

An abstract line drawing in purple, blue, and green ink. It depicts a person's head in profile, with a hand raised to the forehead and another hand at the bottom. The lines are fluid and expressive, creating a sense of movement and thought.

Communicating Moral Concern

An Ethics of Critical
Responsiveness

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Communicating Moral Concern

An Ethics of Critical Responsiveness

Elise Springer

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1 Higher-Order Responsiveness: The Social Dimension of Moral Agency

Our thoughts of our own actions are saturated with the ideas that others entertain about them, ideas which have been expressed not only in explicit instruction but still more effectively in reaction to our acts.

—John Dewey¹

1.1 Social Responsiveness and Moral Complexity

Moral questions arise only among social beings. Without social interaction, or at least its possibility, the notion of morality is empty. Moral theorizing, meanwhile, is a kind of *doubly* social work. To do moral theory is to devote careful reflection to an ongoing conversation about why and how our social interactions matter. Yet modern moral theories have crystallized around the logic or calculus of individual choices, abstracted from social and historical context. In an effort to systematize what it means to *treat* one another well, systematic moral philosophers have thus said little about how to notice and *engage* with one another's actions. Moral practice has been packaged as a closed domain over which theoretical reflection might hover, timelessly. Yet each moral theory, with its distinctive recommended patterns of moral reflection, can always be heard as a responsive intervention in the social world out of which it emerges.

Should we be actively concerned with what others are doing with *their* moral agency? A few have suggested that we should not, arguing that morality springs from an inscrutable source within each individual; thus each of us should mind our respective moral business of acting from proper principles. To most, the opposite answer seems obvious—*of course* moral life demands attention to others—not only to their dignity and to their needs, but also directly to what they do. Throughout this book, I will affirm that a person's participation in moral life is bound up with her social responsiveness to the activity around her.

Yet if we treat this positive answer as simply obvious, we have rushed past some difficult questions: How do we conceive the task of this engagement with others? Why does it matter? What hopes and expectations should we bring to it? How might we set our priorities about when to respond, and to whom? How should we understand the activity to which we respond? By what methods should we proceed? How should we orient ourselves so as to recognize and field others' responses to our own activity? Given multiple responsive engagements, both outgoing and incoming, how can we begin to integrate or navigate among them?

To notice and address what others are doing with their moral agency is to exercise what I will call *critical responsiveness*. The phenomenon itself—responding to what others do—is commonplace. But its point, and thereby our methods and priorities, can be conceived in various ways. Two relatively simple ways of conceiving its point have dominated the philosophical imagination, and perhaps the popular imagination as well. Given either of these two notions—an expressive conception or a regulative conception—it does not take long to see why philosophy has hardly attended to the details.

The expressive conception, on one hand, places reactive attitudes and judgments, such as resentment and blame, at the center of our moral responsiveness. Such responses carry moral value insofar as they demonstrate principled convictions and normative expectations. Hence this conception invites scant interest in forward-looking questions about how our responses make a practical difference within a social encounter. What's at issue, after all, is others' *agency*—and this is taken to be essentially independent of our own. This approach, we might say colloquially, is a "hands-off" one.

The regulative conception, on the other hand, grants moral value to social reactions insofar as they reduce harmful behaviors and promote beneficial ones. Hence it affirms the *practical* importance of responsive interventions, but at the cost of steering or sidelining the agency of those whose behavior we presume to correct. For such a "hands-on" stance toward others' conduct, a vast array of forward-looking details becomes relevant, no doubt. Yet there is not much of distinctive philosophical interest in figuring out how to get complex beings to move this way rather than that.

The challenge to which this book speaks is this: showing how critical responsiveness might function as a practical engagement between agents—that is, how it may reach further than expression yet not as far as control. Critical responsiveness, understood as moral agency that engages with the

moral agency around it, requires encountering another person neither as a loosely free “Thou”² nor as a clumsy vehicle of one’s own benign management of the world’s affairs. What we will need to enact in our practice, and recognize in our theory, is a social dance—or struggle, or conversation—of mutual transformation. As soon as we describe critical responsiveness in such a socially dynamic way, we can understand its point in a third way. Its point is neither moral self-expression, nor regulation of others’ action, but rather the communication of moral concern.

A detailed account of what it means to communicate moral concern will prove both important and difficult. Some of the difficulties are theoretical; it is difficult to sustain a focus on critical engagement without retreating toward the simpler notions of expressive representation on one hand and causal control on the other. To train our attention on a communicative form of critical responsiveness, we must think across and through many of our most obvious philosophical distinctions, such as the active versus the passive, representation versus state of affairs represented. Several chapters of this book will be devoted to cultivating frames of thought within which we can unsettle those dichotomies without losing track of the real contrasts to which they point. While some of this philosophical reflection is abstract and metaethical in its themes, it is *normative* metaethical work. The best reason to speak differently about basic moral concepts, I presume, is to orient us better to moral practice.

