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Receptions of the Aristotelian Ethics and Practical Philosophy

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Humans, Animals, and Aristotle. Aristotelian Traces in the Current Critique of *Moral Individualism*

Abstract

The concept of moral individualism is part of the foundational structure of most prominent modern moral philosophies. It rests on the assumption that moral obligations towards a respective individual are constituted solely by her or his capacities. Hence, these obligations are independent of any ἔθος (ethos), of any shared ethical sense and social significations. The moral agent and the individual with moral status (who is the target of a respective action) are construed as subjects outside of any social relation or lifeworld significations. This assumption has been contested in the last decades by diverse authors with very different approaches to moral philosophy. In the last years, an increasing number of philosophers like Cora Diamond and Alice Crary (with a Wittgensteinian background), but also phenomenologists like Paul Ricœur, Klaus Held, and Bernhard Waldenfels question the presupposition that individual capacities are the agent-neutral and context-neutral ground of moral considerations. This critique of moral individualism in different contemporary discourses shows a striking similarity between Wittgensteinian and phenomenological philosophers as their critical inquiry of prominent theories like the ones by Immanuel Kant, John Rawls, Peter Singer or Tom Regan is derived from mostly implicitly efficacious Aristotelian theorems. Telling examples are the ἔθος (ethos) as pre-given normative infrastructure, the ἕξις (hexis) as individual internalization of the ethos, the φρόνησις (phronesis) described as a specific practical know-how in contrast to scientific knowledge, and not at least the definition of the human being as ζῷον πολιτικόν (zoon politikon). However, the Aristotelian sources of this movement have not yet been scrutinized systematically. This paper aims, first, to reveal the significance of these sources to make them visible and, second, to contribute to the notion of the topicality of Aristotelian philosophy in current debates on ethics.

Keywords: Aristotle, Cora Diamond, Alice Crary, phenomenology, ethos, hexis, phronèsis

1. Introduction

Modern theories in moral philosophy (contractualism, deontology, utilitarianism) are often relying on assumptions that can be subsumed under the concept of *moral individual-*

ism[1]. Individual capacities like rationality, self-awareness or the alleged ability to suffer are supposed to build the agent-neutral and context-neutral ground of moral obligations towards the individual. But this presupposition has been contested in the recent years from different perspectives like feminist ethics, post-structuralism, the discourse after Wittgenstein, and current phenomenology, because the reduction of the ground of the moral status to mostly cognitive abilities leads potentially to counterintuitive consequences in regard of the obligations towards embryos, infants, cognitively impaired humans, or animals. To underpin their critique, this is the underlying thesis of this article, all these theories go back to Aristotelian sources of moral philosophy. However, these keystones of the criticism are often implicit and have not yet been analysed systematically.

This paper aims to provide an investigation in the Aristotelian sources of the current critique of moral individualism focussing on "Wittgensteinian" authors like Cora Diamond and Alice Crary and on current phenomenology exemplified by Paul Ricœur, Klaus Held or Bernhard Waldenfels. Philosophers of both discourses refer implicitly and explicitly to crucial Aristotelian concepts. This paper will focus among them on four crucially important concepts: (a) the ἔθος (*ethos*) as the lived moral sense (NE 1094 a26-b1) as ground and horizon of moral decision-making and ethical reflection; (b) the ἕξις (hexis), the morally relevant habituation of perceiving and acting (ibid., 1142 a27); (c) connected to the practical know-how that is coined φρόνησις (*phronesis)* (ibid., book VI), the practical wisdom that is considered a specific practical know-how in comparison to the scientific knowledge of the ἐπιστήμη (*episteme*); and (d) not at least to the definition of the human being as ζῷον πολιτικόν (*zoon politikon*) (ibid., 1094 b5-10; 1097 b8-12; Politics 1253 a1-5) who is "by nature" dependent on social relations – also in regard of developing moral skills.

The following section provides a description of the basic structures and the pitfalls of moral individualism. The contractualism by Thomas Hobbes or more recently of John Rawls is an important example for modern ethical theories qua *moral individualism* that refer to *individual cognitive abilities* as the only source of moral obligations. Hobbes presupposes the equality of intellectual capacities without any further clarification – infants, impaired humans or living animals do not occur in the *Leviathan* (Hobbes 2011). In Rawls, impaired humans as well as nonhuman beings are explicitly excluded from his theory since they cannot partici-

[1] The concept of *moral individualism* is used explicitly in Crary 2010. But it occurs more or less implicitly in Diamond 1978, in Ricoeur 1990, in Held 2007 as well as in theoretical frameworks that would be beyond the scope of this paper like the feminist ethics (Iris Marion Young, Catriona Mackenzie, Martha Nussbaum) or poststructuralist theories like the one by Judith Butler.

pate in the initial deliberation to determine the basic structure of society (that is defined as reciprocal cooperation to contribute to mutual advantage) (Rawls 1971, 4).

This account is also visible in Kant´s *Groundwork for the Metaphysics of Morals* (Kant 1977) where he proceeds from an autonomous being that is capable of being aware of the universal moral law, the Categorical Imperative, by virtue of her/his reasonability. This autonomy (that relies etymologically on the Greek terminology for self-legislation) is also the sine qua non for existing as a being with dignity (an absolute value) that calls for moral respect (ibid., 429). This dignity serves as a criterion for inclusion (of reasonable beings) and exclusion (of animals and potentially of infants or impaired humans) in regard of ethical consideration.

