

The Ethics of Advising

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Introduction

In the first chapter of Penelope Fitzgerald's subtle and evocative novel *The Bookshop*, the protagonist Florence Green meets with her bank manager, Mr Keble, about her application for a business loan. Mr Keble signals his intention to offer her advice. Mrs Green attempts to discourage him: 'I mustn't take up your time, Mr Keble.' Mr Keble is not to be discouraged: 'Oh you must allow me to be the judge of that.' Here is his advice:

'I would like to put a point, Mrs Green, which in all probability has not occurred to you, and yet which is so plain to those of us who are in a position to take a broader view. My point is this. *If over any given period of time the cash inflow cannot meet the cash outflow, it is safe to predict that money difficulties are not far away.*'¹

The point had in fact occurred to Mrs Green. It is not, after all, very elusive. Mrs Green tries to contain her resentment.

Walking across the marshes after her meeting at the bank, Mrs Green is summoned by Mr Raven, requesting the loan of her raincoat. Mrs Green, not knowing why he seeks it, obliges. Mr Raven's plan reveals itself: with this innocuous object he catches and guides a suspicious old horse from his field. The horse's teeth are so blunt he cannot chew. Mr Raven asks for Mrs Green's help. She must hold the horse's tongue clear so that Mr Raven can file his teeth. It is a daunting task. Mr Raven says: 'I wouldn't ask everybody, but I know you don't frighten.' How does he know this? She is planning to open a bookshop. The procedure goes well. Mrs Green walks away, feeling that she had been trusted: 'That was not an everyday experience in Hardborough.'

These scenes capture something familiar, but at the same time puzzling, about helping and being helped. Mr Keble offers Mrs Green advice, which is, as I shall argue, help with practical reasoning. Mrs Green resents it. Mr Raven requests practical help from Mrs Green. She feels that she has been given something. In the same position, I think that I would respond much as Mrs Green does. I too have bristled at being given advice that I agree with. I too have felt pleased to be asked to help. But why do we respond in these ways, when help is supposed to be a gift given

¹ Fitzgerald, *The Bookshop*, p. 4.

for another's benefit? Shouldn't Mrs Green feel grateful for the advice she received and expect gratitude for the help that she gave? And what do our responses suggest about the ethics of advising?

We might locate the source of Mrs Green's resentment of Mr Keble's advice in its superfluity. Mrs Green knows enough about retail to recognize the desirability of turning a profit. Perhaps, to warrant a grateful reception, advice must add something new and useful to an agent's deliberative landscape. But this does not seem to be the whole story. Certainly, we reserve a special gratitude for advice that plugs the gaps in our understanding and planning. But unneeded advice does not always rankle. It can be warmly received and nourish the bonds between advisor and advisee. And it would be curious if advice could cause resentment merely because it was not needed. Resentment is the prototypical response to a perceived wrong. How is a person wronged by being offered something that they do not need?

The reasons why superfluous advice provokes resentment cannot be found in its content alone. Mr Keble's advice, which we may interpret as *take steps not to lose money*, is sensible enough. Certainly, it offers little by the way of practical direction, but then a lot of perfectly palatable advice is like that. It is not the content of what Mr Keble says that offends, so much as the fact that he felt it necessary to say it. In advising Mrs Green to avoid losing money on her bookshop, Mr Keble makes it quite clear that he considers her understanding of the basic principles of business to be deficient. He places himself on a higher plain, generously reaching down to assist one who cannot even appreciate her own precarity. This, I take it, is what Mrs Green rails against.

But advice does not always convey the impression that its recipient is lesser than the advisor. In his autobiographical essay 'A Summer-Coloured Humanism', Raimond Gaita recalls his former teacher and friend Martin Winkler helping him to see why, at a time when Gaita was flirting with leftist politics, Hora, a close family friend who had fled communist Romania, might be giving him the silent treatment:

On a visit to Winkler in Ballarat, he asked after Hora and I told him what had happened. He said that I should not think that Hora had turned his back on me in a high-handed way, that his behavior expressed wilfulness of any other state, like anger or stubbornness, that he could struggle to overcome if persuaded of the need of it. Hora was, I came to understand, simply unable to speak, and (though Winkler did not put it in this way) that the impossibility in question was ethical.²

Here was advice that might have caused Gaita to feel reduced in standing. It was precipitated by Gaita's disclosing that he felt rejected by someone he loved and

² Gaita, 'A Summer-Coloured Humanism', p. 356.

admired. Winkler's advice about how to regard and respond to Hora's treatment of him explored feelings of ethical alienation, feelings that Gaita had inadvertently precipitated. It would have been easy for Gaita to emerge from this encounter feeling shame and uncertainty about how to resuscitate a cherished relationship. But Gaita's depiction of this friendly intervention suggests its importance in helping him to restore his bond with Hora. Winkler's advice shored up and guided his young friend towards better moral agency, and moral knowledge.

So how is it that Winkler's challenging advice was accessible and acceptable? What did Winkler do, what relational factors permitted this small but profound success? We can readily speculate: Winkler spoke carefully and avoided criticism; he and Gaita had a relationship of trust; Gaita invited Winkler's input by raising his troubles with Hora; as Gaita's former teacher, Winkler tapped into established, mutually acceptable roles; Winkler spoke of things that the youthful Gaita could not be expected to understand. This catalogue suggests that the success of advice could be dependent on a host of relational considerations.

It may seem that advice is best exchanged amongst close companions, but sometimes our closest relationships appear the least conducive to advising. A recent article on a local news platform, entitled 'To My Son, In the Hours Before Your Daughter is Born', announces the author Virginia Fallon's intention to play against type by keeping her parenting advice to herself.³ She notes various aspects of child-care about which she can, but won't, offer excellent advice. She does not say why she feels compelled to resist the urge to advise her son and his partner, but reasons are apparent to readers who offered their thoughts in the comments section. Some say that it is a grandparent's role to pass on their wisdom, but most emphasize the risk of being seen as interfering, causing hurt, and being shut out of the new family. Here is a context in which the advisees are novice, whilst their advisors have learnt a thing or two. The motive for advising would be to help and show love and care. But the consensus seems to be that grandparents should hold their tongues, on pain of being resented.

This book examines the many roles that advice and advising play in our relationships and in our moral lives. Having spent the last ten years pondering them, I remain captivated by the complex ethical underpinnings of the bipolar receptions to which advice is prone: sometimes we are grateful for it, sometimes resentful; sometimes we reject advice that accords well with our own sentiments, at other times we embrace advice that challenges our settled intent. Sometimes we conclude that we should withhold advice because of predicted resentment. At other times we feel duty-bound to advise despite knowing that it will be resented. We fret over whether to advise, upbraid ourselves for not having done so, regret advice we have given, and seek advice about whether to advise. As advisees, we

³ Fallon, 'To My Son, In the Hours Before Your Daughter Is Born'.

contemplate the consequences of deviating from advice and wonder whether we will be credited for a good act taken on advice. I believe that questions about advice are amongst the commonest and most intriguing practical ethical questions that we face in our everyday lives. Advice is a regular subject of conversation as well as a conversational move. It mediates attributions of moral responsibility, praise, and blame in ways that are difficult to unpack. Sometimes advisees are held to account for not following advice, at other times an agent's plea that they were just following advice is greeted with contempt. What is happening beneath the surface of all these ethical events is unclear. But they are barely touched upon by modern ethical theorists. This book broaches these fascinating questions.

At the heart of this book is a new theory of the norms of advice, developed in conversation with a long historical literature on advising and with the aid of speech act theory. I argue that we apply these norms whenever we detect advice and respond with attitudes such as gratitude and resentment based upon our assessment of how norm-compliant advice is. Whilst these are general norms, their demands, and the obstacles to meeting them, vary by context, and admit of (some) relational adjustment. Interpreting and giving effect to the norms of advice is not always easy. Power relations introduce complexity. It can be difficult to know where efforts to enhance advice's accessibility tip over into the problematic territory of manipulation. The threat of advisee resentment gives rise to questions about whether to advise, and how. I argue that when confronted with these and other questions, it is useful to revisit the genus of act to which advice belongs: help. When we see advice as an act of help with practical reasoning, we have a starting point from which to work through who we should advise, and how, and for what purpose. We are also better able to appreciate advice's implications for moral responsibility for advised acts.

This book is composed of three parts. Part 1 comprises three chapters that set up my theory of the ethics of advice. In Chapter 1 I set the scene with an exploration of how advice has been written about in Western philosophical traditions via six key questions about what advice is, how it should be given, and why it should be taken. In Chapter 2 I review how advice has been depicted as a speech act and argue that its illocutionary point (defining purpose) is to help the advisee with practical reasoning. I utilize John Searle's dimensions of illocutionary force to map out the elements that make advice recognizable as such. Chapter 3 presents my account of the norms of advice. I characterize advice as an act of help and spell out the attendant implications for standing, or dignity, before laying out five norms of advising: that advice should address the advisee as a practical reasoner; be discretionary; other-regarding; sincere, and based upon the advisor's best knowledge and reasoning.

In Part 2 I investigate foundational questions about how to advise well and what advice means for agency. In Chapter 4 I consider the thorny topic of manipulation and argue that there is more to be gained by thinking in terms of advice's

compliance with the norms of advice than assessing for manipulation. Then I consider how power imbalances between advisor and advisee can endanger advice's illocutionary force and consider how and whether advising can be practised well within unequal advice relationships. In Chapter 5 I turn to the question of responsibility for advised acts. I argue that advisees retain responsibility for advised acts (advised acts are attributable to advisees and advisees are accountable for them) but that received advice should inform how we regard and respond to an advisee for their act. Advisors are responsible for their advice, and can be judged and responded to accordingly. In Chapter 6 I consider what sustains trust within an advice relationship, and present ways in which advice can be used strategically, to the detriment of an advice partner and in betrayal of the solidarity that we expect in helping relationships.

Part 3 focuses upon advice within different kinds of relationships. In Chapter 7 I consider ethical challenges that arise when we advise in personal capacities. I explain why advice can be happily exchanged between strangers, but suggest that critical advice is better reserved to closer personal relationships. I consider whether predicted resentment always supplies a reason to withhold advice, and argue that it does not. I suggest ways to maximize the accessibility—and thus helpfulness—of advice by minimizing its resentability. Chapter 8 turns to professional advising. I consider how professional advisors should respond when their broader role obligations come into tension with their obligation to advise in a way that aligns with a client's goals and interests. Focusing on several professional contexts (advice to a person in public office, legal, and medical advice), I argue that role obligations condition how responsive a professional advisor can be to their client. Finally, I consider conflicts of interest in the context of financial advice and argue that their degrading effects cannot be adequately managed via disclosure. The only satisfactory solution is to remove them.

A few words about terminology, key assumptions, and tactics are necessary before setting off. I use the term 'advice relationship' to refer to the ethical and relational connection between advisor and advisee that arises when advice is sought or offered. In my usage, advice relationships exist whenever advice is exchanged, whether as a one-off encounter between strangers or within an enduring friendship or family relationship. Of course, the ethical timbre of advice relationships is heavily affected by facts about the overall relationship in which advisee and advisor stand, in ways that I consider throughout this book. Here it is enough to say that I use this term as a catch-all to refer to all manner of bond between advisor and advisee.

I use the terms *advisee* and *agent* interchangeably throughout. I prefer 'agent' when my focus is on practical action, and *advisee* when focusing upon practical deliberation and the advice relationship. I use a range of gender pronouns, often casting one member of the advice relationship as 'he' and the other as 'she' so that the reader can more readily follow the narrative, but I sometimes use 'they' as a

gender-neutral term just to break things up a little. Throughout the text, I assume that all parties are competent, and my arguments proceed on that basis. I hold over for another day the ethical questions posed by advice given to a person of uncertain or fluctuating competence.

As you may have noticed, I make claims about what ‘we’ think, value, expect, and so forth. Some readers may find this tendency rather presumptuous, and to them I apologize. I do this to signal my assumptions about the social and ethical landscape in which we advise. You are likely to encounter ‘we’ claims that you rail at, because you do not respond in the way I have attributed to ‘we’. Although I recognize that it can be annoying to encounter alienating statements like this, I use this strategy intentionally, because that immediate response of alienation is such an efficient marker of where an argument has gone wrong. Where you disagree with a ‘we’ claim, you have a starting point to mount a counterargument. Throughout the book, I use cases to illustrate my thinking and concretize my claims. Your analysis of these cases may diverge from my own. Here again, I hope that in inviting intuitive responses, I provide readers ready access to the points at which their reading of the ethics of advising diverges from my own. My theorizing is anchored in my experiences of advice within Western cultural settings (in New Zealand and the United Kingdom) and the literature I draw on is from Western traditions. The norms of advice, and their demands, could look very different from other cultural vantage points, but I do not approach that comparative work here. The subject matter of this book is so rich and unexplored, it leaves some questions unsettled and even more untouched. For these reasons, this book primarily functions as an invitation, to everyday advisors and professional philosophers alike, to think harder about the ethics of advising.

PART 1

ADVICE AND ITS NORMS

1

What Is Advice?

For when two go together. . .they are more capable of understanding and acting.

Aristotle, *Nichomachean Ethics* Book VIII 11155a

1.1 Introduction

Imagine that you are sitting in the garden with your elderly neighbour, Bert. He tells you that he has been struggling to make ends meet and is considering selling his house. You think that this could place Bert in further financial peril. The rental market is so expensive, Bert could tear through his capital in no time and end up destitute. But Bert's house could happily accommodate a lodger, even two. You say: 'Bert, have you considered taking a lodger? If you sell your house, you will need to pay rent, and the bills will mount up again. I think a lodger might be just what you need. You could bring in some money without having to sell up.'

In saying this to Bert, what have you done? Although you have not explicitly framed your speech as advice, I would say that you have advised him. Furthermore, it seems to me that, as an advisor, you have acquitted yourself well. But how do I know this? After all, we do not know how things will turn out for Bert if he acts on your advice. He may not be able to find a lodger, or the lodger he does find might steal his most prized possessions and skip town. Such eventualities would certainly be bad, and likely to inspire feelings of regret and perhaps responsibility in you. But we can tell quite a lot about the ethical complexion of an act of advising without knowing how the story ends. Your effort to help Bert make a decision that is good for him, and your manner of delivery, align with everyday ideas about what makes for good advice, and good advisors.

Consider another case. Katrina is preparing to apply for a more senior role at her firm. She asks her friend and colleague, Luke, whether she should signal her inexperience in financial management in her application. Luke is also applying for the role, but he doesn't let Katrina know that. If Luke was in Katrina's position, he would downplay his inexperience. He has heard that only the strongest applicants will be asked to interview, and he thinks that Katrina would be in with a good chance if she could get that far. Luke responds 'I advise you to be upfront.

That way, if you get the role, you will feel ok about asking for support. Front foot it, my friend.' That, Luke thinks, should put her out of contention.

It does not take a moral philosopher to conclude that Luke has been a bad advisor to Katrina. Again, this judgement is not consequence dependent. Imagine that Katrina takes Luke's advice but his strategy backfires: the appointment committee sees her openness as refreshing and she is invited to an interview. Luke's advice has served Katrina well, but if she learns of his reasons for advising as he did, her gratitude will surely evaporate. Luke's intent and his duplicity taint his advice regardless of the outcome. In fact, Luke's conduct falls so far short of our expectations that we may question whether Luke has advised Katrina at all. Perhaps he has simply misled Katrina through the medium of advice.

Here are two rather ordinary examples of advising: one that does not declare itself to be advice but conforms to certain intuitions about advising; another that sounds like advice, but its ethical defects give cause for doubt. How can we tell what makes a speech act one of advice? And how can we tell what makes it good? The first example shows advice in a rosy glow: we can see what pulls us into advice exchanges when we consider cases like this. But then there are the Lukes of this world, actively working against their advisees by exploiting the opportunities of advising. If advice can work against us like this, why do we seek it? When we look closely, we can also see the danger that lurks beyond the rosy glow where you sit, advising Bert. If he follows your advice and it turns out badly, what does that mean for you? Have you failed him by leading him down the wrong garden path? Do you owe him something to compensate for his losses? Would it not be easier, and safer for all concerned, if we all just kept our advice to ourselves?

In the wake of the publication of *How to Do Things with Words*, J. L. Austin's landmark lectures on speech acts, Phillipa Foot remarked upon how strange it was that moral philosophy had not concerned itself with the character of speech acts like advising.¹ She predicted that moral philosophy would now turn to such matters and be the better for it. That was in 1967. Search as I may, I have not found the rich seam of ethical analysis that Foot had hoped for. Granted, advice makes notable cameo appearances in modern moral philosophy, typically as a foil to a more established (meta)ethical concern, such as what it means to have a practical reason, the proper use of testimony, and responsibility for the actions of others. Generally, these treatments proceed with little discussion of what advice is or requires: it is taken for granted that we have a common understanding. There are exceptions: J. Douglas Stewart's 'An Analysis of "Advising"', Chrisoula Andreou's

¹ Foot, *Theories of Ethics*, pp. 12–13. The full quote is: '[Moral philosophy] [h]as benefitted relatively little from the revolution which has elsewhere turned our attention to everyday language and the more or less patient investigation of detail. . . And it is strange that more work as not been done of. . . the small and large differences between such things as approving, commending, recommending, advising, praising, evaluating and the like. It will certainly be natural to turn to these topics now that Austin has shown us some ways in, and one feels that this part of moral philosophy will be bound to change for the better, when his work has been more thoroughly absorbed.'

'Standards, Advice and Practical Reason', Edward S. Hinchman's 'Advising as Inviting to Trust', and Patrick Fleming's 'Good Advice' are examples.² These works address questions about advising but do not supply general ethical accounts. Eric Wiland has done more than anyone to get to grips with advice, and his scholarship offers much to an ethical theory of advising.³ But advice-giving is so ubiquitous, complex, and consequential, no one theorist can traverse the full gamut of ethical questions it provokes.

One must delve deep into the archives to find sustained bodies of scholarship on advice. What one finds, in the writings of Aristotle and Plato, Seneca, Cicero and Plutarch, Elyot, Bacon, and Machiavelli, is largely a political philosophy of advising. There is a wealth of guidance for rulers and would-be advisors in those ancient texts, including the *mirrors for princes* of the Middle Ages and Renaissance. They detail how a political advice relationship should function. Whether their authors regarded the principles and practices they advocated as ethical as well as political, or as generally applicable, is debatable. The personal motivations some of their works advanced also raise doubts about the wisdom of taking their guidance at face value. Some texts doubled as unsolicited job applications, meant to entice the ruler of the day to appoint the author as a counsellor and to accord them latitude in that role. Plutarch's *How to Tell a Flatterer from a Friend*,⁴ Machiavelli's *The Prince*,⁵ and Sir Thomas Elyot's *The Governor*⁶ exemplify this tradition. Cicero's *On Duties* is a prime example of how riven through with personal interest and political point-scoring classical texts that bear upon advice can be. In it we find an intriguing community-centred argument for a duty to advise alongside unabashed self-promotion, briefs against Caesar, and defences of policies that Cicero enforced during his consulship.⁷ Yet, amongst all the political and personal text and subtext, insights about advising lie.

My task in this chapter is to set out key themes in the philosophy of advice, paying attention to points of convergence that may serve as a foundation for an

² Andreou, 'Standards, Advice and Practical Reason'; Hinchman, 'Advising as Inviting to Trust'; Stewart, 'An Analysis of Advising'; Fleming, 'Good Advice'.

³ Wiland, *Guided by Voices: Moral Testimony, Advice, and Forging a 'We'*. See also Wiland, 'Good Advice and Rational Action'; Wiland, 'Advice and Moral Objectivity'; Wiland, 'Trusting Advice and Weakness of Will'; Wiland, 'Some Advice for Moral Psychologists'.

⁴ Plutarch, *How to Tell a Flatterer from a Friend* was written for Prince Julius Antiochus Philopappos, a man Plutarch apparently saw as a target for, or in the thrall of, devious men who would gain his favour only to lead him astray.

⁵ Machiavelli wrote *The Prince* for Giuliano De Medici after the collapse of the Florentine republic and the return of Medici rule. *The Prince* adopts the conventional form of a mirror for princes but pushes the genre in its explicit rejection of common conceptions of virtue. This earned Machiavelli his reputation as an 'advocatus diaboli' (devil's advocate). See Ferster, 'Machiavelli's Prince', and Gilbert, 'Machiavelli', for contrasting accounts of the extent to which *The Prince* deviates from the established script of a mirror for a prince.

⁶ Elyot, *The Book Named the Governor*, dedicated to Henry VIII and first published in 1531, was a roaring success, and is credited with securing Elyot the prestigious position of ambassador to Charles V.

⁷ Cicero addresses *On Duties* to his son Marcus, who was then studying in Athens. The text is presented as a guidebook to prepare him and other young men embarking on lives of public service.

ethical theory of advising, points of divergence that it should resolve, and gaps that require filling. Because the literature is so scattered across time, place, context, and subdiscipline, distortion and omission are inevitable as I pull it all together. This is a critical review, containing my reflections upon what texts tell us about the ethics of advising and what questions require examination. It looks back on the literature and forward, foreshadowing positions that I will argue for in the chapters to come.

I structure this survey via six key questions. For each, I give a sense of how different thinkers have approached them. The questions are: What is advice? Why take advice? Why give advice? How should one advise? What are the qualities of a good advisor? and What should the advice relationship be like?

1.2 What is advice?

It seems sensible to begin by considering how philosophers have defined advice. This should be easy: philosophers are known for their attentiveness to matters definitional, so one would expect a surfeit of riches to select from. Sadly, riches are thin on the ground: it is common to see advice invoked by philosophers who never define the term.

Michael Smith's influential 'advice model' of what it means to have a reason to perform an act (a practical reason) supplies a case in point. Smith advances it over the 'example model' of reasons internalism, which holds that an agent has reason to do what an idealized (fully rational) version of themselves would want to do in the agent's situation.⁸ The example model connects an agent's practical reasons to the practical desires of their idealized self to allow for the fact that our unidealized selves sometimes harbour irrational desires. Smith argues that the example model does not account for the fact that our flaws affect what we have reason to do. We cannot always follow the example set by our idealized selves because we are flawed in ways that they are not. This is where advice comes in: instead of doing what our idealized self would (want to) do in our circumstance, we ought to do what they would advise us to do.

Smith seems to assume (not unreasonably) that an idealized advisor would account for their advisee's deficits when formulating advice. I say 'seems to assume' because Smith does not comment directly upon how we do, or should, advise. Smith's assumption is worth thinking through: advisors should not pronounce what action is best in abstract terms, or even (what amounts to the same thing for an idealized advisor) advise according to what they themselves would do. Rather, they should determine the best action that their specific advisee could perform

⁸ Smith formulates the example model of reasons internalism as follows: 'The desirability of an agent's ϕ 'ing in the evaluated world depends on whether her fully rational self in the evaluating world would desire to ϕ in the evaluating world.' Smith, 'Internal Reasons', p. 110.

and advise accordingly. We might interrogate this conception of advising from an ethical perspective. But as Smith does not identify it *as* a conception of advising, it (and its implications for the advice model of reasons internalism) goes unexamined.

Smith is not alone in assuming that advice needs no explanation; plenty of others take the same approach.⁹ Fleming explains his reluctance to offer a conceptual account by citing an absence of ‘stable intuitions’ about what kind of speech constitutes advice.¹⁰ There is a paradox at play: on the one hand advice is so familiar that it needs no defining; on the other hand, our ideas about advice are too unstable to properly account for. But our ideas about advice are stable enough that we get the gist when philosophers invoke it, and when we look at how advice is put to work within texts, (some) common understandings are revealed.

Thomas Hobbes’ account of advice is perhaps the most well known and shows how ethical ideas are threaded through conceptions of advice. It is framed, in the parlance of his times, in terms of counsel. It comes from *Leviathan*, which Hobbes wrote against a backdrop of political upheaval and dispute about the source of authority to rule and the respective virtues and vices of monarchical and parliamentary power. The proper role of political counsellors was bound up in this controversy. Hobbes’ seminal explication of the distinction between counsel and command formed part of his defence of the king’s authority over parliament. His purpose in drawing this distinction was to explain why the sovereign was under no obligation to follow parliament’s advice. What Hobbes produces, however, is a general account of advice. Here is the central passage:

COUNSELL, is where a man saith, *Doe*, or *Doe not this*, and deduceth his reasons from the benefit that arriveth by it to him to whom he saith it. And from this, it is evident, that he that giveth Counsell, pretendeth onely (whatsoever he intendeth) the good of him, to whom he giveth it. . . Therefore, between Counsell and Command, one great difference is, that Command is directed to a mans own benefit; and Counsell to the benefit of another man. And from this ariseth another difference, that a man may be obliged to do what he is Commanded. . . But he cannot be obliged to do what he is Counsell’d, because the hurt of not following it is his own.¹¹

⁹ Smith, ‘Internal Reasons’. Other examples include Arkanovich, ‘Advisors and Deliberation’; Hitchcock, ‘Causal Generalizations and Good Advice’; Andreou, ‘Standards, Advice, and Practical Reason’. Philosophers who do define their terms include Gauthier, *Practical Reasoning: The Structure and Foundations of Prudential and Moral Arguments and their Exemplification in Discourse*; Stewart, ‘An Analysis of “Advising”’; Wiland, *Guided by Voices: Moral Testimony, Advice, and Forging a ‘We’*.

¹⁰ Fleming overcomes this difficulty by focusing on what he takes to be a particular form of advisory exchange, although as a definition of advice it seems expansive rather than exclusive. Fleming, ‘Good Advice’, p. 183.

¹¹ Hobbes, ‘Of Counsell’, p. 303.

Hobbes holds that advice should communicate practical reasons to the advisee, and insofar as advice aims to motivate, it is these practical reasons, rather than the expressed force of the advisor's will, that should supply its motivating qualities. Hobbes' account captures the main flow of thinking about what advice is: practical guidance about what an advisee should do, grounded in the advisee's interests, and which the advisee can choose whether to follow. But we can understand the implications of advice being practical, advisee orientated, and discretionary in different ways.

1.2.1 Advice is practical

Douglas Stewart observed that it would be unintelligible for an advisor, when asked what he is advising an advisee to do, to reply: 'I am not advising him (to do) anything; I'm just advising him.'¹² At its most fundamental, advice is speech that concerns what an advisee should do in a specific situation, or about a specific practical concern.¹³ Advice's practicality differentiates it from exchanges aimed at instilling theoretical understanding, as teaching might. Its specificity differentiates it from training in a skill or craft, although it may be aimed at a wide audience rather than a single advisee and presented as maxims, precepts, or general tips rather than tailored prescriptions.¹⁴ Its prospective orientation distinguishes it from critique. This much is uncontroversial. The going gets tougher from here.

Hobbes' formulation communicates advice's practicality in a prescriptive style. The idea that advice must prescribe an action is both endorsed and rejected by philosophers. David Gauthier allows for advice that clarifies a premise in a practical argument or helps the advisee to understand their practical predicament without telling the advisee what to do.¹⁵ For others, notably Wiland, absent an act prescription, there is no advice, only testimony: 'What matters is that the adviser advises the advisee to *do* something, not to believe something.'¹⁶

The first unresolved question is *how* practical speech must be to count as advice. The problem is partly definitional and partly diagnostic. Should we define advice to include recommendations to perform mental acts as well as physical ones? If advice is restricted to physical acts, we are faced with the prospect of diagnosing when a speech act has recommended a physical act rather than a mental one, which can be surprisingly difficult. As the empirical literature on advising has shown, we

¹² Stewart, 'An Analysis of "Advising"', p. 207.

¹³ See, for instance, Fleming, who describes advising as 'Two or more individuals reason[ing] together about what the advisee is to do'; Fleming, 'Good Advice', p. 183.

¹⁴ Seneca, 'Letter 94: On the Value of Advice'.

¹⁵ Gauthier, *Practical Reasoning: The Structure and Foundations of Prudential and Moral Arguments and their Exemplification in Discourse*, pp. 54–55.

¹⁶ Wiland, *Guided by Voices: Moral Testimony, Advice, and Forging a 'We'*, Ch. 6. See also Stewart, 'An Analysis of "Advising"':

often soften speech by framing it indirectly.¹⁷ Recall the words I put in your mouth at the beginning of the chapter: ‘Bert, have you considered taking a lodger?’ Have you prescribed an action? If so, what action: that of taking a lodger, or that of considering taking a lodger? On their face, your words prescribe nothing—they inquire. But the savvy listener knows that you are not (only) seeking information from Bert. In their analysis of talk between mothers and daughters, Shaw, Potter, and Hepburn find mothers deploying similar *advice-implicative interrogatives* to reduce the bossiness of speech that advocates a course of action.¹⁸ Shaw and colleagues categorize advice-implicative interrogatives as a weak form of advice, but I am not sure that Wiland—or others—would agree. The matter has not been much discussed.¹⁹

An account of advising should establish the forms that advice can take and resolve whether suggestions to consider a course of action can figure as advice. These questions matter because we often want to advise without being prescriptive, whether through fear that a prescriptive approach would alienate our intended advisee, or to affirm that the matter is for them to decide, or because we lack the information needed to reach a definitive practical judgement.²⁰ If advising must be directive, the prospects for relationally comfortable, agency-supporting advice will be much reduced. Although there is little debate about whether advice is practically orientated, these more fine-grained questions about what practicality amounts to have not been widely considered, much less resolved. Over the next chapters, I suggest that the best way of resolving them is by working out what the characteristic purpose of advising is, and what kinds of speech might serve it.

There is another, largely unconsidered, implication of the requirement that advice is practical: advisors should restrict their recommendations to the realm of the possible.²¹ It is no use counselling hungry breadless peasants to eat cake if they cannot get their hands on any. Advising is in this sense a pragmatic endeavour. Of course, we might question what actions are feasible in the circumstance at hand. Perhaps the peasants could get cake if they crossed the border to the land of milk

¹⁷ There is a significant empirical literature on the use of softeners and indirect speech to enhance the acceptability and mitigate the relational threats of advice. See for instance, Morrow, ‘Telling About Problems and Giving Advice in an Internet Discussion Forum: Some Discourse Features’; Heritage and Lindström, ‘Advice Giving—Terminable and Interminable: The Case of British Health Visitors’.

¹⁸ Shaw et al., ‘Advice-Implicative Actions: Using Interrogatives and Assessments to Deliver Advice in Mundane Conversation’. See also Butler et al., ‘Managing Medical Advice Seeking in Calls to Child Health Line’.

¹⁹ Shaw et al. also identify and analyse advice-implicative assessments—in which the speaker expresses an assessment of a course of action that implies a practical recommendation. Shaw et al., ‘Advice-Implicative Actions: Using Interrogatives and Assessments to Deliver Advice in Mundane Conversation’.

²⁰ Patrick Nowell-Smith notes the utility of conditional advice as a way of managing advisor uncertainty/ignorance. See Nowell-Smith, *Ethics*.

²¹ Although see Williams, ‘Internal Reasons and the Obscurity of Blame’, p. 40: ‘Now “ought to” in the modality of advice implies “can”, because advice aims to offer something as a candidate for a deliberative conclusion.’

and honey, but that is a long and perilous journey. Practicality requires advisors to think about feasibility when formulating advice. Sometimes restrictions arise not from external factors (such as the availability of baked goods), but from internal factors of the kind that led Smith to look beyond the examples of our betters as a source of practical reasons. Our character flaws can prevent us from acting well, and when acute, may impede advisors from advising us well.

We can see a glimmer of this problem in Smith's defence of the advice model of reasons internalism. As we have seen, Smith assumes that, when advising a flawed agent, an idealized advisor would counsel them to do the best action that they can pull off. He illustrates with a case: we are to imagine that Smith has been thoroughly whipped in a game of squash and is taking the loss badly.²² Were Smith's idealized self in this position, he would shake his opponent's hand gracefully, but his angrier, unidealized self is all worked up and likely to commit an act of battery if he gets anywhere near the victor. Given this, Smith speculates that his idealized self would advise his unidealized self to exit the court pronto, because: 'That is something that I can get myself to do and it would allow me to control my feelings.'²³

Advocating that an irate advisee skip post-match niceties to avoid committing an assault seems like the kind of concession to practical realities that a good advisor could justify. But let's push the assumption that good advisors concede to an agent's deficiencies to test its full implications. What if Smith's problems with self-restraint went beyond an inability to engage in sporting etiquette? If Smith could not bring himself to do any action that was not cruel and injurious towards his opponent, advising him to do something practically possible would mean advising him to do something bad and wrong (even if it is the least bad, least wrong available option). It is all very well to require that advice is practical, but what should an advisor do when advisee depravity, or even circumstantial bleakness, outstrip an advisor's capacity to find an act both choice-worthy and choose-able to recommend? Faced with a psychopathic Smith stalking the squash court with murderous intent, one might imagine an idealized Smith foregoing advice altogether and reaching for something more coercive.

If there are occasions when advice cannot be both actionable by the recipient and justified in ethical terms, the requirement that advice is practical seems to be in tension with other ethical ideas. Plato held that it takes an act of courage to refuse to advise an incorrigible brute.²⁴ Although political theorists have considered the ethics of political advice—a topic I address in Chapter 8—there is little consideration of how much everyday advisors should bend to their advisee's will.

We have identified one element of advice—practicality—and a clutch of questions about what that means: must advice be (act) prescriptive, and how should an

²² Smith borrows the bones of this case from Watson, 'Free Agency'.

²³ Smith, 'Internal Reasons', p. 111.

²⁴ Plato, 'Letter VII'. The authorship of Letter VII is contested, albeit less than most of the letters.

advisor respond when the only possible actions available to their advisee are morally wrong? The next part of call presents a similar picture.

1.2.2 Advice is directed towards the advisee

Advice is about what the advisee should do, but advisee orientation goes beyond this. Hobbes maintains that advice should be designed to pick out the action that most *benefits* the advisee. This proposal, and variations on it, have been widely endorsed. Austin, for example, holds that sincere advice recommends the course that the advisor regards as most expedient for the advisee.²⁵ Hinchman frames advice in terms of assertions about the advisee's self-interest.²⁶ More obliquely, Kant casts self-love (or prudence) as belonging to the realm of advice (in contrast to morality, which takes expression in the form of commands).²⁷ Gauthier holds that 'In advising, we treat someone else's problem from his point of view' by considering which action best advances an advisee's aims and interests (as perceived by the advisee).²⁸ Advice is advisee-directed not only in the sense that it is about what the advisee should do, but also in that the reasons that support it are reasons *for the advisee*.

Part of what advisee orientation means is that advice should not be designed to benefit the *advisor*. Hobbes emphasizes this: advice differs from command and exhortation in that it is grounded in the will and interests of the advisee, whilst command and exhortation are grounded in the will and interests of the speaker.²⁹ So, the advisor must consider their advisee's goals and preferences and recommend the action most likely to advance them, without regard to how the advisor might stand to benefit (or lose). Recall Luke's advice to Katrina: it fails this test.

If advice is by definition directed towards the advancement of the advisee's interest, a question arises as to whether advice formulated with an eye to the advisor's benefit (or another non-advisee directed agenda) is truly advice. Hobbes anticipates false counsel: 'And from this it is evident, that he that giveth Counsell, pretendeth onely (whatsoever he intendeth) the good of him, to whom he giveth it.'³⁰ It looks as though, on Hobbes' account, Luke is advising, because the dummy reasons he offers Katrina are presented as emerging from her interests. But Luke's advising is, to pull in Austin, insincere, because Luke does not believe that

²⁵ Austin, 'Lecture IV', p. 40.

²⁶ Hinchman, 'Advice as Inviting to Trust', p. 358.

²⁷ Self-love 'merely *advises*; the law of morality *commands*. But there is a great difference between that which we are *advised* to do and that to which we are *obligated*.' Kant, *Critique of Practical Reason*, Part One [emphasis in the original text].

²⁸ Gauthier, *Practical Reasoning: The Structure and Foundations of Prudential and Moral Arguments and the Exemplification in Discourse*, p. 55.

²⁹ Hobbes, 'Of Counsell'.

³⁰ Hobbes, 'Of Counsell', p. 303.

Katrina's interests will be advanced if she follows his advice (in fact, he is banking on them being set back). Austin holds that insincere speech acts—acts performed without the associated feelings, thoughts, or intentions—are not, on that account, void: Luke did advise, and Katrina can hold him to account for doing so deceitfully by giving her to believe that he was reasoning to help her, not himself.

We want advisors to take up their advisee's cause in place of their own, but when advisors throw themselves too wholeheartedly into meeting that expectation, the results can also be unsettling. The memoranda now known as the *Torture Memos* provide a case in point.

The *Torture Memos* were a series of legal briefs prepared for the Central Intelligence Agency (CIA) in the wake of 9/11 by lawyers in the Department of Justice's Office of Legal Counsel (OLC).³¹ In consultations about operations at Guantánamo Bay detention camp, the CIA sought OLC advice about the legal parameters surrounding the interrogation of persons held on suspicion of terrorist activity. Concern had grown within the CIA about the possibility that interrogators could be prosecuted under prohibitions against torture for their use of techniques like waterboarding.³² The OLC produced legal opinions that seemed to give the green light to the use of these techniques.³³ In one, the OLC provided an opinion about strategies that the CIA proposed to use on detainee Abu Zubaydah, including: 'Attention grasp, walling, facial hold, insult slap, cramped confinement, wall standing, stress positions, sleep deprivation, insects placed in confinement box, and the waterboard.' The OLC advised that 'Even when all of these methods are considered combined in an overall course of conduct, they still would not inflict severe physical pain or suffering', and their use would be lawful.³⁴

When the memos were leaked in 2004, the public response, and that of many legal scholars, was of outrage. Many aspects of the *Torture Memos* have been criticized. The legal opinions they contained have been widely challenged, as has the expansive view of presidential authority expressed in advice about how to avoid legal sanction if interrogation methods are found to breach international conventions and the United States Code.³⁵ Charges of a lack of balance and a failure to present, evaluate, or caution about opposing views have been made.³⁶ The memos

³¹ The OLC issues legal advice to the president and executive branch agencies of the US Government. The name most closely associated with the *Torture Memos* is Professor John Yoo, who was deputy assistant attorney general between 2001 and 2003. Yoo wrote the memos referred to here. See Baker, 'Who Was John Yoo's Client? The Torture Memos and Professional Misconduct'.

³² Baker, 'Who Was John Yoo's Client? The Torture Memos and Professional Misconduct'.

³³ Alvarez, 'Torturing the Law'; Querijero, 'Without Lawyers: An Ethical View of the Torture Memos'.

³⁴ Baker, 'Who Was John Yoo's Client? The Torture Memos and Professional Misconduct', p. 753.

³⁵ *Convention against Torture and other Cruel, Inhuman and Degrading Treatment*, United States Code sections 2340–2340a, Title 18. For critique of the legal analysis in OLC memoranda, see Wedgwood and Woolsey, 'Law and Torture'; Luban, 'Liberalism, Torture, and the Ticking Bomb'; Brooks, 'The Plain Meaning of Torture? Literary Deconstruction and the Bush Administration's Legal Reasoning'.

³⁶ Alvarez, 'Torturing the Law', pp. 85–86.

represent the CIA's interrogation strategies in a flattering legal light, and have been seen as clearing an obstacle to the torture of detainees. They offered little reason for the CIA to rethink its position and delivered it the defence that its actions comply with legal advice. José E. Alvarez went as far as to suggest that the authors of the memos are akin to 'high-level torturers' who, in bending the law to the will of their clients, played a part in torture being done.³⁷ After receiving OLC advice that their proposed techniques would not rise to the level of torture, CIA operatives waterboarded Zubaydah eighty-three times in a single month.³⁸

The fallout from the *Torture Memos* points to the finely balanced advisee orientation expected of advisors. They should consider what the advisee wants to achieve *and* (what may be somewhat different) their advisee's interests, *and* what good action would look like, and this requires a certain critical distance. Advice should sometimes challenge an advisee's plans. Stephen Gillers, for instance, encourages legal advisors not to approach their task as a technical exercise aimed at realizing whatever aims an advisee presents, but to advise with wisdom and conscience.³⁹ Good advice can question, or even oppose, an advisee's goals or proposed strategies. An advisee may receive it as a hindrance. Douglas W. Kmiek recalls the day that he (then head of the OLC) advised President Regan that he could not exercise a line-item veto he had set his heart on as 'One of least happy days of my life.'⁴⁰ But unwelcome advice, in government and beyond, can help agents to avoid mistakes, or at least act with knowledge of the likely outcomes.

Some may consider that the *Torture Memos* speak to the ethics of legal advice but reveal little about advising in general. It is important to consider how professional contexts mediate our normative expectations of advice, as I do in Chapter 8. But criticisms of the *Torture Memos* echo broader sentiments. Consider, for example, Gauthier:

The adviser cannot dictate what advisee's wants and interests are, and hence cannot dictate how he should view his problem. Advisee is entitled to the last word, but there is no point at which it is impossible for an adviser, quite sincerely, to disagree with advisee about his real interests, about what should rationally move him to action and hence ground his practical judgements.⁴¹

Advisors should not simply produce rationales for whatever action their advisee has resolved to take, they should scrutinize available rationales, reflect upon an

³⁷ Alvarez, 'Torturing the Law', p. 176.

³⁸ Baker, 'Who Was John Yoo's Client? The Torture Memos and Professional Misconduct', p. 754.

³⁹ Gillers in Liptak, 'How Far Can a Government Lawyer Go?' See also Bilder and Vagts, 'Speaking Law to Power: Lawyers and Torture'.

⁴⁰ Liptak, 'How Far Can a Government Lawyer Go?' A line-item veto is a presidential authority to over-rule an item of proposed spending in a bill, whilst moving ahead with the bill overall.

⁴¹ Gauthier, *Practical Reasoning: The Structure and Foundations of Prudential and Moral Arguments and their Exemplification in Discourse*, p. 56.

advisee's ends, and help her to work towards what Judith Jarvis Thomson tells us is the proper endpoint of advice: an expressed 'all-things-considered' practical judgement. For Thomson, matters of justice, generosity, and the rights of others cannot be stripped away when forming judgements about what an advisee ought to do.⁴² The advisor must apply their own considered moral and practical reasoning and not rely uncritically upon what an advisee wants, values, or cares about. Thomson offers a counterpoint to Kant: advice is not a discursive realm restricted to (advisee) self-love. It should feature full-throated moral discourse.

But, as with most things connected with advice, it is unclear how much, or when, an advisor should scrutinize the advisee's account of their practical problem, or question the values and goals connected with it. Chrisoula Andreou identifies the category of *intentions-based* advice, in which advisors take their advisees' intended goals as read and advise how best to accomplish them.⁴³ She illustrates with the case of Jen, who spots a hole in Moe's plan to make his spouse jealous by flirting with their neighbour. Jen recognizes that if inducement of jealousy is Moe's intended end, flirting with the video store manager is the better means. As it happens, Moe's goal violates Jen's own standards of conduct, but that doesn't prevent her from seeing how Moe could attain it. Andreou does not comment directly on whether Jen should advise Moe (her primary focus is whose standards should inform advice. Spoiler alert: it is the advisor's). She simply observes that intentions-based advice is a regular, and perhaps necessary, feature of our interactions with others.⁴⁴ We might think of the *Torture Memos* as (amongst other things) a particularly egregious instance of intentions-based advice, and perhaps this is what Gillers has in mind when he speaks of the undesirability of advisors acting as technicians. But excising intentions-based advice from accepted advisory practice would be a radical, and potentially impoverishing, move.

As with the requirement that advice is practical, the requirement that advice is directed towards the advisee is generally accepted, but the finer points are open to dispute. Everyone agrees that stunts like the one that Luke pulled violate the 'rules' of advice: advice should not be formulated for the advisor's benefit. It should aim to advance the advisee's interests, but that does not preclude advisors from challenging their brief and issuing unwelcome advice. In fact, it can require it. It seems that advisors must take on board their advisee's point of view without abandoning their own.

⁴² Thomson, 'Advice', pp. 43–82. Thomson's book *Goodness and Advice* is a tantalizing example of moral philosophy that is, at least ostensibly, about advice, but it says little about it as a relational or ethical practice.

⁴³ We might compare intentions-based advice with what Bernard Williams called 'If I were you' advice. See Williams, 'Internal Reasons and the Obscurity of Blame',

⁴⁴ Andreou, 'Standards, Advice and Practical Reason'.

1.2.3 Advice is discretionary

The distinction between command and counsel is central to Hobbes' account of advice. Commands, legitimately delivered, compel obedience. Not so advice:

A man may be obliged to do what he is Commanded; as when he hath covenanted to obey: But he cannot be obliged to do what he is counselled.⁴⁵

Discretionariness is a widely recognized feature of advice, which can be unpacked in different ways. Hobbes invokes discretion as *non-obligation*: the advisee is free to choose. This works for Hobbes because he casts advice's scope narrowly (enabled by his political agenda and tendency towards psychological egoism). Advice aims at the benefit of the advisee, so if he elects not to follow it and things go badly, no one suffers but himself. As there is no obligation to be benefitted, there can be no obligation to do as advised.

Thomson takes a different approach. On her account, advisors try to help advisees to act well, not benefit them. If an advisor has correctly identified what their advisee has reason to do, practical reason compels the advisee to act accordingly. Thomson refers to the 'all-things-considered' sense of 'ought' as *the advice sense*. So, although it may be 'Up to [the advisee] whether [she] take[s] his advice or leave[s] it', good advice must be followed if an advisee is to act well.⁴⁶

Thomson casts advisees as obliged, but by reasons, not by advisors, nor, strictly, by advice. The obligation would be there even if advice had not been issued.⁴⁷ The form of discretion that Thomson locates in advice is less non-obligation than *non-enforcement*. It is not for an advisor to make their advisee do what they should.

Discretion can also be read as *pressurelessness*: advice should not pressure advisees to follow it. This reading suits Stephen Darwall's representation of advice as directed at belief rather than action. Second-personal address (such as commands and requests) 'Makes a claim on the addressee's will. . .and presumes to tell another person, not just what to do in the way advice does, but also. . .to do it.'⁴⁸ Advice has no such ambition: the most it asks for is consideration. The idea that advice comes with no practical expectations suggests it imposes no pressure. But this view has detractors. Consider Wiland's remarks:

When your father advises you to apologize to your mother, he isn't ultimately interested in whether you *believe* something that you didn't believe before. He

⁴⁵ Hobbes, 'Of Counsell', p. 303.

⁴⁶ Thomson, 'Advice', p. 168.

⁴⁷ On a similar point, see also W. D. Falk: 'Advice can be "good" or "bad"; it has an implicit canon of achievement, defined in terms of what it is understood to set out to do. And this is purely to "guide", to make people act as they would otherwise have valid and sufficient reasons for acting, and not otherwise.'

⁴⁸ Darwall, *The Second-Person Standpoint: Morality, Respect and Accountability*, p. 49.

is ultimately interested in getting you to *do* something you aren't doing: apologizing to your mother. To see this, suppose that you respond to your father's advice by sincerely saying, 'Dad, you're right. I *should* apologize to Mom,' but then for whatever reason you just *don't* apologize to her. You can believe anything and everything that your Dad wants you to believe, and yet it would be perverse to say that you have thereby taken his advice. Taking his advice requires doing what he advises, not (merely) believing that you should do what he advises. Advice is thus practical in a way that testimony is not.⁴⁹

For Wiland, advisors want advisees to do as they advise. On this analysis, their advice comes with a tinge of pressure. Even if your Dad won't make you apologize, his conveyed belief that you should, and his desire that you do, places relational—and perhaps moral—pressure upon you to do so. He is trying to get you to apologize, not with acts of force, but with speech. If we see discretion as a matter of non-enforcement, the pressure that comes with knowing what an advisor thinks we should—and wants us to—do, is untroubling. But the reading of discretion as pressurelessness suggests something different. Many readers will recognize how motivationally efficacious an awareness of what someone thinks we should do can be. Advice is followed for many reasons beyond its persuasiveness: a wish to retain an advisor's good opinion, respect of their judgement, a fear of being blamed for not following it, avoidance of an uncomfortable situation, and so forth. Such considerations can be experienced as pressure. It is difficult to see how the practice of advising can be entirely free of such forms of pressure, and doubtful that such freedom would be desirable were it possible. But some applications of pressure appear to transform advice into another form of speech. If your Dad worries away relentlessly on theme of your apologizing, he risks slipping out of an advisory register into one of exhortation: 'counsel vehemently pressed', in Hobbes' words.⁵⁰ Which forms of pressure threaten advice, and how, warrants exploration.

1.2.4 Advice conveys reasons

The centrality of reasons to advising is uncontested. A counsellor's task is, in Hobbes' words, to 'make manifest' an action's consequences through clear, unmetaphorical reason-giving.⁵¹ Advisors perform a kind of practical reason accounting for their advisee, working out what action is the best given all the considerations at play.⁵² Advice speaks the language of practical reasons, and in that

⁴⁹ Wiland, *Guided by Voices: Moral Testimony, Advice and Forging a 'We'*, pp. 117–118.

⁵⁰ Hobbes, 'Of Counsell', p. 304.

⁵¹ Hobbes, 'Of Counsell', p. 307.

⁵² Wiland, 'Advice and Moral Objectivity', p. 8.

sense, Darwall says that it addresses an advisee: ‘Not as an agent, but as a cognizer of practical reasons.’⁵³ But advice can work through advisors in ways that blur the boundaries between second-personal reason-giving and advice. Gauthier recognized this: ‘There is a tendency to favour doing what someone advises, just because he advises it.’⁵⁴ Sometimes advisees cannot grasp the practical reasons that advice conveys, but accept advice on trust. This phenomenon does not rely on second-personal force, but nor does it act on the advisee purely as a cognizer of practical reasons. Rather, the advisee recognizes reasons to trust another: fiduciary reasons. Hinchman, and Bacon before him, carve out roles for trust in advice-taking. The role that trust might have in advice-giving is less discussed—I address it in Chapter 6.⁵⁵

1.2.5 Advice motivates

The proper terms of engagement with an advisee’s will are controversial. Early modern thinkers reflecting upon political counsel in the wake of Machiavelli were particularly attuned to the risk of counsellors practised in the rhetorical arts dominating a ruler’s thoughts, sentiments, and will. The influential Spanish thinker Bartolomé Felipe warned against advisors targeting an advisee’s will rather than their beliefs. For Felipe, as for Hobbes, the good advisor simply presents a case for the advisee’s consideration without attempting to persuade, because persuasion can compromise the ruler’s ability to reason out the matter for himself.⁵⁶

But others see value in advice’s motivational qualities. Seneca and Hinchman remark upon its power to renew our commitment to act upon familiar practical reasons. Advice that ‘Rouses us and concentrates the memory’⁵⁷ and ‘Encourages our flagging spirits’ does not give reasons per se, but supports the practical commitments that emerge from them.⁵⁸ We sometimes need coaxing into doing what we know we ought to do. What is less clear is whether this is the role of advice. Here is another matter that a theory of the ethics of advising should address.

Felipe’s concerns were primarily with how advice is delivered, and its implications for advisee agency. Motivation also figures in debates about how to formulate advice. Internalists about reasons hold that the things that we care about (or would care about if we were fully rational) determine our practical reasons. According to

⁵³ Darwall, *The Second-Person Standpoint: Morality, Respect and Accountability*, p. 257. See also Williams, ‘Internal Reasons and the Obscurity of Blame’, p. 40.

⁵⁴ Gauthier, *Practical Reasoning: The Structure and Foundations of Prudential and Moral Arguments and their Exemplification in Discourse*, p. 54.

⁵⁵ Bacon, ‘Of Counsel’; Hinchman, ‘Advice as Inviting to Trust’.

⁵⁶ Paul, ‘Counsel, Command and Crisis’, p. 108. See also Falk, ‘Guiding and Goadings’.

⁵⁷ Seneca, ‘Letter 94: On the Value of Advice’, p. 25.

⁵⁸ Hinchman, ‘Advice as Inviting to Trust’, p. 355.

this view, if we want to help others work out what they should do, we must concern ourselves with what motivates them. In Wiland's words:

Apt advice does not always aim to benefit the advisee, but it does aim at something that the advisee could be motivated to do. Advice that fails to engage with the advisee's cares and concerns is ipso facto inapt as advice.⁵⁹

Wiland's point is not just that advisees are more likely to follow advice that appeals to their motivations, but that as an agent's practical reasons are rooted in what they care about, their practical reasons can only be identified through their cares. Recognizing this, the sincere advisor takes the advisee's values, standards, etc. as their starting point for reasoning. But what happens when an advisee's values and cares are anathema to an advisor? An advisor may find themselves recommending that an advisee perform an act which is to the advisor unconscionable, although it squares neatly with the advisee's values, aims, and standards.

Andreou concludes that sincerity requires advisors to draw upon their own evaluative standards. Whether an advisor is a cognitivist about her standards (believing them to be true) or a non-cognitivist (believing them to be expressive), her advice ought to reflect the standards that she holds.⁶⁰ If she abandons her standards in favour of the advisee's, what she communicates will not be a judgement about what the advisee should do, but a judgement about what the advisee's standards require. But if an advisor's standards diverge radically from her advisee's, her advice will struggle for motivational purchase, and perhaps function more as a campaign to shift her advisee's standards than as advice.⁶¹ Andreou resolves the problem by suggesting that we seek advice from people with compatible evaluative standards. This strategy minimizes unmotivating advice, but presents the prospect of an advisory echo chamber, offering little access to different ways of viewing the problems we face.

1.3 Why take advice?

So far, I have constructed a (critically annotated) picture of how advice has been understood in philosophy, and documented a series of unsettled questions. But why delve into them? Advice is not, after all, a universally celebrated practice. Kant, for one, rails against it:

⁵⁹ Wiland, *Guided by Voices: Moral Testimony, Advice and Forging a 'We'*, p. 122.

⁶⁰ Andreou, 'Standards, Advice and Practical Reason'.

⁶¹ Andreou, 'Standards, Advice and Practical Reason', p. 59.

Laziness and cowardice are the reasons why such a great part of mankind, long after nature has set them free from the guidance of others...still gladly remain immature for life and why it is so easy for others to set themselves up as their guardians. It is so easy to be immature. If I have a book that has understanding for me, a pastor who has a conscience for me, a doctor who judges my diet for me, and so forth, surely I do not need to trouble myself.⁶²

For every Kant, there is a Bacon, extolling the value of advice well taken. Kant and Bacon bat for opposing teams when it comes to advice's worth, but the concerns they appeal to are connected. The reasons to take (or refrain from taking) advice concern agency. Whereas Kant holds that (habitual) advice-taking blunts deliberative faculties and places moral action out of reach, Bacon sees advice as a means of stress-testing plans and consolidating one's reputation for acting well. Amongst its advocates, advice's value is seen to lie partly in the manner of its solicitation and receipt. Advisees must actively manage advice if it is to have its desired effects.

Kant's objections to advice-seeking stem from his belief that action in accordance with the moral law can only be achieved *through* reason. Action that merely accords with reason will not get you there.⁶³ When we rely on advice to determine how to act, we outsource practical reasoning, and so deprive ourselves of opportunities for enlightenment. So, for Kant, advice-taking is a bad habit; better to learn to think for oneself.

Kant envisions advice-taking as thoughtless, but advice can be used thoughtfully. This is what Plato's Socrates advocates in his response to Crito's attempt to persuade him to escape from prison, Athens, and execution:

Very well then, we must consider whether we ought to follow your advice or not. You know that this is not a new idea of mine; it has always been my nature never to accept advice from any of my friends unless reflection shows that it is the best course that reason offers.⁶⁴

Socrates' view that advice may figure in, but not displace, an agent's deliberations is widely expressed. The thought that acting on advice signifies a weak character and manipulable mind competes with the idea that openness to counsel is a sign of wisdom and, as Bacon suggests, of power:

⁶² 'It is always and only through exercising's one's own reasoning that one can gain access to that law and act from, not merely in accordance with, reason.' Kant, 'An Answer to the Question: What Is Enlightenment?', p. 58.