A better orientation to the moral practice of responsive engagement is necessary precisely because the terrain of responsiveness is as precarious in practice as it is in theory. In ordinary nonphilosophical interactions, critical engagement can be turbulent and volatile; it is, after all, an interaction of agents who are not reading from the same moral script. Moreover (as I will argue in chapter 2), critical responses can—and always already do—take nuanced and unconscious forms in addition to the deliberate responses we might initiate with full awareness. There is no need to supplement our moral lives by stirring in a fresh practice of observing and responding to others. The moral work recommended in this book is to draw our existing cacophony of responsive habits into a more reflective critical practice—cultivating what we can call a virtue of critical engagement.

Precisely because of the complexity of social responsiveness, this is a virtue that remains always unfinished and in need of reflection; it is not an individual good habit that might be stamped into young and impressionable moral characters. Nor, of course, it is a virtue we can rekindle from the embers of some tradition more coherent and self-contained than our

own. In addition to perceptiveness, emotional intelligence, self-awareness, and social competence, good critics must develop considerable resistance to the complacent ideal of imitation—and indeed to the goal of achieving anything like an unchangingly ideal individual character. More than any other, this virtue will require responding to social cues in potentially unfamiliar and unauthorized ways.

Counterbalancing the challenges, however, is the chance to understand and inhabit our moral agency differently. “Moral agency” will come to mean more than being agents in the service of morality; it will mean acting so as to *fashion* morality,³ gradually cultivating the skills of moral responsiveness and reshaping the terms with which to conceive moral agency.

First-Order Responsiveness

Moral responsiveness occurs in many forms and on multiple levels. Most moral theory has focused on what we may call first-order moral responses. “Treating one another well”—a phrase I used earlier—itself embraces a constellation of first-order responses: we must be responsive to distress and demand, status and expectation, interests and satisfactions. In acts of first-order responsiveness,⁴ we recognize others as focal points of value. In particular, at minimum, our encounters with what Regan calls “subjects of a life” must stand out and command our attention.⁵ And what matters about such beings must keep its vividness somehow, persisting as a consideration in our action even across gaps of time and space. Enduring responsiveness to the needs and vulnerabilities of subjects in this sense is the necessary ground level of moral agency.

First-order responsiveness might also plausibly be found in forms other than treating others well. Christine Swanton offers a relatively inclusive discussion of responsiveness:

Modes of moral responsiveness . . . include not only promoting or bringing about benefit or value, but also honouring value (roughly, not dirtying one’s hands with respect to a value, e.g. by not being unjust in promoting justice), honouring things such as (appropriate) rules, producing, appreciating, loving, respecting, creating, being receptive or open to, using or handling appropriate things in appropriate ways.⁶

While the modes described earlier are plural and wide ranging, Swanton’s list does not take us beyond first-order responses, that is, responses that might well proceed without attention to others’ activity as such. Its contrast between “promoting” and “honoring” value is a variation on the opposition between hands-on causal efforts and hands-off expression. It leaves little room for a kind of responsiveness that both pays attention to

("honors") another's distinctive way of acting and yet actively complicates it through contact, moving neither in respectful unison nor in pulley-tandem with the other.

All varieties of responsiveness occur, or fail to occur, within a social milieu of potentially responsive but *differently* oriented others. Hence some of our moral reflection must revolve around how we will handle signs—both more and less clear—of first-order responsiveness gone awry: mistreatment or neglect, corruption or vice, deception or coercion, and so on. Responding to these means more than responding to the interests and needs of everyone involved. To recognize the distinctiveness of critical responses, we must not confuse a response to activity as such with a response to the *impact* of what has been (or might yet be) done.

A criminal assault, for example, inflicts harm or distress and signals new dangers. Many important moral responses are simply *occasioned* by these facts. At this first level, responsiveness means alleviating victims' suffering and injuries, attending to their stories, following legitimate rules and policies about how to report the incident, alerting other individuals in harm's way, and vigilantly guarding against the threat of further offenses. The sphere of basic responsiveness may even extend to coping directly with coercive or violent behavior—predicting it, avoiding it, derailing it, eliminating it, or deterring it. Yet such responses, however vital and admirable, do not address an offender's agency as such. Responses in the form of assistance, sympathy, and causal intervention, after all, might be occasioned by a pattern of bad weather. Even the discourse of deterrence, which presupposes something like appetites and aversions in would-be offenders, attends to those premises only long enough and deep enough to ward off trouble. Like lightning rods installed with an eye to what lightning "likes to do," deterrence rhetoric requires only a strategic and shallow model of the force it seeks to thwart.