Similarly, the utilitarianism of John Stuart Mill or, more recently Peter Singer, provides a selectivity of moral consideration. Here, the keystone is the degree of rationality or self-awareness that determines the quality of interests that are weighed in the utilitarian calculation of harms and benefits.

The third section proceeds from Cora Diamond´s lapidary statement that it is extremely strange to interpret severely impaired humans as outside of fundamental moral and political considerations (cf. Diamond 1991, 44f.). In contrast, Diamond and Alice Crary who draws on Diamond, refer (a) to *a lived, communal ethical sense* as fundamental basis of moral deliberation. This ethical sense is indeed concerned with the significance of being human independently of showing average intellectual capacities; on the contrary, an infant or a cognitively impaired person are usually seen as particularly vulnerable beings who deserve special moral respect. Hence, the application of clear and strict principles of respect appears as significant only against the background, and not in opposition, to this lived ethical sense. This could be brought very easily in a connection with Aristotle´s broadly elaborated concept of ἔθος (*ethos*) as well as (b) the ἕξις (hexis) as a habituated pattern of perceiving, judging and acting. Moreover, this refers to the (c) φρόνησις (*phronesis)*, the specific kind of know-how that informs our praxis and constitutes our ability for moral judgment. Lived morality and its inner logic is accordingly not to be considered as working by (independent) principles that are applied with mathematical accuracy but by sensitivity for the situation, the person who we treat, and other features that are minded in the broad consideration of actions (e.g. Aristotle, Nicomachean Ethics 1104 b20-25). Finally, this has to be seen against the background of an inevitable relationality between actor, context and the respective via-à-vis. The actor is not an entirely independent subject from social normalities and approbations, the context, the situation – a *zoon politikon*.

The fourth section is also concerned with the four cornerstones of the Aristotelian ethics – first of all once more with the shared structures of (a) the lived ἔθος (*ethos)* - as they are of importance in the phenomenological discourse. Phenomenologists like Paul Ricœur, Klaus Held or Bernhard Waldenfels analyze morality in terms of lifeworld significations. These significations arise from the lived sociality and build the basis for ethical considerations that are always relying on the already existing "normative normality". This normality is (b) incorporated through embodied habits of acting and perceiving (this refers also clearly to Aristotle´s ἕξις [*hexis*]). As in Diamond´s and Crary´s accounts, – but even more explicit and elaborated, we find (c) a quasi-Aristotelian *hermeneutics of the praxis and its normalities from within the praxis in regard of informing this praxis itself* (kind of a hermeneutical circle, Gadamer 2010, 270-295; cf. also Ricœur 1990, Held 2010, Waldenfels 2006). Moreover, the phenomenological discourse is very aware of the fact that the self is a socially dependent being (d). Here, the role of socialization and education beginning with the early childhood is extremely important for incorporating shared values and for the constitution of the responsible self as such (Ricœur 1990, section 7-10) – a consideration similar to reflections by Aristotle in the first two books of the *Nicomachean Ethics*.

The final conclusion will provide a synopsis of the paper referring to the four fundamental keystones of the Aristotelian sources of the critique of moral individualism. Moreover, it will point out the topicality of Aristotle´s ethics particularly in approaches that are more and more present in the current academic discourses.

2. The "Moral Individualism" and its Pitfalls

Starting from Hobbes, but not at all ending with John Rawls, the different accounts within contractualism proceed from the idea that morality is constituted by a primal agreement between rational agents. Hence, they share one crucial presupposition: Any social and/or political community is understood within the model of association (cf. Young 2005, 19f.). According to this model, we constitute or enter communities intentionally to free us from a "solitary, poor, nasty, brutish, and short" (Hobbes 2011, 78) existence. In the previous natural state, we are confronted with a war all against all because we live outside of any moral order or agreement. In giving up the (natural) right for everything – that makes us to enemies for each other – we gain the higher or second order freedom from being in peril of death by any other human because everyone can claim the same right for everything and no-one is protected by morality or laws. The somewhat strange presupposition here is that all human beings are equal in their intellectual capacities. This is supposedly proven by the fact that

they are all proud about their intelligence (Hobbes 2011, 42). According to Hobbes, this equality is the reason why we socialize with each other. Since we all share the same abilities there will never be a situation of subordination in the natural state – the competition or war will last forever. Hence, we are as primarily independent, however, we are endangered beings in need of protection. It is our rational and selfish interest to associate with others. Infants, impaired humans as well as non-human beings do not occur as addressees of moral or political concerns.

In John Rawls, things turn out to be in a way quite similar. In his work *A Theory of Justice* (1999) he assumes that the agents participating in the "original position"[2] are equally rational and "that they are cooperating on terms to which they would agree if they were free and equal persons whose relations with respect to one another were fair". (ibid., 12; cf. also xii, 26, 131). Like Hobbes, Rawls presupposes that the individual as such is free, in the possession of average rational capacities and is basically not dependent or connected to others. Here, the ζῷον λόγον ἔχον (the *zoon logon echon* qua reasonable being) is not inevitably but only "later" a ζῷον πολιτικόν (the *zoon politikon* qua social being) and by no means a dependent and ontologically social being that is influenced by and socialized in the sociocultural world in which (s)he is living and growing up. The association with others is motivated by a selfish concern for the mutual benefit by reciprocal efforts. Only within an already intentionally constituted association that is considered fair, the development of a sense of justice is predisposed (cf. ibid., e.g. 177f.). Moreover, the moral obligations towards individuals lacking the same level of rational capacities (and not considered a part of reciprocal mutual cooperation) are either only derived from the obligation towards "average rational agents" or different by nature. One has to conclude that we have indirect, restricted or lower moral obligations towards infants, mentally severely disabled individuals or humans with psychiatric diseases, and further, animals must be put aside completely (ibid., 15). This appears as counterintuitive and outside of the *normative normality* we are living in, in which