⁶³ For instance: 'His taking this interest in a dutiful action is not advised by any inclination; instead, reason through the practical law absolutely commands it and also absolutely produces it.' Kant, 'Of the Incentives of Pure Practical Reason', p. 81; and more generally Kant, *Critique of Practical Reason*. See also Korsgaard, *The Normativity of Instrumental Reason*.

⁶⁴ Plato, 'Crito', p. 46.

The wisest Princes need not think it any diminution to their greatness, or derogation to their sufficiency, to rely upon counsel. God himself is not without, but has made it one of the great names of his blessed son, the Counsellor.⁶⁵

Like Bacon, Machiavelli regarded good advice as essential to successful rule, but he cautioned against accepting it passively. It takes advisee wisdom to make advice good: 'For this is an infallible rule: a prince who is not himself wise cannot be well advised.'⁶⁶ These politically orientated thinkers cast the advisee's role as active, critical, and authoritative, a far cry from Kant's unquestioning puppets.

The clearest reason to seek advice, and one advanced by Seneca and Aristotle, is to make up for one's lack of experience, wisdom, or expertise and enrich one's understanding of relevant considerations.⁶⁷ Which is not to say that advice is only good for ingénus. Advice can figure to action as laboratory work figures to scientific endeavour: allowing possibilities to be played out in a controlled environment. As Bacon says:

Things will have their first, or second, agitation: if they be not tossed upon the arguments of counsel, they will be tossed upon the waves of fortune.⁶⁸

The benefits of advisory workshoping are felt at least as keenly by experts as by novices. Bacon observed that the famously wise ruler King Solomon located the value of good counsel in its promotion of stability, possibly because two heads are better than one. We can become immersed in the details or emotions of a situation and lose sight of the broader context. An advisor's relative distance may afford her a better view of the action. Taking advice can promote more considered, less reactive action through giving access to a cooler head, and by slowing down one's thought process.

Advice can be fruitful in other respects. If counsellors are stakeholders in a ruler's actions, when he seeks their input, he acknowledges their stake. A ruler's prospects for maintaining power may be improved by keeping the powerful on-side. Cicero extends this line of thinking, pointing out that man is by nature 'A sharer in reason.'⁶⁹ Collective predispositions to reason pull us into relationships, and in turn, into societies. The promise of influence may hold advisors close, even if advice is not always followed. Seeking counsel can strengthen social bonds and provide advisees access to the judgements of their social set. It may also be a way of 'socializing' a proposed action. Thus, advice may support social harmony as well as enhanced practical reasoning.

⁶⁵ Bacon, 'Of Counsel', p. 23.

⁶⁶ Machiavelli, 'How Flatterers Must Be Shunned', p. 77.

⁶⁷ Seneca, 'Letter 94: On the Value of Advice', p. 32; Aristotle, 'Book VI', pp. 11–13.

⁶⁸ Bacon, 'Of Counsel', p. 23.

⁶⁹ Cicero, *On Duties (De Officiis)*, p. 6.

Whilst writers like Bacon and Machiavelli see counsel as part of good governance, they also urge the good governance of counsel, and explain how to achieve it. Advisors must be chosen carefully, selecting for those ‘In nature faithful and sincere, and plain and direct.’⁷⁰ A ruler should create an atmosphere that permits frankness without soliciting disrespect and ‘Take [advice] when he wants to, not when others want him to.’⁷¹ Information should be disclosed to advisors parsimoniously. The ruler must discern good advice, a skill that Machiavelli categorizes as a second-class form of intelligence, but a form of intelligence nonetheless.⁷² The ruler must ensure that their actions are not attributed to their advisors, so must be seen as deciding of their own volition.⁷³ If they can do all that, their majesty will be ‘Exalted’, not ‘Diminished’, as they will be ‘The chair of counsel.’⁷⁴

Whilst they depict advice-taking as an active, intentional enterprise in practical reasoning, Bacon and Machiavelli concur with Kant: relying uncritically on advice is inadvisable. Their attention was upon reputational rather than moral risk, although that should not be seen as a shallow concern. Leadership that is perceived as weak is prone to instability and failure. Kant’s concern was not with governance of a nation but governance of self, and risk lurks there too. If advice supplants personal reasoning, self-rule is forfeited. The main difference between Kant and his more politically orientated colleagues is that Kant seems to see no upside to advice-seeking. Whilst the contrasts between Kant’s views and those of Bacon and Machiavelli are incomplete, they reflect an ongoing ambiguity about advice’s implications for agency.

1.4 Why give advice?

Advising is a risky business. It can require one to speak unwelcome truths, incur resentment, damage relationships, suffer retaliation, and become enmeshed in someone else’s deeds and the ensuing fallout. Advisors are not always appreciated, as Plato’s Socrates knew well:

God appointed me to this City, as though it were a large thoroughbred horse which because of its great size is inclined to be lazy and needs the stimulation of some stinging fly. It seems to me that God has attached me to this City to perform the office of such a fly, and all day long I never cease to settle here, there, and everywhere, rousing, persuading, reproving every one of you. You will not find another like me, gentlemen, and if you take my advice you will spare my

⁷⁰ Bacon, ‘Of Counsel’, p. 25. See also Machiavelli, ‘A Prince’s Personal Staff’, p. 75.

⁷¹ Machiavelli, ‘How Flatterers Must Be Shunned’, p. 77.

⁷² Machiavelli, ‘A Prince’s Personal Staff’, p. 75.

⁷³ Bacon, ‘Of Counsel’, p. 24.

⁷⁴ Bacon, ‘Of Counsel’, p. 25.

life. I suspect, however, that before long you will awake from your drowsing, and in your annoyance you will take Anytus' advice and finish me off with a single slap'⁷⁵.

Socrates' suspicions were, of course, borne out. Given that, one wonders why we feel compelled to advise others. Socrates referred to his calling as God-given; he saw himself not as a teacher, whose services may be bought and paid for, but rather as one who

Busied myself all the time on your [the citizens of Athens] behalf, going like a father or an elder brother to see each one of you privately, and urging you to set your thoughts on goodness.⁷⁶

Socrates did not advise from a sense of professional duty, or for personal gain:

If I had got any enjoyment from it, or if I had been paid for my good advice, there would have been some explanation for my conduct'⁷⁷.

Rather, he was driven by concern for the well-being of his fellow man and a sense that encouraging and enabling others to reflect on their actions, values, and priorities was good, and good for them. Socrates' case for advising is more or less unopposed. Advising is seen as a way to help someone. Special obligations to advise apply in some relational contexts, such as friendship. Plutarch, for instance, framed advice-giving as a duty acquired through friendship.⁷⁸ But there can be good reasons to advise those with whom we stand in no special relationship: Cicero included 'Trustworthy counsel to someone seeking advice' amongst essential resources that should be shared, such as fresh water and fire, because: 'They are useful to those who receive them and cause no trouble to the giver.'⁷⁹

Presumably, in proclaiming advising to be trouble-free, Cicero was reflecting upon practical reasoning as a non-rivalrous good: offering advice about another person's situation does not preclude thinking through one's own. But other kinds of trouble can surely arise, as Socrates knew. People do not always like what is good for them; if it is one's aim to please others, advising them might not be the best bet. As Plutarch says: 'It is the duty of a friend to accept the odium that comes from admonition when matters of importance and of great concern are at stake.'⁸⁰

⁷⁵ Plato, 'Socrates Defence (Apology)', pp. 16–17.

⁷⁶ Plato, 'Socrates Defence (Apology)', p. 17.

⁷⁷ Plato, 'Socrates Defence (Apology)', p. 17.

⁷⁸ Plutarch, *How to Tell a Flatterer from a Friend*, p. 387.

⁷⁹ Plato, 'Socrates Defence (Apology)', p. 22.

⁸⁰ Plutarch, *How to Tell a Flatterer from a Friend*, p. 387.

1.5 How should advice be given?

The ethical requirement that advice be true—to the advisor’s perspective, to the advisee’s interests, and to the practice itself—is a lynchpin of writing on advice. Multiple virtues are implicated: fidelity, honesty, sincerity, clearheadedness, and courage amongst them. Advice is a way to manifest *parrësia*: a ‘spidery kind of notion,’ as Foucault put it, encompassing a virtuous personal quality (of frankness), a duty (to speak frankly), and a tool of persuasion.⁸¹ *Parrësia* refers both to a civic virtue of frank speech that addresses the powerful and holds them to account and a personal willingness to speak honestly within close relationships. Whatever scale advice assumes, insincerity jeopardizes it. Advisors should disclose their true beliefs, even at the cost of displeasing. But as Plutarch cautions, advisees must be wary. Flatterers can fake sincerity:

Just as clever cooks employ bitter extracts and astringent flavourings to remove the cloying effects of sweet things, so flatterers apply a frankness which is not genuine or beneficial, but which, as it were, winks while it frowns, and does nothing but tickle.⁸²

Plutarch recounts two stories that demonstrate why critical advice should be delivered discretely, without an audience:

We must be very careful about the use of frank speech toward a friend before a large company, bearing in mind the incident in which Plato was involved. It so happened that Socrates had handled one of his acquaintances rather severely in a conversation that took place close by the money-changers’ whereupon Plato said, ‘Were it not better that this had been said in private?’ Socrates retorted, ‘Should you not have done better if you had addressed your remark to me in private?’ And again, when Pythagoras once assailed a devoted pupil pretty roughly in the presence of several persons, the youth, as the story goes, hanged himself, and from that time on Pythagoras never admonished anybody when anyone else was present. For error should be treated as a foul disease, and all admonition and disclosure should be in secret, with nothing of show or display in it to attract a crowd of witnesses and spectators. For it is not like friendship, but sophistry, to seek for glory in other men’s faults, and to make a fair show before the spectators, like the physicians who perform operations in the theatres with an eye to attracting patients. Quite apart from the affront involved- which ought never to be allowed in

⁸¹ Foucault, *The Government of Self and Others: Lectures at the Collège De France 1982–1983*, 12 January 1983, First Hour, p. 45.

⁸² Plutarch, *How to Tell a Flatterer from a Friend*, p. 277.

any corrective treatment—some regard must be paid to the contentiousness and self-will that belong to vice.⁸³

Plutarch's commentary on these cases invokes the defining purpose of advice, which must be given for the advisee's good, not to establish one's superiority or gain favour with an audience.

Whilst delivering critical advice publicly is not recommended, Plutarch—foreshadowing the old 'good cop, bad cop' routine—notes that advice can be gratefully received after someone else has delivered a dressing down, enabling the advisor to shoo critics away and present his advice as assisting the advisee to avoid future humiliations.⁸⁴ Plutarch recommends techniques designed to facilitate frank advice without jeopardizing the advice relationship. These include indirect methods such as story-telling,⁸⁵ calibrating tone to the advisee's mood (gentle for the suffering, 'Admonitions when one plays the fool'⁸⁶), and tempering critical advice with praise, which 'Not only . . . mitigate[s] the harsh and preemptory tone of the censure, but . . . also arouse[s] in a man a desire to emulate his better self.'⁸⁷

These recommendations are directed at minimizing affront so that advisees can focus on what is being laid before them. Some advisory techniques appear to verge on manipulation in their deployment of psychology to prime receptivity. The line can be difficult to locate between what P. F. Strawson called the *interpersonal stance*, in which one engages with another as an equal in rights and capacities, and the *objective stance*, in which one works around someone one regards as unable to engage in reasoning.⁸⁸ Kate Manne warns that:

It is only insofar as one adopts the interpersonal stance towards someone that it is possible to reason or argue with them, or offer them collaborative advice or friendly suggestions, about what they ought to do.⁸⁹

The manner of delivery can affect advice's accessibility, its impact upon the advisee's sense of agency, and the advice relationship. As Manne reminds us, it also reflects the advisor's regard for their advisee. The line between care and control in advising is not well defined—and a theme of Chapter 4.

⁸³ Plutarch, *How to Tell a Flatterer from a Friend*, p. 375.

⁸⁴ Plutarch, *How to Tell a Flatterer from a Friend*, p. 373.

⁸⁵ Plutarch, *How to Tell a Flatterer from a Friend*, p. 371.

⁸⁶ Plutarch, *How to Tell a Flatterer from a Friend*, p. 367.

⁸⁷ Plutarch, *How to Tell a Flatterer from a Friend*, p. 383. See also Cicero, 'De Amicitia', pp. 89–90, 111, and Plato, 'Lysis', especially 205d–206e.

⁸⁸ Strawson, 'Freedom and Resentment'.

⁸⁹ Manne, 'Internalism About Reasons: Sad But True?', p. 96.

1.6 What are the qualities of the good advisor?

Four tightly connected qualities are advanced as essential for the good advisor: expertise, good judgement, truthfulness, and fidelity. The good advisor can see how things are, understands the practical implications, and can communicate this effectively. Manne encompasses general sentiments about ideal advisors:

She is ideally suited to play this social role, partly in being possessed of all the relevant information and fully procedurally rational. . . She might also be imagined to be virtuous and wise, and. . . well-disposed towards her advisee. Finally, she should be imagined to be especially well-suited to play this social role for the particular agent in question.⁹⁰

Expertise entails both knowledge and practical nous, acquired through formal learning or practical experience and accomplishment.⁹¹ Qualifications and professional standing can be essential (but perhaps not sufficient) hallmarks of expertise in some domains (medicine, for instance), whilst practical knowhow is the critical factor in others (mountaineering).⁹² Alongside specialized knowledge, advisors require good judgement.

In her discussion of moral expertise, Julia Driver points out that one can believe that another's knowledge or insight is superior to one's own without thereby trusting their advice:

Satan could well be an example of a being with superior moral knowledge, but it would be unwise to defer to Satan's judgement on what to do. I might be confident in his ability to know, but not confident in his accurate transmission of that knowledge, because I view him to be deceitful.⁹³

An advisee must trust that advice contains a true account of the advisor's judgement if she is to (straightforwardly) factor it into her deliberations.⁹⁴ But the advisor's good will should also ensure that painful truths are dispensed sparingly.⁹⁵ Bacon reserves the telling of hard truths to the wise, suggesting it better for the rest of us to remain unforthcoming:

⁹⁰ Manne, 'Internalism About Reasons: Sad But True?', p. 97. See also Cicero, *On Duties (De Officiis)*, pp. 7–8.

⁹¹ Archard, 'Why Moral Philosophers Are Not and Should Not Be Moral Experts', p. 120.

⁹² Archard, 'Why Moral Philosophers Are Not and Should Not Be Moral Experts', pp. 121–122.

⁹³ Driver, 'Autonomy and the Asymmetry Problem for Moral Expertise', p. 630.

⁹⁴ Plutarch, *How to Tell a Flatterer from a Friend*, p. 287.

⁹⁵ Plutarch, *How to Tell a Flatterer from a Friend*, pp. 297–298.

For if a man have that penetration of judgment, as he can discern what things are to be laid open, and what to be secreted, and what to be shown at half lights, and to whom and when (which indeed are arts of state and arts of life, as Tacitus well calleth them), to him, a habit of dissimulation is a hinderance and a poorness. But if a man cannot obtain to that judgement, then it is left to him generally to be close, and a dissembler. For where a man cannot choose, or vary in particulars, there it is good to take the safest, and wariest way, in general; like the going softly, by one that cannot well see.⁹⁶

Known duplicitousness is one reason to doubt the value of advice from one with ‘penetration of judgement’, but it is not the only one. Take Satan as an example. He is wholly consumed by his own interests and constitutionally incapable of being moved by other considerations. His advice is never going to spring from concern for his advisee, and thus he lacks the fidelity required in advisors. Fidelity has two connected dimensions: a faithfulness to the norms of advising, and a faithfulness to the advisee: both require an advisor to put aside concern for their own interests and reason on behalf of the advisee. But as we have already seen, what that entails is controversial.

1.7 What should the advice relationship be like?

Accounts of how to advise are intertwined with accounts of what we might call the advice relationship. Ancient and early modern philosophers saw advice as a practice belonging to friendship: the trust, sympathy, and understanding that characterize true friendship enable friends to see each other clearly and fully and create an atmosphere conducive to advising. Cicero nominates the requirement to serve a friend’s honour as the first law of friendship:

Let us not even so much as wait to be asked; let us always be ready and eager, and never hang back; and as for our advice, let us make bold to offer it freely. It is in the friendships of men who urge upon each other what is good and worthy that personal influence carries the greatest weight; let us employ that influence to make our advice not only frank, but—if the circumstances demand—pointed, and if such an influence is brought to bear upon ourselves, let us pay heed to it.⁹⁷

The fidelity sought in an advisor is naturally present in a true friend. In books VIII and IX of *Nicomachean Ethics*, Aristotle considers various forms of friendship, identifying true friendship as equal, reciprocated, and infused with good will

⁹⁶ Bacon, ‘Of Simulation and Dissimulation’, p. 6.

⁹⁷ Cicero, ‘De Amicitia’, p. 96.

and mutual recognition of each other's goodness. A true friend is motivated by the good of the other, rather than by any advantage or enjoyment that the friend might bring.⁹⁸ Mutual esteem generates a sense of equality and, thereby, trust: each party sees that they are liked and valued by one who they, in turn, like and value. The true friend's warm feelings and assurance of goodwill enables her to receive chastening or challenging advice in a spirit of love and respect, rather than resentment.

Aristotle's observations about unequal friendships suggest several reasons why advice may be resented. Aristotle proposes but rejects the theory that in unequal friendships the patron is like a creditor and the beneficiary, her debtor. The patron, anticipating gratitude for their generosity, feels positively inclined to her beneficiary, whilst the debtor resents their indebtedness. It is not wholly clear why the creditor-debtor model is dismissed, but in any case Aristotle advocates an alternative: that the patron, in facilitating things for her beneficiary, transforms him into her product. She makes him, and thereby makes him hers, through acting on his behalf. Her fondness is the fondness one has for one's own creations, which demonstrate to her that she is an actualized being. Her beneficiary, receiving no such positive reinforcement of self, sees her only as a source of advantage, not as a being to be valued in her own right.⁹⁹ The inequality inherent in such relationships prevents them from being true friendships. The dynamics Aristotle identifies—both of the creditor-debtor model he rejects and the producer-product model he endorses—may explain why advice is sometimes (but not always) resented. When advice establishes or enforces a relationship of reliance, such that the gratitude owed to the advisor is extracted at the cost of the advisee's self-worth, problems await. For advice to enhance agency, advisor and advisee must hold each other in equal regard.

Thinkers from Michel de Montaigne to Elizabeth Telfer have situated duties to advise within friendship, raising questions about advice's place in other relationships.¹⁰⁰ Many professional interactions involve advising. Should the dynamics that favour advising within well-balanced friendships be sought within these professional exchanges, or is something quite different going on in professional advice? Charles Fried argues that lawyers act as special purpose friends for clients, and that the pattern of friendship underlies doctor-patient relationships too.¹⁰¹ Others, such as Justin Oakley and Dean Cocking, conclude that professional roles are incompatible with friendship, for instance because reasons of friendship such as affection do no moral work in justifying a professional's treatment of a client.¹⁰²

⁹⁸ Aristotle, 'Book VIII', pp. 9–11.

⁹⁹ Aristotle, 'Book VIII', pp. 10–15.

¹⁰⁰ Montaigne, 'On Friendship'; Telfer, 'Friendship', p. 257.

¹⁰¹ Fried, 'The Lawyer as Friend: The Moral Foundations of the Lawyer-Client Relation', p. 1071; Fried, *Medical Experimentation: Personal Integrity and Social Policy*.

¹⁰² Oakley and Cocking, *Virtue Ethics and Professional Roles*, especially Ch. 4.

And what of advice from a stranger: is this always to be avoided because friendship is absent? This question has received little attention (I address it in Chapter 7).

1.8 Conclusion

We began this survey with six questions about advice. I presented some common answers: advice is practical; it concerns what an advisee should do. It should represent the advisor's view about the *advisee's* practical reasons, not what would be best for the advisor. Advice should be discretionary, and help the advisee to understand their reasons for acting. Good advisors possess expert knowledge, good judgement, honesty, and fidelity to the norms of the practice, and advice works best when there is reciprocal respect and a measure of equality between advisor and advisee.

This picture of advice and the advice relationship helps to explain why your advice to Bert encapsulates our collective sense of how advice should be given. It honestly represents your preliminary view of an action that would be good for Bert to consider, and it conveys reasons without pressuring him or making your suggestion out to be more definitive than it is. It arises from your positive disposition towards a friend, which is more than can be said for Luke's advice to Katrina. Luke dissembles by deceiving Katrina about the practical reasons he thinks she has and applies his judgement to his own ends, not his advisee's.

But consensus does not reign throughout the literature on advice. Advice is practical, but must it prescribe an act? Advice conveys an advisee's practical reasons, but according to whose standards, goals, and preferences? Advice is discretionary, but does that mean that advisees are, or should feel, free from obligation? Advice helps advisees understand their practical reasons, but can it help them care about them? There might be such a thing as a good advisor, but is it good to take advice?

Over the next chapters I develop an account of advice that reflects its character as a form of help. When we think of advice in this way, we see its relational dimensions. The advice relationship was an ancient philosophical preoccupation, but it has not been a modern one. There is some work to do tracing the connections and disconnections between the extant literature and my own approach. In the next chapter, I begin that work by showing how advice has been theorized as a speech act. Philosophers of language and moral philosophy have offered intriguingly different accounts of advice's defining purpose (its illocutionary point, in speech act parlance). I believe that they miss the mark. I will explain why.

2

What Advice Is

2.1 Introduction

Our ears are well attuned to the sound and feel of advice. We recognize when we are being advised even when the speaker doesn't announce her intention. We hear the dissonant note in a threat presented as advice; we feel the force of the order behind the tyrant's counsel. This attunement suggests that advice is what Austin famously called an *illocutionary act*: a conventional speech act type with its own distinct force.¹ As such, it is subject to what Austin called *felicity conditions*: rules that determine whether a given *locution* (an act of saying something) is to count as a token (a particular instance) of advice.² When we recognize an utterance as advice, or detect the mismatch between its surface features and actual force, our judgement is informed by an understanding of advice as an illocutionary act.

Despite our sense, acquired in large part by ear, of what advice is and how it should be given, it is not at all clear how to characterize its *illocutionary point*: the conventional effects that an illocutionary act is typically intended to achieve.³ The illocutionary point of a question is to receive an answer. The illocutionary point of an order is to have the recipient carry out the ordered act. What is the effect that we aim for when we advise? It might be to get an advisee to do the thing we have advised. As we will see, this is how philosophers such as John Searle and Eric Wiland have understood advice's illocutionary point. Or it may be, as Stephen Darwall holds, that an advisor aims not at an agent's acts, but at her practical reasoning. The illocutionary point of advice might be to get an agent to consider a practical proposition.

There are reasons to seek clarity about advice's illocutionary point. If we do not know what advice aims at, it is difficult to assess when advice succeeds. We would also expect there to be a connection between what advice is intended to achieve

¹ Austin, 'Lecture VIII'.

² Austin, 'Lecture VIII', p. 94

³ I follow Searle in distinguishing illocutionary force from illocutionary point. Searle, 'A Classification of Illocutionary Acts', p. 3. See also Searle and Vanderveken, *Foundations of Illocutionary Logic*. Austin distinguished between 'The locutionary act... which has a *meaning*; the illocutionary act which has a certain *force* in saying something; the perlocutionary act which is *the achieving of certain effects* by saying, and between 'Three senses in which effects can come in even with illocutionary acts, namely, securing uptake, taking effect, and inviting responses', Austin, 'Lecture X', p. 121. Sbisà takes these three effects to be the components of illocutionary force and finds Searle (and Grice's) conception of illocutionary force to be lacking, because it does not, in her view, allow for the production of conventional effects (and the inviting of a response). I am not sure that Sbisà is correct here but I will not attempt to resolve this dispute. See Sbisà, 'Illocutionary Force and Degrees of Strength in Language Use'.

and its normative framework. The norms of advice, presumably, uphold its illocutionary point. In cases of uncertainty about how the norms apply, an act's illocutionary point supplies a starting point to reason it out. If we know advice's illocutionary point, we will be better placed to perceive its norms and the roles they play in allowing advice to function as intended.⁴

To get to grips with what advice is and how it should be given, we surely need to know what it aims to achieve, but this is just the beginning. The trouble is that illocutionary acts cannot be demarcated, and their normative and relational impacts understood, by reference to their illocutionary point alone. For one thing, different speech act types can share a single illocutionary point. Consider, for instance, orders and requests.⁵ These are both ways that we try to get others to do something, but they have quite different impacts upon recipients and suggest different things about the relationship between the speaker and hearer. An order suggests that a hearer has no choice but to act as directed. It also suggests that the speaker has power over the hearer. A request, on the other hand, affirms the hearer's entitlement to choose and appeals to her to grant the request. Requests empower the hearer, but they also advance a claim upon her.⁶ Here are two acts with the same illocutionary point, but they do not have the same *illocutionary force*, understood as a speech act's characteristic impact upon a recipient and its implications for his standing with respect to the speaker (and possibly others) and their respective duties, permissions, expectations, and entitlements. When we have identified the illocutionary point of advice, we can consider its illocutionary force, which will, in turn, help us to understand why advice is sometimes resented and sometimes received with gratitude, and how advice alters attributions of responsibility and blame. But the two most obvious candidates for advice's illocutionary point—to get an agent to do something, and to get an agent to think (about) something—suggest quite different accounts of advice's illocutionary force and normative contours. Some philosophical untangling is in order.

This chapter is devoted to getting to grips with advice's characteristic illocutionary point and its illocutionary force. I present a new account of advice's illocutionary point: to help the advisee see how they should proceed. This account makes sense of the fact that advice's illocutionary point has been understood in quite different—and conflicting—ways, and it fosters an understanding of advice as a relational practice as much as an illocutionary one. It provides a platform for exploring the relationship between advice's illocutionary point and its illocutionary

⁴ As Bach points out, '[Utterances] have two levels of success: considered merely as an illocutionary act, a request (for example) succeeds if your audience recognizes your desire that they do a certain thing, but as a perlocutionary act it succeeds only if they actually do it.' Bach, 'Speech Acts and Pragmatics', p. 151.

⁵ Searle makes this point, see 'A Classification of Illocutionary Acts', p. 3.

⁶ Lance and Kukla describe the normative implications of speech acts such as requests in 'Leave the Gun; Take the Cannoli! The Pragmatic Topography of Second-Person Calls.'

force. It also supports a deeper understanding of the norms of advice (the focus of Chapter 3). But in order to see what is distinctive and valuable about conceiving of advice as an act of help, it pays to be familiar with other available conceptions of advice's illocutionary point, and their explanatory limits.

In Section 2.2 I assess how advice has been conceptualized by five important contributors to our understanding of what we do with words: J. L. Austin, John Searle, Mark Lance and Rebecca Kukla, and Stephen Darwall. Each contribution takes us closer to understanding advice as an illocutionary and an ethical act, both through their respective insights and blindspots. In Section 2.3 I present my account of the illocutionary point of advice as help with practical reasoning and argue that its illocutionary force is bound up with its character as a form of help. In Section 2.4 I deploy Searle's dimensions of illocutionary force to lay out what is required for a speech act to be received as an act of advice, and I explain how characteristic ways of responding to advice with reactive attitudes such as gratitude and resentment reflect our common understanding of advice as help with practical reasoning, with all the messiness and imprecision that that entails.

2.2 Advice as an illocutionary act

For an illocutionary act that is so recognizable upon receipt, advice has a remarkable propensity for linguistic shape-shifting. It can be given in a multitude of styles, with distinctly different levels of directiveness and clarity of purpose. It can be presented quite openly as advice, sometimes prefaced with phrases such as 'I advise you to...' or 'If you want my advice...' However, it can take the form of an altogether different type of speech act. It is common to offer advice as an order: 'Don't do it like that...' It can be delivered in a declarative tone, almost as a verdict: 'You should...' or 'I know what you should do!' Less directly, advice can be presented as testimony: 'I have found that the trouble with that approach is...' It can appear in a statement about what the advisor would do in a similar situation: 'If I were you, I would...' ⁷ Or it may be related with the aid of a first-person or third-person narrative: 'I tried it that way too, and what happened was...'; 'My brother was in a similar situation and he found that...' We may even frame advice as an inquiry: 'Have you thought about...' or 'Do you think it might work if you...' ⁸ Provision of practically relevant information can be framed as advice, even when unaccompanied by any

⁷ On the use of the personal hypothetical 'I would', see Tuccio and Garcia, "I'd a Set that Back at the Chocks": The Personal Hypothetical "I Would" in Aviation Flight Instruction; Park, 'Reported Thought as (Hypothetical) Assessment'.

⁸ In their study of written advice in response to a stated problem, DeCapua and Dunham, 'The Pragmatics of Advice Giving: Cross-Cultural Perspectives', show a wide variety of strategies at play in advice-giving, with less directive and more narrative styles drawn upon more frequently by native American English speakers.

suggestion about how an advisee should respond to it: 'Ticket-holders are advised that the gates will close at ten o'clock.' We might doubt whether such statements are really forms of advice, as they make no overt suggestion about what a hearer should do about them. But the fact is that they are couched in terms of advice: as with some less declaratory or explicit ways of advising, hearers are left to deduce their practical import for themselves.

The span of speech act forms that advice can inhabit is remarkably open. It is not merely the multiplicity of formats which surprises, it is their illocutionary variety. They are associated with quite different illocutionary points, they signal different things about the relationship between speaker and hearer, they advance different kinds of claims, and they invite different kinds of response.⁹ Orders (attempt to) impel the recipient towards a given course of action; they assume an entitlement on the part of the issuer to direct the recipient; and they demand obedience. Testimony, on the other hand, seeks to induce an understanding of the speaker's beliefs in a hearer and to persuade her of their truth. In testifying, a speaker presumes a certain knowledge or expertise and implies that the hearer might lack this knowledge or expertise. For her part, the hearer is entitled to accept or reject testimony according to her own judgement, and the testifier is accountable to the hearer for its veracity and their entitlement to speak upon that subject.¹⁰ Testimony makes space for the hearer's judgement in a way that orders do not. Inquiries, unlike testimony, ask for something, rather than offering it.¹¹ They imply that the hearer has knowledge which is of interest to the speaker, and they invite the hearer to share it. Although inquiries set up an expectation of an answer, they make no further (overt) claim upon the hearer's beliefs or actions. Inquiries can be seen as conferring status upon the hearer in relation to the speaker, although they can also be presumptuous if directed at topics that are seen as out of scope for the speaker. Each of these varieties of illocutionary act, as different as they are, can carry advisory import if the context permits, but they are also sharply distinguishable from advice in other contexts. The contrast between orders and advice is possibly the most remarked upon.¹²

Of course, as we have already noted, illocutionary acts with quite different characteristics can share an illocutionary point.¹³ Advice could share an illocutionary point with orders, testimony, or with inquiries, but it seems unlikely that advice shares an illocutionary point with every speech act type through which it manifests. If advice can be delivered, recognized, and received via these diverse formats,

⁹ Here I follow Austin and Sbisà's distinction between uptake as acceptance of the speech act as a token of a particular illocutionary type, and the invitation of a particular kind of response from the hearer, for instance (agreement, obedience, etc.). See Note 3.

¹⁰ See Moran, 'I—Richard Moran: Testimony, Illocution and the Second Person', for a discussion about the second-personal elements of illocutionary acts such as asserting and claiming.

¹¹ This is why Searle, 'A Classification of Illocutionary Acts', categorizes inquiries as directives.

¹² Hobbes, 'Of Counsell', p. 303; Falk, 'Goading and Guiding', pp. 168–169.

¹³ Searle, 'A Classification of Illocutionary Acts'.

what on earth can its distinctive illocutionary point be? And what enables this multitude of illocutionary acts to carry advisory force on some occasions, but not others? When the advisee recognizes advice without a verbal preface (such as ‘I advise you to...’), what are they recognizing? It seems rather mysterious.

One way to investigate this mystery is through studying how theorists have conceptualized advice as an illocutionary act. The ways that speech acts have been taxonomized suggests a lack of clarity—or at least of agreement—about advice’s illocutionary point. Competing conceptualizations speak to advice’s range of presentational forms and offer insight into the kind of claims that advice makes upon an advisee. To settle which normative claims are consistent with the defining aims of advice as a practice, we need to know its illocutionary point. Austin’s classic taxonomy provides an ideal introduction to the problem at hand.

2.2.1 Advice as an Austinian exercitive

Austin included advice in his proposed taxonomy of speech acts, composed of five classes: *verdictives* (which issue a verdict or finding), *exercitives* (exercises of powers, rights, or influence), *commissives* (the undertaking of a commitment or announcement of speaker intention), *behabitives* (‘A very miscellaneous group (having) to do with attitudes and *social behaviour*’), and *expositives* (which situate utterances within discourse, and particularly argument).¹⁴ Austin categorized advice as an exercitive:

An exercitive is the giving of a decision in favour of or against a certain course of action, or advocacy of it. It is a decision that something is to be so, as distinct from a judgement that it is so; it is advocacy that it should be so, as opposed to an estimate that it is so, it is an award as opposed to an assessment; it is a sentence as opposed to a verdict. Arbitrators and judges make use of exercitives as well as issuing verdictives. Its consequences may be that others are ‘compelled’ or ‘allowed’ or ‘not allowed’ to do certain acts.¹⁵

Advice is joined by a diverse array of classmates, including: ‘[To] appoint, dismiss, name, order, warn, urge, proclaim, plead, recommend, veto, claim, pardon and command.’¹⁶ Each speech act type in the class exerts a distinct force and has its

¹⁴ These categories are developed in Austin, ‘Lecture XII’. Both Searle, ‘A Classification of Illocutionary Acts’, and Sbisà, ‘On Illocutionary Types’, reject expositives as a category of illocutionary act.

¹⁵ Austin, ‘Lecture XII’, p. 155.

¹⁶ The full list of examples Austin, ‘Lecture XII’, pp. 155–156, provided: ‘Appoint, degrade, demote, dismiss, excommunicate, name, order, command, direct, sentence, fine, grant, levy, vote for, nominate, choose, claim, give, bequeath, pardon, resign, warn, advise, plead, pray, entreat, beg, urge, press, recommend, proclaim, announce, quash, countermand, annul, repeal, enact, reprieve, veto, dedicate, declare closed, declare open.’

own felicity conditions. To successfully order, the speaker must have the requisite authority over the hearer. To successfully plead, the speaker must be subject to the hearer's power. Exercitives vary in important ways, but they are united by several features. They are forward-looking, they seek to alter what happens, and they are sensitive to questions of positioning and authority. Marina Sbisa links these features: she suggests that felicity conditions relating to the appropriateness of persons and circumstances are foregrounded for exercitives more than for some other speech act classes because, for an exercitive to have its intended effect, the speaker must be seen as properly positioned to deliver it.¹⁷

Whilst Austin makes some intriguing remarks about advice, he does not systematically profile its illocutionary force, point, and felicity conditions. But for Austin to categorize advice as an exercitive, he must have held that it involves the exercise of powers, rights, or influence. As we will see, each of these distinct ways of understanding advice's essential character resonates with broader conceptions of advice. But they pull in opposing normative directions. Until we have a clear idea about advice's characteristic illocutionary point, we cannot resolve how advice affects claims and permissions or what entitlements are required to issue it.

Let's begin with the idea of advice as an exercise of a right. Rights are tools that protect or confer an entitlement upon the right-holder and compel recognition by others.¹⁸ There may be situations in which a person has a right to advise another: parents may claim a right to advise their children, for instance. Professionals whose role includes an advisory function (civil servants, for instance) may assert a right to advise in the performance of their duties. If an advisee has solicited advice, perhaps its provision is protected by a right. Elders may enjoy rights to advise via accrued wisdom and their social role. In these cases, advising may be one way of discharging a responsibility towards an advisee. The idea that advising might be protected by rights fits with the sense of resentment that we feel when we receive advice from someone whose conduct seems to invalidate their claim to advise (signalling that a right to advise may be earned through good conduct, or lost through poor conduct), or whose behaviour suggests a lack of concern for our best interests. We may express affront at presumptuous advising in terms such as 'What makes you think you have a right to advise me...?'

But conceptualizing advising as an exercise of a right does not answer the question of what advice's illocutionary point is; in fact, it only leads to its replication. If the advisor has a right to advise and the advisee has a corresponding duty, what does that duty entail, and how do we know if the right has been upheld? Does the advisor have a right to say their piece, or to have their advice considered by the

¹⁷ Sbisa, 'On Illocutionary Types', p. 95, identifies the sincerity condition as foregrounded in relation to behabitives, the consistency condition (requiring that subsequent actions be consistent with expressed intent) in relation to commissives; verdictives are sensitive to all felicity conditions in equal measure.

¹⁸ This is Leif Wenar's conception of rights: see Wenar, 'Rights'; Wenar, 'The Nature of Claim-Rights'.

advisee, or followed, or something else? Considering how advice is distinguishable from its fellow exercitive—orders—is instructive. As Austin observed: ‘It makes a great difference whether we were advising, or merely suggesting, or actually ordering.’¹⁹ If Joe has the right to order Sally, Sally’s duty is to obey, and the content of Joe’s right is that Sally do the actions that correspond to executing the order, and that she do them *because* Joe ordered it.²⁰ The illocutionary point of an order—to get the recipient to follow it—makes all this quite clear. But as Austin’s comment suggests, advice is a different matter. We generally consider that advice preserves a zone of discretion—and responsibility—with respect to the advisee’s action that would be incompatible with advisees having a duty to obey, and with advisors having rights to their obedience. If advising is a way of exercising a right, the claim protected by that right seems more likely to be a claim to a hearing rather than to execution of the advised act. But whilst advice’s illocutionary point eludes us, it is hard to delineate putative rights claims with any authority.

Whilst Austin casts exercitives as exercises of rights (along with powers and influence), he also suggests that exercitives impact upon rights (amongst other things):

It is obvious that [exercitives such as] appointing and naming do commit us, but we would rather say that they confer powers, rights, names, &c, or change or eliminate them.²¹

Despite the obliqueness of this observation, others have taken up the idea that exercitives are defined by their deontic ambitions. Sbisà writes: ‘All exercitives can be said to presuppose a power, and to bring about a creation or elimination of obligations.’²² Rae Langton describes exercitives as ‘Illocutions that confer powers and rights on people, or deprive people of powers and rights.’²³ Mary Kate McGowan, in a similar vein: ‘Exercitive speech acts enact rules (or permissibility facts), thereby fixing the bounds of permissibility in a certain domain.’²⁴

If exercitives are ways of altering duties and rights, what might that mean for advice? One possibility that we have already canvassed is that advice generates a duty in the advisee. There is a risk of eroding the distinction between advice and orders

¹⁹ Austin, ‘Lecture VIII’, p. 99.

²⁰ Lance and Kukla, ‘Leave the Gun; Take the Cannoli! The Pragmatic Topography of Second-Person Calls’, pp. 463–464.

²¹ Austin, ‘Lecture XII’, pp. 156–157.

²² Sbisà, ‘On Illocutionary Types’, p. 102.

²³ Langton, ‘Speech Acts and Unspeakable Acts’, p. 304.

²⁴ McGowan, ‘Conversational Exercitives: Something Else We Do with our Words’, p. 93. In contrast, Bach and Harnish rule out the possibility of directives (their equivalent to exercitives) creating rights and duties: ‘Although effectives like licensing and prohibiting create rights or obligations, it should not be thought that directives do likewise, at least as illocutionary acts. At best, they create mutual beliefs between *S* and *H* about rights or obligations, and it is a moral question whether (or when) they create rights and obligations.’ Bach and Harnish, *Linguistic Communication and Speech Acts*, p. 124.

if advisees are regarded as duty-bound to act on advice. There may be duties to receive advice in a certain way (for instance, to consider it) in certain circumstances (for instance when one's role includes consideration of advice) but it is doubtful that we are always duty bound to consider advice, no matter how bad or inappropriate to the circumstances it is. Another possibility is that advice creates duties for the *advisor*. This reading seems to cohere with Austin's observation that exercitives can entail a commitment on the speaker's part.²⁵ When we advise, we commit ourselves (at least for the time being) to a given position on what an advisee should do. If they follow our advice, perhaps we are obliged to show support for their doing so, refrain from criticizing them if the act backfires, and admit that we advised them when criticism is being bandied about. But these thoughts are speculative: it is unclear what deontic strings Austin had in mind, and whom they attached to, when he categorized advice as an exercitive.

Powers and influence can also be exercised through Austinian exercitives. Powers reside most naturally in the domain of what Searle referred to as the 'fiercer' forms of illocution, such as commands, although there is no denying that advice can suggest or institute a power relation in which the advisor occupies a dominant position.²⁶ Numerous studies in discourse analysis depict advisors and advisees navigating power relations surrounding advice in ways that suggest that advice is less acceptable when seen as an exercise of power. In their examination of advising across a range of relational contexts, DeCapua and Huber find advisors attempting to dampen down implicit assertions of authority, even when advice was solicited.²⁷ In their study of exchanges between new mothers and child health visitors, Heritage and Sefi identify mothers expressing resistance to being advised. In one example, a mother receiving instruction about how to clean her baby's eyes replies to each step in an advice sequence with phrases such as 'I know' and 'I do that now'.²⁸ Such responses resist an assertion that can be implicit in advice of a power

²⁵ Austin, 'Lecture XII', pp. 156–157. It is also accommodated in Sbisà's model of illocutionary acts, in which the speaker can play the role of both *destinateur* (originator of new deontic claims) and *destinee* (target). See Sbisà, 'On Illocutionary Types', p. 99.

²⁶ Searle, 'A Classification of Illocutionary Acts', p. 11. Note that in Wesley Hohfeld's seminal taxonomy, powers are a form of right that enables the right holder to alter portfolios of rights and obligations (their own, or others', depending upon the parameters and content of the power in question). See Hohfeld, 'Some Fundamental Legal Conceptions as Applied in Judicial Reasoning'.

²⁷ DeCapua and Huber, 'If I Were You. . .': Advice in American English'. Downgraders are semantic markers employed to reduce the likely perlocutionary impact of an utterance on the hearer. See House and Kasper, 'Politeness Markers in English and German'. They include *playdowns* which reduce directness, such as the use of the past tense ('I wondered if. . .'), forewarning (devices that put the hearer on notice to reduce the impact of a confronting utterance, such as 'I know you always try to do your best, but'), and hedges (modifiers that make statements more fuzzy, such as 'sort of'; 'in a way'; 'in one sense'). For more on hedges, see Lakoff, 'Hedges: A Study in Meaning Criteria and the Logic of Fuzzy Concepts', and Clemen, 'The Concept of Hedging: Origins, Approaches and Definitions'. For mitigators, see Caffi, 'On Mitigation'; Fraser, 'Conversational Mitigation'; Thaler, 'Mitigation as Modification of Illocutionary Force'.

²⁸ Heritage and Sefi, 'Dilemmas of Advice: Aspects of the Delivery and Reception of Advice in Interactions Between Visitors and First Time Mothers', p. 403.

that comes with greater knowledge. In the context of Heritage and Sefi's study, the power of expertise is augmented with institutional power: health visitors can report concerns to social services, and mothers know this. Advisees can feel that accepting advice is tantamount to acquiescing to a hierarchy in which the advisor's power is both manifest through and enhanced by their uptake.

Just as advisees can reject advice to uphold their standing, so would-be advisors sometimes hold back advice for fear that it will be seen as a projection of power. In one study, Australian grandmothers described their reluctance to provide parenting advice to their adult children and their partners for fear of jeopardizing closeness, even when they observed a need for advice and felt qualified to give it. They also suggested that direct efforts to influence their children's choices through advice would be doomed by the power relations that have held between them (whether or not they still do), and expressed the view that new mothers would be more likely to seek advice from their friends than their mothers (or mothers-in-law).²⁹ If these speculations are correct, on some occasions the very attempt to exert the power that may earn advice its place as an exercitive could also thwart it: even if bare uptake is achieved (it is recognized as advice), the advisor's goal in advising is unlikely to be met.³⁰

Perhaps advice is most at home not in the realms of rights and power, but in the comfortable climes of influence, alongside such cooperative exercitives as recommending. That seems to be what the Australian grandmothers in Reid, Schmied, and Beale's study thought. DeCapua and Huber observed extensive advice seeking and giving amongst mothers at play groups, exchanges that were apparently so everyday that the parties were unaware, when questioned afterwards, that they had any advisory force at all.³¹ This suggests that some advice exchanges do not threaten an advisee's standing, but rather form an easy, almost unconscious part of our everyday discursive landscape. When the context is right, advice consolidates intimacy, helping to transform acquaintances into friends. Of course, influence can result from power, but power also obstructs a certain kind of influence, one that seems essential to some advice exchanges. A sense of pressure may inhibit an advisee's openness to being influenced. Pressure arises when the advisee senses that an advisor will disapprove if they act against advice, and/or take steps to impose their will. If the advisee detects that advice comes with strings, or that costs for noncompliance apply (beyond those flowing from her actions themselves), she may prefer to defiantly reject advice rather than accept a position of perceived

²⁹ Reid et al., "I Only Give Advice if I am Asked": Examining the Grandmother's Potential to Influence Infant Feeding Decisions and Parenting Practices of New Mothers.

³⁰ See Austin, 'Lecture IX', especially pp. 116–120, for Austin's analysis of the elements of illocutionary effect and their relationship to perlocutionary effect. See also Sbisà, 'Illocutionary Force and Degrees of Strength in Language Use'.

³¹ DeCapua and Huber, "If I Were You. . .": Advice in American English, p. 124.

subservience. This may be so even if the advisee would have been open to the propositional content of advice in other circumstances.

Let us pause to catch our breath. So far, I have reviewed the grounds upon which Austin may have classed advice as an exercitive and found no shortage of questions about their implications for what advice is. If advice involves an exercise of rights, we need to grasp its illocutionary point to determine the content of any rights claims and their corresponding duties. But advice could also confer rights, depending again on its illocutionary point. And then there is the possibility that advice is an act of power. Power informs our responses to advice, but usually not in a good way. It seems unlikely that the exercise of power provides advice with its defining purpose, given what we understand about the differences between advice and acts of power. Unequal power relations compromise advice's effectiveness and acceptability (a theme I take up in Chapter 4). The idea that advice is a form of influence accords with our easiest and most positive encounters with advice, inclining me towards a gentler reading of its illocutionary point. But without a clear sense of advice's illocutionary point, we cannot really settle matters. To help with that, I will introduce Searle's work on advice, which is clearer than Austin's in some respects, but leads (a little shakily) towards a bossier conception of advice.

2.2.2 Advice as a Searlean directive

Searle reworks Austin's taxonomy of illocutionary acts, grounding it in his framework of illocutionary force.³² The upshot is a five-category classification, composed of *assertives* (which commit the speaker to the truth of the expressed proposition), *directives* (attempts to get the hearer to do something), *commissives* (which commit the speaker to a future act), *expressives* (which express a psychological state), and *declarations* (which bring about some new, generally institutional, fact).³³ Each category captures a broad but distinctive illocutionary point. Searle holds that each act's illocutionary force can be described through reference to twelve dimensions of variation (of which, more in Section 2.4). Searle identifies the first three dimensions as the most important determinants of force and the most central to his taxonomy.

³² Searle develops this account in Searle, 'A Classification of Illocutionary Acts', building upon his account of illocutionary success conditions in Searle, *Speech Acts: An Essay in the Philosophy of Language*.

³³ In the republication of Searle, 'A Classification of Illocutionary Acts', the original label 'representatives' is changed to 'assertives'. I reproduce the later terminology here: the content of the categories remains the same. Bach and Harnish's revision of Austin's schema has similarities with Searle's: they identify four categories of communicative illocutionary acts (constatives, directives, commissives, and acknowledgements), and two conventional categories (effectives and verdictives). 'Advisories', including to 'Admonish, advice, caution, counsel, propose, recommend, suggest, urge and warn', are categorized as directives. See Bach and Harnish, *Linguistic Communication and Speech Acts*, pp. 39–48; Searle, 'How Performatives Work', for an extended discussion of the performative character of declaratives.

Searle's first dimension of illocutionary variation is illocutionary point. Advising is classified as a directive (alongside asking, ordering, commanding, requesting, begging, pleading, praying, entreating, inviting, permitting, daring, defying and challenging).³⁴ Searle describes directives as attempts, ranging from the 'modesty' of an invitation, to the 'fierceness' of an insistence, to get the hearer to do something.³⁵ As a directive, the illocutionary point of advice is to get an advisee to do the advised act.

Searle clearly grappled with how to position advice as an illocutionary act. In an earlier iteration of his taxonomy, he represented advice as a form of testimony, which makes a claim upon the advisee's beliefs (about what is best for her) rather than her will or actions. In *Speech Acts: An Essay in the Philosophy of Language*, Searle identified 'an undertaking to the effect that *A* is in *H*'s best interest' as the essential condition of advice.³⁶ In his subsequent taxonomy, Searle specifies that 'illocutionary point' corresponds to 'essential condition' in his previous analysis.³⁷ He commented in that early work that:

Advising you is not trying to get you to do something in the sense that requesting is. Advising is more like telling you what is best for you.³⁸

Whilst Searle came to assess advice as in essence a directive, he remained sensitive to its testimonial component. In his later work, Searle observed that, like warning, advising 'May be either telling you *that* something is the case (with relevance to what is or is not in your interest) or telling you *to* do something about it (because it is or is not in your interest)'. Searle recognized an assertive application of advice, as in 'Passengers are hereby advised that the train will be late.'³⁹ Given that assertives are characterized by the speaker's commitment to the truth of the proposition they express, Searle's reflections on the illocutionary point of advice preserve rather than resolve the ambiguity about whether advice aims at how people act, or how they think and what they think about.

³⁴ Searle, 'A Classification of Illocutionary Acts', p. 11.

³⁵ Searle, 'A Classification of Illocutionary Acts', p. 11.

³⁶ Searle, *Speech Acts: An Essay in the Philosophy of Language*, p. 68.

³⁷ Searle, 'A Classification of Illocutionary Acts', p. 3.

³⁸ Searle, *Speech Acts: An Essay in the Philosophy of Language*, p. 68. In its earlier iteration, Searle's complete schema of advice was: 'Propositional Content: Future Act *A* of *H*. Preparatory conditions: 1. *S* has some reason to believe *A* will benefit *H*. 2. It is not obvious to both *S* and *H* that *H* will do *A* in the normal course of events. Essential Condition: Counts as an undertaking to the effect that *A* is in *H*'s best interest. Comment: Contrary to what one might suppose advice is not a species of requesting. It is interesting to compare "advise" with "urge", "advocate" and "recommend." Advising you is not trying to get you to do something in the sense that requesting is. Advising is more like telling you what is best for you.' Compare Bach and Harnish's category of directives, advisories: 'In uttering *e*, *S* advises *H* to *A* if *S* expresses: i. the belief that there is (sufficient) reason for *H* to *A*, and ii. the intention that *H* take *S*'s belief as (sufficient) reason for him to *A*.' Bach and Harnish, *Linguistic Communication and Speech Acts*, p. 48.

³⁹ Searle, 'A Classification of Illocutionary Acts', p. 22.

The second dimension of illocutionary variation in Searle's model is direction of fit between the world and the words uttered. Some illocutionary acts, most obviously assertives, aim to accurately represent an aspect of the world (a words-to-world fit); others aim to bend the world to fit their words (a world-to-words fit).⁴⁰ For obvious reasons, directives aim at a world-to-words fit; thus, insofar as advice is a directive, it aims to get the world—or that portion of it made up of the advisee's actions—to fit it.

The third dimension of illocutionary variation that Searle distinguishes is expressed psychological states. Some illocutionary acts (assertives) express beliefs; others (commissives) intentions; others (expressives) are marked out by their expression of a specific state (such as thankfulness or condolence).⁴¹ Directives, according to Searle, express desires directed at their propositional content, which takes the form *H* does *A*. According to this analysis, the advisor expresses a desire that the advisee does the advised act.

Despite some ambiguity about advice's illocutionary point, when we review the three dimensions that Searle regards as the most potent sources of illocutionary force, it appears that, for Searle, the characteristic force of advice is pressure to act in a specified way. On Searle's analysis, advice is an attempt to get an advisee to act as advised, admitting of a world-to-words fit, underwritten by the advisor's desire. Harking back to Searle's earlier commentary, the advisor's expressed desire should emerge from concern for the advisee's best interests, a requirement that can be captured by another dimension of illocutionary variation in Searle's later model (how utterances relate to the interests of the speaker and the hearer).⁴² Although the advisor's desire must be orientated towards the advisee's best interests, it is a desire nonetheless, and one expressed in a directive form. Failing to act upon advice is thus failing to satisfy the advisor's desire.

Searle is not alone in seeing advice as a directive driven by an advisor's desire. Eric Wiland makes the same point.⁴³ Commenting upon an imagined situation in which he had advised you about the best way to get from Chicago to St Louis, Wiland remarks that:

I would be less than pleased if you travel from Chicago to St Louis by some *other* means, essentially disregarding my advice. Even if I don't care *whether* you travel

⁴⁰ Here Searle builds upon Anscombe's analysis in Anscombe, *Intention*.

⁴¹ In Searle's model, expressives capture a wide range of psychological states, for instance gratitude, regret, and sympathy. Declaratives do not express a psychological state.

⁴² Searle's full catalogue of twelve dimensions of illocutionary variation are: illocutionary point; direction of fit; expressed psychological state; force or strength of presentation; status/position of speaker and hearer; relation to speaker and hearer interests; relation to rest of discourse; propositional content determined by force indicating devices; differences between acts that are necessarily speech acts and those performable in other ways; requirements for extra-linguistic institutions; the availability of a performative verb to describe the act; stylistic differences. See Searle, 'A Classification of Illocutionary Acts', pp. 2–7.

⁴³ Wiland, *Guided by Voices: Moral Testimony, Advice, and Forging a 'We'*, pp. 117–118.

to St Louis, I may reasonably care if you try to get there by some means that I've advised you against.⁴⁴

Wiland is surely right that advisors can be displeased when their advice is not followed, which suggests that desires are at play. We know from experience that when we act against someone's expressed desires, we can incur their disappointment, resentment, or even their recriminations. We may feel the need to explain our reasons for leaving their desires unsatisfied; we may even be induced to express apology or contrition.

Insofar as advice expresses an advisor's desire and seeks to compel an advisee to act in accordance with it, it has the force of a claim upon an advisee. But does this mean that the illocutionary point of advice is to get the advisee to succumb to the will of the advisor? One puzzle that this approach leaves unsolved is why we might seek advice. I cannot imagine being motivated to ask for advice so that I can become subject to the desires of an advisor, or so that they can 'get' me to act as they think I should. I seek advice to gain their help.⁴⁵ The advisee's perspective is seldom visible in philosophical accounts of advice, and I suggest that this is an oversight which leads to lopsided views. Our advisee-understanding of what advice is for is as relevant to its illocutionary point as our advisor-understanding. Both inform our ideas about when advice is well given and when its norms are breached. Its illocutionary point should make sense of our reasons to give and to seek advice.

Searle sharpens our understanding of speech acts like advice by drawing out dimensions of illocutionary force, and I will use these (including dimensions that he does not regard as primary) to develop my own account of advice as an illocutionary act in Section 2.4. But Searle's ultimate categorization of advice as a directive is problematic when considered from an advisee's point of view.

2.2.3 Prescriptives according to Kukla and Lance

I have made several observations about advice's relational and normative implications that reflect a concern with what advice does, rather than with its semantics or syntax. This is the territory of pragmatics, and it is charted by Mark Lance and Rebecca Kukla in their work on the ways that speech acts seek to change the normative statuses of members of a discursive community. They assess speech acts in functional terms, considering what changes to normative status different speech act types aim at, what normative 'inputs' are required to achieve them and what

⁴⁴ Wiland, *Guided by Voices: Moral Testimony, Advice, and Forging a 'We'*, p. 119.