Sometimes such first-order responsiveness, and no more, is what we are in a position to offer, even when the "weather" in question is human action. In urgent conflict, for example, our finite responsiveness may be exhausted by the effort to ameliorate and deflect harms. To the agents of cruelty or disregard in such cases, we may merely *react*. Similarly, when we oppose political forces or corporate powers (perhaps in response to others' suffering), we may treat these as virtually impervious to responsive engagement, as mere engines of domination or destruction. Again, such a stance may be wise on occasion. Yet if we never were able to address our response to the distinct profile of moral agency that provokes us, moral interaction would amount to little more than a circling of the wagons

around a shrinking circle of reliable cooperators. It is critical responsiveness that adds social texture to moral practice.

Higher-Order Moral Responsiveness

The icons of second-order moral responsiveness are praise and blame. Especially in blaming, our interest in others' agency takes a practical direction. For while praise is happy enough with the state of things it honors, blame would clearly have things be otherwise. Yet blame, like praise, is bound up with claims, and the content of those claims has attracted much more philosophical interest than has the practical activity in which blamers are engaged. My concern here, and throughout this book, is with what we *do* in the course of blame and related responses, and with the place of such doings in our own socially located moral lives. And insofar as we exercise not just judgment but also agency when we blame, it will turn out that we do that very kind of thing in a variety of ways that are less obvious, less articulate, and perhaps more ambivalent than blame. Even the most inward moral response involves some *doing*—some shaping of attention, some pigmentation of thought—that is easily obscured when we focus on the content of mental representations.

What we are doing, in higher-order responsiveness, is turning our agency toward what others are doing.⁷ Or more specifically, it is turning our agency toward agency—for critical responsiveness may be self-directed as well. In engaging with agency, we aim in a sense to *reshape* it—but here we must be careful. For “reshaping” may connote the imposition of a desired shape upon what is object-like and passive. Yet the possibility of directing agency toward agency must frustrate the recalcitrant opposition between agent and thing-acted-upon. Critical responsiveness requires expecting agency to take plural and mutually adjusting forms, never reducible to an encounter between the morally corrective agent and the morally defective patient. It requires finding moral significance in how we participate in our encounters with moral difference. These shifting differences are themselves a landscape of moral agency, not simply a transcript of disagreements about what morality requires “down on the ground” of ordinary conduct.

Multi-Level Theories in Moral Philosophy

Distinctions among orders or levels of morality have some precedent in moral theory. Jonathan Bennett and R. M. Hare have both given a prominent role to such a distinction. In their accounts, it is moral judgment that is taken to have levels or orders; here I shall emphasize aspects or dimen-

sions of agency instead. Nevertheless, my account overlaps with theirs in one respect—namely, that words like *critical* and *blameworthy* become prominent only at the second level.

Jonathan Bennett, for example, places judgments that are fit to deliberate by—that an act would be wrong, for example—at morality's first level. Judgments of "blameworthiness" then mark the second level, the level typically invoked in attempts to hold people accountable.⁸ R. M. Hare's account differs in its content, but takes a similar structure. Various intuitive or "prima facie" principles occupy the first level. As intuitions, these principles secure a grip on conscience and serve to guide ordinary deliberation. Hare's second level is the "critical" one, wherein we are prompted by conflict to fine-tune our first-order principles in ways that better orient us to complexity.⁹ Both these multi-tiered accounts, I have noted, apply to static judgments rather than to the complexities of criticism as a social practice. These latter complexities deserve urgent attention, however, for three reasons I shall outline as follows.

First, the practical aspects of blame or criticism as such are obscured by judgment-oriented accounts. On Bennett's variant, to begin with, any actual deliberation about how and whether to blame (or otherwise respond, we should add) might seem naturally guided by second-order judgments, just as deliberation about what to do is guided by first-order findings. Second-order judgments, for Bennett, reach beyond the moral status of action and capture the agent's status with respect to it. It is important to keep the distinction in mind, on his view, so as to keep us from impugning a perfectly adequate moral theory just on the grounds that what it counts as wrong (say, causing unanticipated grave harm) does not always merit blame.