[2] The original position denotes a famous thought experiment in *A Theory of Justice*: Free and equal participants in a deliberation consider themselves under the "veil of ignorance". Without any knowledge about their position in society, virtually before they enter this society, they decide about the principles that should govern the basic structures and institutions that determine the co-existence. The famous outcomes of this virtual deliberation are the principle of equality (equal chances for all) and the principle of difference (differences are legitimized if they provide a benefit for the whole society).

infants as well as mentally impaired adults usually appear as beings with special needs that generate special obligations.[3]

As a second example, one can take the Kantian approach to involve a commitment to moral individualism. In the second Categorical Imperative the reciprocity of mental capacities becomes most visible – at least at second glance: "Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end" (Kant 1977a, 429). Humanity does not represent the characteristics of the species Homo Sapiens but the capacity of reason, but at the same time morality. The ones who have to be defended against any kind of instrumentalization or abuse are the ones who are autonomous[4]; they are persons with dignity (an absolute value) in contrast to mere things with a price (see Kant 1977a, 434-436) – *tertium non datur*. Obligations towards non-autonomous beings are either non-existent, or, if they are considered vulnerable beings, they have to be conceived as obligations *in regard of e.g. animals* – but *towards ourselves* as Kant states in the famous section *On an Amphiboly in Moral Concepts of Reflection, Taking What Is Man´s Duty to Himself for a Duty on Other Beings* (Kant 1977b, §16). This seems to be particularly problematic if we think of infants or severely disabled humans but could also play a role in the moral consideration of animals. In humans, one can counter this conclusion with the argument of potentiality (that is used by many Kantians), but even in Kant himself we find an indication that in turn counter the argument of potentiality. In the *Doctrine of Morals* section of the *Metaphysics of Morals*, we find *Doctrine of Morals* a passage where Kant suggests treating the drunken person like an animal rather than a human since (s)he has inhibited her/his intellectual capacity and has therefore failed humanity qua morality (see Kant 1977b, 80).

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[3] In the following I will try to construe the critique of moral individualism as an in a way Aristotelian enterprise. This happens admittedly from a particular perspective and aims to make the similarities visible. However, in Aristotle the exclusion of infants, women and others who are not regarded as citizens of the polis (cf. Aristotle, Nicomachean Ethics 1134 b16f.) is an often criticized feature of his practical philosophy. The connection to Cora Diamond, Alice Crary, Paul Ricœur, Klaus Held or Bernhard Waldenfels is in some respects closer related to the methodology and the structure of argumentation than to the respective conclusions. Particularly in this case, one has to mind the differences between the ancient and the modern ethical common sense.

[4] The concept of autonomy is to be understood closely related to the etymology: Construed as the capacity of self-legislation, it describes a certain capacity that is not necessarily tied to the membership to the species Homo Sapiens.

In animal ethics, in the following exemplified by Peter Singer´s utilitarian approach and Tom Regan´s deontological approach, we find kind a culmination point of moral individualism and its counterintuitive consequences. Particularly the afore-mentioned "normative normality", the lived traditional ethos, is the bogeyman of Peter Singer. In stating that the anchor of moral consideration is reducible to the ability to suffer and the level of (self-)awareness (Singer 2011, 64-66), he claims to take an absolute distance to the lived ethical sense from the point of view of morality (ibid., 13). Drawing on John Locke´s concept of the person as a "bundle of experiences" with a diachronic identity[5], he questions both common practices like the use of animals and some moral intuition in regard of the sanctity of human life (ibid.). His most fundamental assumption might be summarized by James Rachels who gets particularly to the heart of moral individualism with the following statement: "The basic idea is that how an individual may be treated is to be determined, not by considering his group memberships, but by considering his own particular characteristics" (Rachels 1990, 173). The equal consideration of interests independently of any kind of species (in contrast to *speciesism* as fundamental kind of a discrimination similarly to sexism or racism) is Singer´s core argument (ibid., 53-70). Basically, this approach seems sound and logically stringent. However, the public outcries after the first publication of the *Practical Ethics* in 1979 showed – although sometimes truly harsh and dependent more on an emotional response to Singer rather than on a critical inquiry in his thought – the discomfort that occurs if a theory enters our lifeworld as a foreign body. Particularly the claim that experiments on animals equal experiments on mentally impaired humans with the same cognitive abilities led to debates and protests. The crucial assumption is the one of being human as a mere biological fact without any further significance. Hence, in a utilitarian weighing of interests animals can potentially be preferred over humans (e.g. infants or impaired adults) according to the quality of their interests derived from individual mental capacities. This is most visible in the following quote: "If we make a distinction between animals and these humans, how can we do it, other than on the basis of a morally indefensible preference for members of our own species?" (Singer 2011, 52) Singer serves here as one telling example among others that show clearly the animal ethics discourse as a culmination point of moral individualism that counters common moral convictions as merely traditional, irrational, contestable, and in need of correction.