⁴⁵ There are likely instances in which advisees seek advice in order motivate themselves. This usage of advice would fall within the parameters described by Searle and Wiland. But I take that this is not the typical, nor defining, advisee motivation to seek advice.

'outputs' represent success. In their book *'Yo!' and 'Lo!' The Pragmatic Topography of the Space of Reasons*, normative status is cashed out in terms of entitlements (permissions) and commitments (obligations), but in later work they draw upon a wider array of normative statuses.⁴⁶

Kukla and Lance categorize inputs and outputs as either agent-relative: '[I]ndexed to particular agents with particular positions in normative space',⁴⁷ or agent-neutral: targeting all members of a discursive community (however that is defined).⁴⁸ To illustrate, declaratives (assertions about how the world is) are, as a matter of regulative ideal, subject to agent-neutral inputs and their outputs are agent-neutral. Truth is a public matter, what is true is true for everyone, and what entitles a speaker to issue a declarative is its 'grounding in the world' rather than any fact about the speaker.⁴⁹ When we assert, we ask others to recognize our assertions as representing how the world is and submit to being held to account on that score. In these ways, declarative ideals embody agent-neutrality, even if as a matter of fact knowledge is patchily distributed across the discursive community. Kukla and Lance recognize the distinction between what individuals know and what there is to be known, framing the limits of the former as defects of the individual (even if blameless defects) rather than a symptom of agent-relativity.

Imperatives, in contrast, require agent-relative normative inputs and generate agent-relative outputs. An order, for instance, must be issued by someone with the requisite authority (Joe), to someone who owes him a duty of obedience (Sally). When the required normative inputs are in place, Joe's order generates a new duty in Sally to perform the ordered act, for which Joe can hold her accountable. Others may not be entitled to order Sally. Sally owes her duty to execute the order to Joe as its entitled issuer, and not to others, and it is a duty that is specifically Sally's. In these ways, imperatives require agent-relative inputs and generate agent-relative outputs.

In Lance and Kukla's framework, the category in which advice fits most snugly is that of *prescriptives*, which, predictably enough, 'Prescribe an action for a person or a group of people.'⁵⁰ Prescriptives assume a form along the lines of 'A ought to x'. They admit of complex structures of agent-neutrality and relativity. A given prescriptive can operate upon multiple levels, each with its own normative requirements. However, at the heart of every prescriptive lies an agent-neutral claim to truth. Claims about what people ought to do are truth-claims, so anyone can make them, because truth belongs in the public realm:

⁴⁶ Kukla and Lance, *'Yo!' and 'Lo!' The Pragmatic Topography of the Space of Reasons*; Lance and Kukla, 'Leave the Gun; Take the Cannoli! The Pragmatic Topography of Second-Person Calls'.

⁴⁷ Kukla and Lance, *'Yo!' and 'Lo!' The Pragmatic Topography of the Space of Reasons*, p. 16.

⁴⁸ A given speech act might have both agent-neutral and agent-relative inputs and/or outputs.

⁴⁹ Kukla and Lance, *'Yo!' and 'Lo!' The Pragmatic Topography of the Space of Reasons*, p. 17.

⁵⁰ Lance and Kukla, 'Leave the Gun; Take the Cannoli! The Pragmatic Topography of Second-Person Calls', p. 95.

Nothing can be true 'for me' but not 'for you'; this is essential to truth and to our ability to reason and communicate about a shared world. Prescriptives are no exception; if it is true that Stephen Harper ought to replace his minister of the environment, then it is true 'for everyone' that this is so, and one's entitlement to the claim is constituted by access to facts about the world, rather than on specific features of one's normative standing.⁵¹

Because truth-claims are not agent-relative, and truth belongs in the public realm, prescriptives also seek recognition of their truth not only from the person they target, but from others. My entitlement to advise Scott to lose weight (an example drawn from Kukla and Lance) arises not from any particular relationship with Scott but simply from me being a member of the discursive community.⁵² In saying 'You really ought to lose some weight, Scott', I seek to draw Scott's attention (and possibly the attention of others) to this fact about what he ought to do. At this level, prescriptives issue agent-neutral claims upon the beliefs of their target and the general community. But they also seek a richer kind of uptake from their target:

The prescriptive calls to everyone, agent-neutrally, to recognize the truth of the claim it makes, but it also calls to her [the target] to give first-personal recognition of the claims her commitments make upon her.⁵³

The claims that prescriptives make upon their target extend beyond the third personal, agent-neutral claims upon beliefs they make of all hearers. Prescriptives issue an additional second-personal call to their target to recognize what their truth implies for his practical commitments and to form intentions to act accordingly.

The agent-neutral entitlement to tell others what they ought to do does not imply a power to hold others to account for their conduct (alethic holdings) or to generate new duties (constative holdings): those powers attach to imperatives, not prescriptives. Prescriptives can only draw the target's attention to their pre-existing commitments. Imperatives must be issued from a position of agent-relative entitlement. So, whilst anyone can tell Scott that he ought to lose some weight as a matter of discursive entitlement (even if etiquette suggests otherwise), only those in certain kinds of relationship with Scott can ask, entreat, or order him to do so.

Kukla and Lance do not use the term illocutionary point (they speak of constitutive goals, which may amount to the same thing).⁵⁴ But given what they say about prescriptives, advice of the 'you ought to do x' type is intended, on their account, to move the advisee to do x. To accomplish this, the advisee must accept the truth

⁵¹ Kukla and Lance, 'Yo!' and 'Lo!' *The Pragmatic Topography of the Space of Reasons*, pp. 100–101.

⁵² Kukla and Lance, 'Yo!' and 'Lo!' *The Pragmatic Topography of the Space of Reasons*, pp. 105–113.

⁵³ Kukla and Lance, 'Yo!' and 'Lo!' *The Pragmatic Topography of the Space of Reasons*, p. 102.

⁵⁴ Lance and Kukla, 'Leave the Gun; Take the Cannoli! The Pragmatic Topography of Second-Person Calls.'

of the ought-claim *and* form a practical commitment to act accordingly. Kukla and Lance appear to agree with Searle and Wiland that the illocutionary point of advice is not met if an advisee considers or even accepts it but does not act accordingly.

The force of prescriptive advice is not augmented by an agent-relative entitlement; it resides entirely in the truth of the prescription and its relevance to the advisee's commitments. Advisors may rely upon an agent-neutral entitlement to share in the public space of reason, but this cheap entry is reflected in its limits: unless she has an agent-relative entitlement, the advisor cannot hold the advisee to account for their subsequent conduct. However, in bringing advice to the advisee's attention, the advisor invites the advisee to take it up, either by agreeing with and following it, or by entering into that public realm of reason-giving from which prescriptives issue: for instance, by pointing to factors about which the advisor may be unaware or explaining why act *y* is in fact preferable in their circumstances, and so forth. Whilst the advisor cannot demand compliance, their prescriptive puts a matter concerning the advisee into the public realm, to be scrutinized and debated, an intervention which in my experience can certainly attract resentment (and Scott may well agree with this sentiment).

Kukla and Lance's functional analysis provides a lens through which advice's shape-shifting and proneness to resentment can be assessed. Because speech acts require normative inputs, including entitlements based upon the speaker's position or relationship with the hearer, attempts to perform speech acts can be taken to express a speaker's judgement about matters such as positioning and relationship. If there is a mismatch between the normative inputs required by the speech act and the standing agent-relative entitlements perceived by the hearer, resentment, confusion, and other unhappy responses can ensue. Recall Joe, who enjoys an agent-relative entitlement to issue orders to Sally. Let's say that on this occasion he does not intend to order Sally, but merely to recommend a course of action to her. However, he advises her in the imperative mood: 'Don't do that Sally, it won't work.' The imperative takes advice out of the realm of public reasoning into that of agent-relativity, inviting Sally to act on Joe's advice simply because he gave it, as she would an order. Whether inadvertently or not, Joe casts an existing agent-relative entitlement across an act of advising, making it difficult for Sally to know how to respond, or even what she is responding to (an order, or advice?). Another instantiation of the mismatch occurs when strangers advise in an imperative mood. Let's imagine that Joe (on a roll now) advises Susan, who he has never met, 'Don't park there, it is a blind corner.' Quite apart from the criticism implicit in his advice (which is grating enough), Susan may perceive Joe to be barking an order at her, and in doing so, invoking an agent-relative entitlement that he simply does not have.

When advice is presented as a request for information (as your advice to Bert was in Chapter 1), the advisor maintains an agent-neutral position within the space of reasons. The inquiry constitutes a second-personal call, directed uniquely

towards the advisee, but avoids issuing a direct prescription. In identifying their interest in a given practical possibility, the advisor signals its worthiness of consideration, without committing to its advisability. Advisory inquiries thus avoid being prescriptive but still succeed in drawing the advisee's attention to what the advisor sees as a viable solution to a practical problem. In inviting the advisee into discussion, they also draw her into a shared deliberative process in a way that presenting a prescriptive *fait accompli* does not. Kukla and Lance's functional framework can cast light upon the normative profiles of other advisory strategies—the use of narratives and declarations about what the advisor would do, for instance.

Whilst Kukla and Lance's framework has a lot to offer in charting and explicating advice's normative impacts, their analysis doesn't explain why advisors would choose strategies that downgrade the prescriptive implications of their advice. They cast prescriptives as claims that we make about the world, that are subject to truth conditions, and which should be available for everyone to scrutinize, debate, challenge, and endorse in terms of their groundedness in the world. The advisee can challenge advice and decline to follow it, but they cannot challenge the advisor's right to make claims about what they ought to do. Their vision of the agent-neutral space of reasons is one to which all members of the discursive community have access, in which what gets assessed is the quality of claims, not people's entitlement to make them. We should not begrudge others access to the realm of truth—it belongs to us all.

But the fact is that we do begrudge acts of advising, and not only when we regard its content as dubious. In fact, the most grudge-inducing advice can be that which we know in our hearts to be true. We do not think that every member of our discursive community is entitled to tell us what they think we should be doing (in fact, there may be some domains in which we hold that *no* member of our discursive community is so entitled).⁵⁵ Of course, it is possible that I am channelling my own defensiveness rather than revealing an application problem for Kukla and Lance's theory of prescriptives. Perhaps in terms of discursive entitlement, advice is open to all-comers, and the resentful responses it sometimes receives can be explained by the application of extra-discursive rules, such as those of etiquette. Perhaps. But my sense is that advice is subject to a complex set of rules about who can advise who under what circumstances, and that these are best understood as rules about who is entitled to perform the illocutionary act of advising. They are not general rules of etiquette that incidentally apply to advice: they emerge out of the distinctive—and as yet elusive—illocutionary point of advising.

⁵⁵ Thanks to Fred Kroon for suggesting this.

2.2.4 Advice as a counterpoint to a Darwallian second-person call

For Kukla and Lance, advice involves a second-person call: a call from one person to another that seeks a distinctive response from the addressee.⁵⁶ Once the call has been issued, the addressee's next move is seen as a response to that call: the call structures the relationship in a normatively significant way. Calls and responses may uphold, enhance, or threaten the status of the caller and addressee (and potentially third parties) depending upon how they fit within the prevailing normative structure of the relationship and the expectations it produces.⁵⁷ Advice calls upon an advisee to recognize the truth of its propositional content and to form a corresponding practical commitment.

On the surface, this picture stands in contrast to that of the leading theorist of second-person calls, Stephen Darwall. Advice features in Darwall's *The Second-Person Standpoint* as a counterpoint to second-person calls:

As I understand it, second-personal address makes a claim on the addressee's will (and not, like advice, only on her beliefs about what there is reason for her to do). It presumes to tell another person, not just what to do in the way advice does, but also, in some way or to some extent, to do it.⁵⁸

For Darwall, unlike for Kukla and Lance, advice is not a form of second-personal address. In fact, for him it serves to establish the contours of the second-personal, the difference being drawn out through comparison. Despite this significant divergence, there are some commonalities between Darwall's conception of the illocutionary force of advice and that of Lance and Kukla.⁵⁹ Belief, for Darwall, 'Is responsible to an independent order of fact, which it aims to represent in a believer neutral way.'⁶⁰ In aiming to guide an advisee's beliefs, advice stands responsible to that independent order, and the advisee's reasons to follow it depend upon whether it captures a truth about how the advisee should act, rather than on some fact about the advisor's standing.⁶¹ This chimes with the agent neutrality of Kukla and Lance's prescriptives. For Darwall, second-personal address of the kind advanced in requests and orders gains its force from the addressee's recognition of the addressor's claim upon him. The reasons advanced by second-personal address are generated by the addressor, her standing with respect to the addressee,

⁵⁶ Lance and Kukla, 'Leave the Gun; Take the Cannoli! The Pragmatic Topography of Second-Person Calls', p. 458.

⁵⁷ Lance and Kukla, 'Leave the Gun; Take the Cannoli! The Pragmatic Topography of Second-Person Calls'.

⁵⁸ Darwall, *The Second-Person Standpoint: Morality, Respect and Accountability*, p. 49.

⁵⁹ Kukla and Lance, 'Yo!' and 'Lo!' *The Pragmatic Topography of the Space of Reasons*, pp. 122–128 discuss the points of divergence.

⁶⁰ Darwall, *The Second-Person Standpoint: Morality, Respect and Accountability*, p. 56.

⁶¹ Darwall, *The Second-Person Standpoint: Morality, Respect and Accountability*, pp. 58–59, 124.

and the relationship that inheres between them. Kukla and Lance would agree that advice, as a prescriptive, is not dependent on the kind of agent-relative warrant invoked in Darwallian second-personal address. Agreement would prevail, too, about the limits of the advisor's power: the advisor is in no position to require an advisee to follow advice, or to upbraid her for disregarding it.

Alongside these points of agreement, contrasting conceptions of advice's illocutionary point animate Darwall and Lance and Kukla's respective accounts. Prescriptives prescribe a course of action: they tell the target to do the thing prescribed. Their illocutionary point (or constitutive goal, in Kukla and Lance's wording) is to get the target to perform the prescribed act, through appealing to the reasons that advice presents. But Darwall offers a different view, closer to that of Basil Mitchell, who distinguishes between advising someone to do *x* and telling him to do it.⁶² The zone of advice, on this model, is that of belief, rather than action, albeit belief concerning what there is practical reason to do. In Darwall's words, an advisor 'Summons an advisee, not to act in some way or other, but only to believe that certain conditions are reasons for her to act.'⁶³ The illocutionary point of advising is to induce belief, rather than action, and to do so not through addressing an advisee 'directly as an agent, but as a cognizer of practical reasons.'⁶⁴ I am inclined to agree, but I want to take Darwall's thought a little further.

2.3 A new account of the illocutionary point of advice

The above survey reveals considerable disagreement and ambiguity about advice's illocutionary point. It is sometimes cast as a matter of getting an advisee to perform an act; sometimes as an attempt to affect a change in her beliefs. Now it is time for me to lay my cards on the table and present my account of advice in all its illocutionary glory, complete with an illocutionary point of its very own, one which helps us to appreciate its distinct illocutionary force.

I analyse advice not as a member of a broader illocutionary class, but as a distinctive practice with essentially connected illocutionary and relational components. I show how my account makes sense of divergent depictions of advice and allows us to see why advice can have such varying, but often predictable, impacts upon advisees and the advice relationship. My account of advice as an illocutionary act does not require any great theoretical leaps of faith: it captures what I take to be our shared, pre-theoretical views of advice, gained from time spent 'in the field' as much as, if not more than, the library or the philosopher's armchair. It preserves advice's normative complexities and enables them to be appreciated

⁶² Mitchell, 'Varieties of Imperative', pp. 179–190. See also Hare, 'Freedom of the Will', pp. 201–216.

⁶³ Darwall, *The Second-Person Standpoint: Morality, Respect and Accountability*, p. 257.

⁶⁴ Darwall, *The Second-Person Standpoint: Morality, Respect and Accountability*, p. 257.

more fully. Whilst I take it that my account captures the broad contours of advice as we practice it, this is not a purely descriptive exercise: it reveals advice's normative foundations and supports ethical analysis of advisory practices.

The key insight of my account is simple: advice is not just an illocutionary act. It is also a way that we try to help others. We can help others practically, by doing things for or with them. But we can also help them work out what to do, or how to do it. Advice is help that we provide discursively, rather than practically, through speech, rather than through action. Advice is help with practical reasoning. Any account of advice as an illocutionary act should reflect its character as a form of help.

Conceptualizing advice as help with practical reasoning supports a broad view of the practice, in which advice is not limited to act-prescriptions. I suggest that the illocutionary point of advice is *to help an advisee to see how they should proceed*.⁶⁵ This formulation captures advice's temporal orientation: advice concerns what the advisee should do now, or next (unlike evaluation or critique). It reflects advice's practical focus, whilst recognizing that advice can address an advisee's cognitive, affective, or attitudinal exertions as well as their physical and social acts. Perhaps most significantly, this formulation of advice's illocutionary point ties it to an advisee's deliberations, rather than what they do in the world.

There are different ways that we can help a person with practical reasoning, not all of which qualify as advice. When a witness to a crime points a police investigator in the direction in which an assailant fled ('She went that way!'), or a patient tells a doctor about the circumstances in which they feel lightheaded ('It happens when I stand up'), they are helping with practical reasoning, but they are not advising.⁶⁶ What is distinctive about advising as a form of help with practical reasoning is that it communicates beliefs about what an advisee should do, or how they should deliberate, or what they should deliberate about. If the witness were to say 'You should search that dumpster' or 'You will need to consider how far they could have gotten in ten minutes, that will give you a rough search area', their help with practical reasoning would qualify as advice. The help provided in advice includes practical or deliberative recommendations and often, but not always, an explanation of their rationale. My account makes room for (at least) four broad categories of advice: all-things-considered, restricted, intention-based, and deliberative. I will say something about each.

All-things-considered advice tells the advisee what the advisor thinks she should do.⁶⁷ It is presented as a final conclusion to a process of practical reasoning

⁶⁵ For comparison, see Gauthier: 'We seek advice, and accept and consider proffered advice, because we expect it to be of some assistance in solving our practical problems. This expectation would be quite unjustified unless we thought that those who advised us intended to assist us... The purpose of advising and recommending is then to assist someone confronted with a practical problem, to aid him in determining what to do.' Gauthier, *Practical Reasoning: The Structure and Foundations of Prudential and Moral Arguments and the Exemplification in Discourse*, p. 53.

⁶⁶ My thanks to an anonymous reviewer for encouraging me to address this point.

⁶⁷ Thomson, *Goodness and Advice*.

performed on behalf of the advisee. Much all-things-considered advice is prescriptive/directive (I will use those terms interchangeably), as in Hare's example: 'You ought to turn the gas down a bit' (to an advisee scrambling eggs).⁶⁸ We sometimes look for less direct ways to advise, even when giving all-things-considered advice: 'I have heard that a lower heat is better for scrambling.' The more indirect its delivery, the less clear it is that an advisor is telling an advisee what he thinks she should do. Whether a statement constitutes advice depends upon what an advisor is trying to convey and features of the context. A person observing a cooking demonstration may remark 'I have heard that a lower heat is better for scrambling' not to advise the chef to lower the heat, but to invite an explanation of why the demonstrated technique is superior. A high school student might make the same statement as his home economics group prepares to scramble eggs together, and it won't count as advice, but as a contribution to shared planning. Advisors sometimes opt for deniable presentations of advice, so that if an advisee is affronted, they can walk their advice back: 'I wasn't telling you to turn the heat down, I just heard that recently and thought it was interesting.' So, whilst all-things-considered advice is the most directive (and thus affronting) form of advice, it is not always easy to spot, as it may not be delivered neat.

Restricted advice conveys an advisor's beliefs about how an advisee should handle an element of a practical problem, without issuing an all-things-considered prescription for action. Restricted advice takes many forms. It may propose eliminating an option from consideration: 'I am not sure where you should go for breakfast, but Brunos serves rubbery eggs so don't go there.' It may advocate for a quality of action that an advisee should try to achieve: 'Whatever you say, try to keep it brief.' Restricted advice may propose or oppose an end without suggesting how to achieve it: 'Whatever you do, don't try to please everybody.' In offering restricted advice, an advisor aims to advance an advisee's deliberations without purporting to have reached a comprehensive practical judgement.

Intention-based advice is a semi-prescriptive variant of restricted advice.⁶⁹ The advisor tells the advisee what they should do to bring about a given end, whilst remaining neutral about whether that end is itself to be recommended. Whether or not an advisee should follow the advice depends upon whether she endorses that end. Financial advice is often like this: 'If you favour asset growth over avoidance of risk, choose fund x.' Intention-based advice can be preferred over all-things-considered advice because it more explicitly preserves the advisee's entitlement to set the ends that they work towards; its conditional presentation presents a ready way for an advisee to politely decline to act on advice; and it provides an entry into a discussion about what an advisee wants to achieve. Intention-based advice can

⁶⁸ Hare, 'Freedom of the Will', note 56.

⁶⁹ Andreou, 'Standards, Advice and Practical Reason'.

also be used to convey a supporting rationale for advice: 'If you want creamier eggs, lowering the heat might be a good idea.'

Deliberative advice tells the advisee how she should think about a practical problem. Rather than making recommendations about acts in the world, it makes recommendations about how an advisee should deliberate about acting. It may encourage an advisee to weigh a possible outcome more heavily: 'I would be more worried about upsetting the neighbours'; or to rework elements of a plan: 'Don't underestimate how long it takes to save for a deposit'; or a deliberative strategy: 'I don't think that you should wait for the test results to start thinking about treatment options.' Deliberative advice has practical implications—and sometimes quite direct ones—but its focus is on the reasoning element of practical reasoning.

Whatever form of advice one offers (and it may not be easy to separate them out), advice's illocutionary point is realized if, by virtue of the advice they have received, an advisee is (more) able to see how they should proceed. Advice serves its purpose if it enriches the advisee's understanding of their practical reasons. Success does not require that an advisee accepts advice and acts upon it. Admittedly, my formulation of advice's illocutionary point lacks the evidential potency of some other contenders. If advice's illocutionary point was to get the advisee to perform the advised act, it would be easier to judge its success. A desire to gauge our illocutionary success may be one reason that we (sometimes) attend so closely to whether advisees follow our advice (but uptake of advice can be gratifying for reasons beyond bare illocutionary success: it can affirm our value to others). Whilst it would be nice to have a sure-fire way to determine whether advice has realized its illocutionary point, I take it that, in its opacity, this element of my account is true to the practice of advice. It is often difficult to determine if advice has served its purpose. There are several reasons for this, which point to the multiplicity of ways that advice can help with practical reasoning.

Determining why people act as they do is challenging, to say the least. The extent to which a person's choices were made in the light of advice is often unclear. If an advisee acts in accordance with advice, he may have reached the same decision in its absence. If he acts against advice, it may still have helped him to chart his course. Even as an advisee, advice's impact on our deliberations or choices can be moot. Sometimes we reject advice, but it works its way into our thinking despite ourselves. At other times, we receive advice we were already intending to follow, but this need not signal its redundancy. Such advice can still clarify and affirm our reasons.

Another reason that it can be difficult to determine whether advice has realized its illocutionary point relates to its multi-dimensionality. I take it that there are two major aspects of seeing how to proceed. The first is recognizing what course of action to embark upon. The second is understanding why it is the best course. In its fullest instantiation, advice helps us to see what action to take, and why. But advice may guide an advisee towards one, but not the other, revelation. Sometimes we

follow advice uncomprehendingly. Advice we can follow without knowing why it is worth following can be useful, as when an advisee has no interest in mastering the principles at play in the relevant domain. When my mechanic tells me to change the oil in my car at five-thousand-mile intervals, I am happy to follow his advice without attending to the supporting reasons. Knowing that gentle heat produces creamier eggs assists the cook in happy scrambling even if the science of it eludes her. Directives that are disconnected from the reasons that support them can serve their illocutionary purpose by helping an advisee to see how to achieve their ends. But the light that advice casts is even stronger when it shows not only how to proceed, but why to proceed that way. Then the advisee can apply their understanding to practical problems that lie beyond the immediate advisory exchange. If I understood the factors that determine oil change intervals, I would be better placed to achieve my standing goal of maintaining a reliable car when the context changes: I am bequeathed a Ferrari Gran Turismo, for instance, or win a Tesla.

Equally, advice can realize the illocutionary point of helping an advisee to see how to proceed even if it doesn't prescribe an action, or if its prescription isn't taken up, but aspects of its supporting reasoning are. Perhaps counterintuitively, an advisor may avoid act-prescriptivity to deepen the support she provides with practical reasoning. If her advisee is likely to do as she advises simply because she advises it, restricted or deliberative advice may help her advisee to see how to proceed more fully than a directive could. Such an approach, when well executed, can shore up an advisee's sense of agency and increase his confidence to decide without relying on the judgement of others.

Reasoning can clarify an advisee's choices even when a prescription is declined. Imagine an advisor who recommends that his advisee, facing a choice between roles with different reporting lines, choose the one reporting to Ismael, because he operates an exciting high-pressure environment where there is no time for boredom. His advisee may benefit from the information conveyed in this advice, and the way it ties a practical conclusion to a given consideration, even if it convinces her to accept the role reporting to easy-going Jonathan, because her situation and preferences justify a different choice, based upon the same considerations.

Advice can realize its illocutionary point in various ways, because it admits of different markers of success. It may succeed in helping an advisor to see why to pursue a given path, or which path to pursue, or both. The help that an advisee needs, or can accept or make use of, does not take the same form in every advisory exchange. Just as we can be more or less open to practical help of certain types from certain quarters, at certain times, so receptivity to advice varies.

We can understand divergent accounts of advice's illocutionary point in terms of its multi-dimensionality. It is tempting, when taxonomizing speech acts, to reduce complexity to enable categorization within a broader class. It is true that some advice has prescriptive intent, and after all, advice is help with *practical* reasoning. Acts loom large upon the advisorial horizon. But they are not the only object in

view. Reasoning—about what matters, what options for action might hold, their respective values, possible consequences, and how to choose between them—forms the substance of many advisory exchanges. The fact that it is possible to advise even when the advisor has no fixed view about what action an advisee should take suggests that advice's defining illocutionary point cannot be to get someone to do something, although at times advice carries prescriptive force. Conceiving of advice's illocutionary point in terms of help to see how to proceed enables prescriptive and indirect, all-things-considered, restricted, and deliberative styles of advising all to count as such, because they represent different ways of helping with practical reasoning.

My approach also makes sense of advice's capacity for linguistic shape-shifting. Help takes many forms. Sometimes what is required is clear direction (enter orders and ought-statements); at other times deliberative strategizing does more good. Advisory inquiry can help when the matter is sensitive; the relationship between advisor and advisee is fragile; the advisee resists direction; or the advisor's grasp of the situation is shaky. It is not that advice shares the same illocutionary point as these (and other) illocutionary acts, but rather that advice's illocutionary point (to help an advisee see how to proceed) can be accomplished through those illocutionary acts. We help others by doing acts—tidying, caring for children, reading through résumés, translating letters, taking the rubbish out. As it is for practical help, so it is for advice.

What we recognize when we hear orders, inquiries, and testimony *as* advice is the advisor's intent to help us with practical reasoning. However, as with other forms of help, unless the context is correct attempts to help through advising will not be received as such. If the relationship between advisor and advised does not permit the giving and accepting of help (perhaps because trust has been lost), or the advisor misinterprets what kind of help an advisee is open to receiving, an attempted advisory illocution may not be accepted as a form of help. Genuinely meant advice may be heard as an order or a surreptitious play for advantage. If an advisee detects an attempt by the advisor to abrogate their responsibility, for instance, or to exert authority or threaten, they are likely to resist participating in the normative framework of consideration, gratitude, and reciprocity that advice-giving activates (more of this in Chapter 6). Part of what advisors strategize about when they select the form of their advice is how to ensure that its helpful intent will be recognized and accepted by the advisee. Semantic modifiers such as play-downs and hedges can assist an advisor to demonstrate that they are trying to help, not control or pressure. When trust in the advisor's concern for and regard of the advisee is solid, directive advice can demonstrate an advisor's intent to help as much as possible, and signal willingness to share responsibility by participating in act-determination.

One further consideration in support of this new account of advice's illocutionary point is worth noting before I situate it within further dimensions of

illocutionary force. Helping is the quintessential auxiliary act category: the helper is positioned in the service of the agent at the centre of the picture. The agent receiving help retains control of and responsibility for their undertakings, and of the use that they make of the help that they are offered. Help should not be an exercise in control, it is an exercise in support, aimed at the agent achieving what they should achieve, however that is determined. These statements hold for advice as they do for other forms of help, and they cast light on the intuition that advice is a way to get an advisee to do something. The false note is struck by that crafty little word ‘get’, which suggests that the advisor is the mastermind and the advisee a manipulable patsy. That formulation obscures help’s characteristic attitude of deference to the helped. This deference also, I suggest, characterizes advice. In my formulation of advice’s illocutionary point, as with the act of helping, the advisee retains agential primacy. The advisor’s efforts are directed towards the task facing the advisee.

2.4 The illocutionary force of advice

Searle’s dimensions of illocutionary force offer a useful framework for laying out what makes advice so recognizable as such. The first dimension, its illocutionary point, has already been discussed. I include it here for the sake of completeness, but focus upon the next seven dimensions of Searle’s framework (dimensions nine to twelve include considerations that make less difference to our understanding of advice).⁷⁰

2.4.1 Illocutionary point

To help an advisee to see how they should proceed (see above).

2.4.2 Direction of fit

In order for advice to help an advisee to see how they should proceed, it should track (some aspects of) an advisee’s practical reasons. Advice has revelatory intent: it tries to show how things are and what that means for an advisee. Therefore, advice’s direction of fit is *words-to-world*.

When we think of advising as directed at helping an advisee to see how they should proceed, the appeal of advice for an advisee becomes clear. Consider what

⁷⁰ See Note 42 for the full list.

it would mean to seek advice if advice had a *world-to-words* fit, as Searle suggests. In seeking your advice, I would be asking you to get me to do what you advise. Whilst advisees sometimes welcome motivational support, it is a major leap to see advice-seeking in these terms. I take it that we seek advice to gain clarity about how we should act, because advice expands our access to knowledge about practical reason. In contrast to Wiland, I see advice as a kind of testimony. In contrast to Searle, I hold that advice is not a directive. It is a better candidate for Searle's category *assertives*: speech acts that commit the speaker to something being the case, and which admit of a words-to-world fit.

2.4.3 Expressed psychological state

This dimension of illocutionary force concerns the psychological state that the speaker expresses with respect to the propositional content of an utterance. The expressed psychological state that characterizes advice is *belief* (about the advisee's practical reasons), not, as Searle holds, *desire*.⁷¹

We can see this when, recalling that this dimension of illocutionary force functions as a sincerity condition, we apply the lens of sincerity. Recall Luke and his advice to Katrina from the opening of Chapter 1. Luke did not believe that Katrina's job prospects would be enhanced by declaring her inexperience, but he did desire that she follow his advice to do so (because he believed that her doing so would eliminate her as competition). If desire for the advisee to do the advised act was the psychological hallmark of sincere advice, Luke's advice would be sincere. But the more natural reading is that Luke's advice was insincere because it gave a false impression about Luke's beliefs about the actions that served Katrina's interests. Now as I have noted, Searle tethers sincere advisor desire to the best interests of the advisee, so actually things are not quite this simple. I take it that Searle would hold that, even though Luke desires that Katrina follow his advice, the fact that his desire does not emerge out of a concern for Katrina's best interests means that Luke's advice violates the sincerity condition. Luke desires, but wrongly. But this approach obscures the crucial mediating role of belief in establishing the sincerity of advisor desire. Let's work this through.

⁷¹ Bach and Harnish's positioning of advice sits between my account and Searle's. They classify advisories as directives. Directives 'Express the speaker's attitude toward some prospective action by the hearer. . . [and the speaker's intention (desire, wish) that his utterance or the attitude it expresses be taken as (a) reason for the hearer to act.' They describe advisories as follows: 'In uttering *e*, *S* advises *H* to *A* if *S* expresses i. the belief that there is (sufficient) reason for *H* to *A*, and ii. The intention that *H* take *S*'s belief as (sufficient) reason for him to *A*.' Bach and Harnish, *Linguistic Communication and Speech Acts*, pp. 47–48. I do not share the view that in advising we seek for our advisee to consider themselves to have sufficient reason to act just because we have advised them. I think rather that we recommend an action for their consideration: our advice implies that they have sufficient reason to consider performing the advised act.

On the Searlean account, the psychological state that advice expresses is the state of desiring that the advisee do the advised act because the advisor believes that doing that act is in the advisee's best interests. The advisor's beliefs about what is in the advisee's best interests orientate the advisor's desires. And the advisor's beliefs are what is represented in advice, and what is sought by an inquiring advisee. Imagine Katrina's request for advice. She would not say 'What do you want me to do, for my own best interests?' She would say 'What do you think I should do?' And Luke would respond with 'I think that you should. . .', not 'I want you to. . .' This suggests that the state that advice expresses is one of belief.

This is not to say that advisor desires have no place within the normative framework of advice. As an act of help, advice is motivated by a desire to serve the advisee through the provision of support with practical reason. But this desire should not be directed at the propositional content of advice.⁷² Instead, an attitude of belief is expressed with respect to the propositional content of advice, and the advisor's care for the advisee and wish to help her is what motivates him to formulate and convey those beliefs.

2.4.4 Force or strength of presentation

As we have observed, advice can be conveyed very softly, by means of questions and narrative testimony for instance, or forcefully, via imperatives. If speech is too tentative and indirect, an advisee may not notice the advisor's intention to recommend a course of action for their consideration. If speech is too forceful or insistent, an advisee may take it that the advisor is pleading, exhorting, or commanding them. Speech must be sufficiently directed towards practical reasoning, and delivered in a register that conveys its helpful intent, to be recognized as advice.

2.4.5 Relevant status or position of speaker and hearer

The speaker's status or position must be such that they can offer help with practical reasoning about the matter at hand. Attempted advice may not be received as such for a variety of reasons: inhospitable power relations, an incongruous distribution of expertise between advisor and advisee, or countervailing duties which undercut the provision of (this) help by the advisor to the advisee. I cannot advise Usain Bolt about how to make a good start in a sprint race, because I have never run a sprint race, nor made a study of the relevant techniques, and, well, Usain Bolt has. Usain

⁷² In describing this dimension of illocutionary force, Searle writes: 'In general, in the performance of an illocutionary act with a propositional content, the speaker expresses some attitude, state, etc., to that propositional content.' Searle, 'A Classification of Illocutionary Acts,' p. 4.

Bolt stands as an expert and I as a hopeless ignoramus in this domain. A corrections officer cannot (in the normal of course of events) advise a prisoner to return to their cell immediately if they are responsible for ensuring that the prisoner return to their cell immediately. The officer might direct through an utterance with the surface features of advice in the hope of securing compliance without any argy-bargy, and if the prisoner sees the officer as genial, they may accommodate this. But the underlying power relations and their respective duties make it difficult for an advice relationship to be sustained.

2.4.6 Relation between utterance and the interests of the speaker and the hearer

Advice aims to help an advisee to see how they should proceed. In the sense that acting well is in an agent's interests, advice aims to serve the advisee's interests. It must not, as Luke's case reminds us, aim to advance the interests of the advisor, except insofar as the advisor wishes to help the advisee, and succeeding in helping them will be good for the advisor. Difficulties can arise not only when an advisor has a conflict of interest, but also when an advisor's care for the advisee renders them deeply invested in the outcome of deliberations.

2.4.7 Relation between the utterance and the rest of the discourse

Searle's description of this dimension of illocutionary force focuses on performative expressions such as 'I agree', which connect an utterance to what has gone before (or anticipate a future move, as in 'I assume' or 'I predict'). But we might think of this dimension of advice's illocutionary force in slightly different terms. For an utterance to be received as advice, the discourse in which it is couched must allow for the provision of help. If the advisor has just been busily condemning or threatening her advisee, it may hard for him to believe that she has sufficient concern for him to turn her mind to what would benefit him. The attitudes expressed by other speech acts can affect the viability of an offer of help in the form of advice.

2.4.8 Propositional content

The propositional content of advice must, in a broad sense, concern things that an advisee could do (which includes advice about how to regard situations or manage

one's attitudes or beliefs, for instance). One key feature of advice is that it is future-orientated, unlike criticism for instance, which is retrospective.⁷³

To summarize, what we recognize in advice is an act of help with practical reasoning. It concerns something that an advisee can do now or in the future. The advisor is a person who could, in the context of the discourse and the advice relationship, conceivably offer help to the advisee in this regard. They should stand to gain nothing more than the reward of having helped through the provision of advice. The advice aims to convey the advisee's practical reasons and express the advisor's sincere beliefs about this. It should be given in a way that communicates the advisor's recognition of the advisee's entitlement to decide.

2.5 Conclusion

I have reviewed the ways that advice has been presented by philosophers such as Austin, Searle, Kukla and Lance, and Darwall, and revealed a troubling lack of clarity and agreement about what advice aims to do. Our chances of working out how advice should be given are low if we do not understand its purpose. I have offered an account of advice's illocutionary point that situates it as an act of help with practical reasoning, and I have laid out what I take to be the key elements of advice that generate its distinctive illocutionary force. When people attempt to advise in ways that do not adhere to the dimensions of illocutionary force, their attempts may be rejected (they may misfire, in Austin's terms), or they may be seen as having advised in disregard of the norms of advice (abusively). In either case, they can be held to account for acting outside the norms of advice. The dimensions of advice's illocutionary force track norms that support the illocutionary point of advice. They are ethical norms, geared to upholding the advisee's entitlements to act based upon their own understanding of their reasons, and grounded in the ethics of help. In the next chapter I lay out my account of the norms of advice.

⁷³ For reference, see Stewart, 'An Analysis of "Advising"', p. 211.

3

The Norms of Advice

3.1 Introduction

In Chapter 2 I presented an account of advice's illocutionary point and illocutionary force which makes sense of advice's propensity for linguistic shape-shifting and reflects its ethical character. As I see it, the defining intent of advice (its illocutionary point) is to help an advisee to see how they should proceed. When we advise, we present ourselves as trying to help our advisee to work out what to do. We do this by sharing beliefs about what our advisee should do, how they should deliberate, or what they should deliberate about. This everyday act invokes a web of norms that reflect advice's character as a form of help. These norms have ethical and illocutionary dimensions: they manifest and protect advice's beneficent purpose, and an utterance must recognizably adhere to them if it is to carry advice's distinctive illocutionary force. Advice that violates the relevant norms (or is perceived as such) is liable to being consigned to one of two categories of defective speech act: the infelicitous (utterances that fail to receive uptake as advice) or the abusive (utterances that receive uptake but are not underwritten by the attitudes and intentions that make it sincere and are thus liable to resentment). These norms govern what advice can be conveyed, by whom, for what purposes, and in what circumstances. Getting to grips with the ethics of advising requires getting to grips with its norms. Here I tackle this task.

The main event in this chapter is my account of five core norms of advice: that advice should address the advisee as a practical reasoner; be discretionary; other-regarding; sincere; and based upon the advisor's best knowledge and reasoning. These norms serve both illocutionary and ethical purposes: we determine whether a person is advising *and* whether they are advising well (enough) through reference to them. They provide the ethical foundations of the dimensions of illocutionary force outlined in Chapter 2. Because advising is a social practice, it is likely that the norms will differ, and apply differently, between social groups. My account reflects my experiences within dominant Western cultures.

These five norms capture what I take to be shared intuitions but, viewed narrowly, they cannot answer every question that we have about the ethics of advising. For one thing, they tell you how to advise, but not whether to advise. There are cases in which an advisor seems to have adhered to all the norms, but still, something goes awry. He may detect a certain bristling in his advisee and wonder why. The advisee may resent advice for reasons that remain somewhat mysterious even to her. The advice might stand uncomfortably between advisor and advisee, with

neither sure of how much they should speak about whether the advisee acted on advice. But then there are times when an advisor takes liberties with the norms: perhaps he places a little more pressure on the advisee than is strictly consistent with the norm of discretion, for instance. But the advisee does not bat an eyelid and the advice relationships remains strong. It is difficult to understand these relational effects and assess their ethical significance without situating advice in a wider context. So, before I get to the main event, I need to locate advice within a wider class of relational acts.

Advice is first and foremost an act of help. We can make sense of otherwise baffling responses to advice when we see it as such and recognize the ethical complexities of helping. Offers of help can communicate judgements about the recipient that activate concern for their dignity, or moral standing. Dignity is a deeply problematic concept, but whilst its problems trouble philosophers (myself included) they do not seem to prevent us from attending to our dignity in our everyday lives. Advice can affect, for good or ill, our sense of our standing in the eyes of others. We can apply the norms of advice more precisely, to increase the likelihood that it will help an advisee, by accounting for aspects of relationships that determine how advice affects an advisee's sense of dignity. And we can deliberate more insightfully about whether to advise by noticing how advice can affect dignity. With those thoughts in mind, I devote Section 3.2 to the ethics of help, and dignity's role within it. As a note of terminological explanation, I take dignity to mean (moral) standing. Whilst I tend to speak of standing in other chapters, here I use the term dignity, to harmonize with much of the literature.

As we traverse advice's normative landscape, it is useful to have to hand some everyday examples of advice-giving. I use the following cases to bring specific aspects of advice into focus and ensure that the normative picture I develop resonates:

1. Jean is meeting with Kai, an insurance broker. Jean is considering buying life insurance, but she knows nothing about the products or how to choose between them. She is unsure if she even needs life insurance: she has no dependent children, and her partner is financially secure; however, it seems like the grown-up thing to do. If Jean buys a policy, Kai will receive a large commission from the insurance company, along with ongoing retainers when the policy is renewed. The commissions that insurance companies offer brokers vary. The policy that is most lucrative for Kai will also be the most expensive for Jean. It has certain benefits that are attractive to parents, and the company has a reputation for paying claims more quickly than its competitors. Kai advises Jean to take out this policy, emphasizing the importance of a quick pay-out. Kai is not legally obliged to explain commission structures to clients, and does not do so, but Jean is aware that Kai will be paid somehow. She feels awkward about asking for details.

2. Lydia reports to Maureen at a mid-size company. She feels lucky to be in work, because many others have been laid off in an economic downturn. Lydia knows that more redundancies are coming, and that Maureen is in the leadership group overseeing that process. Lydia's income supports her wider family: they rely upon the remittances she sends back to her home country, and Lydia goes without to send as much as possible. Maureen has strong views about many subjects and shares them freely. She has become an enthusiastic proponent of a diet programme with which she has had recent success. She suggests that Lydia could also stand to lose some weight and would feel better for it. Maureen advises her to stop buying lunch at the work canteen, because it is unhealthy and fattening, and 'invest in her health' by buying this programme's ready-made meals instead. Lunch at work is Lydia's main meal of the day. The subsidized canteen food is one of the perks of her low-paid job, and she could not afford regular evening meals if she bought Maureen's favoured ready-made meals into work. But she worries that if Maureen sees her continuing to eat canteen food, she will regard her as unresponsive and take offence. Maureen has been known to form her views of employees in her team with reference to more than straight work performance.
3. Nadim's younger brother Abbas is in a simmering conflict with their mother, Nadia, about his life choices. Abbas has become a freelance designer, and Nadia is worried about how he will support himself in that industry. She would like to see him train in a more stable career, like engineering. When Nadim graduated as an engineer, Nadia was so proud, and she tells everyone about her brilliant son. Nadia has known hardship, but the worst of this was before Abbas was born. Nadim knows that Nadia's nagging is borne out of concern informed by her own suffering, but Abbas just sees it as evidence that, for Nadia, Nadim is the darling and he the disappointment. Every time she brings up the possibility of him following his brother into engineering, Abbas flies off the handle and ends up storming out. It is all very stressful. Nadim thinks that if Abbas could recognize the expression of maternal concern and love behind Nadia's words, he could respond more productively. He knows that there are ways of defusing their mother's anxiety that Abbas has never mastered. However, he is worried that if he tries to advise him, Abbas will feel further isolated in their small family.
4. Duncan is picking up some items for the week at his local supermarket, when a small child careers around the corner, into his aisle, all mischief and sticky fingers. The wee boy reaches for a cereal packet a few feet from Duncan, knocking many flying in the process. The child's mother Edie appears, calling him, grappling with a full trolley, to a soundtrack supplied by an unsettled infant in a baby carrier. 'You should watch your boy more closely', Duncan says to Edie, who is now trying to hold her son still and

pick up the strewn cereal packets. ‘He could knock someone flying running around corners like that.’

3.2 The relational complexities of helping

Helping others can be a relationally fraught affair. An offer of help, sincerely meant, is an attempt to make things go better for someone, and such efforts have a positive ethical valence. But that does not mean that they are always welcome. We do not offer help to those whose performance we regard as exemplary: to them we offer praise and admiration. We offer help to those who we think need it. Help is typically a response either to an agent’s observed inability to complete a task or manage a situation, or a manifestation of a wish to ease the strain of a task that the agent could complete (or a situation that they could manage) but with difficulty.¹

Being seen as in need of help is not necessarily problematic. I am balancing several boxes and cannot open the door without releasing them. To manage the task alone, I would have to shuffle the boxes awkwardly through the doorway, trying to hold the door open all the while. You see this and offer to help me with the door. You can expect gratitude and no affront in return. That I struggle to balance boxes and open a door simultaneously does not reveal a flaw in me, it reveals a challenge that we two-armed *homo sapiens* share. Your offer of help expresses a recognition of our shared challenges navigating physical space. In such circumstances, help can be received and appreciated as a small but meaningful act of solidarity. When the circumstances allow, help can express a judgement about a situation rather than the agent within it, and its provision can both enhance an outcome and affirm cooperative relations.

In other contexts, an offer of help implies a critical appraisal. If a task or situation is one that individuals are expected to navigate independently, or which serves as a basis for evaluation, or if the relationship between the helper and helpee has a competitive dimension, the helpee is likely to be more sensitive to, and resentful of, an implied critical appraisal. There are certain contexts in which an offer of help’s supportive intent may be undercut by the perception that a critical appraisal is embedded within it. For instance, in Western societies there is an expectation that adults provide financially for themselves and their households: unsolicited offers of financial help can offend because they imply a judgement that that expectation is not being met. Mothers are appraised according to many (often contradictory) standards. Offers of help can imply that the mother is not up to the

¹ We may also offer help when we see a person undertaking a task that is not their (sole) responsibility, to relieve them of an unjust burden. In such cases, offers of help respond to a justice rather than a capacity issue, and express solidarity. But even here, the language of help can be problematic, if it is seen as affirming that the task is the agent’s to perform, rather than one being undertaken as an act of altruism or civic-mindedness.

task. These concerns may have played into the reticence to advise expressed by the Australian grandmothers interviewed by Reid, Schmied, and Beale (discussed in Chapter 2).² Relations between parents (perhaps particularly new parents) and their own parents (and in-laws) can be tinged with rivalry. We judge our parents as parents (even where our appraisal is positive and characterized by gratitude) and are in turn liable to be judged by them, although that dynamic varies in valence and intensity. In some parent-child relationships a sense of rivalry may inhibit acceptance of help with child-rearing, due not only to the critical appraisal that the offer might imply, but also to its implications for that ongoing, often unacknowledged, dynamic.

Distinguishing between help's practical and expressive functions enables a better grasp of its relational complexities. An offer of help can express different things about a helper's regard for a helpee. When it expresses a view that the helpee is wanting in some respect, the helpee may resist endorsing that appraisal by accepting the help, even if he recognizes that he could do with it. Where help's expressive function undermines the recipient's sense of standing, its practical utility is jeopardized. Accepting help can also be taken to express recognition of the helper's superior capacity. A helpee may not wish to convey such recognition.

But offers of help do not always express critical appraisals of the helpee; they can express an appraisal of the helpee's situation. When recipients experience an offer of help as a response to their situation rather than a perceived personal deficit, the expressive and practical functions of help harmonize. In such cases, help communicates the helper's care for the helpee. Beneficence deeply permeates the helpful act when it upholds the helpee's sense of agential fitness. When help implies a critical appraisal, however, an offer of help can threaten the agent's sense of fitness and their social standing, even whilst it offers a benefit. Sensitivity to help's expressive function, and awareness of its role in establishing, solidifying, or revising perceptions of standing, inform refusals of help that seem perverse when the focus is upon help's practical functions.

The fact that help operates on an expressive as well as a practical level explains why we can be grateful for help that does not deliver a practical advantage and may even worsen things. Failed efforts can still affirm the helper's commitment to the helpee. Similarly, expressions of gratitude may stick in the craw of recipients of practically efficacious but expressively troubling help.

I have given reasons to regard help as relationally complex, but relational complexity does not necessarily denote ethical complexity. It may be hard to create circumstances in which accepting help is palatable, even when its offer is ethically unproblematic. Resentment of help may reflect excessive pride rather than wrongful treatment and can be out of all proportion to the gravity of any offence

² Reid et al., "I only give advice if I am asked": Examining the Grandmother's Potential to Influence Infant Feeding Decisions and Parenting Practices of New Mothers.

entailed by the offer. But responses to offers of help (whether of prideful refusal or grateful acceptance) are typically informed by a legitimate ethical concern, and one which is readily activated when it comes to advice: recognition of standing. As I have noted, help can alter how we are seen and see ourselves in relation to others. Such concerns can be conveyed by that infuriatingly mercurial concept, dignity. Whilst dignity's conceptual slipperiness makes it hazardous to work with, its various manifestations serve my purposes: they show how help's implications for dignity vary depending on what concept of dignity is invoked. A helper can believe that they are upholding a helpee's dignity by offering help that the helpee experiences as diminishing. The dispute cannot be readily adjudicated by determining what dignity really means. What follows is not an attempt at resolution, but a reflection on how it is that help, and in particular advice, can be seen to affect dignity in such different ways.

3.3 How help affects dignity

Dignity is a status-concept, one that, in Jeremy Waldron's words:

Has to do with the standing (perhaps the formal legal standing or perhaps, more informally, the moral presence) that a person has in a society and in her dealings with others.³

We seek to be recognized by others and to see ourselves as (at least) equal to our peers. Personal dignity is compromised when others express the view that we stand below them. Awareness of being held in poor regard undermines self-worth (with implications for confidence in acting and making claims upon and representations to others). Poor regard can lead to adverse treatment and, in egregious or sustained cases, to exclusion, neglect, stigmatization, and oppression. Concern with how others see us is not a symptom of frivolous self-absorption, it is a rational response to the force that the regard of others exerts on our lives.

Appraisals of self and others reflect judgements along a range of dimensions. Some are grounded in idiosyncratic or questionable preoccupations—how much weight one can bench-press or whether one wears white after Labour Day, for instance—but others tap into deep, shared conceptions of human value. The heterogeneity of human value judgements is reflected in the ways that we conceptualize dignity, with its intertwining strands.⁴ Dignity has been called an essentially contested concept: despite its familiarity there is no settled account of what it is or

³ Waldron, 'How Law Protects Dignity', p. 201. See also Kolnai, 'Dignity'.

⁴ The conceptual history of dignity is illuminated in Rosen, *Dignity: Its History and Meaning*. Rosen employs the strand metaphor. Doris Schroeder distinguishes four conceptions of dignity in Schroeder, 'Dignity: Two Riddles and Four Concepts'.

how it is accrued.⁵ A range of conceptions circulate and our perceptions of our own dignity and the ways that it is upheld or threatened may be informed, often unsystematically, by the full gamut of these.

On one prominent account, sometimes traced to Cicero, all humans are equal in dignity, and entitled to consideration beyond that due to other species.⁶ The 'Inherent dignity... of all members of the human family' is asserted in international instruments such as the Universal Declaration of Human Rights.⁷ When we understand dignity in this way it is difficult to see how it could be compromised by offers of help. No amount of need or incapacity can compromise dignity, so alleviating need or supplementing incapacity cannot suggest or create a dignity deficit. In fact, offering help could be seen as a response to the equal dignity of others. But this conception competes with others that are less free with their guarantees. And this is where doubts surface about the wisdom of accepting help, especially help with practical reasoning.

The idea that all humans are equal in dignity marked a radical departure from dignity's origins as a discriminating status concept. The Latin root *dignitas* denoted an elevated status reserved for an elite and gained through high rank sustained by fitting conduct.⁸ One had dignity (only) if one was seen by others as dignified and treated accordingly. Josiah Ober's analysis of meritocratic dignity in ancient Greece and Rome suggests how offers of help could be seen to undermine dignity:

For the Greeks and Romans, living with dignity meant, figuratively and literally, holding one's head up in the company of others and being properly acknowledged by them. This entails having one's claims acknowledged by others, having their respect, having some measure of control over one's life, having a say in decisions and having responsibility for one's choices. . . . Greco-Roman conceptions of dignity may best be expressed by what they stand against: dignity can be defined as *non-humiliation* and *non-infantilization*. We suffer indignity-humiliation and/

⁵ Rodriguez, 'Human Dignity as an Essentially Contested Concept'. Gallie originated the idea of an essentially contested concept. See Gallie, 'Essentially Contested Concepts'.

⁶ Cicero used the term in its conventional contemporary sense, to refer to elevated social status and the refined conduct associated with it, but in Cicero, *De Officiis*, he introduces the idea that dignity is a status that all humans, as part of their nature, must strive to live up to. See Griffin, 'Dignity in Roman and Stoic Thought'.

⁷ See the International Bill of Human Rights, which includes the UDHR, the International Covenant on Civil and Political Rights, and The International Covenant on Economic, Social and Cultural Rights. See also the Declaration of the Rights of the Child. Adopted by UN General Assembly Resolution 1386 (XIV) of 10 December 1959. See McCrudden, 'Human Dignity and Judicial Interpretation of Human Rights'; Darwall, 'Equal Dignity and Rights'; Kateb, *Human Dignity*.

⁸ There is an expansive literature on dignity. For further historical surveys, see: Griffin, 'Dignity in Roman and Stoic Thought'; Sensen, 'Human Dignity in Historical Perspective: The Contemporary and Traditional Paradigms'; Imbach, 'Human Dignity in the Middle Ages (Twelfth to Fourteenth Century)'. For an account of contemporary conceptions of dignity see Waldron and Dan-Cohen, *Dignity, Rank, and Rights*.

or infantilization—when our public presence goes unacknowledged, when we cringe before the powerful, when we are unduly subject to the paternalistic will of others and when we are denied the opportunity to employ our reason and voice in making choices that affect us.⁹

When we understand dignity in this way, we can see how help that embodies paternalistic care rather than respect can jeopardize the helpee's dignity. The idea that dignity resides in self-possession that eschews the need for help has outlasted the Roman Empire. It is expressed in the meritorious personal qualities still associated with dignity. Aurel Kolnai captures some of these:

The qualities of composure, calmness, restraint, reserve, and emotions or passions securely controlled without being negated or dissolved. . . the qualities of distinctness, delimitation and distance, of something that conveys the idea of being intangible, invulnerable, or inaccessible to destructive or corruptive or subversive interference. . . Dignity also tends to connote the features of self-contained serenity, of a certain inward but toned-down yet translucent and perceptible power of self-assertion. . . the predicates we have listed are largely but by no means exclusively of the moral order: they appear partly to imply wisdom and percipience, and they are chiefly applicable to human beings, i.e. persons.¹⁰

Kolnai's sketch references what has come to be known as the Kantian conception of dignity: a non-fungible value grounded in the capacity for self-governance according to the demands of reason.¹¹ Kantian dignity is a distinctly human status, but as humans vary in their capacity for rational governance so, one might think, might the extent of their dignity. Here we see a particular potential for advice to undermine an advisee's dignity. Advice can be received as an affront to dignity because it suggests shortcomings in the very source of one's dignity: self-governance according to the commands of reason. If I have not given others an impression of rational self-possession, my standing in their eyes must be less than it ought to be. Dignity is worth fighting for, since it grounds entitlements. One way to protect my dignity is to resist suggestions that it is imperilled by rejecting offers of help with practical reasoning.

