

No Rest for the Wicked?

Symposium on Irene McMullin's *Existential Flourishing*

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McMullin's text weaves together virtue ethics and existential phenomenology: the influence of Heidegger and Levinas, in particular, is clear throughout. The result is a fascinating work: wide-ranging, elegantly argued, a genuine pleasure to read. I begin with a brief overview of her project.

Ethics for McMullin is defined by three normative domains. Here is the illustration she uses to introduce the framework:

While walking through the city you observe a man selling homemade plastic crafts and you feel claimed by competing demands: the sense of immediate obligation towards him in his poverty and enterprise, the urge to use that money to satisfy one's own preferences instead, and the belief that the endless consumption of useless plastic items – let alone the endorsement of individual charity instead of structural solutions to poverty – will not create a world in which the needs of all are best met. (pp.3-4)¹

The first-person domain is that of our own preferences and projects: as we will see below, McMullin thinks of this in terms of self-development rather than, say, desire-satisfaction (p.41). The second-person domain refers to the claim the projects of others make on us: the “immediate obligation towards him in his poverty and enterprise”. McMullin understands this

¹ All references of this format are to the book under discussion.

in essentially Levinasian terms (p.50): it is no accident her example is predicated on a sudden, face-to-face contact with someone in need. The third-person sphere concerns agent-neutral reasons, characterised in terms of accessibility to all within a public world (p.59): in the example, this refers to the broader environmental and social considerations recognised by the agent.

McMullin's fundamental intuition is that these three domains are irreducible and refuse any systematic regimentation: agents must continually handle a series of competing demands as best they can, demands that often admit of no neat resolution or priority-setting. Virtues are skills that support us in managing this normative web. Specifically, they allow us to problem solve within it despite our inescapable weaknesses or shortfalls:

The virtues are mechanisms for successfully negotiating these different problem areas; they are ways in which we respond well to normative claims in the face of human limitation, dependency, and weakness of various kinds. (p.69)

Some such limitations are built in to the very structure of finite human agency; corresponding to these are a "limited number" of cardinal virtues, capacities for handling "challenges we all face simply qua human" (p.69). Patience, for example, "is our best hope for living a flourishing life in the face of a temporal limitedness that we can never escape" (p.154). With this outline in place, I now address some of the specific points where McMullin's approach is either particularly attractive or particularly problematic. As will become apparent, many of these arise from the combination of phenomenological and Aristotelian influences.

§1 – The 1st Person: Agency and Identity

Whilst the normative domain itself is split into first-, second- and third-person perspectives, the first person holds an additional, structural primacy for McMullin: ethics is approached from the viewpoint of the agent navigating the world and its challenges. This is something on which phenomenology and Kantianism agree, and one of the key issues will be the relationship between those two schools. McMullin takes over a number of classic phenomenological themes.

First, her project inherits the first-order ethics implicit in existential phenomenology's analysis of action. For Sartre and Heidegger, action is analysed in terms of a simultaneous understanding of self and world, and both insist on a classically modern gap between my self-interpretation and anything merely 'factual', be it affective dispositions, such as character traits, or social roles. For example, the social role of a teacher is neither necessary nor sufficient for understanding myself as a teacher: think of the time server who has lost all interest but still goes through the motions, or the person without institutional position who lives the committed life of a mentor. Existential phenomenology regards agents who blur the distinction between self-interpretation and social status as motivated by a desire for illusory security. Sartre's waiter is the classic example, seeking refuge in a role to rigidify his own identity, but the point applies more widely: the Sartrean homosexual must neither deny his desires *nor* deny that how he makes sense of them, what place he gives them in his life, remains entirely up to him (Sartre 1956: 63-4).

McMullin's account shares this structure. Virtue is not a matter of *in fact* possessing stable dispositions; instead it is a matter of a ceaseless self-interpretation, in which each instant, like Sartre's gambler, requires a new commitment that renders old achievements moot.

