# Levels Of Reasoning And Their Impact On Universalism And Particularism In Ethics

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## Abstract

This article discusses psychologist Daniel Kahneman's two systems of thinking in relation to the field of moral philosophy. According to Kahneman, while System 1 thinking is fast and intuitive, System 2 thinking is slow and reflective. However, the reason why we trust moral reflection over spontaneous moral intuition is not that the former is "slow" and the latter is "fast", but rather that the reflective level introduces certain tools of rational criticism helping us distinguish between justified and unjustified moral judgements. This raises the further question whether critical reflection, aiming for truth and objectivity, might make us lose sight of more local moral values, such as loyalty to one's family, friends, and political community. The conclusion of this article will be that it is indeed possible to outline a moral theory that is both justified at the level of critical thinking and that makes sense of particularist commitments.

**Keywords:** *Kahneman, moral philosophy, universalism, particularism*

# Usamlama Düzeyleri ve Etkileri: Etikte Evrensellik ve Tikelcilik Üzerine

## Özet

Bu makale psikolog Daniel Kahneman'ın ahlak felsefesi alanına ilişkin iki düşünce sistemini tartışıyor. Kahneman'a göre Sistem 1'in düşüncesi hızlı ve sezgiselken, Sistem 2'nin düşüncesi yavaş ve yansıtıcıdır. Bununla birlikte, kendiliğinden ahlaki sezgi yerine ahlaki yansımaya güvenmemizin nedeni, ilkinin "yavaş" ve ikincisinin "hızlı" olması değil, daha ziyade yansıtıcı düzeyin, haklı ve gerekçesiz ahlaki sezgiyi ayırt etmemize yardımcı olan belirli rasyonel eleştiri araçlarını sunmasıdır. Bu durum, gerçeği ve nesnelliği amaçlayan eleştirel düşünmenin, kişinin ailesine, arkadaşlarına ve siyasi topluluğa sadakati gibi daha yerel ahlaki değerleri gözden kaçırmamıza neden olup olamayacağı sorusunu gündeme getiriyor. Bu makalenin vardığı sonuç, hem eleştirel düşünme düzeyinde gerekçelendirilen hem de tikelci bağlılıkları anlamlı kılan bir ahlak teorisinin ana hatlarını çizmenin gerçekten mümkün olduğudur.

**Anahtar Kelimeler:** *Kahneman, ahlak felsefesi, evrenselcilik, tikelcilik*

**Introduction**

According to a famous argument made by Nobel Prize laureate Daniel Kahneman we have two modes of thinking, one quick and intuitive, the other reflective and deliberative. While thinking along the lines of System 1 "operates automatically and quickly, with little or no effort and no sense of voluntary control", thinking along the lines of System 2 "allocates attention to the effortful mental activities that demand it, including complex computations" and is often associated with "the subjective experience of agency, choice, and concentration" (Kahneman 2011: 20–21). According to Kahneman, System 2 thinking usually accepts and adopts the suggestions of System 1 thinking, organizing our spontaneous impressions into a consistent whole rather than challenging and modifying them. However, when System 1 thinking faces a difficult task that requires serious deliberation, such as figuring out the answer to a complex mathematical problem, or when it is confronted with observations or suggestions that fly in the face of normal expectations, such as a barking cat, System 2 thinking is called upon to solve the problem or to restore order and rationality to our world. More important, particularly from the point of view of moral philosophy, System 2 is assigned the task of a "continuous monitoring of your own behavior – the control that keeps you polite when you are angry, and alert when you are driving at night" (Kahneman 2011: 24).

At first sight, Kahneman's two systems of thinking would seem to fit well with what goes on in moral deliberation. On the one hand, we seem to have a more or less spontaneous set of moral reactions to the actions of other people, reacting with disgust or contempt when we are confronted with unconventional sexual practices or ways of appearing in public, including ways of dressing, food preferences, and so on, that seem strange to us. On the other hand, as we reflect on our reactions, we may arrive at the conclusion that they were misplaced and that we should be more generous in our evaluation of other people's practices and less complacent about our own traditions. So we seem to apply both System 1 and System 2 thinking in moral deliberation. However, the reason why we trust moral reflection over spontaneous moral intuition (if we do) is not that the former is "slow" and the latter is "fast", but rather that the reflective level is supposed to introduce certain tools of rational criticism which will help us distinguish between those moral judgements that are truly justified and those that are not.

