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How fiction makes us better people: an analytic account of how fiction succeeds in being morally developmental

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Introduction

I would like to convince the reader that some, if not most, literature is apt to bring about moral development. I believe that arguments to this end have as yet been systematically unsuccessful. This is because such arguments fail to acknowledge the epistemic dubitability that is an inevitable aspect of literary fiction. After developing this negative thesis, I will give a positive account of a type of moral development that fiction is particularly apt to bring about. I will do so by arguing that fiction is capable of bringing about moral development – or moral enlightenment – that other forms of discourse simply lack the capacity to communicate. While it is the narrative techniques that appear to make using fiction as a source of moral development untenable and unjustified, it is, in fact, these very techniques that allow fiction to bring about some types of moral development. I will give an account of a type of moral development that involves developing the capacity to respond with understanding and mercy towards wrongdoers without disregarding their wrongdoing, or recasting it as morally acceptable.

The central claim of this thesis is that works of fiction are capable of legitimately bringing about moral development in a reader. If moral development is simply a matter of propositional or practical education, then for moral development to be legitimately brought about requires that the moral development not be based on unsubstantiated claims. Just as our propositional knowledge ought to be justified, so our moral development ought to be well founded. I will offer an account in which moral development is a matter of instilling certain capacities and certain dispositions. I will not offer a general account of moral development. Rather I will suggest a disposition that seems to me to be virtuous and show how fiction is capable of legitimately encouraging this disposition in a reader. So, the account will not be an account of how fiction succeeds in being morally developmental in a general sense of moral development, but rather an account of how a particular virtue, mercy, can be brought about through fictional literature. However, I hope that the account suggested in these pages will provide a blueprint for how works of fiction might be capable of bringing about sorts of moral development other than the one described.

Chapter 1 will begin with a discussion of the epistemic dubitability of fiction. The primary argument to be given in support of this claim is owed to Monroe Beardsley, and dubbed the

no-evidence argument by Noël Carroll. (Carroll, 2002, p. 5) Fiction, by its very nature, is not true. "The distinguishing mark of fiction – what marks it off from narrative that is non-fictional – is basically its lack of a claim to literal truth." (Beardsley, 1958, p. 127) That is not to say that nothing we read in a work of fiction reflects the way the world actually is. Rather, it is simply to say that we are not justified in believing that anything we read in a work of fiction represents the way the world is without confirming our belief, or justifying our belief, externally to the fiction. We read in John Irving's *The Hotel New Hampshire* that "all over Vienna (in 1957) were the gaps between the buildings, were the buildings collapsed and airy, the buildings left as the bombs had left them." (Irving, 1981, p. 227) Now, this might be true, but it might also not be. In order to be justified in believing it to be true, I ought to verify my belief by checking a history book, or asking someone who lived in Vienna in 1957. I ought to verify my belief externally to the fiction. This is because a work of fiction does not necessarily represent the world as it actually is.

Given this, how is it that it is possible to learn anything from a work of fiction? Chapter 1 will continue with an account of a number of attempts to justify the knowledge, particularly the moral knowledge, that one gains from a work of fiction. The primary account to be considered will be one in which works of fiction work in the same way as examples and thought experiments. In other words they are informative by virtue of the fact that they succeed in bringing to light what was already known, but was perhaps known in a confused or unclear way. I will argue that this, and other, attempts to dismiss the 'epistemic dubitability' objection fail. This is either because they fail to take account of the fact that moral knowledge is communicated differently than other forms of knowledge, or because they fail to recognise the full extent of the ramifications of the epistemic dubitability of fiction. Because Carroll's arguments claim that fiction, like thought experiments, can cause us to re-organise or reconceptualise our intuitions, the downfall of his account is his failure to recognise that the narrative techniques inherent in fiction are capable of manipulating our moral intuitions. As such, we might come to restructure our conceptual framework but we do so unjustifiedly.

Chapter 1 concludes with the claim that if fiction is to be morally developmental, the assumed conception of moral development – that it is a matter of adding to a subject's practical or propositional knowledge – must be rejected. If fiction is to be morally developmental, it must be so on an alternative conception of moral development. The project

of chapter 2 is to give an account of what this alternative conception of moral development might be. The chapter begins with a discussion of Plato's mode of communication in the elenctic dialectic. The aporetic dialogues are concerned with the meaning of moral terms. However, no account of the meaning of the term in question is finally established. The Socratic elenchus proceeds by way of questions and answers. The questioner, Socrates, never asserts a positive account of his own. As such, if the dialogue teaches the interlocutor anything, it teaches him that he lacks he lacks authority on the subject, it teaches him that he does not know the meaning of the moral term in question. To explain why this kind of un-teaching does the interlocutor any good, chapter 2 next turns to Jonathan Lear's account, traceable to Kierkegaard and Plato, of an experience of irony.

A discussion of the subjective nature of moral terms leads naturally into a discussion of irony. Since our understanding of moral term is surely a crucial aspect of our moral development, chapter 2 continues with a thorough account of the nature of subjective terms. The crucial claim in this section is that subjective terms are such that exemplifying the term involves 'being in a constant state of becoming.' A corollary of this claim is the claim that the process by which we achieve moral goodness, is, by the very nature of morality, always incomplete. In this paper irony is conceived of as a means of drawing out the conceptual distinction between the pretences of a term and the aspirations of a term. For example, Mrs Smith might consider herself a just individual. In this case, being a just individual makes up a part of Mrs Smith's practical identity. However, Mrs Smith might conceive of justice only according to the pretences of the term. Mrs Smith, in this case, has failed to recognise that as well as a sense of justice that conforms to the social pretences of the concept, there is a sense of justice which is much more ambitious. This distinction between a subjective concept's pretences and its aspirations will be discussed in detail. For now, it will suffice to say that when an individual comes to grasp this distinction she will have an experience of irony. Furthermore, because the concept in question is one which partially makes up her practical identity, the subject will internalise this conceptual dissonance. This experience will be one of 'erotic uncanniness' the individual will be struck by her failure to grasp the true meaning of the term in question, while at the same time experiencing a desire to exemplify the aspirations of the concept. In short, by occasioning an experience of irony in an individual, it is possible to have an effect on that individual's behavioural dispositions. This is possible without the direct assertion of any claims regarding the meaning of moral terms. All that the process requires is that the subject comes to recognise the shortcomings of her understanding of a

moral concept and experiences an uncanny desire to embody the aspirations of the concept. This is possible even when the nature of the aspirations of the concept is entirely unclear. This uncanniness is the important feature of the ironic experience. Chapter 2 concludes that moral learning, or moral development, consists not in adding to one's knowledge, but in detracting from it. In order to be better people, we ought to know less. This explains why the interlocutor in an aporetic dialogue, might be morally improved by his encounter with Socrates.

The focus of chapter 3 is to give an account of a particular moral virtue that is especially apt to be brought about by literary fiction: mercy. The nature of the virtue of mercy will be explained in detail. In particular, and importantly, it will be shown that mercy is a moral virtue that is brought about by being less sure of what one knows, morally speaking. In the account of mercy given in this paper mercy has the following features: Firstly, mercy can be a feature of actions, but it can also be a feature of certain internal dispositions. Secondly, mercy is a virtue independent of the virtue of justice. Thirdly mercy has a gift-like quality such that it is never owed to anyone, as a matter of right or otherwise. When we are merciful we are so benevolently. All of these claims will be defended at length in chapter 3. In giving an account of mercy which fulfils these requirements, the concept of mercy will be further refined. Two important features of mercy will emerge. The first is that mercy is a matter of paying particular attention to details. A merciful subject will find the minutia of a wrongdoer's character and situation – those features of the wrongdoing that are too subtle to be considered relevant to justice (either broadly or narrowly conceived) – salient in both her judgement of, and her behaviour toward, the wrongdoer. The second is that humility forms an integral part of the merciful disposition. In order to be merciful, it is necessary that one is acutely aware of the extent to which one fails to achieve her own moral aspirations. A merciful person will find her own failures, rather than her own successes, prescient to her judgement of others. Furthermore, mercy entails that a subject's negative affective responses to wrongdoing are replaced by compassion and understanding.

Chapter 4 will establish that a work of fiction succeeds in encouraging a merciful disposition by bringing about an experience of irony. In our day to day lives we respond with disgust or anger towards wrongdoers, if we respond at all. In reading a novel, however, we are forced to respond with understanding. Thus, we are forced into a situation in which our response to real life wrongdoing is at odds with our response to fictional wrongdoing. Because a work of

fiction demands that close attention is paid to particulars, and because this demand leads us to identify with the characters of the novel, fiction makes the reader aware of her failure to respond mercifully to real-life wrongdoers. However, because the subject in question constitutes her practical identity in terms of virtue, a work of fiction occasions an experience of irony. The fiction causes the reader to question the way in which she responds to, who she comes to see as, her fellow wrongdoers. The subjective nature of morality is brought out, not by a focus on moral terms, but by a focus on one's emotional response to wrongdoing. By making clear to a reader that she consistently achieves only the pretences of mercy, and by forcing on her the realisation that the aspirational sense of mercy is a concept she has failed to understand, the work of fiction causes an experience of irony. In so doing, in causing the reader to enter an un-ending state of striving to become merciful, a work of fiction induces a disposition towards being merciful in the aspirational sense of the term.

It is our self doubt about our moral goodness that succeeds in making us morally good. And it is this self doubt that is brought about by an experience of irony. It is the ability to empathise and understand, no matter what the wrongdoing in question, that makes us better people. And it is our humility regarding our own success in being moral, combined with our realisation of our own lack of knowledge regarding what is good and what is bad, that causes us to respond with understanding. The 'erotic' aspect of this uncanniness is such that at the same time as we realise how little we know, we tend towards being better. Thus, fiction succeeds in being morally developmental, not because it asserts any claims directly, and not because it influences the organisation of our conceptual frameworks. Fiction succeeds in being morally developmental by undermining our conceptions of ourselves as people who know. Thus, while fiction is epistemically dubitable, it is also morally developmental. It is morally developmental because a certain kind of moral development consists not of moral learning but of moral un-learning. As such, the epistemic dubitability of fiction in no way hinders its capacity to be morally developmental. In fact, the narrative and mimetic features of fiction that partially underlie its epistemic dubitability are necessary features of its capacity to bring about the disposition towards being merciful.

Thus, not by adding to what we know, but by causing us to un-know it, fiction encourages the disposition of mercy. Mercy is a virtue, and thus fiction succeeds in developing a virtuous disposition. It does this, not in spite of, but because it does not assert any claims about how one ought to behave, or about the meanings of moral terms. Climacus said "the art of

communication at last becomes the art of taking something away, of luring something from someone." (Lear, 2003, p. 106) If fiction is morally developmental by virtue of its capacity to lure our moral certainty from us, then we need not worry about its epistemically dubitable nature. Thus, fiction succeeds in legitimately bringing about moral development

Chapter 1

Introduction:

The aim of this dissertation is to give an account of how a work of fiction can be morally developmental. This chapter will, firstly, give an account of the epistemic dubitability of fiction, and then examine two possible accounts of fiction's morally developmental capacities. I will argue that these accounts fail as a result of failing to fully take into account the extent of the repercussions of fiction's morally dubitable nature. The first account to be examined is Gregory Currie's 'imagination' account in which we can improve our capacity for acting morally by improving our capacity to imagine the possible results of our actions, which fiction encourages us to do. I will argue that this type of imaginative experience cannot reliably be morally developmental. The second, more promising, account is Carroll's 'thought experiment' account. Carroll claims that works of fiction can be morally educative in the same way as thought experiments: they can assist a reader in reorganising her intuitions and recognising the relationships between the moral concepts she already possesses. Although I will argue that Carroll's account, in its present form, also fails, there are some features of both Carroll and Currie's accounts that I would like to preserve. These features will be incorporated into the positive account of fiction's educational potential for which I will argue later in the dissertation.

Given that the aim of this chapter is to show that Currie's 'imagination' account and Carroll's 'thought experiment' account fail to show that fiction can be morally developmental, it is necessary to begin this chapter with an account of what moral development might consist in.

Fiction is Epistemically Dubitable:

It is clear that works of literary fiction are capable of presenting or putting forward propositions about reality, including moral reality. It might be that the proposition is advanced by one of the characters, as when Thomas Gradgrind from Charles Dickens' *Hard Times* asserts that "facts alone are wanted in life." (Dickens, 1854, p. 3) Or, it might be that the claim is presented by the narrator, or just assumed by the novel as a whole. In this instance, the proposition would be something that is a constituent of the fictional world of the novel, such as the claim that the Enfield Tennis Academy in David Foster Wallace's *Infinite Jest* sits on a hill overlooking the Enfield Drug Rehabilitation Centre. However, works of fiction are not, qua works of fiction, capable of providing defence or justification for the

propositions they present. "The literary work does not…give us the evidence, and without the evidence the hypothesis can hardly be called knowledge." (Beardsley, 1958, p. 429) A character within the fiction, or a narrative voice, might defend the proposition in question but this would be a fictional defence. The premises of the argument might be true in the real world; or they might be true only in the world of the fiction. More rarely, in a science fiction novel, say, the conclusion might follow from the premises in the fictional world, but not follow from the premises in the actual world. As such, we are not justified in accepting a proposition based on a fictional defence. The premises of any argument in a work of fiction will have to be judged to hold true in the real world before the argument can be accepted as saying something true about the world.[1]As such, even when a fiction does contain an argument for some claim, the argument, on its own, holds no epistemic water. The claim is not that we are not justified in believing propositions we read in works of fiction, rather, the claim is that we are not justified in believing a proposition we read in a work of fiction *on the basis of having read it in a work of fiction*.

One might think that although we are not justified in believing certain sorts of propositions on the basis of having read them in a work of fiction, there are other sorts of propositions that we can believe. For example, some sentences in a work of fiction are reports of fictional characters or circumstances. Report-sentences are those that "report the situation, the objects and events of the story." (Beardsley, 1958, p. 409) If these are sentences that predicate some property to something fictional then the claim is neither true nor false and ought not to be accepted by the reader. (Beardsley, 1958, p. 419) Some sentences, however, report on non-fictional circumstances, places, or individuals. Take for example the proposition asserted in *The Hotel New Hampshire*: "all over Vienna (in 1957) were the gaps between the buildings, were the buildings collapsed and airy, the buildings left as the bombs had left them." (Irving, 1981, p. 227) In Beardsley's terms this is not a fictional sentence, since it does not take a fictional object as its subject; nonetheless, it is a report-sentence. However, "fiction is a

[1] When we read propositions in a history text book, or cookbook, we commonly accept the claims in question on the basis of testimony. However, when we read an argument in a philosophy paper, we generally do not automatically accept the premises of the argument. As in a work of fiction, we ought to check that the premises are true – and that the conclusion follows – before we accept the argument. This is because one tends to read a philosophy paper critically. However, we do not tend to read a work of fiction with the same critical eye. It might be pointed out, by the astute reader, that Plato's dialogues are fictional, and yet we take the arguments presented in the dialogues as arguments about the nature of the actual world. It ought to be noted, however, that the Platonic dialogues occupy a peculiar realm. They are works of fiction, but they are also works of philosophy. When we read a dialogue, we read it hoping to find out something about the actual world. As will become clear in this paper, Plato had his reasons for writing in the fictional mode. For now, we can accept the Platonic dialogues as occupying a liminal place within a taxonomy of fictional works.

discourse in which the report-sentences are not asserted." (Beardsley, 1958, p. 420) So, a work of fiction is one in which report-sentences are uttered (by the work of fiction) but not asserted. An unasserted proposition ought not to be accepted on the basis of its utterance, since in uttering the proposition the speaker does not intend it to be accepted, she does not put any epistemological weight behind it. So, the writer of a fiction is not claiming that the report-sentence accurately reflects the state of the world: "he neither believes them nor expects us to believe them." (Beardsley, 1958, p. 421) It is clear then that we would not be justified in believing a proposition made in a report-sentence purely on the basis of reading it in a work of fiction.

However, because report sentences are specific, they describe some situation, some object or some character; it is not likely that moral propositions – the sorts of propositions that we are interested in here – would be contained in a report-sentence. Fictions tend to imply their moral propositions. The 'moral of the story' is very rarely uttered within the story itself. A report-sentence might read 'the soldier's actions were cowardly' but if this report influences the reader it will be because what is implied by the report is the more general moral proposition 'one ought not to abandon one's post during battle.' These kinds of propositions are more apt to be contained in reflection-sentences. Reflection-sentences are those in which "the narrator generalizes in some way, or reflects upon the situation." (Beardsley, 1958, p. 409) A work of fiction may also contain implicit reflections. These are propositions derived by the reader's interpretation of reflection-sentences. With regards to report-sentences, a fiction consists either of fictional sentences, which are neither true nor false, or unasserted sentences. (Beardsley, 1958, pp. 409-37) Beardsley argues convincingly that reflection-sentences and implied reflection-sentences similarly ought not to be thought of as assertions. "If we can allow a writer to pretend to be Dr. Watson or Porphyria's lover, then we can allow him to pretend to be a Roman Catholic or a Nietzschean or a Communist." (Beardsley, 1958, p. 422) There is no reason to suppose that the generalised reflections made in, or implied by, a work of fiction constitute assertions on the part of the author. Thus, it is clear from this analysis of the types of propositions contained in a work of fiction that even the implied generalizations of the text ought not to be taken as assertions.[2]

[2] It ought to be noted that even if we were to take some, or all, these sorts of claims as assertions, there would still be a question as to whether or not the writer in question was a reliable source of moral knowledge. The question of who has the relevant expertise to teach morality is one which is too complex to be considered here. The ambition of this paper, however, is to point out that moral development takes place, not by teaching, but by undermining what has already been taught.