To avoid coming to terms with the complexity of being creatures who are both factually conditioned and free, we often attempt to think of ourselves as having the same type of settled, complete existence as things do... This allows the arrogant person to ignore the fact that he cannot simply relax into being a good father, a great physicist, a loyal friend – even though he is one. These standards of success must always be met again in the future because each person’s responsibility of their interpretation and implementation is never overcome but must be constantly renewed. (pp.194-55)²

The claim is not the trivial one that virtue requires an ongoing engagement and attentiveness: every theory, from Aristotle to Kant, accepts that. What is distinctive is the *ontological* claim that dispositional stability is insufficient without a series of ceaseless recommitments that “must be constantly renewed”. This introduces an inherent fragility to virtue which is at odds with Aristotle: it is hard to see how on this picture, virtue could be something we could count on.

This brings me to the second issue. As Kantians have always stressed, human action is to some degree inseparable from self-awareness. But phenomenology rejects the rationalist spin Kantians put on that idea. Korsgaard’s Kant, for example, in which the key form of self-awareness seems to consist in moments of explicit deliberation, has thus become a textbook opponent: McMullin follows Heideggerians such as Crowell and Okrent in attacking this as over-intellectualised (pp.133-4, Crowell, 2007, Okrent, 1999). In line with Dreyfus and Crowell’s influential readings of Heidegger, McMullin instead defends an account based on

² One side issue is whether achievements can really be grouped with personal relations in the way McMullin does: they seem much more stable. Didn’t Einstein remain “a great physicist” even once, as he put it himself, “his work no longer meant much, that he came to the Institute merely... to have the privilege of walking home with Gödel”? (Goldstein 2005:33)

“fluid action” (p.133) or what Dreyfus called “coping”: a “fluid interface with the world informed by normative responsiveness” rather than a series of explicit choices “each deliberated in advance of execution” (p.19; 134).³ The Kantian mainstays of reflection and deliberation occur only during what Dreyfus called “breakdown” moments, when our usual skills are unable to cope (p.135).

[W]hen such initial creative and skilful procedures of clarification and resolution fail, the result is the need to think about what to do, and this can give rise to explicit practices of analysis, reason-weighing, and justification. (p.136)

As McMullin notes, this emphasis on skills and fluidity meshes neatly with an Aristotelian stress on *phronesis*: the virtuous agent can simply *see* which of the many conflicting demands is the right one, even if she cannot provide anything like a neat formula as to why. *Phronesis* thus enjoys “the role of a kind of meta-virtue grounding the successful expression of every other complete virtue” (p.90).

Yet, this aspect of McMullin’s account remains to some degree a promissory note. After all, no one really thinks that there is some kind of simple ethical decision procedure or that we spend our lives in explicit deliberation. Any viable Kantian account will recognize the complex perceptual and affective capacities needed to identify which aspects of a moral situation are salient long before they are run through the categorical imperative (for an influential discussion see Herman 1993). Likewise, Korsgaard can agree that deliberate weighing of reasons is an unusual activity: what she denies is that it is an *unrepresentative*

³ The key texts are Dreyfus, 1991 and Crowell, 2013: McMullin herself particularly acknowledges the influence of the latter in the passages cited above.

one. On accounts such as hers, spontaneous judgement is perfectly possible: but it is precisely that, spontaneous *judgement*, immediately seeing *that x* is required, where *this x* can then also be reflected on and publicly debated. What phenomenologists such as McMullin need to show, in other words, is that the supposed contrast between the “pre-theoretical norm-responsiveness constitutive of fluid action” and “reflective deliberation... reason’s testing and legitimating function” is really a solid and significant one (p.133). If they fail to do that, their philosophy of action will collapse into a Kantianism that simply emphasises tacit and situational judgement. We need to know the cash value of all the talk of “fluidity” and “coping”, in other words.