When we think about dignity as a meritorious or capacity-dependent state, we can see how offers of help can challenge dignity. But the ethical picture is more

⁹ Ober, 'Meritocratic and Civic Dignity in Greco-Roman Antiquity', pp. 53–54.

¹⁰ Kolnai, 'Dignity', pp. 253–254.

¹¹ Kant, *Groundwork for the Metaphysics of Morals*. There is some tension in Kant's writing on dignity between the assertion that dignity is ascribable to all humans and the association between dignity and social or institutional status. See Meyer, 'Kant's Concept of Dignity and Modern Political Thought'. Oliver Sensen downplays Kant's departure from the traditional meaning of dignity as rank: see Sensen, 'Dignity: Kant's Revolutionary Conception'. For contemporary Kantian analyses, see Beylveled and Brownsword, *Human Dignity in Bioethics and Biolaw*, and Kateb, *Human Dignity*.

complex than this. According to another of its intertwining strands, dignity emerges from relationships, not species membership or individual traits.¹² That others care about us, consider us to be worthy, and ally themselves to us in their hearts, minds, and actions, confers dignity upon us.¹³ Dignity can be validated by another's recognition of and response to our needs. Those who have experienced their community rallying around, providing meals and practical assistance in times of grief, illness, or disaster, know how deeply affecting it can be to receive help, primarily because it expresses and affirms standing. In contrast, instances in which a person's need or calls for help are steadfastly ignored are humiliating and isolating because they suggest that her interests do not matter to those around her.

Dignity is activated by help. Sometimes help represents a threat to dignity, or a sign that one has lost dignity. At other times help is a response to and enhancer of dignity. The picture is complex because dignity can be thought of in different ways, and because the context and manner in which help is offered can activate one or another conception. An advisor may offer advice as a response to their perception of the advisee's high standing, but it may be taken to indicate that the advisor sees her as incapable, and thus wanting in dignity. The dispute cannot be resolved by attending to what dignity really means; better to accept that dignity permits these conflicting readings and view the ethical challenge of advising well in that light. Dignity can be conferred through offers of help and threatened by denials of help, but it can also be threatened by help offered in the wrong way, by the wrong person, at the wrong time. The trick is sorting the one from the other. That is where norms come in.

3.4 Five norms of advice

Norms structure our expectations of others, inform our deliberations about how to act, and provide a foundation for responding to actions via judgements (such as praise and blame) and reactive attitudes (such as gratitude and resentment).¹⁴ As we often act in reliance upon norm adherence, perceived infractions can be experienced as ethical: we trust that norms will be upheld and feel wronged when they are not. Additionally, some norms, including those presented here, track ethical concerns. Violations of ethical norms risk more than incurring advisee resentment: they can constitute wrongful or vicious acts.

¹² Bertram Morris was a proponent of this view within the Western philosophical tradition. See Morris, 'The Dignity of Man.'

¹³ Kittay, *Learning from My Daughter: The Value and Care of Disabled Minds*; Kittay, 'Equality, Dignity and Disability'; Weinert, *Making Human: World Order and the Global Governance of Human Dignity*, Ch. 2.

¹⁴ Peter Strawson developed the concept of reactive attitudes. Strawson, 'Freedom and Resentment.'

Despite the importance of norms in our lives, their content and scope can be contentious and unclear. Just as our understanding of advice is acquired largely via practical experience, so with our understanding of its norms. This creates plenty of room for differences of opinion. Typically, experience teaches us about the ethics of advice, and many of us do not have a well worked out theory of its ethical underpinnings. Individuals can read different ethical lessons into their experiences and may see the issues in a given exchange differently depending on whether they are acting as advisor or advisee. Ideals of frankness and honesty may dominate a person's thinking when she acts as advisor, even if she does not respond well to frank advice herself. Additionally, local variants of general norms can emerge within a relationship, such that advice exchanges that are generally acceptable violate its norms (and some relationships happily accommodate exchanges that would be regarded as rude or offensive in wider society). Determining what norms require in context, and thus what advisory actions are ethically acceptable, is no simple task. But underneath all this a-theoretic, interpersonal messiness, there is a remarkably shared understanding of the norms of advice.¹⁵

This shared understanding reveals itself in response to cases such as that of Duncan's advice to Edie. We can often predict the reception that advice will receive. Such predictions require us to identify what norms the recipient will apply and anticipate how they will apply them. Although Duncan may be well motivated in advising a beleaguered Edie to watch her son more closely, and the concern he expresses is legitimate, I would expect Edie's response to fall somewhere between effortful politeness and swearsy open resentment. Our shared sense of norms is also reflected in the advice that we might give to advisors, meta-advice, if you will. If Duncan were to ask us whether he should advise Edie to watch her son more closely, we would probably counsel him against it, and for similar reasons: that it is unlikely to help her as it is not a lack of awareness of the inadvisability of her son's escapades that leads him to be unsupervised, but rather the difficult realities of everyday care for young children. We might gently observe that such advice could threaten, rather than uphold, Edie's sense of maternal fitness. That these observations are so widely accessible suggests that they are informed by a common understanding of operative norms even if we are not fully aware of what those norms are and would struggle to explicate them.

Here I present what I take to be five core norms of advice.¹⁶ They are ethical norms in that they apply general ethical commitments such as honesty, beneficence, and respect to the practice of advising. They also function as illocutionary norms, in that hearers' perceptions of an utterance's fidelity to them determine

¹⁵ I use the phenomenon of resentment to cast light upon the norms of advice in Jonas, 'Resentment of Advice and Norms of Advice'.

¹⁶ The norms of respect for the advisee as a practical reasoner, advisee discretion, and other-regardingness were developed in Jonas, 'Resentment of Advice and Norms of Advice'.

whether they are willing to receive it as advice. There is overlap between them. They could be whittled down and their content rationalized into fewer norms. I have chosen to present them separately to facilitate fuller consideration of each element. I do not claim to chart the entire normative landscape of advice: there are likely to be other norms that apply generally and in specific contexts. But these five provide a good basis for getting to grips with the ethics of advice. They are presented *au naturel*, in that their content, demands, and scope are not made out to be neater or more definitive than they appear in everyday life. This is not the territory of the necessary and sufficient condition. As with many of the norms that structure our interpersonal relationships and everyday ethical reasoning, they have firmer middles and softer outer peripheries: there are cases in which their application is clear, and others in which ambiguity reigns. Some of that ambiguous and ethically complex landscape is explored in subsequent chapters.

3.4.1 Norm 1: Advice should respect the advisee as a practical reasoner.

Advice is help with practical reasoning. The advisor presents herself as assisting her advisee to sort through and evaluate reasons that tell for and against various courses of action so that he can act as well as possible (however that is judged). Several easily overlooked but ethically critical claims are implicit in the advisor's presentation of themselves as advisor. Advice can offend because it suggests that the advisor believes the advisee to be unaware of the claims presented. Duncan's advice, for instance, suggests that Edie is ignorant of the dangers of free-wheeling toddlers in public spaces, when in all likelihood she knows them perfectly well. Advice that tells a person what he already knows is typically unhelpful and can be detrimental to a relationship (although advice that we know to be true can be helpfully motivating, even if its informational value is limited). But whilst there is a risk that patronizing advice will alienate an advisee and threaten her sense of dignity, at a more fundamental level, the act of advising communicates respect.

In offering advice, an advisor implies that she regards the advisee as capable of rational action.¹⁷ Because the capacities for practical reasoning and self-government are widely seen as sources of moral status, engaging with an individual as a practical reasoner shows respect for him. Advising suggests that the advisor regards her advisee as a practical reasoner and accords her the associated respect. That respect is not restricted to an in-principle acknowledgement of the advisee's capacities: it requires practical recognition of the advisee's entitlement to act according to the dictates of her practical reasoning. Advice should be shaped by recognition that

¹⁷ Darwall and Scanlon make similar points: Darwall, *The Second-Person Standpoint: Morality, Respect and Accountability*, p. 56; Scanlon, *What We Owe To Each Other*, p. 20.

the advisee is a practical reasoner. An advisor should treat an advisee as both able and entitled to act upon the basis of their own practical reasoning. Along with the requirement that advice be discretionary, this norm shores up advice's support of agency.

The norm of respect for an advisee as a practical reasoner requires advisors to endeavour to assist an advisee to a better understanding of how she should act. Advisors should attempt to make relevant contributions to an advisee's practical reasoning. This requires advisors to pay attention to what his advisee already knows and how she conceptualizes her practical position. Information-dumping and recommendations formulated without regard to the advisee's understanding fail to express due regard for her primacy as a practical reasoner and are unlikely to help her see how to proceed. This norm requires that advice is formulated so as to enhance, rather than obscure, the advisee's understanding of her situation. Attempts to confuse or deceive can jeopardize an advisee's understanding and thus work against advice's defining purpose.

Consider, for instance, Kai's advice to Jean. Jean seeks advice about life insurance. Although it is not clear that life insurance is a good option for her, Kai does not open a discussion about this topic. Kai has a personal stake in Jean's choice, which would not be served by her withdrawing from the insurance market. Instead, Kai advises her to opt for a policy that delivers Kai a lucrative, and undisclosed, commission. Kai presumably recognizes that clients would regard information about commissions as relevant to their choice; in fact, one suspects that its very relevance is the main reason why Kai is not more forthcoming. If Jean knew that different policies yield different rewards to brokers, she would likely interrogate Kai's advice more closely. She may choose to abandon the advice relationship altogether, because working with advisors with active interests in one's choice imposes an additional layer of deliberative complexity that may obviate any benefits advice presents.

When an advisor withholds information from an advisee that they know to be relevant and are entitled to share, in order to increase the likelihood of her reaching the advisor's preferred practical conclusion, the advisor uses advice-giving not to assist the advisee's understanding, but to advance their own ends. Misuse of advice to secure a sought outcome can succeed *because* of the norm it violates.¹⁸ We seek advice in the knowledge that advisors are bound to respect us as practical reasoners. Our knowledge of advice's norms leads us to form reliance interests in an advisor to disclose information that they know matters to us.¹⁹ If Jean were to

¹⁸ Gauthier makes a similar observation: Gauthier, *Practical Reasoning: The Structure and Foundations of Prudential and Moral Arguments and their Exemplification in Discourse*, p. 54.

¹⁹ Classic sources on reliance interests are Fuller and Perdue, 'The Reliance Interest in Contract Damages: 1', and Fuller and Perdue, 'The Reliance Interest in Contract Damages: 2'. See also Tummolini et al., 'A Convention or (Tacit) Agreement Betwixt us: On Reliance and its Normative Consequences'.

take Kai's advice, and later discover the incentives under which Kai was acting, she would be entitled to resent Kai for withholding relevant information and to feel used as a means to Kai's ends, rather than supported in her own project of financial planning. Rae Langton describes the wrong of treating a person merely as a means in terms that resonate in this context:

I treat a person merely as a means when I act towards her in a way that blocks her ability to form her own ends and act on them. I do this when I make it impossible for her to assent to my action towards her, impossible for her to share the goal I have in acting. I treat her as a means when I act in a way that prevents her from choosing whether to contribute to the realization of my own end.²⁰

Respecting an advisee as a practical reasoner requires advisors to share information and canvass considerations that appear relevant to the advisee's choice. This may, as in Kai's case, require sharing information that exposes the advisor's stake in the advisee's decision (although I argue in Chapter 8 that disclosure is insufficient to neutralize the threat that conflicts of interest pose to advice relationships). On other occasions, it requires an advisor to enter dangerous territory, because the considerations that are most relevant to our choices are sometimes those we most wish to avoid.

Consider Nadim's situation. He believes that if Abbas responded differently to Nadia's anxieties about his career, there would be fewer confrontations and less anguish all round. But explaining this would require broaching the sensitive topic of Abbas' behaviour. A suggestion that Abbas' responses are suboptimal would be implicit in Nadim's advice. Because their respective standing in Nadia's eyes is a matter close to Abbas' heart, we can expect him to attend to the implicit in Nadim's advice and for his indignation to be readily roused by perceived criticism. Indignation does not, at least in the first instance, lend itself to open-minded consideration of the point that provokes it. We often veer away from advising because we recognize this risk. Indignant responses undermine advice's utility as a form of help because they obstruct the advisee's access to the practical reasons it presents. The advisee's confidence in their advisor's good opinion of them can be compromised by the criticism that sparks indignation, straining the advice relationship and the advisee's self-perception. These possibilities tell against issuing resentable advice. Because it is a typical response to wrongdoing, predicted resentment signals that the ethical case for a proposed act should be scrutinized.

²⁰ Langton, 'Duty and Desolation'.

Predicted resentment should give pause to a would-be advisor. It may indicate the wrongness of advising. Sometimes wrongness resides in the recommendations advice advances (or their wider implications, for instance, about the moral claims of others), but advice can also be ethically troubling due to concerns about standing. As I suggested in relation to the case of poor old Scott, Kukla and Lance's proposed target for weight loss advice (issuable, they claim, by any member of the discursive community), entitlements to offer personal commentary are agent-relative, even if their truth-value resides in the public realm of truth.²¹ Absent background conditions of mutual trust and respect, advice that offends or is seen to denigrate the character or capacities of an advisee may cause more harm than it does good.²² Even if the relationship permits the exchange of frank advice, if an advisor feels unable to deliver it effectively, it may be withheld. As Bacon observed, it takes deftness to advise about sensitive matters.²³ If advice leaves an advisee less able to see how they should proceed, or to take effective steps in the right direction, it fails to realize its defining purpose as an act of help.

Norms of advice set standards for how to advise, but they do not require advice to be provided. Having said that, we should take care that cowardice does not lead us to overestimate the riskiness of advising and underestimate its potential to help an advisee. A generalized aversion to incurring advisee resentment may cause us to fail those who need our help. When the relationship permits or even requires help with practical reasoning, we are certain of the advisee's need for the advice we propose, and we exercise due care in how and when we offer it, advising is justified even if it may be resented. In such circumstances, withholding advice for fear of rousing indignation could express the belief that the advisee is unable to engage as a practical reasoner with the matter at hand. Of course, sometimes that belief is justified. If an advisee is, for instance, consumed with rage, second-personal address—or even force—can be preferable to advice. But absent such circumstances, assuming that others are unwilling to undertake transformative reflection can bespeak disrespect for them as practical reasoners. Furthermore, resented advice is not doomed to failure, even if its prospects are not entirely sunny. Even if Abbas feels hurt by Nadim's advice and storms out, he may contemplate it in moments of quiet. There is no guarantee that Abbas will use Nadim's help, but the offer would express a belief in Abbas and, in its riskiness, signal a willingness to accompany him on a difficult journey towards family harmony.

It is sometimes possible to frame unpalatable advice to make reasons more available to a sensitized advisee. Nadim may present his advice as a response to their mother's intransigence rather than Abbas' overreaction and declare Abbas

²¹ See the discussion in Chapter 3, and Kukla and Lance, 'Yo!' and 'Lo!' *The Pragmatic Topography of the Space of Reasons*, pp. 105–113.

²² Plutarch, *How to Tell a Flatterer from a Friend*, p. 265; Montaigne, 'On Friendship', p. 188.

²³ Bacon, 'Of Simulation and Dissimulation', p. 6.

singularly capable of breaking the deadlock. In appealing to Abbas' ego and underplaying his culpability, Nadim could prime Abbas to trust his advice (because he feels understood), motivate him to act, and help restore Abbas' sense of belonging. Such strategies attend to the advisee's position as a practical reasoner. They privilege the advisee's point of view, which seems respectful. However, they may be borne of doubt in the advisee's self-knowledge and grasp of their situation and conceal the advisor's understanding of the advisee's practical reasons. I expand the discussion of such cases in Chapter 4. In brief, respecting a person as a practical reasoner does not require idealizing them: we can acknowledge blind spots and deficiencies without losing respect for a person. Making advice helpful does sometimes require accentuating some factors and downplaying others in a way that somewhat distorts the advisee's access to the advisor's view. Distortions should be aimed at making practical reasons available to an advisee, and respect for an advisee requires maximizing the truthfulness of advice in line with this purpose. In Nadim's case, he must also take care not to maximize his advice's accessibility to Abbas by unjustly representing Nadia.

As will already be clear, norms guide our shared sense of good advisory practice, but working out how they apply and what they require in specific circumstances is not at all straightforward. Situational reasoning and context knowledge are needed to determine whether advice manifests (sufficient) respect for an advisee as a practical reasoner. The norms generate rules of thumb (share information and judgments that are relevant to an advisee's practical problem; respond to the advisee's beliefs, values, and attitudes without eschewing one's own), but these rules are moderated by the overall purpose of helping an advisee to see how she should proceed. If advising cannot accomplish this, because an advisor cannot give it well enough to make it accessible, or the advisee is unable to engage with it, or the relationship does not permit advice to serve its intended function, it will usually be better to keep one's own counsel.

3.4.2 Norm 2: Advice should be discretionary

Many of us can identify with Lydia and the situation in which she finds herself. A person with power over her in one domain has offered her advice that applies outside that domain. In theory, because Maureen's powers do not extend to employee food choices, Lydia is free to choose, but in practice, because sanctions may be imposed upon its exercise, her freedom is in doubt. Maureen's advice does not align with Lydia's goals or best interests (as Lydia conceives them), but ill may befall her if she acts against it. If Maureen were to target Lydia for not following her advice, she would be abusing her power. But Maureen may not be above abusing her power. The possibility of incurring Maureen's wrath and suffering accordingly is likely to lurk ominously in Lydia's consciousness, obscuring her consideration of

the substantive issues. This is precisely the kind of situation that the norm of advisee discretion is designed to avoid.

The norm of advisee discretion prevents advice slipping into other illocutionary modes. As Hobbes famously observed, advice is differentiated from command by the advisee's freedom from compliance obligations.²⁴ The issuer of a command asserts authority over the commandee and demands that she act in compliance with, and because of, the command. In contrast, the reason to follow advice is not that the action was advised, but rather that the advice was good, or, at least, that the advisee was justified in thinking it so at the time. The substance of advice provides the reason to follow it, whereas the fact of its issue provides the reason to follow a legitimately issued command. Of course, such generalizations raise questions of their own. Can a legitimately issued command compel its recipient to perform a wrongful act? If so, does the recipient have a (sufficient) reason to perform it? Perhaps not. But even in circumstances in which the recipient is bound by higher considerations than authority relations, the illocutionary force of the command is that of a demand, rather than a suggestion. The commandee (whether errant or righteous) defies it, rather than merely declining to take it up.²⁵

The requirement for advisee discretion is a byproduct of the activity at issue for the advisee: practical reasoning. Practical reasoning helps us to make better choices. If the advisee didn't have a choice to make, the reasons for them to engage in practical reasoning and for us to help them with it would be seriously diminished, if not obliterated. If the advisee has a choice to make, their discretion to make it should be preserved. If they do not have a choice, then advice is the wrong medium for communicating demands upon them.

Of course, we need to be clear about what discretion means in this context. Two main questions arise: does discretion require the advisee to be free from any constraints upon their choices, and does discretion hold if the advisor does not intend to enforce compliance? I will say something about each.

We regularly decide and act under conditions of legal, ethical, and social constraint (to say nothing of other forms of constraint: prudential, professional, physical, and so forth). If advising was restricted to matters about which no constraints apply, very little would take place. We often seek advice precisely when we recognize constraints but cannot interpret their demands. I may seek your advice about whether to report a serious crime that has been disclosed to me in confidence. I know that I am under ethical and legal constraints but am unsure about what action best satisfies these. Let's imagine that there is a single permissible choice in this situation. If I choose otherwise, I act wrongly. Can you advise me? Yes. If your advice directs me towards the right path (and, even better, if it helps me see why this

²⁴ Hobbes, 'Part Two, Ch.2', p. 303.

²⁵ Lance and Kukla, 'Leave the Gun; Take the Cannoli! The Pragmatic Topography of Second-Person Calls', pp. 463–464.

is how I should proceed), you will have helped me to act well. Your advice has not compromised my ability to choose or my freedom with respect to the choice: the ethical and legal constraints it was made under were there all along. I just couldn't see them clearly.

The norm of discretion protects an advisee from advisor-imposed enforcement, enacted either via coercion or the imposition of adverse consequences (beyond those which naturally flow from the undertaken act). Let's say you advise me to report the crime and I demur, at which point you produce a gun and a phone, put one to my temple and the other to my ear, and instruct me to inform the police. Although I could still elect to take the bullet rather than break confidence, the discretion that preserves space for me to weigh up my practical reasons has disappeared. I must now choose between forfeiting my life (assuming the gun is loaded and your threat is real) and acting on my own practical reasoning. Lydia's situation is not like this: Maureen is unlikely to employ standover tactics to ensure Lydia's purchase of ready-made meals or obstruct her entry from the canteen. Hers is a more insidious kind of threat. She could impose adverse consequences within the workplace, including marking Lydia out for redundancy. The consequence of losing her job is not a natural consequence of Lydia's continuing to dine at the canteen and foregoing weight loss and the ready-made meals that promise it. If Lydia maintained her current eating arrangements and Maureen, thinking worse of her for it, decided that she was dispensable and made her redundant, the adverse outcome of Lydia's choice would have arisen because Maureen made it so (although it may be hard to prove the connection, which increases the insidiousness of the threat). The possibility of Maureen-imposed consequences limits Lydia's discretion by making it more difficult for her to choose how to act based on her assessment of her reasons for and against eating at the canteen versus buying these ready-made meals. Her action will instead be informed by her willingness to risk Maureen's ire.

Discretion, in this context, is really a matter of being able to decide how to act based upon one's own reading of one's practical reasons. When an advisor moves beyond presenting reasons as she sees them, into producing new reasons by virtue of her actions, she changes, rather than clarifies, the choice situation. The norm of discretion requires an advisor to refrain from changing the choice situation, thus enabling her advisee to focus upon it. This norm can be difficult to adhere to because the difference an advisor makes to an advisee's choice situation is not solely determined by factors that are within her direct control. Advisees may suspect, without good evidence, that a spurned advisor will retaliate if their advice is not followed. Maureen may have no intention of acting against Lydia if she does not buy into the meal scheme; she may be aghast that Lydia would suspect that of her. But because Maureen can compel Lydia in one domain, Lydia is primed to consider Maureen as a compelling force in her life. This creates a risk that any advice that Maureen offers Lydia will be perceived as a *de facto* instruction, with the effect

that her thoughts will dwell upon what will happen if she acts against advice, rather than on the advice itself.

Advice from those in positions of power over advisees may be received as instruction rather than advice, or its illocutionary force may be unclear to the advisee. In either case, its effectiveness as help with practical reasoning is limited. Because a perceived risk of enforcement can rob advice of its helpfulness with practical reasoning, ethical and illocutionary risk haunts advice given by those in power, even if the perception is false. If advice is received as a *de facto* command, the effective zone of the advisor's power over the advisee is thereby extended, and the advisee's zone of freedom from her power correspondingly diminished. But advice's reputation as advisee-respecting enables this incursion to be accomplished without the social unpleasantness of an overt power grab, and typically retains plausible deniability. In fact, many *de facto* extensions of advisor power may be unintentional: advice can simply express an advisor's wish to help and mentor those for whom they feel responsibility and concern. But intention alone does not determine the impact of our acts upon others: structural factors, contextual cues, and conventional effects have their parts to play. Just as social facts about power relations can prevent an advisee from receiving and using advice as help with practical reasoning, so they can prevent powerful advisors from helping as they may wish to. There are ways to reduce advice's slippage into a command mode, and where trust between the parties is strong, the risk of advice functioning as command is much reduced. Ways to advise from positions of power without violating the norm of discretion are explored in Chapter 4.

The norm of discretion is not only threatened by powerful advisors. The prospect of third parties holding advisees to account also places it on shaky ground. This is a particular challenge for advisors to public office holders. Seeking and acting upon advice are seen as hallmarks of responsible governance, and actions that do not align with received advice are prone to criticism on that ground. This generates difficult ethical questions for advisors: should they give advice that their advisees want to act upon in a bid to increase the advisee's ability to act on their own judgement and to protect them from criticism, or should they give them the advice the advisor regards as needed? I attend to these questions in Chapter 8.

3.4.3 Norm 3: Advice should be other-regarding

The norm of other-regardingness requires advisors to set their personal interests aside when advising. Advice should be formulated to help an advisee to see how to proceed, not to increase the likelihood of an outcome favourable to the advisor. Without this norm, it would be difficult for advisees to determine whether advice was intended to assist them to act well, or to secure an advantage for the advisor. Just as the prospect of enforcement by a powerful advisor draws advisees' attention

away from the substantive practical issue, so does the possibility of self-serving advice. The norm that advisors set their own interests aside secures advice's reliability, and thus helpfulness.

The norm of other-regardingness is easier to satisfy when there is a certain distance between advisor and advisee. When the advisor is not personally affected by the advisee's choice, she can more readily and appreciably act exclusively in the advisee's service. Within close personal relationships the advisee may be required to take the advisor's interests into account when deciding how to act, not because advice is being given, but due to the underlying relationship. Consider Nadim's stake in the upshot of his advice to Abbas. The peacefulness of their shared home is disrupted when Abbas and his mother fight. Abbas should consider Nadim's interests and entitlements when he reflects upon how to respond to his mother's worries.

This leaves Nadim in a difficult position. How can he give advice that reflects his view of Abbas' practical reasons, including those related to his own interests, and yet embodies appropriate advisor disinterest? The challenge is twofold: how to identify and weigh Abbas' practical reasons, and how to be seen by Abbas to do so. We share Nadim's challenge when we advise those close to us, whose lives and interests are intertwined with our own. Our stakes in their fortunes and conduct can compromise our ability to see and appreciate *their* reasons. Even when we manage to step out of our own position and regard matters from an advisory perspective, uptake may be unforthcoming. Advice issued from interested parties may be received as a second-personal call such as a request, plea, or demand. Such is the paradox of advising: an advisor's care gives an advisee a reason to trust their advice, and also to question its reliability and illocutionary force.

The paradox holds most strongly when viewed at a high level of generality. When details of the advice relationship, the parties' respective circumstances, and the matter at hand are specified, it is often possible to determine whether advice can be given in accordance with the norm of other-regardingness. If close connections between advisor and advisee impair other-regardingness, a second-personal call is preferable to advice. There is, however, a hazy zone where second-personal calls can blend into advising, making it difficult for issuers and recipients alike to know which set of norms to apply. Such may be the case for Nadim, who could ask, on his own behalf, for Abbas to respond less explosively to Nadia. He could also advance Nadia's claims to more consideration. If Abbas is unlikely to see Nadim's advice as practical reasoning performed on his behalf, it may be more effective to tailor the message's illocutionary form to his mindset, which is focused upon familial ties. As Kukla and Lance argue, the standing to hold others to norms is agent-relative: it applies in the context of special relationships.²⁶ Making use of

²⁶ Kukla and Lance, 'Yo!' and 'Lo!' *The Pragmatic Topography of the Space of Reasons*, Ch. 5.

this standing, for instance by issuing entreaties or imperatives, can recognize the strength of the underlying relationship and the mutual claims it generates, and sidestep the challenges of advising from such close range. The question of how to advise in a close relationship is explored in Chapter 7.

Kai's case illustrates more straightforward prohibitions generated by the norm of other-regardingness. Kai violates it by advising to maximize Kai's commission. In order to give the kind of help that we seek of advice, an advisor must step out of his own situation, with its attendant problems, needs, goals, and opportunities, and situate himself imaginatively in the advisee's position, bringing his own understanding of the world to bear on the advisee's problems, needs, goals, and opportunities. Kai must set facts about commissions aside and simply consider what product, if any, serves Jean's needs and goals, in order to advise her well. In this case, the critique extends beyond Kai, to a system that not only permits but institutes conflicts of interests. More on this in Chapter 8.

Hobbes held that advice should serve the advisee's interests. I have framed the norm of other-regardingness in terms of what advisors must *refrain* from serving to make space for advice that gives weight to considerations beyond the advisee's interests, such as those of third parties, non-human entities (animals, the environment), and moral commitments (justice, freedom, honesty). The right action may not be self-interested, it may require a sacrifice. If advice was limited to the advancement of advisee interests (narrowly construed), our capacity to help each other with moral decisions would be greatly reduced.

3.4.4 Norm 4: Advice should be sincere

Sincerity, as it is now understood, is a quality of our outward presentation. Lionel Trilling described it as 'A congruence between avowal and actual feeling.'²⁷ One interpretation of what sincerity requires of advisors is open disclosure of what they think an advisee should do. This interpretation embraces the spirit of *parrësia*, or what Foucault calls a 'Discourse of truth.'²⁸ On this account, the truth that a sincere advisor must tell is the output of her practical reasoning, performed on behalf of her advisee. To do other than openly disclose one's views is to introduce incongruence between what one avows and what one feels, believes, or judges.

This conception of sincerity aligns with one motivation for seeking advice. Sometimes we want to know what a person thinks that we should do, not just what they think we want to hear. We ask their advice to get at the truth of a judgment that we suspect conflicts with our own. We want to know how we might be judged, and to challenge our own reasoning. Such advisory encounters can be

²⁷ Trilling, *Sincerity and Authenticity*, p. 2.

²⁸ Foucault, *The Government of Self and Others: Lectures at the Collège De France 1982–1983*, p. 173.

uncomfortable: the advisor is drawn reluctantly, the advisee receives advice with a defensiveness or dismay out of keeping with their solicitation, and the advice sits uncomfortably between them. The upside of these acts of open disclosure is simply that the advisee knows what the advisor really thinks and can use that knowledge in her practical reasoning. She does not have to accept that the advice tracks her reasons, but can consider whether her practical conclusion withstands the challenge of an alternate view.

Trilling depicts sincerity as a quaint, comfortable, rather worn kind of virtue, commonly regarded as outclassed by authenticity which, due to its absolute concern for truth bespeaks a 'More strenuous moral experience' to the modern ear.²⁹ But sincerity, understood as a kind of frank outspokenness, is not always comfortable. Trilling, a literary critic, considers how Alceste, the hero in Molière's play *Le Misanthrope*, should be regarded:

Every ridiculous person in the play has his point of pride. . . Alceste's point of pride is his sincerity, his remorseless outspokenness on behalf of truth. The obsessiveness and obduracy of his sincerity amount to *hubris*, that state of being in which truth is obscured through the ascendancy of self-regarding will over intelligence. It is to his will and not, as he persuades himself, to truth, that Alceste gives his stern allegiance.³⁰

Alceste's brand of sincerity is exhausting and alienating to those around him. For him, sincerity prohibits courtesies and civil treatment for the sake of form. If asked for his opinion, he gives it honestly, even if it hurts. Alceste believes that the telling of brutal truths exhibits love and esteem: 'True love shows itself by overlooking nothing.'³¹ Molière invites his audience to consider whether unadorned truth-telling really manifests sincerity. Alceste's advice to Oronte, an aspiring poet he scarcely knows, to 'Put [his sonnet] in the closet' rather than procure public disdain of his meagre talents by circulating it, provokes Oronte to bring a lawsuit against him. Despite Alceste's extensive and informative commentary on the poem's failings, Oronte seems no better placed to determine how to proceed than he was at the outset because feelings of affront hamper honest contemplation. As Trilling observes, Alceste's chief concern is not with Oronte, but with his self-perception as a man of utmost sincerity. It may seem to be a mark of integrity that Alceste will not compromise his commitment to frank speaking to accommodate other people's feelings. But for all its truthfulness, advice that diminishes the advisee can break faith with the practice's purpose by obstructing an advisee's understanding of how they should proceed.

²⁹ Trilling, *Sincerity and Authenticity*, p. 11.

³⁰ Trilling, *Sincerity and Authenticity*, p. 17.

³¹ Molière, *The Misanthrope*.

A sense of being harshly judged or misunderstood impairs an advisee's ability to entertain advice, because it invokes a sense of lost status that causes the advisee to turn away in an attempt to uphold their dignity. Alceste's advice, designed to spare Oronte the ignominy of being known as trashy poet, provokes Oronte to act in a way that draws attention to Alceste's view of his talents. Although the lawsuit alleging Alceste's wrongful treatment is upheld by the court, Oronte's reputation is presumably damaged in the process. Alceste does not see that the norm of sincerity requires an advisor to tailor their message to the recipient, not by lying and saying what he wants to hear, but by presenting what they see as true in a way that might help him with practical reasoning. This requires that the advisee's sense of dignity is upheld.

In one scene, Molière depicts Arsinoé, a judgemental and prudish woman, offering what she describes as sincere advice to the vivacious object of Alceste's affections, Célimène. Arsinoé recounts scathing criticism of Célimène at court, for entertaining suitors and being seen to have what Arsinoé sees as rather too much fun. She counsels Célimène to adopt more sedate habits, which prompts Célimène, professing gratitude for the heads up, to issue Arsinoé a dose of her own medicine. Both women share their unembroidered views of the other's failings, and appear to recount truthfully conversations to which they were privy. Both share their views of how the other should proceed. But neither does so from a perspective of care for the other, or a desire to see her act well. The attitudes that support uptake of honest truths are palpably unexpressed by all that honest talk. Here Molière directs our attention to another dimension of sincerity. It requires more than open disclosure, it requires sincere engagement in a practice of helping the other, a practice that can only uphold and affirm dignity if it is informed by an attitude of care and concern.

Adam Kadlac's thoughts about the value of sincerity in public discourse resonate in the sphere of advising. Kadlac points out that while truthfulness and sincerity share common ground, sincerity targets relational considerations beyond truth, such as the spirit in which we enter into discourse and our motivations. In public discourse, Kadlac argues, we should value sincerity, understood as a commitment to 'The pursuit of the public good.'³² Such a commitment expresses regard for fellow citizens as equals joined in common purpose, rather than as adversaries to be defeated or obstacles to be surmounted. Like Molière, Kadlac recognizes that some truths about what we believe (for instance, demeaning and bigoted views about others) are corrosive of relationships and hinder rather than enhance our capacity to reason collectively.³³ Sometimes sincerity demands privileging the good of the activity we are undertaking—being able to reason together—over

³² Kadlac, 'Sincerity, Solidarity, and Deliberative Commitment', p. 147.

³³ Mark E. Warren, considering similar questions, advocates 'expressive insincerities': mannerly conduct that projects as yet unrealized equal status for participants against a background of inherited status inequalities. See Warren, 'What Should and Should Not Be Said: Deliberating Sensitive Issues'.

accuracy and literal, exhaustive truthfulness. In the context of advising, privileging the goals of collective reasoning may require curbing criticism, staging its provision, attending carefully to language, and restricting advice to what the advisee needs to hear to see how to proceed, rather than disclosing the entire unvarnished contents of one's mind.³⁴

When sincerity is seen as a matter of congruence between the advice provided (and its context) and the practice's purpose, the tenor of the entire advice exchange is at issue, not only the relationship between the advisor's thoughts and words. Consider, for instance, Duncan. He truthfully shares his views about what Edie should do. But that is all he does. He does not attempt to attain an understanding of her situation. His lack of interest in her circumstances and practical possibilities suggests that his commitment to advising is not sincere. Further, Duncan does not offer Edie an opportunity to participate in their exchange, he simply conveys his view. Duncan does not extend an agential role to his advisee, and in this sense, he really doesn't give advice at all. He simply criticizes a woman struggling to manage young children. He does not enter into the role of advisor, or the advice relationship, sincerely.

The norm of sincerity requires attentiveness to the advisee. The advisee's goals and circumstances, history and experiences, values and fears should be treated as relevant, at least when advice traverses matters more personal and profound than how to scramble eggs or ensure a well-oiled motor engine. An advisor should be willing to consider and reason through alternatives that an advisee presents. The requirement of attentiveness is, however, like so many aspects of advice, ambiguous and ethically complex. It has its limits and some unexpected implications.

Whilst advice is defined by its intent to help another with practical reasoning, an auxiliary role requiring deference to the advisee, the advisor does not surrender their agency, responsibility, or personal integrity when they undertake to advise. Advisors are answerable for their advice and the role they play in an advisee's deliberations. If an advisee takes advice, and their actions are later questioned, they may cite the advice they received by way of explaining their practical reasoning. Whilst advisors are not responsible for the actions of advisees (as I argue in Chapter 5), they are responsible for what they advise, and for its contribution to the advisee's practical reasoning. This can earn them gratitude and praise when it leads the advisee to act well, and resentment and blame when it leads the advisee to act badly (however that is understood).

³⁴ In his analysis of sincerity in assertion (and specifically of sincere 'telling'), Richard Moran rejects the view that '[W]e value sincerity in speech, and in expression generally, because it is the closest we can come to unmediated access to the genuine state of mind of the person we are communicating with.' For Moran sincerity norms enable us to hold a speaker accountable for the belief that they induce in a hearer through what they say (rather than through other, inadvertent, means by which speech and communicative encounters more generally can induce belief). See Moran, *The Exchange of Words: Speech, Testimony, and Intersubjectivity*, Ch. 3.

Sincerity requires that advisors accept a part in an advisee's practical reasoning, and are willing to stand with the advisee, acknowledging their role (and its limits) if there is fallout. Advice must therefore be such that an advisor is able to defend it. Whilst advisors should be attentive to advisees, attentiveness should not slip into abrogation of responsibility for the quality of their advice. The actions that are recommended or the goals assisted should be, at the very least, ethically permissible. Imagine a war criminal who seeks a forensic scientist's advice about how best to dispose of corpses in bulk. To help this advisee reach his goal would be both to treat this reprehensible end as permissible and to assist its realization. The unfortunate scientist has two choices: to refuse to advise on the basis that the contemplated act is wrong and he cannot assist a wrong action, or to advise the war criminal against her proposed act. Either way, the war criminal may respond with anger, feeling her dignity diminished. She may be unable to reflect upon the advice, or the assertion of wrongness contained in the refusal. In terms of effect upon the advisee's practical reasoning, there may little difference between refusing to advise and giving defensible advice in this case. The sincerity norm puts advice out of reach where the advisee's goals, mindset, or values prevent consideration of ethically permissible options for action.

In summary, a sincere advisor shares her beliefs in so far as doing so helps the advisee to see how to proceed. Facts about the advisee, her situation, ways of responding, goals, values, and the advice relationship determine what advice, if any, could achieve that. In some cases, no advice that the advisor could give would help the advisee to act well, in which case, advice should be withheld. In other cases, care to uphold the advisee's sense of standing may facilitate uptake and consideration of advice that would otherwise be alienating and unhelpful.

3.4.5 Norm 5: Advice should be based upon the advisor's best knowledge and reasoning

Sometimes we act with little thought or prior planning. At other times, we mull matters over in the privacy of our own minds, reach a conclusion and act upon it. Then come the times when we seek outside input, from a professional, perhaps, such as a doctor or accountant; a stranger in the street who seems to know their way around; a trusted friend or partner, an elder whose views we respect. Why do we seek advice sometimes and not others? Amongst the many cultural, localized, and idiosyncratic factors at play, three generalizations hold: we seek advice when we want to act well, are not sure how to, and think that someone else might cast light on the matter.

We tend to relegate certain decisions, if not to the realm of the practically irrelevant, at least to the farther flung realms of our priorities. To them, we devote less thought and effort. We do not define ourselves by our performance in those realms

and accept or endure suboptimal outcomes therein.³⁵ We are more likely to seek advice when we want to act at least minimally well with respect to the matter at hand. Seeking advice is one way of indicating that a decision matters to us.

When we are asked for advice, we should assume that the advisee wants to act well and is investing more than minimal care in her choice. This is so even if the advice sought lies outside the realms the advisor regards as most worthy of deliberation. We are standing next to each other at the supermarket, surveying the canned goods. I ask you which brand of tomato soup I should select. Your thoughts gravitate to matters more cerebral than tomato soup. But in seeking your advice, I have signalled my desire to choose good soup. I am inviting you to contribute to my ambitious practical project. If you offer advice, you should do so with the intention of assisting me to realize this goal. This will require some thought on your part. You may inquire as to what I like in soup: something creamy or piquant, adventurous or homely? What is my budget? How many servings do I require? You will need to conjure up past experiences and wrack your brains for relevant reports: have you read a product review or noticed what a flatmate or colleague prefers? Perhaps you find tomato soup vile and have no way of assessing the relative merits of different brands, and no second-hand reports to draw upon. In that case, you must respectfully bow out, declaring yourself to be no help at all when it comes to selecting tomato soup. To do otherwise would be to mislead me about your ability to help me to see how to proceed. Any suggestions that you, in your aversion-informed tomato soup ignorance, could offer me would add little value to my deliberations, but how am I to know that? I would likely interpret your advice as indicating your sense of soup-advice proficiency. Knowing that advice is subject to the norm of best knowledge and reasoning, I am likely to give more weight to your suggestions than is warranted. In contrast, if you declare your inability to advise on this matter, I may seek other counsel, or apply myself to scrutinizing ingredients more carefully. Your choice about whether, and how, to advise me will influence not only the outcomes, but the course of my deliberations. In order that your advice does not threaten realization of my goal, you should advise within the scope of your knowledge and expertise and invest care in the advice you offer.

The advisory process I have sketched above is best practice for decisions of the magnitude of soup selection and may be enacted less conscientiously without a major violation of the norm of best knowledge and advice. The norm is sensitive to the gravity of decisions. Since the only thing that hangs on your advice is my enjoyment of an evening meal, and given that it is generally rational to titrate deliberative care according to a decision's gravity and complexity, you could defend simply pointing to the brand you usually buy and saying, 'That is the one I would choose'.³⁶

³⁵ Of course, our priorities and direction of our effort and attention shift over time, as many avid middle-aged gardeners reflecting on their younger years will testify.

³⁶ See Sobel, 'Subjective Accounts of Reasons for Action', for a discussion of rational decision procedures and their connection with moral rightness.

If it matters enough to me, I could ask you what you like about that brand, in order to determine for myself whether our tastes align, but if you are pressed for time or thinking of other matters, a polite ‘That is what my mother always bought’ would suffice. This answer, whilst uninformative on matters of taste, at least guides my level of reliance on your advice. I now know not to accord your advice the weight due to comprehensive, tailored deliberation. Still, the norm of best knowledge and reasoning remains unbreached given that you have applied your knowledge and reasoning to the matter and, although I care enough to seek advice, nothing much hangs on the outcome.

The demands of the norm of best knowledge and reasoning are sensitive to a decision’s gravity, and to the nature of the advice relationship. When decisions are (even) more consequential than soup selection, more care is needed in the discovery phase of advising (collecting the relevant facts); in deliberating about options and their respective merits and downsides; in issuing a recommendation and declaring operative limitations and assumptions. Certain types of professional advice enshrine these requirements formally, and embody them more rigorously, than advice exchanged between friends, family, and colleagues.³⁷ We do not interpret the norm of best knowledge and reasoning to require informal advisors to extensively research or report their methodology. We simply expect a level of care and attention that enables advice to assist us to see how to proceed. Typically, this will require thinking through a practical problem in the same way that one would if the problem was one’s own, and offering a few key suggestions, sharing some relevant knowledge or experiences, or providing reasons to rule options in or out. The advisor cannot undertake the entire deliberative process for the advisee. They should, however, be able to explain why they have given the advice they have and be willing to defend both the factual and normative claims it advances or relies upon.

The requirement for an advisor to be able to give and defend reasoning is a function of the fact that advice is help with practical reasoning. Advisors do not owe advisees an exhaustive explanation of all the facts connected to their advice, but the reasons they supply should, at some level, justify their advice. I advise you to turn the heat down on those eggs. You ask why: I tell you that a lower heat makes the eggs creamier. I don’t understand the science of it, and if you inquire, I can tell you as much. But I have offered you a reason that, in Thomas Scanlon’s terms, ‘counts in favour’ of reducing the flame.³⁸

There is a place for advice that focuses on one element of a practical problem (restricted advice). Sometimes advisees seek all-things-considered advice but receive restricted advice, because the advisor conscientiously confines himself to

³⁷ For a discussion of norms relating to governmental science advice, see Jeffares et al., ‘Science Advice in New Zealand: Opportunities for Development’.

³⁸ Scanlon, *What We Owe to Each Other*, p. 17. See also Thomson, ‘Advice’, p. 32.

his scope of knowledge and experience. If all you know about tomato soup is that the brand with the yellow label is watery, you may share that information without attempting to formulate an overall recommendation. If, however, the advice we offer is all-things-considered, the reasons that justify our advice should support the all-things-considered judgement, rather than merely citing one relevant consideration. Consider Maureen's advice to Lydia. Let us say that Lydia explains her financial situation to Maureen, asking whether she still advises her to buy the ready meals. 'Yes,' says Maureen. 'Why?', asks Lydia. Maureen should be able to give Lydia a reason that counts in favour of this choice, given its financial implications for Lydia and her family. Her justification should explain why weight loss is more important than Lydia's other goals, and why the ready meals are the best way of achieving it, warranting the impact that their purchase will have on those other goals. If Maureen simply cites her own weight loss without engaging with the broader context Lydia has shared with her, her advice veers dangerously into the territory of campaigning.³⁹

A key justification for the norm of best knowledge and reasoning lies in the role of trust. Advice's utility depends on advice being regarded as likely to enhance practical reasoning. Of course, we need not think that everyone's advice will enhance our practical reasoning. But to be moved to seek advice from anyone, we must believe that advice can help us to see how to proceed. That is, we must believe that others may see how we should proceed more clearly or reliably than we ourselves can, or that they can enrich our understanding of elements of our practical problem, *and* that they will in fact help us in these ways. The norm of best knowledge and reasoning gives advisees reasons to trust that advisors have tried to reason on their behalf at least as well as they would on their own behalf. Just as a sloppy application of the wrong kind of paint on a poorly prepared surface might give the impression, but not the effect, of help, so advice formulated with little effort to conceptualize the advisee's practical problem or to identify and evaluate possible options might look like, but rarely is, help with practical reasoning. And just as a poor paint job can create more work for the supposed beneficiary in the end, so can poor advice. We have to trust that potential advisors will try to improve our deliberative position, and could conceivably do so, to see it as worthwhile to seek advice. The norm that advice should reflect an advisor's knowledge and best efforts at practical reasoning justifies advice-seeking.

Unsolicited advice reflects the *advisor's* views about what an advisee should deliberate about and, as such, the case for investing care in advice is accentuated. Unsolicited advice invites an advisee to elevate the deliberative priority accorded to a practical matter, or to adjust their views of or response to it. The advisor must provide the advisee good reason to revise their current deliberative or practical

³⁹ This is a term Andreou uses. See Andreou, 'Standards, Advice and Practical Reason', note 37.

position. To provide good reasons, an advisor must draw upon what they know, and reason through the implications of that knowledge for the advisee, given their position. Advisees are entitled to trust in unsolicited advice on the basis that it would not have been given if the advisor did not believe that it provides the advisee good reasons to revise their current practical or deliberative position. If you see me reaching for the watery soup (knowing nothing about my soup-related goals or preferences), you could advise me to consider the alternatives, explaining the grounds for your advice. You will have given me a reason to consider whether I want watery soup, and to reflect upon my choice in a new way. I am entitled to trust in your report. If I subsequently discover that you have no knowledge of canned soups and their viscosity, my resentment of your intervention would be justified, and I could hold you to account for it next time we pass in a supermarket aisle.

Fact and value claims figure in advice, as in practical reasoning more generally. Ideally, advisors draw upon true claims and reach sound conclusions about their practical relevance for an advisee. But if advisors are mistaken or, despite their best efforts, reason erroneously and give bad advice as a result, have they infringed the norm of best knowledge and reasoning? Here lies a troubling challenge in assessing advice. Advisors can conscientiously attempt to help an advisee to see her reasons, but nevertheless lead her astray. One hesitates to call such advice helpful, even though it was offered with helpful intent and formulated as carefully as could reasonably be expected. I want to share a case of well-intended advice gone wrong to which I return in Chapter 5, because it so poignantly illustrates the moral hazards of advising and acting upon advice. Layers of challenge to the ethics of advising are folded into this case. It raises questions about discretion and responsibility given the power relations surrounding it. But here I will focus on the challenge it poses to my contention that the norm of advising based on best knowledge and reasoning captures our normative requirements concerning reliability.

In many countries from the 1950s to the 1980s, mothers were advised to place their infants to sleep in the prone position. This advice reflected mainstream medical opinion about how to avoid Sudden Unexpected Death in Infancy (SUDI, formerly known as cot death) and was based on widely accepted expert knowledge and reasoning. But it was mistaken, and increased the risk that babies would die of SUDI.⁴⁰ The rate of SUDI deaths increased over this period, and decreased after advice switched to placing babies supine to sleep. Even accepting that other factors may explain the change in incidence, we can assume that some babies died because they were placed prone in accordance with this advice.⁴¹ This was bad advice. It was given to help parents reduce the chance of their baby dying. But it did the

⁴⁰ Jonas, 'Child Health Advice and Parental Obligation: The Case of Safe Sleep Recommendations and Sudden Unexpected Death in Infancy'; Jonas and Haretuku, 'Case 1: Reducing Sudden Infant Death Syndrome in a Culturally Diverse Society: The New Zealand Cot Death Study and National Cot Death Prevention Programme'.

⁴¹ See, for instance, Mitchell et al., 'Results from the First Year of the New Zealand Cot Death Study'.

opposite. It did not help, even though it was based upon plausible (but erroneous) reasoning.

You will likely have noticed that I have not included amongst its norms a requirement that advice track an advisee's practical reasons. An advisee could advise well, as judged against my norms, but give bad advice. An advisee might follow bad advice and suffer the adverse consequences but have no cause to resent an advisor for violating the norms of advice. This will likely test some readers' inclination to go along with my argument. How can the normative requirements of advice allow for norm-adherent advice to be as catastrophically unreliable as this SUDI advice was?

I cannot say that the norms of advice were followed by the child health advisors implicated in the SUDI debacle. I do not know enough about the science at the time or how advice was conveyed to assess this. It is possible that the norms of best reasoning were not followed to an extent consonant with the gravity of the matter and the epistemic authority claimed by child health advisors. It may be that the supporting evidence was misrepresented in an effort to persuade parents to follow the advice. Such failures would rightly attract resentment. But let's imagine that the formulation and presentation of advice were impeccable. The results of following it were still disastrous. Was this really ethical advice?

My answer to this uncomfortable question is that advice that is based upon an advisee's best knowledge and reasoning is not appropriately resented even if it transpires to be bad. Bad advice can be ethical, if it was the result of a properly conscientious advisory process. It has to be thus, because norms are rules of practice, so they must be able to be satisfied through how we act. Norms take processes and ways of acting as their focus, not outcomes. The norm of best knowledge and reasoning gives advice its best shot at accurately tracking an advisee's reasons, because it tells advisors to try their best to do this. But it cannot guarantee that this end will be achieved: nothing will do that. The aim of correctly tracking practical reasons is an aspiration, often an inscrutable and perhaps an impossible one. Like all agents, all an advisor can do is try. Hard. Serious efforts are what we should require, knowing that our best efforts can fall short.

None of this is to cast judgement upon bereaved parents who resent the SUDI advice they followed. Resentment in such cases may serve to encompass the advisor in the moral and emotional fallout of an advised act, rather than pointing to a specific norm violation. The context of infant care, as well as the enormity of losing a child, foster blame and anger. Mothers often feel judged and surveilled by the very child health authorities whose advice they followed and are held to account for their 'adherence' to child health advice, experiences that understandably predispose advisees to reciprocating critical scrutiny.⁴² In the case of infant death, the propensity to blame is high and falls primarily, and often entirely unjustly, upon

⁴² For more on this theme, see Jonas, 'Fair Advice: Discretion, Persuasion, and Standard Setting in Child Nutrition Advice'.

mothers.⁴³ It is typical for mothers to blame themselves for their infant's death even when they were assiduously trying to care well for their baby, so it is unsurprising that resentment of advisors might also float free of norm violation, and reflect wider dynamics of the advice relationship. The solidarity that is expressed through acts of help requires that advisors take their place alongside advisees when blame is meted out, and regret that their attempts to help went so awry, despite their best efforts and intentions. Advice, as with agency, is prone to the vagaries of moral luck.⁴⁴

3.5 Conclusion

The five norms of advice that I have identified are both recognizable and frustratingly difficult to comprehend. Their requirements are substantially determined by the context in which advice occurs and facts about the respective parties and the advice relationship. Yet, even when armed with scant detail, we can predict with surprising accuracy whether advice will be resented. Our dispositions to accept an illocutionary act as advice are informed by these norms, which operate on ethical and illocutionary plains. We perform ethical work, enact misdeeds, uphold and infringe claims; in short (borrowing Lance and Kukla's words), we "Transform the normative status of members of the discursive community" through speech.⁴⁵ Advice aims not to generate obligations in an advisee, but to assist her to act with a fuller appreciation of her practical reasons. Advisors assume a normatively scaffolded role, in which they bind themselves to reason in the service of their advisee. The norms give us a lot of ethical matter to work with, but as I observed at the outset, some relational contexts are inhospitable to advice even when advisors attend scrupulously to the norms, and their demands require interpretation. In the next chapter I tackle two thorny issues: the ethics of advising across power divides and the permissibility of employing manipulative tactics when advising.

⁴³ See Jonas and Manning, 'Setting Parental Standards Through Criminal Prosecution: Criminality and Co-Sleeping in Aotearoa New Zealand', for a discussion of the attribution of criminal liability for sleep-related infant deaths.

⁴⁴ Bernard Williams proposed the concept of moral luck, which encapsulates the idea that we can be held morally accountable, and thus subject to praise or blame, for outcomes that we were unable to (entirely) control. See Williams, 'Moral Luck'. See also Nagel, 'Moral Luck', and Athanassoulis, *Morality, Moral Luck and Responsibility: Fortune's Web*.

⁴⁵ Lance and Kukla, 'Leave the Gun; Take the Cannoli! The Pragmatic Topography of Second-Person Calls'.

PART 2

CHALLENGES OF ADVISING

4

Power and Manipulation

4.1 Introduction

In *The Mirror and the Light* (the third of Hilary Mantel's trilogy about Henry VIII's advisor Thomas Cromwell), Cromwell recalls that it had been said of his mentor, Cardinal Wolsey, that he 'Had a wax image of the king, which he talked to and bent to his will.'¹ This rumour captured a concern about royal advisors that was widespread in Tudor England.² Wolsey had been Henry's closest advisor, until he lost his trust and was charged with treason. Wolsey died before Henry could have him executed, but with Cromwell the threat was realized. As Henry's reliance upon Cromwell grew, so did Cromwell's personal power, until Henry took against him and had him beheaded.³ Both Wolsey and Cromwell were from modest backgrounds; the influence (and affluence) they acquired in high office was resented by noble families who saw them as usurpers. The chasm between the stations of their birth and that of their advisee forced Wolsey and Cromwell to navigate particularly risky power relations. But the wax image rumour manifests a more innate concern about advisors. On the one hand, the humanist tradition promoted learned and reflective kingship, and wise counsel was central to this ideal. As Bacon argued, the agitations of debate in the counsel chamber could prevent more violent and consequential turbulence arising from poorly thought-out policy.⁴ But on the other hand, one might think that the King effectively surrenders sovereignty if he relies on advisors to tell him what to do. Perhaps the advised King is just a tool through which his advisors operate, and it is they, not the King, who preside. In the words of Joanne Paul and Valerie Schutte:

If the counsellor, as in the humanist tradition, in fact knew better than the monarch, and led or governed him, then what was the role of the monarch at all? How could a monarch be truly said to be ruling?⁵

¹ Mantel, *The Mirror and the Light*, p. 625.