[5] Diachronic identity is the term that describes the self-awareness over time that enables us to have future preferences. In Singer, these future preferences build the basis for the weighing of interests that is crucial for any utilitarian approach.

We find striking similarities in Tom Regan´s *deontological* animal ethics approach. The crucial criterion of moral consideration is the "subject-of-a-life-criterion" that is built upon "beliefs and desires; perception, memory, and a sense of a future, including their own future; an emotional life together with feelings of pleasure and pain; preference- and welfare interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over time; and an individual welfare in the sense that their experimental life fares well or ill for them, logically independent of their utility for others and logically independent of their being the object of anyone else's interests" (Regan 2004, 243). Any living being that meets this principle has an inherent value (ibid.) that equals the Kantian concept of dignity insofar as it is an absolute value qua basis for inalienable rights. The case of a collision of rights is exemplified by the famous thought experiment of the "lifeboat case". In this thought experiment, we imagine five persons (four humans and one dog) in a lifeboat that is made only for four persons, and – all passengers will drown if none of them is sacrificed for the other four persons. Regan claims that the dog should be sacrificed for the others because for an animal death has a minor significance – *if none of the human persons is severely impaired*. In such a case the impaired person would be the one to leave the lifeboat because now for the dog the drowning would be the greater harm (ibid., 324).

This does not seem to be rooted in the moral common sense we live in; on the contrary, it appears as a strange moral claim that is outside of our common convictions and practices. In contrast, Aristotle starts in his approach to moral philosophy from the assumption that this lived common sense, this rough ground of the lived and always-already known ἔθος (*ethos*) is the very starting point of any ethics and the basis for the validity and plausibility of moral claims (NE 1095 b3-8). This leads to another perspective on morality and moral philosophy that builds the basis for a present discourse that questions the assumptions of moral individualism that has been exemplified by contractualism, deontology and utilitarianism.

3. The shared ethical sense: Cora Diamond, Alice Crary, and Aristotle

In the following I proceed from Cora Diamond´s lapidary statement that it appears extremely strange not to consider impaired humans as addressees of justice or other fundamental and general obligations (Diamond 1991, 44f.). With this claim, she is building on a critique of moral individualism that has been visible throughout her work since her early text *Eating Meat and Eating People* from 1978 (which was published one year before the first edition of Singer´s *Practical Ethics*). The fundamental starting point of her criticism (influenced by Wittgenstein´s *Philosophical Investigations*) is her reference back to an inevitable

pre-determination of any moral thinking and of any practice to a lived ethical sense that is articulated in ordinary moral judgments (see also Alice Crary´s comment on Diamond in Crary 2010, 22). This is made explicit by remarks like the following: "We can most naturally speak of a kind of action as morally wrong when we have some firm grasp of what *kind* of beings are involved." (Diamond 1978, 469; italics in the original text) This is fully understandable only against the backdrop of the fact that she does not consider any kind of being solely according to her/his biological categorization but according to a presupposed common notion of humans *as humans* and of *animals as animals*. This is particularly visible in the following quote:

> *We do not eat our dead*, even when they have died in automobile accidents or been struck by lightning, and their flesh might be first class. We do not eat them; or if we do, it is a matter of extreme need, there is a very great reluctance. We also do not eat amputated limbs. (…) [F]undamental features of our relationship to other human beings which are involved in our not eating them" (Diamond 1978, 467).

Hence, to express it with once more, this time using the words of Alice Crary, "we are necessarily guided by a conception of the kinds of things that matter in lives like ours" (Crary 2010, 26) without any possibility of justification or proof. To recognize a being as human or as animal has normative implications that are not expressed according to or even through principles, rights or obligations – and not fulfilled by a mere application of these principles, rights or obligations. Human beings are even pre-intentionally recognized as fellow humans (Diamond 1978, 474) without any consideration of their cognitive capacities. Moreover, we recognize a" special susceptibility" that leads us to the obligation of a "special solicitude" (Crary 2010, 21). For that fact no underlying reasons are given independently of having the orientation that has been described above (see ibid., 31). This refers clearly to an Aristotelian notion of moral significances that are summarized in the concept of the ἔθος (*ethos*). Any kind of moral significance is derived from a pre-knowledge that structures our patterns of recognition, patterns of action and the underlying social approbation.

It is not incidental that *recognition* bears a close etymological and phonetic proximity to cognition. The *ethos* turns out to be efficacious on the subtle level of perception and in our immediate experience. To grasp the nature of this orientation it is useful to draw on Wittgenstein´s later philosophical writings, which build an important starting point for Diamond and Crary. According to him, perceptions of other humans (and nonhumans) are imbued with attitudes (that represent tacit recognition); to consider a being as a vulnerable living being, as someone who merits a certain form of respect, neither a conclusion nor evidence nor a mere opinion is required: "My attitude towards him is an attitude towards a soul. I am not of the

opinion that he has a soul" (Wittgenstein 1986, 178). This shows heuristically, what is expressed clearly in Crary´s claim that our supposedly immediate perception is pre-determined by attitudes with ethical significances (Crary 2010, 24, 26, 28). It is a matter of course that this imbuement influences our relation to others on a pre-reflective level since our actions towards them are disposed by most fundamental significances. These perceptions are "intrinsically practical" and expose things (or: living beings) as "woven into the real fabric of our lives"(ibid., 30). The individual notion of humans and animals as fellow beings is derived from a pre-supposed socialization that is constitutive factor of a personal *hexis*, a *disposition* or *attitude* to perceive and conceive humans as humans and animals as animals with different significances. Since the development of such a disposition is analyzed much more in detail by the phenomenological tradition in close connection to Aristotle´s reflection, I will return to constitution of the *hexis* in the following section.