The no-argument argument:

If the propositions made in, and implied by, works of fiction are unasserted utterances[3], we ought not to accept these propositions. This is because an utterance made in a work of fiction is not supported, either by testimony, or by evidence. Beardsley gives an account of this argument, dubbed the 'no-evidence argument' by Carroll. Beardsley argues that to say that a work of fiction was epistemically revealing would usually mean that the fiction both "suggested a new hypothesis" to the reader, and "constituted fairly strong and direct evidence for that hypothesis." (Carroll, 2002, p. 4) Beardsley's claim is that while a work of fiction might suggest a new hypothesis, it cannot, by the very nature of fiction, present any evidence for this hypothesis. In other words, reading a proposition in a work of a fiction, does not justify the reader in coming to believe that proposition. However, as Christopher New points out, this does not entail that we cannot gather truths from fiction, only that "they are not shown to be truths by virtue of being persuasively conveyed in a novel, story, poem, film or play." (New, 1999, p. 120) Carroll gives a conception of the no-argument argument that illustrates this confusion: "The story cannot confirm or authenticate its thesis, where it has one. So fiction, when it is underwritten by some general truth, cannot afford genuine knowledge, since however true its claims may be, they are never justified." (Carroll, 2002, p. 5) This isn't quite right. The general truth might be justified, but it cannot be justified by the work of fiction. If it is to count as an appropriate object for knowledge, it will have to be justified externally from the fiction. Similarly, if our reader is going to come to know its truth, she will have to justify her belief external to the fictional world. Fiction might well have justified true claims to dispense, but we are not justified in believing them on the basis of the fiction. It might well be true that the Enfield Tennis Academy was built on a hill, but it might not be. "A reader would be foolish to take a fiction as evidence for an empirical claim…just because he could never be certain which parts of the fiction were spun of whole cloth and which parts were not." (Carroll, 2002, p. 5) The claim here is not that we cannot come to believe something that is indeed true from reading works of fiction, simply that we would not be justified in holding that belief on the basis of its being advanced in the fiction. The proponent of this argument "concedes that art and literature may be sources of

[3] This is not to say that the propositions made by the characters within the world of the fiction are unasserted utterances. They are assertions in the fictional world. However, in the non-fictional world, the real world, they are unasserted utterances. The novel itself, as opposed to the story, utters the propositions, but cannot assert them.

hypotheses about the world that audiences may then go on to attempt to confirm." (Carroll, 2002, p. 5)

Currie's 'Moral Imagination' Account:

However, if we are not justified in believing claims about human nature or morality represented in works of fiction on the basis of the work of fiction itself, it is difficult to see how we could be justified in gathering moral knowledge from fiction, or in accepting fiction as instrument for moral development. This is obviously true if moral knowledge consists of propositional knowledge, but, as will be shown, the problem remains even if we conceive of moral knowledge as 'know-how' or practical knowledge. Currie's claim is that a work of fiction can bring about practical knowledge, or know-how, while Carroll's account suggests that literary fiction can induce or clarify propositional knowledge, or knowledge-that. As such, it will be useful, before explicating these two accounts to clarify the distinction and relationships between practical knowledge, knowledge how, and propositional knowledge, knowledge that. Gilbert Ryle points out that "knowing-how cannot be defined in terms of knowing that". (Ryle, 1945-46, p. 4) Although knowing-how might require a certain amount of knowing-that, knowing how cannot be reduced to knowing that. To see this, consider the case of the bad chess player being taught by the good chess player. The good chess player could teach the bad chess player all the maxims, rules of thumb, statistics etc that he knows, the bad chess player could come to know and understand this information thoroughly, and still not become any better at playing chess. This is because knowing-how consists of something more than knowing-that. Although he has all the maxims and all the facts, the bad chess player does not know how to apply them. There is a wide gulf between "having the postulated knowledge of [the] facts and knowing how to use it or apply it; between acknowledging principles in thought and intelligently applying them in action." (Ryle, 1945-46, p. 8) We can gain know-how by habituation or drill, or by education or training. The former, habituation, results only in the formation of blind habits. The latter, however, education and training, can result in intelligent behaviour. (Ryle, 1945-46, p. 15) Currie's account suggests that through the imagination that is encouraged by fiction, we can learn how to apply principles, or choose between values.

Currie's 'moral imagination' account of the enlightening nature of fiction suggests that "imagination might be a source of knowledge; in imagining things, we might thereby come to

know other things. And if fictions are aids to imagination, they might lead indirectly to knowledge." (Currie, 1998, p. 161) Currie argues that moral development consists in our projecting ourselves "into specified roles and situations, using ourselves to model the human scenarios in question, and observe the upshot of that." (Levinson, 1998, p. 10) He thinks that in doing so we allow ourselves the opportunity to examine the possible consequences of different courses of action, or of pursuing conflicting values. (Currie, 1998, p. 163) This account would not be vulnerable to the 'no-argument' objection because the claim is that what we learn from a work of fiction is not what is expressed by the work of fiction. Rather, the imaginative engagement allows us to learn some other truth. Currie argues that imagination allows us to empathetically take on another role, in doing so, in 'trying out', so to speak, different courses of action, we might learn how to act so as to achieve a superior moral outcome.

Currie's argument is, briefly, as follows: We are capable of choosing or changing the values we pursue on the basis of how we think these choices will affect those around us. There is a process of imagining, such that, if it goes well, it will illuminate the effects, for ourselves and others, of pursuing certain values. However, "it is sometimes difficult to sustain an imaginative exploration of a complex situation." (Currie, 1998, pp. 163-4) Fictions help readers to "enter empathetically into the lives of character [and]…come to feel what it is like to be those characters, make their choices, pursue their goals, and reap the rewards and costs of their actions." (Currie, 1998, p. 164) So, Currie's suggestion is that because fictions encourage us to empathetically follow the choices and consequences of a particular character, they also develop in their readers a capacity to plan their actions.

Currie suggests that reading a work of fiction is analogous to visualising or imagining the completion of a difficult task. His claim is that "people can improve their performance on various tasks not only by repeatedly carrying them out, but by *imagining* carrying them out." (Currie, 1998, p. 166) A gymnast struggling to master a new movement will visualise herself completing each step of the movement successfully. In doing so, she hopes to create a disposition towards completing the movement successfully in action. It might be that fiction encourages empathetic imagination that has the same effects as this kind of visualisation; it will create a disposition towards carrying out the action in question. On this conception of the 'moral imagination' account, by imaginatively engaging with fictional characters, the reader might form a habit, or a disposition to act in morally desirable ways.

I agree with Currie that "works of literary fiction, with their descriptions of fictional characters and their activities, are capable of calling forth from us imaginative responses that are similar to those called forth by our encounters with real people." (Currie, 1998, p. 163) However, it seems to me that Currie's account turns on an equivocation of 'imagining.' There is a sense of 'imagining' that is creative. "The work of the moral imagination is in some manner like the work of the creative imagination." (Nussbaum, 1985, p. 516) We have to imagine creatively when we think about what might happen as a result of certain actions. By way of example, Currie asks us to think of the kind of planning we do when we are figuring out how best to ask someone for a date or thinking about a chess move. (Currie, 1998, p. 165) These situations are relevant because they are the kind of situations in which we have to think about how others will react to our behaviour. To do this we imaginatively think each of the possibilities through, we create possible worlds in which we choose each action and imagine the repercussions. I think Currie is right about this. However, this is not the kind of imagining we do when we engage with a work of fiction. In *The Hotel New Hampshire* John must choose whether or not to tell the resident prostitutes that the hotel is going to be blown up. Although we imaginatively engage with his decision, to the extent that we empathise with his tough choice, we do not get the opportunity to creatively imagine the possible outcomes of his choice. Rather, we imaginatively experience the choice he *does* make, and the results of his choice. We don't have to imagine what the repercussions of his choice might be, they are described to us. We might visualise ourselves in the same situation and visualise ourselves choosing the same action, but this visualisation, like the gymnast's, can only help us to execute *that* choice in action. It cannot help us to decide between competing values. Furthermore, on this conception of the account, we gain knowledge-how through habituation or drill. However, as Ryle points out, this results only in the formation of blind habits. As such, it cannot help the reader to choose between competing values, as Currie suggests.

However, Currie seems to think that the type of imaginative engagement need not be the 'creative imagining' which was assumed by my objection. Currie suggests a simulative conception of imagination, on which a reader can temporarily feel how the character she is empathetically imagining with might feel: By taking on, temporarily,

> the beliefs and desires I assume someone in that situation would start off by having; they become, temporarily, my own beliefs and desires. Being, thus temporarily, my own, they work their own effects on my mental economy,

> having the sorts of impacts on how I feel and what I decide to do that my ordinary, real beliefs and desires have. (Currie, 1995, p. 252)

Empathetic imagining in the simulative sense allows a reader to understand, in the fullest sense of the term, the affective results of certain value choices. Thus, the process of simulative imagining allows a reader to learn which goals are worth pursuing. (Currie, 1995, p. 253)

This conception of the 'moral imagination' account would bring about knowledge-how not through habituation, but through training or practice. As such, it would result in the capacity to behave intelligently. However, another problem presents itself. Currie's account is that we can imaginatively explore the consequences of pursuing certain values, and that fiction helps us to do this. (Currie, 1995, p. 252) However, as Currie himself points out "it is hard to know whether [one has] succeeded in imagining something adequately, and we sometimes think we have acquired knowledge when all we have really acquired is erroneous belief." (Currie, 1995, p. 254) Currie's claim is that fictions give us access to imaginings that are more complex than the ones we are capable of creating for ourselves. This may well be the case, but in the complexity of a novel, the effects of a certain choice, both physical and affective, are stipulated by the story. Thus, the reader does not get the chance to practice imagining what the effects of a certain value choice might be, she is shown. There is no reason for a reader to believe that imagined affective responses to certain value choices are sufficient justification for making those choices. A reader ought not to accept unasserted implied reflective utterances as justified accounts of the consequences of pursuing certain values over others.

Know-How Requires Epistemic Reliability:

Currie assumes that if his account is one on which fiction produces knowledge-how rather than knowledge that, then the 'epistemic dubitability' objection is avoided. Many philosophers think of moral knowledge or moral education as a matter of learning information. Peter McCormick, for example, gives an account on which moral knowledge consists of "justified true beliefs about right standards for judging real human actions to be morally good or bad." (McCormick, 1983, pp. 399-400) However, it seems to be equally important to being moral to know *how* to act well as it is to know what is right and what is wrong. Currie's claim is that "if we conceive of imagination as an activity of role taking, of empathetic enactment of scenarios" then reading a work of fiction may well issue in *practical* knowledge that will enable us to achieve better moral results than we might have achieved

otherwise." (Levinson, 1998, p. 12) Thus, we might think that, given that at least to some extent, moral learning is a matter of learning to behave in certain ways, fiction need not directly assert any proposition in order to bring about moral knowledge. However, it would seem that 'know-how' ought to be justified to the same extent, and for the same reasons that propositional knowledge ought to be justified. We ought not gain our practical knowledge from epistemically dubitable sources any more than we ought to gain propositional knowledge from epistemically dubitable sources.

As such, even if Currie's claim – that fiction is morally developmental because it allows us to imaginatively empathise with characters that make certain value choices – is a claim about learning *how to act*, the requirement for justification still holds.[4] Although this justification is not the same sort of justification required by empirical claims, some sort of justification is nonetheless required. A character in a novel might choose to pursue a certain value, and the effects of pursuing that value, as they are stipulated by the text, might be entirely good. However, we ought not to assume on the basis of the fact that everything worked out well for the character in question, that pursuing similar values in the real world would have similar results. In short, there are two important objections to Currie's account. The first is that reading a work of fiction does not give the reader the opportunity to simulatively imagine the consequences of certain value choices, as he would be required to do in real life. The second is that a fiction stipulates the results of certain value choices and a reader would not be justified in accepting that those are the results that would occur if a similar value choice was made in real life.

Useful Ideas from Currie:

Despite my objections to Currie's account of the morally educative nature of fiction, there are a number of ideas brought out by Currie's 'empathetic imaging' account that will be crucial to the account developed in this paper. I agree that moral knowledge is, at least in part, "practical rather than theoretical knowledge." (Currie, 1998, p. 164) Furthermore, Currie's account is one in which a work of fiction is morally educative because, and to the extent that, the work possesses "realism of an appropriate sort: being such as to call forth a cognitive and affective response similar to that which would be called forth by real phenomena parallel to

[4] Perhaps the confusion is a result of the fact that 'know-how' just isn't 'know-how' if it is incorrect. Thus, there is an intuition that skills-knowledge need not be justified like propositional knowledge needs to be justified. But this confusion is a result of the fact that one simply cannot have 'know-how' that is false. A false belief is still a belief, but false 'know-how' just isn't 'know-how.' Regardless, we ought not to gain know-how illegitimately.

those the narrative represents." (Levinson, 1998, p. 12) This is the notion of 'realism of character'. Currie suggests that a work of fiction has this feature when it "enables us to engage in…empathetic understanding with its characters." (Currie, 1998, p. 173) On Currie's account, it is only fictions which possess this feature that will be morally developmental. As will become clear, the account to be put forward in this paper has, as a central tenet, the claim that fictions allow us to empathise, or judge with, the characters to an unparalleled degree.

Carroll's 'Thought Experiment' Account:

Carroll presents what is, in my view, the most rigorous account of how fiction can be morally enlightening. Once again, although I will argue that Carroll's account does not succeed, an important feature of Carroll's account is an important feature of the account to be put forward in this paper. Carroll attempts to resolve the issue of the epistemic dubitability of fiction by arguing that works of fiction are akin to thought experiments, and, inasmuch as they are so, can be a legitimate source of moral and intellectual development. Thought experiments, after all, "frequently take the form of narratives, but at the same time, they also function as arguments." (Carroll, 2002, p. 7) Alternatively, the intuitions elicited by the thought experiment might count as premises in an argument for or against some moral claim. Carroll's account holds that works of fiction, like thought experiments, function by helping the reader to reorganise moral knowledge she already has. On this account some narratives afford moral clarification because they encourage the reader to reinterpret and reorganize her moral categories and principles. (Levinson, 1998, p. 11) So, says Carroll, while a fictional narrative cannot teach us something brand new, it can be morally educative or enlightening to the extent that "it activates the knowledge and emotions, moral and otherwise, that we already possess." (Carroll, 1998, p. 141) By "mobilizing" what we already know and by bringing our extant moral intuitions to the fore the work of fiction helps the reader to "deepen her understanding" of her extant moral knowledge and intuitions. (Carroll, 1998, p. 142) In other words, Carroll attempts to escape the 'epistemic dubitability' objection by giving an account in which fictions do not provide new information, rather, they help the reader to reorganise the information she already possesses, or in some cases, to realise that she already possesses this information. To see this consider the following famous thought experiment from Judith Thompson (this truncated version is owed to James Robert Brown and Yiftag Fehige):

> We are asked to imagine a famous violinist falling into a coma. The society of music lovers determines from medical records that you and you alone can save the violinist's life by being hooked up to him for nine months. The

> music lovers break into your home while you are asleep and hook the unconscious (and unknowing, hence innocent) violinist to you. You may want to unhook him, but you are then faced with this argument put forward by the music lovers: The violinist is an innocent person with a right to life. Unhooking him will result in his death. Therefore, unhooking him is morally wrong. (Brown & Fehige, 2011)

The thought experiment brings out the intuition that it would not be morally wrong to unhook the violinist in this circumstance. However, the argument has the same structure as the anti-abortion argument (Brown & Fehige, 2011), thus, it makes our intuitions regarding the anti-abortion argument clear. It brings to our attention what we already believed to be the case. In Carroll's account works of fiction might be morally developmental without being morally educative, thus escaping the epistemic dubitability objection.

Objections to Carroll's Thought Experiment Account:

This account is compatible with most accounts of the informative nature of thought experiments. As Roy Sorensen points out, "when we explain the informativeness of thought experiment, we cannot appeal to the inflow of fresh information. We are forced to look for ways that old information can be rendered more informative." (Sorensen, 1992, p. 4) This is exactly what the 'thought experiment' account argues that fiction succeeds in doing.

However, there are difficulties with Carroll's account. The most pressing of these difficulties involves a dis-analogy between works of fiction and thought experiments that goes unconsidered by Carroll. As a result of this dis-analogy, the 'thought' experiment account fails to escape the 'epistemic dubitability' objection. A thought experiment is a poor one if, either it draws contradictory conclusions, or its conclusions beg the question. (Peijnenburg & Atkinson, 2003) Carroll claims that the thought experiment, or in this case the work of fiction, functions as the first premise of an enthymematic argument. The second premise, so to speak, is the reader's intuition. Thus in the example above, the reader's intuition that it would not be wrong to unhook the violinist, completes the argument. However, when the thought experiment is a work of fiction, the reader's intuition regarding the thought experiment is produced by the thought experiment. The reader defends the result of the thought experiment by introspectively establishing that it accords with her intuitions, however it was her intuitions that caused her to draw the result she did from the thought experiment. To see this, let us examine, in detail, how thought experiments work.

Commonly, thought experiments are 'destructive', that is, the insight they aim to achieve amounts to "seeing that an existing theory is false." (Peijnenburg & Atkinson, 2003, p. 306) Jeanne Peijnenburg and David Atkinson give the following account of destructive thought experiments: A commonly accepted theory, and the thought experiment in question, together entail some claim which is generally accepted to be false. However, the thought experiment holds, thus the theory in question must be false. Symbolically: $(T \,\&\, E) \rightarrow S, \sim S, E \vdash \sim T$ where T is a theory, E is the thought experiment, and S is some claim which is generally agreed to be false. Consider, for clarification, the following: Utilitarianism holds that whatever action promotes the greater amount of utility is the right action. The thought experiment to be considered is one in which an innocent man might be put to death to satisfy the demands of an angry and destructive mob. The theory of utilitarianism, in light of the thought experiment, entails that the innocent man ought to be punished. However, we all know that the innocent man ought not to be punished, thus the theory of utilitarianism is falsified.

Let us try to apply this model of destructive thought experiments to one of Carroll's examples. Carroll asks us to consider the maxim put forward the following maxim, which he attributes to E. M. Forster: "When loyalty to a friend conflicts with loyalty to a cause, one ought to choose in favour of the friend. (Carroll, 2002, p. 10) Carroll suggests that the narrative of Graham Greene's *The Third Man* is morally developmental by virtue of the fact that it undermines Forster's maxim, causing the reader (or in this case viewer) to rethink what she thought she knew.[5] In particular the viewer of Greene's film will come to believe that one ought to betray one's friend instead of one's country. So, if the narrative is to function as a destructive thought experiment, then the overall argument, it seems is meant to run as follows: The maxim, viewed in combination with the situation described in the narrative, would entail that one should, when forced to choose, be loyal to one's friends rather than one's country. However, it is clear that the protagonist of the film, Martins, acted morally when he was loyal to his country rather than to his friends, thus we can conclude that it is not the case that one ought to be loyal to one's friends rather than one's country. So far so good. According to Carroll, thought experiments function as a part of an enthymematic argument, the suppressed premise being the subject's intuitions regarding the correctness of the thought

[5] In the film, the protagonist, Martins, is a good friend of Lime, a black market drug dealer whose activities have destroyed thousands of lives. Martins must choose between helping the Allies find and kill Lime, or protecting Lime from the Allies.

experiment. Thus in Carroll's example, the thought experiment, or in this case the film, combined with the maxim in question suggests Martins ought to betray his country and save his friend.

The problem with Carroll's line of reasoning becomes clear when we apply Peijjnenburg and Atkinson's symbolic formulation of the destructive thought experiment to Carroll's example. The theory in question, T, is the maxim that "when loyalty to a friend conflicts with loyalty to a cause, one ought to choose in favour of the friend." (Carroll, 2002, p. 10) The thought experiment, E, is the film. The situation, S, is the claim that Martins did the wrong thing in betraying his friend. The claim that we all agree to be true, ~S, is the claim that Martins did the right thing in betraying his fried. What, though, is our justification for ~S? Our justification for ~S, is the moral intuition we developed as a result of the thought experiment. In short, the thought experiment only succeeds in undermining the theory in question by asserting, or implying, the truth of some moral claim. The argument is completed by the reader/viewer's intuitions, but these intuitions are not justified externally to the narrative.

