Reflection and Particulars: Does Casuistry Offer Us Stable Beliefs about Ethics?

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REFLECTION AND PARTICULARS: DOES CASUISTRY OFFER US STABLE BELIEFS ABOUT ETHICS?

by

David J. Zacker

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REFLECTION AND PARTICULARS: DOES CASUISTRY OFFER US STABLE BELIEFS ABOUT ETHICS?

David J. Zacker, M.A.

Western Michigan University, 1991

This enquiry suggests a solution to a challenge posed by Bernard Williams (1985) in Ethics and the Limits of Philosophy to develop a positive ethical theory that fulfills his guidelines. In particular, the theory is used to solve two problems: (1) reflection typically uproots and destroys ethical beliefs, and (2) modern ethical theories typically answer questions about ethics universally and ignore their practical characteristics.

Casuistry, as explained by Albert R. Jonsen and Stephen Toulmin (1988) in The Abuse of Casuistry: A History of Moral Reasoning, responds to Williams’ challenge. To solve (1) casuistry must employ thick ethical concepts, ethical concepts with descriptive and evaluative portions. Discussions of thick concepts contain arguments relevant to the "ought-is" distinction, as seen in Peter Winch’s (1972) discussions concerning conceptual understanding, and other relevant topics. To solve (2) casuistry’s foundations, that is, Aristotle’s distinction between theoretical and practical knowledge, are used. The latter discussion examines arguments concerning utilitarianism, the categorical imperative, Henry S. Richardson’s (1990) "Specifying Norms," among others.
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David J. Zacker
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INTRODUCTION

Suppose we live in a society where all of our ethical concepts, rules and principles have been determined by our forefathers. We make ethical judgments in accordance with these concepts. Suppose further that we believe that these judgments are true. We make ethical judgments by using traditional concepts, without reflecting on these concepts. In fact, we never reflect on the concepts. Since we follow tradition so closely, we could call ourselves the hypertraditional society.

Now suppose that an anthropologist from another society comes to study us. He realizes that there are concepts of ours sufficiently close in meaning to some of his that he can learn to use them. However, the judgments corresponding to the use of those concepts in his society are denied in his society. He discusses these concepts with some members of our community. As we begin to reflect on these concepts, some of our neighbors begin to doubt their past ethical judgments. That is, they do not believe them anymore. Therefore, our community begins to doubt that they ever had ethical knowledge with these concepts. Thus we arrive at the same conclusion as Bernard Williams in *Ethics and the Limits of Philosophy*:¹

> if we accept the obvious truth that reflection characteristically disturbs, unseats, or replaces those traditional concepts [that we believe]...then we reach the notably un-Socratic conclusion that, in ethics, reflection can destroy [our belief that we have] knowledge.²

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We do not live in the hypertraditional society. We live in a society that reflects on, among other things, ethics. For example, a check-out clerk gives me too much change. "Should I bring it to her attention?" is a question that is ethical and is reflective. There are many things to be considered when answering this question. There are practical, financial, and ethical considerations, among others. For example, we may ask the following questions. How far must I go to return twenty-five cents, or $50? Do I need the money more than the store? Is it ethically right to knowingly keep money that I did not earn? As long as someone can point out a different answer to the question that makes me doubt my previous belief in a solution, I am faced with the problem of my belief in certain ethical knowledge being destroyed by reflection.

This paper is a response to the challenge posed by Bernard Williams in Ethics and the Limits of Philosophy to produce an ethical theory that can cope with reflection's destruction of belief. When I say someone has developed a positive ethical theory that follows Williams’s guidelines, in part I mean that the system takes into account society and particular situations that make the situation someone's situation, as opposed to anybody's. In other words, the system pays close attention to the situations that surround the particular case, instead of universalizing the case. These situations are shaped by the environment in which they obtain. Therefore, they have particular features contributed by some particular individual that may not have been contributed by another individual. Further, those particulars may be significant to the scenario in such a way that distinguish it from other similar cases, and influence the outcome of reasoning. So there are two concerns in relation to which
I want to examine a theory in this paper: the destruction of ethical belief, and the universalizing of the ethical.

Casuistry, as discussed by Jonsen and Toulmin in The Abuse of Casuistry, is a theory about how to reason about the ethical that takes into account all of these considerations. In fact, the system is based on the thesis that the particulars are some, if not the, most important considerations to be taken into account. Casuistry is:

The analysis of moral issues, using procedures of reasoning based on paradigms and analogies, leading to the formulation of expert opinions about the existence and stringency of particular moral obligations, framed in terms of rules or maxims that are general but not universal or invariable, since they hold good with certainty only in the typical conditions of the agent and circumstances of action.

By definition, casuistry responds to Williams's concerns about universality. As we shall see, it provides a solution to the problem of reflection destroying knowledge. Therefore, we shall discuss casuistry as a solution to Williams's challenge.

We shall begin by discussing the basis for casuistry. The discussion will show how casuistry makes a decision about the ethical, a decision that is someone's in Williams's sense. Then I shall define casuistry in more detail. Finally, I shall offer a solution to reflections destruction of belief and explain how casuistry contributes to the solution.
SOMEONE’S ETHICAL DECISION

Casuistry is based in the idea that there is a distinction between theoretical knowledge and practical knowledge. In this section I shall explain casuistry by starting with this distinction and then framing the explanation of casuistry in relation to it. It is essential to the understanding of casuistry that we proceed in this way. After I explain casuistry, I shall discuss the initial problem set forth in the introduction: confronting reflection’s destruction of belief.

Theory and Practice

The distinction between theoretical reasoning and practical reasoning expounded in the Nicomachean Ethics of Aristotle\(^1\) is the primary distinction with which Jonsen and Toulmin work.\(^2\) In a theoretical framework, topics are discussed in terms of principles, rules and other general ideas. Aristotle, Williams\(^3\), Jonsen and Toulmin\(^4\) believe that it is an insufficient approach to ethical reasoning. Their major criticism is that theoretical reasoning moves to a level above the actual world in which it is supposed to work. Thus it ignores the factors that make the situation someone’s-in-particular, not just anybody’s. The emphasis thus shifts to the universal.

The intention of practical reasoning is concrete. Ethical issues require that we decide how best to act in a given situation, i.e., they require a practical solution. Each situation contains its own considerations that distinguish it from other cases, however
small the considerations. General analogies and paradigms of a situation may be employed in determining the conclusion (similar to precedents in a court case). However, the situations are, at the minimum, numerically distinct and thus open to the considerations of time and location. The time and location of a case may distinguish it from other similar cases because the time and location point to a society, and all its contributions, in which a case obtains. Jonsen and Toulmin believe that an ethical system should take such considerations into account.\(^5\)

Most philosophical ethicists disagree with Jonsen and Toulmin's conclusion: ethical decisions can and should rely on theoretical ethics for an answer. Kant's categorical imperative\(^6\), Jeremy Bentham's utility principle\(^7\), and R.M. Hare's theories of prescriptivity and universalizability\(^8\) provide a small sampling of the systems that rely on general, universalized principles. There have been some interesting theories that try to employ the particulars of the situations without abandoning the use of general principles. Act utilitarianism\(^9\) and Henry S. Richardson's "Specifying Norms\(^10\)" are two examples. Although they are noble efforts, they too suffer from the ailments besieging principle based theories. But, before we get into the specific theories, let us lay out the general objections. Let us examine the distinction between theoretical reasoning and practical reasoning in greater detail.