This attitude is to be understood as a kind of sensitivity and of tacit know-how (in contrast to explicit knowing-that; cf. Varela 1989), not as a matter of abstract knowledge. The most concrete *aistheta*, the most concrete contents of cognition, cannot refer to ἐπιστήμη (*episteme*), that is, to scientific or quasi-scientific knowledge – this goes us back to typically Aristotelian insights (NE 1142 a 27). According to Aristotle, in praxis nothing is totally stable so that a mere application of principles to cases does not suffice (NE 1103b-1104 a9). The individual case exceeds this application and is not sufficiently captured by procedures like the syllogism; the case is more than an example of the rule. Hence, ethics turns out to be a discipline that is not only concerned with the finding and application of principles (which is not necessarily futile when done in the proper context) but also a discipline that is concerned with the (hermeneutical) understanding of "one´s way of viewing things" (Diamond 2001, 118). This refers particularly to the famous sixth book of the *Nicomachean Ethics* that is concerned with the intellectual (dianoetical) virtues – these are the different kinds of knowledge that are of significance in regard to practice or theory. The central intellectual capacity with respect to praxis is the φρόνησις (*phronesis)* – in contrast to theoretical knowledge, the ἐπιστήμη (episteme), as well as in contrast to the τέχνη (*techne*) qua technical know-how that builds the basis for the ποίησις (*poiesis*, the production). The *phronesis* is a "practical wisdom" that is to be considered another kind of habitus than the ethical virtues (NE 1140 a24f.; see also Gadamer 1998, 20). This subtle, tacit habitus orients our actions and co-constitutes our perceptions (NE 1142 a27). To put it paradoxically, one could speak of a mediated immediacy – the experienced, well-trained *phronimos* person has a structured perception through which (s)he directly grasps moral significances. Aristotle indicates an inner relation between *phronesis* and *ethos* on the very level of perception (NE 1142 b30-32). This

connects directly to Wittgenstein´s concept of the *attitude towards others* that opens our eyes for their being human (or in case nonhuman) fellows.

This has also been visible in Diamond´s reflections on the being affected by dead corpses in a morally non-neutral way. Although the dead body obviously is not able to suffer, lacks of course cognitive abilities and does not show any preferences, we are confronted with a representation of the vulnerability of humans that exceeds individual conscious experiences. Hence, one has to assume that the relation to the individual *as a human being* plays a crucial role.

In other words, and from a different perspective, the justification for treating animals in a particular way is not reducible to the equal consideration of interests or the recognition of a subject-of-a-life as such. Diamond says that "we are plainly not treating like cases alike" (Diamond 1978, 466) because this would appear as unfair, cruel (when preferring animals over humans) or simply weird because it would even "attack significance in human life" (ibid., 477). The following quote by Robert Musil shows that heuristically as well as ironically:

> And if someone were, from a pure vegetarian conviction, to say 'ma'am' to a cow (bearing in mind that one is much more likely to behave inconsiderately to a being that one addresses as `hi, you!') he would be regarded as a prig, if not a madman – but not on account of his animal-loving or vegetarian convictions, which are considered highly humane, but on account of their being directly applied to reality. (Musil 1996, 249)

Now let us turn to two objections that apparently meet virtue ethics in Aristotle and beyond as well as the reflections by Diamond and Crary. *First*, the repeated accusation is vagueness. Without any clear principle, how can such an account inform us about the praxis? Isn´t this a slippery slope to an arbitrary treatment of living beings? But Aristotle already responded to this demur with his distinction between *bios politikos* and *bios theoretikos*. In praxis, the reflection and the strictness of the normative claim should be adequate to their object also in terms of certainty and strictness (NE 1094 b 12-27; 1098 b26-34; 1101 a26). In the previous section, we dealt with the pitfalls of moral individualism. One of them is the fact that the application to any situation without considering the relevant circumstances might lead to counterintuitive consequences and maybe even to hard cases. The – at first glance – fuzzier logic of virtues and the soft knowledge represented by the concept of *phronesis* are, at second glance, helpful alternatives to a strict logic of either-or. By constituting *moral gestalts*, (instead of clear, but abstract principles) through the *phronesis* that is directed towards the general norm as well as the most concrete (NE 1142 b35f.), the corresponding practical know-how, the whole situation and the sensitivity for concrete circumstances become crucial (ibid., 1104 b20-25; 1109 b27-30). Aristotle´s understanding of the logic of praxis is proba-

bly most visible in his famous discussion of the ἐπιείκεια (*epikieia*, translated as reasonableness) in the fifth book of the Nicomachean Ethics. This *epikieia* serves as a complement to justice[6]. However, the reasonableness is not entirely different from justice (NE 1137 b9f.), so obviously there is a complex relation between these two concepts: "The same thing, in that case, is just and reasonable, and while both are good the reasonable is superior." (NE 1137 b24-26) Since justice is a general concept with a universal aspect, there is a need for a rectification (NE 1137 b26f.) – otherwise the mentioned counterintuitive consequences and hard cases could arise. To express it using Wittgenstein, the underlying idea is that the "rough ground" (Wittgenstein 1996, 46) of praxis is in tension with the "crystalline clarity" (ibid.) of the moral principles and their unexceptional application.