When we attempt the same thing with a standard philosophical experiment, it is easy to see that the same problem does not occur. "In order to refute utilitarianism, one tells a story about the execution of an innocent loner by a police force bent on maintaining public order. A philosophical thought experiment is not a device for reaching empirical discoveries but for excavating conceptual refinements and relationships." (Carroll, 2002, p. 7) If utilitarianism, T, holds that an innocent man should be punished to satisfy an angry mob, S, ~S, the claim that the innocent man should not be punished, is justified entirely independently of the thought experiment. Our intuition that it is wrong to punish the innocent man is not based within the thought experiment, it is a moral intuition that we held *before* the thought experiment was introduced. The claim here is not that the thought experiment contributes nothing, it contributes by clarifying, or bring out, the intuitions we already held. However, it does not produce the intuition in question. The problem with conceiving works of fiction as thought experiments, is that they induce a new intuition rather than bringing out an old one.

This objection can also be put differently: *The Third Man*, succeeds in undermining the generalization that says that 'if forced to choose one ought to betray one's country rather than one's friend.' However, it does this only by implicitly suggesting (or in Beardsley's terms implicitly uttering) an alternative universalisation, namely, that if forced to choose one should

betray one's friend rather than one's country. As has already been shown, however, this universalisation cannot be justified by the work of fiction itself.

As Peijnenburg and Atkinson show, a thought experiment, even a good one, can "arouse in almost all of us the same – false – belief." (Peijnenburg & Atkinson, 2003, p. 307) The problem with the 'thought experiment' account is its assumption that works of fiction are good thought experiments, i.e. thought experiments which we are justified in using to clarify and reorganise the moral knowledge we have. I do not disagree that works of fiction can function as thought experiments, what I reject is that works of fiction, qua thought experiments, are apt to lead the reader toward justified moral development. Carroll's claim is that thought experiments escape the no-argument argument: "since philosophical thought experiments are not aimed at discovering empirical knowledge…they are predicated on unearthing conceptual knowledge, knowledge already possessed by listeners intuitively." (Carroll, 2002, p. 8) As has already been shown, however, fictional narratives do not unearth conceptual knowledge already possessed by the subject. Rather they bring about new intuitions. But these intuitions ought not to be trusted.

Useful Ideas From Carroll:

An interesting feature of Carroll's account in *The Wheel of Virtue*, especially in light of the account to be put forward here, is its capacity to undermine commonly accepted moral universalisations. Carroll points out that in Plato's *Republic* "a possible case concerning the return of a sword to its irrational owner is enough to unhorse the universalization." (Carroll, 2002, p. 8) Similarly, we read "the function of a great many philosophical thought experiments is to raise counterexamples to universal claims." (Carroll, 2002, p. 9) One of the central claims of this paper is that fiction's capacity to be morally developmental is due, in large part, to its capacity to undermine commonly accepted moral universalisations. As will be shown in chapter 3, it is this capacity of fiction that makes it apt to bring about mercy in a reader. Carroll's account is not far off the account to be advocated in this paper. At times, Carroll appears to be putting forward an account on which a fictional narrative is morally developmental in virtue of the fact that it causes the reader to question what she thought she knew. However, Carroll's account is lacking on two fronts. Firstly, Carroll fails to acknowledge the fact that when a fictional narrative causes a reader to question what she thought she knew, it does so by proposing some incompatible claim. The incompatible claim,

being one put forward by a work of fiction, is necessarily unjustified. Secondly, Carroll notes that "through imagining eminently possible cases that contradict conventional wisdom, authors prompt readers to recognise the limitations of the maxims and concepts they live by as well as their implications." (Carroll, 2002, p. 11) However, Carroll does not give an account of how moral development succeeds through a process of un-learning what one already knows. Thus this paper will attempt to show how such an account can succeed while avoiding objections such as those pointed out above.

Conclusion:

This chapter has put forward an account of fiction in which works of fiction are epistemically unsound. No claims, whether they are report-sentences or reflection-sentences contained in the work of fiction, or implied by the work of fiction, are apt to be accepted on the basis of being contained therein. While this means that an account of the morally developmental nature of fiction is not easy to come by, and will not be straightforward, it does not mean that fiction cannot be morally developmental. Beardsley points out that "even if an aesthetic object is not itself the bearer of knowledge, like a true verbal statement, it may nevertheless be related to our knowledge in some direct and intimate way… Though it may not strictly be called 'true,' it may well be called 'illuminating,' 'enlightening,' or 'instructive.'" (Beardsley, 1958, p. 379) An investigation of Currie's 'empathetic imagining' account and Carroll's 'thought experiment' account has been helpful and revealing. In what follows I will provide an account of the morally developmental nature of fiction on which moral knowledge is, at least in part, practical rather than propositional – fiction succeeds in being morally developmental, in large part, because it enables the reader to empathetically imagine the plight of a character – and on which fiction is morally developmental not in spite of the fact that, but because, it unhorses commonly accepted moral generalisations.

Chapter 2

Introduction:

Given what has been said above regarding the epistemological status of fiction, if fiction is to be morally developmental, then moral development cannot consist in propositional knowledge. Furthermore, we have established that there are serious epistemological difficulties in gaining practical knowledge from a work of fiction. This is due to the fact that moral knowledge is distinct from purely propositional or practical knowledge. In this chapter, I will begin by giving a brief account of the kind of moral knowledge I think fiction is apt to bring about. Thereafter, I will begin with the primary project of this chapter: to give an account of an indirect mode of occasioning moral development. I will begin with a brief analysis of Plato's aporetic dialogues and the implications of Plato's choice of communicative mode for our conception of the nature of moral concepts. I will develop and account, Lear's theory of irony, on which moral development can be occasioned through an experience of irony. In this account an experience of irony involves coming to understand the distinction between a concept understood in accordance with a social pretence and that same concept understood in accordance with the ideals that are inherent in it. In so doing, I will have given an account of an indirect means of bringing about moral development. In the following chapters, it will be shown how fiction can bring about an experience of irony with regard to a particular virtue, that of mercy, and in so doing succeed in being morally developmental.

The aporetic dialectic:

To begin an explication of an account of an indirect mode of moral education, it is helpful and interesting to start with an account of Plato's elenctic dialogues. Michael Frede points out that "Plato's earliest dialogues are almost invariably aporetic." (Frede, 1992, p. 210) Furthermore, the aporetic dialogues have a particular focus: the meanings of moral terms.[6] The aporetic dialogues end in a situation in which neither the respondent nor the reader "know what to say about the question at issue, how to get out of the difficulty presented by the contradiction between the original claim and the conclusion of the ensuing argument." (Frede, 1992, p. 210) Bringing about a state of confusion for your reader seems an odd way to

[6] Plato's aporetic dialogues include the *Charmides*, the *Laches*, Republic I, Hippias Major, *Lysis* and the *Euthyphro*. (Parry, 2009) These dialogues are devoted to arguments regarding the meaning of moral terms: temperance; courage; justice beauty, friendship, and piety, respectively.

morally educate her. However, "Plato has certain views about the value and status of philosophical theses and philosophical arguments, as a result of which he thinks that the only responsible way to put forth such views and arguments in writing is in the form of a fictional dialogue." (Frede, 1992, p. 202) To see what these views are, and why they cannot be communicated directly, let us briefly investigate the formal features of the Socratic elenchus. The aporetic dialogues represent Socrates as leading the "respondent by an argument to come to see the ignorance out of which he made some claim," rather than "leading a respondent by an argument in a didactic fashion to come to see the truth on some matter." (Frede, 1992, p. 210) In other words, instead of teaching the interlocutor something concrete, either by direct assertion, or by proving the converse of some claim the interlocutor holds to be true, in the aporetic dialogues Socrates aims to show the interlocutor that he is ignorant with regard to a certain belief. Since the aporetic dialogues focus on the essence of the virtues, Socrates aims to show the interlocutor that he does not have knowledge of the virtue in question. Plato chooses the aporetic elenctic mode because he wants us to recognise the fact that that "it is exceedingly difficult, if possible at all, to get oneself into a position in which one can speak with authority, or some kind of expertise and knowledge about a certain subject matter." (Frede, 1992, p. 214) Furthermore, since the aporetic dialogues are concerned with the definition of virtue, this must hold especially for the realm of ethics.

What is it then, about the dialectical mode, that gives it the ability to produce knowledge? In the *Phaedrus*, Socrates draws a distinction between those things the nature of which people tend to agree on, and those that incite disagreement. Plato has identified a distinction between those concepts that people are apt to be deceived about, what we would call subjective concepts, and those which they are not, objective concepts. In the category of things which people are in accord about Socrates mentions iron and silver. In the other category, he places 'justice,' 'goodness' and 'love'.

> [Socrates] Now isn't this much absolutely clear: We are in accord with one another about some of the things we discourse about and in discord about others?...When someone utters the word 'iron' or 'silver,' don't we all think of the same thing?
> [Phaedrus] Certainly
> [Socrates] But what happens when we say 'just' or 'good'? Doesn't each one of us go in a different direction? Don't we differ with one another and even with ourselves?
> [Phaedrus] We certainly do.
> …

> [Socrates] Now, in which of these two cases are we more easily deceived…?
> [Phaedrus] Clearly, when we wonder in different directions. (*Phaedrus* 263a-b)

It is clear, then, that Plato thinks that there is something special about moral terms. In order to educate an interlocutor regarding the meaning of moral terms, it is more important that his belief that he understands them be undermined, than that he is directly taught something about them. In explicating Lear's account of the experience of irony as a mode of moral development, I hope to show why this is so.

Subjective Concepts:

Moral concepts are subjective concepts. Plato's aporetic dialogues make clear the fact that terms such as 'courage', 'justice', etc. can have various interpretations. These are the sorts of terms that cause us to "differ with one another and even with ourselves." (*Phaedrus* 263a) Lear gives an account of subjective concepts on which a concept, *a,* is subjective if it names a certain type of subject, such that being *a* involves being in a constant state of becoming *a*. 'Lover', for example, "is a subjective concept in the sense that someone who loves is constantly in the process of shaping herself into someone who loves." (Lear, 2003, p. 38) 'Student' is a subjective concept in that a student is constantly in the process of becoming a certain kind of individual. Lear tells us that because 'psychoanalyst' is a subjective concept, "the processes of internalization by which one acquires the capacity to be a psychoanalyst never comes to an end." (Lear, 2003, p. 91) But moral terms such as 'courageous', 'just' or '(morally) good' are also subjective terms. Furthermore, these terms, being moral terms, refer to particular forms of human excellence. On Lear's account, human excellence is conceived of as becoming human. As such, being in a constant process of coming to exemplify a moral concept, is a form of human excellence. Thus, the process by which we acquire the capacity to embody these terms is always continuing. It is part of the nature of morality that to be good is to be constantly acquiring the capacity for goodness.

One might argue, contrary to Lear, that being a student involves nothing more than enrolling at a university, or that being a scientist involves nothing more than having a job as a chemical engineering researcher. It is indeed the case that, having enrolled at a university, having been handed a student card, one might pronounce 'I am a student'. However, to establish the truth of this claim, we will have to examine closely the nature of the term 'student.'

Irony:

The concept 'student' is subject to different interpretations. According to one interpretation, the first-year who declares 'I am a student' has said something truthful. This is an interpretation according to which to be a student requires only having a valid student card. According to an alternative interpretation, however, being a student involves much more than that. In an aspirational sense being a student involves committing oneself wholeheartedly to the pursuit of knowledge. Similarly, 'scientist' is a subjective concept. As such "the true scientist…will not just be inquiring into a certain realm, she will also be inquiring into the best ways of inquiring into that realm." (Lear, 2003, p. 64) Certain ways of using subjective concepts draw out the disparity between the two senses of the term. This is irony. For example, we might ask "Is there a Christian in all of Christendom?" In doing so, in asking an apparently uninteresting question, we succeed in bringing out the fact that there is more than one way in which to use the term 'Christian.' In popular culture the term 'irony' is usually used as 'saying the opposite of what one means.'[7] Bumping into an old friend in the pouring rain might prompt one to say 'lovely day we're having' by way of acknowledging the awful weather. Ironically, however, there is a deeper meaning to the term 'irony'. There are two reasons to think this. The first is simply that Socrates' ironic existence must have consisted in more than simply going about meaning the opposite of what he was saying. (Lear, 2003, pp. 68-70) Being ironic in this sense does surely not make one a great philosopher, moralist or teacher. Secondly, as Lear points out

> in a proper use of irony there is no reason to think 'the intended meaning is the opposite expressed by the words used'…what is so special about irony is that the words are used to mean exactly what they do mean. (Lear, 2003, p. 68)

Consider the following question: "Among all Christians, is there a Christian?" (Lear, 2009, p. 12) Taken at face value, the question is a silly one. The answer is obviously 'yes'. In fact, it is analytically so. However, while "the form of the question is a tautology…we do not hear it *as* a tautology." (Lear, 2009, p. 12) This is because we recognise the irony in the question, we recognise that there is a difference in meaning between the first usage of the word and the second. For the question to be meaningful, the speaker must intend to mean something more than the standard meaning of 'Christian.' To be a Christian in the pretenseful sense, is merely to have been baptized a Christian, or to habitually engage in the various activities normally thought to be constitutive of Christianity. To be a Christian in the aspirational sense,

[7] See (Vlastos, 1991, p. 21)

however, involves a lot more. What it involves might include such things as being charitable, loving your neighbour, protecting those weaker than yourself etc. Thus to be a Christian in the aspirational sense is a life-long project, one that involves constantly striving to fulfil the aspirations of the concept, or striving to achieve the ideal that is implied by the concept.

Consider the following example from Plato:[8] In the *Gorgias,* Socrates tells Polus that he is not a politician:

> [Socrates] Polus, I'm not one of the politicians. Last year I was elected to the Council by lot, and when our tribe was presiding and I had to call for a vote, I came in for a laugh. I did not know how to do it. (*Gorgias* 473e-474a)

However, later in the same dialogue, Socrates contradicts this assertion:

> [Socrates] I believe that I'm one of the few Athenians…to take up the true political craft and practice true politics. This is because the speeches I make on each occasion do not aim at gratification, but at what's best. (*Gorgias* 521d-e)

Now, it appears as though we have caught Socrates in a blatant contradiction. He first said that he was no politician, and now he is claiming that aside from him there are barely any politicians. What must be noticed in order to get to grips with the apparent contradiction, is that in the second quote Socrates uses the term 'politics' in the aspirational sense. A *true* politician makes speeches with the intention of promoting the good life and not merely to please the crowds. In having Socrates contradict himself so blatantly, Plato draws *his* audience's attention to the distinction between the pretences of the term and the aspirations of the term.

In the *Gorgias*, Callicles seems to make the same mistake Socrates' interlocutors make in each of the elenctic dialogues: he assumes he understands a term, in this case, 'the just,' and fails to recognise that there is much more to the concept in question than he knows. Here, however, Callicles makes this mistake about irony itself:

> [Socrates] Tell me once more from the beginning, what *do* you mean by the *better*, seeing that it's not the stronger? And, my wonderful man, go easier on me in your teaching, so that I won't quit your school.
> [Callicles] You're being ironic, Socrates. (*Gorgias* 489d-e)

Callicles thinks Socrates in teasing him because Socrates' mode is to play the school-master, and so, since they began talking, it has been Socrates who was teaching Callicles. Clearly then the 'standard' conception of irony is the one Callicles understands; Callicles thinks what

[8] I owe this example to Vlastos (Vlastos, 1991, p. 240)

Socrates means is the opposite of what he has said. Recall, however, that Plato thinks the dialectic mode brings enlightenment to both parties of the dialogue. So, Socrates *does* consider Callicles a teacher. Irony is layered upon irony. Callicles is correct in his accusation, but incorrect in that he has the wrong idea about the nature of irony.

To have an experience of irony is to internalise the distinction between the aspirational sense of a term and the pretence of a term. For example, a student might have an experience of irony upon realising the distinction between the aspiration of the term 'student' and the pretence of the term 'student', in realising that there is more to being a student than being registered at a university. The *pretence* of the term involves being enrolled in university. This is an objective understanding of 'student'. On this objective understanding we need no more than to be enrolled in order to identify ourselves as students. However, the aspirational sense of the term requires much more than that. This is the subjective understanding of 'student' on which to be a student is to be constantly in the process of becoming a student. To be a student in the aspirational sense is to be constantly learning, constantly engaging with the world in specific ways and constantly striving towards being a student in the aspirational sense.

The Experience of Irony:

It is easy to draw attention to the distinction between the pretence of a term and its aspirations. I just did exactly that for the term 'student.' However, I did not occasion in my reader an experience of irony. "We recognize a tension within the word itself, a tension between its pretences and its aspirations, such that if we were to grasp both sides of that tension we would undergo a transformation of the psyche." (Lear, 2003, p. 71) Thus far we have elicited internal tensions in a number of concepts, but we have not induced any 'transformations of the psyche.' Thus, there must be something more involved. What exactly is involved in 'grasping both sides of that tension'? Just as it is all too easy for Socrates' interlocutors to ignore the elicited contradiction, so it is all too easy for us to ignore the disparities between the concept understood according to its pretences and aspirational sense of a concept. As such, it cannot be that simply to ask, 'is there any morality in these morals?' will elicit a transformation in the psyche of the hearer. More needs to be done to encourage the hearer to *internalize* the disparity. The disparity must impress itself on the subject, The hearer must *experience* the irony. There is more to experiencing irony than simply illuminating the aspirational sense of a term we often use in its pretenseful sense.

Occasioning an experience or irony involves affecting a subject's practical identity. Irony is only possible among those who put themselves forward *as* something. (Lear, 2009, p. 10) That which we put ourselves forward as, is our practical identity: it is "a description under which you value yourself, a description under which you find your life to be worth living and your actions to be worth undertaking." (Korsgaard, 1992, p. 83) Your practical identity is hugely complex, and is made up of a number of concepts: "You are a human being, a woman or a man, an adherent of a certain religion, a member of an ethnic group, someone's friend," (Korsgaard, 1992, pp. 83-4) etc. Some of these concepts, if not all, are subjective concepts. Now we can begin to imagine the kind of effect an experience of irony will have. The irony causes you to recognise that you have been falling short of the aspirations of your own practical identity, that there is more to being who you are than you previously thought. In exemplifying a concept only insofar as the concept understood as a social pretense demands, you have been not only failing to exemplify a concept with which you shape your identity, but you have additionally failed to understand the concept. There is a part of your own identity that you have not grasped the meaning of. These are merely the conditions that make the experience of irony possible. (Lear, 2009, p. 11) The experience of irony is one of uncanniness. It must be an experience that transcends the world of pretenses.

Consider the following example: Our eager first-year encounters an old professor, a post-graduate walks pasts, she has a to-do list written on the back of her hand, she is carrying a large pile of books, she looks frazzled and tired and her satchel is overflowing with hand-written notes, articles and essays. The old professor looks at our first-year and says, 'Now that's what I call a student'. The first-year realises that she erred when she declared herself a student after registration, and she vows to begin building herself into the epitome of a student embodied by the post-graduate who walked past. She vows to commit herself wholeheartedly to being a student, and to forego any prospect of a high-paying job for a life of university academia.