**Theoretical Reasoning: The Geometric Model**

In ancient Greece the ideal model of reasoning and inquiry was Euclidean geometry.\(^11\) Euclid based his system on a small set of axioms, or propositions, that
were "undeniable." Through deductive reasoning, he produced a consistent science. This system was considered the ideal model of reasoning because one could deduce conclusions from a set of necessary propositions using it. Therefore, the conclusions were necessary and undeniable. There was, and still is, no dispute about the validity of the deductions. Most Greek philosophers desired that all reasoning proceed as such. For if it did, given a set of axioms, the results would be undeniable and necessary. Deductive reasoning gives us something to which to cling: a group of fellow "deductioners" to which we may belong, if you will.

Socrates's question, "What should one do?" epitomizes the desire for necessary reasoning by extending such reasoning into ethical philosophy. Asking this impersonal question idealizes and atemporalizes the conclusions about the ethical. For instance, the word "one" suggests that something general might be said that takes into account all the particularities that each individual brings to the question.

Such a universal approach to ethics ignores the fact that the particularities make the question concrete and temporal. Jonsen and Toulmin would argue that this question is general, in the sense that it asks us what holds universally, and thus it is out of touch with the nature of the problem. Plato, whether he did not see this problem or disagreed with it, universalized ethical reasoning with the Socratic question, "How should one live?" in the Republic. Thus the universal tone was established for future ethical theories.
Practice

Aristotle recognized the practicality of ethical decisions and distinguished the theoretical from the practical in the *Nicomachean Ethics*, Book VI, iii-vii. Knowledge, he said, is of two sorts: theoretical and practical. Scientific knowledge is a good example of theoretical knowledge. For instance, physics universalizes about the forces of gravity:

1. Gravity is ideal: in a vacuum, all bodies fall at the same rate.
2. Gravity is atemporal: it follows the same rules at all times.
3. Gravity is necessary: all bodies fall at the same rate in a vacuum necessarily, because they have mass.

Regardless of what bodies we are talking about, they all follow the same rules at all times. Therefore, we may say that physicists speak universally about gravity. This is not to say that we can create the exact conditions needed to empirically verify such rules. On the contrary, by nature, these rules exemplify the ideal situation, which we can never achieve. The way we test such theories is never exact, we can only speculate on their accuracy. But because we can apply the general rules with only virtually ideal precision, we call them theoretical.

Practical knowledge, however, possesses a different set of characteristics. First, practical knowledge is concrete, not ideal. For instance, in the case of whether it is right to lie, the idealization of "lie" is not immune from "experiential challenges."

There are instances where the ideal situation will not obtain. In those situations our ideas about lying may change. Second, practical knowledge is temporal. It is applicable insofar as it is used in a certain instance at a certain time;
it may not be applicable to another case at a different time. It is only applicable to another case insofar as the cases are similar in form and by virtue of the conditions in which they occur. The conditions include their place in history, and the social institutions which surround the situation, among other things. And these conditions are temporally located. Finally, practical knowledge is presumptive. We can at best be reasonably sure that we have the right decision. By contrast, theoretical knowledge shows a necessary result given the axioms with which it starts. These distinct sets of characteristics distinguish practical and theoretical knowledge for Aristotle.21

Even the practical use of science makes use of this distinction. When designing a bridge, the engineer uses theoretical knowledge concerning how the bridge must be built to withstand certain forces such as gravity, wind, temperature changes, and so on. Further, he must take into account the specific conditions under which the bridge must stand, therefore designating it a practical endeavor. When the engineer tries to compensate for the possible forces that the specifics of the situations contribute, he moves into a realm distinct from theory. If theory covered all of the contributing forces, the engineer would be able to build a bridge with that knowledge and if that knowledge is used correctly, no bridge would ever fall. While it is true that bridges are very unlikely to fall given our level of knowledge, it remains a fact that they still do fall under certain conditions, usually unforeseen, by virtue of the fact that we do not create bridges in a vacuum. The point is, even when using theoretical knowledge, the situation extends far beyond what is known in the general sense.
Jonsen and Toulmin make use of this distinction to criticize modern ethical theories. They say that many philosophical ethics try to create a system that gives us undeniable and necessary ethical truths that may be applied to ethical cases in order to draw a necessary conclusion as to how one should act. We may object to this by simply noting that ethics is a practical endeavor. And since it is practical we cannot rely on theory to provide us with necessary conclusions because theory does not include the specifics that give each situation the potentiality for different conclusions. One might superficially claim that practical science is practical also. But Williams supports Jonsen and Toulmin by pointing out that theoretical science contributes to practice what theoretical science cannot; it can be empirically verified with virtual certainty. Ethics has no test for certainty and thus cannot hope to be everything that science is.

Modern ethics has tried to do the same thing as Socrates's question; many theories try to develop a system that requires the same rigor as geometry. Kant, for instance, developed the categorical imperative, and with it formulated a set of rules that were general in Jonsen and Toulmin's sense: they were to hold in every instance ideally, atemporally and necessarily. Another example is that of utilitarianism; it requires that all ethical decisions are deduced in accordance with the ideal that they find in favor of the decision that is best for the greatest number of people.

Utilitarianism was of course a product of the times in which it was conceived. Jeremy Bentham in The Principle of Morals and Legislation was working within a context and its original use was practical. So on that level it was intended to be
used in specific situations and addresses political issues of the times; it was a practical
time. It was grounded in quite specific times, in a specific location, and for specific
situations. Thus, when it is applied to the whole of ethics, it falls into the trap of
time; it generalizes too broadly by universalizing and ignores the specifics of other
times and their situations.

Within this tradition are two sorts of utilitarianism: rule utilitarianism and act
utilitarianism. Rule utilitarianism is directed by underlying rules that tell us what we
should do to be ethical. Each of these rules is in turn justified in relation to the utility
principle. It is obviously open to the criticisms thus far suggested concerning
principle- based systems and thus needs no further comment.

Act utilitarianism, although an example of philosophers of ethics attempting
to reconcile practical ethics with theoretical ethics, also comes up short. It weighs the
different possible actions in a given situation and suggests which action will bring
about the greatest good for the greatest number. It is supposed to take into account
the particulars of any given situation. However, act utilitarianism is open to the same
criticism as rule utilitarianism, namely, it generalizes in accordance with the utility
principle. In this case, the culprit is the principle of utility alone; the utility principle
is not accompanied by a battery of principles as in the rule-guided sort. It still
requires that all evaluations be made in accordance with the utility principle.

Another theory that I find most enlightening, however still deficient, is
Richardson's specifying of norms. The idea is to take an absolute rule or principle
and apply it by specifying it. What Richardson means is that we should use a rule
and frame it in non-universal terms so that it may apply to a situation. The object is to qualify the universal principle according to the circumstances in which the situations take place, thus diffusing the universal element of the rule and giving the rule the position to guide us in deciding what is right and wrong in a given situation.