## Two-level Models of Moral Philosophy: Methodological and Normative Concerns

To a moral philosopher Kahneman's idea of two systems of thinking suggests two different problems. One concerns methodology: would adopting a two-level model along the lines of Kahneman's two systems help us discover moral truths? Would we be able to transcend selfishness and subjectivity by identifying with a "view from nowhere" (Nagel 1986), that is, a perspective in which we approach ourselves and our position in the world from the outside, as one viewpoint among many other similar viewpoints? Presumably such a thought experiment would involve moving from the spontaneous impressions associated with a System 1 type of thinking to the more detached reflective deliberation associated with a System 2 type of thinking. Now, assuming that a rationally justified moral principle can be found at the level of critical thinking typical of Kahneman's System 2, how do we move to this level from the pre-critical System 1 type of thinking, at which our norms and values are influenced by various contingent prejudices and the conventional norms and values inherent in our culture and traditions? And what would make such a principle binding for concretely existing empirical persons, whose perspectives are situated in particular historical and cultural contexts rather than in "nowhere"? This is a methodological question for moral philosophy. In this article, I intend to argue that certain implications of rational agency provide both a justification of a supreme moral principle and the necessary motivation for rational agents to embrace such a principle.

Another problem concerns the normative outcome of a two-level reasoning process. Granted that our reasoning often requires that we move from the spontaneous, subjective, and particular to the reflective, objective, and universal, there are legitimate questions regarding when and how far the former kind of perspective should be subordinated to the latter. Are there perhaps areas in which we should not defer to a more detached level of thinking? As the philosopher Bernard Williams has pointed out, "reflection can destroy knowledge" (Williams 1985: 148). Certain valuable ethical commitments based on sentiments of loyalty, love, and affection may not survive critical reflection and the desire to have a rational foundation for every action may in fact leave us bewildered, uncertain, and confused rather than confident, enlightened, and clear about what to do.

Here, it will be argued that a universalist agency-based theory of human rights is capable of not only accommodating but actually justifying par-

ticularist duties and commitments that persons have to families, friends, political communities and other non-universalist groupings. Accordingly, the commitments of empirically existing persons to the various social contexts in which they find themselves are not cancelled or ruled out by their acceptance of a universalist and rationally justified morality of human rights. In this way, the level of rational agency can reconnect with the level of empirical agency, and persons can find many of their situated and contingent commitments supported even from the more abstract level of rational agency – provided, of course, that these commitments are consistent with human rights.

## Two-level Reasoning in the History of Moral Philosophy

The idea of different levels of reasoning has certainly played an important role in moral philosophy. What Kahneman calls System 1 has often been associated with emotions, impulses, intuition, feeling, and subjectivity, while his System 2 has been identified with reason, rationality, control, and objectivity. These different aspects of the human agent has often been portrayed as being in conflict with each other and in need of some kind of harmonization or ordering. In ancient times, the theory of moral virtues expressed an ideal of a balanced human being, being able to control her impulses with the help of reason, suggesting a hierarchy of dispositions (see, for instance, Sharples 1996). Already Aristotle made a distinction between the level of general principles for right conduct, at which philosophy can provide some guidelines, and the more specific level of particular individual human beings trying to apply these principles to the particularities of the context in which they find themselves. At the level of general principles we can say of moral virtue that it is the mean between excess and deficiency: "It is possible, for example, to feel fear, confidence, desire, anger, pity, and pleasure and pain generally, too much or too little; and both of these are wrong. But to have these feelings at the right times on the right grounds towards the right people for the right motive and in the right way is to feel them to an intermediate, that is to the best, degree; and this is the mark of virtue" (Aristotle 1976: 101 [1106b]). At the level of practical application, this general account of moral virtue does not by itself tell us what to do and instead "agents are compelled at every step to think out for themselves what the circumstances demand, just as happens in the arts of medicine and navigation" (Aristotle 1976: 93 [1104a]). A different model involving two levels of moral reasoning was suggested in

the 18th century by David Hume. According to his model, we acquire a capacity for moral judgement by moving from a personal and subjective level of reasoning to a social and intersubjective one. In this move we are helped by language and its inherent tendency to render experiences generally accessible by means of abstraction and conceptualization, directing us towards a shared moral vocabulary: "General language ... being formed for general use, must be moulded on some more general views, and must affix the epithets of praise or blame, in conformity to sentiments, which arise from the general interests of the community. ... The intercourse of sentiments, therefore, in society and conversation, makes us form some general unalterable standard, by which we may approve or disapprove of characters and manners" (Hume 1975: 228–229).

Another kind of moral theory that builds on the idea of levels of reasoning can be found in the works of Immanuel Kant. According to Kant, and unlike Hume, we should not look for morality in a generalized form of a sentiment like sympathy, but rather opt for a level of reasoning that is free of sentiments altogether. Hence, we should move from the level of maxims, expressing what we want to do out of sympathy, antipathy, indifference, selfishness, or any other contingent motive, to the level of rationally necessary moral law. Morality, according to Kant, should not depend on how we happen to feel for each other or on what we want to achieve for ourselves. Hence, "an action done from duty has to set aside altogether the influence of inclination, and along with inclination every object of the will; so there is nothing left able to determine the will except objectively the law and subjectively pure reverence for this practical law" (Kant 1964: 68–69).