² William Tyndale speculates along these lines in the *Practyse of Prelates*, in which he speaks against the annulment of Henry VIII's marriage to Katherine of Aragon, but others make similar accusations. See Irish, *Emotion in the Tudor Court*, p. 40.

³ Tudor scholars take a range of views about how much control over Henry Wolsey and Cromwell exerted, and to what ends. See, for instance, Elton, 'Thomas Cromwell's Decline and Fall'; Starkey, 'Privy Secrets: Henry VIII and the Lords of Council'; Starkey, *The Reign of Henry VIII: Personalities and Politics*; Bernard, 'Politics and Government in Tudor England'.

⁴ Bacon, 'Of Counsel'.

⁵ Paul and Schutte, 'The Tudor Monarchy of Counsel and the Growth of Reason of State,' p. 659.

We do not need to be kings for these questions to trouble us. Sensitivity to the prospect of our personal sovereignty being invaded is common. If we allow others to influence our practical reasoning, how will we know that the decisions that we make are ours? They may have made us their puppet, their wax image, by talking to us and bending us to their will.

This chapter is devoted to the problems of power that beset Wolsey and Cromwell, and which are so troubling and familiar within advice relationships. In Section 4.2, I focus upon worries about how advisors exercise power through their framing and delivery of advice. When framed in terms of manipulation, as they often are, these worries are not easy to dispel. In Robert Noggle's words, manipulation is an 'Attempt to thwart [the target's] moral and rational agency.'⁶ Advice that manipulates appears to betray the practice's commitment to helping an advisee to work out how they should proceed. If we want advice to help with practical reasoning, it seems that we should work out what advisory strategies manipulate and prohibit them. But I argue that thinking in terms of manipulation only serves to muddy the ethical waters when it comes to advice. There is no clear line of demarcation between advice that manipulates and advice that refrains from manipulating. That is partly because manipulation is a slippery concept. Some of the techniques associated with manipulation are commonly employed in helping others with practical reasoning. I argue that these techniques can be put to ethically benign uses, and that their problematic deployments are such because they violate the norms of advice. Rather than worry about whether advice manipulates, I advocate focusing on whether it adheres to the norms of advice.

In Section 4.3, I turn to the challenge of navigating power relations within an advice relationship. Recall that the status or position of speaker and hearer form a dimension of Searlean illocutionary force (the qualities that enable an utterance to be recognized as a specific type of speech act). Disparities of power between advisor and advisee can threaten the prospects of advice being received as such, even when the advisor's conduct, intentions, and attitudes are norm-compliant. The illocutionary force of advice is endangered when an advisor has lower standing than his advisee, and in the reverse case, when an advisee's standing is lower than the advisor's. When an advisor occupies a deferential role, his ability to advise sincerely can be compromised. When an advisor occupies a position of power in relation to the advisee, the discretionariness of his advice can be called into question. I canvass a range of relationships in which status issues pose challenges for advising and consider what makes it possible to safely advise those whom we rely upon, or who rely upon us.

⁶ Noggle, 'Manipulative Actions: A Conceptual and Moral Analysis', p. 52.

4.2 The problem of manipulative advice

Imagine that Cardinal Wolsey's enemies were right: he kept a wax figurine of Henry VIII, and with the words he spoke to it he bewitched the King. If this was how Wolsey exerted influence, he could not rightly be seen as advising. Such sorcery would not help Henry to understand his practical reasons and would not be intended to. Instilling beliefs and compulsions in an agent via a wax proxy is not a way of respecting him as a practical reasoner.⁷ In whispering directions to a wax likeness and calling it advice, Wolsey would express supreme disregard for his advisee and for the practice of advising. This is why the rumour was so damning.

The wax image rumour worked, as rumours often do, on several levels. Underneath the literal allegation was an ethical complaint about how Wolsey comported himself as an advisor. It casts the wax image as a metaphor for corrupt advising. Although complainants might concede that Wolsey did not literally employ sorcery, they would say that his advice had the same practical effect, as it was calculated to subvert Henry's faculties of practical reasoning and result in an action of Wolsey's, not Henry's, design. It treated Henry *as though* he were a wax image that could be moulded, and in this, it failed to accord proper respect to Henry as a reasoner, agent, and King.

The evocation of advice delivered as though it were a spell hits upon a familiar and troubling dynamic. We ourselves strategize about how to advise most effectively and know what it is like to feel subject to similar attempts from others. We perceive ethically significant differences between kinds of strategizing: organizing an argument for maximum coherence and clarity seems unproblematic, but techniques such as appealing to an advisee's pride, evoking their fears, or playing upon their conscience seem to stretch the bounds of legitimate tactics. The worry is that whilst emotions, fears, etcetera, can concentrate the mind and be usefully motivating, they can also cloud, or even crowd out, judgement. Concerns that excite an emotional response are attended to more readily than less stimulating concerns, and a speaker can leverage this to achieve a favoured end. Advisors may strategize about how to present reasons clearly *and* how to encourage a motivating affective response to those reasons. It is not always clear where reason-giving ends and motivational appeal begins. If, in advising you, I point out that you will feel guilty if you do not visit your ailing mother and her condition deteriorates, or that your colleagues might laugh if you wear that to work, am I giving reasons that have affective content, or giving reasons *and* making them available for you to act upon, or am I impairing your ability to reason by making it emotionally difficult for you to act against my advice?⁸ On the one hand, fuller understanding of one's practical

⁷ In Wiland, *Guided by Voices: Moral Testimony, Advice, and Forging a 'We'*, p. 8, Wiland employs a similar case to illustrate a way that we can come to endorse testimony without truly accepting it.

⁸ I borrow the phrase 'emotionally difficult' from Barnhill, 'What Is Manipulation?', p. 4.

reasons comes when one accounts for the possible emotional or social fallout of a contemplated act. On the other hand, guilt and embarrassment are such uncomfortable emotions, it can be hard to keep hold of countervailing reasons in the face of them. Advice that invokes them can also lend weight to the conjured affective states: you may take me as saying that you should feel guilty if you do not visit your mother, and you should feel embarrassed if you wear that to work. It is hard to know whether I have side-lined or supported your powers of practical reasoning in evoking these considerations.

Concerns about affectively efficacious advisory strategies can be framed as worries about manipulation. Advice is help with practical reasoning, and as such, the worry goes, should operate on the level of reasons. Advisors should help their advisee to appreciate their practical position by engaging in reasoned argument. Strategies that act on an advisee through means other than reason veer into that shady territory of the wax image, where the reasons presented are not the means by which an advisee is moved. Such strategies are commonly called manipulative. It seems that if advice is to help an advisee to see how she should proceed, it should be manipulation-free. This suggests a task for the student of ethical advice: to identify and banish manipulative techniques. We might think that if we can do this, we will be closer to ensuring that advice helps with practical reasoning. It sounds simple. But working out what strategies manipulate is far from simple, and it is not clear that all uses of techniques associated with manipulation offend against the norms and purpose of advising.

The first major obstacle is posed by the concept of manipulation itself. To define advisory techniques as manipulative, we must know what we are looking for. There is widespread, though not universal, agreement on some central claims about manipulation. It is taken to involve attempts to move a person into a deliberative position of the manipulator's choosing.⁹ It can take many forms. The manipulator might lie, misrepresent, or distort the truth, misdirect the target's attention, harness powerful affective drivers such as fear and desire, or alter the deliberative context.¹⁰ Manipulation seeks to change the target's beliefs, desires, attitudes, and/or affective states, usually with a view to securing a given practical outcome. There are perfectly respectable, non-manipulative ways to affect such changes, such as telling people facts, explaining why a consideration matters, and making legitimate and transparent offers. We regard manipulative techniques as distinct from these respectable alternatives in that they appear to place the manipulator at an unfair advantage over the manipulated party.¹¹ Martin Wilkinson puts the point thus:

⁹ Noggle takes the idea that the manipulator leads their target astray as the starting point for his analysis. See Noggle, 'Manipulative Actions: A Conceptual and Moral Analysis'.

¹⁰ See Barnhill, 'What Is Manipulation?', and Baron, 'Manipulativeness', for tentative taxonomies of manipulation types.

¹¹ Most commentators cast manipulation as ethical problematic. See for instance Joel Rudinow's account of manipulation of behaviour. Rudinow, 'Manipulation'; Barnhill, 'What Is Manipulation?'

[M]anipulation involves the perversion of a decision-making process ... manipulation involves some underhand interference with the ways in which people see their options.¹²

Manipulation can thus be characterized by a certain kind of intention (to move the manipulated into a position of the manipulator's choosing), enacted through certain kinds of techniques (deceit, distortion, affective appeals, etcetera), and at a certain ethical cost (suffered by the target, who is unable to participate as an equal in the exchange and whose agency may be impaired by it).¹³ Call this the conventional picture of manipulation. Robert Noggle's influential description captures much of our shared sense of manipulation and its ills:

The term 'manipulation' suggests that the victim is treated as though she were some sort of object or machine. It's as though the manipulator controls his victim by 'adjusting her psychological levers.'¹⁴

But manipulation is slippery in more ways than one. Its forms are many, varied, and obscure by design.¹⁵ When we try to push beyond vague generalities, as we must if we are to distinguish between instances of manipulative and non-manipulative advice, the challenge of rendering operationalizable markers of manipulation becomes clear. Take the idea that manipulation confers an unfair advantage upon a manipulator. What would make an advantage unfair? What, indeed, would represent an advantage? We might say that manipulative techniques are advantageous because they put the manipulator in a better position than their target to achieve their goals within the exchange. If the manipulator can control what a target considers through deceit, distortion, misdirection, or irresistible offers, they are more likely to secure their preferred outcome. But a similar advantage may be gained by presenting a knock-down argument. One difference between advancing reasons

However, Buss, 'Valuing Autonomy and Respecting Persons: Manipulation, Seduction and the Basis of Moral Constraints', resists that conclusion.

¹² Wilkinson, 'Nudging and Manipulation', p. 345.

¹³ Most theorists present manipulation as intentional. See for instance Hill, 'Autonomy and Benevolent Lies'; Noggle, 'Manipulative Actions: A Conceptual and Moral Analysis'; and Wilkinson, 'Counter Manipulation and Health Promotion'. Manne, 'Non-Machiavellian Manipulation and the Opacity of Motive', and Barnhill, 'What Is Manipulation?', make room for unintentional manipulation.

¹⁴ Noggle, 'Manipulative Actions: A Conceptual and Moral Analysis', p. 44. See also Hill, 'Autonomy and Benevolent Lies', p. 258: 'Manipulation, broadly conceived, can perhaps be understood as intentionally causing or encouraging people to make the decisions one wants them to make by actively promoting their making the decisions in ways that rational persons would not want to make their decisions.'

¹⁵ This may be why, in their influential text on biomedical ethics, Tom Beauchamp and James Childress opt to define manipulation by exclusion, characterizing it as 'A generic term for several forms of influence that are neither persuasive nor coercive.' Beauchamp and Childress, *Principles of Biomedical Ethics*, p. 37.

that an advisee cannot argue against and deploying deceit, distortion, etcetera to convince might be that the advisee knows what has convinced her in the case of the former, but not in the case of the latter. But a knock-down argument might succeed not so much through the reasons it presents as through the authoritative manner of its presentation or the speaker's apparent confidence in it. The advisee may not fully understand the argument, but accept it because it seems compelling, and her advisor seems compelled, or because the task of mounting a counterargument is too daunting. The advisee may not be able to conjure competing reasons in the face of all that authoritative declamation. If manipulation is just about gaining an advantage through directing a target's attention, it seems we can manipulate through dazzling displays of practical reason. And perhaps we can. Furthermore, manipulation can work even when the manipulated party knows that they are being manipulated. It is not easy to see where practical reasoning ends and manipulation begins.

We should not lose sight of the idea that manipulation is conventionally seen as a way of *unfairly* extracting advantage from exchanges. Not all ways of attaining persuasive advantage are unfair, if we take fairness to be a matter of ensuring sufficient hearer access to the reasons that preoccupy the speaker and sufficient opportunity to contemplate them and position herself accordingly. When we move a hearer with reason, it is open to her to interrogate those reasons. It was not open to Jean to interrogate the reasons supporting Kai's life insurance advice (to return to a case from Chapter 3) because Kai neglected to mention them. Kai did cite supporting reasons (such as that the company pays out quickly) but they were essentially window-dressing. Kai's real reasons related to Kai's personal interests, namely the hefty commission Kai would accrue should Jean purchase as advised. In obscuring Kai's reasons for advising and furnishing dummy reasons in their place, Kai makes it more difficult for Jean to engage in the exchange on an equal footing. This seems like a classic case of manipulation, and as unfair in a way that presenting reasons convincingly is not. But what if an advisor uses similar techniques to those employed by Kai to shore up an advisee's capacity for practical reasoning? Have they manipulated? If so, should such strategies be banished? A case is in order.

4.2.1 Darren and the case of your possibly manipulative advice

Let's imagine that your close friend and work colleague, Darren, has been treating another colleague, Erin, disgracefully. Darren can be a lot of fun, but his sensitivity to perceived slights takes some managing. Erin once took issue with something that Darren said in a meeting, and he has not been able to let it go. Since then, Erin has made several attempts to smooth things over, but Darren won't have any of it. His snide comments and attempts to undermine Erin have become increasingly public. Darren's conduct has entered the realm of workplace bullying, but

you know that if you say that he will take major offence, which would only make him feel more beleaguered and increase the likelihood of an HR debacle. Darren is planning to apply for promotion. You could advise him that his chances of success would be enhanced if he could demonstrate leadership by patching things up with Erin. You think that this is true, it is just not the main reason that you think that Darren should mend his ways. You are planning on keeping that reason—that he is unfairly persecuting Erin—to yourself.

This case has a familiar form. The advisee has a flaw or has acted badly; the advisor perceives this. The advisor can see how things would go better if she addressed her flaw or bad behaviour. There are several reasons why addressing it would be good for the advisee, one of which is more accessible, but does less work in the advisor's own reasoning. Presenting the reasons as the advisor sees them risks compromising the trust that makes reasons accessible to the advisee. But presenting the reasons more accessibly bears hallmarks of manipulation.

Your advice tests positive for two of the three elements in the conventional picture of manipulation. You have intent (the first element): you seek to move Darren towards motivated enlightenment about his conduct towards Erin.¹⁶ You draw upon your knowledge of Darren to predict how he might respond to various considerations.¹⁷ You foresee that he will react badly to the most faithful rendition of the situation as you see it, making it less likely that he will act as you think he should. So, you try to circumvent that response by presenting an alternative reason for Darren to act in the way that you think he should, one which plays on Darren's ambitions. Through this appeal, you sidestep the real reason that you think that Darren should repair his relationship with Erin whilst still pushing Darren along that path. In these ways, you attempt to influence how Darren will respond to your advice, by 'adjusting his psychological levers'. In short, you employ a manipulative technique (the second element of the conventional picture). Darren will remain unaware of how your reasons for recommending a course of action to him diverge from the reason you present. In fact, your advice might divert Darren's attention from those other reasons by conjuring up the compelling prospect of promotion. And you obscure Darren's access to those reasons *in order to* influence his decisions. So far, so manipulative.

Your advice to Darren shares traits with Kai's advice to Jean. Those traits looked manipulative then: Kai obscured Kai's reasons for recommending the most expensive policy in order not to lose Jean's trust. Kai presented more palatable reasons, which Kai saw as valid, but not particularly load-bearing. In this case, you apply the same strategies. Your advice ticks several of the boxes that characterize

¹⁶ Note that Barnhill and Noggle exclude attempts to move an agent closer towards ideals of belief, desire, and emotion from the realms of manipulation. They may disagree that the intent element of manipulation applies in this case because you seek to move Darren closer towards an ideal.

¹⁷ Rudinow reflects on the ways that manipulators apply their knowledge of the target, and in particular their 'weaknesses'. Rudinow, 'Manipulation'.

manipulation: it is informed by an intention to move Darren to the position you favour and it employs a technique associated with manipulation. But does it procure an unfair advantage? I think that we give advice like this all the time. Perhaps this just points to the regrettable ubiquity of manipulative advice, but it seems to me that we look for ways to appeal to advisees like Darren not for nefarious reasons, but in earnest attempt to help someone we care about act better than they otherwise would. Of course, earnest attempts can nevertheless be ethically misguided. To determine whether advice like yours to Darren is misguided, we need to establish whether it is unfair. And to do this, we must consider what is fair within the practice of advice. This is where norms enter the picture.

The reason that we care about whether advice manipulates is because manipulation seems like an unfair way of influencing others. What would make a way of advising unfair? If it deviated from the norms of advice. The norms govern our expectations of advisor conduct and support advice to meet its defining goal of helping an advisee to see how he should proceed. Advice that does not express respect for an advisee as a practical reasoner, or is insincere, or self-regarding, or not discretionary, or which deviates from the advisee's best knowledge and reasoning is unfair, because it borrows the illocutionary force of advice without delivering the help that advice implies on the terms we expect.

The norms support condemnation of advisory practices that would appear manipulative on the conventional picture. Take for instance, the case of Kai and Jean. Jean is entitled to resent Kai, should she discover the real reasons Kai recommended that expensive policy, because the advice was not other-regarding, sincere, nor based upon Kai's best knowledge and reasoning. Recall from Chapter 1 Luke's deceitful advice designed to thwart Katrina's application for the job he coveted for himself. He intended to move Katrina to a position of his choosing; he employed a manipulative technique (misrepresenting his view about what action would best advance her goals) and this was unfair, because it broke with the same norms Kai violated. However, it may be possible for advice to tick the first two boxes that mark out manipulation on the conventional picture, but be norm compliant. Your advice to Darren is such a candidate, but we need to consider whether it violates the norms. If it does, that suggests that some common advisory deployments of manipulative techniques should indeed be banished. If it does not, that suggests that there are at least some cases in which the use of manipulative techniques does not signal unethical advising.

4.2.2 Presentable reasons: A worry about sincerity and respect

Darren's case reveals how much reflection upon the norms of advice is necessary to establish the acceptability of an advisory strategy. Let's start with the way that reasons are presented in the advice proposed for Darren. There are two main issues

here. The first relates to the reason you do not present: the blameworthiness of his conduct. You withhold this because you predict that sharing it would inflame the situation. You are contemplating advising Darren to help him see why he should change his ways. If your calculations are correct, taking a direct approach would not help Darren to accomplish this. But advising as proposed looks insincere: it misrepresents your own understanding of why Darren should change his ways. And the reason you are inclined to misrepresent suggests you do not regard Darren as able to access his most central practical reasons (as you perceive them). If so, your attitude towards Darren may be insufficiently respectful of him as a practical reasoner. Perhaps you should trust him to rise above petty sensitivities.

It is certainly true that people can surprise us, and challenging personal feedback can be accessible and strengthen a relationship when issued by the right person at the right time. You may be that person, and you may find the right time. But if not, it does not strike me as disrespectful to Darren to see him in his flaws and to accept those flaws and make allowances for them. If respect requires us to treat all persons as able to access all practical reasons at all times, what does that suggest about the respect owed to we who fall short of that ideal? Respect of a person as a practical reasoner requires us to conceive of them as broadly capable of appreciating and responding to reasons, and of acting in accordance with the requirements of reason. Without this assumption, there would be no point in advising. But advising is a human practice and a relational one, and as such it takes place between humans, none of whom, one can suppose, always instantiate ideals of practical reason. Given that Darren seems to need help, attempts to do something that might actually help him are warranted.

Darren's case points to another way in which tailoring reasons to be accessible (and not offensive) to an advisee can express respect (and a counterpoint to the claim that invoking his promotion distracts from the real reason at play). Advice offers an invitation to practical reasoning. It is for the advisee to take up that invitation in their own way. In leaving room for Darren to ponder why his prospects for promotion might be enhanced by making things up with Erin, you show respect for his ability to perceive practical reasons even when they are not laid out for his convenience. The invitational nature of advice can relieve it of the burden of exhaustiveness: the advisee must think for themselves about what advice means for them, and how to respond.¹⁸

The other reason-giving issue we see in the Darren case involves the connection between the reason you present and Darren's desires. In appealing to a powerful motivator like ambition, it could be said that you seek to side-step his rational

¹⁸ There are limits to how much truth can be tinkered with in service of a mission to help an advisee. There is a big difference between choosing which of the reasons you believe apply to help an advisee engage and fabricating a 'reason' to achieve the same end. In authoring rather than merely drawing attention to reasons, an advisor violates the norm requiring that advice is based upon best knowledge and reason, and veers into the realm of control.

faculties. On the conventional picture, manipulation is seen to incite forces such as ambition, greed, guilt, or fear, the motivating power of which can outstrip our rational endorsement. Much of the manipulative effect perceived in advertising campaigns is attributed to their elicitation of affective responses, which pull us towards the new car/gym membership/addictive substance that the advertisement associates with affective satisfaction. So motivated, the argument goes, we do not subject the cost-value proposition to scrutiny, or we allow our evaluation to fall in line with our new purchasing commitment. If we were considering the matter in the absence of that affective stimulus, we may see it in an entirely different light.

There is a certain affinity between the complaint commonly directed at advertisers and appeals that we make as advisors. In the case of advertising, the tactic seems dubious. Perhaps consistency calls for the same conclusion in the case of advising? Not quite. It is important to check the purpose of a motivating appeal against the purpose of advising. If the reason for stimulating an affective response is to help with practical reasoning by making a practical reason available, it is likely to be acceptable. In Darren's case, you have selected a reason that you think applies and will motivate Darren to overcome a deep-seated unwillingness to consider how he treats Erin. His attention lingers upon his festering ill-feeling towards her, making it difficult for him to see beyond that. He is unaware of the negative attention he has drawn or the reasons for it. You cannot help him with practical reasoning without helping him to see things from a perspective unnourished by his hurt feelings. For a reason to draw Darren's attention away, it must connect with a personal project, value, or concern (that he is receptive to discussing with you). Appeals to those kinds of reasons will often excite an affective response. There is a manipulative aspect at play here, your appeal 'adjusts Darren's psychological levers' by engaging his ambition. Here it is important to recall the first part of Noggle's apt phrase: 'The victim is treated as though she were some sort of object or machine. It's as though the manipulator controls his victim by "adjusting her psychological levers."' Although your strategy is informed by your predictions about how Darren will respond, it does not treat him like an object or machine. It treats him like someone who acts for reasons, when those reasons are appreciable to him. Here, you stimulate an emotional or desiring response not to circumvent, but to engage, an advisee's rational faculties.

I conclude that advising Darren as proposed is a way of helping with practical reason that accords with the norms of advice. It shows respect for him as a practical reasoner, although it does not idealize him. It is sincere in presenting a reason that you believe applies, and it refrains from confronting him in a way that would make practical reasoning more difficult. It is other-regarding, discretionary, and based upon your best knowledge and reasoning (although it does not lay all that reasoning out). But it deploys a technique associated with manipulation, and for the purposes of 'adjusting Darren's psychological levers'. If we were to banish all advisor use of manipulative techniques, we would need to banish advice like yours

to Darren. But a purge on this scale would seriously diminish our collective access to help with practical reasoning, and it is unclear what purposes would thereby be served. We all have frailties that perceptive and caring advisors work around to strengthen our overall fitness as practical reasoners and help us do better than we would if left to our own devices. Advice would be less accessible, and possibly less available, if advisors could not couch it appealingly. I conclude that there are cases in which the use of manipulative techniques by advisors is permissible, and that the norms of advice supply the proper test of permissibility.

Worries about manipulation are driven by concerns that underpin the norms of advice, but thinking in terms of manipulation leads us down rabbit holes with little prospect of unearthing the rabbit. Although we can agree about prototypical cases, there are others in which it is likely to remain unclear or at least controversial whether advice manipulates. What matters most is not whether advice employs a given technique, but whether it adheres to the norms of advice.

4.3 Advising across power divides

Worries about manipulation concern how we give advice, but the illocutionary force of advice is determined not only by how we advise, but also by how the advisor stands in relation to the advisee. The fates of Wolsey and Cromwell vividly illustrate the perils of advising within a relationship characterized by dependency. In the social hierarchy of Tudor England, Wolsey and Cromwell's origins deprived them of an expectation of high status. Their advancement came at the pleasure of the King. Advising a man like Henry was a dangerous business.

Most of us are not at risk of the executioner's blade if we issue unwelcome advice, which is not to say that other dangers do not lurk. Advising a powerful patron, employer, senior colleague, or an influential friend can trigger pangs of anxiety partly because, if advice is not well received, the advisee's good opinion and willingness to advance our fortunes (or at least their reluctance to set them back) might be lost. The aftermath of unwelcome advice within any relationship, even one characterized by equality, can be extensive, even unrecoverable. The prospects of hurting someone close or risking a relationship are serious enough consequences to give an advisor pause. Such threats often lead us to mute or reorientate advice. But power imbalances within an advice relationship increase the potential losses that advisors might sustain if their advice displeases. Powerful and discontented advisees might go beyond withdrawing closeness; they may take measures against an advisee. But what I will refer to as beholden advisors are not alone in their vulnerability within unequal advice relationships. Here I focus on two common scenarios in which the difficulties of advising well can be traced to or amplified by a power imbalance within the advice relationship. The first occurs when an advisee has power over an advisor (beyond their entitlement to withdraw from the relationship). Here,

the prospect of retaliation can imperil not only the advisor, but also the real or perceived sincerity of their advice. The second occurs where an advisor has power over an advisee, such that the discretionary quality of advice is at issue. In both cases, power disparities, in particular unequal vulnerability to retaliatory measures within the advice relationship, can compromise the trust that enables advice to function as a form of help. When advice is offered within an unequal relationship, questions about how power might be exercised can come to displace deliberations about advice's propositional content. To increase the accessibility and thus the helpfulness of advice, measures to reduce real or perceived vulnerability to retaliation must be taken.

4.3.1 The beholden advisor

Advisors can be beholden to an advisee when their advisee can arrange things to significantly affect an advisor's interests (for good or for ill) and the advisor is not so able and cannot circumvent the advisee's manoeuvres or offset their effects.¹⁹ For instance, their advisee may be their employer, manager, mentor, community leader, or well-connected colleague or friend.

Advisors who are subject to the power of their advisee face several connected challenges when their beliefs about how their advisee should act (or regard matters) conflict with their advisee's beliefs about how they should act (or regard matters). The problem is most acute when advice to do otherwise makes it more difficult or costly for an advisee to pursue their preferred path. Advice might impose cost and difficulty on an advisee through inviting others to question the wisdom of their intended actions, concentrating blame if they act against advice, or causing others to act in ways that obstruct their preferred path. Let's call advice that has these potentials *unwelcome advice*. Advice might be unwelcome even if it does not invoke third-party judgement or action, perhaps because the advisee is sensitive to perceived criticism. And some advisees might resent advice that corresponds beautifully with their intentions, perhaps because of the implication that they need help with practical reasoning (parents of teenage children might recognize this phenomenon). Any of these (and other) forms of unwelcome advice can trigger resentment that makes life difficult for both parties to the advice relationship, regardless of the power relations at play. But when the advisee has the power to impose suffering beyond the advice relationship on the deliverer of unwelcome advice, the costs of delivery seriously increase. The risk of advising in these circumstances is often recognizable to both vulnerable advisors and their powerful advisees, and this recognition generates its own threats to the prospects of advice.

¹⁹ Which is not to say that a beholden advisor cannot affect an advisee's interests at all; the key is that beholden advisors feel more exposed to the advisee's power than the advisee is to theirs.

Advisors concerned with self-preservation may shy away from exposing themselves to possible retaliation. Advice can only function as help with practical reasoning when an advisee is open to being helped by it. When the prospects that an advisee will consider (good) advice are slim but the risk to an advisor of delivering it is high, there is a strong case for withholding. The case has ethical and prudential dimensions. The ethical case for offering help is sensitive to its prospects of success, and an advisor is not obliged to take a large personal risk to offer a remote prospect of benefitting the person who imposes that risk. The advisor is permitted to privilege their own well-being in such circumstances. But even silence sometimes comes at a cost. Some advisees actively seek to be told what they want to hear, urging unwilling advisors to speak. Refusal may be taken to signal disagreement with the advisee's preferred course. Advisees may sense an advisor's unspoken disagreement, leaving them open to retaliation. Advisors in such circumstances are exposed to risk if they advise sincerely or say nothing. It is easy to see why some advisors might choose to simply give their advisee what they seek, rather than risk recriminations.

It takes a steadfast advisor to remain sincere in the face of perceived threat. Some will stumble at that hurdle. Those who habitually embrace insincerity become the sycophants that Plutarch so openly despised. Others may adopt this strategy reluctantly, on occasion. Insincerity is an ethical defect to which advisors may be prone in a wide variety of situations, not only when an advisee has power over them. Some advisors may be born dissemblers, or too eager to please, or prone to the dark pleasures of watching others misstep. Some advice contexts may be unsuited to frank exchange (an audience may be present, or an advisee may have offered compliments that would make unwelcome advice seem pointed). But when an advisor is beholden to an advisee, the structure of the advice relationship lends itself to insincerity over and above those other factors.

The inhibiting effect of a power imbalance upon sincere advice is clearest when the advisee is insecure and wrathful, and might threaten physical harm, banishment, demotion, or curses upon one's first born. Thankfully for most of us, our everyday advice problems are of less biblical proportions. But advisor beholdenness can impair the provision of good advice even when an advisee's power is of a more familiar scale and even if they are placid and tolerant of challenge. Typically, an advisor is not the only one aware of their beholdenness: so is the advisee. Their recognition of their power over their advisor gives them access to their advisor's reasons to hide their true beliefs. The advisee might be after honest advice, but does the advisor know that, and can the advisee correctly interpret the advisor's beliefs in that respect? If an advisee perceives that an advisor might be humouring them, the usefulness of advice will be marred by the need to filter for the possibility of insincerity. Even if a beholden advisor is scrupulous in their sincerity, the advisee's need to take account of the advisor's reasons to offer welcome advice distracts from the practical problem at hand. A suspicion of insincerity not

only reduces the accessibility of advice, it also compromises the closeness of the advice relationship. An advisee may be less inclined to confide when they believe their advisor might not trust them.

These ways that power imbalances compromise both real and perceived sincerity reveal more about how discretion enables advice to function as a form of help. An advisor must not take steps to enforce compliance, and an advisor also requires discretion to give advice that they believe will help with practical reasoning, even if it does not align with their advisee's desires and intentions. If we cannot give frank advice that might cause an advisee to rethink, advice loses its character as help with practical reasoning and becomes just another way that we build social connections. Offering unwelcome advice requires trust that an advisee will receive it in the spirit of help and will not enact retribution.

4.3.2 The beholden advisee

Wolsey and Cromwell's sorry tales yield further insight into the damage that power imbalances do to advice relationships. Although both were beholden to Henry, the King and his courtiers observed their aggrandizement with growing suspicion. Both men did much more than advise; they exercised significant control over Henry's affairs and matters of state. Henry came to be seen as alarmingly vulnerable to his counsellors' power. They could impede Henry's plans or damage his interests if Henry did not follow the course that they charted for him. Perhaps Henry should be fearful of displeasing his counsellors, rather than the other way around.

Power dynamics within the advice relationships Henry operated were extreme, and events suggest that he was anything but a helpless, beholden advisee. But beholden advisees do exist in more familiar relational forms, and the concerns expressed in the Tudor court about advisor overbearingness also trouble them. We see such worries in cases such as that of Lydia and Maureen, and more besides. A manager offers advice outside their formal scope of power, leaving the advisee unsure about their discretion. A social worker advises a father seeking custody of his children: will her support be contingent on observation that he is acting as advised? A lecturer suggests that a student attend an extracurricular course: will he check to see whether the student attends? In these cases, and others like them, the advisee might recognize an illocutionary presentation as advice but question whether the speaker will observe the norm of discretion should they deviate from the advised course.

Advice is sometimes given within a normatively ambiguous relationship, in which the scope of an advisor's power and the advisee's obligations are unclear to

both parties. Relationships with social workers can be like this: there may not be fixed bounds as to what kind of observations a social worker can act on. In such contexts, a powerful advisor may use advice to forge a cooperative relationship with a 'client', whilst reserving the right to act upon 'non-compliance'. Here, advice functions as a soft form of influence that could harden if advice does not produce the desired outcome. If an advisee does as suggested, a veneer of discretion further obscures the practical boundaries of the advisor's power. In other cases, such as Lydia and Maureen's, it may be clear that advice relates to a realm outside the advisor's formal power, but questions about what follows from that remain. Sometimes the enactment of power bleeds out, encompassing the advice relationship within the formal relational structure that brings advisor and advisee together. The advisee's awareness that this advice should be discretionary can stand alongside their suspicion that it is not.

One reason that powerful advisors might enforce advice as though it were within their scope of control reflects our shared susceptibility to perceived spurning. Just as advisees can be hurt by the suggestion that they need advice, so advisors can be hurt by the suggestion that their advice is not worth following. A powerful advisor might seek to deepen a bond with a beholden advisee and to render it more personal through advice-giving. The uptake that they seek is not simple recognition that they are giving advice (although that is sought too): the desire is for their advice to be recognized as the act of kindness it is, valued, and followed. Just as we take pleasure from seeing others enjoy our gifts, so we take pleasure from seeing others follow our advice. Having one's advice followed validates judgement and allows the advisor to claim a collaborative closeness with an advisee. An advisee's failure to act on advice can deprive an advisor of validation and induce a sense that an offer of a personal relationship has been rejected. With their sense of rejection now engaged, an advisor may recast their speech act in an illocutionary form that characterizes their formal relationship, one that they see the advisee as having enforced through rejection of their advice: "So you want me to be your manager and not your friend, well manage this!"

Beholden advisees must try to interpret advice's intended illocutionary force and their advisor's possible response if they do not do as advised. Asking for clarification could be interpreted as insulting or difficult. The advisee's deliberations must encompass likely advisor-imposed outcomes of not following advice; these concerns may crowd out other reasons for and against doing as advised. Discretion can be compromised without enforcement even entering a powerful advisor's head, if an advisee judges that he might enforce compliance and that would be worse than the consequences of following advice. The norms of advice must be honoured and be seen to be honoured for advisees to enter practical deliberations in a truly collaborative way.

4.3.3 Finding balance within the advice relationship

Unequal power relations disrupt advising by drawing an advisee's attention towards the advisor and their intentions and away from the practical issue at hand. Proceeding to advise despite this disruption can exacerbate the inequality, by extending an advisor's power over a beholden advisee who feels compelled to obey, or by placing the beholden advisor who is perceived as insincere—or disrespectful (and in either case untrustworthy)—in a still more perilous position. In these ways, advising within an unequal relationship can be both ineffective in terms of the goals of the practice and relationally unsafe. For these reasons, it is often better to avoid giving advice to those you have power over and who have power over you.

Having said that, advice is routinely exchanged, and often effectively and in ways that enhance the relationship, across power divides. In fact, it is a hallmark obligation of many senior roles—within families, communities, disciplines, and workplaces—to advise those coming up. To advance our understanding of the circumstances in which advice can be exchanged well across power divides, it is useful to think through ways in which power can be unequally distributed, and how inequalities might be mitigated to enable an advice relationship to succeed.

Advising is a component of senior roles in many settings. A community leader might foster young members to realize their leadership potential. A partner at a law firm might aid a new recruit in career planning. A grandmother may share her secrets for an enduring marriage. In all these cases, the advisor has an elevated standing, which is a function of their formal position in relation to the advisee and their greater experience in relation to the matter at hand. Let's refer to these as role-advisors. They enjoy entitlements that give them power to affect the advisee's prospects: the community leader decides which youth members accompany them to regional conferences; the law partner allocates advantageous clients; the grandmother has social (and perhaps financial) capital to share. The advisee has less power to affect their advisor's prospects. The advisors' elevated standing creates an imbalance of power within the advice relationship. But, to some extent, that elevated standing is defined by duties of care to those within their circle of responsibility. The community leaders ought to nurture those in their flock. In well-functioning law firms, mentorship contributes to business development. Ideals of grandmothership incorporate the passing on of accrued wisdom. In advising, occupants of these roles do not try to extend their power—they earn their entitlement to the power they already have. There is of course a caveat: role-advisors must adhere to the norms of advice. As role-advisors they must strive to use the expertise that has earned them elevated standing to prepare those coming up to fill the kinds of roles that they now occupy.

This idea of advice as developmental support acknowledges a temporal inequality—the advisor has expertise and standing that their advisee currently lacks—but is underpinned by a more fundamental equality—the advisor was once

in need of guidance, and the advisee will one day be able to give it. The temporal inequality allows advice to be given in the spirit of help between equals at different parts of connected journeys.

When advice is practised well by role-advisors, it expresses care and respect for the agent as a practical reasoner. The advisor is not using advice to alter a relationship but acting within its established bounds. Advice is given in a spirit of help, with no sense that it will be enforced. The advisor's only investment in the advisee's actions is their regard and care for the advisee (rather than their need to be vindicated, or to demonstrate their worth, for instance). The advisee's trust in the advisor's role-appropriate perspective of care facilitates their consideration of advice.

This picture offers some clues about how advice might succeed within an unequal power relationship. Firstly, it must be clear that advice will not change established permissions and prohibitions within the underlying relationship. For the powerful advisor, this will require explicitly signalling the intended illocutionary force of advice through force indicators such as: 'I say this only for you to consider, you must choose what is right for you', or 'For what it's worth, here is my advice, but of course you will be the best judge'. Statements like this insulate advice from the directive force open to powerful speakers and explicitly defer to the advisee. Clarity about illocutionary force may do more than assure the advisee; if force indicators can have a 'self-talk' effect, they may reduce the likelihood of advisor pique if their advice is not followed. Powerful advisors should also refrain from inquiring about advisee decisions for fear of appearing to surveil for compliance (and to ward off their own resentful responses, should advisees elect not to take their advice).

For the beholden advisor, measures must be taken to reduce the perception that their advice represents an attempt at ingratiation. Where an advisor is aware of their advisee's preferred course, it may be more helpful to offer restricted advice targeting particular effects, values, or aspects of the decision situation. This may mitigate any impression of challenge or sycophantic endorsement and add depth and comprehensiveness to the advisee's deliberations. To illustrate, rather than expressing an all-things-considered view of her boss's proposal to commission services from a competitor, a beholden advisor might suggest ways of reducing the risk of intellectual property loss. If she considers the risks of the advisee's proposal too great not to comment on, an advisor might qualify her advice in a way that clarifies its role-appropriateness and her sincerity and which upholds the advisee as a practical reasoner, thereby reducing feelings of affront. For instance: 'I know that you like to think things through thoroughly and I guess you hired me to help out, so I have been thinking, if I were to play devil's advocate ...'. The use of downgraders ('Those are just my thoughts'; 'I might have missed something, of course') reduce any sense of professed superiority. When a beholden advisor is unaware of the advisee's plans but might nonetheless be perceived as insincere, commenting upon that may reassure: 'Look, I don't know what you are thinking of doing, but if it is

of any use to you, I think it might work out well if you ...'. While this preface aims to defuse perceived insincerity, it also softens any sense of presumptuousness by taking a testimonial rather than advisory form ('I think it might work out well' rather than 'I advise you to'). Whilst such techniques might seem like empty rhetoric, they have powerful social functions: they allow others to feel respected and thus receptive to the help of the speaker.

Duties to advise supply another mechanism for enabling safe and effective advising within unequal relationships. Where advice is seen by the advisee as issuing from the advisor's duty to them, the sting of implied criticism can be reduced (although possibly not eliminated). Dignity is enhanced by being given what we are owed, even if it might not be what we want. And when what we are owed arises out of a duty of care, our value is affirmed. Ways of presenting advice that locate it within duties, and, where appropriate, feelings of care, may facilitate advisee consideration of advice and preserve the advice relationship.

4.4 Conclusion

In this chapter I have surveyed two challenges to effective and ethical advising, each expressed in the histories of two famous advisors, Wolsey and Cromwell. The first concerns the threat of manipulative advice. I argued that the best way to guard against that threat is to attend to the norms of advice. The norms provide a basis for distinguishing between problematic and non-problematic deployments of techniques associated with manipulation. The second challenge concerns the respective standing of advisor and advisee. I surveyed the challenges of sustaining an advice relationship when power is distributed unequally within it and drew upon role-advisors to identify several techniques for minimizing power's corrosive force. When advice is given so as to provide advisees better access to their practical reasons, their agency is enhanced. With agency comes responsibility. And it is into that vexed territory that we step next.

5

Responsibility

5.1 Introduction

Imagine this: Jeff runs a forensic cleaning business. His staff clean up scenes where traumatic deaths have occurred. Jeff is telling his friend Kitty about some of their latest cases. Gratifyingly for Jeff, Kitty is captivated. She says: ‘You should be blogging all this Jeff! You could post photos and explain what it is like to go in to a scene after someone has died. I bet loads of people would follow it!’ Kitty speaks persuasively of a public interest in the aftermath of traumatic deaths and the need to cultivate a better appreciation of their wide-ranging effects. Jeff is impressed by Kitty’s certainty and enthusiasm. The prospect of serving the public interest is appealing. He follows her advice. His team posts images of the scenes they attend, featuring decomposed bodies, body parts, and bloodied rooms. They describe what kind of death took place and the nature of their work. After some time, the blog receives media attention, and not the kind that Kitty had envisioned. People are offended and alarmed by the unconsented depiction of human remains and scenes of suffering in what is perceived as corporate marketing. Families who have suffered the loss of loved ones in traumatic circumstances express pain and anger. Violations of cultural norms pertaining to the treatment of the deceased are identified. Corporate clients reconsider their contractual relationships with the business. Various public agencies investigate the legality of publishing this sensitive content. Jeff is astonished. He had no idea that the blog might be offensive or raise legal questions.¹

Who is responsible for this debacle? Jeff initiated the blog. He had his staff take the photos and contribute content. The blog is attached to Jeff’s business. He is the legally responsible party. But it was Kitty’s idea. Kitty’s reasoning and positivity persuaded Jeff and impelled him to act. When asked why on earth he thought that this would be a good idea, it would be natural for Jeff to want to pull Kitty into the accountability spotlight with him. She suggested it, she advised him to do it, she gave him reasons that seemed to support the blog, and her enthusiasm infected him. Jeff only wanted others to respond to the blog in the same way that Kitty responded to his anecdotes. When Kitty hears Jeff stuttering in radio interviews in

¹ This case was inspired by one reported in the New Zealand media in 2022, but the inclusion of advice as the inspiration for the blog, along the details and characters, are my inventions. For the original reporting, see <https://www.rnz.co.nz/news/national/461107/trauma-cleaning-business-apologises-for-graphic-social-media-posts>.

response to persistent questioning, it would be natural for her to feel implicated in the blame being bandied around. It was her bright idea that has gone so wrong. Is she to be blamed, and if so, for what?

We often take received advice into consideration when we judge an agent for an act they did, but there is no established position about how we should factor it in. When we wonder who to blame for the blog debacle, some might say that Kitty bears a measure of responsibility. Her advice provided the impetus for Jeff to act. Correspondingly, we might think that Jeff is somewhat less responsible than he would have been if he had devised and executed this plan with no external input. Others will take a different view, seeing Jeff as wholly responsible for his action. Kitty just made a friendly suggestion, and Jeff chose to act on it. Kitty's advice was not reliable, certainly, but that does not excuse Jeff or transfer partial responsibility for ensuing events to Kitty. It is unclear which of these approaches, or possible others, we should take when apportioning responsibility for acts taken on advice.

In this chapter I explore the murky arena of attributing responsibility for actions taken on advice. I argue that agents like Jeff retain full responsibility for their advised acts. Jeff is responsible for publishing the blog and can be judged accordingly. Kitty is not responsible for Jeff's act, but she is responsible for her advice. Whilst I argue that advised acts are fully attributable to an advisee, received advice should inform how we regard and respond to an advisee for their act. Kitty's advice can help us to understand Jeff's reasoning and intent in ways that protect him from certain accusations and character appraisals (and expose him to others). As for Kitty, her informal relationship to Jeff and his business, and the casual context of the advice exchange, mean that, whilst she is responsible for her advice, it would not be fitting for Jeff to resent or blame her for it. Kitty's reliability as an advisor on such matters is, however, a fitting target for evaluation.

Questions about an advisee's responsibility for an advised act are questions about moral responsibility. We want to know whether it is appropriate to hold an advisee to account for his action and form expectations and views of the advisee, as well as attitudes towards him, based upon that act and his reasons for doing it. My main task in this chapter is to set out, explicate, and defend an account of advice's implications for moral responsibility. I make use of a distinction between two dimensions of moral responsibility: *attributability* and *accountability*. An act is attributable to an agent when it is an act of theirs. An agent is accountable for an act when it is an act that they can be judged for and called upon to justify or explain. Reactive attitudes such as praise and blame and character appraisals come into play when an act is attributable to an agent and they are accountable for it. Inquiries about moral responsibility for advised acts centre around advice's implications for attributability and accountability.

In broad terms, I argue that attributability is not affected by an act having been advised, and that advisees are accountable for their acts, but that the fact that an act was advised can make a difference to how an advisee should be judged and what

reactive attitudes are fitting. If they adhere to the norms of advising, an advisor's responsibility is confined to their giving of advice: advisors are not responsible for advised acts. Breaches of the norms of advising can extend advisor responsibility to the advised act, particularly when advice has been used to impose the advisor's will. More specifically, my account comprises the following claims:

1. *Advice preserves attributability*: The fact that an agent x performed act y on advice does not reduce y 's *attributability* to x .
2. *Advice can affect character appraisals of agents*: The fact that x performed y on advice can be relevant to what judgements can be reached about x 's character.
3. *Advice can affect the fittingness of reactive attitudes towards agents*: The fact that x performed y on advice can alter the fittingness of reactive attitudes towards x such as resentment, gratitude, praise, and blame.
4. *When they adhere to the norms of advice, advisors are not responsible for actions taken on advice*: When x does y on z 's (norm-compliant) advice, y is neither attributable to z , nor is z accountable for x 's doing y .
5. *Breaches of norms of advice can render advisors responsible for advised acts, alongside advisees*: When advice functions to fit the world to z 's words, z can be held responsible for x 's doing y , alongside x .
6. *An advisor is responsible for the advice they give*: z 's advice to x to perform y is attributable to z , and z can be held accountable for it.
7. *Advice affects character appraisals of advisors*: The fact that z advised x to perform y can form the basis for judgements about z 's character.
8. *Advice can form the basis of reactive attitudes towards advisors*: The fact that z advised x to perform y can support reactive attitudes directed towards z .

The arguments for these claims are built up over the course of the chapter. In Section 5.2 I say more about attributability and accountability. In Sections 5.3 through 5.5, I work through three key questions about how advice figures in determinations of moral responsibility. Are acts taken on advice attributable to an advisee? How might advice affect an advisee's accountability for an advised act? and What of the advisor's moral responsibility? In Section 5.6, I explore some adverse consequences of the prevailing ambiguity about responsibility for advised acts and show how my account of responsibility for advised acts aligns with the defining purpose of advice as help with practical reasoning.

The discussion in this chapter is restricted by several assumptions, the first of which has applied throughout, but it bears repeating now. It is that advisor and advisee are competent agents, who would in the normal run of things be held responsible for their actions. The second assumption holds throughout the first sections and is suspended when attention shifts to the responsibility of advisors. It is that the advice offered and acted on conforms with the five norms of advice presented

in Chapter 3 (that advice is other-regarding, sincere, discretionary, based upon the advisor's best knowledge and reasoning, and addresses the agent as a practical reasoner). These norms enable advice to function as help with practical reasoning. Advisors who violate the norms can thereby assume more extensive responsibility for an advised act and its consequences. Advisors who adhere to the norms restrict their influence over the advisee and thus confine their responsibility to the provision of advice.

Before setting out, a few notes on terminology are required. As I use them, the terms *acting on advice* and *advised acts* refer to contexts in which an agent has received advice recommending that they perform an action *y*, and they subsequently perform *y*. This application does not require that the agent does *y because of the advice*.² The agent may have done *y* if left to their own devices. Advice to *y* may have played a role, amongst other considerations, in strengthening the agent's resolve to *y*. The agent may have taken little if any notice of the advice they received. My claims about advice's bearing upon responsibility encompass these scenarios alongside those in which advice plays a substantial or determinative role in an advisee's practical reasoning.

When an agent describes an act as taken on advice, they invite others to include that fact in their assessment of the act and of themselves. It is often difficult for them, let alone others, to know why they acted as they did, or how they would have acted had something shifted in their deliberative landscape. It can be tempting for an agent to retrofit a rationale that reduces their culpability or amplifies an act's praiseworthiness after the fact. It is often difficult to assess the veracity or accuracy of an agent's explanations about why they acted as they did, and our understandings of our motives and deliberative drivers can change over time.³ Questions about why we act as we do often remain unresolved. This epistemic uncertainty about advice's influence combines with a generalized ambiguity about how it mediates moral responsibility. The result is significant moral murkiness surrounding advised acts. This murk can be useful to wily advisees and advisors seeking to garner praise or avoid blame and can deter advice-seeking and giving. But much of the moral murk clears away when we return to the defining purpose of advising and assess the terrain from there. When we regard advice through its purpose as an act of help with practical reasoning and take into consideration the norms that sustain this purpose, we see that an agent retains responsibility for the practical reasoning upon which they act. Advised acts are attributable to agents regardless of how profoundly they trusted in advice.

² Frankfurt utilized the terminology of acting 'because of' in his seminal exploration of the connections between moral responsibility and being able to act otherwise. Frankfurt, 'Alternate Possibilities and Moral Responsibility'.

³ For a discussion of the elusiveness of certainty of one's motives and its moral significance, see Manne, 'Non-Machiavellian Manipulation and the Opacity of Motives'.

5.2 Two dimensions of moral responsibility

Fischer and Ravizza open their book *Responsibility and Control* by inviting the reader to imagine arriving home to find the shards of a cherished crystal vase on the floor.⁴ If the culprit was the resident cat, one set of attitudes towards the event—and perpetrator—is warranted; alternatively, if a malicious houseguest has intentionally destroyed it, knowing its significance, quite a different set of attitudes arises. Both the cat and the houseguest cause the vase to break in their respective scenarios. Causal responsibility can be attributed to each. But the houseguest has a further kind of responsibility: he is morally responsible for his act. Although the breakage may cast light on the cat's qualities (she is playful, or not to be trusted around precious items), the light it casts on the houseguest is more penetrating. We see his vandalism as expressing aspects of his character as a *moral* agent. That is why Fischer and Ravizza refer to the houseguest, and not the cat, as malicious.⁵ The houseguest's breakage, and not the cat's, warrants a response of resentment and blame. The houseguest owes an explanation and will be expected to make amends or face consequences, whereas the cat can survey the clean-up untroubled by such demands. The experience of and exposure to moralized reactive attitudes and judgements are part of what it means to be in distinctly human relationships.⁶

Several different but related kinds of judgements can be at play when we assess moral responsibility. First, there are judgements about whether something that an agent did was really an act of *theirs* which expresses their *practical identity*.⁷ Following Gary Watson, we can refer to these as judgements about the *attributability* of an act. When we wonder, for instance, whether it was Doreen in action, or that hardcore sedative she took, when she spent Sunday lunch making fun of her young nephew, we are asking about attributability. Attributable acts are acts that can form the basis of a character appraisal (she is rude, or a bully). In Watson's words, attributability 'Is important to issues about what it is to lead a life, indeed about what it is to have a life in the autobiographical sense, and about the quality and character of that life.'⁸ Attributability is also important to responding fairly to others. If some acts do not arise in the way that we associate with agency, it might be unfair to see them as casting light on that person's character.

Once attributability has been established, what Angela Smith refers to as the 'More robust forms of moral response' kick in.⁹ If we conclude that Doreen's attack is attributable to her and not her meds (sedatives wouldn't have that effect and this

⁴ Fischer and Ravizza, *Responsibility and Control: A Theory of Moral Responsibility*, p. 1.

⁵ My colleagues Annie Chiang, Andrew Lynch, Richard Edlin, and Linda Haultain beg to differ on this point, asserting that cats are highly volitional creatures.

⁶ Strawson, 'Freedom and Resentment'.

⁷ Watson, 'Two Faces of Responsibility', p. 234. See also Strabbing, 'Responsibility and Judgment'.

⁸ Watson, 'Two Faces of Responsibility', p. 229.

⁹ Smith, 'Attributability, Answerability and Accountability: In Defense of a Unified Account', p. 576.

is not the first time that Doreen has ridiculed her young relatives), we may confront her and ask her to explain herself. In seeking an explanation from Doreen, we would be asking her to see herself and her actions within a web of moral considerations, and to explain why her conduct was reasonable given those considerations, or to admit its wrongfulness and make amends. In addressing this demand for justification to Doreen, we seek a moral exchange, in which she responds to us as people with whom she stands in a relation of moral answerability.¹⁰ Responses to an attributable act may go further than calling upon an agent to explain herself. The imposition of what Watson refers to as 'Adverse treatment or "negative attitudes"' is sometimes warranted.¹¹ Doreen's reputation may suffer for her shoddy behaviour. She may no longer be welcome at Sunday lunch. Her invitation to her nephew's bar mitzvah may be rescinded. We can distinguish between judgements about when an agent must account for themselves (answerability) and judgements about when we can regard and respond to an agent in light of an attributable act (accountability).¹² Or we can group answerability and accountability together. For simplicity's sake, I will follow Watson and treat all judgements about an agent's answerability for an act, and subsequent character appraisals and reactive attitudes, as matters of *accountability*.¹³

As Fischer and Ravizza observe, we usually invoke moral responsibility in the context of blameworthy acts or acts where duties to others are at issue.¹⁴ The rhetoric of responsibility is not such a natural fit when all is well with the world. Yet the same connection between an agent and their acts that fosters critical judgements also shapes responses to praiseworthy acts.¹⁵ When, seeing me laden down with boxes, you open the door I am heading towards, I feel grateful to you because I see this as an act that you have chosen to perform for my benefit. It shines light on your character and informs my appraisals of you. Advisees can be just as

¹⁰ Shoemaker, 'Attributability, Answerability and Accountability: Toward a Wider Theory of Moral Responsibility'; Smith, 'Attributability, Answerability and Accountability: In Defense of a Unified Account'.

¹¹ Watson, 'Two Faces of Responsibility', p. 231.

¹² Shoemaker, 'Attributability, Answerability and Accountability: Toward a Wider Theory of Moral Responsibility'. Smith offers an alternative view, in which answerability is the only genuine form of moral responsibility. See Smith, 'Attributability, Answerability and Accountability: In Defense of a Unified Account'.

¹³ Watson, 'Two Faces of Responsibility'. Scanlon also applies the attributability-accountability schema, see Scanlon, *What We Owe To Each Other*. More recently, so has Strabbing, 'Responsibility and Judgment'.

¹⁴ Fischer and Ravizza, *Responsibility and Control: A Theory of Moral Responsibility*, p. 2. See also Smith, 'On Being Responsible and Holding Responsible', p. 469. Kadish identifies the element of choice as the reason that we tend to reserve responsibility for blameworthy acts. He concludes that we only blame a person when we consider that they had a choice, whereas we praise people not only for their praiseworthy choices, but also for talents and characteristics such as beauty that luck rather than choice has conferred upon them. Kadish, 'Complicity, Cause and Blame: A Study in the Interpretation of Doctrine', p. 328–330.

¹⁵ Some dispute the application of reactive attitudes to praiseworthy acts. See Wallace, *Responsibility and the Moral Sentiments*.

concerned about how advice might inform perceptions of their responsibility for praiseworthy—or neutral but identity-defining—acts, as they are about blame and culpability. Where I speak of attributability and accountability therefore, I am not only concerned with blame, resentment, and negative character appraisals. I am also concerned with how advice might inform positive responses to an act and its agent, such as praise, gratitude, and positive assessments.