The model of specification is as follows:

**Norm p is a specification of norm q (or: p specifies q) if and only if**

(a) norms p and q are of the same normative type;
(b) every possible instance of the absolute counterpart of p would count as an instance of the absolute counterpart of q (in other words, any act that satisfies p's absolute counterpart also satisfies q's absolute counterpart);
(c) p qualifies q by substantive means (and not just by converting universal quantifiers to existential ones) by adding clauses indicating what, where, when, why, how, by what means, by whom or to whom the action is to be, is not to be, or may be done or the action is to be described, or the end is to be pursued or conceived; and
(d) none of these added clauses in p is irrelevant to q.

To specify a norm, q, one must limit q's scope to a proper subset of instantiations of q to form p. By doing this we simply say that while q is framed in a universal form, it is not necessary that it applies universally. The specification p acts as an instance in which q would hold. In short, the model of specification searches out qualifications that are specified to the content of the norm being specified..., tailored to the situation being addressed, etc.

Richardson's attempt to spell out a model of reasoning, with which "much of the best work that has been done undoubtedly already accords," seems like a good attempt. It does accomplish something that other theories have not; moreover, it does not tell us what it is right to do based on its own conclusions about ethical beliefs. In other
words, it does not determine what is right and wrong by itself by giving us the system
of reasoning and the rules with which it must work.\textsuperscript{31}

However, I have two objections: (1) it is still rule based; and (2) the rules are
still justified by their connections to supposedly universal counterparts. As regards
the first objection, Jonsen and Toulmin say that one of the differences between their
view and rule based systems is the emphasis is shifted from rules to the
circumstances.\textsuperscript{32} Although this seems nitpicky, the objection has a serious grounding.
Participation on a committee set up to make decisions on the ethics of certain
scientific practices led Jonsen and Toulmin to write \textit{The Abuse of Casuistry}. They
found that the board came to a general consensus if they made ethical judgments
about particular acts \textit{without appealing to general rules}.\textsuperscript{33} However, when they tried
to justify their judgment in relation to those rules, the agreement broke down. The
point is not only to come to an agreement. The disagreement was a symptom of a
more subtle, deeply rooted slipping point. The rules led the group astray because of
a false impression that they must find some strictly rational grounding for their
positions, whether the groundings were correct or not. Williams and Toulmin both
argue that there are no reasons to suppose that we must be able to find such
grounding for ethics.\textsuperscript{34}

My second objection is that the specified norm, p, is nothing but a reworded
universal statement about a subset of the original universal statement. In other words,
the specified norm is not as specific as first hoped. P should be stated in the
following form in Richardson’s account:
(i) For most actions $x$, if $Ax$ then $x$ is (is not) permitted (obligatory).\textsuperscript{35}

If $A$ is a qualifying list, $L$, that links it to a specific case, then we might find the wording acceptable. However, such a statement incorporates the same flaw I just specified. The justification is thus a rule such as the ones we have been trying to de-emphasize. Like the geometric theorists discussed above, Richardson is relying on a theoretical foundation for practical decision making. Further, it is still justified by its link to a universal statement, $q$. And there is no reason that a universal rule will apply to a specific situation when its universal nature is taken away (nor when the universal nature is intact), even if $L$ is added. Or maybe I should put it like this: if $L$ is added, then we may ask "what part does the universal rule $q$ do?" The answer is not clear.

Further, the objection is augmented if we take into account that $q$ is subjected to the conditions of $L$ and thus is of even less importance. The conditions of $L$ are supposed to dictate when $q$ may be used. And since $q$ is subject to the conditions of $L$, the importance relies on the conditions of $L$. Therefore, the conditions of $L$ take on even greater importance. Thus, I believe that although Richardson's attempt calls proper attention to the conditions in which a situation occurs, it is still not sensitive enough to the particularities of a practical decision.

Utilitarianism and specification illustrate the problems faced when trying to develop theoretical ethics. They are two of the more liberal of the geometry-guided
systems devised, and they still fall prey to the objections that Jonsen and Toulmin put forth.

Now that we understand the theory-practice distinction a little better, and I have shown why I believe that most theories are deficient, I shall develop a more positive account and try to show what an ethical system should do. I shall explain the practical decision in a common situation, the medical diagnosis. Jonsen and Toulmin explain in great detail the similarities of medical diagnosis and moral reasoning.

**Practical Decisions: The Medical Example**

Jonsen and Toulmin suggest the example of modern medicine as a model to be followed in ethical decision making. Medical decisions are based on paradigmatic cases. However, they must be made temporally on specific cases. The doctor asks questions which reveal the conditions of the patient's problems, questions designed to understand what causes the patient's condition and what solutions there may be. At the end of the diagnosis, the doctor does not necessarily offer only one solution, nor necessarily assure that those solutions are complete. Indeed, any one of those solutions, or their totality may be complete. Further, there may be considerations external to the actual causes of the symptoms. Also, the solutions are always open for revisions.

For example, you go into the doctor because you have been experiencing cramping in your lower abdomen. The doctor asks you a few questions, such as
whether you have been experiencing diarrhea or constipation, excessive flatulence, indigestion, and so on. She asks you when you feel the most severe cramping: during exercise/rest, while eating, when hungry, or at any other time. After that series of questions, she asks if you have any other symptoms such as, say, cold sweats, low-grade fever, and/or nausea. The doctor starts arranging the symptoms and the conditions of their appearance into a list to compare their appearance with various other illnesses. More often than not the doctor must compare and weigh the probabilities of the different illnesses you could possibly have. The point to remember is that there is a number of possible causes of your symptoms. Indeed, there may be a number of actual causes for your symptoms. For instance, you could have some strain of virus or infection. On the more serious side, you could have some sort of cancer or other illness or injury that require major measures. And there could be a number of different causes contributing to different symptoms.

The doctor weighs the probabilities and decides what is most likely causing the symptoms. Sometimes the answer is readily apparent; you ate Mexican food last night; or you fell down the stairs last night and lightly bruised a stomach muscle. Other times there are tests that she wants to run. The results take a week. So she decides to treat you based on the most likely cause, say, improper digestion because you are missing some bacteria in your digestive track that may be easily compensated for with a prescription. But, she is still not sure of the cause of your discomfort. Based on the response to the treatment and the results of the tests, the doctor can
make a more probable diagnosis. Hopefully, she was correct in her first treatment. But, that is not always the case. So the search could go on.

The situation that I just described is an example demonstrating the general procedure followed in making a medical diagnosis. It is a procedure followed by doctors to make this patient feel better now, not all patients at all times, i.e., universally:

The [doctor's] interest is in whatever can throw light on this patient, in that bed, here and now. The [doctor's] knowledge of the patient will be "informed by" biomedical science; but it is not, in its details, "entailed by" any biomedical theory and typically goes beyond everything that scientists can yet account for. The patient is not merely an "individual" who happens to "instantiate" a "universal law." His clinical state is local, timely, and particular, and universal theories at best throw only partial light on it.3 7

Medical practice is just that, a practice. Although there are universal theories which may help doctors, it is subject to the situation in which it takes place.

Jonsen and Toulmin believe that it is an accurate model to follow in making decisions as to what is best to do.3 8 Just as the doctor begins with a taxonomy of medical conditions, so ethical decisions may begin, thus giving us something with which to start the reasoning process. Although we may begin with a taxonomy of ethical cases, decisions should be based on practical reasoning because the situations are, in the same sense as medical situations, dependent upon conditions that distinguish individual cases. To determine what it is best to do, we must take into account many considerations. They may be, for example, what will cause the least pain to others (or oneself), what is fair to others, how others expect one to act, what one has done in the past, etc. Just as with the list of considerations for medical
decisions, the list of considerations for what to do in every-day decisions can go on indefinitely.