Unlike Hume, who thought of reason on its own as "utterly impotent" when it comes to motivating any action (Hume 1978: 457), Kant believed reason to be at the very foundation of morality. Given that the moral law must apply to all agents regardless of their personal preferences, and given that reason, in the minimal sense of non-contradiction, is inescapable for any agent, any maxim aspiring to the status of being morally justified must have a content that can be universally realized without any contradictions.

However, Kant's method raises questions as to what it actually proves – does it only prove the immorality of maxims that cannot be consistently universalized, or can it also show that every maxim that can be consis-

tently universalized is thereby also morally right? Moreover, whether or not a particular maxim can be consistently universalized seems to depend on how it is formulated. A general maxim of the form "Lie whenever it suits your interests" may well be impossible to consistently universalize (since no one would be able to gain anything from lying in a world where everyone lies and people accordingly do not trust each other) but what about a more specific maxim like "Lie when it is necessary to save an innocent person's life"? On the other hand, a maxim like "When alone in the dark, whistle" can be consistently universalized, but we would still find it odd to think of it as a moral principle (Frankena 1973: 32), reminding us that morality is not only about a certain form (universalizability) but also about a certain content (concerning important human interests).

## The Utilitarian Approach of Hare and Brandt

In what may seem as a precursor of Kahneman's theory the British philosopher Richard Hare distinguished between two levels of moral thinking, one "intuitive", the other "critical". At the intuitive level, we act in accordance with the norms and values that our parents have inculcated in us and that we would usually accept without much questioning. At the critical level, on the other hand, we go beyond these acquired intuitions, qualifying them, modifying them, and sometimes replacing them with other norms and values, chosen in a process of reasoning conducted "under the constraints imposed by the logical properties of the moral concepts and by the non-moral facts, and by nothing else" (Hare 1981: 40). At the level of critical thinking, we are supposed to be able to select moral principles as well as to resolve conflicts between them. For Hare, this means that while we at the intuitive level may uphold deontological principles concerning justice and rights (such as not sacrificing an innocent person's life just to please a vindictive mob), the selection of these principles at the critical level will be based on utilitarian reasons about expected consequences (such as the expected negative impact that punishing the innocent is likely to have on people's trust in the legal system). Hence, according to Hare, "the method to be employed is one which will select moral principles for use at the intuitive level, including principles about rights, on the score of their acceptance-utility, i.e. on the ground that they are the set of principles whose general acceptance in the society in question will do the best, all told, for the interests of the people in the society considered impartially" (Hare 1981: 156). Now one problem with Hare's method is that it depends so heavily on people's contingent beliefs that it blurs the

line between what is right and what people are willing to accept as right. As Hare himself observes, "what prima facie intuitive principles of substantial justice are the best for a particular society to adopt will vary according to the circumstances of that society", including "the propensities of its members" (Hare 1981: 159). The critical level never severs the ties to the particularities of the society in which it is going to be applied. Hare believes it to be an advantage of his model that it takes a realistic approach to morality rather than being otherworldly utopian. He is also willing to accept the conclusion that his method might commit him to support that certain societies adopt moral norms very different from the ones he personally endorses, given the cultural and historical realities of these societies. Hare claims to believe that slavery is wrong and that democracy is right, but these conclusions, he adds, are based on contingent factual beliefs about what kinds of rules and constitutions best serve human societies: "If these were shown to be false, then the same philosophical views about the nature of the moral argument involved might make me advocate slavery and tyranny" (Hare 1981: 167).

The problem here is Hare's critical level utilitarianism which forces him to look for those principles that will maximize the satisfaction of the actual preferences of all people affected by the principles, including not only the decent preferences of morally good people, but also the evil preferences of morally bad people. Of course, Hare would argue that what should be labelled "decent", "evil", "morally good" and "morally bad" can only be decided at the critical level – it is first when we have balanced all existing preferences against each other that we can say something about what is the morally right thing to do. However, for this very reason we are expected to take into account the preferences of religious fanatics and supporters of fascist and communist dictatorships on an equal footing with the preferences of their victims: "None has greater authority or dignity than another, so far as the reasoning goes" (Hare 1981: 179). And given that there are indeed societies where fanatics and extremists represent a substantial part of the population, and given that their preferences are intensely held and difficult to change, it is not that unlikely that they will emerge victorious from a critical level confrontation with the more tentatively held preferences of moderate liberals. Hence, Hare's method blurs the distinction between what happens to be the dominant normative beliefs in a particular community and what is the morally right and just thing to do in that community.

