystalline purity' of logic (*PI* §107) is itself a symptom of deep confusion, which an older tradition attempted to overcome through theories, but which can only be seen for what it is by working through cases and examples, unearthing the picture that tempts us.

Confusion ensues when I am 'seduced into using a super-expression. (It might be called a philosophical superlative)' (*PI* §192). Requiring justification for every statement leads to demanding justification for language in general and to the fear that without this super-justification my ability to make true, or even intelligible, statements collapses. But this quest for the super-picture is fruitless. The very possibility of

learning a language depends upon agreeing how to go on. In the case of the pupil, his inability to see what was wanted marked the end of his ability to learn. In the case of the wood-sellers, more widespread disagreement, if it can be called that on such a scale, brought into doubt our ability to think of them as persons. They are too different and, as Wittgenstein notes, the 'common behaviour of mankind is the system of reference by means of which we interpret an unknown language' (PI §206).

Isn't this, nonetheless, a species of conventionalism? In one sense Wittgenstein acknowledges this. It is, presumably, a contingent fact that we exist in the form we do. If we had been substantially different from the way we are, we would operate with different concepts, or no concepts at all. But for Wittgenstein, as opposed to Harman, this doesn't lead to 'relativism'. What underlies our mathematical practices is not an ideal, Platonic, realm which models our mathematical ideas and provides a norm against which we measure the abilities of our students and ourselves. It is, rather, a set of practices that have emerged out of the problem-solving imaginations of our predecessors. Continuity with those predecessors is assured, to the extent that it is assured, by the training we receive, with its combination of memorization, correction, testing, and application overseen by professionals whose own training goes back to those esteemed elders.

Historical accounts of how we came to do things the ways we do are not derailed when someone points out, correctly, that they might have been done differently. They only look rickety when she goes on to exclaim that, since they are not necessary, they must be arbitrary, or unjustified, or, worst of all, irrational. But this is nonsense. The standards of reasonable action are keyed to the activity in question, a point made famously by Aristotle at *Ethics* 1098a, where he remarks that 'we do not look for the same degree of exactness in all areas, but the degree that fits the subject-matter'. Wittgenstein generalizes this when he insists that 'if language is to be a means of communication there must be agreement not only in definitions but also (queer as this may sound) in judgments' (PI §242).

Part of the modern worry about relativism stems from the illusion that there is something paradigmatically 'rational' about the procedures of the natural sciences. Wittgenstein attempts to dispel this

illusion, in its positivist form, when he remarks that ‘asking whether and how a proposition can be verified, is only a particular way of asking “How d’you mean?” The answer is a contribution to the grammar of the proposition’ (*PI* §354). A scientific formula, or string of formulae, used to articulate a particular theory or theoretical finding, is shorthand for an account of how a particular investigator or group of investigators thinks, on the basis of their work in the field, that the part of the world they’re interested in will be found to hang together. But once you put it this way, ‘scientists’ differ from the rest of us in nothing but the objects that interest them, the apparatus available for investigating those objects, and the preferred notation for writing up what they’ve learned. The certainty of their claims, and the ways in which they are qualified, will differ among the various investigators and their communities, but this isn’t surprising.

More to the point, nothing about this licenses stigmatizing one sort of investigation as ‘subjective’. If the subjective/objective distinction has any usefulness it is, I suppose, for signalling that in some investigations we commit ourselves to considering the responses of subjects other than a uniformly trained group of expert investigators. But there are almost no enterprises, particularly if they involve commitments of money, time, and resources, where we think that just anybody’s response is worth considering. So, unless there are special circumstances, we discount the views of astrologers on the policy choices of Ariel Sharon, the views of Kansans on sushi, and the views of serial rapists on justice (cf. Stout 1988: 37–45). More generally, societies have typically looked to their elders for moral guidance because the elders have encountered similar problems, have seen, made and learned from their mistakes, and are, as likely as not, best positioned to guide the community successfully through its problems.

### *The recovery of virtue*

Suppose we admit that, when seen from a Wittgensteinian perspective, Harman’s relativism doesn’t have the worrisome connotations the term often calls to mind. How does any of this lead us to an ethics of the virtues? Part of the problem, of course, is that it is unclear what ‘virtue ethics’ amounts to. Rather than attempt to survey the different

things that 'virtue' has meant since MacIntyre reanimated the term in mainstream Anglo-American ethics, I'll simply lay out how I intend the term.<sup>8</sup> In a nutshell, my view is that human beings are animals capable of overlaying their first, animal, nature with a second nature that disposes them to act not on instinct but on the basis of reasons. These reasons are formulated in a complex language which may vary from group to group, and in the process of learning that language humans typically acquire a variety of habits, some of which are applauded by members of their immediate communities and others looked at more critically.