Now that we have the basis for the problem of theoretical ethics and have seen why Jonsen and Toulmin suggest that we look to practical considerations in determining an ethical system, what might that ethical system be? Jonsen and Toulmin want to model it on medical diagnostics. They call it casuistry. It is time that we define casuistry and specify the diagnostic system as it applies to ethics.

Casuistry

Jonsen and Toulmin update casuistry from its medieval form to construct a positive ethical theory. The casuistry of medieval times received much criticism, thus falling into disrepute, due mainly to the ends it was used to justify. Jonsen and Toulmin point out that the system itself can be a valuable tool in moral reasoning, and that the criticisms it received should have been aimed at the ends for which it was used. Leaders justified the ends by beginning with the ends. Then they worked backwards to create premises that would seemingly justify the ends, and could be made to appear true. Since reasoning backwards is not the way casuistry should be used, casuistry’s credibility is not destroyed. Therefore, Jonsen and Toulmin are correct to conclude that the criticisms are not as strong as initially believed. On this note we shall disregard the formal history of casuistry, and concentrate on Jonsen and Toulmin’s version.
The casuistry of Jonsen and Toulmin is a system of reasoning designed to give a reason to act in a certain ethical way. To repeat Jonsen and Toulmin’s definition, casuistry is:

The analysis of moral issues, using procedures of reasoning based on paradigms and analogies, leading to the formulation of expert opinions about the existence and stringency of particular moral obligations, framed in terms of rules or maxims that are general but not universal or invariable, since they hold good with certainty only in the typical conditions of the agent and circumstances of action.40

Medical practice is a good analogy to casuistry. Casuistry follows the same general procedure as medical diagnosis. A case is examined, the applicability of paradigms and analogies is assessed, and a conclusion is given in terms of non-universal maxims. The conclusion is thus provisional and continually open to revision.

Although the medical analogy is helpful in understanding casuistry, a more formal framework should be set down for ethical decision making. The simplest way to summarize what Jonsen on Toulmin have explained is to reproduce the diagrams for reasoning on pages 34-35 of Abuse.41 Figure 1 shows their characterization of theoretical reasoning. In this case one starts from a universal starting point. A "universal major premise" is assumed true. The "particular minor premises" which "specify the present instance" are then added. Through deductive, necessary reasoning a conclusion is derived that ends the reasoning in a final, uncompromising position. Theoretical reasoning underlies modern philosophical reasoning and deductively reasons from general premises. We have seen why this may not be the best way to reason about the ethical.
An example should help to clarify how the above chart models the form of theoretical reasoning as outlined by Jonsen and Toulmin. Suppose that we use the general major premise "One should not lie." For purposes of theoretical reasoning, we assume that the premise is true (indeed, in most cases we would agree). For the particular minor premises we take for instance that a sixteen-year-old boy keeps his girl friend out past her curfew, and he is called by her parents to ask if she is at his house. Theoretical reasoning necessarily concludes that you should tell the truth when asked. It fits into the model in Figure 2. The conclusion follows necessarily from the premises given the "true" rule.

However, Jonsen and Toulmin argue that practical reasoning is the model that ethics should adopt, as in Figure 3. As with medicine, casuistry starts by
"One should not lie"

- girl friend is out past curfew
- her parents call to ask if she is at your house
- etc...

So, necessarily, you should tell her parents she is there

Figure 2. An Example of a Theoretical Argument: The Universal Starting Point Underpins the Particular End Point.

General warrant based on similar precedents

Present fact situation \( \rightarrow \) Provisional conclusion about the present case ("presumable so")

Absent exceptional circumstances ("rebuttals")

Figure 3. Practical Reasoning: The Outcomes of Experience Serve to Guide Future Action.
comparing the present situation with past similar instances. The present facts of the situation are used in determining what precedent should be examined, and together they point to a "provisional conclusion." The conclusion, of course, is open to revision based on absent or unnoticed circumstances. For example, how may the conclusion be different under some additional or slightly altered circumstances. This last feature gives the conclusion a test for soundness.43

If we take the example that we used for theoretical reasoning, the practical reasoning model gives us a different diagram (See Figure 4). First one should notice that the general warrant is based on a case similar to the present situation. The warrant is used as a basis for the reasoning process for this case. From there, it is decided that there is a "presumably correct" answer to the question of what to do. In this case, the conclusion is the same as in the case of theoretical reasoning. However, the conclusion is not a necessary conclusion. Instead, it is taken as probably the best one. Suppose that the "rebuttals" exist in this case; would we then agree that the truth should be told? In the past, her parents may have been in good spirits, and it was known that she would not be in much trouble. This case is different since it is fair to assume that the girl will be beaten again.

Theoretical reasoning therefore does not seem sufficient for the task. Even if it overcame its problems associated with universal answers, theory would require that the decisions be based on a rule. As such, we would need as many rules as there are possible relevantly different circumstances. Further, the nature of
reasoning about cases is not such that most would consider the theoretical conclusion a "good" one.

"In the past when she was over past curfew, we decided it was better to admit that she was here."

- girl friend is over past curfew
- her parents call to ask if she is at your house
- you should tell her parents that she is there ("presumably so")
- her parents abused her this evening
- they will probably abuse her again ("rebuttals")

Figure 4. An Example of Practical Reasoning: The Outcomes of Experience Serve to Guide Future Action.

The model for practical reasoning clearly suggests a natural process that lends itself well to our objective, coming up with a practical solution. Casuistry thus works on the every-day level allowing for the different circumstances to be taken into account from all angles. It is an ethical theory in that it tells us how to reason about practical decisions that involve ethical components. It puts those components into their proper positions. However, it does not let one consideration
turn into a juggernaut of ethical power, able to run away with the decision making process, and over-ruling every other consideration, however important.

The form of casuistry introduced by Jonsen and Toulmin is a theory that I believe answers the problems given to us by Williams. Of course, those who have read Abuse might balk at the use of the word "theory." One of the book's major objectives is to criticize the role of theory in modern ethics when making ethical decisions. Jonsen and Toulmin criticize theories for using universal terms to determine the right thing to do in practical situations. Theories in modern ethics universalize situations, extracting them from their social and personal context. By employing universal concepts in the evaluation of particular situations, much of modern ethics make the situations anybody's situations, not someone's situations. Therefore, most modern ethical theories direct someone to act in accordance with general solutions intended for anybody.