We do not, it seems, have a settled collective sense of how received advice affects an agent's moral responsibility, and this is curious given the ubiquity of advising and acting on advice. It behoves us to consider the various possibilities. Firstly, we might think that advice could render an advised act unattributable to an agent: it is not truly an act 'of theirs'. Perhaps it is an act of the advisor's, or something that they are responsible for. Alternatively, advice might preserve attributability, but affect an agent's accountability for the advised act. Accountability could be affected in several ways. Advice might obviate an agent's accountability altogether: the agent cannot be asked to explain or defend their action; no judgement about the agent can be reached on the basis of it, no reactive attitudes assumed, and no consequences (punishments or rewards) imposed. Alternatively, the agent's accountability may hold, such that it is appropriate to ask for an explanation of the act, appraise the agent, react to the act, and possibly impose consequences, but the nature of those accountability judgements may be informed by the advice they received. In what follows, I argue for the latter view: advice preserves attributability and accountability, but what an act expresses about an agent's practical identity can be understood through their receipt of and response to advice. Advice affects how we hold an agent accountable, but advised acts remain acts of the advisee. Let me explain what I mean.

5.3 Are acts taken on advice attributable to the advisee?

It is not altogether easy to lay out the grounds upon which an act might be attributable to an agent. The specifics of accounts differ in interesting ways. To offer two examples, Watson centralizes the emergence of an act from an agent's evaluative commitments and 'exercises of...evaluative capacities':

Aretaic appraisal involves an attribution of responsibility. To adopt an end, to commit oneself to a conception of value in this way, is a way of taking responsibility. To stand for something is to take a stand, to be ready to stand up for, to defend, to affirm, to answer for. Hence one notion of responsibility—*responsibility as attributability*—belongs to the very notion of practical identity.¹⁶

¹⁶ Watson, 'Two Faces of Responsibility', p. 234.

Watson's account emphasizes how acts reveal the self, through revealing what the agent cares about. In contrast, Jada Twedt Strabbing focuses on how acts reveal an agent's judgements rather than their defining commitments. She calls this the 'Judgement Responsiveness View' (JRV):

According to the JRV, an agent's practical identity is constituted by his judgements about normative reasons, and his action A expresses those judgements—thus making him attributionally responsible for A—just in case A results from either his responding to his judgements about reasons in favor of doing A by doing A or his failing to exercise his capacity to respond to his judgements about reasons against doing A by not doing A.¹⁷

I need not adjudicate between these accounts, but simply note the centrality of practical reasoning in both. This is a common feature of our thinking about what makes an act attributable: an act is an act of the agent's when it is, in one way or another, governed by, or the result of, the agent's practical reasoning. We can see this in the cases designed to illustrate attributability's boundaries. They invariably involve forces that impede a person's practical reasoning from governing their action. Familiar examples include (some) cases of addiction, hypnosis, and dystopian Frankfurtian fantasies in which devious scientists implant devices to control an agent's thoughts and actions.¹⁸ If we discover that your houseguest was programmed to break your vase by just such a devious scientist (unbound by ethics committee scrutiny), their act no longer casts light upon what kind of person they are. We cannot think of them as your malicious houseguest: their act reflected the scientist's decisions, not theirs.¹⁹

Devious scientists with the will and opportunity to implant mind-controlling devices are thinner on the ground than reading moral philosophy might lead one to believe, but advisors are here, there, and everywhere, and their potential to disrupt attributability is quite unexplored. We can commence an exploration by returning to the moral crime scene that is Jeff's blog.

It is improbable that Kitty's advice could sever the connections between Jeff's practical reasoning and his act of initiating the blog. Kitty simply proposed an idea and engaged Jeff in practical reasoning; Jeff was not prevented from assessing Kitty's proposal and governing his actions accordingly, although this may not be entirely clear to Jeff. When an agent takes advice on trust, as Jeff has, it may seem to him that his action does not really express his practical judgement. When Jeff struggles to explain why he thought the blog would be a good idea, he is likely to

¹⁷ Strabbing, 'Responsibility and Judgment'.

¹⁸ See Frankfurt, 'Alternate Possibilities and Moral Responsibility'.

¹⁹ Fischer and Ravizza, *Responsibility and Control: A Theory of Moral Responsibility*.

conclude that his action was a response to Kitty's judgement rather than his own. He may bristle at being appraised through the lens of an act from which he now feels alienated. But Jeff would be kidding himself to think that his act did not reflect his judgement. He published the blog because he was convinced by Kitty's case. Certainly, when asked to explain what was so convincing, he struggles. But that is not because he had not applied a practical judgement, it is just it was so flimsily supported that he now struggles to locate any presentable reasons. He was too easily convinced. Jeff published the blog because he thought it was a good idea to do so, because Kitty thought it was a good idea, and acting in the public interest was appealing. In the cold hard light of a media teardown, those reasons do not seem as compelling as they did in the warm glow of Kitty's enthusiasm, but that does not mean that they did not populate Jeff's own deliberative process, for which he can most certainly be appraised.

There are times when we are more willing to accept that an advisee has suspended their judgement and executes the advisor's recommendations as though they were instructions. Perhaps, in some such cases, advice does compromise attributability.

Consider for example, the situation facing mothers in the second half of the twentieth century who were advised by health professionals to place their babies to sleep on their stomachs. Let's approach it through a fictional first-time 1980s mother, Jane. Jane's midwife Mandy advises Jane to place her baby to sleep on his tummy to reduce the risks of choking and of developing positional plagiocephaly (flattening of the back of the head, a condition which is of largely cosmetic concern). Jane does not have experience with babies or the science of safe sleep positions. Mandy has access to the latest professional guidance and is clearly experienced with baby-care. She is friendly and qualified, and her tips seem to be working. Jane can think of no reason not to follow Mandy's advice and doesn't seriously consider doing otherwise. But when her son is ten weeks old, she finds him blue and unresponsive in his cot and he is unable to be revived. His death is attributed to Sudden Unexpected Death in Infancy (SUDI, although in the 1980s, it would have been called cot death or crib death). Some years later, it emerges that prone sleep increases SUDI risk. Now Jane knows that placing her baby prone might have contributed to his death.

Was Jane's act of placing her son to sleep prone attributable to Jane? Recall the idea that acts are attributable to an agent when they express their practical identity. We might think that Jane did what is expected of new mothers: she implemented baby-care practices advocated by more experienced and knowledgeable authorities. It was Jane who lay her baby down to sleep, but we might hold that she was simply carrying out Mandy's direction, rather than expressing something about her own practical identity. She did not consider for herself the respective merits of this and other possible infant sleep positions, she simply acted on trust in Mandy's judgement. Perhaps there is little difference between Jane doing what Mandy told

her to do and the houseguest giving physical expression to the devious scientist's practical intent.

I have some sympathy for this response. We can be driven to deny an act's attributability by a wish to distance an agent from the heat of critical scrutiny. Generally, we care about whether an act is attributable to an agent because we want to know whether it is fair to see that agent through the lens of that act, and to hold them accountable for it. If we want to protect an agent from this kind of scrutiny, denying that their act was truly an act of theirs is an appealing strategy. It is terrible that parents who suffer the loss of a child in such circumstances must then account for themselves, and the fact is that they are often called upon to do precisely this.²⁰ One way to stave off such painful processes might be to disconnect the act and the agent. If the action is not, in a morally relevant sense, an act of Jane's, she will not need to answer for it in this excruciating way.

This strategy is psychologically comprehensible, but it distorts how advice figures in practical reasoning. Jane was not like the programmed houseguest breaking vases on a scientist's whim. She chose to follow Mandy's advice and she had reasons for doing so. Hers were fiduciary reasons: she trusted Mandy's judgement about what she had reason to do. Decisions to act on trust express an agent's practical identity in a way that the houseguest's compelled actions do not. We can more fully understand Jane by reflecting on her actions, including those taken in response to advice. It is through seeing Jane's practical identity expressed in her action that we can absolve her of blame and regard her as the conscientious parent that she is.

5.4 How might advice affect accountability?

Advice does not threaten the attributability of advised acts, but it can change an agent's deliberative landscape in morally relevant ways. Advice can inform how the agent should be seen and responded to by others. When we appraise an agent for an act, we want to know why she did it: what attitudes and values the act expresses; what goals she took the act to advance; what processes she followed to determine how to serve them. Advice helps to explain why Jeff and Jane acted as they did; it forms a large part of their deliberative backdrop and provides information about their deliberative processes and the goals that they likely saw themselves as working towards.

Contrast Jeff's case and that of Jane. In both cases, the advice supplied, though sincere, was unreliable, but the advisees acted upon it. In both cases, the advisees acted on trust and were unaware of countervailing reasons to do otherwise. In both

²⁰ See for instance Gold et al., 'Whose Fault Is It Anyway? Guilt, Blame, and Death Attribution by Mothers After Stillbirth or Infant Death'; Clarke, 'He Wahine Tangi Tikapa. . . Statutory Investigative Processes and the Grieving of Māori Families Who Have Lost a Baby to SIDS'.

cases, the outcomes were bad. These common factors suggest that Jeff and Jane are alike in their responsibility for their advised acts. But I want to suggest that advice differentially informs character appraisals of Jeff and Jane and releases Jane, but not Jeff, from blame and resentment. The difference lies in their varying entitlements to rely upon received advice.

In placing her son to sleep on his stomach, Jane placed her baby at heightened risk of SUDI. But she did so because a credible advisor advised her that the prone position would be safer for her baby. This casts light upon the values that animated her and the goals that she saw herself as working towards. The values that Jane's act expressed are bound up with love and care for her baby and a desire to be a good and responsible parent. Her goal was to reduce the risk to her baby. The fact that Jane was following the advice of a person whose role was to help her care well for her baby counts as a source of evidence of Jane's own likely intent. Knowing what Jane had been advised, we can rule out certain conclusions about Jane's character. Any notion, for instance, that Jane is an uncaring or negligent parent is not borne out by what we know about her deliberative landscape.

In publishing a blog containing disturbing and potentially identifying images and details of death scenes, Jeff caused public offence and concern. He did so because an advisor that he was willing to trust advised him that doing so would be in the public interest. As with Jane, Jeff's values and goals are revealed through his decision to follow advice. Jeff's desire to spark in a wider public the same interest in his work that Kitty had displayed drove his decision, and this allows us to exclude more nefarious aims (to offend the living and dishonour the dead) from casting their shadow upon his character. Jeff's act and its deliberative context suggests obliviousness rather than malign intent. However, as Smith has argued, we can be held responsible for attitudes that are displayed through what we do not notice.²¹ The fact that Jeff failed to notice the ways in which publishing this material would express dubious attitudes towards the dead says something about his regard for the deceased. If Jeff had maintained a constant sensitivity to the dignity of the people at the centre of his work, he would have foreseen how others, attuned to such matters, would perceive the blog even though Kitty's advice passed silently over them.

Advice exchanges can provide evidence about what goals and associated values an agent was pursuing in acting on advice. They also cast light on their deliberational processes, which form another dimension of character appraisal and another site for determinations of accountability. When we turn to consider Jeff and Jane's respective deliberative processes, disparities appear. The advice that Jane followed, while ultimately unreliable, was nevertheless credible at the time it was delivered. It is reasonable for a mother to think that a health professional's advice about baby care would be reliable and to reason that, even if she could

²¹ Smith, 'Responsibility for Attitudes: Activity and Passivity in Mental Life.'

not assess its scientific merits, it would be safer to follow it than not. In fact, it is expected that parents will seriously consider—if not follow—mainstream child health advice (and this can jeopardize the discretionariness of advice. I return to this point in Section 5.5).²² Jane's deliberative process, and decision to follow advice on trust, was reasonable in her circumstances and she should be appraised accordingly.

Jeff's situation is rather different. Kitty is a friend who knows nothing about forensic cleaning beyond her enjoyment of Jeff's macabre anecdotes. She has no specialized knowledge of its legal and professional norms, nor of those of online publication. Her advice is informal and not given in a context in which an advisor might be expected to conduct due diligence to ensure that their advice is good all things considered. Jeff, as the operator of a forensic cleaning business, can be expected to understand and attend to the applicable norms for his sector. Being entrusted with human remains, one might also expect that Jeff displays sensitivity to their moral status and awareness of the ways that his employee's treatment of and attitudes towards them affect the living. Jeff was not entitled to rely upon Kitty's advice, and ought to have been able to see the flaws in her proposal in a way that Jane (and the mothers she represents) could not have seen the flaws in their received advice. For this, he can be both appraised and held accountable.

Let's pause to assess progress before expanding on how advice can inform judgements about and attitudes towards an advisee. So far, I have argued that acts taken on advice are attributable to the advisee, but advice shapes what an act tells us about them, their values, and habits as a practical reasoner. When we know how an agent was advised and by whom, we have insight into what considerations and practical reasons were likely foregrounded in their thinking and can judge whether the agent was warranted in relying upon the advisor as an informant about their practical reasons. This additional access to an agent's deliberative process is useful not only in terms of character appraisal but also the reactive attitudes that their act supports. An agent's liability to attitudes such as blame, resentment, praise, and gratitude can depend upon how they responded to advice. The difference that advice makes to how a person should be judged and responded to is context dependent. Facts about the credibility of the advisor; the reasons given in support of advice; the advisee's access to alternative sources of information and guidance; what is known about their values and plans prior to being advised, and their own expertise, shape how reliance upon advice reflects upon the advisee.

Questions about why a person acted in the way that they did consume our attention for several reasons. We want to know what kind of person they are, partly so that we can manage our future dealings with them. But we also want to manage this dealing and its relational effects. What attitudes are appropriate depend upon what

²² Jonas, 'Child Health Advice and Parental Obligation: The Case of Safe Sleep Recommendations and Sudden Unexpected Death in Infancy'.

the person was aiming to achieve, what beliefs they had, and what process they had followed to acquire true (or at least reliable) beliefs to inform action. Knowing about what advice an agent received before acting can supply insight into these matters.

If I learn that a person who has caused me injury was acting on credible advice sought in an effort to minimize such risks, I am likely to (and should) feel less angry and resentful than if the act seemed reckless. To illustrate, imagine that the conventionally farmed avocado orchard next to mine has been bought by Bernie, who plans to use a spray to manage an infestation. Knowing that my orchard recently acquired organic status and that the spray could travel across to my trees, Bernie selects a spray that a reputable expert advises him to use, assuring him that it is organic. When my avocados are tested as part of ongoing certification, it transpires that the spray was not organic and has soiled my crop, jeopardizing its organic status. My interests are set back by Bernie's spray use, but I know that the harm did not stem from Bernie's indifference to me. In seeking and acting on credible advice Bernie responded to my interests. I cannot resent him for using that spray, although I may wish that his advice had been better. In fact, gratitude for his attempt to safeguard my crop is owed. If I learn, on the other hand, that Bernie had been advised that the spray he was contemplating using contained all the devil's favourite chemicals and would surely jeopardize my orchard's organic certification, but he went merrily ahead and sprayed anyway, resentment is back on the table. In this case, the advice Bernie received is an aggravating factor for resentment, as it means that his act was not one of mere ignorance. His act now expresses a wilful disregard of my interests. I would be entitled to ask him to explain why he did not take my interests into account, and if he does not provide an explanation that restores my sense of standing in his eyes, to blame him. Bad-neighbour-Bernie's exposure to blame even survives my learning that the spray that he was advised to use was no better than the one that he did use. That is because the fault that is revealed by Bernie's act and the associated advice extends beyond harm done. The fault is Bernie's failure to pay due regard to my interests.

Advice supplies evidence about what an agent knew and direction to requests that agents to explain their actions. When I discover that bad-neighbour-Bernie had been advised to apply a different spray to his crop to protect mine, I can ask him why he acted against advice in the expectation that he will be able to furnish me with a reason. If Bernie cannot explain himself, doubt is cast upon the adequacy of his practical reasoning. My standing compels him to have reasons for acting in ways that affect my interests, but he appears to have none. If Bernie had not been so advised, my demand that he justify his action would be less pointed. It would be harder for me to pick out specific counterfactuals that he ought to have considered and demand that Bernie explain why he did not opt for them. Advice directs inquiries into an agent's practical reasons and calls upon advisees to explain themselves in relation to its specific act prescriptions. As such, advice can up the

accountability ante for an advisee. This is one reason that we sometimes shrink from receiving advice: we know that it increases the burden upon us to justify our actions, and our exposure to blame and adverse appraisals, if we choose not to follow it.

Advice also supplies counterfactuals against which good acts can be judged. The fact that we were advised to do something and chose not to sometimes counts in our favour. If good-neighbour-Bernie was advised by fellow orchardists to use the cheapest nastiest spray but chose the pricey organic one to protect my crop, my regard for him increases. The advice he received suggested that a self-interested choice would be seen as acceptable, but Bernie elected to perform a better than acceptable act. If good-neighbour-Bernie is as ineloquent about his reasons as bad-neighbour-Bernie was, we would be disinclined to discount his credit on that account, although bad-neighbour-Bernie's culpability was aggravated by his inability to explain himself. I suppose that in both cases we read in the kind of motivation that makes sense of the action: a selfish or callous motivation for bad-neighbour-Bernie, and an other-regarding motivation for good-neighbour-Bernie.

Advice can help us to pinpoint the moral qualities of an act taken on—or against—advice and focuses demands for accountability and appraisals of an agent. But the light advice sheds upon matters of moral responsibility extends beyond advisees. It settles upon advisors too.

5.5 What is an advisor responsible for?

So far, I have argued that acts taken on advice are attributable to the agent but that how they should be appraised and responded to can be informed by what advice they received, and from whom. Advice affects how we hold advisees responsible, and it causes us to consider what advisors are responsible for. When we give advice, we act, and are thereby drawn into the realm of moral responsibility. The quality of our advice is subject to evaluation (is it based on good evidence; does it duly account for the relevant considerations; does it assist the advisee to understand their practical position and to act well; does it express the right values; and so forth). Advice can trigger reactive attitudes and inform appraisal of our fitness as advisors, even when it is not acted upon. The advice we give, and who we choose to advise, can inform character appraisals: a person who advises others not to invest in fossil fuels whilst quietly raking in profits from them can be charged with hypocrisy; a person who advises bad actors to help them do bad things can be accused of moral turpitude even if she refrains from doing those bad things herself. The provision and use of advice reflects on both advisor and advisee. Within the advice relationship, the advisor is bound by the norms of advising, and these provide a basis for appraising their performance and their qualities as an advisor (and person). About these aspects of advisor responsibility there is, I think, little controversy.

But the main and most troublesome question about advisor responsibility concerns the advised act. And here my approach is likely to stir up debate. Practical reasoning is at the heart of our evaluations of agents and their acts. When we ask agents to account for their actions, we want to know why they acted as they did. If they acted on advice, we might look beyond the agent to the advisor and seek an explanation from them. As we see with Jeff and Jane, advisees are sometimes flummoxed about why they acted as they did and identify their advisor as the source of their reasons. If we want to understand what the act in question was designed to achieve, the advisor may be best placed to enlighten us. In this explanatory sense of accounting for an act, the advisor seems to have a crucial role. However, the urge to hold advisors responsible for an advised act may not be sated by explanation alone. If the advisor's reasoning stood behind the act, surely they should now stand to account for it and its consequences. If punishment or praise is warranted, the advisor seems to be owed a portion. There is a body of philosophical and legal thought that upholds this approach. Aquinas held that advisors could owe restitution for their part in a theft.²³ Wiland describes the relationship between (some) advisors and advisees as an *advising duo*, who act together and share responsibility for the advised act.²⁴ Anglo-American criminal law allows advisors to be prosecuted as accomplices to a criminal act. Against all this, I argue that norm-compliant advisors are responsible for their advice, but not for the agent's actions. I better explain why.

By and large, when philosophers and jurists consider the ways in which advisors might be held responsible for actions taken by others, they sweep advising up in a net of complicit acts. Some are acts of assistance: the accomplice provides weapons, stakes out the joint, or hides the loot. Others are acts of influence, and this is where advice comes in. Sanford Kadish characterizes the forms of influence susceptible to criminal liability as follows:

Influence is expressed in a . . . variety of terms, sometimes with overlapping meaning, sometimes with different connotations. *Advise*, like counsel, imports offering one's opinion in favor of some action. *Persuade* is stronger, suggesting a greater effort to prevail on a person, or counsel strongly. *Command* is even stronger, implying an order or direction, commonly by one with some authority over the other. *Encourage* suggests giving support to a course of action to which another is already inclined. *Induce* means to persuade, but may suggest influence beyond persuasion. *Procure* seems to go further, suggesting bringing something about in the sense of producing a result. *Instigate* as well as incite suggest stirring up and stimulating, spurring another to a course of action. *Provoke* is roughly equivalent to incite, with the added sense of producing a response by exploiting

²³ Aquinas, *Summa Theologiae*, 2-2, Question 62, Answer 7. See also Mellema, *Complicity and Moral Accountability*, Ch. 2; Mellema, 'Complicity and Collective Responsibility'.

²⁴ Wiland, *Guided by Voices: Moral Testimony, Advice, and Forging a 'We'*.

a person's sensitivities. *Solicit* is generally equivalent to incite in legal usage, although in common usage it suggests simply asking or proposing.²⁵

Kadish observes that whilst these forms of influence differ in 'emphasis and connotation', the criminal law generally treats them as all of a piece.²⁶ But in pragmatic terms, they are not at all of a piece. As Lance and Kukla have pointed out, the 'pragmatic texture' of a request is fundamentally different from that of a command: it implies different speaker entitlements and makes different normative demands of the hearer.²⁷ Equally, an act of advice, in which an advisor shares their beliefs about what the advisee should do, is fundamentally different from an act of inducement, or one of instigation, or provocation, or command. These acts stand in contrast to advice in terms of their direction of fit (to revive a concept introduced in Chapter 2): when we induce or instigate, provoke or command, we try to make the world fit our words. We speak in order to enact our will, through the actions of others. In the context of criminal complicity, the accomplice (the secondary actor) must, in Kadish's words, 'Act with the intention of influencing or assisting the primary actor to engage in the conduct constituting the crime.'²⁸ That is, for advice to be susceptible to a charge of criminal complicity, it must be issued with the intent of influencing the advisee to do the criminal act. But advice, on my account, has a words-to-world fit: it does not aim to draw a given act out of an advisee, but rather to identify and faithfully communicate what the advisee has reason to do. Norm-compliant advice should preserve advisee discretion to choose according to their own judgement and be issued in anticipation that the advisee will think for themselves about what to do. Whilst persuading, instigating, provoking, commanding, soliciting, and so on are ways of setting an act in motion, advising should be a way of setting thought in motion.

This is the main reason why I argue that advisors should not be conceived of as participants in the advisee's actions. Advice is not a way of getting a person to do something, it is a way of getting a person to think about something. Some may deride this distinction as too flimsy to sustain scrutiny: the thing that advice gets a person to think about is acting in a particular way. If I advise you to loot the neighbourhood electronics store while the power is out and the city is in turmoil, I have placed an idea in your head. For what purpose? Surely to get you to do it. But if that is the proper purpose of advising, why do we seek advice from others? When we seek advice, we want help to understand our practical situation, not to be put under the advisor's will. Advice, in being something we seek from others, is quite different from (most of) the other forms of influence that Kadish identifies

²⁵ Kadish, 'Complicity, Cause and Blame: A Study in the Interpretation of Doctrine', p. 343.

²⁶ Kadish, 'Complicity, Cause and Blame: A Study in the Interpretation of Doctrine', p. 343.

²⁷ Lance and Kukla, 'Leave the Gun; Take the Cannoli! The Pragmatic Topography of Second-Person Calls'.

²⁸ Kadish, 'Complicity, Cause and Blame: A Study in the Interpretation of Doctrine', p. 346.

as potentially complicit. Although we might request the encouragement of others, and in less creditable moments even seek to be provoked, in the usual run of things we do not invite others to incite us, solicit things from us, instigate our actions, and so forth. The fact that advice can be wanted by its recipient suggests that its defining character is as an act of help with a problem of reasoning and not a way through which an advisor achieves an objective of their own (even an objective directed at the advisee's best interests). When I advise you to loot the store, I put an idea in your head. But, providing I have not violated the norms of advice and veered into one of the fiercer forms of illocutionary act, I do not exert my will upon you for the purpose of having you loot the store.

None of this is to say that advisors can walk away from advice exchanges with nothing to account for. Advisors are responsible for the advice they give. A possible consequence of advice is that the recipient will follow it. Advisors should foresee that possibility. Advisors are connected to advised acts by virtue of the role their advice may have played in the advisee's practical reasoning. This connection culminates in relations of accountability between an advisor and the parties affected by their act of advising: the advisee and others. They can seek an explanation and confront the advisor with its consequences. But if the advisor adhered to the norms of advice and their advisee was free to act according to their own judgement, to extend an advisor's responsibility to the act itself would be to displace the agency of the advisee. This is precisely what the norms of advice are intended to prevent.

This way of carving up responsibility for advised acts holds advisors at arms length from advised acts. It treats advice as outside the scope of collective action.²⁹ I am not entirely alone in wishing to preserve this distance. Saba Bazargan-Forward offers advice as a counterpoint to cases in which two or more agents share responsibility for an act performed by one of them, under an arrangement he calls 'authority-based accountability'. Authority-based accountability holds when two or more agents distribute the deliberative and executive functions of agency between them. The executor confers authority upon the deliberator to decide whether he should do a given act, and the deliberator confers authority upon the executor to enact her direction. Essentially, the executor surrenders their entitlement to consider for themselves whether to perform the directed act. If the deliberator gives the executor the go-ahead, she thereby confers upon him a protected reason to perform the act in question. Bazargan-Forward illustrates what he has in mind with a case he calls *Olympic Sabotage*:

²⁹ I am inclined towards Deborah Tollefsen's preference for the term *shared responsibility* to refer to the responsibility of more than one person for an act, reserving the *collective responsibility* for attributions to a social entity rather than individuals. However, I utilize collective responsibility here as this is the more recognizable term within moral philosophy. See Tollefsen, 'Participant Reactive Attitudes and Collective Responsibility'.

Contender is vying with Victim for first place in an upcoming marathon. Contender consequently hires Goon to maim Victim in a way that will put her out of the running. Goon promises to do so and Contender accepts that promise.³⁰

From the point that they enter this agreement, whether Goon maims Victim will be decided by Contender. Contender's authority over Goon's actions makes her accountable for them, perhaps more so than Goon, as Goon's actions now function to realize Contender's practical purpose, and her wrongful motive contributes to the wrongness of Goon's act. Contender gives Goon his practical reasons. Not so for advice, as Bazargan-Forward's Drug Theft Case is designed to illustrate:

Talker has learned of an easy way to steal the entire supply of narcotics from a drug-dealer. This would effectively put the drug-dealer out of business, which would benefit Talker since [s]he also sells narcotics. Talker, though, is unable to pull off the theft herself. So she advises an acquaintance, Listener, to commit the theft. Talker emphasizes the ease with which the theft can be accomplished, the low risk that it involves, and the benefits of success. At no point does Talker request or demand that Listener commit the theft; Talker knows that any such move will likely dissuade Listener. Instead, Talker limits herself to presenting the reasons in favor of committing the theft. Based on Talker's advice, Listener comes to appreciate the practical reasons in favor of the theft, which he subsequently commits.³¹

On Bazargan-Forward's analysis, whilst Talker influences Listener through helping him to see his reasons for acting in a new way, Talker does not supply Listener protected reasons to steal the drugs, and therefore lacks authority-based accountability for Listener's act. Even if Listener follows Talker's advice on trust because he holds her in high regard, she 'Cannot be held accountable for this state of affairs, since by hypothesis she neither intended to confer a practical reason, nor had any basis for thinking that she would end up doing so.'³²

Whilst Talker's advice-giving preserves Listener's discretion to choose for himself how to act, there are things going on behind the scenes in this case that raise doubts about its illocutionary force. Talker's advice is not entirely other-regarding: she stands to gain from the downfall of a rival dealer, which Listener would bring about if he followed her advice. Talker goes beyond disinterested advice-giving: she advances a personal project by influencing Listener. What Talker does looks like advice, and it probably feels like advice to Listener. But because of the personal agenda that motivates it, this advice exchange bears a tinge

³⁰ Bazargan-Forward, 'Authority, Cooperation and Accountability', p. 4.

³¹ Bazargan-Forward, 'Authority, Cooperation and Accountability', p. 73.

³² Bazargan-Forward, 'Authority, Cooperation and Accountability', p. 74.

of solicitation. Bazargan-Forward does not address these dynamics, but he does allow that '[I]nsofar as Listener commits the theft because of the advice Talker gave, Talker might be accountable for what Listener does as an intended outcome of giving that advice.³³ If Talker intends to say what is necessary to persuade Listener to commit the theft, she offends against the norms of advice. What she does seems on the surface to be advice, but its animating purpose is not advisory.

I will summarize where we stand. Bazargan-Forward uses *Drug Theft* to demonstrate how, through advising, we might influence a person's practical reasoning without becoming accountable for their act (via the route of authority-based accountability). I agree that advice, given in compliance with the norms of advice, fits that bill. But I hold that Talker violates the norms of advice, despite appearances. Talker's advice is not (sufficiently) other-regarding. In cases like this, advice is susceptible to charges of complicity. When advice does not comply with the norms of advice, its character as an act of help with practical reasoning is compromised. And it is tempting, when we want to exert influence without appearing to do so, to adopt the signature tone and manner of advice. This is precisely what Talker does, not because she wants to ensure that Listener is not unduly influenced, but because she wants to influence him.

Here is my position: where advice is discretionary, other-regarding, sincere, addresses the agent as a practical reasoner, and is based upon the advisor's best knowledge and reasoning, the advisee is solely responsible for acting on advice, and the advisor is responsible solely for their advice. The norms of advice render advice supportive of an advisee's agency. When they are adhered to, the advisee is free to act according to their own judgement. Their act reflects their practical identity and not that of their advisor (whose practical identity is expressed in their advice). But where an advisor uses advising to advance their own agenda, that division of responsibility is compromised, and the advisor can be culpable not just for their advice, but also for their role in producing an act. In such cases, the advised act can express something of the advisor's practical identity, as well as that of the advisee. Violation of the norms of other-regardingness, discretionariness and sincerity in particular open up ways for apparent advisors to seek to fit the world to their words.

There are signals in the literature that evoke the distinction I draw between responsibility for acts performed under norm-compliant and norm-violating advice. Aquinas may have been responding to such considerations when he allowed that counselling an agent to take a third party's property would only give rise to a claim to restitution against an advisor where the counsel can rightly be seen as a cause of the theft.³⁴ Kadish says of criminal complicity:

³³ Bazargan-Forward, 'Authority, Cooperation and Accountability', p. 74.

³⁴ Aquinas identified nine grounds for seeking restitution from an accomplice: command, counsel, consent, participation, receiving, silence, not denouncing the theft, not preventing it, and flattering the thief for their pilfering. Flattery and counsel alone he held to be case-dependent grounds for restitution,

Giving disinterested advice on the pros and cons of a criminal venture is closer to the line, and there is sometimes doubt about whether it should suffice to establish liability. But in principle, if it was the purpose of the one giving the advice to influence the other to commit the crime, he is an accomplice, if that was not his purpose, he is not liable.³⁵

Others reach different conclusions. Mellema for instance, holds, without explaining why, that advisors are usually responsible for the advised act (at least with regard to wrongful actions).³⁶ Wiland's *advising duos* share responsibility for advised acts in a similar manner and for similar reasons that cooperants in a relationship of *authority-based accountability* do in Bazargan-Forward's schema. As Wiland sees it, 'Truly advising someone requires that you intend to direct them', and advisees only act on advice when they do not know what to do themselves, and act on trust in their advisor.³⁷ Thus Wiland's advisor, like Bazargan-Forward's executor, 'Supplies a necessary and critical element of the act': its direction and impetus.³⁸ For Wiland, the advisor does not violate the norms of advice by impelling his advisee; that is just what advice is there for. Wiland acknowledges that some forms of advice seem to lack the necessary push to foster a claim to complicity, but for him these are aberrations.³⁹ When an act of advising fulfils its illocutionary brief, it yields joint agency and hence collective responsibility on Wiland's account (I say more about this in Chapter 6).

It is telling that accounts of advice's implications for responsibility differ as much as they do. Because advice has been so little theorized, our conceptions of what advice is, ought to be, and what it means for responsibility are largely drawn from variable and sometimes conflicting experiences of advising, being advised, and watching others respond to advised acts. The underlying normative and illocutionary structures are partially obscured, and different meanings can be read into the visible elements. We recognize a kind of advising that is disinterested and lands softly, and another that urges and expresses the advisor's will as well as their beliefs. I hold that the latter type of advising lacks the defining illocutionary force of

whilst the other forms of cooperation ground claims in all instances. See Aquinas, *Summa Theologiae* Part 2-2 Question 62, Answer 7.

³⁵ Kadish, 'Complicity, Cause and Blame: A Study in the Interpretation of Doctrine', p. 346.

³⁶ Mellema, *Complicity and Moral Accountability*.

³⁷ Wiland, *Guided by Voices: Moral Testimony, Advice, and Forging a 'We'*, p. 155.

³⁸ Wiland, *Guided by Voices: Moral Testimony, Advice, and Forging a 'We'*, p. 156.

³⁹ Wiland writes: 'It can seem farfetched to construe someone who merely encourages another person to do something as a co-perpetrator. It probably does matter that the adviser is really giving full-blooded advice, and that the advisee is taking this advice in the same spirit. So, if someone says to you "Well, if I were you, I would V, but do what you want," this is not full-blooded advice, at least not as I am understanding it. Or, if someone says "V-ing would be a great idea, but don't take my word for it," this also is not full-blooded advice. Someone advises you only if she invites you to rely on her.' Wiland, *Guided by Voices: Moral Testimony, Advice, and Forging a 'We'*, p. 155.

advice and deviates from its norms in ways that can render an advisor complicit in the advisee's act. Norm-compliant advice does not impose the advisor's will on the advisee's act and preserves distance between what the advisor does and is responsible for (advising) and what the advisee does and is responsible for. This distance holds even when the advisee acts largely on trust in their advisor. But others who have reflected on advice's implications for moral responsibility- notably Wiland- have arrived at markedly different positions.

I should point out some further implications of my account. Firstly, an advisor's responsibility stands regardless of whether an advisee follows their advice. You might upbraid me for my immorality when I advise you to loot the electronics store. If the store owner hears tell of my advice, she could take me to task herself, even though you had not so much as looked longingly at her stock, let alone stolen it. Her resentment and loss of trust in me may be as great as if you had taken my advice, as it is my advice, and not your theft, that reveals to her how I think she could, and should, be treated.

Here my account deviates from the standard approach in criminal law, in which an advisor's liability is amplified when their advice is acted upon. If an advisee does as advised and the advised act is a crime, the advisor can be charged (alongside the advisee) with that crime. If the advisee does not act as advised, the advisor may still be criminally liable, but likely for a lesser charge.⁴⁰ Wiland endorses the standard approach (and takes it to uphold his account that advisors are responsible for more than just their advice). Insofar as advice contravenes the norms, I agree that advisors can be held accountable for an advised act. But I hesitate from discounting too heavily an advisor's (moral) responsibility for their advice simply because their advisee does not follow through (I leave commentary on the criminal law to those more qualified).⁴¹ When I advise an act that would harm the electronics storeowner, I express an attitude towards her for which I can be held accountable. Certainly, the felt need to respond to an agent's failures is more intense when those failures have culminated in harm. But as Christopher Kutz has argued in relation to joint acts, 'Responses are warranted to what we do and who we are, not because of some deep metaphysics of causal responsibility, but because of what our actions and gestures of repair indicate about the view we take of our relations with others.'⁴² Advice in and of itself provides sufficient insight into an advisor's practical identity to warrant calls for accountability and the formation of reactive attitudes.

Another implication of my account concerns the responsibility of the advisee when the advice they follow violates norms. There are ways to offend against the norms of advice so egregious that speech loses any claim to being advice. When, with menace in my eyes and a baseball bat in my fist, I say 'I advise you to loot that

⁴⁰ Kadish, 'Complicity, Cause and Blame: A Study in the Interpretation of Doctrine'.

⁴¹ See for instance Yeager, 'Helping, Doing, and the Grammar of Complicity'.

⁴² Kutz, *Complicity: Ethics and Law for a Collective Age*, p. 139.

store my friend, or you might just find yourself with a mighty sore head; I do not actually advise you, I threaten you. Advising is just a cover, or maybe a perverse way to amplify the menace (I flagrantly violate illocutionary norms, so you best believe that I will violate other norms too). It would make no sense to hold me responsible for violating the norms of advice. Instead, you should accuse me of threatening you to get you to loot the store. But not all norm-violations doom an illocutionary act's claim to being advice (if they did, it would not be possible to violate the norms of advice). We can advise insincerely, or in ways that do not address the advisor as a practical reasoner, and so forth. Take Talker for example. She does not place undue pressure upon Listener, and she supplies reasons to support Listener's deliberations. Her hidden agenda threatens the norms in a way that preserves Listener's discretion. Listener's theft of the rival dealer's stash is attributable to Listener, and he can be held responsible for it. Talker can be held responsible for her part too (and my guess is that the now drugless Drug Dealer won't be awaiting my permission to do so). Responsibility need not be a zero sum game.

I want to spend a moment reflecting further upon the case of Jane and Mandy, because it brings out complexities surrounding professional advice, and particularly advice to help an advisee in their duties of care to another. Let's assume that Mandy complied with the norms of advice. Still, the general expectation that parents will follow child health advice can compromise its discretionariness. Elsewhere, I have written about cases in which mothers have been charged and convicted for crimes relating to the SUDI deaths of their babies. In those cases, the fact that the mothers had been advised not to co-sleep with their babies and yet were co-sleeping at the time of the death (a known risk for SUDI) was taken to be instrumental in establishing their criminal culpability.⁴³ These are complex and perhaps unusual cases; in general the mechanisms by which we are held responsible for actions against advice are less formal and severe. However, child health advice is often received—and likely delivered—in a register more directive than discretionary. I have noted that the way in which we hold Jane accountable should be informed by the fact that she was acting on advice. So, what of Mandy: how should we appraise her and for what should we hold her accountable, given that her advice, whilst norm-compliant, was issued within a web of obligations that restricted Jane's discretion to act against it?

Mandy's advice to place babies on their tummy was standard at the time: midwives and child health visitors would have been trained to issue it. In some ways we can think of Mandy as the conduit by which the relevant child health agency advised Jane. If Mandy is advising as she has been told to, and Jane is acting as she was told to, perhaps responsibility for the death of Jane's baby should be referred

⁴³ Jonas and Manning, 'Setting Parental Standards Through Criminal Prosecutions: Criminality and Co-sleeping in Aotearoa New Zealand'; Jonas, 'Child Health Advice and Parental Obligation: The Case of Safe Sleep Recommendations and Sudden Unexpected Death in Infancy'.

up, to the agency that determines how to advise mothers. Cases like this have the hallmarks of Wiland's advising duos and Bazargan-Forward's cooperants in a transfer of authority-based accountability. It seems probable that in issuing advice, child health agencies are attempting to get the world to fit their words—they want parents to follow their advice. If this—and my account of responsibility for advised acts—is correct, then the agency that trained and employed Mandy to advise Jane does bear some moral responsibility for the death of Jane's child. What additional practical import this has, above and beyond their standing responsibility to account for the advice they give and face the ensuing judgements and reactive attitudes is, I confess, unclear to me.

So far, I have focused upon acts that attract blame, as is the wont of the literature on responsibility. But questions of responsibility for advised acts do not only arise in the context of blame. We also wonder about how advice will affect the attributability of praiseworthy or neutral but identity-defining acts, and their resulting character assessments. In the final part of this chapter, I will show how concerns about the attributability of advised acts can problematize giving and receiving advice. Advice can play a more positive role in our lives and agency if we maintain a delineation between the responsibility of advisor and advisee.

5.6 The purpose and norms of advice as the foundation of responsibility

I have put forward a way of factoring advice into judgements of moral responsibility that accords with advice's defining purpose and norms. But I do not pretend that this approach is universally accepted or that it informs all judgements about responsibility for advised acts. On the contrary, I do not see that we have settled norms in this department. Instead, responsibility judgements are reached through reference to a range of circulating views about responsibility for advised acts. It seems to me that one reason that advice is resented is because the recipient fears that if they act in accordance with it, their act will be (partially) attributed to their advisor rather than to themselves. I will illustrate with a case.

Consider the position of Albie who, having been offered places in several degree programmes, has just resolved to go with programme A. Then his father Bart, unaware of Albie's determination, advises him to choose that very programme. Even though Bart's advice affirms his decision, it may meet with an irritable reception from Albie. It is easy to write off such responses as instances of the inexplicable sulkiness of the young, but that would be too hasty. Resentment can be a powerful indicator of ethical reasoning, so it is worth considering what reasoning might underlie it.

What Albie may be responding to is the sense that Bart's advice undercuts the attributability of his choice. If Bart had foregone giving his two cents' worth, Albie's

choice would be seen as expressing his *own* judgement, not only about the relative merits of each programme, but also about the different life paths to which each might lead. Let's say that the choice was between social work (programme A) and finance (programme B). In choosing social work, Albie affirms a commitment to a particular social role and the values encompassed by it. But, after Bart's input, Albie's choice may be read as parroting his father's judgement. Perhaps Bart's values, rather than Albie's, are expressed in his selection. Years later, when Albie flourishes as a social worker, the success may be traced to Bart's sage guidance: 'Thank goodness that your father encouraged you into social work, he saw just how wonderful you would be at it!'

Advice, however well intentioned, can interfere with an agent's projections of self through choices and actions. Advisors sometimes exacerbate advisee fears that their choices will be hijacked by publicizing advice to claim a stake in an agent's success. Bart may let friends know how proud he is that Albie followed his advice by pursuing care of others over wealth. But even if Bart is discreet, Albie may wish for the attributional certainty of making up one's own mind, without his father's input.

Albie's fear, fictional though it is, reveals something important about the social dynamics of advice. As we are seen as responsible—and open to appraisal—for those acts that our practical reasoning leads us to do, where advisors are seen as the practical-reasoner-in-chief, responsibility may be perceived as lying—in whole or in part—with them. Of course, in cases like Albie's, advice plays little if any determinative role in an agent's reasoning, but a firm grasp of why a person acted as they did often eludes us. We respond by entertaining possibilities. Albie's choice *might* have been heavily influenced by Bart's advice, for all Bart and their circle know. Albie's denials will hardly settle matters; he may wish to project more independence than he has. We are sometimes willing to believe that advisees, like the wax images of Tudor nightmares or Frankfurt's human automatons, have been helped out of doing any reasoning at all, such that their actions are disconnected from their judgements, and cannot form the basis for attributions of responsibility, and thus, of moral appraisal. One common response to the possibility that actions are heavily influenced by advice is to see them as attributable to both advisors and advisees. Given how much weight is placed upon agency as a source of standing, and how much the regard of others shapes our opportunities and sense of self, this apportionment can be experienced as a loss. When we want to be seen as responsible agents, the social devaluing of our responsibility for acts can be a source of resentment.

The case of Albie and Bart illustrates how uncertain we are about responsibility for advised acts. Bart may see his advice as staking no claim on Albie's choice, but Albie may see it as a bid to remain in control. Both views plug into shared perceptions of agency and associated responsibility judgements. Bart could be channeling the view that I have proposed of advice as a deferential form of help designed to support agency, whilst Albie responds to the resonances of practical reasoning

for moral standing. It is important to acknowledge the social phenomenon of ambiguity about responsibility for advised acts, and its implications for the ethics and social effects of advising. We should be aware that even though we do not intend to wrest an advisee's act from them, our advice could be perceived as doing precisely this. This consideration leads some to avoid advising. It can be counterproductive to offer help with practical reasoning when doing so undermines the advisee's claim to govern their actions through practical reasoning.

I suggest that we are unclear about who is responsible for advised acts because we are unclear about advice as a moral phenomenon. I have worked up an account of advice's defining purpose that I think fits with normative expectations (see Chapter 2), but this account is not generally propounded. Whilst I believe that the norms I have outlined (Chapter 3) underwrite everyday responses to advice, their presence is as a vague outline rather than a defined presence in our judgements. So it is little wonder, if we cannot clearly say what advice is meant to achieve or how it should be given, that we are unsure who is responsible for what. Ambiguity about responsibility for advised acts is a symptom of neglect of the ethics of advising.

If we regard responsibility for advised acts from the perspective that my account affords, the view becomes clearer. Advice is help with practical reasoning. Its norms shore up the advisee's capacity to reach well-reasoned practical judgements. It is for an advisee to evaluate advice and determine how to act. The ensuing actions should reveal the advisee's practical identity, because they reflect the advisee's considered view of what there is reason for them to do. Advised acts are every bit as attributable as unadvised (or ill-advised) acts.

Albie selected his degree programme before Bart chimed in, but even if he had received and considered Bart's advice first, his agency should not be regarded as lesser for that. He can be appraised for his response to advice, but I am of Bacon's view: openness to advice does not signal inadequacy, weakness, or reliance. It signals willingness to reflect before acting, and recognition of the value of others' perspectives. Advice does not always make deciding easier; it can make the way forward less clear. Whilst we can learn about the advisee's values, goals, motivations, and habits of reasoning through learning about what advice they received and how they responded to it, the fact that they received advice, and acted on it, does not tell us anything about their agential fitness.

5.7 Conclusion

I have laid out an account of moral responsibility for advised acts that builds on my account of advice's defining purpose, illocutionary force, and norms. I have argued that advice can inform character appraisals of and reactive attitudes towards an agent without compromising the attributability of their actions. I have argued that advisors can be appraised for their advice, and responded to accordingly, without

assuming responsibility for the act in question. Where advice deviates from the norms of advice, advisors risk assuming a measure of responsibility for the advised act. And I have explored why advice might be resented for its potential to disrupt attributions of responsibility, even if such disruptions are unsupported by the account of responsibility for advised acts that I have presented.

The picture I have painted is of how things should be. But things are not always how they should be. There are ways to deploy advice that deviate from the ideals I have outlined, and which warrant resentment. When we enter an advice relationship, we trust that our partner will not deviate from the norms, but we also expect a kind of solidarity that may not be fully captured by the norms. It is time to think about the relational aspects of advice more fully. In the next chapter, I consider the advice relationship, and ways of acting badly within it, from a broader perspective.

PART 3

CONTEXTS AND ROLES

6

The Advice Relationship

6.1 Introduction

Advice is sometimes exchanged between strangers. Standing alongside you in the supermarket aisle, I seek your advice about which tomato soup I should purchase (this may bring back memories—fond or otherwise—from Chapter 3). You do not know me from Adam. You are wary: I may be attempting to draw you into an engagement that goes well beyond soup. It is hard for you to read my intentions or foresee how I might use your advice if you play along. But you may judge, where is the harm in giving me the benefit of your best judgement? If you take me at face value, and accept my invitation to advise, you place a little trust in me. And for my part, I have trusted you enough to ask. Let's say that you recommend the brand your mother always bought, because it is creamy and has a good tomato flavour. You recommend this because you believe that I am looking to buy the nicest available tomato soup, a matter about which you have views, and advising does not appear to set your interests back. I accept your recommendation because I believe that you are trying to help me select the nicest soup, and your view seems as trustworthy as any other I have access to. In this small matter, we trust each other. We trust each other's intentions and I trust your judgement. Our trust is grounded in our shared belief that we are engaging in help with practical reasoning (me as recipient, you as provider). If you thought that I was seeking advice not to improve my chances of buying good soup, but to make my companion uncomfortable, you may be reticent to advise me. If, when you turn towards me, I see from your name badge that you work for Acme Tomato Soup Company, I may reconsider how much trust to place in your advice. It is one thing to participate in an advice exchange, and another to be drawn unwittingly into an advice partner's undeclared practical project. Giving and receiving advice takes trust, even in a transitory exchange in a supermarket aisle.

In a case like this, advice *is* the connection between the advisor and advisee. We come together through advice, and then, it seems, the bond dissolves. I go my way, you go yours. Of course, sometimes advice forms the starting point of an enduring relationship. I may see you again next week, eyeing up the baked goods, and tell you that I liked the soup. Who knows what might follow? Advice can be a platform

for building further trust and closeness (which is one reason for wariness of my approach).

In other contexts, advice is exchanged between people who know each other well. One might think that existing relationships provide more favourable conditions for helpful advice, because bonds of trust are already established. And so they can. But not always. I might trust my neighbour Henry to collect my post when I am away but treat his financial advice with suspicion. Knowledge of a person can supply grounds to trust and distrust: Henry's heart is true but his beliefs about how markets work are hopelessly simplistic. Jed across the road, on the other hand, knows the markets inside and out, but perennially seeks his own advantage. I would not trust Jed's motives in advising me. Kaleem on the corner is a sincere advisor and well schooled in matters financial, but I do not wish to be in his debt, or have others regard me as such. He will give me good advice but tell everyone that I am rich because of him.

The trust required to sustain an advice relationship is rooted in the norms of advice but extends beyond them. I worry that your employment relationship with Acme Tomato Soup Company will compromise your advice's sincerity and other-regardingness. The norms of advice ground my distrust but do not explain your discomfort when you sense that my advice-seeking is not about choosing soup. The norms of advice are silent about our normative expectations of advisees. Karen Jones characterizes trust as an 'Attitude[s] of optimism about the goodwill and competence' of the trusted party.¹ I trust in Henry's goodwill: he will advise me sincerely and without regard to his own interests, but his competence is at issue. Jed, on the other hand, is competent but his goodwill is constrained by self-regard. The norms explain my qualms with respect to these candidate advisors, but not Kaleem. My hesitation with him relates to the extra-advisory value he will extract from our advice relationship. The costs of receiving Kaleem's good advice might outweigh its advantages if he never lets me forget how he helped me or enriches his reputation by publicizing my moral indebtedness to him.

When we enter an advice relationship, we trust that our partner will adopt the attitude of solidarity that we associate with acts of help. As helper and helpee, we undertake to show each other the proper respect, stand alongside each other when an advised act is scrutinized, and accept accountability for our contribution to that act. Alongside adherence to the norms of advice, parties to an advice relationship trust each other to honestly convey their intentions, honour the expectations established when advice is initiated, and, if called upon, faithfully represent their part in advised acts.

There are many ways that advising can be used—by advisors and advisees alike—to further aims other than practical reasoning. Strategies trade on advice's

¹ See Jones, 'Trust as an Affective Attitude'.

implications for how agents are held accountable, responded to, and judged for their actions. I will call advice that is sought or given primarily to deflect blame, reduce resentment, attract gratitude or praise, or cultivate a more favourable appraisal of the strategist, *strategic advice*. The strategies usually work through their effects on one's advice partner. Strategic advice can increase an advice partner's exposure to blame, resentment, or adverse character appraisals, or reduce the gratitude, praise, forgiveness, or sympathy that they would otherwise receive. When a person enters an advice exchange to engage in practical reasoning but later detects that it has been engineered by her advice partner for strategic purposes and to her disadvantage, she is likely to feel tricked or even betrayed. It may appear that risks that she accepted in engaging in advice—such as the risk of being called to account for her role in an advised act—were, for her advice partner, not necessary side effects of securing help, but its intended aims, pursued in a bid for personal protection from blame and criticism. Exposing an advice partner to risks in order to avoid them oneself is hardly in the spirit of helpfulness. The phenomenon of strategic advice can deter us from entering advice relationships, thereby reducing access to help with practical reasoning. Seeing how such strategies operate and their detrimental effects for advice partners leads us closer to a complete account of the parameters of trust within advice relationships.

In this chapter I again deploy cases to evoke the reactive attitudes that can reveal ethically questionable practice. The first two, presented in Sections 6.2 and 6.3, involve strategic advice-seeking, in which advice is used as a shield from blame. The fourth (Section 6.4) involves strategic advising, in which advice serves as a poor substitute for the practical help an advisor owes. Whilst resentment is provoked in different ways in these cases, they share a common underlying offence: advice is used by a party to an advice relationship to lessen their own accountability, either for a future (advised) act or for a relational failure they have already committed. The erring party's play for reduced accountability operates through exposing their advice partner to blame and criticism that would otherwise be directed towards them. Such attempts break with the implicit understanding of advice as a helping practice.

In Section 6.5, I pause to consider what these cases show about trust within relationships before turning towards a different threat to advice relationships: advisor over-identification with an advisee's practical project. Here (Section 6.6) I analyse a criminal case that Eric Wiland utilizes to illustrate the possibilities of achieving joint agency through advice in his book *Guided by Voices: Moral Testimony, Advice and Forging a 'We'*. I see it in a different light: for me it shows a malfunctioning advice relationship in which the advisor subsumes the advisee's practical project and thereby threatens his agency. Having explored the case, I zoom out to consider the broader picture: the relational dynamics of helping relationships, and their implications for the ethics of advising.

6.2 Hiding behind advice

So far, I have said little about how to be a good advisee, but there are ways that advisees can behave badly, provoking advisor resentment and increasing the risks of advice relationships. Consider the following case as an example.

Van, a psychologist in an overloaded community service, is facing a crisis. He was assigned a referral by a doctor concerned that a patient could be a danger to herself and others. Van understood that he should make urgent contact with her, although that is not recorded in the paperwork. He lost track of this task whilst dealing with others, and now the young woman has attacked and seriously injured a stranger in a public space. Journalists and commentators are questioning whether the service responded appropriately to the red flags surrounding this young woman. It has been taking heat lately for other incidents that are taken to indicate service failings, but which Van and his colleagues believe reflect the complexities of trying to predict and reduce risk.

The regulatory agency launches an inquiry and Van is called in to testify. Van seeks advice from Wendy, a senior former colleague who sits on the Board of Psychologists, about whether to disclose his awareness of the referral's urgency, or to emphasize instead that urgency was not formally signalled in the referral.

There are many reasons that a person in Van's situation might seek a senior colleague's advice. He might regard her as more experienced, and more distant, factors that plausibly increase the reliability of her practical judgement. He may want to know how colleagues will regard his actions. He might seek guidance about how to uphold his profession's reputation. But I am interested in another reason, one that raises a particular risk for Wendy. Van may seek advice, and resolve to follow it, to insure himself against the critical judgements and blame that might be coming his way. Let me explain what I have in mind.

Recall the case of Jane and Mandy from Chapter 5. There, Jane was exonerated from blame for placing her baby in what transpired to be an unsafe sleep position because she was acting on the advice of a credible authority, her midwife Mandy. Jane was seen as a responsible parent for following Mandy's advice, although we now understand it was bad advice. However, following it protected Jane from blame, resentment, and adverse appraisals.

Van does not know how the inquiry will play out and cannot predict what manner of testimony would best protect his interests. But he does know that acting on the advice of a senior colleague is seen as responsible. If Van does what Wendy suggests and fallout ensues, Van can point to this senior figure as his source of practical reasons, potentially dampening down criticism and blame. How might this play out? Perhaps Wendy advises Van to downplay his awareness of the urgency, because it will be blown out of proportion, and after all protocol requires that urgent referrals are flagged as such. If he follows her advice and his testimony is called into question (it emerges that the doctor's notes record a discussion about

the urgency), Van's job and reputation could be on the line. But Van can mount a defence by explaining that he followed a senior colleague's advice. His defence rests on the claim that he was entitled to defer to Wendy's judgement; he may even profess to have had personal reservations about this course of action, which he felt obliged to set aside for fear of acting against professional norms. If there was error in his judgement, it was in relying on a person who advised him wrongly. If there was error in his action, it was because Wendy advised him wrongly. Wendy is, so Van may suggest, responsible for his bad act.

Some readers might conclude that Van would be entitled to point the finger of blame at Wendy, because her advice was indeed bad. But Van can point at Wendy even when you think she gave good advice, but consequences for Van ensue. Imagine instead that Wendy advises Van to tell the truth, because it is a professional and moral duty, and the truth has a way of getting out in any case, and after all the purpose of an investigation is to identify ways of improving the system. Van follows Wendy's advice, and is rewarded with bad publicity, a disciplinary proceeding, and increased supervision. His career prospects are obliterated. How does he explain to his family why he jeopardized his position by being so open? Because he was advised to do so by Wendy.