§2 – The 2nd and 3rd Person Domains

I now turn to McMullin’s discussion of second-person claims. McMullin explicitly rejects accounts such as Darwall’s on the basis that it occludes the distinctive content of such norms.

Though it seems clear that Darwall is pointing to the same kind of experience of immediate moral claim in the encounter with individual others – a claim whose authority makes a demand on one directly – he differs from Levinas in his use of justificatory language that seeks to ground the authority operating in such claims via third-personal categories... The problem with Darwall’s account, in other words, is that it slides into looking at the second-personal self/other relationship from a third-person perspective – from a perspective that could see us as reciprocal, as equally balanced. But for Levinas such a perspective is closed to us – at least from within the immediacy of the face-to-face encounter – which is the only perspective from which the authoritative demand of the other person can be genuinely revealed as such.

(pp.52-3)

Here she embraces the characteristic Levinasian idea that second-person requirements have a distinctive immediacy, individuality, inequality and inexpressibility: I am suddenly claimed by the particular demand of the face before me, in a way that resists articulation and that defies placing my own considerations on a level with theirs. As she puts it:

In the second-person encounter I am claimed by an incomparable presence that challenges my narcissistic tendency to view all things through the lens of my own projects and desires. (p.54)

But this leaves McMullin facing a dilemma. For example, she writes:

[T]o be minimally moved by the second-person claims of others is to feel oneself obligated not to engage in gross moral violations such as torture, rape, brainwashing, or murder. These prohibitions specify the lowest common denominator for moral decency in that normative domain. They are the forms that minimal normative sensitivity takes within the domain of second-person claims. (p.143)

On one reading, this is compatible with Darwall's approach, and indeed with many systems relying entirely on first- and third-person approaches: the point would simply be that there are such minimal requirements on how we treat others and that decent agents feel moved by them. But clearly McMullin wants something stronger, centered on the rejection of "justificatory language" (p.52). The problem is that this rejection leaves us without any way to separate bias from revelation. It is precisely because the face to face encounter, the preferred example of both Levinas and McMullin, is obviously prone to every imaginable bias that most theories avoid giving it structural weight.

McMullin would likely respond that the *phronimos* is capable of cutting through such bias, and just seeing when there really *is* an obligation. But it is hard to see how we could have any grip on this unless what the *phronimos* identifies can become the subject of public discussion, debate, challenge and explication – and that risks reintroducing not just “justificatory language” but “justificatory language that seeks to ground the authority operating in such claims via third-personal categories”. The problem is not that of ethics versus politics but a deeper and simpler one; nevertheless, it is visible in Levinas’ own tragically faltering attempts to explain when and where the categories of “other” or “neighbour” apply in the Israeli-Palestine context (see, for example Levinas 1989:294). The issue is not that he wants to apply those categories in one way or another, but rather his inability to explain why his application is anything more than a personal matter. At this juncture, one might retreat to a weaker claim: perhaps Levinas’ position is essentially meta-ethical: it highlights a domain of reasons otherwise overlooked, even if he cannot tell us which particular claims should hold in that domain and why. But the problem is in accepting a domain when there is no account at all of how it is to be disciplined: no non-question-begging account at all of how we can separate true perception from false, even in principle.

What about the case of the third-person domain? This was exemplified in McMullin’s introduction by social justice. It would, of course, be unfair to demand too much in the way of elaboration from her – her approach is perfectly compatible with multiple theories of justice. But there is one point worth making. It is often revealing to consider the primal scene an ethicist had in mind when drawing up their theory: think of the role which torture plays in shaping Sartre’s model of agency. For McMullin the primal scene is one of a fraught, well-intentioned individual striving to do the right thing, the considered thing, in the face of the overwhelming demands of family, career, social concerns. The task is to become my “best self” whilst constantly juggling a host of competing calls on my time (p.225). There is a

familiar, and I think unfair, complaint that virtue theories are inward-looking or self-indulgent, and I do not want to reprise that here. But to the Nietzschean or Marxist, this primal scene will undoubtedly appear bourgeois, worthy, ineffectual. There is no immediate room in McMullin's picture for the idea that good action in societies as intricate and unequal as our own requires certain very specific tools – for example, genealogy – or that such a structural diagnosis must precede the individual's own "pre-thematic" efforts.