Casuistry and modern ethical theories differ in that casuistry does not determine the outcome of reasoning. The necessary, deductive reasoning behind general theories applied to particular instances determines the conclusion to be reached, i.e., the systems determine what is "best" to do. For example, utilitarianism tells us what the criteria are on which we should base our judgment. The criteria are part of the theory itself. Thus the theory determines what it is best to do because it gives us the criteria on which to base decisions. Further, the deductive, universal nature leads to a necessary conclusion.
Jonsen and Toulmin do not want to determine actions. Casuistry is a system that just tells how to reason. It does not give the precedents, warrants, or any other considerations with which to reason: the practitioner of casuistry uses information about society and beliefs that are not decided by casuistry, as utilitarianism gives us the utility principle with which to base our judgments. Instead, the casuists make decisions using casuistry, but based on other beliefs that find at least some of their roots outside of casuistry. In short, casuistry does not give us something analogous to the golden rule, the utility principle, or anything of the sort. It takes a pre-existing set of beliefs and builds on them or destroys them, as the casuist reflects on those beliefs. But casuistry does not do it in reference to some rules that it alone establishes. Therefore, casuistry does not determine its conclusion. But the answer is left to be decided in terms of the situation and values expressed from the reasoning agent. The emphasized "from" indicates the considerations that the reasoning agent brings to the situation, considerations that may not be taken into account by general theories.

Further, it is not the case that in casuistry reasoning is done for the person of the situation (call him A), by another person (call him B). Someone other than A, B in this case, may reason also. But B is not in a position to access all of the factors given by the situation or the factors given by the one directly involved. So even though B may give a valuable opinion, the final decision must be left to the person who must act, just as in the medical analogy. Even the decision to do as
the expert recommends is a decision by A. So, relinquishing the decision to the
expert does not relinquish the ultimate decision of action to the expert.

But, like the medical analogy, B is also in a position to see considerations
of the situation that are unique to his own (B's) perspective. B may be an expert
in certain ethical matters, just as the orthopedic surgeon is expert in certain
structural matters. Or B may be another party closely associated with someone
who will be affected by A's actions. Either way, B may contribute to the
evaluation of A's actions. But, ultimately it is A who must make a decision, a
decision for oneself, and act on that decision.

There seem to be two levels on which we may use casuistry, one at the
individual level, and another on the societal level. Casuistry is a system that is
ultimately usable at the level of each individual. Individuals decide the action to
be taken. As we have seen, ethical decisions are practical. The individual has the
inside track over others in society concerning certain considerations that others
may not have. The following may serve as examples of possible considerations:
emotional factors private relationships between the individual and particularities of
the situation, and a certain knowledge of the situation by virtue of just being there.
Therefore, the individual has a special position in deciding what he must do.

However, the individual is not immune to evaluative claims about his
actions made by others in society; society may make an evaluative claim about an
individual's action using casuistry. And just as the individual possesses a unique,
somehow special view of the situation, individuals in society benefit from their
own views, possibly detached positions and other vantage points obtained from their position in relation to the case. And others may make an evaluative claim about the ethical significance of an individual’s actions. So long as each level of perspective is allotted its due respect by the other, casuistry may be used by each of them in making evaluative claims.

As Jonsen and Toulmin specify in their definition, casuistry may be used to develop expert opinions about ethical situations. Therefore, casuistry is ideally practiced at the level of a group of experts. Although the considerations should be contributed by the situation, from the individuals involved, the expert may serve a valuable function in guiding society in what would be considered the correct course of action. Such a group of experts can be likened to the National Society of Professional Engineers. It is a group of engineers that reviews questions posed by engineers around the country. After reviewing a case they give their expert opinions. If the board splits its decision, the opinions are given in the form of the two contrasting opinions, one in favor of the action the engineer took and one against.\textsuperscript{46}

To set up a board of ethical review for everyday life seems far fetched. However, it was done in the era of high casuistry and could be done now by different organizations. The object of this paper is not to go into such logistics, however. It is instead to set up a system that can be used to decide what the best ethical decisions may be. I bring up these ideas only to point out the way
casuistry may be used and still allow for the concerns that it faces. So let us get back on track and discuss casuistry and the problems it faces.

Casuistry intends to show how we can escape the problems associated with reasoning generally about a particular situation. We can escape the problems by reasoning practically, instead of theoretically. That is casuistry's foundation. Upon the distinction between theoretical and practical reasoning Jonsen and Toulmin have designed a system that gives us reasons to act.

I have explained how casuistry accomplishes its goals. Its goals entail some of those presented by Williams. In particular, casuistry makes ethical reasoning someone's, not anybody's. However, we still have to face the original problem this paper was to face: reflection may destroy belief. Although, at first it was believed that the young lovers should tell the girl's parents that she was out past curfew, it now seems that the belief has been overturned. In a more abstract tone, casuistry's nature is to evaluate critically the beliefs about the ethical in such a way so as to shed light on ethical quandaries. Beliefs are thus often under attack. Moreover, they are more likely to be overturned.

Casuistry seems to face reflection's destruction of belief. I believe we can find a way to reduce the destruction of belief, but I do not believe we can eliminate it. Given the type of society in which we live and my concerns about universalized beliefs, I believe it would be counterproductive to create a system that eliminates destruction of belief. More specifically, the differences that we may observe in a society over time, or between societies, lead us to change our
beliefs about the ethical. Further, society changes, and very rapidly at times. Therefore, certain ethical judgments must change to meet the demands of society. However, we can stabilize our beliefs by anchoring them to a solid foundation, a foundation that we can find in thick ethical concepts.
THICK ETHICAL CONCEPTS

Thick ethical concepts are composed of two elements, the factual and the evaluative. It is easiest to explain with an example. The word 'lie' incorporates two functional parts. The first is the factual: someone is not telling the truth, the liar intends to tell a non-truth, and so on. This portion of the concept describes the conditions in which the concept obtains. Thus it may also be called the descriptive. The second claim is evaluative: lying may contradict the virtues associated with honesty. For example, lying is dishonest, deceitful, and betraying. The evaluative evaluates the ethical significance of the action. The merger of the factual and the evaluative into single concepts connects the factual world with the evaluative world.

Much has been made of this connection in modern ethical theory. The is-ought distinction, as it is commonly called, has led to much heated debate spear-headed by attempts to logically derive an ought-statement from an is-statement.\(^1\) This means that given a thick concept, if those certain factual, descriptive conditions obtain where a thick concept is used, then the concept obtains. From the is-statement that describes the situation, it is held that one can logically derive that one ought to do something. To use an example from John R. Searle, if Jones utters the words "I hereby promise to pay you, Smith, five dollars," then Jones ought to pay Smith five dollars. It is argued that from such deductions one can build a complete ethical
theory grounded in the concreteness of factual statements, such as the one that Jones uttered.²

Many have denied that such a deduction is possible. Hume denied the possibility of the logical entailment of "ought" from "is" in his famous work A Treatise of Human Nature.³ Moore also denied the logical deduction of "ought" from "is." Actually, he initially invoked a ban on the defining of the term "good." Moore called a definition of "good" the naturalistic fallacy. His ban on the defining of "good" leads to a ban on deriving "ought" from "is."⁴ Finally R.M. Hare wrote a rebuttal to Searle's paper in which he accused Searle's attempt to derive an ought-statement from an is-statement of not starting with a purely factual beginning.⁵ In short the major counter-argument to such a derivation is that in order to get an ought-statement from an is-statement one must begin with statements that already have an evaluative content. Thus in order to say that an "is" proposition can logically imply an "ought" statement, the example must beg the question. I must agree with Hume, Moore, and Hare on this issue; we cannot logically derive an ought-statement from an is-statement.