Certainly, much philosophical ink has been spilled (and now pixels are being carefully rearranged) in delimiting the criteria for blameworthiness. Yet even if we grant that such a status can be determined, blaming in practice must be informed by factors that diverge for different agents—all the relationships, motives, histories, skills, and risks that might bear on a particular encounter. By the time all these are taken into account, it seems that settling the question of blameworthiness will have been about as helpful as settling whether a person is "employment worthy" or "friend worthy"; whether to hire or whether to befriend is given only the most minimal guidance thereby.¹⁰ Even weighing someone's "trustworthiness," though the word seems sensible, misrepresents a relation as a property. For trust functions only as a certain relational dance,¹¹ and no person is uniformly related to all others. So it is, I will argue, with blame as well as other

moral responses. How to engage with whom over what—*that* is an urgent question internal to moral practice. Yet in answering that question, we need not decompose it (as Bennett's model implicitly recommends) into one set of questions about the status of this or that agent and a further set of questions about whether and how, in practice, to represent such findings of moral status.

R. M. Hare's distinction, meanwhile, contrasts the second level of "critical" judgments against "intuitive" first-level judgments. At the intuitive level, he notes, we are bound to experience conflicts among duties, and the intuitions themselves furnish no recipes for resolution. Nor, however, can we rest content with thinking of moral recommendations as doomed to contradiction. A second level of moral thinking, according to Hare, allows us to cope with conflicting intuitions by forging more nuanced and detailed principles. Such critical judgments may be too complex to be easily taught or internalized by habit. Still, they must manifest a formal universality and impartial consideration of interests. While the critical level cannot directly furnish substantive and manageable guidance for conduct, it is constituted by a reflective demand to make sense of our moral commitments in the face of complexity.

In this way, Hare invites moral theory to accommodate both the chaotic diversity of familiar intuitions, on one hand, and a reflective demand for coherent general formulations, on the other. Yet in portraying the "critical" level of morality as a feature of each individual's thought, such an account again obscures the vital role, for critical ethics, of social encounters between moral agents. Hare's very title—*Moral Thinking*—draws a narrow circle around an individual; neither dialogue nor confrontation falls within his intended scope. But such a focus on individual thought is precisely the habit I wish to question. In defining "critical morality" by reference to internal cognitive capacities, Hare's celebrated work exemplifies moral philosophy's indifference to the social face of critical practice. Should we not find it odd when a chapter on "Moral Conflict," for example, focuses exclusively on mental clashes within one thinker's set of intuitions? Clearly for Hare, as much as for Bennett, the social activities of responsive engagement fall out of view when morality's "second level" or "second order" is just another tier of judgment.

The second reason to account for levels of practice rather than simply levels of judgment is that neither Bennett nor Hare give a satisfactory account of moral orders beyond the second. For Hare the third order leaves substantive ethics behind and becomes a practically disengaged metaethics. For Bennett a third order would logically entail an account of how to

judge the actions (and omissions) that answer to our encounters with blameworthiness. When I judge that a certain deed *X* was wrong, and the agent indeed blameworthy for it, I surely face the further question about whether my friend acted wrongly by failing to blame the blameworthy, and under what conditions people whose blame falls short are worthy of blame for that reason. I may then wonder whether I'd act wrongly in abstaining from such blame, and so on. To his credit, Bennett does not explicitly invite moral theorists to spell out the necessary and sufficient conditions of such higher-order judgments of status.

In higher-order *practical* engagement, however, multiple agents with nested patterns of responsiveness can easily instantiate several orders of complexity, since we *do* respond critically to one another's critical responses. For example, a person may anxiously confront her spouse over the apparent intrusiveness with which he advised the neighbors against the kind of strict discipline they had applied to their children's defiance. Three non-mysterious levels of critical engagement are easily made out here; there are four if we think—as chapter 2 will argue—that children's defiance might itself count as a gesture of critical response. The wisdom of such a spousal confrontation, in practice, is not so plausibly illuminated by a third- (or fourth-) order judgment about, say, the blameworthiness that attaches to a person *P* who knowingly fails to blame *Q* for the blameworthy wrong of blaming *R* who is, despite her wrong action, not blameworthy. What a reflective critic most urgently needs, in such cases, is not a judgment about a rarefied kind of moral status, but an appreciation of the social fabric of action within which she acts—an appreciation that requires taking stock of relationships, background expectations, and the ways in which her critical response would come across. These are complexities of practice that have no neat analog in an account that foregrounds moral judgment.

A third reason to focus on practice rather than judgment here is that dimensions of critical practice, unlike levels of moral judgment, resist Bennett's common-sense affirmation that "first-order morality really does come first." By this Bennett means that each second-order judgment implies a first-order judgment in its background. In a sense, one of my earlier claims may seem analogous: a capacity for first-order responsiveness seems to be a precondition for exhibiting higher-order responsiveness. Yet one certainly can respond to what someone else has done without having resolved first-person questions about what to do in similar situations. It is a good thing if a child can respond indignantly to the corporal punishment of her friend despite not yet having any clue about how she would handle occasions for discipline herself, for example. More important, we can