Another utilitarian, Richard Brandt, has tried to avoid this outcome by extending rational criticism to include the very tenets of one's culture and community. According to Brandt, "we should like to step outside our tradition, look at it from the outside, and see where some more basic kind of criticism would lead" (Brandt 1979: 185). However, also Brandt may have to allow for the possibility of a morality that accommodates the beliefs of fanatics and extremists. This is so, according to his model, since a rational choice of a moral code requires that we pay attention to its "viability". That is, a rational chooser would not opt for a moral code that is not likely to be realized in her society: "It is at least close to the truth that a moral code is not viable unless its provisions can be wanted by most persons in the society" (Brandt 1979: 214). Accordingly, in a society dominated by religious fanatics, a person of a secular and liberal persuasion would not, in spite of her own convictions, choose a moral code that includes a right to freedom of religion (which would also include the right not to adhere to any religion at all) or freedom of opinion and speech (which would include the right to criticize religious practices and taboos).

Once again, the distinction between what people happen to believe is morally right (or can be expected to believe is morally right, after some critical thinking) and what is morally right is being blurred. And unless we are willing to accept that morality in the normative sense (that is, morality as a set of justified ought-judgements) depends for its content on morality in the positive sense (that is, morality as a set of ought-judgements that are believed to be justified by some relevant population), this cannot be a satisfying outcome of the two-level method. To reduce normative morality to positive morality is to adopt the position of cultural relativism, according to which what is good and right in the moral sense can only be decided by studying the actual moral beliefs and practices of one's society. However, as Julia Driver has pointed out, to do so is also to adopt a position of moral conformism, according to which the prevailing moral standards are always right – that is, until the majority changes its views. But is this really a credible view of morality? Is slavery right as long as the majority believes it to be right? Is it first when the majority changes its view of slavery that it becomes wrong? Would it not be more reasonable to claim that slavery was always wrong, but the majority did not realize this from the beginning? As Driver observes, "Moral progress is often achieved through the efforts of rebellious individuals with beliefs that do not conform to popular cultural beliefs. It seems odd to say that they were

wrong and that everyone else was right, until others just happened to start sharing their beliefs" (Driver 2007: 18).

## Gewirth's Theory of Rational Agency

A different account of morality that at least implicitly relies on levels of reasoning has been given by Alan Gewirth. According to Gewirth's theory, agents logically must accept a moral principle of human rights. This is so, since every agent wants to succeed in her purposes – that is why she acts in the first place. Although different agents have different purposes – some want to climb mountains, others strive to complete their stamp collection – all successful action requires two necessary conditions, namely, freedom and well-being. While freedom involves an agent's "controlling each of his particular behaviors by his unforced choice and … his longer-range ability to exercise such control" (Gewirth 1978: 52), well-being consists in "the necessary preconditions of action" – such as being alive and enjoying physical and mental health – as well as "the abilities and conditions required for maintaining one's level of goods and for retaining undiminished one's capabilities of action" and "the abilities and conditions required for improving one's level of goods and for increasing one's capabilities of action" (Gewirth 1978: 58–59). In less abstract terms, this involves not being the victim of theft, betrayal, lies, broken promises, as well as having access to education and opportunities for earning an income and acquiring wealth for oneself; it will also include the personal virtues of prudence, temperance, and courage.

Now, given that no agent can rationally accept being deprived of freedom and well-being (since that would contradict her intention to achieve her purposes), all agents must, at least implicitly, claim rights to freedom and well-being; hence, every agent must also accept that all other agents are entitled to the same rights.

Now Gewirth's method can be described as distinguishing between two levels of evaluative and normative reasoning. At the level of empirical agency, we have concretely existing human agents with particular goals that they want to realize and that they evaluate as good – at least in the sense that they prefer to see them realized rather than unrealized. Any such particular agent may or may not think of herself as having rights to freedom and well-being. She just wants to achieve the purpose of her action, and consequently she would react with frustration and anger if

others were to interfere with her agency. However, given the agent's positive evaluation of her goal of action, it is possible to ascribe to her further evaluations that she may be unaware of but that are indeed logically implied by her very agency. At the level of rational agency we identify such logical implications of the empirical agent's evaluations of her agency. In Gewirth's words, while his method "proceeds from within the standpoint of the agent, it also undertakes to ascertain what is necessarily involved in this standpoint. The statements the method attributes to the agent are set forth as necessary ones in that they reflect what is conceptually necessary to being an agent who voluntarily or freely acts for purposes he wants to attain" (Gewirth 1978: 44).

At the rational level, the agent can be described as evaluating her freedom and well-being as necessary goods, since they are needed for her successful agency in general, and not only for the realization of any particular purpose. Hence, as she, qua agent, cannot accept being deprived of her freedom and well-being (since this would contradict her intention to successfully realize her goals of action), she will claim rights to freedom and well-being against all other agents: "Hence, from the agent's standpoint, the necessity of his having freedom and well-being entails the necessity of other persons' at least refraining from interference with his having them. The latter necessity is equivalent to a strict practical 'ought' that he implicitly addresses to all other persons, and hence is also equivalent to a claim that he has a right to the necessary goods of freedom and well-being" (Gewirth 1978: 73).