A discussion of thick concepts is incomplete without a discussion of the is-ought debate because it gives us insight into thick concepts. For example, it has given us insight into the connection between the two portions of thick concepts and the connections between the concepts and action. Namely, we see that because they do contain these two elements, and in particular the evaluative element, thick ethical concepts are, in some sense, supposed to be "action-guiding." That is not to say that
they determine our actions, giving us a necessary conclusion to our reasoning. They simply help us to decide what is ethically right or wrong to do. For example, if we take the thick concept "lie" again, and if we make the ethical judgment that it is wrong to lie, then it may guide us in action. More specifically, our belief in the ethical content of lying gives us a reason not to lie. That is why we call them action-guiding.

At the same time, they are supposed to be "world-guided." The factual portion explains the situation that obtains when a particular concept obtains. For example, lying obtains when someone intentionally tells someone else a non-truth with the intent to deceive. The meaning of the concept is derived from the context in which it is used: the concept gets its meaning from the world. Therefore, the world "guides" the concept.

Now we may see why it is easy to mistake the world-guided quality as a factual element guiding us toward an action that involves evaluation. It seems that the world guides action. Thus we are given an is-statement such as Jones saying "I hereby promise to pay you, Smith, five dollars." This statement also guides action; Jones ought to pay Smith five dollars. However, the mistake in this deduction is made when the logician fails to see that the thick concept is doing the work by containing both elements within itself. The evaluative is already within the statement so the logician such as Searle does not even begin with a purely is-statement as he claims. So a deduction is not even made. In short, the thick concept "promise"
already contains the evaluative. Therefore, an argument such as Searle's begs the question.

According to the world-guidedness of thick concepts, society, and the situations that develop within that society, determine which concepts that we use. We only develop the concepts which are pragmatic; we will not develop those which are of no use to us. So if a concept, say, "lie" has no use for us, then we probably would not develop it. However, we can and do lie, and the concept is used often. Therefore the concept "lie" has developed into a common concept. Since the concepts that we use influence the ethical decisions that we make, then the society in which we make decisions influences our ethical decisions.

With these insights, which were provided by reflection on our existing thick ethical concepts, we may begin to see a way of finding out what a society thinks is ethical. If, however, the concept "lie" does not exist in a particular society, then we may judge that the society does not make ethical evaluations concerning a lie. This does not mean that it can never pass judgment. It just means that a society does not at that time make a judgment about lying, as we understand "lying." I add the last qualification because their concept "lie" does not have to be the same as ours. For as we shall soon see, it may be necessary that the concept is quite different.

Now there may be a concept similar to lie that another society uses. The concept may, however, just incorporate the factual element of the thick concept. Therefore, the outsider who had our concept "lie" that went to this other society could grasp the descriptive portion of their "lie." In this instance, the evaluative portion
would not be included. Thus it would not be a thick concept in that society, by definition, since it would not have both the factual and the evaluative portion and a concept needs both to be called thick. From this we may conclude that the society does not make an evaluative claim concerning the occurrence of a lie. This gives us information about a society’s ethical beliefs, at least in relation to ours since we use the thick concept "lie" and they only use the factual portion. So we may say something negative about that society’s ethical beliefs, namely that it does not seem to evaluate ethically the action of lying.

We may also infer something positive about the ethical judgments of other societies if we know something positive about their beliefs. For instance, say they use a thick concept called "leck." Lecking occurs when somebody shakes someone else’s hand with his left hand (part of the factual portion of the concept). It is considered a sign of disrespect to leck, since the left hand is the one that you clean yourself with and is thus considered dirty. Suppose that it is ethically correct to leck if that person you leck to does not deserve your respect, and it is ethically incorrect to leck if that person deserves your respect. The judgments that are made using the thick concept "leck" may be based on other thick concepts, such as the ideas involved with respect for other persons. But that does not matter to the point that I am trying to make. I am trying to demonstrate that if one understands a society’s thick concepts, he may understand something about the society’s ethical beliefs.

There may be difficulties in understanding thick concepts, namely that people from one society may not be able to understand the thick concepts of another society.
if the concepts are sufficiently unlike the ones that they already employ. I agree with
Peter Winch when he says that to understand concepts, including thick concepts, one
must have another, third type of understanding also. Obviously one must understand
the factual and the evaluative portions. It is true that until now I have only included
these portions in this discussion. This is because I believe that the third portion of
understanding has not been essential to my discussion. However, here I believe that
it is important. Further, to neglect it may be injurious to my argument.

It may be impossible to understand another society's concepts altogether,
Winch says, because concepts are dependent upon, among other societal peculiarities,
the grammar that a society uses. The general framework of thought is different from
society to society. And in order to understand the concepts used within a society, the
person from outside trying to understand must emulate the framework in which they
are used, to at least some degree, which may not be possible for an individual from
a society sufficiently different. How this is to be done is not clear. But we can see
that the society's conceptual frameworks must be sufficiently similar to allow such
a reprogramming, if you will. To explain the difference on such a large scale as that
between societies, let us begin with a smaller, more familiar scale—that between
children and adults.

We can see the cognitive difference even within our own society between
children and adults. Children pass through different thought patterns as they grow and
develop, resulting in different conceptual abilities. As they pass through these stages
they gain and lose conceptual abilities until they reach adulthood. By the time a
person reaches adulthood he has usually lost the ability to conceptualize as a child conceptualizes. A very obvious example is the difference between seeing one’s self as the center of the world, as a very young child does, and not seeing one’s self as the center, as an adult. This conceptual difference gives the world quite a different appearance, and thus the concepts that are used may be formulated quite differently. So we can see how a child and adult use concepts differently.

Part of the reason that children’s conceptual framework changes is by the addition of new concepts and modification of certain concepts that a child already possesses. The new concepts (I am including the modified concepts under this heading since they are not exactly the same concepts as they were before) influence the already existing framework. These concepts come from society, and the structures within society. Therefore, we may say that society influences the parameters within which an individual may think. Indeed, I maintain that the society directs the majority of the formation.⁹

Now, the society that an individual develops in influences the way that that individual thinks. Since societies may be very different from each other, it is possible that two societies that are sufficiently different may not be able to understand each other’s concepts.

The "center of the universe" example can also be seen to apply here. The differences between our society’s conceptions and those before the Copernican Revolution are extreme in many cases. Moreover, if such a difference between our two societies is so apparent, largely because of one conceptual change, imagine the
difference if a number of concepts were different, or a whole language structure. Further, if Winch's (and my) beliefs about the understandability of concepts is true, then certain adults are not able to fully conceptualize certain children's thoughts. And a child may not understand thick concepts as the adults understand thick concepts. This does not mean that it is not possible, only unlikely. Therefore, even within a particular society individuals have different thought structures. And if the conceptual changes make a difference on such a small scale, it seems that we are justified in believing that the differences between the conceptual framework of one society and another will give way to an even larger difference between the concepts in general.

Now we can see how the instantiations of thick concepts are influenced by each individual society. They must be expressible in the ideas of the society in which they are used. Therefore, it is up to the individuals of each society to flesh out the concepts into some form that is understandable by that society. And as such, the concepts may take on unique applicability. Further, the particularities that each society adds to the cases provides other peculiar characteristics to thick concepts. The reason that I emphasize the differences in each society's use of concepts is that the different uses will yield different conclusions to reasoning given casuistry.