But perhaps Wendy erred again: she should have advised Van to seek institutional protection by obtaining direction from his line manager. Allow me a further rewrite: she does precisely this, and Van's manager tells him to downplay his knowledge of the urgency and emphasize his reliance on the written referral. But when conflicting evidence surfaces, Van is the one who has been economical with the truth, and he is punished accordingly. How can he explain to future employers why he tried to withhold information from an inquiry? Well, because his line manager told him to do so, and a senior colleague advised him to do as they instructed. And there are surely other advisorial strategies open to Wendy and other possibilities for events to transpire in ways that tempt Van to protest that he was merely following credible advice and should not be blamed or judged for his action. The point of this case does not reside in the content of Wendy's advice, but in the use to which Van can put it.

An advisor in Wendy's position might be happy enough to share her thoughts with a colleague in a tight spot and to help him work through his practical reasons but feel rather less delighted to be drawn into the aftermath. In fact, Wendy may resent Van implying that he was merely doing what she told him to do, and for directing critical scrutiny towards her. Why so? If Van accurately represents Wendy's advice, she should be willing to answer for it. In Chapter 5 I argued that advisors are responsible for the advice they give and can be judged accordingly. Isn't Van simply facilitating Wendy's legitimate inclusion in our collective process of holding agents to account? What could Wendy have to resent?

The answer lies in the gap between Wendy's understanding of the use to which her advice is going to be put and the use to which Van puts it. She advises to help

Van determine how to act. She supposed that he was going to deliberate for himself, such that his reasons for acting were his own; her advice would simply help Van to understand those reasons more fully. But if Van follows her advice not because he is persuaded by it but because he believes that doing so confers protection on him, he acts against an implicit understanding of advice's purpose. Van does not treat Wendy's advice as help with practical reasoning that he uses to reach his own decision. Instead, he follows it as though it were an order, and then invites others to see him as obliged to do as he did. Wendy might justifiably regard Van as misrepresenting the terms of the exchange he sought. She thought that she was playing an auxiliary role but finds herself cast as the director of proceedings. She may have refrained from advising, or advised differently, or sought advice herself, had she known what was in store.

Contextual cues can indicate that sought advice is for 'internal use only' and lead advisors to believe that their advice will not be acted upon without further consideration. One can imagine Van contacting Wendy and asking to talk: she knows nothing of the issue at hand and thus cannot prepare, but Van expects advice on the spot. In such circumstances, advice has an off-the-cuff quality, but advisees often privilege timeliness over advice being thoroughly considered. The advisor sees themselves as contributing to an ongoing deliberative process, and so offers a preliminary judgement, thinking that further work will be done by the advisee because, after all, it is their practical problem. Temporal expectations serve as cues to advice functioning as input rather than output in a deliberational process.

Non-disclosure cues promote an advisor's sense that advice will not figure in a public exculpatory process. Van confides in Wendy about his compromised position. Even if he does not say as much, she gleans from the hushed voice, the discretion in written messages, and their shared professional norms that confidentiality applies. Wendy understands that she should not disclose Van's situation to others; it would be natural for her to assume that her advice is also 'off the record'.

Contextual cues such as these inform our understanding of the kind of second-personal call an advice-seeker is issuing, and they shape the moral terrain within which advice is given and establish expectations about fair play within the ensuing advice relationship. The impression that an advisee is entrusting one with a sensitive matter and that advice is sought confidentially encourage an advisor to enter more fully into an advisee's practical position, and may elicit franker, less guarded advice. Subsequent disclosures of that advice expose advisors to consequences that they had no reason to prepare for. The surface complaint that behaviour like Van's provokes concerns a breach of confidentiality, but beneath that lies a deeper failure of reciprocal care. A request for advice is an invitation into a helping relationship. Especially in personal advice exchanges (professional advice-seeking might differ in this respect), the inclusion of help within a relationship suggests a mutuality of concern. Even if the exchange of help is lopsided, we expect the recipient to at least avoid directing threats towards the helper. Van, as the recipient of help, establishes

and then violates expectations about the purpose and use of the help he solicited. In doing this, he not only fails to attend to Wendy's interests, he also advances his own at the expense of hers. This is the deeper, relational wrongdoing.

Van is called to account for his actions, and he responds by positioning his advisor as the responsible party. He achieves this through a sleight of hand regarding the use that Wendy's advice will be put to, but that is not a necessary feature of such strategies. Advice relationships can be leveraged to evade proper accountability even when advisors are made aware that their advice is destined for public purposes. This is a notable political strategy, as the next case illustrates, and one that attracts less concern than perhaps it should.

6.3 Engineering desired advice

Minister Roberts has the misfortune of presiding over a government review about whether to raise the age of eligibility for the state pension. Whatever the outcome, there will be an uproar. If the current age is retained, younger generations will decry having to foot the bill for the comfortable extended retirements of baby-boomers. If the age of eligibility is increased, those approaching retirement will protest: they have been working towards retirement for their entire working lives and it is unfair to move the goalposts now. Naturally, the government wishes to minimize the criticism it faces. It hits upon the strategy of appointing an expert advisory panel to review its options and advise accordingly. But the government has a preferred outcome. It wishes to raise the age of eligibility to reflect extended life expectancies and the moral claims of the young. So, Minister Roberts carefully selects and briefs panellists and writes the terms of reference to deliver the advice his government wishes to receive.

In Western democracies, some (but not all) advice provided to government and public agencies is discoverable. It can be sought by journalists or interested citizens through local equivalents of Freedom of Information Act requests and may be pre-emptively publicly released. Democratic ideals provide a rationale for releasing advice: the populace is entitled to know how and why its government reaches decisions and to hold it to account. But releasing advice can be politically detrimental for office holders; critics can use it to cast doubt on government policies and management (a theme I explore further in Chapter 8). Aware of these risks, office holders may avoid receiving advice and advisors may self-censor. The need to protect access to full and frank advice is often grounds for nondisclosure in freedom of information regimes. But in this case, if Minister Roberts' expert advisory panel delivers the advice he anticipates, disclosure would suit him and his colleagues well. They can say that they were advised to raise the age of eligibility, and who are they to think they know better than an expert panel? The beauty of an expert panel, they may claim, is that it depoliticizes the decision-making process.

The panel is not subject to the corrupting pressures that hamper long-term political planning. A responsible government would follow such a panel's advice. And they are a responsible government.

When politicians identify expert advice as the foundation of their policy, they seek to reduce their exposure to criticism and blame. In effect, they do exactly what Van attempted: they claim to be the responsible executors of an advisor's authoritative prescriptions. Whilst I suggested that Van was acting outside the norms of an advice relationship when he cited Wendy's advice as a defence, matters look a little different when the advisee is in public office. For one, all the trappings of the appointment process and the management of a panel (formal letters of appointment, agendas, and meeting minutes, for instance) bespeak public accountability. The advisors know what they are in for. And advice from official bodies often forms a basis for political accountability. Calls for politicians to justify their actions can be more pointed when it is known that they deviate from received advice. Public commentary might even suggest that office holders are obliged to follow advice, and this (to my mind misguided) line of reasoning, so often a constraint on political manoeuvring, can be repurposed to get politicians out of the kind of tight spot in which Roberts and his colleagues find themselves.²

The claim that politicians must follow received advice, implicit in much critical commentary, provides a convenient anchor for Minister Roberts' transference of responsibility to his appointed panel. But Roberts has not really ceded control of the outcome to the panel in a way that would be consonant with a loss of responsibility. He has controlled it indirectly through setting loaded terms and appointing panellists friendly to his government's predetermined agenda. The panellists may accept being used for political purposes if it advances a cause that they share. But, even so, his use of his advisors to avoid being held responsible for his own political acts falls short of our ideals for advice relationships.

When we think of advice working as intended, we picture an advisee soliciting advice to better see what they should do. The advisor considers the matter and endeavours to cast light upon it. The advisee emerges more able to account for their action because they are more certain of their practical reasons. Our ideal does not leave advisees shrugging their shoulders and referring inquiries to their advisor. Roberts' departure from that ideal is by design. Undoubtedly this panel will provide practical reasons that Roberts and his peers are fully capable of appreciating. But rather than use the panel's advice to gain clarity and account for their

² See for instance, this selection of news articles relating to government responses to Covid-19: Iacobucci, 'Covid-19: Government Ignores Scientists' Advice to Tighten Restrictions to Combat Omicron'; <https://www.businesslive.co.za/bd/national/health/2022-03-25-evidence-piles-up-that-covid-advice-was-ignored/>; <https://www.stuff.co.nz/pou-tiaki/300474454/government-ignored-bloomfields-age-band-advice-for-mori-vaccinations>.

choice more effectively, Roberts and his government claim not to be choosing at all. Panellists would be entitled to feel that they have been appointed not as advisors, but as accountability-stooges.

We might apply the norm of sincerity to advisees as well as advisors. Soliciting advisees can reasonably be expected to want to know how their advisor thinks about their practical problem and to use their advice to support their practical reasoning. It is also reasonable to expect that they seek advice (primarily) *because* they want to know these things. Minister Roberts' government does not seek advice for these reasons. Roberts pretends to be doing one thing (seeking help with practical reasoning), whilst actually doing another (constructing a defence against anticipated criticism and blame). He draws his advisors into a faux-deliberational process. They agreed to help the government assess its options and to be held accountable for their advice and are justified in responding with resentment when they realize that their help has been sought under false pretences.

Minister Roberts' panel members might also resent being placed in an ethically compromising position through his insincere solicitation of advice. When advisors are aware that they have been appointed to deliver a given recommendation, they must grapple with the relational costs of going against the implicit advisory script if their deliberations dictate that. The purpose of advice, and the terms of the advice relationship, are tested when emphasis is placed on securing a specific outcome. If advisors determine that a course not favoured by their advisee is best, advising sincerely risks compromising the advisee's interests. Then the advisee must choose between pursuing their preferred path and being seen to have acted responsibly in following advice. The advisor, wishing to protect her advisee from adverse judgments, could do so only by compromising her advice's sincerity and groundedness in her best knowledge and reasoning. Whatever the advisor does, she appears to have failed her advisee, because what the advisee wants is her public validation, not her advice.

Whilst this chapter concerns poor conduct within advice relationships and what it shows about our normative expectations, we cannot fully understand that conduct without acknowledging its social determinants. Roberts' strategy is available because we sometimes cast advisees as obliged to act on advice. This is problematic: it disincentivises governments from seeking advice from a range of sources and establishing advisory processes that are not geared in favour of their political interests. If we want advice to function as a deliberative aid, and to remove the temptation for leaders to hide their political actions behind advice, we must reinforce both the norms of advice and the application of responsibility for advised acts through our calls for accountability.

So far, we have considered cases in which advice is sought strategically and in ways that violate implicit understandings of the advice relationship. Trust requires

both parties to engage in advising as help with practical reasoning, not to circumvent blame or criticism. It also requires each party to take reasonable measures to protect their advice partner from unfair judgements and reactive attitudes. Just as advice can be sought strategically, so it can be given strategically. One common manoeuvre involves advising to foster the outward appearance of having been helpful. But advice is not always the kind of help that an advisee needs, or is owed, as we see in the following case.

6.4 Advising to avoid taking responsibility and being held responsible

Stephanie is supervising Terence, a postgraduate student whose thesis is due in two weeks. Terence is a shy man studying away from home. Stephanie has been attending to more assertive students and has only met with Terence a handful of times. She has just read his full draft, which is of nowhere near the expected quality. As she read, it dawned on Stephanie that she had made false assumptions about Terence's grasp of the fundamentals of their discipline. If she had required Terence to submit work regularly, as is her usual practice and the institution's expectation, she would have diagnosed and addressed the problems earlier, but she was overworked, and it had been a relief that Terence had asked so little of her. Visa problems prevented Terence from attending induction sessions, and Stephanie suspects that he is unaware of the institution's expectation of supervisors. She shares her concerns about Terence's work with him and recommends he apply for an extension, but Terence discloses that he is struggling financially, and cannot afford the additional fees or living expenses that would entail. Stephanie recognizes that Terence is in no position to take extra time but advises him 'To find the money from somewhere and apply for more time. Otherwise, you are unlikely to graduate.' And with that, Stephanie ushers Terence away.

Advising is the foundational helping practice within the student-supervisor relationship. Supervisors guide their students and offer them ideas and suggestions, and it is for the student to determine what advice to incorporate, and how. Supervisors are not charged with ensuring success: the student is in the driving seat. These observations lend the impression that, in advising Terence and leaving it to him to apply her advice, Stephanie has fulfilled her obligations to him. She has engaged in the foundational helping practice of her role.

Stephanie's advice appears to be sincere, in that she believes that the best thing for Terence would be for him to continue work on his thesis to bring it up to a passable standard. But this is where Stephanie's advice slides onto shakier ground. Although Stephanie advises Terence to do what she thinks he should do, she knows that this is something that he cannot do. Her advice does not help Terence to

determine how to act given his financial constraints, and Stephanie understands this. She does not enter sincerely into his practical problem nor engage her best knowledge and reasoning.

But if she knows that he cannot follow this advice, why does Stephanie give it? Here is one reason: because she wants her views about Terence's submission to be on record. But why? So that she can demonstrate that she took appropriate steps to fend off the prospect of Terence failing. This reason to advise Terence is grounded in self-concern. Stephanie's fulfilment of the norm of other-regardingness is in doubt. But there is a further relational failure that the norms of advice do not capture, one grounded in her choice to respond to Terence's plight (only) by advising him. Given their relationship and her (shared) responsibility for him being caught in this position, she owed Terence more than advice.

Although supervision is an auxiliary role, supervisors need to provide students enough of the right kinds of guidance, at the right times. Stephanie, by her own (private) admission, failed to do this. If she had fulfilled her obligations to Terence throughout their relationship, her advice may have been fitting, but given her measure of responsibility (shared with the academic institution and Terence himself) for Terence's predicament, a more practical form of help was called for. Stephanie might have sought fees relief, financial grants, funding for a proof-reader, and provided practical support to assist her student. In making the case for additional resources, Stephanie would likely have had to expose her own failures. In offering nothing more than advice that Terence cannot follow, Stephanie shirks her accountability and distances herself from his predicament. If he submits against her advice and fails, she can shrug her shoulders and claim that she advised him against submission, but he elected to do otherwise. Stephanie can pretend, to herself and others, that she has served her student well enough.

This case shows how advice can be used to distance an advisor from an impending disaster in which they are implicated. Acts of strategic advising designed to absolve an advisor of blame characteristically take place against a relational backdrop in which expectations of support exist. Appreciating the moral and relational failure such advising represents requires an understanding of those expectations and their second-personal roots. The advisee has a problem that falls within the ambit of their support expectations of the advisor. They anticipate practical help but instead receive advice that both parties realize cannot be acted upon. The advisee senses the self-protective intent of the advice: the advisor knows that it cannot help the advisee, but it may preserve the appearance of having done right by them. When advisors help themselves to good publicity through giving useless advice, advisee resentment, and a sense of abandonment, can ensue. Such resentment reflects a perceived failure to respond adequately to the advisee's needs and to act upon normative expectations within their relationship. The provision of advice demonstrates that the advisor recognizes what is at stake for the advisee, but the

inadequacy of the response suggests the absence of an associated attitude of care. The advice is not other-regarding, as it is primarily intended to benefit the advisor, through staving off blame. The advisor may sense the advisee's awareness of their motives, but the fact that the advisee is not fooled does not rob the strategy of its utility, as it is designed primarily for another audience. It is the scrutinizing public, reviewing the sorry situation and apportioning blame, who may fall for this. When this strategy works, it allows advisors to avoid blame for failing to offer meaningful assistance to a person who had a claim upon them. It is a way of evading being (held) responsible.

The corrosive effects of this brand of strategic advising go beyond jeopardizing trust within the advice relationship: the advisee can find themselves in a worse position for having been advised. This is because advice changes the advisee's deliberational landscape in ways that others regard as relevant when assessing and responding to an agent and their act. Pleas of ignorance, which can shield an agent from unfavourable character assessments and certain findings of culpability, can be put out of reach by advice. Suppose that Terence, unable to see any other way forward, revises his thesis to his best ability and submits it. As Stephanie predicted, it fails. Terence's family express their disappointment. They try to understand what has gone on. The academic department reviews proceedings. Terence is interrogated: did he know that his thesis was unlikely to pass? He did. His submission of this sub-par work was a knowing act. What had his supervisor said? Don't submit. Not only did he know, he acted against the advice of his supervisor. There is an apparent recklessness, or unresponsiveness to reason, in his act. It is hard to feel sorry for someone who knew that what they were doing was ill-advised and pressed on regardless. Attitudes towards him harden. Terence's family may resent him for having been careless with their gifts of financial and moral support. The institution may be less willing to facilitate a further submission or the award of a lesser degree. Terence loses access to a way of explaining his action that makes it more comprehensible and less blameworthy.

Of course, the reasons that made advice practically inaccessible still hold and can provide Terence with a way of explaining his action to others. Yes, he knew that his thesis was not up to scratch, but he had no choice but to submit. This may persuade some to regard Terence as a man doing his best in an unfortunate situation. But others may take their epistemic cue from Stephanie. Here is a person who knew Terence and his situation and had a duty to support his success. She advocated an extension. If she knows his situation and is motivated to help him, applying the principle 'ought implies can', she may also know that he *could* do those things. If Terence, realizing that Stephanie should have helped him more, points this out in his defence, it sounds like the buck-passing of a man who gambled and lost. Stephanie's advice sows a seed of doubt about Terence's testimony, making it harder for him to explain his actions in ways that uphold his standing.

6.5 Summary: What do the cases show?

We can learn a lot about the ethics of advice from considering cases in which advice is entered into for reasons other than help with practical decision-making. They show the centrality of norms to trustworthy conduct within advice relationships, but also reveal a wider array of ways in which advisors and advisees can break faith with the bonds that sustain helping relationships. Responsibility looms large in these cases of strategic advising. When we knowingly expose an advice partner to judgement, praise, and blame to protect ourselves, we break trust. When we enter helping relationships, we implicitly undertake to act in solidarity with our partner in the matter at hand. The Latin root of the term solidarity, *obligatio in solidum*, referred to the legal liability of each member of a group of debtors to pay a common debt.³ In recent times, it has come to have what Arto Laitinen and Anne Birgitta Pessi characterize as a ‘Broader meaning of emotionally and normatively motivated readiness for mutual support.’⁴ One way of understanding what is resentable in Van, Minister Roberts, and Stephanie’s acts is that they initiate a relationship that expresses solidarity through seeking or giving advice, but instead of accepting their share of moral liability for the situation that advice relates to, they seek to exonerate themselves by presenting their partner as more liable than they are. The wrongdoing at issue may involve violations of the norms of advice and extend beyond them, touching upon what it means to come together to help and be helped.

Strategic advice corrodes trust within an advice relationship and its prospect may deter some from engaging in them. But strategic advice, and the failures of solidarity it represents, are not the only threat to advice relationships. Another occurs when an advisor over-identifies with an advisee and their personal project, pursuing it with a ferocity that shakes advice off its illocutionary axis. This is one way of diagnosing what went wrong in a distressing case that Wiland has written about in his exploration of advice as a locus for joint agency. I turn to that case, and Wiland’s reading of it, now.

6.6 Over-identifying advice

The cases I have surveyed so far involve people trying to evade accountability for their actions through an advice relationship. I have cast the operative strategies as failures of solidarity that betray implicit trust grounded in our normative understandings of what it means to help and be helped. But pathologies in advice relationships also arise when the advisor is too committed to bringing about the end that they think best for the advisee. Here my sense of the norms of advice and what

³ Bayertz, ‘Four Uses of “Solidarity”’.

⁴ Laitinen and Pessi, ‘Solidarity: Theory and Practice. An Introduction,’ p. 1.

they imply differs from that of the leading philosopher of advice, Eric Wiland. The differences in our understandings of advice as an illocutionary and ethical act are displayed in our contrasting interpretations of a criminal case from the United States, in which a young woman named Michelle Carter was found guilty of involuntary manslaughter for her role in the suicide of her boyfriend Conrad Roy.

Carter and Roy met in 2011. Although they did not spend much time together in person as they lived in different towns, they were in frequent text and phone contact and confided in each other about their respective mental health troubles. By 2014, the year that Roy died, he was 18 and Carter 17 years old. During the years leading up to his death, Roy had attempted suicide several times but had pulled out of those attempts.⁵ When Roy disclosed his suicidality to Carter, she initially encouraged him to seek treatment, but Roy was unwilling. By July 2014 Carter was repeatedly encouraging Roy to take his life. She helped him plan his suicide, reassured him that his family would cope, and spurred him on when he expressed reluctance, doubt, or unreadiness. When Roy undertook to gas himself in his truck as they had planned, he rang her mid-act to say that he was scared and Carter: 'Commanded him to get back in.'⁶ The Massachusetts Courts characterized Carter's actions as follows:

The defendant encouraged the victim to kill himself, instructed him as to when and how he should kill himself, assuaged his concerns over killing himself, and chastised him when he delayed doing so. The theme of those text messages can be summed up in the phrase used by the defendant four times between July 11 and July 12, 2014 (the day on which the victim committed suicide): 'You just [have] to do it.'

Carter's interactions with Roy are not described as advice in the court judgements, but Wiland views them as such. He depicts Roy and Carter as what he calls an *advising duo*: a pair in which the advisee acts upon the other's advice. Moreover, they are a special kind of advising duo, one which achieves joint agency. Joint agency occurs when the collaboration between advisor and advisee is so tight that the resulting advised act can be ascribed to both. The advisee does the advised act because the advisor advised it, acting on trust in the advisor and their advice. Wiland holds that when advising duos achieve joint agency, responsibility for the advised act is shared between them.⁷ For Wiland, Carter's prosecution illustrates how what I would call an advice relationship, and he calls an advising duo, can culminate in joint agency and shared responsibility, by which Wiland means that the advised act can be attributed to both members of the advising duo, not just that they are each

⁵ *Commonwealth v Carter*, Mass. 352 (2019) 115 N.E.3d 559.

⁶ *Commonwealth v Carter*, 474 Mass. 642 (2016) 52 N.E.3d 1054.

⁷ Wiland, *Guided by Voices: Moral Testimony, Advice, and Forging a 'We'*, Ch. 7.

accountable for their separate acts. Carter did not simply advise Roy to take his life, she took his life with him. Passages from court judgements, and the verdict, affirm Wiland's reading that Carter's actions were a cause of Roy's death:

The defendant argues that, even if she was wanton or reckless, her words (spoken when she was miles away from the victim) could not be the cause of the victim's death. Instead, it was his decision to get back in the truck that resulted in his suicide. We are not convinced. Because there was evidence that the defendant's actions overbore the victim's willpower, there was probable cause to believe that the victim's return to the truck after the defendant told him to do so was not an 'independent and intervening act' that, as a matter of law, would preclude his action being imputable to her.⁸

For Wiland, advising that exerts a directive force upon an advisee sufficient to result in joint agency is the defining output of a 'full-blooded' advice relationship. He writes:

Truly advising someone requires that you intend to direct them. . . . advising someone (as I'm understanding it) involves more than merely discussing the hearer's practical situation, rehearsing arguments for and against various options, and aiming to persuade the hearer to see for himself that a specific practical option is the one to opt for. These various activities are often precursors to the need for advice. They are the materials of joint deliberation. But, as with testimony, advice comes in when persuasion falls short. People who are open to trusting advice are those who remain unpersuaded by the reasons and the arguments to which they have been exposed, and [are] still at a loss.⁹

Of course, Wiland does not endorse Carter's actions or suggest that hers was good advice, but they are acts of advice on his account. Carter's insistent direction of Roy, does not, for Wiland, knock her speech out of an advising register. And Wiland is not the only philosopher for whom such illocutions are standard, and acceptable, advisory fare. In her book *Goodness and Advice*, Judith Jarvis Thomson has her advisors express their advice in precisely the bossy directive terms with which the Massachusetts Courts characterize Carter's speech to Roy. In her reply to J. B. Schneewind, Thomson writes:

Let us return to the locution 'you have to,' indeed, to 'you have to, like it or not.' We say this in a great many kinds of situations. If you are ill, and drinking a certain nasty-tasting medicine will cure you, I say you ought to drink it. You reply

⁸ *Commonwealth v Carter*, 474 Mass. 642 (2016) 52 N.E.3d 1054, 635.

⁹ Wiland, *Guided by Voices: Moral Testimony, Advice, and Forging a 'We'*, p. 155.

'Oh, I don't want to!' I say 'You have to, like it or not.' . . . If we are playing chess, I may say you ought to move your bishop. You reply 'I don't want to, because it protects my rook.' I say 'You have to, like it or not, because if you don't it's mate in two.' I am inclined to think that saying 'You have to, like it or not' is like shouting 'You ought to.' We do not say those words only where moral considerations are in play, we say them also where moral considerations are not in in play and it would be best for the person to do the thing. On the other hand, we say them only where it matters greatly whether the person does it.¹⁰

This mode of advising, seen by Wiland and Thomson as typical and even ideal, stretches the illocutionary requirements of advice, for reasons that are strikingly clear in the Carter and Roy case. I do not know why Carter acted as she did, nor why Roy got back in his truck and proceeded to take his life. But let's suppose that Carter had an attitude of care towards Roy and merely wanted to help him with practical reasoning. Many of her statements in the texts presented in court hearings seem like advice. Perhaps, in her insistence, Carter was merely trying to impress upon Roy that it mattered greatly that he went through with the action that she thought was best for him. Even granting all of this, I do not share Wiland's view that Carter's interactions with Roy in the leadup to his death are rightly characterized as instances of advising. I think that she stepped well beyond helping with practical reasoning into the realms of the 'fiercer' forms of influence, to borrow Searle's apt term.¹¹ Speech slips out of an advisory register when it becomes as insistent, harrying, and rebuking as Carter's did.

Let me illustrate what I mean with an extract from a text exchange between Carter and Roy in the early hours of the morning of the day that Roy died:

DEFENDANT: 'So I guess you aren't gonna do it then, all that for nothing' [referring to the arrangements to procure a portable generator for Roy to gas himself with].

DEFENDANT: 'I'm just confused like you were so ready and determined.'

VICTIM: 'I am gonna eventually.'

VICTIM: 'I really don't know what I am waiting for. . . but I have everything lined up.'

DEFENDANT: 'No, you're not, Conrad. Last night was it. You keep pushing it off and you say you'll do it but u never do. Its always gonna be like that if you don't take action.'

DEFENDANT: 'You're making it harder on yourself by pushing it off, you just have to do it.'

DEFENDANT: 'Do u wanna do it now?'

VICTIM: 'Is it too late?'

¹⁰ Thomson, *Goodness and Advice*, p. 169.

¹¹ Searle, 'A Classification of Illocutionary Acts', p. 11.

VICTIM: 'Idkk its already light outside.'

VICTIM: 'I'm gonna go back to sleep, love you I'll text you tomorrow.'

DEFENDANT: 'No? Its probably the best time now because everyone's sleeping. Just go somewhere in your truck. And no ones really out now because its an awkward time.'

DEFENDANT: 'If you don't do it now you're never gonna do it'

DEFENDANT: 'And you can say you'll do it tomorrow but you probably won't.'¹²

Here Carter engages in practical reasoning with Roy. She is telling him what she thinks he should do. But she also expresses exasperation and maybe disappointment with him ('You keep pushing it off and you say you'll do it but u never do') and she does not let the matter rest when Roy tries to close the conversation. The way that Carter presents reasons indicates that she is making a claim upon Roy's will, in the manner of a second-person call, not advice. It appears that Carter did not merely think that Roy should take his life; she wanted him to take his life. Wiland makes the same observation:

Ending Roy's life was one of Carter's ends, as the background facts of the case make fairly clear. When she advises him to kill himself, she aims for an outcome that she intends. Carter apparently wanted him dead too, and she saw that she could get what she wanted by advising him to get back in the truck that was filling up with noxious fumes.¹³

Recall from Chapter 2 my plotting of advice against Searle's dimensions of illocutionary force. Carter's illocutions violate several markers of illocutionary force as I laid them out. Being so invested in Roy acting as (one supposes) she thought best, Carter's speech bespeaks a desire that the world conform to her words (by Roy doing as she tells him to do), so it has a non-advisory direction of fit (I argued that advice should have a words-to-world fit). The desire it expresses is directed at the act she urges upon Roy, rather than his general well-being (I argued that advice should express the psychological state of belief about what would be best for an advisee to do, against a background of desire that things go well for the advisee). And the force of her illocutions is so strong as to be overbearing (the court judgement, quoted above, cites evidence that Carter overbore Roy's will. On my account, advice must preserve the advisee's sense that he is being helped with his own practical deliberations).

Recall that the dimensions of illocutionary force enable advice to function as help with practical reasoning. But Carter's commitment to Roy seeing through the plan they had devised had, it seems, assumed an urgency of its own. She was

¹² *Commonwealth v Carter*, 474 Mass. 642 (2016) 52 N.E.3d 1054.

¹³ Wiland, *Guided by Voices: Moral Testimony, Advice, and Forging a 'We'*, p. 159.

campaigning, urging, provoking, perhaps even forcing. I suggest that Roy would have been well aware that each time he did not go through with their plan he was letting Carter down and would face repercussions. It had come to matter so much to Carter that he did this act that she was no longer able to advise him, because she could not be other-regarding, and could not offer Roy discretion to choose his own path. She had moved away from advising; she was now trying to make Roy take his life.

I can accept, based upon the material included in the court judgements, that Carter was a joint agent in Roy's death. On this, Wiland and I agree. I do not accept that Carter was advising Roy. She may have believed that they were in an advice relationship. Roy may have believed this too. But the force of her speech was not consistent with advice, even though it bears some of its surface features. Carter and Roy's interactions show how an advice relationship can be damaged when an advisor over-identifies with an advisee's practical project and pursues it regardless of what the advisee wants. The advisor's personal investment leads them to dial up the force of their speech to the point at which advisee discretion is compromised.

Advisors can become joint agents by throwing themselves into the production of their advisee's act, but when they do, the tie between them ceases to be one of advice. This is not to say that all occasions in which advice relationships morph into a fuller kind of collaboration are ethically problematic: parties to what began as an advice relationship may agree to work together in a different way. My point is that for a relationship to remain one of advice (with respect to the matter at hand), the advisor must not be an agent of the advised act. In the next sections, I develop this point by situating advice as an act of help, as distinct from an act of partnership or joint agency.

6.7 Revisiting help

This chapter has dwelt upon the seedier side of advice, but in attending to the opportunities for deviance within the advice relationship it is important not to lose sight of its value. Alongside its deliberational uses, we forge and deepen connections with others through advice. Our sense that we can achieve solidarity through advice is reflected in the ways that advisees and advisors acknowledge their respective contributions to an advised act. Advisees often redirect praise to the advisor who encouraged them to perform a good act; advisors often claim a share of recriminations for an unsuccessful advised act. Closeness within an advice relationship can be expressed through steadfast role adherence. To see how, it is useful to revisit the genus of acts of which advice is a species: help.

When we help someone, we lend our efforts to their cause. Help can be critical to realizing that cause, particularly when the helper has skills or expertise that the helpee lacks. Sometimes helpers simply follow instructions: my bedridden aunt

wants to clear out her old things and tells me how to sort them and which charity stores to donate them to, and I act accordingly. At other times, helpers are instrumental in formulating and executing the plan to serve the helpee's aim or fulfil a responsibility: my friend is paralysed by grief and shock at her partner's death; I make the arrangements for the funeral, inform friends and family, and arrange burial. Without help, my aunt's possessions would go undisposed, and my friend would have struggled to arrange a funeral. My actions have been instrumental to the accomplishment of those aims, and I worked towards them intentionally. I endorsed the aims I served: I wanted my aunt to see her treasured possessions disposed of according to her wishes; I wanted my friend to be able to say goodbye to her partner and bathe in the care of others. I also, let us suppose, wanted to be the person who was helping achieve them. But I can only succeed in the aim of helping if I see myself as acting on my helpee's behalf. To help, one must acknowledge the primacy of the helpee, even when one is doing a lot of, perhaps even all, of the work. It is the helpee's intentions, wishes, and decisions that set the field in which help operates.

We can see the essential auxiliary qualities of helping by contrasting acts of help with acts of partnership. When my husband and I clear out our old things, the activities I perform might be much the same as when I help my aunt. But he and I are choosing together what stays and what goes, and to whom. He does not owe me thanks when the task is complete, because the task was my own as well as his. If our dog dies and he is overcome with grief, I may set about arranging a burial and break the news to the local dog-walking gang so that he does not have to. But even though he may thank me for relieving him of a share of the work, and I have been a supportive partner through this episode, I have not really helped him, because this was my dog too, and my responsibility. I had reasons to make provisions after our dog's death independently of my husband's reasons. Both our decluttering and our pet ownership were joint projects, such that acts undertaken towards their associated ends were taken on our own, shared account. Which is not to say that it is not possible to provide help within a relationship characterized by joint agency: tasks can be allocated rigidly within partnerships such that it is clear that one party undertaking them counts as helping the other, and of course parties can have independent aims with which help can be provided. But when such help is provided, the other party's ownership of that aim or responsibility remains intact.

When our reason for doing a task derives from a wish to assist another person to achieve their aims or fulfil their responsibilities, we enter the realm of help. If we adopt that aim or responsibility as our own, independent of its connection with the other person, we risk slipping out of the mode of help into a mode of partnership, paternalism, or even competition. Uninvited slippage can threaten the helpee's sense of independence and closeness with the helper. Think, for instance, of a father who, when asked to proof-read his daughter's essay, conducts a wholesale re-write. The helper's pursuit of their newly adopted project subsumes the helpee's

intentions and efforts. Helpees do not always object to ceding control and entering a different kind of relation with respect to the task at hand. But helper overreach can induce resentment. The helpee is aware that they are expected to show gratitude because the offer began as one of help, but along the way the helper's conduct became untethered from her aims and oversight. The helper may inadvertently set back his helpee's interests: now the daughter may feel compelled to begin her essay anew or submit work that is not her own. Having to express gratitude for this usurpation can be galling. If she responds thus, she will be less likely to seek her father's help in the future; she knows that in the thrill of his own scholarship, he might destroy hers. Taking too great a stake in a person's aims and responsibilities can compromise rather than consolidate relational closeness and trust.

6.8 Trustworthiness in the advice relationship

Being a trustworthy advisor requires more than giving reliable advice. It calls upon one to maintain the right amount and kind of investment in the advisee's practical project: to care enough to think carefully about how they should proceed and to communicate that in a way that makes advice optimally available, without pushing them out of the driver's seat in one's enthusiasm to steer them in the right direction. An advisee needs to trust that their agency will not be threatened by entering an advice relationship. I have argued that, for this reason, amongst others, a role-delineated approach to attributions of responsibility is preferable to a model that allows for joint agency. Trustworthy advisors do not threaten the relation of attributability and accountability that should hold between an advisee and their act, and they express respect for their advisee not only in conversation with them, but through their interactions with others.

An advisor should be discreet in what they disclose about an advisee's situation to others, and in the judgements that they express about them. In particular, they should refrain from pointing out their advisee's deliberational shortcomings. If the advisee chooses to act against advice, they should not criticize them publicly. If their advice is followed and criticism ensues, they should acknowledge their contribution. These are ways in which advisors perform their respect for their advisee as a practical reasoner.

Advisors also place trust in their advisee. Along with trusting an advisee's motives and intentions in seeking advice, advisors trust that an advisee will represent them and their contribution fairly and demonstrate a generosity of perspective when discussing advice with others. If advice acted upon goes badly, a trustworthy advisee strives to maintain appreciation of the sincerity of their advisor's efforts to help. A trustworthy advisor expresses regret, seeks forgiveness for their contributory failings, and, if the relationship and situation permits, offers help to correct

things. The trustworthy advisee tries to forgive them. In these ways, closeness between an advisor and advisee is enacted and consolidated.

6.9 Conclusion

Advice's potential to deepen relational closeness arises not only from its character as an act of help, but also from the way that it shapes how advisor and advisee respond to each other's acts and present each other to the outside world. In this chapter I have explored advice relationships through investigating ways that they can go awry. In the next chapters I look more closely at particular challenges arising when advice is given within personal (Chapter 7) and professional (Chapter 8) relationships.

7

Personal Advice

7.1 Introduction

We have ethical expectations of how people will conduct themselves when they advise. As these expectations are grounded in our understanding of advice's purpose and the protections required to realize it, they apply to all advisors, whatever their position or reasons for advising. When we regard advice as a unified practice, we can see commonalities in how we respond to advice across a range of contexts and perceive the concerns with standing, agency, and responsibility that underwrite them. But it would not do to stop there. Whilst advising is underwritten by a shared set of norms, how we interpret their demands is informed by context. All advisors are bound to address their advisee as a practical reasoner, but the forms of address that satisfy that norm are determined in part by facts about the relationship between the advisor and advisee. What counts as preserving sufficient advisee discretion might depend upon the advisor's broader role in relation to the advisee. We read the demands of norms through the relational context in which advice is offered.

The final two chapters of this book investigate the role of relational context in determining what it means to give good advice. In this chapter I consider personal advice, by which I mean advice that is not given in the context of a professional exchange. I begin with a few words of explanation about my use of the concepts of roles, role obligations, and permissions across these chapters. Then I consider advice exchanged between strangers. I explain how advice can develop relational ties and point to several ways in which strangers can be better placed to deliver normatively apt advice than friends and family. I explore face-preserving advice techniques that uphold an advisee's standing by attending to what sociologist Erving Goffman called 'facework'.¹ The next stop is advice between friends and family. We generally think that closer relationships yield more extensive permissions, and obligations, to advise, but the losses sustained when advice is resented are also greater when the relationship is close. A case provides a basis for assessing when unwelcome advice should be given despite predicted resentment and likely futility. The chapter culminates in a summary of principles about when advice should be given or withheld in personal contexts, elicited through case analysis. In Chapter 8 the

¹ Goffman, 'On Face-Work: An Analysis of Ritual Elements in Social Interaction', p. 213.

focus shifts to ethical and relational challenges for advisors in a range of professional contexts.

7.2 Roles and role obligations

When we give advice, we give it through a role within a relationship. We advise as a teacher, a cousin, a fellow shopper, a priest. As role occupants, we are subject to obligations, permissions, and prohibitions that govern conduct within that role and condition how the norms of advice apply. The normative contours of the role that we inhabit shape how open our relational partner is to being advised by us and the probable helpfulness of any advice we offer. Permissions to advise (about certain topics) are embedded in certain roles and allow an occupant to advise without provoking resentment. Relational expectations are overlaid and modified by personal history between relational partners, along with the advisee's beliefs about the advisor. I might be open to advice about managing my relationship with alcohol from Gary, a nurse at my doctor's surgery, because he has always been supportive and kind, but not from the other nurse Hannah, who radiates disapproval. My understanding of the permissions and obligations of a nurse, and the extent to which a given practitioner embodies them, inform my sense of the propriety and utility of their advising me and my openness to fold advice into our relationship. Responses to advice can be informed by multiple normative frames: the role-mediated relational framing, the personalized normative framing an advisee applies within this relationship, and the advice frame, held up by the five norms of advice laid out in Chapter 3 (which require that advice is discretionary, sincere, other-regarding, based upon the advisor's best knowledge and reasoning, and that it addresses an advisee as a practical reasoner). Advice is most likely to help with practical reasoning when the demands and permissions of each frame align. When an advisee perceives conflict between the norms of advice and another set of operative norms, resentment can ensue.

One vantage point from which to see and assess relationally situated norms is supplied by the concept of a role obligation, defined by Michael O. Hardimon as 'A moral requirement, which attaches to an institutional role, whose content is fixed by the function of the role, and whose normative force flows from the role.'² Hardimon conceptualizes institutions, rather narrowly, as 'Ongoing, self-reproducing structures, each with a life of its own,' which 'Includes rules that define offices and positions, which can be occupied by different individuals at different times.'³ Along with occupational and organizational roles, Hardimon cites familial roles as institutional, but not friendships (because they are not self-reproducing

² Hardimon, 'Role Obligations,' p. 334.

³ Hardimon, 'Role Obligations,' p. 335.

in the way he has in mind).⁴ I take a broader view of role obligations. We consider it relevant whether Hector is Ginny's friend, client, or a total stranger when assessing whether he should have advised her to reconsider her choice of husband. Roles such as friendship and strangerhood mediate permissions and obligations to advise. When I speak of role obligations, I refer to obligations that we attach to an adviser by virtue of their occupation of a given role in relation to their advisee. I approach permissions to advise in the same way. Any role that can plausibly inform our reading of what the advisor should, or could have done by way of advice is, for my purposes, ripe for a role-based analysis, bearing in mind that role-based obligations and permissions can be adjusted by parties to a given relationship and that roles are forged within cultural contexts, and can thus vary between cultures.

Philosophical interest in role obligations has often revolved around the question of whether they can override the demands of general morality.⁵ If it is generally wrong to perform a given act (such as killing), can it be right (or permissible) for a role occupant (such as a soldier) to perform it because doing so is seen as obligatory within that role in those circumstances? Because advising is not subject to a general prohibition, I take a different approach. My concern is with how roles mediate the application of norms of advice and alter permissions and obligations to give specific pieces of advice to specific people. Resentment and, to a lesser extent, gratitude provide accessible entry points for inquiry into the ethics of advice. Of course, there is risk in using reactive attitudes as a launching pad for ethical analysis. In particular, we risk overidentifying wrongdoing by seeking out resentment. Actions can be resented for myriad reasons that have nothing to do with the resentful party having been wronged. We can resent an act because it makes us uncomfortable, because we misread the agent's intention, or as a deflection mechanism, for instance. But resentment is the prototypical response to being wronged, so serves to indicate possible misdeeds. We often feel resentment before we know quite what has provoked it and can predict a resentful response to a contemplated act without knowing why it will be resented, or whether resentment is justified. Resentment prompts consideration of the normative complexion of an act of advising. If, upon reflection, the advisee would be justified in resenting this advice, given by this advisor, the advisor should refrain (or apologize if the deed is already done). Even when analysis determines that a resented act is benign and role-appropriate, its being resented may signal that it is unlikely to be helpful. Reflecting on why some acts of advice tend to provoke resentment in some relational contexts, but not others, can help us to see how to advise well within a range of roles, and judge when abstinence might be the best policy.

⁴ On Hardimon's reading, friendship admits of role obligations, but cannot be viewed in institutional terms because it is not self-reproducing; its survival is participant-dependent; and its terms can largely be determined by participants. I presume that Hardimon would also reject the idea that relationships between strangers are institutional in character.

⁵ See for example Wueste, 'Taking Role Moralities Seriously'.

7.3 Advice between strangers

One might imagine that advising was a rare occurrence between strangers. A stranger is a person unknown, someone with whom none but the barest of human ties apply. We know nothing of the stranger beyond what we might gather from initial impressions, with all their liability to bias and misconceptions. They know nothing of us. It would be so easy to misread, to misinterpret a stranger's situation, and consequently to misadvise. Furthermore, we have no shared experiences or history, no familiarity, no ongoing stakes in each other's lives. Why should a person trust advice from someone whom they do not know?⁶ With so little relational matter available, it seems presumptuous to advise: the chances of it helping are too slim. What is more, advising strangers risks violating social expectations. In many social settings, at least in the contexts and cultures I have known, strangers give each other space. Special circumstances are required to overcome the presumption of polite and respectful social distance. This distance recognizes that between strangers, only the most basic of human and moral connections hold. We would need to develop those connections further to ask for more than the minimum of care, attention, consideration, and courtesy that we owe all.

Despite these familiar ideas about how strangers ought to relate to each other, strangers do advise and seek advice. In circles in which I have moved, in different countries and communities, advice features regularly in conversations between strangers. On trains, on planes, in hospital waiting rooms, queuing at the supermarket, whilst walking dogs or minding children, advice is given and, what is more, taken. I have been offered advice about personal matters by total strangers in ways that have been for me wholly acceptable. I may have even found the advice of those talented counsellors more accessible and less confronting than it would have been from those more embedded in my life. Of course, there is always the chance that I am the odd one out on this score. But others I speak with also recall moments when they have engaged in advising with strangers. Let's suppose that advice is sometimes comfortably exchanged between strangers. What allows this, given how many factors tell against it?

7.3.1 Advice as a prelude to closeness

The first clue resides, perversely enough, in the very factors that militate against advice operating effectively between strangers. It can be uncomfortable to be with people we do not know. When one spends time with a person, it is often better to

⁶ The relevance of closeness to an advisee's receptivity to advise is borne out by studies such as Feng and MacGeorge, 'Predicting Receptiveness to Advice: Characteristics of the Problem, the Advice-Giver, and the Recipient.'

know something about them and be known by them than to abide in strangerhood. When we know a little about each other, we can act in more mutually acceptable ways. The same incentives do not apply (or do not present with the same immediacy) with respect to people whom one never meets, or who pass by fleetingly. When we spend time with a person unknown, as might happen during a journey or whilst waiting for a service, instincts to fill the social space kick in. Polite inquiries and conversation can shift a relationship from strangerhood to acquaintanceship, or even friendship. In *te ao Māori* (the Māori world, the Indigenous culture of my country Aotearoa New Zealand), when strangers meet, they situate themselves within social and geographical space, naming their tribes, extended families, communities, and ties to landmarks such as mountains and rivers, so as to locate the connections between them. Links that transform a relationship from one of strangerhood to a kind of kinship are identified so that interactions can occur on stronger ethical ground. In other cultural settings, the processes for moving beyond strangerhood may be less structured and more tentative, but the sense that it would be better to be on friendly terms remains. Although we may think of advising as a practice most at home in an established relationship, acts of advice-seeking and offering express the kind of friendliness needed to establish relationships *de novo*. If contextual features allow, advice can create the mutual understanding and trust that enables it to serve as help with practical reasoning.

Help with practical reasoning can function as a means through which we connect with others. In seeking advice from a stranger, we can share something of our situation, invite their concern for us, show respect for their expertise, and learn something about them. When advice has been issued, we can show gratitude. The advisor may feel more invested in our well-being and primed for future positive interactions should opportunities present. Through advising we can show care, demonstrate usefulness, seek shared perspectives, and reveal something of ourselves. When pitched well, advice can form the first move in a reciprocal exchange that extends each party's investment in the other. Asking for and offering advice are ways to demonstrate receptivity to a deepening of ties, even when the sought end point is not an enduring relationship, but a genial if transient communing.

The promissory function of its norms equip advice to communicate care in the absence of established ties. In offering advice, I convey my regard for your interests and respect for you as a practical reasoner. Advising provides a means of performing attitudes and intentions that an unknown recipient may not assume you hold. Absent countervailing reasons to doubt the sincerity of this performance, an offer of advice provides an advisee with a reason to trust a stranger a more fully.⁷

⁷ Kukla observes that 'Sometimes we use speech not to make a move within an established game structured by conventions, but instead to try to gain entry to a game-we speak in order to be granted status as a speaker with normative standing within a discursive subspace. We can name such speech acts *entreaties*. Entreaties are spoken from outside into the space in which certain kinds of speech acts get traded around.' Kukla gives the example of a man who asks a woman at a bar 'Can I offer you a drink?'

7.3.2 Normative advantages of advising strangers

Strangers can be better placed in some respects to advise well than friends and family. Advisee discretion may be easier to secure when advice is exchanged between strangers, especially if the point of action lies beyond the predicted termination of the interaction. The advisor will not know whether their advice has been followed and likely cannot impose adverse consequences for noncompliance, nor wish to, because the advisee's act is unlikely to affect them. Some downsides of advice-seeking, such as the ongoing relational strains of being (or feeling) judged by others, are reduced when the advice relationship is transitory. Strangers may also have a clearer view of certain aspects of the advisee's practical position than friends and family, because of their emotional distance and lack of personal investment. When the setting is right, strangers can exchange advice about topics that they would hesitate to broach with those at closer range. These considerations may explain why advice columns have such enduring appeal.

7.3.3 The importance of facework

I have laid out factors that permit strangers to give and receive advice in ways that help with practical reasoning and build relational connections. But the fact that this strategy can work does not mean that it always will. Recall Duncan's advice to Edie as she tries to catch her tearaway child in the supermarket: 'You should watch your son more closely. He could knock someone flying running around corners like that.' In Chapter 3, I predicted that this advice, such as it is, would receive an unhappy response. Although delivered in an advisory form, it does not really read as help with practical reasoning. It is closer in force to chastisement. It declares Duncan's critical judgement of Edie and tells her to do better. This kind of advice does not land well when delivered by a stranger. As they do not know each other, strangers have scant material from which to judge each other's qualities and performance beyond what they witness in each other's company. Typically, this information is insufficient to sustain a fair and balanced judgement. It is doubtful that a stranger has the permissions to issue such personal judgements. One reason to tell people what you think of them is to support their personal development, but such support can hardly be rendered within the confines of a frantic encounter in a supermarket aisle. At least, not the way that Duncan is going about it.

a move that Kukla describes as preliminary to an actual offer. Kukla, 'Performative Force, Convention and Discursive Injustice,' p. 448. Advice from a stranger is not an entreaty to advising, but it can function as an entreaty to relational closeness, with its attendant discursive entitlements, including the entitlement to advise.

One might argue that Duncan is not really judging Edie as a mother; rather he is judging her exercise of control of her son at this moment, a judgement that he is licensed to reach by his first-hand observations. What he observes gives Duncan the impression that Edie could stand to up her game when it comes to supervising her son. Even if we assume that Duncan's intention is supportive, it seems unlikely that Edie will be able to receive it as such. Edie would, one imagines, detect Duncan's critical judgement and resent it coming from a person with such limited insight into her practical position. It is difficult to accept advice from someone who appears to think badly of you, perhaps because advice trades in hopefulness that an advisee can act well, a currency in short supply when one's advisor appears to hold one in low regard. Given its inaccessibility, Duncan's advice is doomed to unhelpfulness. Which is not to say that all conceivable advice offered to Edie is similarly doomed. Even in this advice-hostile scenario, it is possible for a stranger to help with practical reasoning.

One could imagine a similar encounter, fostering a similar impression in an advisor, but inspiring advice of a different tonal quality. Substitute curmudgeonly Duncan with sympathetic Derek, who tries this approach: 'I remember when my kids were that age. It's a nightmare. I used to bribe them to stay by the trolley. Maybe that would work for you?' It is remarkable how much of what sociologists and linguists call 'facework' is baked into an everyday passage of speech like this, and how effective such measures can be in establishing a platform of respectful identification between a hitherto unknown advisor and his advisee. Erving Goffman defined face as:

The positive social value a person effectively claims for himself by the line others assume he has taken during a particular contact. Face is an image of self delineated in terms of approved social attributes.⁸

Speakers are invested in maintaining (or improving) their own face in interactions, and are also expected, under what Goffman referred to as the 'rule of considerateness', to uphold the face of others. Facework encapsulates:

The actions taken by a person to make whatever he is doing consistent with face. Face-work serves to counteract 'incidents'—that is, events whose effective symbolic implications threaten face.⁹

⁸ Goffman, 'On Face-Work: An Analysis of Ritual Elements in Social Interaction', p. 213. Face and facework are routinely deployed concepts in pragmatics and discourse analysis. For a reworking of Goffman's concepts, see Arundale, 'Constituting Face in Conversation: Face, Facework and Interactional Achievement'.

⁹ Goffman, 'On Face-Work: An Analysis of Ritual Elements in Social Interaction', p. 216.

We can think of facework as a means of upholding perceptions and experiences of moral standing. We try to convey positive attributes to project a sense of ourselves as a person of worth. When others behave as though we have those attributes, they uphold our face. When others suggest that we lack positive attributes that we claim for ourselves, our face is threatened. Given that moral standing is, to some extent, sensitive to character appraisals, we reinforce each other's moral standing by upholding face.

Derek's advice addresses the matter of the freewheeling toddler in a way that saves Edie's face and projects his own practical wisdom and geniality. It alludes to the undesirability of the scene playing out before him but does not locate the blame in Edie. Rather, it is represented as an archetypal parenting challenge, which Edie faces because she is a parent, not because she is a bad parent. Derek expresses fellow-feeling and represents himself as having shared the same struggles, a move which establishes a parity of face as well as grounding Derek's claimed permission to comment on the supervision of small children. In expressing fellow-feeling for his advisee and offering a practical suggestion, Derek enacts the role of a good advisor. Through commenting predominately on his own experiences, Derek avoids saying anything that would threaten Edie's face or communicate overfamiliarity. The presentation of his advice via personal anecdote and a gentle interrogative ('Maybe that would work for you?') does not request a response, thus minimizing its claim upon Edie) downgrades advice's potential prescriptive force and invites Edie to disclose more if she wants to (although her son may have other plans). Edie may not take Derek's advice, and it may be of no use to her, but at least it does not subject her to an interaction in which her standing is in question, and it conveys understanding and care.

One of the niftiest qualities of Derek's advice is its practical orientation. It treats the matter of what ends Edie should work towards as given and focuses on how to achieve them. Contrast this with Duncan's approach. He invokes Edie's role obligations ('You should watch your son more closely') and highlights the moral implications of her failure to fulfil them by invoking potential harm to others. In electing to tackle the moral dimensions of Edie's practical position, Duncan suggests that it is knowledge of those moral dimensions that she needs help with.

These cases show what deftness is needed to give unsolicited advice to a stranger without risking their face and thus making the advice inaccessible. It is easy to misdiagnose an advisee as in need of moral or role-based tutelage (perhaps because their perceived conduct arouses the advisor's indignation). Even when the diagnosis is justified, it is difficult for a stranger to establish the kind of trust-nourishing intimacy that makes the requisite advice accessible. Establishing a sense of identification through self-disclosure and orientating advice towards practical solutions can provide strangers with help to fulfil their obligations more effectively than moralizing talk is likely to.

The obvious exception to the working rule against delivering overtly moral advice to strangers is when one does so upon request. Such instances can arise when strangers are thrust together. Over a journey of a few hours, travellers may talk enough to sense a kindred connection and share enough of their lives to arrive at a moral question. Should I tell my friend that his partner has been unfaithful? Should I try to re-establish contact with a parent who abandoned me? Such questions may be difficult to ask of those you are close to, especially if you want freedom from judgement in which to decide. You may seek advice that is not grounded in personal knowledge of the involved parties, but functions at the level of general principles. One might suspect that one's own circle is deviant in their judgements and seek an outside opinion. For these reasons, moral advice from a stranger can be helpful and worth seeking. Then it is for the advisor to hold their advice at the level of general principles and their own experience, and to avoid approaching the question at hand in a way that communicates disapproval.

7.4 Advising friends and family

I have just argued that strangers are sometimes permitted to advise. In its enactment of friendly attentiveness advice can form an overture to a closer relationship. But strangers are still strangers, they have no recourse to particularized love, trust, or mutual understanding. All the relational nutrients that make advice palatable must be contained within the advice exchange. The practical effect of this requirement is that the realm of safe advising between strangers is restricted.

Friendships and family relationships, on the other hand, have roots. The advisor and advisee know each other and are likely to be invested in each other's welfare, at least to some extent. Advice about personal conduct, moral matters, and significant life decisions seems to belong within the bounds of personal relationships. Closer ties are typically thought to ground stronger permissions and obligations to advise. The normative contours of roles within our most intimate relationships—friendships, romantic partnerships, sibling relationships, and so forth—are partly defined by dispositions and obligations to help each other, even when helping does not come easy. Montaigne, for instance, identifies 'counsels and admonitions' as 'one of the principal obligations' of the intimate friendships he celebrates in his essay '*On Friendship*'.¹⁰ Relational closeness, on this account, generates obligations to support each other to act and live well. When we identify a need for advice in an acquaintance, we are likely to consider whether it is for us, or someone closer to them, to meet that need. When we stand within that closest circle, we may feel compelled to advise. The feeling of compulsion is telling. When we advise, we take

¹⁰ Montaigne, '*On Friendship*'.

a risk: our advisee may not experience our advice as helpful, and for this or another reason (such as it not being good advice) it may not actually help them. Relational closeness can obviate some threats to helpfulness, but it also raises the stakes if advice proves dramatically unwelcome and/or unhelpful. There is more to lose when we take a risk with something we hold dear, which is not to say that the risk ought not to be taken. The challenge is in working out when giving advice is the kind of help that we should give to this person, in this context.