Our first-year still has not succeeded in escaping the conceptual confines of the social realm which shapes her practical identity: "[her] sense of falling short of the ideal, [her] sense of [the professor's] 'irony' all fall within received social understandings." (Lear, 2009, p. 14) The crux of the issue is that the true meaning of the aspirational sense of the term 'student' escapes the confines of the social realm that constructed it. One could embody all the aspects of the aspirations of 'Christian' even if there were no Christendom. Similarly, the true

aspirations of the term 'student' escape the confines of the realm of academia. Being a student, in the aspirational sense, is a way of life that could come to be altogether outside the realm of academia. Even in the moment of an experience of irony our student

> might have no difficulty understanding what [her] practical identity requires, just so long as practical identity is equated with social pretense…[Her] problem is that [she] no longer understand[s] what practical identity so construed has to do with [her] practical identity (properly understood). (Lear, 2009, p. 18)

It is natural to be unsure of what this aspirational way of life might consist in. In fact, because part of the process of the experience of irony is a sense of doubt regarding the concepts by which we understood the term 'student' – as a result of the fact that these terms are part of the social realm of academia which our first-year has now transcended – we cannot understand entirely the ideal to which she is now called. "It is as though an abyss opens between our previous understanding and our dawning sense of an ideal to which we take ourselves already to be committed." (Lear, 2009, p. 14) This ideal is not, and cannot be anything more than a 'dawning' sense. The ideal is unfamiliar and uncanny. The experience of uncanniness is a necessary part of the experience of irony. The experience of uncanniness is heightened because "what is returning to me as unfamiliar is what, until now, I have taken to be my practical identity." (Lear, 2009, p. 15)

Uncanniness:

"Ironic disruption is…a species of uncanniness." (Lear, 2009, p. 18) The experience of irony causes us to doubt our understanding of the concepts by which we shape our identity. Further "[the] experience of irony is…essentially first personal… [in that] in having an experience of irony I experience myself as confronted by that very experience." (Lear, 2009, p. 8) So, the subject of an experience of irony becomes aware that she no longer has a complete understanding of the aspirational sense of her self-constituting concepts.

Lear points out that what is most striking about the elenchus is not any formal feature of the argument, it is rather the fact that Socrates deployed it in "*enthusiastic endless repetition*." (Lear, 2009, p. 33) If, as I have argued, the elenchus is designed to occasion an experience of irony, we must explain what Socrates thought of as the virtue of the experience of irony. After all, Socrates, being a great *teacher* would surely not have devoted his life to undermining his students' conceptions of their identity for no reason. "What we need to understand is how ironic activity can be as affirming as it is negating." (Lear, 2009, p. 34) The key is that irony is peculiar in that it is a species of uncanniness that is accompanied by a

strong sense of direction, a strong sense of commitment to the ideal in question. (Lear, 2009, p. 18) Our first-year is unsure of what it takes to be a student in the aspirational sense, but she nonetheless has a strong desire to achieve that practical identity. So, while irony forces us into a realisation of our ignorance of the aspirational meaning behind social constructs, it also instils in us a strong desire to move toward the embodiment of that aspirational concept. It causes us to be unsure of our practical identities, but also renews our commitment to those identities.

"Socrates' ironic questioning seems to maintain a weird balancing act, simultaneously 1) calling into question a practical identity (as socially understood); 2) living that identity and; 3) declaring ignorance of what it consists in." (Lear, 2009, p. 24) The uncanniness involved in an experience of irony, combined with the strong sense of direction it instils explains the first two facets of Socrates' 'good life'. What has yet to be explained, however, is the third. Why ought we to maintain ignorance regarding the aspirations of our personal identity? In Lear's words we need to understand how this "ironic activity can be as affirming as it is negating." (Lear, 2009, p. 34) The answer is that, in leading an ironic existence, one is constantly trying to undermine any particular claim to knowledge. The ideal that the subject is trying to achieve is transcendent. It cannot be embodied. As such, to think that one has grasped the ideal is precisely to fail understand the nature of the ideal. The ironic mode is affirming because it convinces others that they ought to keep searching. But it is also affirming for Socrates himself. This is because in order to get closer to the embodiment of the ideal, one must constantly be reminded that the ideal outstrips any particular embodiment. By the end of the *Laches* Socrates has undermined a number of his interlocutors' conceptions of courage. These were conceptions of courage as a social pretence. However, before the meeting breaks up Socrates reminds them that they have not yet come to any conclusions, and encourages them to keep searching. "If in the present discussion I appeared to know, but these two here did not, it would be right to summon me specifically to this task. But as it is all of us were equally in perplexity. (*Laches* 200e-201a) For Socrates to proclaim knowledge of courage would have put an end to the search. Socrates' interlocutors attempt to defend an account of the moral term in question that is in keeping with social pretences, "they are trying to…defend a common social understanding of virtue." Thus, when Socrates relentlessly questions them, he is questioning the social pretense. (Lear, 2009, p. 33) "The point of Socratic irony is…to inject a certain form of not-knowing into polis life." (Lear, 2009, p. 36)

Declaring ignorance, and encouraging others to engage in a search for knowledge and understanding of their own is Socrates' way of teaching virtue. (Lear, 2009, pp. 36-7)

"Ironic existence does not entail that one act in one particular way rather than another with respect to established social practices." (Lear, 2009, p. 31) This is because conceptual aspirations, unlike social constructs, are transcendent. To be a student is to have a valid student card, or, more realistically, to structure your identity around a search for knowledge. There is no similarly quick answer for what it means to be a student in the aspirational sense. This is because part of what it means to be a student in the aspirational sense is to be constantly questioning, constantly searching, and constantly striving towards, the aspirations of student-hood. There is no way to achieve this ideal of student-ship because the moment one says, 'now, I am *really* a student', is the moment one stops constantly searching for what it means to be a student and striving towards being one, and this is precisely what being a student entails. "Socrates recognizes that living with these questions – genuinely living with these questions as continually renewed questions – is a lifetime task." (Lear, 2003, p. 75) "The development of the capacity for irony… [brings] psychic aspirations and psychic pretences into communication with each other." (Lear, 2003, p. 129)

> What did Socrates' irony actually consist of?...His entire life was irony and consisted of this: while the whole contemporary population of farm-stewards, trades people etc., in brief, these thousands, while all of them were absolutely sure that they were human beings and knew what it meant to be a human being, Socrates probed in depth (ironically) and busied himself with the problem: what does it mean to be a human being. (Kierkegaard, as quoted in (Lear, 2003, pp. 69-70))

It is easy to assume one knows what it means to be a human being, and in a certain sense, everyone does. Being human consists in being a member of the species in question. However, there is an aspirational sense of being human that goes un-acknowledged in the above response. This is the subjective sense of human being such that being human is being in a constant process of becoming human. Thus, it makes sense to ask 'is there any humanity in this human?' To ask this question is to ask whether those who are human in the objective sense are also human in the subjective, aspirational sense. To do so, is, in turn, to bring out the distinction between these two senses of the term 'human'. In other words, it is to use the term ironically. Similarly, we might ask, 'is there any morality in these morals?' 'Morality', I would like to argue, is a subjective concept. To be moral, in the aspirational sense, is to be in a constant process of becoming moral. It is important to note that these values are transcendent only insofar as they transcend the social institutions which gave rise to them,

they do not transcend human life. (Lear, 2009, p. 25) Thus it is possible to become just, moral, a teacher, or a student, even in the transcendent, highly aspirational sense of these terms.

The important point in terms of the broader aim of this paper – justifying the morally developmental aspects of fiction – is that uncanniness is of major importance in the achievement of virtue. Socrates is a teacher of virtue precisely because "he is in an *endless* task of undoing any particular claim to know." (Lear, 2009, p. 33) It is clear, then, that an experience of irony involves humility. To have an experience of irony is to realise that not only do I consistently fall short of the ideals with which I shape my practical identity, but furthermore that I do not understand, or cannot grasp, what it is that those ideals consist in. This is because in order to have such an experience we must recognise the extent to which we fall short of the aspirations of the terms we use to identify ourselves. We internalise the chasm between the pretences of a term and its aspirations if the term in question is one which shapes our practical identity. Thus the experience of irony is elicited. (Lear, 2009, p. 15) A student who has undergone an experience of irony and come to question the nature of her practical identity, will not compare herself favourably to other students even if they do not embody the social concept of student-hood as well as she does. All the ironic student will notice is the extent to which she falls short of her aspirational practical identity, that of being a *true* student. Thus an individual living an ironic life is necessarily a humble individual.

> Rather than compare his or her accomplishments with those of other people…the humble person focuses on his or her ideals…The morally excellent individual who is also humble will find salient the extent to which he or she falls short, not the extent to which he or she is superior. (Penrose, 2010, p. 443)

Conclusion:

Through an examination of irony we have so far concluded that it is possible to influence a person's moral character entirely without direct assertion of any moral claims. What is important to notice is that by occasioning an experience of irony in an individual, we can bring her to reject an understanding of virtue-terms that is based on social constructs. Because this rejection has an effect on her conception of her own practical identity, it instils in her a desire to move towards a more aspirational version of her practical identity. Furthermore, this 'moving towards' will be a constant process, never to be entirely completed. This is because the ideal that she is moving towards is transcendent. This is not to say, however, that she cannot come to embody the aspirations of her practical identity. She

can, and if she recognises that the project is a never-ending one, that she must constantly occasion an experience of irony with regard to her understanding of the virtue she seeks to embody, she will. Because virtue terms such as ‘mercy’ are subjective concepts, any attempt to teach an individual to embody the term by direct assertions regarding the meaning of the term will fail. This is because it is in the nature of subjective concepts that to embody the concept is to be in a constant process of coming to embody the concept. By occasioning an experience of irony, we can induce in a subject the humility necessary for her to enter this state of constant becoming. It is in this way, by undermining her claim to know, that we can induce her to come to exemplify the virtue in question. All this can be achieved without any direct assertion regarding the nature, meaning or practice of moral virtues.

Chapter 3

Mercy: Refining the Term:

Let us now turn our attention to a particular virtue: Mercy. In *De Clementia* Seneca tells us that "mercy means restraining the mind from vengeance when one has the power to take it," or, "the inclination of the mind towards leniency in exacting punishment." (Seneca, 1928, p. 435) Mercy involves "stopping short of what might have been deservedly imposed." (Seneca, 1928, p. 435) The implication of Seneca's words is that mercy is an act and one that can only take place within a hierarchical power structure; I can only show mercy to someone who is *at* my mercy. (Hussain & Sarat, 2007, p. 9) However, I would like to propose an alternative conception of mercy. This is an understanding of mercy on which it differs in two ways from the common understanding above. Firstly, on this conception mercy need not be an act, we need not *show* mercy, in order to have *been merciful*. This is true, I think, because we can judge mercifully, where to judge in this way does not entail that we act any differently toward the wrongdoer. This is the case because we may not act in any way toward the wrongdoer at all, we can mercifully judge individuals with whom we never have and never will come into contact.

Secondly, and accordingly, mercy, unlike forgiveness, need not involve any kind of hierarchical relationship, or take place within an institutional structure. "Only the aggrieved party can forgive," (Hussain & Sarat, 2007, p. 5) for me to forgive on your behalf is for me to undermine your right to withhold forgiveness; to forgive, I must be in a position where I have the power to forgive. Mercy, is not subject to similar conditions.

> A number of authors maintain that mercy is confined only to retributive contexts, to those actors convicted of some crime, to those who have done wrong, or to those for whom punishment is a possibility or actuality…Such views are mistaken. (Brien, 1998, p. 84)

Concurring with Brien on this point, the conception of mercy which I will be proposing is one on which mercy need not be an act (although we can act mercifully, just as we can judge mercifully), and one on which any individual can be merciful toward any wrongdoer, regardless of the relationship, or lack thereof, between them. A corollary of this second feature of mercy is that mercy is not a right. A recipient of mercy "has not earned it, nor is he owed it; the donor has neither obligation nor duty to give it; nor is it granted because it is deserved." (O'Driscoll, 1983, p. 240) So, the conception of mercy to be put forward here is

one on which mercy is firstly, a virtue, secondly, something that tempers justice and thirdly, something that creates no rights. (Rainbolt, 1990, p. 169)

Since the explication of the virtue of mercy to be detailed in this chapter is fairly complex, it will be useful, for the sake of clarity, to give a brief outline of the structure of this chapter. The first task of this chapter is to show that mercy is both a feature of overt actions, and of mental actions. In other words, we can judge mercifully, even if our judgement issues in no overt merciful behaviour. This claim will be established through an analysis of Jeffrie Murphy's account of mercy on which mercy is only an actional concept. Through an analysis of Murphy's account, it will also become clear that mercy is a virtue entirely independent on the virtue of justice. This point is vital because the distinction between mercy and justice will be fundamental to establishing which features of a wrongdoing or wrongdoer are mercy-relevant features. In order to establish this distinction, it is necessary to examine what it is that separates mercy from equity, or natural justice. To do so I will give an account of the concept of *epieikeia*, this is a concept that subsumes under itself two other concepts: mercy and equity. It will be shown that mercy requires paying close attention to the particulars of a wrongdoer and her circumstances. The discussion on the distinction between mercy and equity will establish the fact that mercy-relevant features of a wrongdoing are those that will only become apparent once the wrongdoing is judged from the perspective of the wrongdoer. It will further be shown that the affective state that underlies a merciful disposition is one of understanding. An understanding affective state entails that one's ordinary negative affective responses to a wrongdoer are resolved. Thus, the chapter will succeed in establishing that the following are features of mercy: It is a feature of judgements as well as of actions, it is never owed as a matter of right, it is a virtue, and its virtuousness is independent of the virtue of justice. In chapter 4 it will be shown that these features of mercy make it a virtue particularly apt to be brought about by a work of fiction.

Mercy as a Feature of Overt Actions:

Central to the argument of this paper is the claim that while we can be merciful in our actions toward a wrongdoer, we can also be merciful in our *judgement* of wrongdoers. An account of what it means to be merciful in our judgements of wrongdoers is forthcoming. For now, it is sufficient to note that we can judge a wrongdoer mercifully, i.e. respond cognitively toward her in a certain way, without acting mercifully toward her. For the duration of this chapter

'judging mercifully' ought to be taken to involve only a cognitive act. 'Acting mercifully' will be used to describe overt merciful actions, including overt merciful judgements. When a judge passes a judgement, for example, she has acted in a certain way, she has acted mercifully. I may judge the wrongdoer mercifully, however, without displaying any merciful action. Thus mercy may be a feature of overt actions, or it may be a feature of internal mental actions. In support of the claim that it is possible to be merciful without acting mercifully, consider the following example. Mr Jones is a veteran of the Vietnam War. He reads in the news that a young soldier fighting in Iraq has shot and killed an unarmed civilian woman. The newspaper article is filled with vitriol and assumes that the readers will respond with moral opprobrium. However, Mr Jones, recalling a time when he came very close to doing the same thing responds mercifully towards the soldier. He does not feel hatred for the soldier, in fact he pities him, thinking of how it might feel to know you have killed an innocent woman. Mr Jones has responded mercifully. He does not, however, act any differently, he goes about his day as he would have otherwise.[9]

Additionally, *judging* mercifully, is as virtuous as overtly *acting* mercifully. Now, this is a controversial claim, and many philosophers have put forward conceptions of mercy such that mercy can only be apparent in our overt actions, i.e. that mercy cannot be a feature cognitive or affective responses.[10] Murphy, in particular, argues contrary to the account of mercy to be put forward here. Murphy argues that mercy differs from forgiveness in two important ways, the first is that a forgiver must be the wronged party of the wrongdoing he forgives. The second, says Murphy, is that while forgiveness is a matter of changing how one feels about a wrongdoer, mercy is a matter both of changing how one feels, and of changing how one

[9] It ought to be noted that a corollary of the claim that mercy is not only a feature of overt actions, is that no relationship need exist between the wrongdoer and the merciful individual. In this way, mercy is unlike forgiveness. "Forgiveness must be of an offender for an offense against the forgiver." (Moore, 1989, p. 184) This is not the case for mercy. To make this apparent Steiker presents a fictional case from a short story by O. Henry: *A Retrieved Reformation*. (Henry, 1953) (Steiker, 2007, pp. 16-7) In the story, a notorious bank robber, Jimmy Valentine meets a young lady, the daughter of the bank manager, and turns straight. A year later, Jimmy has changed his name to Ralph Spencer and is living a perfectly happy and virtuous life. Unbeknownst to Jimmy however, a detective, Ben Price has discovered his true identity and is in town to make the arrest. On the day the arrest is supposed to take place a young girl gets accidentally stuck in the bank vault. Only Jimmy can get her out and without him she will die of suffocation. However, saving the girl will mean that Jimmy's true identity is revealed. He saves her anyway, and Ben Price watches him do it. Jimmy exits the bank and when he sees Ben Price gives himself up voluntarily. In an act of Mercy, however, Ben Price pretends not to know who Jimmy is. In the story, Ben Price is not the man who has been wronged by Jimmy's actions. Nonetheless, perceiving that Jimmy is trying to reform his life, and only revealed his identity to save the life of a young girl, he acts mercifully. Ben Price has not been wronged by Jimmy's actions. Nonetheless, he responds mercifully towards Jimmy. So, one need not have been personally wronged to take pity on the wrongdoer.

[10] In addition to Murphy's *Mercy and Legal Justice*, see Murphy and Hampton in *Forgiveness and Mercy* (Murphy & Hampton, 1988) and Smart's *Mercy* (Smart, 1968).

behaves, toward a wrongdoer. (Murphy, 1986, p. 4) To clarify, while Murphy thinks that mercy is requires changing how one feels as well as how one behaves, he does not think that it is possible to be merciful without acting mercifully. That is, for Murphy, changing how one feels without changing how one acts, is not being merciful. Murphy's defence for his claim that mercy is a feature of actions, is that one can forgive 'deep down inside' or 'in our heart of hearts' but we cannot "show mercy in our heart of hearts." (Murphy, 1986, p. 4) Obviously one cannot *show* mercy in one's heart, nor can one *show* forgiveness. Murphy's point, it would seem, is that forgiveness can take place without any external signs of the subject having forgiven. Murphy thinks that the same is not true of mercy. There must, therefore, says Murphy, be something more to Mercy than a merely attitudinal or emotional change; mercy must be an actional concept. So, for Murphy, 'mercy' describes the overt *action* of a *sentencer* when he prescribes a lesser sentence than he could have under whatever rules govern his sentencing (i.e. under the rules of justice).

Murphy's Objections:

Considering a few objections to the claim that mercy is a virtue will help clarify the account of mercy that is being put forward here. Particularly it will establish that the virtue of mercy is independent of the virtue of justice. This claim will be vital in showing that mercy-relevant considerations are distinct from justice-relevant considerations. Against the claim that mercy is a virtue, Murphy puts forward two paradoxes that are entailed by the conception of mercy given above. The first arises from the claim that mercy is a virtue independent of justice. If mercy is used to temper justice, says Murphy, then it is an injustice and is therefore not a virtue. If we use mercy to refer to a tempering of justice on the basis of considerations unrelated to justice, then we are being unjust. If, however, we say that mercy is a lessening of a sentence on the basis of considerations of justice (such as the right to individuation), then mercy is simply required by justice and is not an independent virtue. (Murphy, 1986, p. 5) To clarify: we might, on Murphy's account show mercy on the basis of justice relevant considerations, in other words, when it would be unjust *not* to show mercy. In this case, we do only what is just. There is no need for mercy in this case, it does no good. However, we might show mercy on considerations that go beyond the scope of justice, i.e. we might be merciful when justice would dictate otherwise. In this case, showing mercy is an injustice.