In this conceptual environment, what distinguishes actions from products of art is that judging acts depends on knowing the character of the agent, who, according to Aristotle,

must be in a certain condition when he does them; in the first place he must have knowledge, secondly he must choose the acts, and choose them for their own sakes, and thirdly his action must proceed from a firm and unchangeable character. (EN 1105a-b)

For these conditions to obtain it is essential that both the agent and the members of his community agree on what makes actions choice-worthy. To choose something is to recognize in it a good to be pursued now. This means that standards of goodness are built into the learning processes. Thus Aristotle rejects the Platonic account, which takes 'good' to be a univocal term for a single property, only partially instantiated in particular things, in favour of the pragmatic observation that the good

seems different in different actions and arts . . . What is the good of each? Surely that for whose sake everything is done. In medicine this is health, in strategy victory, in architecture a house, in any other sphere something else, and in every action and choice the end. (EN 1097a)<sup>9</sup>

If the good is the end of a practical action, and if the actions for which we are held accountable are either endorsed or blamed by a community by which our character has been shaped, then the good must be, *pace* Rawls, prior to the right.

For Aristotle, the virtues make possible not only the pursuit, but the perception, of the good. This sounds, perhaps, paradoxical, but it reflects our ordinary experience of learning. Early on, Aristotle wonders

what we mean by saying that we must become just by doing just acts, and temperate by doing temperate acts; for if men do just and temperate acts, they are already just and temperate, exactly as, if they do what is grammatical or musical they are proficient in grammar and music. (*EN* 1105a)

Consider the case of grammar. The human infant responds to sounds in its immediate environment in a variety of ways, but usually, sometime around eight months, it begins to mimic the sounds made by adults. Within the next six months, exposed to the give and take of mimicry, response and reward familiar to most parents, the toddler develops a basic vocabulary and rudimentary grammar, though it wouldn't understand those particular terms. As Aristotle remarks, 'it is possible to do something grammatical either by chance or under the guidance of another' (*EN* 1105a). In fact, it is the combination of chance and guidance that coaxes the infant from pre-reflective instinct and response to incipient language-use, with the emerging panoply of desires and intentions that language makes possible. And for the next 17 or so years, as it matures from toddler to adolescent to young adult, the human language-user will perfect its linguistic skills. But 'a man will be proficient in grammar, then, only when he has both done something grammatical and done it grammatically; and this means doing it in accordance with the grammatical knowledge in himself' (*EN* 1105a). As with grammar, so with the other arts and excellences that we expect members of our community to practise and exemplify. We perform and perceive well-done acts by being trained into shared practices.

Aristotle distinguishes, of course, between arts and excellences, or virtues, but not on the grounds of their being learned through regular training and practice. The product of an art, say painting, is good solely because of the qualities of the product. It's the painting that we prize, not the abusive jerk who created it. But when we attribute

virtue, the acts are only part of the story. 'The agent', as noted above, 'must have knowledge . . . must choose the acts, and choose them for their own sakes' (EN 1105a-b). Failure of knowledge or choice makes the act accidental or involuntary, a matter of good luck to the beneficiary, but not an instance of excellent, or virtuous, activity. Not only that, but we are all familiar with acts for which we have been praised that, if our real intentions were known, would be a matter of shame and embarrassment. And sometimes, if we're lucky, praise for some thoughtless, spur-of-the-moment act leads us to rethink and reorient our behaviour in ways that are genuinely praiseworthy, even if the process began indifferently. Imagine the ten-year-old who stoops for the dropped wallet only to be thanked, unexpectedly, by the old man just turning to see what has happened.