Second, many philosophers would claim that the arguments for virtue ethics and the idea of a morally imbued perception rests on the fact that an orientation towards others as humans or vulnerable animals is always-already pre-given and cannot be questioned or criticized. Hence, according to the critique *by* moral individualists, ethical considerations rest on already presupposed orientations that are neither provable nor universal: "Their point is to persuade us that intrinsically practical properties cannot possibly achieve objective status by showing us that judgments about them are invariably characterized by this form of circularity." (Crary 2010, 29) This second objection against Aristotle and the described Wittgensteinian approach to ethics is derived from the epistemological assumption that any kind of circularity in argumentation represents a *circulus vitiosus*, an incorrect circular reasoning. But this can be countered with support from phenomenology that will be the subject of the following section. In *Truth and Method* (Gadamer 2010), we find a systematical analysis of what is only indicated, but not broadly considered in Crary. In the vein of Heidegger´s *Being and Time*, Gadamer claims that tacit prejudices and fore-projections have a positive significance because they build the primal condition of the possibility of any kind of understanding (ibid., 271-273). "The recognition that all understanding inevitably involves some prejudice" (ibid., 274) leads us – with respect to practical philosophy – to the conclusion that ethical reflection must not neglect the shared lifeworld significances (nothing else but the ethos!) that build the basis for meaningful moral decision-making and the raising of moral claims. As a result, this does *not* lead to the absurd conclusion that we are basically trapped in long-lasting traditions – like slavery, racism, sexism, animal abuse, etc. Gadamer points out that we can deal with prejudices in a productive way and become aware of them to achieve a critical distance. This is not conceivable in moral individualism as part of a tradition of enlightenment that is stuck

[6] The finely detailed analysis of different layers of justice would be beyond the scope of this text.

in "prejudices against prejudices" (cf. Gadamer 2010, 275) and that believes that "moral thinking is exclusively or primarily a matter of applying principles to a world of non-moral facts" (Cordner/Gleeson 2016, 58). Hence, the claim that we should neglect the significance of being human (as construed e.g. in Diamond 1978 to criticize Peter Singer or Tom Regan) as a *mere, unjustifiable* traditional prejudice leads to logical stringency, a nagging moralistic tone (cf. Diamond 1978, 469) and a practical dead end.

To conclude this section, I want to point at the fourth keystone that builds the basis of this paper together with the *ethos*, the *hexis*, and the *phronesis*. The implicit starting point in Diamond and Crary is the understanding of humans as ζῷον πολιτικόν (*zoon politikon*) that is also crucially important in Aristotle. In moral individualism, rational capacities are not only a necessary feature for the moral patient or moral object (the other who is target of an action) but also constitute the independence of the moral agent. The moral actor is *independent of social structures and atmospheres and is able to emancipate her-/himself from any traditional normality*. This is, for instance, most visible in Kant´s idea of autonomy by virtue of our reasonability (Kant 1977a, 431) or in Singer´s idea that humans are (not as members of the species but as rational beings) able to take the point of view of the universe/of morality (Singer 2011, 13). This independence is not removed but is diminished against the backdrop of an understanding of an embedded actor that is dependent on (but not determined by) shared significances (and also prejudices and fore-projections) that build the basis for the social intelligibility of moral practice and moral claims. This is most visible in the Aristotelian idea of the importance of education to support and to orient the development of ethical and intellectual virtues through social approbation and education (e.g. Aristotle, Nicomachean Ethics 1105 a2f.; 1109 b19).

4. The embodied ethos – Phenomenological Ethics and Aristotle

In phenomenology, the starting point of ethical considerations in authors like Paul Ricœur, Klaus Held or Bernhard Waldenfels can be identified with the lived ethical sense that is already visible in Diamond and Crary – and of course Aristotle.[7]

[7] Phenomenology cannot be seen as a uniform tradition of thinking. There are extremely different accounts within phenomenology that cannot all be mentioned in this paper. Hence, the further investigation in phenomenological ethics concentrates on some authors who can easily be brought in a connection to each other due to similar starting points as regards ethics.

To understand the phenomenological enterprise as regards ethics it might be helpful to go back to one very basic cornerstone. With the following sentence, Husserl as founding father of phenomenology presents in his famous *Ideas I* the basis for a broad movement in continental philosophy:

> No conceivable theory can make us err with respect to the principle of all principles: that every originary presentive intuition is a legitimizing source of cognition, that everything originally (so to speak in its "personal" actuality) offered to us in "intuition" is to be accepted simply as what it is presented as being, but also within the limits in which it is presented there. (Husserl 1976, 44)

Drawing on this fundamental phenomenological "principle of all principles", Paul Ricœur and Klaus Held refer equally to the primacy of the *ethos* in relation to *morality* in terms of explicit rules (Held 2010, 15; see also Ricœur 1990, 227). The constitution of abstract principles like the Categorical Imperative is to be seen as a hypostatization that rests on a lived, fluid, contingent (although by no means arbitrary) *ethos* that constitutes a tacit pre-understanding. This is manifest in traditions, different forms of life with different normalities, social structures, and cultural characteristics in which and through which we live (Waldenfels 2006, 269). Principles like the Categorical Imperative are only understandable against the backdrop of this pre-understanding (as already seen in Diamond and Crary and supported by Gadamer); otherwise it would appear as foreign bodies and would not be helpful or applicable in our practice.