The second paradox centres around the claim that showing mercy is supererogatory. If we show mercy, we ought to do so for some good reason, to do otherwise is to be morally

capricious. (Murphy, 1986, p. 12) But if we show it for some set of reasons once, then we ought to show mercy in all similar situations. If this is the case then mercy is not an imperfect duty but a perfect one. In short the problem is this: if it is appropriate to treat some wrongdoers with mercy, we ought to treat all similar wrongdoers with similar mercy. So once we have shown mercy to one wrongdoer, we owe it to others like her to show mercy to them. In showing that these apparent paradoxes do not hold, it will be shown that mercy is independent of justice, and as such, is entirely supererogatory.

Replies to Murphy:

Murphy's first objection is that mercy is either an unjust infringement on justice, or a part of justice in which case acts of mercy are not virtuous in themselves, they are virtuous because they are acts of justice. This objection arises out of two misconceptions, the first about the nature of mercy, and the second about the nature of retributive justice. Since, for the purposes of this paper I need only give an account of one particular virtue that fiction has the capacity to encourage, my focus will be on Murphy's mischaracterisation of the nature of mercy.[11] [12] The first misconception is that mercy is necessarily a feature of overt actions. It has already been shown that mercy is a feature of judgements as well as overt actions, but a more precise formulation needs to be given as to exactly what mercy, qua feature of internal actions, might be.

Andrew Brien agrees with Murphy that mercy is a feature of overt actions. However, as Brien points out, there is no reason to think that mercy cannot also be a feature of some internal dispositions, that an individual can be the possessor of merciful dispositions without ever overtly acting mercifully. Even if we accept Murphy and Brien's account of merciful *overt actions*, we ought to be able to give an account of mercy qua internal disposition that may or may not result in merciful actions. After all, there must be some attitude towards wrongdoers, some disposition towards leniency, behind, at least some, merciful actions. In Eric Muller's words: "If we want to draw conclusions about the moral status of mercy, then, we must generate a definition of mercy that applies not just to acts but to the character that fosters them." (Muller, 1993, p. 306) This being said, however, we have a strong intuition that while forgiveness is entirely a matter of a change in attitude, mercy is not. To properly understand

[11] For a resolution regarding Murphy's claim that mercy is incompatible with justice see Muller's *The Virtue of Mercy in Criminal Sentencin* (Muller, 1993) and Brien's *Mercy Within Legal Justice*. (Brien, 1998)

[12] Regarding the second misconception it is sufficient to point out that in most justice systems a sentencer is free to choose a punishment from range of possible just punishments. Choosing a softer punishment from within the prescribed range than he might have, the sentencer can be merciful without being unjust.

the clear distinction between mercy and forgiveness, we ought to bear in mind that mercy must be related in *some special way* to action.

Mercy as a Feature of Mental Actions:

Forgiveness is entirely a matter of attitude. Saying 'I forgive' is neither a necessary nor a sufficient condition for forgiving. "Unless a change in attitude follows or accompanies the words, no forgiving can be said to have taken place." (Moore, 1989, p. 184) Forgiveness need not have any effect on how the forgiver acts towards the wrongdoer, "especially important is that no mitigation of punishment need take place." (Moore, 1989, p. 185) The same cannot be said for mercy. Consider a situation in which a university student is caught with a small amount of marijuana on campus. When the student's parents are informed, they may initially be angry but they will soon forgive their child. They hold no ill-will towards her and feel no hatred or resentment for her. They may even think that what she has done is part of a natural developmental phase, and recall a time when they used to indulge together in a remote corner of the campus. Nonetheless, the parents may feel it wise to punish the student by making her do community service work through the university, perhaps because they want to teach her to take responsibility for her actions, or to deter her from becoming nonchalant about breaking the law. That they persist in punishing their daughter by no means entails that the parents have not forgiven her.

We have already seen that mercy need not result in a merciful action, in a lessening or complete reversal of a sentence. We saw that individuals can respond mercifully toward wrongdoers even if they have no connection to the wrongdoer. However, the claim that is true for forgiveness – that forgiveness may take place without any change in the way one acts towards a wrongdoer – seems not to be true of mercy. It does not make any sense for the parents of the student, reporting on the day's events to a friend, to say 'we responded mercifully to her actions but decided to make her do community service anyway.' This is because mercy is an attitude that "influences and guides actions." (Muller, 1993, p. 307) Responding mercifully to a wrongdoer does not entail that one acts mercifully towards her, since one may not be in a position to *act* in any way towards her at all. It does, however, entail that one *would* act mercifully *were* one in a position to mete out punishment. A merciful internal response entails a disposition to act mercifully. To respond mercifully is to respond in such a way that if one were asked to sentence the wrongdoer, one would do so

leniently. Thus mercy does bear a special relationship to action, but this does not entail that mercy can only be understood as a feature of actions.

Given that mercy can be both a feature of actions and a feature of internal dispositions, it is necessary to have an account of mercy qua attitudinal response to wrongdoing.

> When we describe a judge as 'merciful,' we describe far more than a particular act or set of acts. By that adjective we comment on the judges bearing, on the spirit that infuses the judge's deliberative attitude towards those who come before him for sentencing. (Muller, 1993, p. 306)

So, mercy is a deliberative attitude, it is a disposition to judge wrongdoers in a certain way. "When we say that someone is a merciful *person*, we are suggesting that she possesses and acts from certain ongoing dispositions." (Brien, 1998, p. 87) The claim of this paper is that the merciful disposition is an inclination to be influenced by the particulars when judging, a way of responding (but not necessarily acting) toward a wrongdoer that pays attention to the individual and her circumstances. In other words, a merciful individual will find salient the particulars and individualising circumstances of a wrongdoer and her actions. As Brien points out, "individualising circumstances…are often hidden from view. To bring them into the open requires insight, perception, clear thinking, determination, and [a] sympathetic stance towards the vulnerable person." (Brien, 1998, p. 91) So to be an individual who responds mercifully towards a wrongdoer, one must be an individual who has the *capacity* to notice the individualising aspects of a wrongdoer's actions and circumstances. In short, mercy requires paying close attention to the *details* of a case of wrongdoing.

Paying Attention to Particulars:

However, there are different types of individualising considerations, some apparently more salient to our response to wrongdoers than others. Some individualising considerations call for leniency as a matter of law. Others still call for leniency as a matter of equity, or global justice. These terms will be explained in detail later in this chapter. For now, the dictionary definition will suffice: equity is "right as founded on the laws of nature; moral justice, of which laws are the imperfect expression…" (Macdonald, 1972, p. 443) Global justice, or equity ought to be understood as being broader than strictly legal justice, but still falling under a conception of justice. Legal justice can only be individuated to a certain extent, since laws are, by nature, general. As such, there are factors that might be classed as justice relevant that the law does not, or cannot, make allowances for. These would be salient to global justice, or equity. These points will become clearer as our conception of mercy is

further explicated. Only some individualising considerations are apt to call for leniency as a matter of mercy. It is clear that considerations that call for leniency as a matter of law or a matter of justice are not considerations that call for mercy. Mercy is something that is not owed to individuals. Justice, however, is something that is owed to everybody.

"Individualising circumstances can justify or excuse a person's actions." (Brien, 1998, p. 90) As such, only some information about a wrongdoer or her circumstances is relevant to the disposition to respond with mercy. Some individualising circumstances justify a wrongdoing entirely. Obviously we cannot respond with mercy to a person who has done no wrong. So, for example, if we discover that Mrs Smith hit Mr Jones over the head with a spade because he was trying to kill her, it would not be appropriate to say that in lessening or rescinding her sentence we had responded mercifully towards Mrs Smith. Mrs Smith has done nothing wrong, to claim that we had responded mercifully toward her would imply otherwise. Similarly, some individualising circumstances do not exonerate a wrongdoer entirely, but constitute reasons for lenient judgement that would not be appropriately labelled mercy. For example: suppose Mr Smith hit Mrs Smith while drunk, 50 years ago. Since then Mr Smith has been attending anger management classes, has stopped drinking, attends regular alcoholic anonymous classes, and has never again acted violently toward Mrs Smith. In such a case it would seem appropriate that Mr Smith not be punished for hitting Mrs Smith in 1962, because he has already 'paid his dues'. Thus, it would seem odd to say we had been merciful towards Mr Smith in not punishing him when the spousal abuse came to light.

The following question has yet to be answered: if neither of the above examples feature cases in which lenient sentencing was a result of mercy, what kind of individuating circumstances do call for mercy? What are the features of a situation that only the merciful individual will find salient? This is a difficult question to answer; most of the difficulty lies in distinguishing between factors relevant to (global) justice – as opposed to lawful justice – and factors relevant to mercy. However, given that in chapter 4 it will be shown that fiction is particularly apt to bring about mercy because it has the capacity to draw her attention to these types of feature, it is vital that we draw this distinction. Consider the following example: Mrs Smith is elderly and nearly blind (although she is not senile). One night when Mr Smith is away and Mrs Smith is fast asleep, there is an electricity outage. Mrs Smith's neighbour, Mr Jones, comes round to offer Mrs Smith some candles. However Mrs Smith is startled and assumes Mr Jones is trying to kill her, so she hits Mr Jones over the head with a spade.

During Mrs Smith's sentencing trial the judges might decide to let her off. We might do so even if other crimes similar to Mrs Smith's would normally carry a sentence. For example if a younger person, was startled by a neighbour at night and killed him, we would expect some sort of punishment to be metered out. Our reasons for doing so might be difficult to articulate, they might include the fact that Mrs Smith is old; that Mr Smith was away and so she felt particularly vulnerable, that she was startled to wake up in the dark, etc. If pressed, we might say that we felt Mrs Smith deserved to be let off as a matter of compassion. This would be an act of mercy. What then, distinguishes our reasons for responding leniently to Mrs Smith for injuring Mr Jones, from our reasons for responding leniently to Mr Smith for abusing Mrs Smith?

Epieikeia:

In order to clarify the distinction between considerations that are relevant to global justice, or equity, and considerations that would call from mercy, I will give a brief account of the ancient notion of *epieikeia*. *Epieikeia* encompasses both the concept of mercy and the concept of equity. Through an account of *epieikeia*, I hope to draw out the distinction between equity and mercy. Martha Nussbaum gives an account of mercy which is conceptualised in terms of a contrast between the Greek notion of *epieikeia* – equity and mercy – and the Greek notion of *dikê* – hard, cold justice. *Epieikeia* is one word that combines two concepts: equity and mercy. Nussbaum defines equity as "the ability to judge in such a way as to respond with sensitivity to all the particulars of a person and situation." (Nussbaum M. C., 1993, p. 85) She derives her definition of mercy from Seneca's: mercy is an "inclination of the mind towards leniency in punishing." (Nussbaum M. C., 1993, pp. 85-6) *Dikê* is strict, unyielding, retributive justice. It "is the idea that for encroachment and pain inflicted a compensating encroachment and pain must be performed." (Nussbaum M. C., Equity and Mercy, 1993, p. 89) It makes no difference to *dikê* that Oedipus did not know he was killing his father when he killed him. Oedipus must suffer so that the balance can be restored.

Clearly, "the world of strict *dikê* is a harsh and symmetrical world, in which order and design are preserved with exception-less clarity." (Nussbaum M. C., 1993, p. 91) It is a conception of justice that bears little resemblance to what we consider just today. *Epieikeia* tempers *dikê*. This is necessary precisely because not all wrongdoings and wrongdoers are alike. Plato points out that

> it is not easy to make hard and fast rules: sometimes the fiercer criminal as defined by the law may turn out to be easier to manage, whereas the man who is supposedly more manageable may turn out to be a more difficult case, having committed a murder with some savagery; the other, conversely may have dispatched his victim without brutality. (*Laws* 867d-e)

Rules, naturally, have to be general. It is because of the necessity of generality that lawful justice, or strict justice needs to be tempered. Even though laws are particularised to a certain extent, the necessity of generality means that certain justice-relevant considerations will not be allowed for. *Epieikeia* takes these particulars into account. "*Epieikeia* is a gentle art of particular perception, a temper of mind that refuses to demand retribution without understanding the whole story." (Nussbaum M. C., 1993, p. 92)

The concept of *Epieikeia* is made up of two separate concepts: mercy *and* equity. Both equity and mercy temper *dikê*. For the purposes of this paper we must distinguish the two. The world of *epieikeia* is a world of

> imperfect human efforts and of complex obstacles to doing well, a world in which humans sometimes deliberately go wrong, but sometimes also get tripped up by ignorance, passion, poverty, bad education, or circumstantial constraints of various sorts. (Nussbaum M. C., 1993, pp. 91-2)

Some of the potential stumbling-blocks Nussbaum mentions in this passage would be considered relevant to justice, globally conceived. Others, however, go beyond the scope of equity, into the scope of humanity. It is these features of the moral universe that only enter our justice system in the form of mercy. This is compatible with Nussbaum's formulation of *epieikeia* as equity *and* mercy. Certainly equity and mercy go hand in hand, and share a number of characteristics, chief among these being a close attention to the particulars of the case at hand. However, as Muller points out, the two are also very different. To clarify *dikê* is the concept of strict justice. Equity, is conceived of as global justice, or natural justice. It tempers *dikê* only to the extent that it bends to considerations of justice that are not a matter of the law. As will be shown in the next section, mercy goes beyond equity. It tempers both *dikê* and equity, taking into account considerations that would not be considered justice-relevant.

There are two reasons to distinguish between equity and mercy. The first is that consideration of certain sorts of particulars is something that is owed to everybody under our understanding of justice. Since laws are universal and wrongdoers are particular, every putative wrongdoer

has a right to be considered qua possible individual wrongdoer.[13] However, as has been mentioned, mercy is never owed, it is always given as an act of beneficence. Secondly, *epieikeia*, conceived as particularised justice, allows for the possibility that some wrongdoers will come off worse than others. Particularised judgement means that while in some cases mitigating factors will be found and taken into account, in other cases exacerbating factors will be found and sentences will be hardened.[14] This is incompatible with the conception of mercy we have been working with. On this account mercy is a disposition or attitude that would necessarily lead to a *softening* of punishment were the merciful person to be in a position to sentence the wrongdoer. To clarify, two features of equity distinguish it from mercy. The first is that equity, being justice-relevant, is owed as a matter of right. The second is that equity does not entail a softening of a sentence. Equity-relevant considerations could cause a sentence to be hardened. Conversely mercy is not owed, it is given out of beneficence, and it can only result in a softening of a sentence. Mercy-relevant considerations will never entail that a sentence ought to be made harsher. Bearing in mind that *epieikeia* is a combination of equity and mercy, the solution to these difficulties must lie in the distinction between these two concepts. Thus equity must be something that is owed as a right to every wrongdoer but that might harden or soften the sentence depending on the particulars of the case. Furthermore, if equity is owed to every wrongdoer as a right then it must be a part of justice, and thus, not an independent virtue. Mercy, by contrast, is something that is not owed to every wrongdoer, and that can only ever result in a softening of punishment. Equity, then, is bending of strict or legal justice on the basis of some broader conception of justice. Let us try to understand what this broader conception of justice might be.

[13] A stronger argument for the claim that a certain amount of attention to particulars is owed to wrongdoers in a retributive justice society will be made later.

[14] The possibility of harsher punishment, while possible, is not common. Nussbaum attributes this to the harsh and unyielding nature of *dikê*. "Sometimes the harshness is merited, sometimes excessive. But it is rarely too soft." (Nussbaum M. C., Equity and Mercy, 1993, p. 90) Tasioulas rejects this explanation, claiming we have a resistance to "discretionary aggravation of the law's requirements in *all* cases." (Tasioulas, 1996, p. 458) However, I do not think that Tasioulas is correct in his thinking. Normally when a driver kills a pedestrian in a road accident, the victims death is unintentional the prescribed sentencing range reflects this. If a driver killed a pedestrian intentionally, he would be tried for murder and the sentencing range is much harsher. I do not think that in such a case we would resist a sentence that is harsher than that of other crimes of the same type. In addition, as will be discussed later, in our justice system sentencers are presented with a prescribed range of possible sentences that is fairly wide. Thus, inflicting a harsher punishment as a result of equity considerations need not entail exceeding the bounds of legally just punishment. In any case, even if the possibility for harsher sentencing as a result of equity consideration is merely a theoretical one, this is incompatible with the account of mercy we have put forward.

Equity:

We have already concluded that equity is not a virtue independent of justice. We have seen that wrongdoers have a right to equitable judgement and this right must be a matter of justice. However, since equity is a part of *epieikeia*, and *epieikeia* is conceptualised in opposition to hard and fast justice, considerations that are salient to equitable judgement must be considerations that are not relevant to legal justice.

> Equity allows exceptions to the law to be admitted within the institution of law itself and ensures that considerations of wider justice (called…cosmic, natural, or moral justice) are counted, so that justice is done, injustice is avoided, and the rule of law maintained. (Brien, 1998, p. 90)

How ought we to understand 'cosmic, natural, or moral justice'? According to Claudia Card, cosmic or natural justice is a conception of justice on which

> a person deserves to suffer, on the whole, no more than one could reasonably be expected to suffer from another or others were he to live in a community in which everyone else had the same (or a comparable) sort of over-all character as he (including virtues as well as faults). (Card, 1972, p. 185)

This conception allows us to make sense of how equity would succeed in softening punishments for justice-based reasons. We often seem to be confronted with "a seeming conflict between formal legal justice (which may be expressed in the injunction to 'treat like cases alike'…), and substantive justice in the particular case, which is the concern of equity." (Tasioulas, 1996, p. 461) An otherwise model citizen who finds himself involved in an illegal pyramid scheme which he was manipulated into managing by the father of his fiancé, is not a person who deserves as harsh a punishment as someone who starts a pyramid scheme because he knows he can get rich fast by enticing retirees to join the scheme. If everybody in the community was similar to the first man, the community would not be particularly bad place to be. The same cannot be said for the second man. So the first man ought to be sentenced leniently on considerations of global justice, even if, the two men have committed identical crimes. This is true despite the fact that there is no strictly-legal reason to treat the two men differently. Equity involves "a consideration of the individuating features of a case. (Brien, 1998, p. 90) However, since "equity is not a virtue morally separate from justice," (Brien, 1998, p. 92) the individuating features that an equitable judge will find salient will be considerations that are relevant to justice, albeit a broader understanding of justice than the purely legal one. So, "equity may be regarded as a 'correcting' and 'completing' of legal justice." (Nussbaum M. C., 1993, p. 93) But equity is, nonetheless, a *kind* of justice. Because the law must be general, there is little room in legal justice for attention to particulars. Equity

bends legal justice to the case at hand thereby ensuring a just result. We have said that "equity allows exceptions to be admitted within the institution of law itself." (Brien, 1998, p. 90) It has also been shown that mercy is independent of justice. It may, however, be difficult to see what types of considerations are relevant to mercy that are irrelevant to equitable judgement.