Nonetheless, thick ethical concepts are based in the undercurrents of societal belief. In other words, thick concepts find their origin in virtually the same undercurrent of beliefs that flow through most societies. This may sound like a complete turnabout. But, most societies share enough common traits with some other societies for individuals of each to compare concepts. The differences between thick
concepts will be proportional to the differences between the societies. So societies that are closely related, such as a Canadian society and a United States society, will have concepts that only differ minimally. Whereas, the differences between North American societies and the society of the Yanomamo Indians of the Amazon River Basin are so drastic that even the two concepts of "murder" are different. Indeed, we may not even wish to call their concept "murder." To see why the concepts are different, we may appeal to Winch. But even if we understand why we think so differently, it does not imply that we will be able understand what is actually different in the concepts. We may only be able to understand our concept of "murder."

To return to relatable societies, and thus those that may contribute confidence to, or take away confidence from ethical judgments, many societies use the same concepts, although they may be slightly adjusted to fit each society’s situations. For example, our beliefs about lying have justified many conclusions about the ethical value of actions. They are carried through most societies with common, general traits: most societies recognize that lying is, usually, ethically wrong. Thus, any reflection that another society may have on lying, by virtue of different circumstances, may challenge or support our beliefs about lying.

Even if this is not the case, as I believe it is, there is enough consistency in our beliefs through the ages to give us the stability that I am seeking. Further, since these concepts are justified in our conceptual framework, they will appear much stronger than those that we do not, and cannot completely understand. Thick concepts
within our (or we could say more generally, "one") society are examined, reflected upon, modified, etc. in respect to our society's conceptual framework. Therefore, they are going to be much stronger than those that are not of our society. So let us move on to my answer to the problem of reflection destroying knowledge.

Thick Ethical Concepts and Stability

The question to be answered now is "what can thick ethical concepts do for us in giving us a stable ethical theory?" To answer that we have answered how thick concepts connect a society's ethical beliefs with the factual world. If a society's ethical beliefs are grounded in thick concepts, then we have an answer. Thick ethical concepts connect the factual world with the evaluative world by incorporating these two elements into single concepts. Further, thick ethical concepts carry common traits with themselves through the ages and across societies giving us our first clue for a solution to my original problem.

Williams tells us, assuming that the thick concepts used are stable to begin with that

the extent to which [thick ethical concepts] survive [reflection], a practice using them is more stable in the face of the general, structural reflections about the truth of ethical judgments than a practice that does not use them. As I have tried to show, thick ethical concepts are very stable. I shall give even more reason for believing this in the next few paragraphs. And if they are stable, the system that uses them will be more stable than one that uses concepts that are less
stable. Therefore, a system that uses thick ethical concepts will be more stable than one that does not use them.

First I shall give the general line of reasoning, after which I shall go into the reasoning in greater detail. The general argument goes as follows. Thick ethical concepts contribute stability to a system as we reflect on its values because thick ethical concepts are stronger in the face of "reflections about the truth of ethical judgments." We find this is true because judgments made using thick ethical concepts appear to "straightforwardly be true," thus supplying us with confidence in our judgments. As we become more confident in our beliefs, the beliefs in turn become more difficult to unseat, they strengthen their hand, if you will.

Thick ethical concepts are defined within a society’s conceptual framework, as we have seen. Therefore, there is reason to believe that they are easily understandable within that society. Given their acceptance level, since they are already used, it would be hard to hold that the society does not understand those concepts. If they did not understand them, as they have defined them (a very important qualification), then they would not have the status that they already enjoy. In short, the society defines, uses, and adjusts them, so the society must understand them.

This does not mean that members of society understand every possible subtlety. Such an understanding comes from at least the conception of every possible experience describable using that concept. The possible experience might even need to be an actual experience, although I am not ready to endorse such a strong claim.
Indeed, the members of society probably do not have such a complete understanding of even one concept. Nonetheless, the society can be reasonably confident that where the concept has been used, and used effectively, it is strong and it appears that the judgments using it are, as Williams puts it, straightforwardly true.\textsuperscript{13}

For this reason, judgments using thick concepts survive reflection better. Granted, it seems a simple solution to a problem that I have taken a long time to develop. But oftentimes it is the simple solutions that are overlooked. The part of it that is not so simple, however, is the reasoning that justifies such a claim. It is based on the discussion about the understandability of concepts by the individuals of a society.

It seems to me that modern ethical theories have neglected these ideas. They try to redefine concepts, terms, and even the general framework within which we reason. They destroy the ethical judgments already made using thick concepts. The systems must take into account the society in which they are to be used. If the society does not accept, or even understand the concepts that are used in devising a theory, then the society is not going to accept the theory. It is essential, in other words, that the theory start at a point acceptable within that society. Further, this increases the strength of the thick concepts, since they are now backed up by a theory. Therefore, confidence in the concepts, and judgments using them is strengthened.

As we examine thick ethical concepts from a vantage point of different thick ethical concepts, reflection can destroy belief that we might already have gained. But that destruction is far less complete than it may have been otherwise. It is also far
less threatening on the same account. These claims are justified by the fact that the thick ethical concepts are grounded in something more stable than the beliefs of a certain culture. They are grounded in the framework of the beliefs of culture in general so that they have a general consistency; they have a general form that they follow based on the characteristics of society in general. Further, they are given particularity by particular cultures so that they are usable within those cultures. This makes them more stable, more confidence building, and thus less destructible.

So we have a solution to our problem of reflection destroying belief in judgments about ethics. The solution does not eliminate belief destruction. In fact, as we may guess this would be counterproductive since that would lead to a static ethical structure in a changing world. Now that we have a solution, let us see how casuistry may employ such insight.

**Thick Casuistry**

Casuistry employs thick ethical concepts. The warrant in the example of charging interest on loans employs a thick ethical concept. The medieval concept of "usury" has a factual claim, "the lending of money with at an interest."14 "Usury" also contains an evaluative claim: it is not fair, and therefore wrong to acquire money in this way. As society and situations change, members of society reflect on usury.

In this case, the factual belief associated with usury has not changed. Descriptions of the situations in which the concept of usury used to obtain are the same to a significant degree. But the situations in which the evaluative claim is
applied has changed. At least part of this thick ethical concept has not survived reflection. So it seems that we are still stuck with some destruction of belief. However, the destruction is less complete than it might first seem. Further, upon closer examination of the concept, we see that there are rebuttals that were not applicable in the past that are applicable in our culture.

First, if we look into the reasons that this concept carried a negative evaluative flag with it, we see that the negative evaluation has to deal with unearned money, namely the judgment that acquiring unearned money is ethically wrong supports the judgment that usury is wrong. This portion of the concept has survived. Thus a complete destruction of belief has not occurred. Second, the concept of usury has been reflected upon as society has changed and has been re-evaluated as not an applicable concept in today's cultures. This is because either the receiving of unearned money is not occurring in today's society, or the lender is losing possible earnings by lending it. Therefore, the case has changed sufficiently to make usury, as it was first conceived, not applicable.