Moreover, at the rational level the agent can see that since freedom and well-being are necessary goods for her qua agent, they must be necessary goods for all other agents as well. Accordingly, she will recognize that all agents are justified in claiming rights to freedom and well-being: "Since, then, to avoid contradicting himself the agent must claim he has the rights of freedom and well-being for the sufficient reason that he is a prospective agent who has purposes he wants to fulfill, he logically must accept the generalization that all prospective agents who have purposes they want to fulfill have the rights of freedom and well-being" (Gewirth 1978: 112). Accordingly, given that freedom and well-being constitute the generic goods of agency, being necessary to all successful actions, and that the rights to freedom and well-being therefore are generic rights, every agent must accept a moral principle, the Principle of Generic Consistency (PGC):

"Act in accord with the generic rights of your recipients as well as of yourself" (Gewirth 1978: 135; italics in the original).

Now, it could be argued against Gewirth's theory that while a rational agent may well endorse the idea that other agents should refrain from interfering with the conditions of her agency, there is no reason why she should thereby commit herself to a moral principle prescribing universal rights to freedom and well-being for all agents. Richard Hare has raised precisely this objection against Gewirth's theory, arguing that Gewirth cannot take us from self-interest to morality, since the agent is under no compulsion to universalize her prescription that she should have freedom and well-being into a prescription applicable to all agents: "We may readily admit that the agent has to prescribe that his purposes be fulfilled. Otherwise they would not be his purposes. … But it has not been shown that he must prescribe this universally – that is, prescribe that this be so whoever is in the roles in question" (Hare 1984: 56; italics in the original). What we have, according to Hare, is an agent who out of rational self-interest holds that she should have freedom and well-being, but this agent is in no way necessitated to hold that all agents should have freedom and well-being, and it is only the latter claim that deserves to be called moral. Hare, however, ignores how universalizability works in Gewirth's argument. According to Gewirth, the agent claims rights to freedom and well-being for the sufficient reason that she is an agent. From within her own perspective as an agent, her being an agent is also what justifies her rights-claim. Hence, the agent must (logically) hold that everyone else who is also an agent is entitled to freedom and well-being. Hence, the agent must indeed "prescribe universally" that all agents should have rights to freedom and well-being: "The agent logically must here recognize that other persons have the same rights he claims for himself because they fulfill the same justifying condition on which he has based his own right-claim" (Gewirth 1984: 210). Hence, the agent is indeed logically compelled to universalize her self-interested right-claims – she would contradict herself if she did not, since she would then assume both that being an agent does constitute a sufficient ground for right-claims (in her own case) and that being an agent does not constitute a sufficient ground for right-claims (in the case of other persons).

Compared to Hare's two levels of moral reasoning, Gewirth's model has the advantage that it is not vulnerable to the objection that it blurs the dis-

tinction between what is morally right and what people happen to be willing to accept as morally right. On the contrary, Gewirth's model shows that any empirical agent who sets out to realize some particular goal of hers is thereby also logically compelled to accept a normative conclusion formulated at the level of rational agency that all agents have rights to freedom and well-being.

**Motivation and Justification**

Now it is important to note that Gewirth's move from the level of empirical agency to the level of rational agency is relevant for the justification of a moral principle rather than for the motivation to act morally. In his own words, "motivation is logically external to moral obligation, in that such obligation can exist even in the absence of a corresponding motivation" (Gewirth 1983: 239). With Gewirth's model, we are enabled to explain why certain actions are morally right and others are morally wrong. But there is no built-in guarantee that this explanation will actually motivate people do what is right and refrain from doing what is wrong. Social, cultural, legal, and religious norms may operate to limit an agent's interest in other people's rights to those belonging to her own society, culture, state, and religion.

Still, moral motivation is a dynamic phenomenon, and the human propensity to look for objective justifications – for what is morally right, full stop, and not only morally right for us – is an important factor in explaining how the moral circle can and has been expanded to include groups other than one's own: "In Plato's time, to appeal to the claims of 'all human beings' would have seemed absurd; but Plato's appeal to consider the welfare of all Greeks, rather than just Athenians, served the same progressive function as the appeal to all humans has served in more recent times" (Singer 1983: 117). The willingness to replace tribalistic norms and values with ideas of human rights and to substitute reason and democracy for religious fanaticism and despotism has certainly made a difference in our world. Although wars and massacres continue to afflict humanity, "there are grounds for thinking that over much of the world the changes of the last hundred years or so have been towards a psychological climate more humane than at any previous time" (Glover 2012: 3).