The Merciful Stance:

Mercy "seems to involve a gentleness going *beyond* due proportion, even to the deliberate offender." (Nussbaum M. C., 1993, p. 97) Both the merciful individual and the equitable individual "come to see the world from the vulnerable person's point of view," (Brien, 1998, p. 91) but there are important differences between equity and mercy. "For equitable actions, the criterion of rightness is moral justice." (Brien, 1998, p. 91) Mercy, on the other hand, has no such constraints. "Mercy has *freedom* in decision; it sentences not by the letter of the law…it may acquit and it may assess the damages at any value it pleases." (Seneca, 1928, p. II.vii.3) (emphasis added) In other words, the basis for mercy is "what is right and good as judged against all moral considerations" as opposed to only considerations of justice (Brien, 1998, p. 91) So, the merciful person is free to find any sorts of individualising feature of a wrongdoer (or wrongdoing) salient to her judgement.

From the above, it ought to be clear how an agent might be merciful – i.e., possess the virtue of mercy – even if she is never in a position to soften a punishment. The merciful person is simply one who finds non-justice-relevant considerations to be salient to her judgement of wrongdoers such that, *were* she in a position to sentence the wrongdoer, she would do so leniently. We can act mercifully overtly and we can judge mercifully internally. Merciful actions – as they are conceived in this paper – are borne out of a merciful judgement. To judge mercifully is to find certain features of a wrongdoer and her act of wrongdoing salient. To see what types of considerations these might be, we must examine the nature of the internal state that gives rise to a merciful disposition. In other words, we must establish what it is about the way a merciful individual experiences the world that causes her to be merciful in her judgements and in her actions. Muller points out that we have a fairly basic intuition that virtue must be understood by "reference to the process of judgment that produces that action." (Muller, 1993, p. 313) In other words, it is part of the nature of a virtue that it presents itself in our judgements about how to act. "A person who is possessed of the virtue of mercy has a certain *stance* towards the world." (Brien, 1998, p. 94) This stance is brought

out in her judgements about how to act, in particular, for the virtue of mercy, in her judgements about how to act toward wrongdoers.

It is important to note that the virtue of mercy, the merciful stance, is, in addition to a capacity to find certain aspects of a situation salient, a disposition to behave in certain ways. Brien suggests that when we say that someone is a merciful *person*, we are suggesting that she possesses and acts from certain ongoing dispositions – as Seneca says, 'inclination[s] of the mind' – that are characteristic of a merciful person, and that this person "*habitually*…performs merciful actions. This is a claim about the person's character, namely, that she possesses the virtue of mercy." (Brien, 1998, p. 87) (emphasis added) It is important to notice that mercy consists of an *ongoing stance*, that is, it is a reliable *disposition* to behave in merciful ways. The conception of mercy as a disposition, however, allows for the possibility that the merciful agent might sometimes fail to judge or act mercifully. This is not to say that she is not merciful. I might have a disposition towards drinking too much at parties but this only entails that I drink too much at parties on an ongoing basis, not that I drink too much at every single party I attend.

However, not every ongoing stance that would result in lenient sentencing is indicative of the virtue of mercy. Muller presents a helpful example for consideration: "A judge, newly appointed to the bench, announces that he will be granting every criminal defendant who comes before him a twenty percent downward departure from the bottom of the defendant's sentencing guideline range." (Muller, 1993, p. 313) Clearly this judge is not showing mercy, or if he is, he is not acting out of a merciful disposition – at least one the conception of mercy being put forward here. This is because the judge is not considering the wrongdoers as individual wrongdoers. The judge is sentencing uniformly. His policy of sentencing is not merciful "precisely because it is a policy," (Muller, 1993, p. 313) it applies to every wrongdoer alike. So, what is it about the virtue of mercy that is incompatible with behaviour that is regulated in this way?

The virtue of mercy is oriented around the particular. It is for this reason that a regulated stance that resulted in lenient sentencing would not be a merciful stance.

> The merciful attitude…entails regarding each particular case as a complex narrative of human effort in a world full of obstacles. The merciful judge will not fail to judge the guilt of the offender, but she will also see the many obstacles this offender faced as a member of a culture, a gender, a city or

> country, and, above all, as a member of the human species, facing the obstacles characteristic of human life in a world of scarcity and accident. (Nussbaum M. C., 1993, p. 103)

It is not always easy to 'see the many obstacles' that stand in the way of being morally good. To do so, to pay attention to these sorts of unseen particulars, requires 'standing in the wrongdoers shoes.' The modern notion of 'walking in someone else's shoes' corresponds to the ancient notion of *suggnômê*.

Suggnômê:

We are now in a position to describe the features of a wrongdoing that only a merciful individual would find salient to her judgement. These are the features that can only be seen when we engage in *suggnômê*. Aristotle tells us that "the equitable person is characterised by a sympathetic understanding of 'human things'. He uses the word *suggnômê*, 'judging with'." (Nussbaum M. C., 1993, p. 94) *Suggnômê* ought to be understood as opposed to judging at, or judging from a distance. In responding to a wrongdoer, we ought to try to judge her circumstances as she judged them, and to see her reasons for action as she saw them. "The merciful attitude…entails regarding each particular case as a complex narrative of human effort in a world full of obstacles." (Nussbaum M. C., 1993, p. 103) Nussbaum argues that "to perceive the particular accurately, one must 'judge with' the agent who has done the alleged wrong." (Nussbaum M. C., 1993, p. 94) Recall the case in which Mrs Smith injured Mr Jones by hitting him over the head with a spade. At first glance, Mrs Smith's actions are entirely incomprehensible; she had no reason to suppose that Mr Jones was there to kill her. However, once we 'judge-with' Mrs Smith, certain features of her circumstances begin to seem salient. We realise that Mrs Smith had gone to sleep with the lights on, and begin to understand her shock and confusion at waking up to a darkened house. Furthermore, we realise that she awoke, in the dark, to find a man who she could not identify in the room with her. As we begin to see the events from the perspective of Mrs Smith, we begin to understand why she acted as she did.

Mercy's Affective State: Understanding:

So far it has been established that the merciful person is a person for whom the particulars of a wrongdoing are salient to her judgement. Specifically, the salient particulars for the merciful individual are those that will be apparent when the subject engages in *suggnômê*. Understandably, engaging in *suggnômê* has an effect on an individual's affective responses to wrongdoing. For the purposes of this paper, it is necessary that in addition to understanding

the nature of merciful judgement and the nature of merciful action, we also understand the affective characteristics that underlie merciful judgements, and, by extension, merciful actions. We will then be able to show, in chapter 4, that fiction can induce the affective response that corresponds to the merciful stance. Recall that the primary aim of this paper is to show how fiction can bring about moral development. The success of this argument depends partially on the claim that the way an individual relates to a possible wrongdoer can be influenced by a work of fiction. In this section, then, it is necessary that we investigate what is involved in responding mercifully to wrongdoers.

"Condemnatory judgement is inevitable and natural, part of what it is to be part of a nexus of normative expectations and responsible agents, and…it is, under certain conditions, an 'appropriate' or 'fitting' response to the breaches or violations thereof." (Penrose, 2010, p. 431) Condemnatory judgement is accompanied by an affective reaction to wrongdoing. This is an affective state, how the wrongdoing makes us *feel*, perhaps a feeling of resentment, indignation, hatred or disgust (or milder versions of these) that accompanies our condemnatory judgement. These affective responses to wrongdoing can get in the way of acting mercifully towards a wrongdoer. Certain features of the wrongdoing, or the wrongdoer herself, might, however, serve to mollify, or remove altogether our affective responses to wrongdoing. (Penrose, 2010, p. 431) These are the features that become apparent when we engage in *suggnômê*.

Suggnômê has been characterised as "sympathetic understanding and judgment. (Schwartz, 1993, p. 281) 'Understanding' is the term Penrose uses to describe the affective state that accompanies judging mercifully. To clarify, understanding qua affective state is the feeling that underlies merciful judgements. Understanding qua cognitive state comprises a part of mercy. This is because mercy-relevant factors only become apparent when we 'judge-with' and 'judging-with' leads to cognitive understanding. When our negative affective responses to a wrongdoer dissipate as a result of *suggnômê*, they dissipate into understanding qua affective state. It is this state that is the affective state that accompanies the merciful stance. "Understanding another dissipates both the urge to condemn and the appropriateness of doing so." (Vice, 2006, p. 96) This makes sense of the peculiar feature of mercy that it is such that it would result in an action (particularly a softening of the sentence) if the merciful individual was in a position to sentence the wrongdoer. If the merciful disposition is comprised of an affective state called understanding, and if understanding dissipates both the urge and the

appropriateness of the harsh sentencing, then the necessary relation of the merciful disposition to soft sentencing is explained.

Humility:

We have already established that the merciful disposition involves the capacity to see, and find salient, the number of obstacles facing any individual in her attempt to be morally good. It has also been shown that the merciful disposition involves an understanding affective state. Understanding is "strongly connected to a notion of humility." (Penrose, 2010, p. 428) What needs to be spelled out is how a merciful disposition leads to a sense of moral humility. Understanding leads to humility because in order to 'understand' how an individual came to commit a wrongdoing – i.e. in order to be rid of any feelings of resentment or disgust – we must be confronted with an understanding of how easily an individual 'just like ourselves' could come to commit a similar wrongdoing.

> If we empathetically identify with a wrongdoer – put ourselves in his or her shoes and imagine his or her actions as he or she might have seen them – we may come to see that we, too, would have [or, at least, could have] acted as the wrongdoer has done. (Penrose, 2010, p. 433)

> Rather than compare his or her accomplishments with those of other people…the humble person focuses on his or her *ideals*…The morally excellent individual who is also humble will find salient the extent to which he or she falls short of her ideals, rather than the extent to which she compares favourably to others. (Penrose, 2010, p. 443)

In addition to finding her moral shortcomings more salient than her moral achievements, the humble person will be aware of the extent to which she is lucky to be good in the ways she is good. She will notice that her circumstances, education, upbringing, etc have allowed her to develop the good moral capacities she has developed. She will find salient the fact that others might not be so lucky. For example, suppose Mr Smith is a humble person. He is acutely aware of the instances in which he has fallen short of his moral ideals, for example when he was abusive towards Mrs Smith. He is also acutely aware of how difficult it was for him to become the sort of person he wanted to be, i.e. to achieve his moral ideals. It took Mr Smith years and years of Alcoholics Anonymous (AA) meetings and anger management classes before he succeeded in attaining his moral goal. In fact, he considers this to be an ongoing effort. He still attends anger management classes because he is aware that being a person who does not hit his wife requires ongoing effort. Furthermore, Mr Smith is aware that he has been privileged to have the financial freedom that has allowed him to spend many hours of

his life in AA and anger management classes, and he recognises that others might not have been so fortunate.[15] In short, Mr Smith is a morally humble individual.

When Mr Smith reads in the newspaper about the case of a soldier who, in the heat of battle, killed an unarmed civilian, he will judge the soldier mercifully. He will do so because he is aware of the extent to which it is difficult for any individual to achieve her moral ideals. We ought to be merciful not only because there were mitigating factors in the circumstances leading up to the action; we should judge mercifully as a matter of course. We should do so because we are aware of the difficulties in reaching our own moral ideals, and therefore are able to empathise with the agent's difficulties in reaching hers. We ought to be "struck by the sense that 'there but for the grace of God go I.'" (Penrose, 2010, p. 433) Judging-with and the understanding affective state both promote moral humility. The more an individual dissolves the negative feelings she has towards wrongdoers, and the more she puts herself in their shoes and sees how easy it is to act as they have, the more she develops a sense of her own moral fallibility.

So far, in this chapter, we have explicated the virtue of mercy in detail. Mercy is a feature both of overt actions, and mental actions. The disposition to judge mercifully is borne out of a capacity to find certain features of a wrong doing salient. These are the particulars of a wrongdoer and her circumstances that go beyond the scope of what would be relevant to justice, even broadly conceived. The features the merciful judge will find salient are those features that will only become apparent one we judge-with a wrongdoer, i.e. once we experience the wrongdoing and the surrounding circumstances as she experienced them. Judging-with results in a dissolution of an individual's negative affective response to wrongdoing. Furthermore, judging-with elicits moral humility. In seeing the world from the point of few of the wrongdoer, the merciful individual comes to realise the extent to which she is moral fallible. Before entering, in chapter 4, into a discussion of the capacity of fiction to bring about the virtue of mercy, it will be helpful to briefly establish that the conception of mercy detailed in this paper is not as controversial as it might appear.

[15] Plato's Cephalus makes the same point in Book I of the *Republic*, when he acknowledges that someone who has money is less likely to be unjust. (Plato, Republic, 1992, pp. 328b-331b)

Eliminating Semantic Confusions:

The focus of this section has been to clarify the nature of mercy. There is apparently a great deal of disagreement in the recent philosophical literature on mercy. In light of the great number of warring accounts of the nature of mercy, the conception of mercy given in this paper may seem more controversial than it is in fact. Much of the disagreement in the literature is, I will argue, entirely semantic. Once this has been made apparent, it will be clear that our conception of mercy as an action-related, independent virtue, is in fact in line with much of current literature on the topic.

The first semantic confusion has already been mentioned: a number of writers on the subject take mercy to be a feature of actions. Murphy claims that "to be a merciful person requires…a specific kind of action (or omission) – namely, treating that person less harshly than, in the absence of the mercy, one would have treated him." (Murphy, 1986, p. 4) In other words, he conceptualises mercy as a feature of actions. However, Murphy himself points out that "as a moral virtue, [mercy] derives its value at least in part from the fact that it flows from a certain kind of *character* – a character disposed to perform merciful acts." (Murphy, 1986, p. 3) Similarly, Moore claims that "Showing mercy is an act, not an attitude." (Moore, 1989, p. 188) Moore then goes on to say that an action is only merciful when "*A* acts…out of a desire to lessen *B*'s suffering. Any other motivation changes the nature of the act." (Moore, 1989, p. 188) So both Moore and Murphy agree that some internal feature of individuals causes them to act mercifully.

If this is the case, it seems there is no reason not to call this internal feature 'mercy'. Mercy is the virtue, comprised of the capacity to find certain features of a wrongdoing and their circumstances salient, that issues in the disposition to behave mercifully towards wrongdoers. Individuals who possess this sort of character possess a merciful character. As Muller puts it "if we want to draw conclusions about the moral status of mercy, then we must generate a definition of mercy that applies not just to acts but to the character that fosters them." (Muller, 1993, p. 306) Furthermore, if both Murphy and Moore agree that there is some particular character that promotes merciful acts, the choice not to call this character 'merciful' is a purely semantic one. Brien makes this clear when he gives an account of mercy qua feature of actions, and a separate account of mercy qua feature of a character. "What identifies an *action* as an 'act of mercy' is not the dispositional state of the actor but

the properties that the action possesses and the context in which it is performed." (Brien, 1998, p. 87) (emphasis added) For Brien, saying that someone 'acted mercifully' says nothing about her character. (Brien, 1998, p. 87) However, Brien goes on to give an account of the virtue of mercy, saying, with Seneca, that it is an "inclination of the mind." (Brien, 1998, p. 92) Given his two separate accounts, Brien chooses not to limit acts of mercy to those acts that are borne out of a merciful disposition. On his account we might say that 'John acted mercifully' without implying that John possesses the virtue of mercy. (Brien, 1998, p. 87) For Brien, any act that consists of a lessening of the just sentence is an act of mercy, no matter what reasons lie behind the act. In defence of this conception of mercy Brien points out that

> we regularly speak of all sorts of assailants – robbers, muggers, rapists, for example – as treating their victims mercilessly or as having acted without mercy….We say that a particular act was 'an act of mercy' and mean no more than that the act brought relief to some person whose well-being was threatened or being diminished. (Brien, 1998, pp. 85-7)

This is the way in which we use 'mercy' when we speak of mercy killings. 'Mercy killing' is a term that fits in well with our definition of mercy since it requires paying a certain amount of attention to what is best for the sufferer from her own perspective. However, Brien's definition is far too broad. It would entail that many acts that were not motivated by a merciful disposition be included in the 'acts of mercy' category. Once again, however, whether or not we call such acts 'acts of mercy' is entirely a semantic matter. That in this paper we have not done so, does not reflect the existence of any substantial differences between these accounts.

A second semantic difference reflects the fact that the conception of equity given in this paper, that of bridging the gap between legal justice and moral or cosmic justice, is fairly common. What is not so common is to label this necessary feature of justice 'equity'. Card states that mercy is "being more just than it would be possible to be in some cases were we simply to act in accord with institutional justice." (Card, 1972, p. 191) Similarly Alwyn Smart states that there is the possibility of "a gap between moral justice and legal justice, the possibility of which the law acknowledges when it makes provisions for recommendation of mercy." (Smart, 1968, p. 348) So both Smart and Card's accounts differ from the account put forward here in that they do not consider mercy to be independent of justice. Smart's argument is that mercy "fills the gap between what people deserve in virtue of their acts and character, on the one hand, and what is owed to third parties on the other." (Rainbolt, 1990, p. 228) Card differs slightly in that she argues that mercy "fills the gap between what people

deserve in virtue of their acts and what they deserve in virtue of their overall character." (Rainbolt, 1990, p. 228) However, what people deserve in virtue of their acts; what people deserve in virtue of their (overall) character, and what is owed to a third party, are all justice-relevant features of a case. So, Smart and Card have failed to distinguish mercy from justice. Their account of mercy is that mercy is a justice-dependent virtue. This failure to sharply distinguish equity from mercy leads Smart, Card and Murphy to find a surmountable objection to the claim that mercy is an independent virtue, insurmountable.

Mercy is Never Owed:

This is Murphy's second objection, mentioned at the start of this chapter. The objection is that if it is appropriate to treat some wrongdoers with mercy, we ought to treat all similar wrongdoers with similar mercy. So once, we have shown mercy to one wrongdoer, we owe it to others like her to show mercy to them. Once the distinction between Mercy and Equity is elicited, however, this problem is easily resolved. It is a principle of justice that like cases ought to be treated alike, or as Murphy puts it, "once a reason, always a reason." (Murphy, 1986, p. 12) Brien agrees, contending that it is possible for a wrongdoer to have a claim, or a right to mercy: "Those who are the fitting objects of mercy have a claim – a right – to receive mercy." (Brien, 1998, p. 88) Once, again however, this apparently substantive disagreement, is actually a purely semantic disagreement, since Brien thinks that any act that brings relief to some person whose well-being is being "threatened or diminished" is an act of mercy. (Brien, 1998, p. 87) On this account, any lessening of a sentence, for any reason is an act of mercy. As has been shown, however, sometimes a sentence is softened due to considerations of legal justice or global justice. In these cases, the wrongdoer does indeed have a claim to mercy. However, the discussion surrounding the distinction between equity and mercy illuminated the fact that to be merciful is to pay attention to moral considerations that go beyond the scope of justice. Principles that guide our behaviour in the realm of justice need not guide our behaviour in the realm of mercy. Thus, we are free to show mercy in some cases and withhold it in others. Since mercy is always a virtue, we ought to respond mercifully in all cases, but when we fail to do so we have not violated any principles or denied the wrongdoer any of her rights.

Resolution of Murphy's Objection:

For the sake of clarity, it will be helpful to give a brief account of how the nuanced conception of mercy presented in this paper succeeds in overcoming Murphy's two

objections. Murphy's first objection was that mercy was either a redundant aspect of justice, or an injustice. We have shown in this section that one can be merciful without showing mercy. As such, the disposition to judge mercifully can be a virtue even when the sentencer is constrained by the legal system in ways that do not allow her to reduce a sentence on grounds of mercy. Furthermore, those within the justice system are beholden, not as a matter of morality, but rather as a matter of job description, or the role they play in a retributive society, to give considerations of justice primacy over considerations of virtue. Thus a sentencer with a merciful disposition need not commit injustices in her sentencing. Furthermore, the merciful disposition will help a sentencer to notice those particular features of a case that justify a softer sentence that *are* justice-relevant.