The individual takeover of the normative normality is neither a conscious decision nor an appropriate behavior. On the contrary, we are, from the phenomenological point of view, always-already immersed in a social context and learn the most basic sorts of conduct by being-with-others and by tacit rehearsal – we learn very subtly to be polite, tactful, but also not to do harm to each other or to mind special vulnerabilities (Waldenfels 2006, 48). This resembles strikingly the Aristotelian idea of a *hexis*, which is acquired through habituation from childhood on (Aristotle, Nicomachean Ethics 1105 a2f.). The constitution of different habits is then to be interpreted as an *incorporation of moral norms* that are not explicitly conscious; further, the actions in accordance with these norms are not always entirely explicit decisions. The *hexis* is always partly unconscious and turns out to be "operative"[8]; it builds a *tacit know-how* that constitutes us as *native actors* which equals the Aristotelian *phronimos* (Waldenfels 2006, 107). According to Held, the acquisition of the *hexis* is a habituation that evades regarding its status

[8] Eugen Fink describes operative concepts as condition of the possibility to be able to define and understand explicit concepts (see Fink, 1957).

as being a personal past (Held 2007, 25). Habituation is not to be interpreted as an event with a clear starting point and a clear end point. Our own moral standpoint is not the outcome of an intentional learning process but refers to a "past that never has been now". On the contrary, it goes back to a being immersed in a social world with normative normalities that serve as a kind of an element in which we are raised and socialized. Held points out that the ἔθος (*ethos*) as well as the latin translation of ἕξις (*hexis*), *habitus*, refer etymologically to habituation as well as habitation (Held 2010, 9f.). Our primal experience with the normative normality is not the conscious confrontation with moral norms and obligations but the growing into this normality. There is no doubt at all that this reflection draws in detail on Aristotle´s explanations in the Nicomachean Ethics where the individual is always-already immersed in a lived sociality. The society and its institutions have the task to the development (the internalization of the ethos) of the children.[9]

In Kant´s interpretation of the actor as autonomous being, habits represent a decrease of, or danger for, freedom. Freedom and moral practice are then considered as field of continuing conscious decisions. In Held (2007, 2010), but also in Waldenfels (2006), the habituation or incorporation of a normative normality is kind of an enablement for freedom. The routines or dispositions of behavior free us from long and difficult deliberations and are, to come to the second keystone, inscribed in our perceptions and immediate impulses of action. Moreover, they also constitute an affectability or emotional sensitivity to the particular situation because they are not strict principles to applied regardless of the who, the how, the when etc. (see NE 1104 b20-25). However, the downside is a finitude of morality that is disavowed in the Kantian approach (see Held 2007, 28). The conclusion has to be a perspective of moral consideration that is close to relativity – but that is not to be mistaken for a sheer relativism. The backdrop of this reflection is Husserl´s enterprise of the rehabilitation of the δόξα (*doxa*, the supposedly mere opinion) (cf. Husserl 1962, 127 f., 135 f., 158, 465). As an ancestor of Gadamer, Husserl is concerned with the significations of the lifeworld that build the condition of the possibility of the intelligibility of abstract scientific insights. The same holds for abstract moral claims like the Categorical Imperative. If we connect this idea with some fundamental insights of the *Nicomachean Ethics*, we can see a striking similarity. Aristotle dismisses Plato´s *idea of the good*

[9] The question how much coercion is connected to that task in the Aristotelian conception would be very interesting but lies beyond the scope of this paper. When Aristotle uses metaphors like the one of straightening a piece of wood (Aristotle, Nicomachean Ethics 1109 b6f.), one is inclined to assume that he would argue for a strict education. At the same time, he assures us that there is a “natural virtue”, a common human predisposition to acquire ethical virtues as well as the *phronesis* (NE, 1103 a24f.).

as impractical and abstract and points at a πρακτον ἀγαθὸν (*prakton agathon*, a good that is to be achieved in existing horizons of practice and significances. (NE 1094 a16f.; 1097 a23).

Another important issue that is discussed by Held, Ricœur and Waldenfels is the one of Kant´s "rigorism" (that builds so to say the backside of the objection of "vagueness" against Aristotelian moral philosophy). The interpretation of the entirely individual conscience as a *forum internum* (Kant 1977b, 438) is derived from a "morality" (Waldenfels 2006, 56). First, this rests on the assumption of a radical individuality of the responsible subject. The *forum internum* is a relation of the decision-maker to her-/himself and not connected to an external frame or shared horizon of normativity. Second, it is not incidental that the conception of a forum (that is basically religiously charged) brings up associations with jurisdiction. The relation to oneself is described as being observed by an inner judge (Kant 1997b, 438); lived morality then becomes a supervision by a strict conscience that leaves virtually no room for an εὐβουλία (euboulia, the good counsel, the seeking reflection) and a creative or sensitive decision-making as seen in Aristotle (NE 1112 b23-25). Third, this is also connected with the binary dichotomy of right or wrong in Kant´s moral philosphy that is problematic not the least in terms of a common understanding of numerous actions not only as entirely right or wrong but as more or less permissible, respectively good and bad. This certainly refers to a core element of Aristotle´s *Nicomachen Ethics*. In numerous passages, Aristotle puts the emphasis on the dichotomy of good/better and bad/worse in contrast to the strictly binary dichotomy of true and false. Moreover, this consideration is closely linked to Held´s claim that graduation in the moral consciousness does not (as in Kant) represent indecision between duty and inclination (Kant 1977a, 399) that builds a flaw for the judge of the moral conscience. The mere fulfillment of duty is a borderline case of moral behavior. Like the *forum internum* this represents an example of the Kantian proceeding specifically *not* from the lived experience of being immersed in an *ethos* but rather from what is basically an alleged state of emergency. The basis is the assumption that morality rests on a need for coercion and that we might not trust any instance despite its independent a priori reasonability.