Moreover, to the extent that we want to be rational, we would also be motivated to accept a rationally justified moral principle. And it would seem that we indeed do care about being rational. Most of us are usually

concerned that the factual information we receive is true and consistent with what we already take to be true. A person lost in a foreign city at night, would certainly take an interest in whether or not the information she is given about the shortest and safest way back to her hotel is correct. She would be hesitant, to say the least, to act on information that appears to be untrue or illogical.

People may be mistaken about facts and they may be mistaken in their logical inferences, but they certainly seem to be motivated to make plans based on what they believe to be true and logically correct. Hence, the link between empirical and rational agents in Gewirth's theory might be stronger than some of his critics have assumed.

Accepting the validity of Gewirth's argument that reason can justify a moral principle, we should reject the relativist assumption that "there are no absolute facts of right or wrong, apart from one or another set of conventions" (Harman 1977: 131–132). Likewise we should reject the confident conclusion of the moral sceptic that "although most people in making moral judgements implicitly claim ... to be pointing to something objectively prescriptive, these claims are all false" (Mackie 1977: 35). To the extent that a supreme moral principle, such as the PGC, can be justified, it would also be possible to derive objective and universally valid moral judgements from this principle. Here, however, another problem will appear.

A large part of our everyday moral concerns relates to non-universal aspects of our human and social lives. We usually care for members of our family, for our friends, for the future of our political community in a stronger way than we care for humanity in general, not to mention the world of non-human animals. We may well recognize universal human rights, but we identify with particular other human individuals in a way that we do not identify with human beings in general. Are we wrong in cultivating such particularist loyalties? Or is it instead the universalism inherent in the rational level of agency that fails to do justice to the particularist aspects of what it means to be a human being?

**Ethical Universalism and Ethical Particularism**
At the level of empirical agency, we find all kinds of particularist attachments, from temporary and informal groups, such as sports teams and music lovers, to long-term intimate associations, such as families and friends, to more permanent and comprehensive groupings such as politi-

cal communities (nations) and religious congregations. Empirical agents acquire various duties of support in virtue of their membership in groups like these and typically these duties are particularist in the sense that they do not extend to all human beings universally but only to specific other members of the groups in question. For instance, parents have duties of care to their children that they do not have to children in general and that no other person has to their children; likewise, citizens have duties of support to their country that they do not have to other countries and which non-citizens do not have to their country.

Particularist duties are relational, existing between specific individuals in virtue of their shared group membership. By definition, such duties do not extend to everyone. In the words of Nel Noddings, "[o]ur obligation is limited and delimited by relation. … We are not obliged to summon the 'I must' if there is no possibility of completion in the other. I am not obliged to care for starving children in Africa, because there is no way for this caring to be completed in the other unless I abandon the caring to which I am obligated" (Noddings 2003: 86).

Ethical particularism of the kind exemplified by Noddings need not deny the existence and validity of universal human rights. However, when it comes to the corresponding duties, it will hold that we owe help and support first of all to those with whom we are associated in some morally relevant way, and that we should help and support other people, if at all, only if doing so is consistent with our duties to our fellow associates. For an ethical particularist it is possible and even reasonable to argue that even if all agents have rights to freedom and well-being, it is not our business to look after all agents' rights equally; our primary concern should be the rights to freedom and well-being of people with whom we are associated in some morally significant relationship, whether as friends, family members, fellow citizens, or any other similar relationship.

Now, it might be tempting to assume that such particularist conceptions of duty would be rejected by the ethical universalism of human rights. If all agents are equally entitled to have their freedom and well-being protected, how could we then be justified in giving priority to fellow members of more or less arbitrarily constructed groups that we happen to belong to? Such an assumption can be detected in Joseph Carens's argument that the particularism of the nation state, according to which it can legitimately limit access to its territory and so assign different sets of rights to citi-

zens and non-citizens, is incompatible with the universalism of the human right of free movement: "The radical disjuncture that treats freedom of movement within the state as a human right while granting states discretionary control over freedom of movement across state borders makes no moral sense" (Carens 2013: 239). Likewise, Peter Singer questions the priority we give to the interests of fellow citizens: "There are few strong grounds for giving preference to the interests of one's fellow citizens, at least when subjected to the test of impartial assessment, and none that can override the obligation that arises whenever we can, at little cost to ourselves, make an absolutely crucial difference to the well-being of another person in real need" (Singer 2016: 206).

Contrary to the views of Carens and Singer, however, ethical universalism is not only consistent with some forms of ethical particularism, but is actually capable of justifying them. Certainly, the requirement to respect human rights sets limits to what a state may do to promote its own citizens' interests or what parents may do to promote their children's interests. However, it is one thing to argue that particularist commitments are in this way conditional on their being consistent with human rights; it is altogether another thing to argue that such commitments are invalidated. Particularist duties can be consistent with human rights either by being derived from them or by being necessary to their protection.