§3 – Exemplars and a Kantian Challenge

I now consider some of the more specific claims which McMullin makes about virtue and virtue acquisition. Like many virtue-ethical stories, her account gives a central place to exemplars.

Moral exemplars are at the very foundation of all our efforts to be in the world well and it is only after they have already started us on the path of moral development that we can eventually turn back to assess their legitimacy for that role. (pp.107-8)

Elsewhere, she talks of how "the individual moral agent's decision procedure is originally and primarily to be understood in terms of this kind of exemplar model" (p.113).⁴ As McMullin notes, this overlaps with work by Zagzebski, but it also differs in several regards.

A central difference is that Zagzebski attempts to build a comprehensive ethical

⁴ I assume that 'decision-procedure' here is used in some loose sense, compatible with the phronetic approach above (e.g. to identify the basis, whatever it may be, on which an agent reaches a decision – rather than some semi-algorithmic way of doing so).

theory out of admiration for exemplars, whereas I aim to fit the exemplar relationship within a broadly virtue-ethical approach. (p.125n2)

I cannot do justice to the details here, but I want to raise two points in assessing this ambition.

First, McMullin follows authors such as Scheler in privileging awareness of exemplars:

Thus, the prioritization of either norm or model depends on whether an ethics attaches good and evil to acts or to persons. For both deontology and consequentialism, it is the former. Thus, for Kant, a moral exemplar can only – or at least primarily – be an anonymous instantiation of moral lawfulness; an instantiation that can serve as an example of the law’s feasibility, but is always to be understood as secondary to the law itself (Scheler, 1973, 573)...From a genetic and motivational viewpoint, model persons are ‘*more original* than norms’ (Scheler, 1973, 574). (p.115)

Kant’s view was that it is only in virtue of an antecedent grip on the moral law that we can identify and assess putative exemplars: this is what McMullin opposes.

Second, McMullin stresses the case of childhood development. Childhood is bizarrely neglected by philosophers, and her approach offers a much-needed counterbalance to a traditional focus on ‘heroic’ exemplars.

While this is an important way in which moral exemplarity functions in a culture, I believe that such conceptions begin too far up on the developmental ladder, since our

original exemplars – the ones who first start us on the path toward flourishing – are fallible parents and caretakers, not moral saints. (p.114)

This has several interesting structural consequences. For example, the process and problem of *choosing* an exemplar is side-lined insofar as, famously, we don't choose our parents. The same can be said about what Lyons called the problem of "excess": why is Jesus' choice of male disciples exemplary but that of Jewish ones or those who ate a particular diet not so? (Lyons, 1989:34) A child mimicking its parents plausibly copies a whole way of life.

I have tried to bring out some of the avenues opened by McMullin's position on exemplars. But there are also potential problems.

First, Kant in fact recognised a wide range of motivational and epistemic roles for exemplars, particularly in the context of immature agents (for a recent survey see Loudon, 2000). What he rejected was that any exemplar could have normative priority over the moral law: even in the case of Christ, the exemplar is good *because* he meets its standards and not the converse. And I am unclear what McMullin's stance on this is. She has two options. On the one hand, she could contest that point as well, arguing that exemplars indeed possess normative priority. But that would require something much stronger than the arguments given in her book. This is because her discussion concerns the way in which the child comes to access, learn about and internalise normative space – in particular, via mimesis, "the absolute bedrock of a child's cognitive and moral development" (p.114). But this need not threaten Kant at all. He can gladly concede, and indeed often does, that children *learn about* the right through examples: what he denies is that any such examples could *determine* what is right. On the other hand, she could concede that yes, her arguments do not threaten Kant's central point. I have suggested that, in the theoretical sphere at least, this is the right move for phenomenology to make (Golob, Forthcoming). But there is a price. Phenomenology usually