Moreover, one also might face the "problem" of circularity that has already been mentioned in the previous section referring to Diamond´s reflections on the *significance of being human* (Diamond 1978) or to Crary´s idea of *minding what already matters* (Crary 2010): Outside of regular *horizons of moral judgments* (Held uses the term "*Beurteilungshorizonte*" [Held 2010, 17]) abstract duties appear as counterintuitive, weird or even meaningless. This refers, for instance, to the ranking of animals over humans in Singer or Regan that has already been described. Sacrificing the impaired human instead of the animal appears even in an emergency case as strange if not entirely misguided. One can go one step further and interpret moral indi-

vidualism as reductionism that potentially withdraws most basic significations. The background is a general tendency to strive for objectification and clear principles that excludes everything that seems not objectifiable as vague (Husserl 1962, 34). This is also visible in the (in)famous Kantian text *On a Supposed Right to Lie from Philanthroplogy* (Kant 1977c). Here, Kant refuses to accept that lying can be morally permissible at least in some extreme cases – even if one would save another's life by lying to the potential murderer. If a maxim has been refuted through the Categorical Imperative there is no situation that might build an exception. There is simply no white lie. This refers to two crucial theorems in his moral philosophy: First, the universalization of a maxim is meant to give us a criterion for acting independently of the particularities of a situation. This is certainly in clear opposition to the Aristotelian point of view. Aristotle refers in several passages of his text to the relativity and situationality of praxis. The culmination point of this line of argumentation might be once more the ἐπιείκεια (*epikieia*) that is meant to correct the generality of strict norms and to constitute sensitivity for the very situation. Second, the respective action is attributed clearly and exclusively to one autonomous, independent being. Hence, responsibility cannot be distributed through or shared between different actors. We are not acting together but only next to each other – this is clearly in contrast to our common understanding of praxis as something, in which others, communities or social atmospheres are usually involved (cf. NE 1112 b27f.).

Finally, the acceptability of judgments is never a matter of quasi-scientific proof. As this acceptability refers to the mentioned horizons of judgments, singular moral judgments and convictions have to build on a kind of plausibility that is also visible in the *Nicomachean Ethics*. In this paper, I referred several times to passages in which Aristotle emphasizes the nature of the *phronesis* as practical wisdom and as tacit sensitivity. This tacit know-how builds the basis for the fact that in Aristotle the kind of argumentation appropriate for ethics is particularly not the one of proof, syllogism and the like. According to Aristotle, in the field of ethics it suffices to show that it is so or so – "there will be no need to know in addition *why*" (NE 1095 b6-8; italics in the original text). Hence, moral philosophy that is inspired by Aristotle should be interpreted as building on the Gadamerian hermeneutical circle that presented in the previous section.

5. Conclusion

We have analyzed some fundamental concepts that build the foundations of Aristotle´s *Nicomachean Ethics* and serve as keystones in variegated current theories that contest modern moral individualism. This has been exemplified by the Wittgensteinian tradition

(represented by Cora Diamond and Alice Crary) and by the phenomenological tradition (represented by Paul Ricœur, Klaus Held, and Bernhard Waldenfels).

These foundations comprise, among others, four crucial concepts. First, the lived ethical sense that is close to Aristotle´s analysis of the *ethos*. Significances that build the basis for moral concerns and moral claims are not derived from strict principles but from a being immersed in a broad horizon of meaning. The *application* of abstract principles is dependent on the socio-cultural context we are living in. Hence, there is no sheer opposition between argumentation or ethical reflection and tradition.

Second, the "normative normality" is not only manifest on the level of intentionality, but already efficacious on the tacit level of pre-intentional behavior and perception. The lived ethical sense is incorporated through education and socialization. This refers to Aristotle´s crucially important concept of the *hexis*.

Third, the acknowledgment of the individuality of actor, situation and socio-cultural context leads to the conclusion that adequate moral knowledge differs from scientific knowledge. Drawing on Aristotle and his analysis of the *phronesis*, in both contemporary discourses that have been analyzed, an embodied moral know-how is a kind of a sensitivity that differs from the simple application of principles.

Fourth, the embedded actor is not only part of a social horizon of meanings but also in social relations that pre-determine actions and moral obligations. Thus, responsibility is always constituted, conditioned, and limited by the social world we are always-already immersed. This refers to Aristotle´s definition of the human as *zoon politikon*.

These four fundamental concepts are striking examples of Aristotelian theorems that are still a valuable source of current debates in ethics – although protagonists of modern ethical theories often try to dismiss virtue ethics and its elements as vague or outdated. A relying on Aristotle is not only to be found in the Wittgensteinian and the phenomenological discourses but could also be seen in feminist ethics, post-structuralism, theories of recognition, and other contemporary approaches to practical philosophy. However, such a broad analysis for Aristotelian sources of present debates in ethics would go beyond the scope of a journal article.

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