A particularist duty can be derived from human rights when agents apply their right to freedom to associate with others for a shared purpose which in turn generates particularist commitments. For instance, when two persons choose to become parents, they exercise their right to freedom to associate with each other and to procreate. In the process, they acquire commitments to each other and to the resulting child, implying particularist duties of support and care. These particularist duties are morally justified since they are derived from the universal human right to freedom and since they do not involve any violation of other persons' rights. The particularist duties of parents involve that they should be committed to the well-being of their child in a way that they are not committed to the well-being of any other child. However, for these particularist duties to be morally justified, they must still be consistent with the human rights of other persons, including other children. Accordingly, if faced with a conflict of similar rights between their own child and some other child, parents are morally permitted to give priority to their own child, but they are not

allowed to inflict harm on another child for the sake of protecting their own child. If they only have enough food to prevent one child from dying of hunger, they are morally permitted to give that food to their own child, even if that means that some other child will die of hunger; however, they would not be morally permitted to deprive some other starving child of its food for the sake of saving their own child from starvation.

This is not about the distinction between killing and letting die (Foot 1967), but rather about justified limits to the duty to rescue (Bauhn 2016). To act in accordance with our recipients' rights to freedom and well-being prohibits bringing about the death of an innocent child even for the sake of saving our own child's life; it also prohibits passivity when we can rescue a child's life at little cost to ourselves or anyone else. However, when we can rescue another child's life only at the cost of our own child's life, we are morally justified in choosing to save our own child's life.

**Human Rights and the Particularism of States**
Particularist commitments and duties are also morally justified when they are necessary to the upholding of human rights. The prime example here is the duty of citizens to support their state when this state protects human rights within its territory. Such a state typically upholds its citizens' rights to life, health, and property, and respects their right to freedom by having institutionalized a democratic constitution with various civil liberties. Citizens have a particularist duty to support such a state in recognition of its support for their rights. Hence, "[t]he particularistic concern for one's own state's interests is justified, at least in the first instance, not because it serves to maximize utility overall or even because it reflects an equal and impartial protection of human rights, but rather because, for each individual, the state protects his or her personal freedom and basic well-being" (Gewirth 1988: 301–302).

It should be noted here that the Gewirthian justification of duties to one's state is conditional and based on that state's protection of one's rights to freedom and well-being. This is very different from a communitarian justification of the kind offered by, for instance, Alasdair MacIntyre (1985) and Will Kymlicka (1995). In communitarian thinking the moral justification of a political community does not depend on its protection of the rights of its individual members but rather on its role in securing certain cultural traditions that are supposed to provide these members with a

meaningful life. Needless to say, these cultural traditions may well take a dismissive view of rights, especially the right to freedom and especially when that right conflicts with traditional norms and values.

Within Gewirthian theory citizens' particularist duty of support for their state is justified also at the level of rational agency, provided that this state protects their rights to freedom and well-being. The duty of support involves, among other things, performing productive work whereby needed goods and services are provided, paying taxes whereby public institutions and services supportive of freedom and well-being (such as schools, universities, libraries, hospitals, the police, the military, public transportion, sanitation, and so on) can be maintained, and, when needed, taking part in the military defence of the state.

A universalist morality of human rights justifies not only citizens' particularist commitment to their rights-respecting state, but also that state's particularist concern for its citizens' freedom and well-being. From the point of view of the PGC, the state can be perceived as a kind of institutional agent and its citizens as its recipients, since the state controls what effective access to freedom and well-being its citizens will have in important areas of their social life. Hence, the PGC applies to the state just as it applies to individual agents, and the state should act in accordance with its citizens' rights, providing an institutionalized protection of their freedom and well-being. Occasionally, this protection must be extended to non-citizens, as in the case of refugees trying to escape rights violations in another country. Here too the justifying reason for the state's duty to admit the refugees is that it controls whether or not the refugees will have effective rights to freedom and well-being. (The right to protection of non-citizen refugees is not absolute, however; it has to be consistent with the rights to freedom and well-being of the citizens of the admitting state. Hence, foreign terrorists who constitute a threat to these citizens' most basic rights can be justifiably denied asylum, regardless of the implications for the terrorists' freedom and well-being (Bauhn 2019).) A state may also appear as an agent in relation to other states and their citizens as the latter are affected by its foreign policies, trade agreements, aid programmes, and so on. Accordingly, the state should conduct its relations with other states in such a manner that it does not violate the human rights of their citizens; however, it does not have a duty to provide the citizens of other states with the institutionalized protection of freedom and well-being that it arranges for its own citizens.