Conclusion of this section:

In this section we have formulated and defended an account of mercy on which mercy is a feature of overt actions, and a feature of internal or mental actions. It has been shown that mercy has a gift-like quality and that, qua virtue, it is independent of the virtue of justice. The merciful individual is one who will find certain particulars of the wrongdoer and her circumstances pertinent to her judgement of the wrongdoer. These particulars are those that can only be seen once we judge the circumstances of the wrongdoing from the point of view of the wrongdoer. In judging-with the subject's negative affective response to wrongdoing will be dissolved into an understanding affective response. Understanding, and judging-with result in moral humility. The merciful individual is one who finds her moral shortcomings more relevant than her moral achievements. Furthermore, she is one who easily sees how easy it is to be drawn into wrongdoing. In the next chapter, it will be shown that a work of fiction is capable of encouraging a merciful disposition in a reader.

Chapter 4

Introduction:

In this chapter I will give an account of how a work of fiction, by inducing an experience of irony, can instil in a reader a disposition towards being merciful. In order to show that fiction has the capacity to be morally developmental in that it has the capacity to make readers more merciful, we need to show that fiction is capable of creating in a reader the capacity for judging with, or for paying close attention to the particulars, and also the disposition towards judging leniently as a result of this capacity. This disposition is brought about as a result of the humility that fiction induces when it systematically undermines our immediate affective responses to wrongdoing. Furthermore, I will show that by inducing an experience of irony in the reader, a work of fiction can reshape the reader's conception of mercy so that she comes to understand that to be merciful requires constantly striving to meet the ideal. In so doing, the fiction brings about moral development.

I will begin by arguing that the narrative structure is particularly good at drawing the reader's attention towards the particulars of a character's circumstances and actions. Secondly I will show that in doing so a work of fiction undermines a reader's affective responses to wrongdoing. I will then elaborate on the account of practical identity given in chapter 2. In particular, I will illustrate how it is that our understanding and merciful response to fictional wrongdoing, can instil in a reader a desire to live up to the ideals of mercy. This is possible because the recognition of the distinction between her reaction to fictional wrongdoers and actual wrongdoers can induce an experience of irony. I will begin with an account of how fiction firstly, draws the reader's attention towards the particulars of a character's circumstances and behaviour, and secondly, undermines a reader's negative affective responses and encourages understanding. I will then show that this is sufficient to induce a merciful response in a reader. It is not, however, sufficient to induce an ongoing disposition towards mercy. To show how a work of fiction accomplishes this, I will show that a work of fiction is capable of bringing about an experience of irony in a reader.

Fiction's Capacity:

Quoting Henry James, Nussbaum suggests that "our highest and hardest task is to make ourselves people 'on whom nothing is lost.'" (Nussbaum M. C., 1990, p. 148) A work of fiction has the capacity to describe the characters and their circumstances in incredible detail.

While reading a fiction we are shown what a character thinks, how she feels, what she can smell, etc. We can experience the world as the character experiences it. When reading descriptions from a character's point of view, we are forced to pay attention to whatever the character pays attention to, what she notices, what is salient for her, is salient for the reader. In short when reading a novel we cannot but pay close attention to the particulars. This is because a commitment to details and particulars is an essential feature of a novel. The novel has a "formal commitment to following complex life histories, looking at the minute details of motive and intention and their social formation." (Nussbaum M. C., 1993, p. 105) Furthermore, this level of attention to detail, this ability to judge another's situation as she judges it, is crucial to our capacity to be morally sensitive individuals. As Mark Johnson puts it,

> unless we can put ourselves in the place of another, unless we can enlarge our own perspective through an imaginative encounter with the experience of others, unless we can let our own values and ideals be called into question from various points of view, we cannot be morally sensitive. (Johnson, 1993, p. 199)

If a work of fiction is going to encourage a disposition towards mercy in a reader, a disposition that extends beyond the realm of literature and changes the way the reader responds to real-life wrongdoers it must, firstly, develop her capacity to pay close attention to particulars and secondly, undermine certain kinds of affective responses to wrongdoing. Nussbaum suggests that,

> the person who 'reads' a complex case in the manner of the reader of a narrative…is put in contact – by the structure of the forms themselves as the solicit the reader's…attention – with two features of the equitable: its attentiveness to particularity and its capacity for sympathetic understanding. (Nussbaum M. C., 1993, p. 105)

In other words, two aspects of the merciful individual are encouraged by fiction: first, the capacity to notice the particulars of an individual and her circumstances; and secondly, the disposition to respond, affectively speaking, with understanding. In this way, as will be shown, a work of fiction forces a reader into a merciful state. It does so firstly, by drawing the reader's attention towards particulars, and secondly by undermining her affective response to wrongdoing.

Fiction Draws Our Attention to Particulars:

Let us first examine Nussbaum's claim that fiction draws the reader's attention towards particulars. The capacity to pay close attention to the particulars is one that is encouraged by

fiction by its very nature. A work of fiction forces the reader to pay close attention to the particulars. Andrea Dworkin's *Mercy* is described as an anti-novel precisely because it thoroughly ignores the particulars of the characters and their circumstances. (Nussbaum, 1993, p. 84) Nussbaum states that

> the novel goes beyond tragic drama in its formal commitment to following complex life histories, looking at the minute details of motive and intention and their social formation…This means that the novel…is an artificial construction of mercy. (Nussbaum M. C., 1993, p. 105)

When reading a novel we are forced to pay attention to the particulars of the lives of the characters presented to us. Furthermore, we are forced into a realisation of how those particulars contributed to the character's moral choices. "The novel's structure is a structure of *suggnômê*, of the penetration of the life of another into one's own imagination and heart." (Nussbaum M. C., 1993, p. 108)

Mercy entails the "inclination of the mind towards leniency in punishing" (Nussbaum M. C., 1993, p. 85) that is borne out of a disposition to find certain particulars of a wrongdoer and her circumstances salient to our judgement of her. In chapter 3 we went to great lengths to establish the kind of particulars that are relevant to the virtue of mercy. It was shown that mercy-relevant particulars are those features of a wrongdoer's circumstances and character that are too subtle to be considered justice relevant. It was established that our basis for responding mercifully to such particulars could be none other than a sense of compassion and a recognition of our own moral humility. These are the particulars that the merciful individual, as opposed to the merely just individual will find salient. Note that this entails that mercy consists of a certain ability. The ability in question requires knowledge of the human condition. (Vice, 2006, p. 99) Since the human condition is our own condition, however, this knowledge is not difficult to come by. What is difficult to come by is the humility required to notice that the human condition is such that we ourselves could easily come to be wrongdoers, and the capacity to notice the subtle features of a wrongdoer's character and circumstances. The humility to recognise how particulars affect us qua moral beings will be discussed below. Let us begin with the second capacity, the capacity to notice the details.

The attitude of the ideal judge is like that of the novel: "it treats the inner world of the defendant as a deep and complex place, and it instructs the judge to investigate that depth." (Nussbaum, 1993, p. 111) When reading a novel, we get a chance to know what a character is thinking, how she feels, and how she justifies her behaviour. Consider the example of John

Irving's *Hotel New Hampshire*. In the novel Franny and her brother John have sex. The story is narrated by John so we understand the putative wrongdoing from his perspective. However, not only do we get an account of the 'wrongdoing' from his perspective, we also get an account of the details of his relationship with his sister from childhood onwards. When the school bully rubs John's face in the freshly painted lime, we read "Franny…grabbed the cup in his jock strap and twisted its edges in his private parts." We read that Franny "wet her skirt in the damp grass at the edge of the woods and wiped the lime off [John's] face with it, rolling up the hem of her skirt so that her belly was bare." A little later: "Franny pulled my [John's] face close to hers and licked me once on my check, once on my forehead, once on my nose, once on my lips. 'I can't *taste* it anymore,' she said. 'I got it all off you.'" (Irving, 1981, pp. 58-60) We read and understand how John feels when his sister is raped, and his obsessive need to help her recover from the trauma and keep her safe afterwards. In short, it is a multitude of particulars, far too subtle to have anything to do with a notion of justice, that help us understand why Franny and John have sex.

In chapter 3 it was established that mercy consists in the ability to 'judge-with' a wrongdoer. It is now clear that this ability is the focus of works of fiction. Mercy "is an inclination of the mind that involves, in part, an ongoing attitude of care and concern for the wellbeing of others…This inclination involves perception (seeing the details of another's plight)." (Brien, 1998, p. 93) The novel is nothing if not a collection of details regarding another's plight. We cannot help but understand the character's circumstances because our mind's eye has been drawn so forcefully towards the particulars of her situation.

Fiction Undermines our Affective Responses to Wrongdoers:

Secondly, and resultantly, a work of fiction has the capacity to undermine the reader's negative affective responses to a character's wrongdoing. In so doing, the fiction encourages moral humility. Recall that in chapter 3 it was established that the foundation of the merciful disposition is the dissipation of negative affective responses to wrongdoing into a compassionate, understanding affective response. We typically react to wrongdoing by directing feelings of anger, hatred or disgust towards the wrongdoer. (Murphy, The Retributive Emotions, 1988, p. 15) By forcing the reader to pay attention to particulars, by forcing her to understand the character and her actions, a work of fiction undermines these affective responses. In Cormac McCarthy's novel *Child of God* the character of Lester Ballard is not easy to identify with. At the age of 9 or 10 Lester Ballard finds his father

hanging, his "eyes was run out on stems like a crawfish." (McCarthy, 1973, p. 21) From that time Lester is entirely alone, and is maltreated by almost everybody he comes into contact with and maltreats them all in turn. Ballard is unable to connect on an emotional level with anybody. After being evicted from his rural shack, Ballard encounters a dead naked couple in a car. He takes the girl's body home with him. He uses the money from the man's wallet to buy new clothes for the girl, and dresses her in them; he talks to her and 'lies' with her. When he loses this body in a fire, he begins killing young girls so that he may have their bodies. He is a depraved young man, and nothing about him makes the reader want to empathise. When Lester is finally hunted down, shot, and scared, he is forced to give up the cadavers. He escapes his captors but he is left with nothing, he has lost his home, and all the bodies with it. All but the hardest readers will be sincerely moved. Despite Ballard's incomprehensible way of life, and despite his murderous nature, the reader does not wish him ill. She does not want him hunted down by the sheriff and she is not pleased when he is forced to give up his beloved bodies. When Ballard has lost all his possessions, when his beloved bodies have been taken from him and he sits down and cries, the reader might cry too. This is because, having seen the world from Lester Ballard's point of view, having judged-with him, the reader's affective disgust is dissolved into compassion.

Fiction Induces Moral Humility:

For a reader, this is a strange position to be in. While knowing that the Lester Ballard's actions are morally reprehensible, the reader's affective response to Ballard is one of compassion. Perhaps our compassion is partly due to the fact that the novel drives home the point that Lester Ballard is "a child of God much like yourself." (McCarthy, 1973, p. 5) Thus, not only this novel, but all novels that draw a compassionate response from a reader succeed in inducing moral humility. The process is two-fold. In the first place, the way in which a work of fiction draws the mind's eye to the details of a character's plight brings about a state of understanding in the reader. This understanding – combined with the identification with the character that is an inevitable result of a work of fiction's focus on the details of the character's internal life – forces the reader to acknowledge the fact that it is not only people different from herself, evil people, that get drawn into wrongdoing. The reader gains an understanding of how easy it is to become a wrongdoer and how few of the circumstances which lead to wrongdoing are up to the wrongdoer herself. In this way, the work of fiction induces humility: it forces the reader to understand how easy it is to get drawn into wrongdoing. But a work of fiction induces humility in another way: by undermining our

immediate affective responses to wrongdoing. When the reader comes to feel understanding regarding a characters wrongdoing, she is also forced into a realisation that her immediate affective response to the wrongdoing (or the way she would have responded to a similar wrongdoing in the actual world) is morally arrogant. The effect is humbling.[16]

Mercy requires the ability to pay close attention to particulars as well as the disposition towards dissolving the negative affective state that comes in a response to wrongdoing. Reacting mercifully to a character in a novel is a humbling experience. Thus it is not hard to see, given the discussion above, that a work of fiction can induce, momentarily, at least, moral humility. "The humble person….not only resists the over-estimation of his or her merits, but regards the merits that…she does have as of limited significance when put into a larger, more appropriate perspective." (Penrose, 2010, p. 442) Thus the humble person will find her own moral failures as relevant as she finds the moral failures of others.

Rather than thinking of her moral successes, i.e. the ways in which she in unlike John, or unlike Lester Ballard, the humble person realises that even she fails to live up to her moral ideals. In this way she is not at all dissimilar to those wrongdoers, both actual and fictional that she might once have responded to with moral opprobrium. Furthermore, in being forced into recognising the factors that led the character to her wrongdoing over which she had no control and for which she is not responsible, the reader realises the extent to which she is morally lucky. She realises that her moral virtues to the extent that she does posses them, are, in large part due to the circumstances of her life for which she can take no credit. Perhaps the reader grew up in a stable home, had a good education and was protected from the badness of others. When our moral arrogance is undermined in this way, it gives way to humility. Had I grown up in circumstances similar to Lester Ballard's, the reader realises, I may have done the same thing; had I shared the experiences with my sister that John shares with Franny, I may have developed an erotic love for her. "Humble people do not over-estimate either their abilities and accomplishments, or their significance. And when their acknowledged abilities *are* significant they are attitudinally more concerned with their standards than their superiority and attuned to the radical dependence of those abilities." (Penrose, 2010, p. 444) Thus, in inducing the reader to judge with, and in undermining her affective responses to

[16] It ought to be noted that the humility that is brought about by the narrative features of a text's ability to induce a merciful cognitive response, is distinct from the humility that is partly constitutive of an experience of irony. This distinction should not be hard to see, nonetheless it will be explicated in further detail later in this chapter.

wrongdoers, a work of fiction can bring about moral humility. The merciful individual, when engaging with a work of fiction

> will focus on all those features of motive and agency, those aspects of the unfortunate operations of chance, that I would judge important where I in a similar plight myself. I would ask *how* and *why* all this came about, and ask not from a vantage point of lofty superiority, but by seeing [the] tragedy as something 'such as might happen' in my own life. (Nussbaum M. C., 1993, p. 95)

Suggnômê, combined with the dissolution of negative affective responses to wrongdoing and the resultantly induced humility, comprises a merciful response. Thus far, however, we have only shown that a work of fiction can induce an instance of mercy. We must now attempt to show that by encouraging a merciful relation to the characters in the fiction, and humbling the reader, a work of fiction can create in a reader an ongoing disposition towards mercy.

Experience of Irony:

To do so, it must be shown that fiction is capable of bringing about an experience of irony. Let us examine the process by which an experience of irony occurs. Recall that in chapter 2 we established that for subjective concepts, a category which includes moral concepts such as the virtues, being a virtuous person involves being in a constant state of striving to become virtuous. In other words, in order for a work of fiction to succeed in being morally developmental, in developing a disposition towards mercy in a reader, it must succeed in forcing the reader into recognising the fact that to be merciful involves being in a constant state of becoming merciful. This is accomplished by the internalisation of the experience of irony. In order for the experience to be internalised, however, living up to the ideal of the moral virtue must be part of the subject's practical identity. In chapter 2 it was established that an experience of irony is one of erotic uncanniness. That is, there are two essential components of an experience of irony. The first is that the subject experiences a sense of uncanniness regarding her moral ideal; she is no longer sure what it consists in, she knows only that it goes beyond the social pretences that she had thought were sufficient. The erotic component entails that the experience is directed. In other words, it entails that in her doubt as to what the ideal consists in and how to achieve it, the subject feels a strong sense of direction, she feels compelled to move towards the uncanny ideal. I will show that the first requirement is, the sense of uncanniness is elicited by a work of fiction and that the second component, the erotic component, is comes about as a result of the fact that the moral ideal in question, in this case mercy, is a part of her practical identity. As such the directional component follows as a result of the sense of uncanniness.

Uncanniness:

The experience of irony is in itself a humbling experience. However, the kind of humility that is involved in an experience of irony is slightly different from that which is involved in being merciful. When we come to understand a wrongdoer's behaviour, when our negative affective responses towards the wrongdoer are undermined, we come to recognise ourselves as morally fallible. This is the sense formulated in the dictum 'there but by the grace of God go I.' Conversely, the experience of irony involves humility regarding our understanding of the meaning of the moral term understood to denote an ideal – in this case the ideal of mercy – and a sense of ourselves as continually falling short of this ideal. As such, if a work of fiction is going to induce an ongoing disposition to be merciful, it must induce an experience of irony; it must necessitate humility in the second sense. It must, in other words, force the reader into a realisation that there is a distinction between the pretence of mercy and being merciful in an aspirational sense, and, furthermore, show her that she does not have a firm grasp of the concept in the aspirational sense. I think that fiction succeeds in doing just this by systematically undermining our immediate moral responses.

The Erotic Aspect:

Suppose Jane is a philosophy student who considers herself to be open-minded, non-judgemental and merciful in her interactions with wrongdoers. Before reading John Irving's *The Hotel New Hampshire* Jane may respond with disgust and revolt to those who engage in incestuous sexual relationships. However, by forcing Jane to pay attention to the relationship, psychology and pragmatic circumstances of Franny and her brother John, *The Hotel New Hampshire* forces Jane out of her affective attitude towards Franny, John and people who commit similar acts. If a work of fiction is to create an ongoing disposition to respond with understanding (in the affective sense) to wrongdoers, it must incite an experience of irony.

It might be suggested that purely by consistently undermining a reader's negative affective responses a work of fiction might be morally developmental, simply by ingraining the habit. The suggestion is that if we regularly have our negative affective responses to wrongdoers undermined, we might simply get out of the habit of responding in that way, through, say, negative reinforcement. However, this way of morally developing a reader is inferior to the account put forward in this paper. The kind of moral development produced by the forming of a habit is inferior to the moral development that a fiction is capable of bringing about

through an experience of irony. This is because the habit to respond mercifully to wrongdoers does not transcend the social pretence of responding mercifully. In this way, forming a habit of responding mercifully to wrongdoers leaves open the possibility that one may always respond with understanding but only insofar as understanding is socially conceived. The reader who has an experience of irony will develop the ability to constantly question what it is to respond mercifully. Thus, she will be able to transcend the social norms of mercy; she will be able to respond mercifully even when responding mercifully necessitates more than simply not having negative effective responses to wrongdoers. The reader who has had an experience of irony will question whether there is anything *more* she ought to be doing in her response to wrongdoers.