Of course, there is no guarantee that anyone will be perfect in the virtues, or even develop all the virtues equally. It is possible for an individual to be notably just and upright in public dealings, but to be deficient, say, in temperance. Aristotle's discussion of temperance is particularly interesting, for here he illustrates an intermediate stage where a person knows how he *should* see the world, but has not been able to mould his perceptions accordingly. In Book III of the *Ethics*, Aristotle describes temperance as the mean with regard to the pleasures specifically of 'touch and taste' (EN 1118a). It is perfectly reasonable to enjoy wine, but the temperate person knows when enough is enough and it is second nature to see the fourth glass, say, as too much and to decline it as a matter of course. The self-indulgent person, on the other hand, is so taken by the pleasures of the vine that he sees every option to consume as desirable and choiceworthy. His specific vice is drunkenness. But somewhere between these two, as we discover in Book VII, is the incontinent person, who knows that he has had enough but still indulges, to his later regret. 'Incontinence', writes Aristotle, 'is not a vice . . . for incontinence is contrary to choice while vice is in accordance with choice; not but what they are similar in respect of the objects they lead to' (EN 1151a). The incontinent person does what he knows he shouldn't, swayed in the instance by the expectation of pleasure. Aristotle compares incontinence to a disease like epilepsy, which comes and goes (EN 1150b). The continent person is just the flip-side of the incontinent. He restrains himself,



but the need for restraint shows that to experience and to anticipate pleasure in accord with the mean is not yet second nature. Because human beings are always subject to new experiences, pleasures, and interests, we should expect most people, on occasion, to act in ways they regret. Attributions of virtue are about the way individuals can typically be expected to see and react to the world.

The cardinal virtues in particular – prudence, justice, courage, and temperance – allow us to explain how we organize the propriety of our choices, distinguishing, for instance, pursuits of sex which are just and reasonable from those that would be defective, through a failure of knowledge or choice, or wicked due to a breach of virtue. Thus rape, to take a particularly heinous act, is a violation of justice because it takes from the victim something to which the assailant has no right, namely sexual favours.<sup>10</sup> This is why it remains rape, and vicious, even if there is no physical injury, or if the assailant showers the victim with money and presents.<sup>11</sup> Not only that, but our training in the virtues, which allows us to see injustice for what it is, does not need the further addition of law to identify the evil of rape.

Law has an intermediate status in Aristotle's moral world. On the one hand, any complex society will generate a body of law, whether common or statutory, to simplify and clarify the mutual relations among its institutions and practices. Well-formed law plays an important role in moulding individuals into the sorts of persons who recognize and appreciate the goods embraced by the community. In this sense, the law is a teacher.

On the other hand, while law 'is universal', there are a great many things about which 'it is not possible to make a universal statement which will be correct . . . And this is the nature of the equitable, a correction of law where it is defective owing to its universality' (*EN* 1137b). It is the nature of the legal paradigm that an indefinite number of particular situations will not be resolvable within the context of the law itself. This is the origin of what I earlier called the antinomies of liberalism. Virtuous agents, not content to allow injustices to persist, recognize the need for equity, which corrects legal justice by bringing the situation in line, as much as that is possible, with our shared judgements about the good.

In this sense ethics is traditional and conservative, beginning with

the phenomena. But it is also critical, recognizing various rival accounts of the good life and admitting up-front that the goal of ethics is to sort through the options, rejecting some and revising others where needed. There is no state of nature. Early in the *Politics* Aristotle reflects on the development of the *polis* out of the family (*Pol.* 1252a ff.), but ethics, like everything else human, takes place *in medias res*, with the nature of the various goods and activities constantly a matter of negotiation. It is here, however, that Harman's model of ethics as politics is accurate only when qualified by reflection on Wittgenstein's wood-sellers. The possibility for variation in local practice is great, but to the extent that the ramifications involve more and more departures from the cardinal virtues, the more that form of life is unintelligible.

There are certain goods it is unthinkable to live without, not because they are deduced from our 'nature' or delivered by some intellectual intuition, but because it is hard to recognize ourselves in a world wholly devoid of them. And the cardinal virtues persist, even where two competing moral paradigms seem wholly incommensurable. Hume, for example, thought that 'celibacy, fasting, penance, mortification, self-denial, humility, silence, solitude, and the whole train of monkish virtues' (1902: 219) were absurd, but this only means that he ostentatiously refused even to consider the sort of story that would make these plausible virtues.<sup>12</sup> We know people who believe such a story and in the best of them recognize the courage and temperance necessary for rendering what they believe they owe to their god. Their presence in the world, and their success in negotiating its demands, shows them to be closer to us, for the most part, than Wittgenstein's wood-sellers or the victims of some science fiction nightmare.