A state upholding its citizens' rights to freedom and well-being can also be viewed as a necessary contribution to the universal realization of human rights. From the point of view of human rights, such a state, although it is territorially limited rather than global, upholding human rights locally rather than universally, still fulfils a morally necessary task. Without it, human rights would not be protected on this particular territory for this particular population. Hence, from the point of view of universalist human rights, and not only from the particularist point of view of its own citizens, it is morally required that such a rights-protecting state is preserved and allowed to continue to exist. This does not mean that it necessarily has to continue in its present shape and form – a state may dissolve in a morally permissible way, provided that the process of dissolution takes place in a way that respects the human rights of the population concerned. As an example of a morally justified split-up of a state, we could think of the peaceful dissolution of Czechoslovakia in 1993; as an example of a morally unjustified split-up, we could think of what happened to that same state in 1938, when Britain and France tried to accommodate Hitler by forcing the government of Czechoslovakia to hand over territory to Germany. (For a detailed discussion of the ethics of dissolving states, see Buchanan 1991.)

**Conclusion**

What the above argument has shown is that a two-level method of reasoning of the Gewirthian kind is capable of combining a universalist justification of a supreme moral principle with a particularist concern for local commitments and loyalties. Taking its point of departure in the particularist purposes of individual empirical agents, it shows how these purposes logically entail rights-claims to freedom and well-being that all agents must embrace and recognize at the level of rational agency. These universal rights to freedom and well-being in turn justify particularist concerns for one's family, friends, and political community. In this way, morality can be shown to accommodate everyday human concerns while at the same time transcend these concerns and provide them with a rational justification.

**BIBLIOGRAPHY**

Aristotle. (1976). Ethics. London: Penguin Classics.

Bauhn, P. (2016). The Gewirthian Duty to Rescue. In P. Bauhn (Ed.), Gewirthian Perspectives on Human Rights (pp. 212–226). New York and London: Routledge.

Bauhn, P. (2019). Universalist Rights and Particularist Duties: The Case of Refugees. Migration Letters, 16(2), 145–153.

Brandt, R. B. (1979). A theory of the good and the right. Oxford: Clarendon Press.

Buchanan, A. (1991). Secession. Boulder, CO: Westview Press.

Carens, J. (2013). The ethics of immigration. New York, NY: Oxford University Press.

Driver, J. (2007). Ethics: The fundamentals. Malden, MA: Blackwell Publishing.

Foot, P. (1967). The problem of abortion and the doctrine of double effect. Oxford Review, 5, 5–15.

Frankena, W. K. (1973). Ethics. Englewood Cliffs, NJ: Prentice-Hall.

Gewirth, A. (1978). Reason and morality. Chicago, IL: The University of Chicago Press.

Gewirth, A. (1983). The rationality of reasonableness. Synthese, 57(2), 225–247.

Gewirth, A. (1984). Replies to my critics. In E. Regis Jr. (Ed.), Gewirth's ethical rationalism (pp. 192–255). Chicago, IL: The University of Chicago Press.

Gewirth, A. (1988). Ethical universalism and particularism. The Journal of Philosophy, 85(6), 283–302.

Glover, J. (2012). Humanity: A Moral History of the Twentieth Century (2nd ed.). New Haven, CT, and London: Yale University Press.

Hare, R. M. (1981). Moral thinking. Oxford: Clarendon Press.

Hare, R. M. (1984). Do agents have to be moralists? In E. Regis Jr. (Ed.), Gewirth's ethical rationalism (pp. 52–58). Chicago, IL: The University of Chicago Press.

Harman, G. (1977). The nature of morality. New York, NY: Oxford University Press.

Hume, D. (1975). Enquiries concerning human understanding and concerning the principles of morals. Oxford: Clarendon Press.

Hume, D. (1978). A treatise of human nature. Oxford: Clarendon Press.

Kahneman, D. (2011). Thinking fast and slow. New York, NY: Farrar, Straus and Giroux.

Kant, I. (1964). Groundwork of the metaphysic of morals. New York, NY: Harper Torchbooks.

Kymlicka, W. (1995). Multicultural citizenship. Oxford: Clarendon Press.

MacIntyre, A. (1985). After virtue (2nd ed.). London: Duckworth.

Mackie, J. L. (1977). Ethics. London: Penguin Books.

Nagel, T. (1986). The view from nowhere. New York, NY: Oxford University Press.

Noddings, N. (2003). Caring: A feminine approach to ethics and moral education (2nd ed.). Berkeley and Los Angeles: University of California Press.

Sharples, R. W. (1996). Stoics, epicureans and sceptics. London and New York, NY: Routledge.

Singer, P. (1983). The expanding circle. Oxford: Oxford University Press.

Singer, P. (2016). One world now. New Haven, CT and London: Yale University Press.

Williams, B. (1985). Ethics and the limits of philosophy. London: Fontana Press.