As we have already seen, a system that uses thick concepts, such as usury, is more stable in the face of reflection. As with the case of usury, a portion of the concept was destroyed, or at least rendered impractical. But a large portion, the portion that provided the basis for the evaluative claim, remained intact. The basis for the evaluative claim is in the thick concept "earn" (or "not earned"). "Earn" is a thick concept because it contains a factual portion, part of which may be the completing of an action under certain circumstances that is considered a job, and an
evaluative portion, part of which is that one should complete a certain amount of the
given job to acquire a certain amount of money. The concept is deeply rooted in
society and thus the judgments it is used in may appear, as they should,
straightforwardly true. This does not mean that the judgments are beyond reproach;
not at all. That would run counter to the very foundations of casuistry. It just means
that they are stable enough to be used with confidence. Further, even the alterations
of those judgments, based on the circumstances, are considered strong. And the
judgments that use them are going to be stronger than judgments that do not use them.

One might object that the concept "earn" was used in usury and the beliefs
using "usury" did not survive reflection. However, part of the factual content changed
over time. More specifically, the facts about society that state that when money may
be earned have changed. A job whose earnings are determined by the lending of
money came to be; society was better served by that job existing than not existing;
etc. Within the older society, under the conditions for usury to obtain, the judgments
about usury did not change. They only changed when society changed sufficiently.
And since we are not looking for a set of universal ethical truths, we cannot hope that
our judgments will not change with society. Furthermore, the term "earn" did not
change. Therefore, the more fundamental judgment about earned money has not
changed.

Now, we see how casuistry relies on thick ethical concepts as a basis for
warrants. Moreover, thick ethical concepts are used in almost every other portion of
the process: they can be used to suggest rebuttals; others may come to play in
describing the scenario; and still others may surface in different portions of the reasoning process. Therefore, casuistry uses thick ethical concepts, and through them we can hold off a significant amount of the destruction of belief. In fact, we do not want to eliminate destruction of belief, as we have seen, since that would create a static ethical system that would not render itself useful to unforeseen practical cases.
CONCLUSION

I have given my solution to the problem of reflection destroying ethical belief; it is not that we can, or should, stop the destruction of ethical belief. Instead, we should stabilize our beliefs by employing thick ethical concepts in the formation of our beliefs. Casuistry uses thick ethical concepts. But I have not shown from where the basis for using casuistry comes. The problem is that although we can see how to proceed with a set of already existing ethical beliefs, casuistry does not tell us with what set to start. Jonsen and Toulmin say that casuistry has, in the past, based itself in the ethical beliefs provided by Christianity, Judaism, and other religious systems. Jonsen and Toulmin do not give us a complete system. Nor am I going to offer what I feel is the basis for beginning such a system.

However, based on this paper we can suggest some traits that the system should have in order to be a more stable system. First, the basis should be definable within our conceptual framework. The entire discussion of Winch gives us the reasons for such a stipulation. However, it can be summed up as follows: we must be able to understand, in our own terms, the concepts as they apply for us to have confidence in them, and for them to be ethically "correct."

Second, the system should base itself in some already accepted beliefs. If we begin with generally accepted beliefs, people are going to be more likely to trust the judgments using those beliefs. People are not going to rearrange their whole belief
structure for a set of beliefs that do not work with their own. This may not seem like much of an advancement on the systems that I have criticized. However, casuistry would provide the framework with which to criticize the "incorrect" judgments. I am not prepared to go into the details at this time. But I believe that I can show that casuistry is critical of the beliefs that it endorses. It is, however, up to the individuals using casuistry to carry out such a critique. Casuistry merely offers the machinery to encourage and complete the critique.

Thus I have laid out what I feel that an ethical system must do, I have suggested a system that I believe may do the work, and I have faced the problem of reflection destroying ethical belief. I suppose the next step is devising a way of coming up with a basic set of judgments using thick concepts that can get the ball rolling. In the meantime, I believe that we can begin with our own ethical beliefs, because, as Jonsen and Toulmin suggest, as long as we do not try to justify our beliefs in some abstract principles, we will probably find that we usually agree on what it is ethically correct to do.
NOTES

INTRODUCTION


4. Jonsen and Toulmin, 257. I shall not offer a complete explanation of this definition here, for that would only thrust us into too much detail too soon.

SOMEONE’S ETHICAL DECISION

1. Aristotle, Book II, ii.

2. Jonsen and Toulmin, 23.


5. Jonsen and Toulmin, 23.

6. Kant, 22.

7. See Dinwiddy for an easily understandable exposition of Bentham’s views, especially Chapter 2.

8. Hare, *The Language of Morals*.


10. Richardson.

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12. Now, however, the soundness of Euclidean geometry has been challenged.


17. Williams uses this question as a spring board in *Ethics and the Limits of Philosophy*. I believe that although Williams finds value in the question as a spring board into the ethical, I do not believe that he and Jonsen and Toulmin are in disagreement. For example, the question poses a question for one person to ask of himself.

18. Plato.


23. For more on this topic see Williams, *Ethics and the Limits of Philosophy*, especially the chapter entitled "Science, Truth and Knowledge."

24. Kant.

26. See Bentham for his concept of utility. Toulmin and Jonsen (1988) talk about utilitarianism only briefly. I found no explicit condemnation of utilitarianism, however, I believe that they would not object to my criticisms.

27. Richardson.

28. Richardson, 308.

29. Richardson, 280.

30. Richardson, 280.

31. I shall return to this point later. Since this is not a criticism of Richardson's theory, I shall leave it at that here.

32. See Jonsen and Toulmin, especially "The Prologue."

33. See Jonsen and Toulmin, expecially "The Prologue."

34. See Toulmin, "The Recovery of Practical Philosphy," and Williams, the chapter entitled "Theory and Prejudice" in Ethics and the Limits of Philosphy, for interesting discussions of rationality.

35. Richardson, 309.


37. Toulmin, "The Recovery of Practical Philosophy," 345. I substituted "doctor" wherever Toulmin had "clinician" in the quotation. I initiated the change for readability's sake. I do not believe that it is a substantive change.

38. Jonsen and Toulmin, 36.

39. I shall use "casuistry" to refer to Jonsen and Toulmin's system, unless otherwise specified. I shall specify when speaking of the medieval version.

40. Jonsen and Toulmin, 257.

Notes—Continued

42. Jonsen and Toulmin, 28.

43. Jonsen and Toulmin, 34-36.

44. Jonsen and Toulmin, 257. I shall not offer a complete explanation of this definition here, for that would only thrust us into too much detail too soon.

45. Williams, Ethics and the Limits of Philosophy.

46. See the National Society of Professional Engineers for examples.

THICK ETHICAL CONCEPTS

1. Searle. I shall not go into the details of the arguments since they are not crucial to my paper. However, I shall mention certain points that I feel capture the mainstream of the argument. To get a better understanding of this argument, one may look up the articles I have listed in the notes. They are the best examples of the arguments that I have found.

2. Searle.

3. Hume, III.i.i.


5. Hare.


7. Winch, especially 30f.

8. Erikson.

9. I realize that I have only used the term "society" and that seems to exclude the development of a person who has grown up outside of any society, for example on a desert island. I could use a different term, say, "environment," which may cover the entire range of conditions under which a child may grow and develop. But that
does not put enough emphasis on the idea of conventions, norms, concepts, etc., that the term society brings with itself. However, at a grand scale the formation of societies may be more appropriately attributed to the environment. Thus concept formation is directed by the environment at a more fundamental level.


14. Funk and Wagnalls, 1476.
BIBLIOGRAPHY