claims explanatory priority over traditional philosophy: it sees itself as investigating what Dreyfus called the “ground floor” of human experience on which all the rest depends (Dreyfus, 2005:1). If its claims are weakened to allow compatibility with a Kantian approach, much of phenomenology’s bolder rhetoric is exposed as simply that.

Second, one can wonder if the ‘child case’ is really an instance of exemplarity.

McMullin cites developmental studies showing that:

[T]he extent of the child’s mimicry depends on the chosen exemplar’s willingness to develop a relationship with the infant, particularly by responding to mimicry in kind; studies show that ‘young infants will smile and direct more visual attention to adults who are imitating them, while concentrating less on adults who simply respond’ (Garrels, 2006, 61). (p.121)

There is undoubtedly a role for mimicry in childhood socialisation. But there are also countless other factors present which are not distinctively exemplar-based: a vast range of society-wide incentives, injunctions, and punishments. There are also many factors missing which are typically central to exemplar-theories: for example, a young child likely lacks the conceptual resources for <admiration>. Indeed, as she moves to adult cases, McMullin herself talks freely of the “increasing complexity of this mimetic relationship...[as the learner] must understand herself as striving toward the realization of a future better version of herself” (p.121). For all these reasons, we might question who exactly “the child” is and whether their development is really well-understood in terms of exemplarity: is the infant’s imitation really the same kind of thing as a politician’s choice to model themselves on Churchill? If the answer is no, and McMullin’s claims are confined to relatively mature children, that further reduces the force of her argument: exemplars would lose the distinctive

developmental role she seemed to want for them and simply become one of the many, many procedures which relatively mature agents use to orientate themselves.

§4 – No Rest for the Wicked?

Eudaimonistic theories structurally limit any separation between virtue and the individual's own well-being: hence Socrates' insistence that we are better suffering injustice than committing it (Plato 1997: *Gorgias*, 469a–479e). By the time we arrive at Kant, the debate is framed in terms of “happiness” and additional devices, such as “rational faith” are need to explain why such happiness and virtue should align. Kant's claim, roughly, is that we don't know that the virtuous will be happy or the happy virtuous, but we are both entitled and compelled to assume this will be the case at some point.

The anti-systematic nature of McMullin's account means there is no direct answer to voices such as Polus or Thrasymachus: to those who think that virtue and my own interests all too naturally come apart (Plato 1997: *Gorgias*, 469a–479e; *Republic I*, 338c2–3). Whereas Kant tried to provide a systematic recipe for weighting self-interest against morality, and ultimately for balancing them via the highest good, McMullin's account requires such questions to be posed afresh in each new situation as we respond to its distinctive mix of first-, second-, and third-person norms. Underpinning this anti-systematicity is, however, a kind of safety net. McMullin has a striking confidence that individuals who fail to balance the demands fairly will pay a very direct price: a miserable life.

If I am right about the irreducibility of the normative perspectives a person habituated into a fully vicious culture would be deeply unhappy; he would in no way be leading a flourishing life since he would feel claimed by the normative obligations built into

the perspectives but would not have the tools necessary to respond to them well.

(p.148)

This is an important passage: it speaks to the relation between virtue and happiness, between virtue and self-interest, and to the classic problem of how virtue-ethics deals with culture-transcending norms. But I find McMullin's confidence here hard to credit. Even by the coarsest standards, the vast majority of human history has been deeply vicious - and yet many of those on top have counted themselves as "happy", at least if happiness is anything like pleasure or desire satisfaction.