Recall that in chapter 2 we established that for subjective concepts, a category which includes moral concepts such as the virtues, being a virtuous person involves being in a constant state of striving to become virtuous. In other words, in order for a work of fiction to succeed in being morally developmental, in developing a disposition towards mercy in a reader, it must succeed in forcing the reader into recognising the fact that to be merciful involves being in a constant state of striving to become merciful. This is accomplished by the internalisation of the experience of irony. In order for the experience to be internalised, however, living up to the ideal of the moral virtue must be part of the subject's practical identity. "What's special about moments of irony…is that a form of practical identity in a sense comes up for review as measured against itself: that is, as measured against the standards that are inherent in that very form of identification." (Korsgaard, Comments on Jonathan Lear's Tanner Lectures: "Irony and Identity", 2009, p. 3) So far, however, we have no reason to think that any particular reader would not simply abandon that feature of her practical identity i.e. abandon the notion of herself as a merciful individual. So, if a work of fiction is to be morally developmental it must instil in the reader a desire to become a certain kind of person, in this case a merciful person. If this desire is not instilled, the reader may well accept her moral *aporia* and continue to live a morally passive life, accepting that she does not know what it is to be merciful, but giving up any attempt at becoming merciful.

The unlikelihood of this response, however, becomes clear once we realise that there are some ideals that we, as human beings are antecedently committed to. 'Human' is a subjective concept, just as 'merciful' is a subjective concept. As such, there are certain ideals, there is a "conception of human excellence" that is linked to being human. (Lear, 2009, p. 2) Concepts

such as ‘teacher,’ ‘lover,’ or ‘student’ are concepts that form a contingent part of one’s practical identity. If I leave university and take a corporate job, I will no longer use the aspirational sense of the term ‘student’ to shape my practical identity; I will stop caring whether I live up to the demands of that particular role. (Korsgaard, 1992, p. 120) Other concepts, however, form a necessary part of one’s practical identity. Some of our reasons for acting, some of our aspirational ideals, spring from a conception of practical identity without which we would lose our grip on ourselves as having “any reason to live and act at all.” (Korsgaard, 1992, p. 121) If ‘human being’ is a subjective concept, it is surely one to which we are antecedently committed. If I could no longer put myself forward as a human being it seems that I would indeed ‘lose my grip on myself as having reasons to live and act at all.’ Furthermore, “valuing ourselves as human beings carries with it moral obligations.” (Korsgaard, 1992, p. 121)

The claim that we constitute our practical identities in terms of the moral ideals inherent in the ideal of the concept ‘human being’ may strike some as being simply untrue. However, in order to accept this account of the morally developmental nature of fiction, the reader need only accept the following claim: It is difficult for any individual not to want to be able to constitute her identity partly in terms of moral ideals. We simply do want to conceive of ourselves as being good, morally speaking. As such, when confronted with the realisation that we fail to live up to the ideals inherent in a particular virtue, mercy, say, it is difficult for us not to orientate ourselves towards the ideal as opposed to turning away from it.

This is, at least partially, because subjective concepts are such that the normativity is built right into the meaning of the term; subjective concepts, by their very nature, pick out human ideals. When we ask, ‘in all of Christendom, is there a Christian?’ the second occurrence of the term ‘Christian’ implies ‘good Christian’ or ‘Christian in the aspirational sense’. Similarly, when our professor says ‘now, there’s a student,’ he is using the term student in such a way that the normativity is implied by the term itself. When we use a subjective concept in way that brings out the ideals inherent in the concept, it goes without saying that exemplifying the concept is good or valuable. This holds for all subjective concepts, perhaps especially so for moral concepts. But ‘human being’ is also a subjective concept. As such “being human is…linked to a conception of human excellence; and thus, being human requires getting good at being human.” (Lear, 2009, p. 2) But since the ideal inherent in the concept of humanity carries moral obligations with it, as long as the concept ‘human’ features

in our practical identity, we will be pulled in the direction of achieving our moral ideals. As such, when a work of fiction undermines a reader's moral preconceptions, it also instils in her a desire to live up to her moral ideals.

So, when Jane reads *The Hotel New Hampshire* she is morally humbled. She realises that she too could have committed a similar wrongdoing, she realises that the wrongdoer is not all that different from herself, and she realises that had she encountered a similar wrongdoing in the actual world she would have responded in a morally arrogant manner. Furthermore, she realises that this response is inconsistent with her practical identity. She realises that she consistently fails to respond mercifully. Thus, Jane notices that in conceiving of herself as a merciful individual, she has underestimates what is involved in being merciful. Her understanding of the term has, heretofore, been merely an understanding of the social pretences behind the concept. What the term actually means, what ideal is picked out by the term, Jane is unsure of. This realisation that she has failed to understand a concept which partially shapes her practical identity, will occasion an experience of irony. Jane thought that she fulfilled the requirements of being merciful. Perhaps, she often does. However, perhaps when the putative wrongdoing is one of sexual deviation, or when the wrongdoer has done something she takes to be very obviously wrong, she does not respond mercifully. The experience of irony, and its morally humbling features, cause Jane to realise that there is much more to mercy than being merciful some of time, or being merciful when the wrongdoing is not one she finds particularly disgusting. Jane's recognition of the fact that the ideals of mercy transcend social pretences, her sudden humility regarding her failure to live up to the ideals, will instil in her a desire to move towards achieving the merciful ideal. However, because Jane is now at a loss to explain what the ideal of mercy consists in – she had thought she had understood what it is to be merciful but is now unsure – Jane will enter into a state of constantly striving towards the ideal of mercy. Jane realises that the ideal of mercy consists in much more than the conditions she satisfied in her conception of herself as a merciful individual. She is not entirely sure what the ideal of mercy actually consists in, but she becomes aware that she will have to try much harder to achieve that ideal. The experience is one of erotic uncanniness. Jane is unsure of what the merciful ideal consists in. She thought she understood it, and she thought she succeeded in being merciful, but she now realises that she was living up to a social pretense, and not to the virtuous ideal. Nonetheless, she wants to live up to this ideal, despite a sense of *aporia* regarding exactly what it consists in.

It is this *aporia* that results in Jane's entering into a constant state of becoming. Because she is unsure of what the ideal of mercy consists in, she will never again assume she has achieved it. Thus, unbeknownst to Jane, she succeeds in becoming merciful. In the least, this involves, constantly trying to see the particulars of a wrongdoer's situation and action. If Jane is to get closer to the ideal of mercy, she must constantly strive to respond with understanding. The reader will be forced into a realisation that in order to live up to her moral ideals she has to consistently strive to live up to them. She must consistently question both what it means to respond mercifully to another's wrongdoing, and also whether she succeeds in achieving this response. "Part of the internalization of the capacity…is the recognition that this process of internalization must always be incomplete." (Lear, 2003, p. 97) By forcing the reader into recognising the fact that she consistently falls short of her moral ideals, and in inducing moral *aporia*, a work of fiction forces the reader to notice that in order to live up to her moral ideals she engage in an unending process of moral betterment. No matter how much she strives however, she will always be aware that she falls short of her moral ideal.

Unlearning:

A work of fiction can be morally developmental in that it has the capacity to occasion an experience of irony in a reader. While the narrative techniques of fiction are such that they might lead our intuitions astray, and while it is the fictional nature of a novel that undermines its ability to give justification for any thesis or moral claim presented therein, I believe that works of literary fiction are apt to bring about moral development in ways that other forms of communication simply lack the capacity to do. It is *because* of the narrative and mimetic techniques employed by a work of fiction, because of the 'realism of character,' that it is capable of undermining our affective responses by forcing the reader to pay attention to the particulars. In doing so, a work of fiction forces the reader into the realisation that although she thought she was merciful in her reactions to wrongdoing, and although she succeeded in being merciful according to the pretense of the concept, she failed to be merciful in the aspirational sense.

A reader of *The Hotel New Hampshire*, through coming to understand John and Franny's actions, comes to realise that she often fails to be constantly in the process of becoming merciful; she often fails to constantly question whether or not she does indeed have a

disposition to respond mercifully to wrongdoers. The *Hotel New Hampshire*, has induced in the reader a kind of *aporia*, she has learnt to question her immediate affective moral responses. In doing so, she has learnt to doubt her conception of herself as merciful. In turn, she has had an experience of irony which will, ultimately, help her to be a merciful person in the aspirational sense. It is precisely because fiction is capable of directing a reader's attention to the details and particulars of a character, and manipulating the reader into empathising with the character that it succeeds in being morally developmental. Fiction succeeds in doing this without directly asserting any claims about the meaning of moral terms or the right or wrong ways to behave. In fact, it is precisely because fiction does not assert any claims directly, that it has the capacity to bring about an experience of irony.

Kierkegaard, writing under the pseudonym Climacus, writes:

> because everybody knows it, the Christian truth has gradually become a triviality, of which it is difficult to secure a primitive impression. This being the case, the art of communication at last becomes the art of taking something away, of luring something from someone. (Lear, 2003, p. 106)

Lear's conception of the capacity for irony not only introduces a means by which moral knowledge can be internalized, it also gives an account of how not knowing, or uncanniness, can be a form of knowledge. "Plato uses myths not to avoid blatant philosophical *aporia*, but to poeticise this philosophical perplexity." (Hooper, 2010, p. 848) The perplexity is precisely what is morally developmental. It is the internalisation of the uncanniness that forces the reader to enter into a constant state of becoming. As such, if fiction is going to teach the reader to be merciful, it must both give the reader a capacity and induce in the reader a disposition towards utilising that capacity.

Hubert Dreyfus and Stuart Dreyfus suggest that while rules and maxims are helpful when we are learning to be moral, the moral expert abandons these unyielding guidelines. (Dreyfus & Dreyfus, 1991, p. 235) Similarly, Jane realises that her strict moral code is, far from helping her to be morally good, undermining her ability to fulfil her moral ideals. "Since principles are unable to produce expert behaviour, it should be no surprise if falling back on them produces inferior responses." (Dreyfus & Dreyfus, 1991, p. 241) The morally excellent individual is humble. She is an individual who constantly questions whether or not she is living up to her moral ideals. She is also an individual who realises that her understanding of her moral ideals is far from adequate. As such, being morally good, being a merciful individual is not a matter of knowing what is right, or knowing how to respond in any

situation, it is a matter of being aware of one's own failure to be morally good, and one's own failure to have a clear conception of what the moral virtues consist in. Socrates says

> I am wiser than this man; it is likely that neither of us knows anything worthwhile, but he thinks he knows something when he does not, whereas when I do not know, neither do I think I know, so I am likely to be wiser than he to this small extent, that I do not think I know what I do not know. (*Apology* 21d)

A work of fiction is capable of being morally developmental, not because it causes a reader to reorganise her moral intuitions, it is morally developmental because it undermines a reader's sense of moral certainty. All a work of fiction need do is to cause a reader to question her moral responses to wrongdoers. If it can achieve this, it can induce an experience of irony. Thus, this account of the morally developmental nature of fiction escapes the 'epistemic dubitability' objection because far from being morally developmental by adding to a reader's knowledge, a work of fiction succeeds in being morally developmental by taking away from the reader what she thought she knew. We are morally improved through a process of unlearning.

Conclusion

The aim of this paper was to establish that while most accounts of the developmental nature of fiction fail, fiction is nonetheless morally developmental. In chapter 1 it was shown that the standard accounts, particularly Currie's 'moral imagination' account and Carroll's 'thought experiment' account, cannot overcome the 'epistemic dubitability' objection. Their failure to do so is a result of a failure to recognise the extent of the 'epistemic dubitability' problem. Currie's account fails because it overlooks the fact that if fiction is to bring about moral development by ingraining certain dispositions towards acting virtuously it ought to give the reader reasons to consider these dispositions virtuous, this it cannot do. Currie's claim is that fiction is an aid to simulative imagination, and that, as such, it helps the reader to choose between value choices by imagining the effects of pursuing each particular value. Thus, Currie's claim is that fiction brings about moral know-how; it teaches the reader a method of choosing how to act. However, a work of fiction is just as likely to ingrain a disposition towards making bad moral choices as it is to ingrain a disposition towards making good moral choices. This is because our intuitions regarding whether the effects of a character's actions – on herself and her fellow characters – are positive or negative are all too easily manipulated by the narrative techniques of a work of fiction.

The account of the morally developmental nature of fiction to be considered was Carroll's 'thought experiment' account. In this account, a work of fiction is morally educative just in the same way as a thought experiment is morally educative. Thought experiments can be educative because they have the capacity, not to teach the subject anything new, but to help her to reorganise her intuitions, or to make clear to her how her intuitions relate to one another, how they are structured. It was suggested that the problem with Carroll's account is that fictions have the capacity to convince the reader of certain moral maxims. In other words, fictions, while possibly helping the reader to recognise the interrelationships between her moral intuitions, also have the capacity to convince the reader that she has certain intuitions. It was shown that in Carroll's example it was the fiction that produced the intuition in question. Furthermore, if a fiction produces certain moral intuitions, it does so unjustifiedly.

Chapter 1 concluded that if fiction is to be morally developmental, it must be so on a conception of moral development on which moral development is not simply a matter of adding to a subject's practical or propositional knowledge. However, the explication and rejection of Carroll and Currie's account also served to introduce certain features that would be important to the account of the morally developmental nature of fiction presented in this paper. Firstly, the morally developmental nature of fiction is born out of what Currie calls 'realism of character.' It is this feature of fiction that allows a reader respond with empathy and understanding to the characters. The capacity of fiction to illicit these kinds of affective responses would be shown to play a crucial role in the account put forward in this paper. Secondly, an important feature of Carroll's account was the claim that the morally developmental power of fiction consisted in its ability to 'unhorse' the reader's moral generalisations. That fiction is morally developmental by virtue of its capacity to cause the reader to doubt her moral 'knowledge' is a central tenant of the 'experience of irony' account of moral development presented herein. Thirdly, the explication of Carroll and Currie's accounts in chapter 1 made clear that moral education need not consist purely of practical knowledge or purely of propositional knowledge. Both practical and propositional knowledge, and a lot more besides, is crucial to our ability to behave morally.

In chapter 2 the exposition of the positive thesis of this paper was begun with an account of a particular indirect mode of developmental communication. It was shown that an experience of irony can induce a change in the way an individual conceptualises both, herself qua virtuous agent, and the virtues themselves. This effect can be brought about without any direct assertions being made. The account in question, Lear's account of irony, draws heavily on the mode of communication employed by Socrates in Plato's elenctic dialogues. This mode of communication, the ironic mode, involves distinguishing between different ways of understanding certain concepts, in particular the subjective concepts with which an individual shapes her practical identity. In brief, a subject has an experience of irony when she is confronted with the fact that her understanding of the concepts she uses to shape her practical identity is deeply flawed. Not only does the subject realise that there is far more depth to the concept in question than she originally understood, but additionally, she realises that in order to live up to the ideal she must engage in an unending process of striving towards the ideal in question. As such, an experience of irony involves humility. The subject is confronted by both a feeling of uncanniness – a realisation that she misunderstood the nature of the concept

in question and that she may never achieve full understanding of this ideal – and a strong desire to begin the process of achieving the ideal in question.

Chapter 2 made clear that a necessary feature of an ongoing disposition towards achieving a moral ideal, or being morally good, is having a sense of uncanniness regarding what it means to be morally good, and how to achieve moral goodness. I then went on to show, in chapter 3, that mercy is a moral virtue and that it consists of a disposition towards responding to wrongdoing with understanding. Mercy consists in finding certain aspects of a wrongdoer or her wrongdoing salient. The features that a merciful agent will find salient are such that they can only be noticed if the agent in question 'judges-with' the wrongdoer. In other words these are the features of a wrongdoing that are so subtle that, if we are to notice them, we must experience the world in general, and the wrongdoing in particular, as the agent herself experienced it. These particulars are too subtle to be justice-relevant, even on a broad, or 'natural,' conception of justice. As such, mercy can be understood in contrast to equity. The merciful stance is accompanied by an affective state that was characterised as understanding. Central to the understanding affective state that we have called understanding is the notion of humility. It is our lack of a negative affective state in response to wrongdoers that instils a conception of ourselves as morally fallible individuals.

In chapter 4, it was shown how the virtue of mercy, as conceived herein, is apt to be brought about through an experience of irony induced by a work of fiction. We usually respond with hatred, disgust or weaker versions of these when we encounter a wrongdoing. (Murphy, 1988) Literary fiction, by virtue of its narrative and mimetic features undermines these negative affective responses. It does so by forcing *suggnômê* on the reader. As Nussbaum points out, "the novel's structure is a structure of suggnômê, of the penetration of the life of another into one's own imagination and heart." (Nussbaum M. C., 1993, p. 108) When reading a work of fiction, a reader cannot but see the world of the fiction through the eyes of the character in question. Thus, the mercy-relevant features of any wrongdoing, or putative wrongdoing, become salient to the reader in her judgement of the character and her behaviour. Judging-with, and the dissolution of negative affective responses, brings about a sense of moral humility in the reader. She realises that there is not much that distinguishes her from the wrongdoer. Furthermore, much of what does distinguish her from the wrongdoer, she cannot take responsibility for. In short, the reader is struck by her own moral fallibility.

In addition, the reader realises that this response differs from how she might have responded to a real-life wrongdoer. By undermining her negative affective responses a work of fiction forces the reader to realise that she is often morally arrogant in her judgement of others. Thus the fiction undermines the reader's conception of herself as a merciful individual. In doing so, a work of fiction forces the reader into the realisation that although she thought she was merciful in her reactions to wrongdoing, and although she succeeded in being merciful according to the pretense of the word, she failed to be merciful in the aspirational sense. However, the reader is also struck by the realisation that she is unsure of what mercy, in the aspirational sense, consists in. She had thought that she understood the concept but now realises that even though she fulfilled the requirements of mercy as a social pretense she has failed to fulfil the requirements of mercy in the aspirational sense. However, she does not know what these requirements are. Furthermore, because the concepts of moral virtues, including that of mercy, are concepts with which a subject shapes her practical identity, she experiences a desire to exemplify the aspirations behind the concept of mercy. It is precisely because fiction is capable of directing a reader's attention to the details and particulars of a character, and manipulating the reader into empathising with the character that it succeeds in being morally developmental. Fiction succeeds in doing this without directly asserting any claims about the meaning of moral terms or the right or wrong ways to behave. In fact, it is precisely because fiction does not assert any claims directly that it has the capacity to bring about an experience of irony.

A work of fiction is morally developmental, at least, morally developmental of the virtue of mercy, by virtue not of its capacity to teach the reader skills or to give her knowledge, but by virtue of its capacity to cause the reader to doubt what moral knowledge she thought she had. We are morally better people when we constantly question our conceptions of the meanings of moral terms and our success in achieving our moral ideals. We are more merciful people when we constantly question what it is that mercy requires of us, and constantly doubt that we are succeeding in fulfilling these requirements. Rather than standing back and applying abstract principles, the moral expert "deliberates about the appropriateness of his intuitions." (Dreyfus & Dreyfus, 1991, p. 241) It is doubt, not knowledge that makes us morally better people. So, while the narrative techniques of fiction are such that they might lead our intuitions astray, and while it is the fictional nature of a novel that undermines its ability to give justification for any thesis or moral claim presented therein, I believe that works of

literary fiction are apt to bring about moral development in ways that other forms of communication simply lack the capacity to do. “Novels do not with-hold all moral judgement, and they contain villains as well as heroes. But for any character with whom the form invites our participatory identification, the motives for mercy are engendered in the structure of literary perception itself.” (Nussbaum, 1993, p. 109)

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