Von Wright remarks of Wittgenstein that 'I do not think that he could have enjoyed Aristotle or Leibniz, two great logicians before him' (Malcolm 1984: 19). I suppose that Aristotle, read as a systematic and comprehensive theorist, would have appealed to Wittgenstein as little as Descartes (see Monk 1990: 322, 496). But Aristotle the critic of his predecessors, using the poets to expose their one-sided theories, is another matter altogether. Ethics, for Aristotle and for Wittgenstein, does not stand in need of a superhuman foundation or justification,

and worries about relativism result from a misplaced 'scientism'. What the philosopher attempts to do is display various pictures of the good as more or less compelling. What counts as compelling will depend on the various competing views of the way the world is and this means that conceptually the good will always take priority over the right. That we learn the good as part of being educated into our institutions means that doing ethics will always be about where excellence lies.

### Notes

1. The occasion calls for reminiscence and recognition. For the last two decades I have worked almost exclusively in various areas of ethics. My original interest, however, was in Wittgenstein and the rationality of belief. I first read Wittgenstein in Anthony Kenny's 1972 course at Stanford, in the summer after my freshman year. This initial taste inspired me to work on Wittgenstein with Douglas Magee at Bowdoin and George Pitcher at Princeton. But it was only in discussion, mostly subterranean, with Victor Preller, from about 1978 to 1980, that I was able to formulate an account of Wittgenstein on these issues that both made sense to me and made sense of the text. The end result was a Princeton dissertation, for which Preller was the advisor, that I defended in the autumn of 1983. In the meantime I had been teaching Aristotle's ethics to freshmen at Stanford and then at Columbia and came to realize that I was reading the newspaper through eyes that were both Aristotelian and Wittgensteinian. For this essay I revisited my dissertation to see if I could explain how the reading of Wittgenstein I learned in Princeton has, through all these years, reinforced my thought that Aristotle's account of ethics captures what being human is all about.

2. The works of Aristotle, Aquinas, and Wittgenstein, which exist in various editions, I cite by abbreviated title and the accepted form: Bekker numbers for Aristotle, though without the line number; part, question and article for Aquinas; and the paragraph or page number for Wittgenstein. For all other works the citation is by author, date, and page number. See 'References and abbreviations' below.

3. For recent critical comments on Finnis and George see Davis (2001).

4. By 'liberal theorists' I intend pretty much the usual suspects who rile conservatives like George. Pre-eminent in this group are Ackerman, Dworkin, Feinberg, and Rawls. I intend blithely to ignore the differences in detail and let Rawls stand in for the varieties of rights-based, procedural, liberalisms, acknowledging all the while the important differences. Nussbaum and Okin, mentioned below, are deeply dependent on Rawls, even when Okin, for example, criticizes him for being inadequately sensitive to injustices in the family.

5. In most cases the attack on Rawls for asserting an unargued individualism

seems to be unjustified. In this case, however, individualism of some sort does seem to be at work. When Rawls asserts that the future goods of the infant as citizen are what is being protected, it can't be that the state has an interest in protecting every potential individual. It can't know anything about that newborn's contribution to the pursuit of freedom and equality. Not only that, but Rawls seems to suggest that, in justice as fairness, women would have to be granted a right of abortion, so if, in our case, the mother had changed her mind and decided to terminate the pregnancy, her choice would take precedence over any state interest in creating citizens. Furthermore, the explicitly stated good of changing residence would seem to allow parents who conceive in a democratic regime to emigrate to a theocracy in order to make sure that their children are brought up in a society ordered contrary to justice as fairness: the antinomies of liberalism.

6. It's worth mentioning at this point, if only to stave off a certain kind of criticism, that while I find the language of human rights unpersuasive, I have no objection to the notion of rights generally. I just think that what 'rights' people enjoy are sometimes the result of custom, sometimes of positive legislation. Sometimes custom and legislation clarify the demands of justice and in other cases they establish entitlements and protections that go beyond what justice would require. Sometimes they are defective with regard to virtue, in which case being a right may be contrary, typically, to justice. Once this point is granted, it is possible to tell the story of 'rights talk', as part of the emerging vocabulary of modern democracies, in a way that is consistent with the language of virtues. Jeffrey Stout does this in Stout 2004. The difference between us then becomes whether or not, and in what contexts, the language of rights is helpful in resolving our current moral concerns. I remain sceptical, not because I dispute Stout's just-so story, but because in most instances where I have encountered proponents of 'human rights', the language plays much the same role as 'scientific method' in earlier disputes about religion and rationality, with the same sanctimonious air of western self-righteousness that Conrad excoriates in *Heart of Darkness*.