What drives her view? One answer is that McMullin sees both desire satisfaction and objective list accounts of flourishing as one-sided: one is too subjective, one is too objective (pp.29-30). The promised alternative, exactly in line with classic phenomenology, is a balance between subjective *and* objective.

One way in which to conceptualize this middle terrain on which human life occurs – this status as neither subjective nor objective but simultaneously both – is in terms of practical rationality. (p.30)

In one sense this simply leads back to the phronetic, anti-systematic conception of reason above. It is also linked to the rejection of certain crude forms of reductionism: sometimes McMullin's "objectivist" is someone who insists that "the success of one's life be measured in terms of the individual's conformity to certain scientific laws of animal development" (p.29) – clearly, an unattractive view. But there is a deeper factor in play too. The phenomenological approach requires that sets of norms are accepted philosophically *only insofar* as they are phenomenologically manifest. This is partly why an objective list model would be too objective. But since, obviously, many agents fail to act on or even recognise

them, the phenomenologist faces a dilemma: in what sense are they really manifest? Without some answer, those norms risk being just another set of “ungrounded” theoretic posits, exactly the kind of thing for which phenomenology habitually reproaches other theories.

At this point, the classic move has been to insist that the relevant norms are indeed manifest to all agents: it is simply that they are in denial about this. This is the chain of reasoning that delivered hypotheses such as Sartrean or Heideggerian anxiety, an ever-present nagging awareness of one’s obligations that must be constantly suppressed. It is a picture on which there is literally no rest for the wicked since they must always be aware at some level of the relevant requirements, requirements that they are then conceived of as frantically trying to dodge.

McMullin’s confidence is borne of this framework. It means that she systematically links the questions of what norms exist with the question of what norms people are aware of – often with problematic psychological consequences. For example, in positing a requirement for self-development, she is forced to claim that its pull is necessarily experienced by all. We “must also recognize that each person operates a more substantive experience of himself as having a unique set of dispositions, preferences, and capacities that he experiences himself as called upon to respect” (p.61). But why must we recognize this? It is hard to believe it does justice to the phenomenology of the decadent or dissolute: ironically, it is deeply unphenomenological to impose notions like “respect” on them. The problem is often flagged by a particular usage of the first-person plural. For example, the following is presented as both a claim about what we should value and a phenomenological observation about what we do value:

We wish to express our own unique gifts and projects in a way that both manifests general human excellence and expresses the particularity of who we are. (p.43)

Who exactly is the “we” here? McMullin’s story avoids some of the canonical Sartrean or Heideggerian details, in particular the appeals to self-deception or self-distraction. But the basic framework remains: the assumption is that insofar as there is a genuine set of norms, its demands must be manifest to all. In the absence of a self-deception or self-distraction story, it follows that such agents “feel claimed by the normative obligations built into the perspectives” and thus must “be deeply unhappy” if they disregard such obligations. This, however, is not plausible.

The challenge McMullin faces is to avoid this result without abandoning her phenomenological methodology. One option would be to argue that the relevant norms need only be manifest to certain agents during certain experiences: for example, under conditions of authenticity perhaps. One longstanding worry, often seen in early criticisms of Heidegger, is whether this is dangerously anti-democratic, with insight reserved for a few and characterised in experiential terms not readily amenable to public debate and argument. But there is a more immediate concern: if this were the case, McMullin would have to give up her claim that “a person habituated into a fully vicious culture would be deeply unhappy...since he would feel claimed by the normative obligations”. By extension, she would also lose her account of culture-transcendent norms: what can she say to those who take the Sadean hero, and not the democratic one, as their exemplar?

I have argued that McMullin’s striking confidence in the unhappiness of the vicious follows directly from her combination of phenomenology and Aristotelianism. By extension, that combination is vulnerable to a *modus tollens* based on its rejection. And reject it we

should. As Nietzsche reminded us, we must not forget “those who are both evil and happy – a species on which the moralists are silent” (Nietzsche, 2002:§39).⁵

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