7. It won't help to appeal to nature or mental events; his way of going on is as much in accord with those as ours. The failure of agreement between us is so great that he simply cannot learn this technique. It would be pointless to say, however, that he gives the rule a different meaning. Such talk obscures the depth of the gulf between us. By way of analogy, people occasionally say of an abusing parent that love means something different for that person, and violence is its natural expression. But this distorts language and fact, potentially blinding us to the depth of the evil.

8. While I think it is close to Aristotle's understanding, nothing much turns here on the adequacy of my reading of the Philosopher. It is substantially the same as I developed in Davis 1992 and connected to Aquinas, in opposition to the 'new natural law theorists', in Davis 2001. Of recent interpreters, my reading is most similar to the now neglected account of J. H. Randall (cf. Randall 1960: 267ff.).

9. That Aristotle is rejecting Plato's theory of Forms is explicit in 1096a-b. There Aristotle marshals a very compressed version of the 'third man' argument

of Plato's *Parmenides* against the very idea of 'a thing itself'. On the argument in Plato see Vlastos 1973: 342–65.

10. 'Spousal rape' and 'spousal rights' are notions where it strikes me that the language of human rights is particularly inept. Mary Douglas instances the Walbiri, among whom 'the least complaint or neglect' may result in being 'beaten or speared. No blood compensation can be claimed for a wife killed by her husband, and no one has the right to intervene between husband and wife' (Douglas 1966: 141). At the same time, sexual roles among the Walbiri are part of a social order which 'accepts as one of its objectives that all members of the community shall work and be cared for according to their ability and needs' (Douglas 1966: 141). To inveigh against Walbiri men for their gross violations of their women's human rights would be: (1) unintelligible to the Walbiri themselves; and (2) pointless as an exercise in moral judgement among us. What we find horrifying, I assume, is that societies have developed along such lines. But that's rather different from the question of what, if anything, should be done, by whom, with what justification. For some reflections on humanitarian intervention along Aristotelian lines see Davis 2002.

11. While Aristotle's own discussions of the cardinal virtues are very rich, the most illuminating discussion of the workings of the virtues, how they succeed and how they fail, is that of Thomas Aquinas in the *Summa Theologiae*. In I-II, particularly questions 18–21, Aquinas goes well beyond Aristotle in analysing the relations of the internal act of will to the completed action. The discussion of the cardinal virtues in ST II-II, particularly the ways in which the virtues are realized in our social environment, are unparalleled in their subtlety. ST II-II.154.5, on whether wet dreams are sinful (they're not), is a model of moral analysis. Although perhaps regrettable, it is not surprising that the Second Part of the Second Part circulated more widely, and in more diverse contexts, than the rest of the *Summa* during the later Middle Ages and early modern period. For this see Boyle 1982: 23–30. This important essay is now happily reprinted in Pope 2002: 1–16.

12. This may be unfair to Hume, though his own intemperate language invites it. A more sympathetic recent account of these matters is Herdt 1997: ch. 5.

### References and abbreviations

Aquinas, Thomas:

ST *Summa Theologiae*, ed. Thomas Gilby, 60 vols (London: Blackfriars, 1964–81)

Aristotle:

EN *Nicomachean Ethics*, trans. Ross, rev. Urmson, in *Works*, vol. 2

Meta. *Metaphysics*, trans. Ross, in *Works*, vol. 2

Pol. *Politics*, trans. Jowett, in *Works*, vol. 2

Works *The Complete Works of Aristotle: The Revised Oxford*

## Wittgenstein and the Recovery of Virtue

*Translation*, ed. Jonathan Barnes, 2 vols (Princeton: Princeton University Press, 1984)

Wittgenstein:

- LE 'Lecture on Ethics', ed. and trans. Rush Rhees, reprinted in *Philosophical Occasions, 1912–1951*, ed. James Klagge and Alfred Nordman (Indianapolis: Hackett, 1993), pp. 36–44
- PI *Philosophical Investigations*, 3rd edn, ed. Anscombe and Rhees, trans. Anscombe (Oxford: Basil Blackwell & Mott, 1958)
- RFM *Remarks on the Foundations of Mathematics*, 2nd edn, ed. von Wright, Rhees, and Anscombe, trans. Anscombe (Oxford: Basil Blackwell, 1967)
- TLP *Tractatus Logico-Philosophicus*, trans. Ogden (London: Routledge & Kegan Paul, 1922)

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