Questions about whether to advise those we care about are particularly haunting when we predict that our advice would be unwelcome. What if our advice offends, or causes our advisee to trust us less? Would they be right to resent us, and might they feel unable to share their troubles if they act unadvisedly and it goes as badly as suspected? Then again, in withholding advice would we deprive our loved one of help they need and which we should provide? Would doing so express a lack of confidence in their capacity for critical self-reflection? These questions about the nature of respect and the demands of role obligations have found expression in an unusually shared way in the context of recent world events, as many have discovered that their views about how to respond to the threat of a highly infectious novel pathogen (COVID-19) were not shared by close friends and relations. The realization that people they care about are taking, or intending to take, risks that they regard as unwise has led many to wonder what they should do in response.

7.4.1 Unwelcome advice: The Case of Spencer, Trent, and COVID-19 vaccination

We can consider the ethics of giving unwelcome advice in the context of a case. Spencer lost his best friend in the first wave of the COVID-19 pandemic; he died alone in a hospital ward after an excruciating decline. Now a COVID-19 vaccination programme has been rolled out and both Spencer and his older brother Trent are eligible to receive free vaccines. Their infirm mother lives with Trent, and is fully vaccinated, but not Trent. He doubts the vaccine's safety, the integrity of the company that produced it, and the motives of the public health agency encouraging vaccination. Although Trent knows that Spencer's friend died, he considers that COVID-19 is no worse than a regular seasonal flu, and that the government are provoking fear to justify curtailing civil liberties. Spencer thinks that Trent is mistaken and that his actions place himself and their mother at risk. He has heard of other vaccine sceptics who recanted and sought vaccination once they were gravely ill, by which time it had been too late. He does not want this for Trent, or for their mother to contract COVID-19 if Trent brings it into their home. Spencer also sees vaccination as a civic duty, requiring everyone to take a small personal risk to protect the community. But it is clear from Trent's frequent commentary that he sees the choice not to vaccinate as identity-defining, marking

one out as an enlightened free thinker, a view affirmed by the online communities in which he circulates. There has always been a suppressed vein of sibling rivalry between them, but Spencer has been careful to cultivate a close relationship with his brother, partly through keeping his critical thoughts to himself.¹¹ But given the stakes Spencer wonders whether he should advise his brother to revisit his reading of the evidence and/or to get vaccinated.

One might think that Spencer should leave it to the local public health agency to advise Trent, because they operate the vaccination service. But many such agencies—and let's say that the agency in Spencer and Trent's neck of the woods is one—prevailed upon the public to engage vaccine-hesitant friends and family in persuasive conversations about vaccination because official sources of health information and advice are not universally trusted.¹² There may be no practicable way in the grip of a pandemic for health workers to overcome accrued distrust and have their advice received as help with practical reasoning. For those who doubt the motives and reliability of health authorities, the personal testimony and advice of loved ones, however inexperienced, may be vastly more credible than any official advice.¹³

Trent disbelieves official messaging about COVID-19 vaccines. Given this, perhaps Spencer has an obligation to fill the gap in Trent's deliberative landscape. Trent's mother is not well positioned to do so. Her stake in Trent's decision could compromise her advice's other-regardingness and be received by Trent as a veiled request. One can be *too* close to advise well and effectively. Spencer may be in the 'Goldilocks zone': not too close, but not too distant to be trusted.

Although their relationship has its tensions, Trent should know that Spencer cares for him. This gives him a reason to trust that Spencer's advice represents his honest view of what is best for Trent. Recognizing this does not bind Trent to accept Spencer's advice, it just grounds a judgement that it is other-regarding and sincere (qualities that Trent sees as absent in official health advice). Trent should, it seems, receive Spencer's advice with gratitude and acknowledgement of its good intent.

So the theory goes. But my impression is that many people in Spencer's situation have been reticent to advise the Trents in their lives. People have grappled

¹¹ Montaigne, 'On Friendship', alludes to the difficulty of advising within sibling relationships: 'Brothers have to progress and advance by driving along the same path in the same convoy; they needs must frequently bump and jostle against each other.'

¹² Some public health agencies issued guidance about how to initiate and conduct conversations about vaccines. See, for instance, <https://covid19.govt.nz/covid-19-vaccines/covid-19-vaccine-facts-and-advice/how-to-talk-to-your-friends-and-whanau-about-the-covid-19-vaccine/>; and <https://www.unicef.org.au/stories/talk-about-covid-vaccines-friends>

¹³ For a discussion of perceived value differences as grounds for withholding trust in expert recommendations, see Bennett, 'Should I Do as I am Told? Trust, Experts and COVID-19'. For brief introductions to challenges in communicating about vaccines, see Omer et al., 'Communicating About Vaccines in a Fact-Resistant World'; Nyhan et al., 'Effective Messages in Vaccine Promotion. A Randomized Trial'.

with whether to raise the topic. Some have concluded that vaccine advice lies outside their relationally delineated permissions. Others have advised and relational fallout has ensued. If close relationships permit and sometimes require advising, why does it become so messy? And if advice is likely to provoke a resentful response, should an advisor like Spencer press on?

7.4.2 Reasons to withhold unwelcome advice

Plutarch declared that ‘It is the duty of a friend to accept the odium that comes from admonition when matters of importance and of great concern are at stake.’¹⁴ One might hesitate to call deliberative advice to reconsider the evidence or all-things-considered advice to get vaccinated admonition: on its surface it is simply a recommendation for a recipient’s consideration. But reactions to unwelcome advice suggest that it can be received as an admonition. Unwelcome advice can present a threat to the advisee’s face even when it comes from a person they know and trust. One reason we advise is because we think that a person is not doing what they should be doing (or they are doing something that they should refrain from). That is, advice can express a critical judgement about an act or way of acting, and that judgement can radiate outwards to settle upon the agent (or be perceived as doing so). If we judge agents through their actions, judgements about actions can readily be taken to express judgements about agents. Even when advisors couch their advice in pillowy language, the critical judgement that motivates it can be detected like a pea underneath a pile of mattresses.

If Spencer bites the bullet and advises Trent, Trent is likely to receive this as an indication that Spencer considers him to be mistaken and/or acting wrongly (depending on how Spencer formulates and Trent interprets his advice). He may of course already suspect as much; we often intuit the opinions that loved ones elect not to share. But Spencer’s advice will confirm his suspicions and give Trent cause to position himself with respect to Spencer’s advice and the attitudes it expresses. Imagine that Spencer says, ‘I think that you should look again at the evidence about the vaccine. I don’t want you to leave it too late and regret it, and you need to think about how it would be for Mum if she got sick.’ Now that Trent has heard this, he knows that Spencer considers that he has misread the scientific evidence and neglected their mother’s interests. Spencer’s advice has a moral component, relating to Trent’s duty of care to their mother, a reasoning component, related to the scientific evidence, and a prudential component concerned with Trent’s health. Advice is often layered in this way, and it can be difficult for an advisee to untangle their response to each element. Furthermore, the elements interact: it is because Spencer

¹⁴ Plutarch, *Moralia. How to Tell a Flatterer from a Friend*, p. 387.

considers that Trent is wrong about the vaccine that he believes he might regret his decision and that he is not doing right by their mother: if Spencer agreed that the vaccine was dangerous and/or ineffective, presumably he would not regard Trent's decision as regrettable and inconsiderate. If Trent does not accept that he may be mistaken about the scientific evidence, he is unlikely to accept the other aspects of Spencer's advice. And Trent's reading of the scientific evidence is connected with his sense of identity; he could not repudiate it without revising his operative social theory and his sense of himself as challenging the mainstream. The psychological costs to Trent of accepting Spencer's help with practical reasoning would be high. It would be less psychologically disruptive for Trent to respond to Spencer's advice as yet another societal intervention intended to suppress opposition. The fact that people are being encouraged by the public health agency to advise 'anti-vaxers' could strike Trent as evidence of this. If the help that Trent needs is help to see why he should get vaccinated, it might be help that Spencer cannot give, at least not through the medium of advice. But we sometimes feel obliged to advise even when we strongly suspect that it will not be acted upon or even considered. And it is useful to consider why.

7.4.3 Reasons to give unwelcome advice

Sometimes we know that our help will not be accepted, but we offer it anyway. The expressive qualities of the offer can survive its refusal, making the recipient feel cared for and acknowledged. This is why we feel grateful for an offer of help that we have no intention of accepting (and know that the helper is likely aware of this). But unwelcome advice will usually not have that effect. Trent is less likely to feel cared for than he is lectured by Spencer's proposed advice. In this case, advice is not a good medium for expressing concern for and willingness to serve one's advisee. Unsolicited advice delivers 'help' whether the advisee wants it or not. It positions its recipient as an advisee, a role he may not want, but cannot decline politely. It places before him propositions that he may not want to mull over with his self-appointed advisor. It can be tricky to extricate oneself from being helped without ruffling feathers.

Sometimes we offer help that we predict will not be taken because we want to deny the person the defence of helplessness if things go wrong or because we seek immunity from blame should that happen. Such motives subvert the supportive intent of help and violate other-regardingness.

It is possible, however, to feel compelled to advise for perfectly respectable reasons which present in quite similar ways to those described above. One might seek to avoid exposure not to the rhetoric of a loved one's claim that their needs for help went unmet, but to its substance. Perhaps Trent has a claim on Spencer to advise him because advice is a form of help that Spencer can offer and which

Trent needs, and their relationship grounds reciprocal obligations to help in such circumstances. One might desire immunity from blame because that means that one has acted well, and one wants to act well. Suppose that Spencer refrains from advising, and Trent contracts COVID-19 and passes it on to his mother, who succumbs to her infection. Trent, seeing the error of his ways, asks Spencer reproachfully why he did not advise him to get vaccinated. Spencer may worry about how he would respond to this question and advise (partly) out of a wish to avoid having to do so should this situation arise. Such worries can collect around the idea that within close relationships we are, or can be, obliged to offer help even when its prospects are bleak. We express the strength of our commitment to a person when we respond to their interests despite personal cost and possible futility. When Trent asks why his brother did not advise him, his question has the force of a rebuke because it suggests that Spencer's passivity expressed a lack of commitment to Trent.

The desire to express commitment to a loved one can foster a sense of obligation to advise. But it can also deter unwelcome advising, due to its potential to weaken trust by introducing resentment and threatening an advisee's face. The ethical and relational potency of unsolicited advice in close relationships is hard to measure, because it is open to conflicting readings. It can be hard for an advisor to know how an advisee will evaluate their intervention either at the time or in retrospect. And advisees can have self-interested reasons to favour interpretations that protect them from assuming full responsibility for acts that go badly (which may be what Trent would be attempting in querying his brother's decision not to advise). An advisee may unjustifiably resent advice because assuming a resentful posture deflects critical scrutiny, or because they had unreasonable expectations about their loved one's advisory obligations. It can be hard for an advisor to calculate when they owe unwelcome advice because, being a form of help, the case for advising can only be partly made out by reference to the advisor's role obligations as separate from facts about the advisee's position. Their disposition to be helped matters.

Given that advisors cannot always tell whether an advisee will use their help with practical reasoning, decisions about whether to advise inevitably have a projective quality. When it is unclear whether advice will be accessible to an advisee, we must work on predictions, which express views about ourselves as advisors and our loved one as a practical reasoner. We may elect to withhold advice because we lack faith in our ability to deliver it well, or because we predict that our advisee would respond resentfully even to tactful advice. This latter prediction can express a view that our loved one lacks sufficient reflective capacity and openness to supportive critique to do otherwise. Sometimes such projections are well grounded. If an advisee is a serial rejector of advice and has a history of blowing up relationships when slighted, advice's prospects may be too bleak, and the potential fallout too great, to warrant its provision. But in other cases, predictions of an adverse response may express an unfounded and uncharitable view about fundamental aspects of a loved one's character. Within the close relationships at

issue here, we expect parties to be positively disposed towards each other. This encompasses faith in a loved one's capacity to deliberate and act well, both within the bounds of the advice relationship and more generally. In the absence of compelling evidence to suggest otherwise, parties to a close relationship should express faith in each other's deliberative openness and capacity to recognize advice as an offer of help. When we advise we express trust in our advisee as a practical reasoner and relational partner. The difficulty is in advising in a way that communicates and strengthens rather than undermines this trust.

7.4.4 Facework and unwelcome advice

Our case offers several clues about how unwelcome advice might be made accessible and relationally enriching. Spencer worries about how he could explain to a remorseful Trent his decision not to advise him. This is a worry grounded in a sense of accountability to his brother. If his advice was couched in this concern, it may be less confronting and more accessible. Spencer could try the following formulation: 'I feel like I owe it to you to say that I think that you should get vaccinated, or at least look again at the evidence. I could not defend saying nothing to my own brother, especially when I know how seriously you are taking all of this. I feel worried for Mum too and how things will go if she gets sick.' This indirect approach appeals to Trent's concern for his brother to make a reason available to Trent to consider Spencer's advice. Through focusing on Spencer's role obligations, this advice minimizes directly critical content. It is testimonial in style, avoiding prescriptions which can strike an imperious tone in the context of unsolicited advice. When an advisor projects certainty about their advisee's mistakenness, it can provoke their advisee to assume an equally certain and contrary stance. Through mirroring their advisor's projected sense of their own rectitude, the advisee seeks to preserve face. Advice given tentatively avoids provoking a hardening of intention motivated not by certainty of one's reasons but by a need to save face and protect one's standing.

7.4.5 Calculating the case for unwelcome advice

Where the stakes for the advisee and others are low and an advisor doubts he can formulate and deliver advice helpfully, advising may justifiably be foregone. But as the likely consequences of an act, attitude, or way of acting increase in gravity for the advisee and for others, so the case for advising strengthens, despite the dual possibilities of failing to help and incurring resentment. The more consequential an act, the more difference it will make to how an agent's life goes, and thus the more impactful help to act well can be. We can see this with respect to prudential

advice: when a friend contemplates investing her life savings in a pyramid scheme, the case for advising them to reconsider is greater than when they are contemplating investing in a five-dollar lottery ticket, for instance. We can experience offers of low-stakes advice as interfering, because the relational costs of having one's actions exposed to judgement are not offset by significant benefits in outcomes. The same for moral advice: where we see a close friend treating her partner abusively the case for advising is stronger than when she is mildly impatient.

But paradoxically, where the case for unwelcome advising is strongest, the likelihood of resentment is also greatest. Whilst low stakes advice might trigger irritation, it tends not to activate an advisee's concern for their standing in the way that high stakes advice does. If we interpret low stakes acts as, roughly, actions that are unlikely to make a big difference to how things go for the advisee or others, they are also unlikely to make a significant difference to how we regard the advisee. Our most consequential acts (however they are identified) play an outsized role in evaluations of agency. We most particularly want to act well when it matters most, and to be seen to do so by those who know us best. Unsolicited high stakes advice can express the judgement that an advisee is teetering on the brink of acting badly when it matters most, so it activates the advisee's concern about their standing. We often experience threats to standing as wrongs perpetrated against us, and so respond with resentment. But this is not to say that such resentment is justified. Unsolicited high stakes advice might threaten an advisee's face, because it puts before them a critical judgement, but if it is normatively apt advice it should not threaten their standing, because it issues from a perspective of care and respect for the advisee as a practical reasoner.

7.4.6 Role permissions, obligations, and the resentability of advice

The gravity of the act in question is not the only determinant of advice's proneness to resentment (justified or otherwise). When we advise someone close, we do so within a role within a relationship type. Some roles permit (or require) advising whilst others constrain it. Grandparents enjoy wide permissions to advise their grandchildren, such that unwelcome advice is more likely to be tolerated without drawing resentment. This is because advising is seen as core business for grandparents; their advising does not express a commentary upon a grandchild's agential deficits as readily as the same advice issued by a friend. The generational distance between grandparents and grandchildren reduces advice's resentability, thereby enhancing its availability. Because we regard practical wisdom as increasing with age (at least to a certain point), older generations are expected to have acquired more wisdom than their younger counterparts. When peers offer unsolicited advice, there is a risk that the offer will be taken to express a sense of natural superiority as a practical reasoner on the part of the advisor, because they cannot appeal

to greater life experience as the source of their insight. Peer-to-peer advice is more palatable when it concerns a practical domain about which the advisor patently has more experience. Similarly, it is generally seen as impertinent for grandchildren to advise their grandparents. But if a grandchild has more expertise in the relevant domain, permissions to advise can be extended. If the child is too young to have intuited applicable norms, their advice may be accommodated as an age-appropriate participation in a caring relationship, even if it is not taken seriously. Advising can enrich bonds of trust and affection within close relationships characterized by distinctness of positions, but even within this hospitable environment unwelcome advice can threaten closeness, less because it threatens face than because it exposes fundamental differences in how the parties see the world and what they value.

Role permissions to advise can be adjusted within a given advice relationship. Advising may fit with what has gone before and strengthen a relationship, or it may jar and undermine trust. Whether a given piece of advice ‘fits’ within a relationship such that its recipient is likely to accept it without resentment is determined by many factors. Permissions can be adjusted based on the advisor’s personal fitness to pronounce on the matter at hand, the respective expertise of advisor and advisee, and past events. If their father had died in a car accident caused by Spencer’s reckless driving for instance, Spencer’s permissions to advise Trent on parental well-being would likely be moot. Trent could receive Spencer’s advice as hypocritical, or an attempt to edit out Spencer’s own misdeeds. Advice can be resented when it is deployed to regain status that is not the advisor’s due. But there are ways of advising within a domain in which an advisor has a poor track record that do not activate resentment. If an advisor acknowledges their failings and counsels to prevent the advisee from falling prey to similar mistakes, their advice is more likely to receive uptake.

7.5 Conclusion: Principles for personal advice

It is difficult to lay out the intricate cobweb of factors that determine whether advice is resentable, whether predicted resentment would be justified, and whether predictably resented advice should be offered even so. This is why we find it hard to know whether we should advise, and why sustained reflection on the ethics of advising is worthwhile. Although specific questions about whether and how to advise can only be answered in light of relational particularities, we can extract principles for advising well across a range of personal contexts from the preceding discussion, which I summarize here.

1. Where its presentation preserves face and demonstrates norm compliance, strangers can advise each other.

2. In general, friends and family should assume that their relational partners are committed to and capable of the kind of reflective practical reasoning required to act well.
3. Decisions to withhold advice due to an advisee's deficits in practical reasoning should be well grounded in evidence.
4. Where evidence exists, advice may be withheld on the basis that it is unlikely to help and may result in relational or other forms of harm.
5. There are ways of formulating advice that enhance its accessibility and reduce its threat to face, for instance by dampening down implicit criticism and expressing the advisor's uncertainty and sense of duty to the advisee.
6. Ways of framing advice to be accessible enhance its helpfulness.
7. An advisors' lack of confidence in their ability to formulate advice well can justify withholding it.
8. Where advice relates to more consequential actions, there is a stronger case for advising even when a resentful reception is predicted.
9. Some roles support more extensive permissions and obligations to advise than others. Advice issued from those roles can be more accessible, because it is less threatening to face. However, advice from a less advice-entitled role can be accessible when it relates to a domain in which an advisor has expertise relative to their advisee.
10. A poor track record in a given domain can compromise an advisor's personal permissions to advise within that domain, regardless of roles. However even in such circumstances advice may be permitted if an advisor acknowledges their failings and frames their advice accordingly.

8

Professional Advice

8.1 Introduction

Personal advice gains its purchase from trust and a sense of mutual understanding and care between advisor and advisee. But sometimes personal contacts lack the expertise or distance to reliably advise about the matter at hand, or secrecy is desired, or advice is bundled into the provision of other services. Those employed in various occupations advise in just such circumstances: lawyers, financial advisors, doctors, religious leaders, accountants, academic and clinical supervisors, purveyors of various goods and services.¹ Sometimes it is necessary to seek advice from a professional with whom we have no connection, to guide us through legal proceedings, for instance, or medical treatment, or a house purchase, or immigration processes.² As advisees navigating unfamiliar decisional territory, we may have little choice but to rely on the advice of a stranger just because of the job that person has. The trust that advisees place in people they do not know to advise them at significant junctures in their lives can be astonishing.

Charles Fried referred to professionals as ‘special purpose friends’ who, within a given sphere, ‘adopt. . . your interests as [their] own.’³ Friendships develop over time and are characterized by mutual affection and concern.⁴ Neither holds in the case of professional advice relationships, at least in the first instance. Professional advice relationships are one-sided in a way that friendships ought not to be. The advisee is typically affected by the advisor’s performance to a far greater extent than the advisor is by the advisee’s, and the outcome of their shared deliberations more directly affects the advisee’s well-being than the advisor’s. If things go wrong, they go wrong in the advisee’s life. Why should an advisee trust that this unknown person will treat what is, in the context of advisor’s experience, just another task to be completed, with the concern of a friend?

The norms of advice bind regardless of how personally invested an advisor is in their advisee’s flourishing. But we know that people do not always adhere to

¹ Advising is a standard inclusion in descriptions of professional roles. See, for instance, Hughes, ‘Professions’.

² What constitutes a profession has long been debated. See Cogan, ‘The Problem of Defining a Profession’; Barker, ‘What is a Profession?’; Sokolowski, ‘The Fiduciary Relationship and the Nature of Professions’; Kultgen, *Ethics and Professionalism*.

³ Fried, ‘The Lawyer as Friend: The Moral Foundations of the Lawyer-Client Relation’, p. 1071.

⁴ For a critique of Fried, see Swanton, ‘Virtue Ethics, Role Ethics and Business Ethics’.

norms, and professional advisors may have reasons to exploit their privileged access to the advisees' deliberations. A mechanic may advise an unwitting client to replace a perfectly serviceable engine so that he can install it in a vehicle that he is refurbishing for sale. A doctor may recommend a poorly tolerated drug treatment over a better alternative so that she can qualify for a sponsored conference in a sun-splashed resort. A lawyer may devote insufficient time to researching an advisee's options because he has prioritized a bigger contract. How can advisees be sure that their advisor will not succumb to such temptations? The advisee is, after all, pursuing their own interests whilst seeking other-regardingness in their advisor. Surely it is difficult for professional advisors to unremittingly prioritize the interests of a succession of barely known advisees.⁵ After all, the advisee is only in the relationship for what they can get out of it (or at least it may appear that way). Why should the advisor approach the relationship any differently, and why should the advisee believe that they will?

Here lies the first challenge for professional advisors: how to gain the trust of a stranger. The task may be easier for members of professions that operate codes of ethics and/or are subject to regulation (including licensing). Advisees may be more disposed to trust professionals that are held to standards.⁶ Codes of ethics and regulation can solidify professional trustworthiness through establishing shared conceptions of professional role obligations. Enforcement mechanisms align the interests of advisor and advisee by establishing self-regarding reasons for advisors to uphold their obligations. But codes, regulation, and enforcement do not automatically secure trust. If it is believed that a profession gives voice but not effect to ethical standards, wariness is likely to prevail.⁷

When we think about the problem of gaining an advisee's trust from a practitioner's perspective, a possibility suggests itself: go with the advisee's flow. Avoid introducing discord or disagreement; rather look for ways to endorse and promote the advisee's aims as she presents them. Imagine you are an accountant: if a client asks about tax breaks, you tell her about tax breaks. If they ask about how to hide income to avoid taxation, you tell her about how to hide income to avoid taxation. You make your professional expertise available to your advisee, for her to put to whatever use she chooses. In this way, you give your advisee reason to trust that you will help her with the practical reasoning in which she elects to engage.

⁵ See Entwistle et al., 'Involvement in Treatment Decision-Making: Its Meaning to People with Diabetes and Implications for Conceptualisation'.

⁶ The original professions (medicine, law, the clergy) required members to forego pursuit of personal interests and required professed commitment to a higher calling. See Cook, 'Good Advice and Little Medicine: The Professional Authority of Early Modern English Physicians'. For a discussion of the continued significance of *professing*, see Pellegrino, 'Professing Medicine, Virtue Based Ethics, and the Retrieval of Professionalism'.

⁷ Irvine makes this point about the United Kingdom's General Medical Council. See Irvine, 'A Short History of the General Medical Council'.

Now think about the matter from an advisee's perspective. If you knew that you could seek advice from an accountant, and he would apply his expertise to identify the best strategy for you given your stated goals, you would be disposed to seek his help when you needed it. You would have grounds to trust him. If, on the other hand, you thought that he might counsel you to donate to a worthy cause a tax rebate that you would like to fritter away on trinkets, or stare disapprovingly when you float the idea of offshore tax havens, you would surely hesitate to seek his advice about such matters. You just want access to his specialist knowledge, not to be hampered by his personal or professional commitments.

Here lies the second challenge facing professional advisors: how to gain trust whilst upholding the breadth of role obligations assigned to members of a profession. Professionals are typically constrained in what advice they can give. It may not be legal for an accountant to advise you about how to dodge tax or set up offshore accounts. A code of ethics might prohibit professionals from deploying their knowledge to serve particular ends. Furthermore, professionals can have duties to respond to an advisee's interests beyond advising them. They might be expected to take practical measures in certain situations, regardless of what the advisee happens to want. The very mechanisms that support general trust in a profession—such as codes and regulation—limit how guided by an advisee a professional advisor can be.

We can refer to the tension between upholding professional role obligations and responding to the wishes of one's advisee as the tension between *responsibleness* and *responsiveness*. It manifests in different ways in different professional relationships, some of which I discuss in this chapter. The tension arises for public servants advising holders of public office such as government ministers. Public service advisors sometimes know that their advisee does not want to hear the advice they believe they should give or, relatedly, that the advisee seeks advice that it would be improper to supply. A similar tension arises in other professional contexts, such as the law.

We can apply the concepts of *responsibleness* and *responsiveness* to analyse choices not about *what* to advise, but *whether* to advise rather than perform some other act. Professionals may perform a range of tasks alongside advising, giving rise to questions about whether advising is the best response to the advisee's needs. In some cases, advising would accord more control to an advisee than other responses grounded in a professional duty of care, but provide less substantive help. Advising to enable an advisee to reach their own decision may be seen as *responsive*, whilst deciding or acting for an advisee might be seen as *responsible*. The better route may not be obvious to the professional, and clients (I use that term as a catch-all referring to any recipient of professional services) may not know what to expect, or they might expect one approach (advice; substantive help) and receive the other. Professional advice relationships can be strained by opacity about how

responsive professional advice should be, and when professionals should respond with advice as opposed to another role-aligned act.

Most of this chapter is devoted to an exploration of the tension between responsibility and responsiveness in a range of professional contexts. The first stop is public (or civil) service advice to a person in public office. Here I argue that where responsiveness and responsibility are in tension, responsibility should prevail. This is not to say that the goals, interests, and values of the advisee should be disregarded: responsibility requires advisors to attune to an advisee's agenda wherever doing so would not violate broader role obligations. One important element of this context is the role-mediated nature of interactions between advisor and advisee: both occupy roles that are deontically structured. Some of the apparent tension between the norms of respect for an advisee as a practical reasoner and the norms of sincerity and application of an advisor's best knowledge and reasoning is resolved when the advisee is seen as a role occupant subject to their own obligations.

Next, I apply my analysis to legal advice sought in a personal capacity. Here I conclude that although advisees might appear free of role obligations, the obligations of citizenship and participation in a legal process augment the lawyer's obligations to prioritize responsibility about the provisions of the law. Where lawyers advise about matters other than the law, responsiveness should prevail.

Then the discussion turns to medicine, and the choice between advising a patient and deciding for, or with, them. I focus on the management component of consultations, in which decisions about investigations and treatment options are made. I show why advising can be problematic in this context. All-things-considered management advice (advice about what procedures or treatment the patient should opt for) can be difficult for a doctor to deliver in a way that preserves patient discretion, because of the doctor's role in providing access to care. But withholding direction in a bid to preserve patient discretion can be resented by patients who want their doctors to guide, or make, medical decisions. I argue that shared decision-making, which has become the favoured approach in many health systems, is generally preferable to doctor-initiated advising.

No discussion of the ethics of professional advising would be complete without considering conflicts of interest. In the final section, I review evidence about how conflict of interest disclosure affects advisee trust and decision-making. Focusing on the financial advice industry as a prime context for what organizational psychologist Sunita Sah calls 'self-interest first' advice, I conclude that the only way to prevent conflicts of interest from compromising professional advice is to remove them.⁸

⁸ Sah, 'Conflict of Interest Disclosure as a Reminder of Professional Norms: Clients First!'

8.2 Advice to a person in public office

In an interview reflecting upon his work as advisor to then former US President Donald Trump during the first year of the COVID-19 pandemic, Dr Anthony S. Fauci revealed that he had become known in White House circles as ‘a skunk at the picnic’. Fauci earned this reputation because he gave Mr Trump advice that Mr Trump did not want to follow and corrected, sometimes publicly, certain errors of fact to which Mr Trump gave voice. It became clear to Fauci early in the pandemic that Mr Trump’s preference was to downplay the threat posed by COVID-19. Fauci felt duty-bound to impress the full extent of that threat upon his advisee and to guide him towards what Fauci saw as the best approach based upon his expertise in communicable disease prevention, even if he knew that his advice would be unwelcome and might frustrate Mr Trump’s intentions. When Mr Trump invited him to agree that COVID-19 ‘wasn’t that bad, right?’, Fauci would emphasize its seriousness. When Mr Trump related his enthusiasms for poorly supported novel treatments, Fauci would attempt to quell them. When Mr Trump expressed laissez-faire preferences, Fauci accentuated the necessity of evidence-based public health measures and policy. Needless to say, their relationship became visibly strained. Their differences of opinion were evident at the White House lectern. Fauci looked pained when Mr Trump extemporized. When asked by journalists to comment upon Mr Trump’s claims, he sometimes contradicted them. Mr Trump proposed firing him at media briefings. But Fauci persisted, because:

[O]therwise I would be compromising my own integrity, and be giving a false message to the world.⁹

Fauci and Mr Trump’s advice relationship was (as with so much else associated with Mr Trump’s first presidency) unconventionally public. Usually, advisors maintain the outward appearance of agreement with their advisee even if debate is robust behind the scenes. Fauci’s public correction of Mr Trump recalls Plutarch’s warnings about taking an advisee ‘To task before those with whom they feel it is necessary to stand well.’¹⁰ An advisee’s faith in their advisor’s helpful intentions is tested when that advisor exposes them to public doubt. Even in their private dealings, Fauci’s refusal to advise within the parameters set by his advisee-tested common conceptions of what it is to advise well. Mr Trump made his aversion to restrictive public health measures clear. Rather than accepting that this meant such measures were off the table, Fauci continued to advise in favour of them. He could be accused of failing to show respect to his advisee as a practical reasoner and of

⁹ McNeill, ‘Fauci on What Working for Trump Was Really Like’. At the time of writing, Mr Trump has won the 2024 presidential election, but not yet commenced his second presidency.

¹⁰ Plutarch, *How to Tell a Flatterer from a Friend*, p. 377.

violating the requirements of discretionariness. In openly professing his view that restrictive measures were needed, Fauci made it more difficult for Mr Trump maintain his favoured position. Mr Trump faced criticism grounded in Fauci's advocacy of public health restrictions. In this way, Fauci imposed a cost upon his advisee for doing other than as advised.

Fauci's conduct as an advisor may appear unreconcilable with the norms of advice, yet Fauci struck many as exemplary in his manifestation of *parrësia* (frank speech). There he was, in the halls of power, addressing the occupant of the highest office in the land, a man who could, and clearly would, dispatch public servants if they presumed to contradict him, and he spoke truth to power. He might have had an easier life if he had challenged Mr Trump less: fewer death threats might have come his way, for instance. But he steadfastly enacted his duty to advise well. If my account condemned Fauci's advising, so much the worse for my account. Fortunately, it does not. To see why not, it is necessary to consider how role obligations mediate the application of the norms of advice.

8.3 Responsibleness and responsiveness in the public service

Fauci's dilemma is not unusual in public service. Policy advisors often face a choice between attuning to the goals, preferences, and interests of a political advisee, which demonstrates respect and may yield an advisor more influence, and advising in a way that upholds the responsibilities of public service. Political scientists frame this as the choice between responsiveness and responsibleness: between being led by one's advisee and upholding the institutional norms of one's office.¹¹ Advisors within the public service are more frequently confronted with the need to choose between responsibleness and responsiveness than their partisan counterparts, who are less constrained by institutional responsibilities that compete with their advisee's will and interests.¹² The problem arises most significantly for advisors in public service roles advising elected officials (who I will refer to somewhat reductively as ministers).¹³ According to the widely expounded Weberian conception of government, bureaucrats, including advisors, are 'Conceived as neutral, obedient servants that subordinate their behaviour to the will of political masters, to the law and the common good.'¹⁴ But, of course, the will of political masters does not

¹¹ See Eichbaum and Shaw, 'Prime Ministers and the Advisors in Parliamentary Democracies'; Hustedt and Salomonsen, 'From Neutral Competence to Competent Neutrality? Revisiting Neutral Competence as the Core Normative Foundation of Western Bureaucracy'.

¹² See Craft and Halligan, *Advising Governments in the Westminster Tradition: Policy Advisory Systems in Australia, Britain, Canada and New Zealand*.

¹³ The same challenge faces advisors of appointed officials, but for simplicity I will focus on advising elected officials.

¹⁴ Hustedt and Salomonsen, 'From Neutral Competence to Competent Neutrality? Revisiting Neutral Competence as the Core Normative Foundation of Western Bureaucracy'.

always serve the common good, or comply with the law. When an advisee's will diverges from the common good or the law of the land, public service advisors (hereafter advisors) are faced with a choice about which higher power they will serve.

The Weberian bureaucratic ideal is directed at securing stable, competent state administration.¹⁵ Governments come and go, as do their political agendas. The public service (broadly construed) endures. The widely recognized principle of political neutrality requires advisors to work with the government of the day, regardless of personal political convictions, to advance that government's policy agenda. Members of an incoming government must be able to trust that the same public service that implemented the previous government's policies will now aid their governance. Advisors are expected to provide free and frank advice to ministers of all political stripes with a view to enhancing their ability to govern well, not because of any partisan attachment to the glory of that government, but to ensure, as much as possible, the good governance of the nation.¹⁶ But the political will of ministers does not always align with the demands of good government. Herein lies the tension between responsiveness and responsibility.

Imagine, for instance, an incoming government that has risen to power on promises of swinging tax cuts. Each minister must find savings from their department's budget. Minister Larsen favours cutting *x*, an expensive service providing for a vulnerable and underrepresented population. It has taken time and considerable investment to establish the service, and Larsen's advisor Johnson considers that if it is dismantled, it will inevitably need to be reconstructed a few years hence. Whilst cutting the service will produce an apparent cost saving, it will necessitate a far bigger expenditure in the long term, and in the meantime vulnerable people will suffer. It has taken years of careful work to establish links with this community whose members have historical reasons to distrust the state, and there is a high likelihood that the trust that has been built up will be lost if the service is withdrawn. The service was established in fulfilment of the government's obligations as signatory to an international declaration, but Johnson suspects that closure will not attract public ire on that account. On the contrary, cutting this service will be popular with Larsen's base and likely to advance her political prospects: she had promised to do away with services like this during her campaign. Larsen prefaces her request for advice about where cuts can be made by saying, 'And I expect *x* to be first on the list. Save me the sob story about why it should be saved'. Should Johnson accept as a given that *x* should lead the list that he and his colleagues compile, or make a case for finding savings elsewhere?

¹⁵ For a discussion of Weber's influence on public administration, see Kettl, 'Weberian Bureaucracy and Contemporary Governance'.

¹⁶ See, for instance, New Zealand's State Sector Act 1988. Section 32 1(c) confers the responsibility upon chief executives of government departments to ensure that the department can 'Offer free and frank advice to successive governments.' Section 32 1(f) establishes the chief executive's responsibility to 'Tender free and frank advice.'

Larsen has made it quite clear that she intends to put forward service *x* for closure and does not want to hear arguments to the contrary. The responsive thing to do would be to follow Larsen's direction. We could mount an argument for Johnson to act responsively: Larsen is a representative of the people enacting the manifesto upon which she was elected. The public have chosen her to make political decisions on their behalf; she has a mandate to determine how to approach that task and is accountable to her electorate for how she acquits herself. She is the responsible agent; Johnson's role is to help her to govern, not tell her how she should do it. Johnson should serve Larsen as she chooses to be served.

Besides this democratic case for prioritizing responsiveness, a relational case can be made. If Johnson advises based on his conception of the costs and benefits of cutting various services, including *x*, he will be going against her express instruction and putting before her advice that she has no intention of taking. Johnson's advice is unlikely to change Larsen's mind and will not endear him to her. We can predict that Larsen will be less disposed to consider Johnson's advice in future, because this advice does not meet her self-diagnosed needs. Johnson's ability to help Larsen govern well will be impaired. The widely observed trend towards appointing political advisors outside the public service suggests that ministers feel the need for more responsive advice than public services typically provide.¹⁷ Episodes of *Yes Minister* spring to mind: Sir Humphrey Appleby's relentless, smiling obstruction of Jim Hacker's attempts to govern, and Hacker's subsequent oscillation between infuriation and defeat. There seem to be good relational and democratic reasons for Johnson to advise within the deliberative confines Larsen set. But I hold that Johnson should not suppress the case for preserving service *x* just because Larsen has expressed a desire not to hear it. Let me explain why.

Public service advisors are charged with supporting good policy-making for the public (however we understand those terms). They serve the public through advising ministers. Unlike many other advice contexts, public service advisors are required to help advisees to act well *for the sake of the public that both advisor and advisee serve*, not for the sake of the advisees themselves.¹⁸ Ministers serve the public through legislating, policy-making, and administering government. Advisors serve the public through ensuring that ministers have access to the support with practical reasoning they need to perform those functions well. Both ministers and public service advisors have responsibilities to ensure good governance; their advice relationship is borne out of their respective responsibilities and is thus conditioned by them. Their responsibilities to the public bring them together and establish the basis of their advice relationship. For this reason, reasonableness shapes the contours of responsiveness.

¹⁷ See Shaw and Eichbaum, 'From Ménage à Trois Back to Pas de Deux? Ministerial Advisers, Civil Servants and the Contest of Policy Ideas'.

¹⁸ This point is made by David Bromell in *The Art and Craft of Policy Advising: A Practical Guide*.

The purpose that brings advisor and advisee together to engage in practical reasoning requires that advice is aimed at the public good, not the advisee's personal or political good. Advisors are responsible for providing well-researched and reasoned advice and can be held to account for ill thought through, incomplete, or misleading advice, even if its deficiencies can be traced to a ministerial request or were introduced to benefit the advisee. Johnson's role obligations require him to inform Larsen about the implications of discontinuing service *x*, and to advise according to his reasoned view of where the best opportunities to save money are. Responsibleness limits Johnson's ability to respond as Larsen desires.

Larsen's role obligations compound the case for Johnson to advise her well. Her governance role requires her to attend to the consequences for the public of her proposed decision, even if she would prefer not to. Ministers should be able to explain and justify their decisions in relation to their impact on the people they serve. But if Larsen is not apprised of the potential effects of her decision, she will be unable to do this. To enact her responsibilities, she needs Johnson to enact his.

In this and other contexts, providing advice that attends to the advisees' obligations respects her as a practical reasoner. It communicates the belief that the advisee can appreciate the moral and practical force of their obligations. When we advise a person as a role occupant, our advice should account for their role obligations. We demonstrate respect by treating it as a given that they take those obligations seriously. In this case, the respect that Johnson owes Larsen is respect as a public office holder. Conscientious public leadership requires attentiveness to evidence and receptivity to robust analysis of the likely outcomes of policies. Responding to a minister as one who conscientiously embodies their role obligations expresses respect for them as practical reasoner.

A public service tradition of responsible advising is useful to ministers beyond its respectfulness and potential to improve decision-making. As Richard Mulgan notes, ministers often defend policies by citing evidence or recommendations furnished by the public service.¹⁹ This strategy's defensive effect relies on the perception that the public service provides high quality, non-partisan advice. It only works if the public service is seen as above political machinations. Harm is done to public faith in government when evidence emerges that public service advisors have yielded to pressure (whether perceived or applied) to distort evidence or massage recommendations for political ends. If ministers want recourse to a bedrock of reliable intelligence and policy advice to draw upon and cite, care to preserve the public service's fearlessness to deliver it is needed.

Whilst ministers benefit from public service advice being perceived as credible, there is no denying that advice that makes it harder to defend their decisions may set their immediate political interests back. If Johnson advises responsibly and the

¹⁹ Mulgan, 'Truth in Government and the Politization of Public Service Advice', p. 576.

media discover that Larsen was advised to retain service *x* but ended it anyway, she could face heat that might have been avoided if Johnson had followed her lead. Larsen's instruction to Johnson reflects her awareness of this risk: by suppressing the case against her preferred policy she maintains her claim to be acting on advice and defangs political opponents. If Johnson presses ahead responsibly, Larsen's task becomes more difficult. Larsen has a strong political base, her policy has populist appeal, and she is likely to weather any storm caused by Johnson's advice becoming public. However, one can imagine other ministers feeling compelled to renege on preferred but unadvised policies because defending them is too daunting. One can see why ministers may not seek advice from the public service for fear of generating the means of their own downfall. One can also see why advisors may choose to modulate advice in recognition of a minister's political interests. Beneath the responsibilities of their respective offices, advisors and ministers are people, whose willingness to enter helping relationships is likely to depend on the same relational and ethical assurances in their professional as in their personal lives.

I have argued that responsibility constrains how advisors can respond to the goals, values, and interests of ministerial advisees. But this is not to say that responsiveness is off the table. Public service advisors are obliged to serve the government of the day. The government sets the policy agenda: they determine what advisors advise about. When Larsen asks for advice about which services to cut, Johnson should respond by providing well-reasoned advice to support that decision, even if he believes that no services should be cut. Advisors should assist ministers in enacting their policies: if Larsen determines to disestablish service *x*, Johnson should comply with requests to prepare a public justification and plan for closing the service. Responsibility entails responding to government agendas. I suspect that there is no hard and fast line between the kind of responsiveness required of advisors and the kind they must avoid. Instead, role obligations must be interpreted in context, with all the frustrating uncertainty that brings for advisor and advisee alike.

One obstacle to trusting advice relationships between ministers and advisors lies in the potential discoverability of public service advice. It is useful for the public to know what advice their leaders received: this information aids with public understanding of policy choices and can help voters evaluate government performance and hold their leaders to account. But it is not always in advisees' interests for their performance to be evaluated. Advice formulated to assist with ministerial decision-making can be used to challenge it. This prospect may strain advice relationships by injecting responsible advice with political risk.

The public accessibility of (some) public service advice through Freedom of Information-type legislation in certain jurisdictions is relatively recent. There is mixed evidence about its effects. Robert Hazell and Mark Glover's study of the UK Freedom of Information Act 2000 suggests that the neutrality of advice provided in

Whitehall has not been imperilled as predicted.²⁰ In contrast, Nicola White found that the anticipation of publicity has had a distinct effect on what is recorded and how advice is framed and delivered by New Zealand officials.²¹ There is clearly a need to preserve conditions for free and frank advice whilst providing for public accountability. The head of New Zealand's Policy Profession Andrew Kibblewhite and the Chief Ombudsman Peter Boshier have proposed that tentative early advice and some details within developed advice should be protected from disclosure to enable frank discussion, whilst other outputs of advice should be released.²² It is certainly useful for advisor and advisee to know what aspects of advice are likely to be discoverable, but as long as discoverability is in the ether, establishing trusting advice relationships can be challenging.

Whilst I cannot offer a fully-fledged account of when policy advice should not be disclosed, I see a case for maintaining access to confidential advice within government. Without this, there are significant disincentives to receiving advice, and possible relational pressures on advisors to produce politically convenient advice. The threats to advice relationships in public office are exacerbated by advice's discoverability, but they have deeper roots. As advisors are appointed to help assist ministers in their professional—not their personal or political—capacity, there will likely remain reasons for ministers to withhold some measure of trust.

At the outset I said that my account endorsed Fauci's frank and fearless advising, and I can now say why. Fauci enacted his responsibilities before the world, and in advising responsibly he called Mr Trump to enact the responsibilities of the presidency. He treated Mr Trump as a leader who would want his best advice. If Mr Trump's preferences and motivations had aligned with those of his office, Fauci's advising would not have been so jarring. Advising in line with one's own and one's advisee's role obligations can expose their failings. Whilst advisors should respond to their advisee's interests and goals wherever their role obligations require and permit, they cannot give misleading, incomplete, or inadequate advice to please or protect their advisee.

8.4 Responsibleness and responsiveness in legal advice

I have just set out a case for prioritizing responsibleness, construed as fulfilment of one's role obligations, over responsiveness, construed as being led by an advisee. That case revolved around the centrality of the public good to the advice

²⁰ Hazell and Glover, 'The Impact of Freedom of Information on Whitehall'.

²¹ White, *Free and Frank: Making the New Zealand Official Information Act 1982 Work Better*. See also Kibblewhite and Boshier, 'Free and Frank Advice and the Official Information Act: Balancing Competing Principles of Good Government'.

²² Kibblewhite and Boshier, 'Free and Frank Advice and the Official Information Act: Balancing Competing Principles of Good Government'.

relationship between public service advisors and ministers. Both parties there have obligations to the public good and the advice relationship exists so that each can do their public duty. But a lot of professional advice is sought in a private capacity. We private individuals are not bound by the lofty values of public office. When we seek professional advice, we are likely pursuing private interests, and if professionals could not assist us in this, there would be no reason to seek their advice. So, we might think, responsiveness is unshackled in what we might call private-professional contexts. Here, surely professionals are free to be led by their advisees in ways that Fauci was not free to be led by President Trump, and Johnson was not free to be led by Larsen? Not quite. I argue that even in private-professional contexts, responsibility constrains responsiveness. I focus on one context—law—to simplify the discussion.

Imagine Bridie, who has just suffered an excruciating breakup. Collin has abandoned their relationship, and she is out for revenge. Bridie seeks advice from her friendly neighbourhood divorce lawyer, Dara. Bridie is after stripping Collin of his assets and dragging his name through the mud. She has few qualms about how she achieves these ends, and she is not ashamed to let Dara know this. ‘Dara,’ she says, ‘How can I destroy this weasel? I am willing to say whatever I need to in court, just tell me how and I will rain shame down upon him.’

Bridie has placed her practical problem in Dara’s expert hands. Dara has shepherded enough divorces through the courts to know exactly what Bridie should say to humiliate Collin and persuade the judge to award her a crippling settlement. The trouble is that the things she needs to say are not true. Although Collin behaved badly, bad behaviour is the bread and butter of divorce proceedings and Dara knows from experience that if Bridie tells her story, it will be she, not Collin, who feels humiliated. She would have to change key details to achieve her desired effect. Furthermore, the facts do not supply the judge grounds to award Bridie an out-sized share of the marital estate. Bridie would have to fabricate a claim to warrant a greater share. Dara wants to help Bridie. Should she give the advice she seeks?

Law is a regulated and codified profession. Lawyers’ ethical and legal obligations provide grounds for client trust: Bridie can be assured that if Dara shares her disclosures with Collin, for instance, Bridie could complain, and Dara may lose her licence. Dara must, on pain of violating professional standards, zealously serve Bridie’s interests. But whilst regulation and codification ground trust, they also establish duties that constrain advice-giving. Imagine, for instance, that Dara practises in a US state that has adopted the American Bar Association’s Model Rules of Professional Conduct. They prohibit lawyers from ‘Counsel[ing] a client to engage. . . in conduct that the lawyer knows is criminal or fraudulent. . .’ [Rule 1.2(d)].²³ Dara could not advise Bridie to give false testimony for fear of violating

²³ American Bar Association, *Code of Ethics*, https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents/.

that rule. If Dara and Bridie resided in New Zealand, under section 2(3) of *Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008* Dara would be skating on thin ice even if she advised Bridie to testify in ways that would embarrass Collin unnecessarily.²⁴ The terms of legal advice are not up for wholesale negotiation, and for good reason.

Lawyers' role obligations flow out of the animating values of the legal system through which they pursue clients' interests. There would be no hope of the law being upheld if lawyers could use their expertise and skill in an unrestricted fashion to assist clients to avoid and abuse it. Whilst lawyers serve clients, they also serve the legal system that enables their clients' disputes to be heard and settled. Their responsibilities to the legal system and to upholding its trustworthiness delimit proper responsiveness to clients.

Dara's role obligations prevent her from advising Bridie to lie or fabricate evidence even though she has led Dara in that direction, just as Johnson's prevented him from following Larsen's lead. But we may detect a difference between cases: Larsen was subject to her own role obligations that fed into Johnson's, because he is tasked with helping her act well. But Bridie is acting in a personal capacity, so it may seem as though she has no pesky role obligations calling her to higher things. Perhaps Dara thus enjoys more latitude to respond to Bridie's request. I will shortly argue that although Dara can discuss with Bridie what acting well amounts to in the aftermath of a relationship breakdown, if she acts for her, she can follow Bridie's lawful instructions without trying to ensure that Bridie is acting well. But this is not to say that Bridie is free to act as she will. Whatever other obligations she has (to Collin, for instance), she has the obligations of a citizen subject to the rule of law, and they augment Dara's obligations as her lawyer.

It is hardly revelatory that when we act in a personal capacity, we are subject to moral and legal obligations. Bridie is accountable for the lawfulness of her acts. As a party to legal proceedings, she is obliged to follow the rules that govern those proceedings. Whilst, as for Johnson, Dara's obligations flow from her role, to some extent they also flow from Bridie's. In advising, Dara endeavours to help Bridie to see how to proceed. Bridie needs to see what her obligations require of her to identify how to act. Dara demonstrates respect for Bridie as a practical reasoner who can appreciate the practical relevance of her obligations when she advises her about what she must do to remain within the bounds of the law, even though Bridie has indicated her openness to acting outside it. In only advising lawful actions, Dara assists Bridie to recognize her (legal) duty.

So far, I have argued that responsiveness to clients is constrained by responsibility in the sense that lawyers are obliged to advise within the boundaries set by law

²⁴ As an explanatory note makes clear, lawyers cannot advise their clients on the best way to inconvenience an enemy or embarrass a former spouse without falling foul of their duty to use law only for 'proper purposes'.

and professional standards. And here I am not swimming upstream. Mainstream ethical debate about lawyerly role obligations is not peppered with concern that lawyers are unduly hampered in their responsiveness to clients. Rather, discussion focuses on whether the legal parameters that define responsibility permit too much responsiveness to clients. Lawyers need not ensure that their clients act well or pursue just causes. In fact, the standard conception of the lawyer's role centralizes responsiveness to clients (within legal and codified parameters). Under that conception, the good lawyer must take their client's side unreservedly and protect it zealously (partisanship) and refrain from judging the moral worth of the client or their cause (neutrality). Lawyers should not be held accountable for the causes they advance in representing clients, because their role requires them to act not as positive proponents but rather as instruments (non-accountability).²⁵ For some, the standard conception permits too much responsiveness.²⁶ How could justice and fairness thrive within and through the legal system when its primary agents are required to turn their minds away from such concerns and serve as 'amoral technicians', promoting their client's cause even when it is mean, selfish, cowardly, or corrupt?²⁷

The debate about the standard conception dwells on its implications with respect to lawful but morally dubious acts. The standard conception requires a lawyer to utilize legal means as per a client's direction. If a lawyer is morally conflicted, they can withdraw their services, but when representing a client they ought not to renege from employing legitimate legal means to advance the client's interests, regardless of the commands of their conscience. We could interpret the standard conception as advocating maximum responsiveness to a client within the parameters of responsibility set by the law, codes, and standards. Lawyers must advise clients to utilize the law for its sanctioned purposes and to act lawfully, and beyond this, apply their special knowledge and skills to enable their client's autonomy.²⁸ Critics of the standard conception can be seen as advocating greater subordination of responsiveness to responsibility. Where lawyers find a client's goals abhorrent, or preferred strategies morally bankrupt, they should, on this view, withdraw assistance.

One of the challenges of discussing professional advice lies in the variety of tasks that professionals tend to perform for clients. They advise, but they also act for clients in various ways. Professional 'moral entanglement' increases in lockstep with their practical advancement of their client's interests.²⁹ Because this book is about

²⁵ See Wasserstrom, 'Lawyers as Professionals: Some Moral Issues'; Schwartz, 'The Professionalism and Accountability of Lawyers'; Dare, *A Counsel of Rogues? A Defence of the Standard Conception of the Lawyer's Role*.

²⁶ See Luban, *Lawyers and Justice: An Ethical Study*.

²⁷ Wasserstrom, 'Lawyers as Professionals: Some Moral Issues', p. 6.

²⁸ Fried, 'The Lawyer as Friend: The Moral Foundations of the Lawyer-Client Relation'.

²⁹ Goetze, 'Moral Entanglement: Taking Responsibility and Vicarious Responsibility'.

the ethics of advising, I focus upon the advising component of a lawyer's role. And here, the standard conception of the lawyer's role harmonizes with the norms of advice. Lawyers help their clients to understand their practical position, but the norms of discretion and respect for an advisee as a practical reasoner require lawyers to accept their advisee's entitlements to decide between lawful options.

What does this amount to for Dara and Bridie? Dara must advise Bridie that options involving deceit are off the table. She can explain the strategies open to Bridie and discuss their various pluses and minuses, legal and otherwise. And then it is for Bridie to choose how, within the law, to proceed. Whilst lawyers must privilege responsibility in legal and regulatory matters, and cannot act unlawfully on a client's direction, they have wide latitude to advise responsively. It is doubtful that lawyers enjoy enhanced public trust because of this: we encounter lawyers not only as clients, but also as the human means by which they advance clients' claims. For every vengeful Bridie, there is a Collin. But in terms of grounds for a trusting advice relationship, the standard conception provides it.

8.5 Medical advice

Doctors are archetypal expert advisors. For many of us, they are the professionals from whom we most often seek advice. One might suppose, therefore, that advising is readily accommodated within a doctor's role obligations. The reality is more complex. Medical practice is multifaceted and the ethics of advising varies across contexts. Here I focus on one area in which advice may be sought or given: the management part of a consultation between a doctor and a patient, in which decisions about investigations and treatment are made. I focus on management decisions because here the tension between responsibility and responsiveness is acutely activated, to the point that it becomes questionable whether advising is the best response.

I will argue that advising is often not the best way for doctors to enact their duty of care to patients or to uphold their duty to support patient decision-making when it comes to management decisions. A patient's perception that a doctor's management advice is discretionary can be undercut by the doctor's broader role obligations, and the powers required to give effect to them. Studies reveal that patients have a range of preferences about their and their doctor's role in management decisions. Some patients want doctors to make (some) management decisions for them, whilst others value the opportunity to decide without the pressure of knowing what a doctor thinks they should opt for. For patients in the first category, advice involves the doctor too little in decision-making; for patients in the second category, advice involves the doctor too much. The ethics of giving medical management advice are sensitive to patient preferences about decision-making, and they are also informed by a doctor's duty of care, which can require a doctor to set

parameters around choices. The result can be considerable ambiguity for patients about where decision-making authority resides. Shared decision-making, an approach to management that is increasingly advocated and practiced, provides a framework within which patients and doctors can establish how management decisions will be made.³⁰ Shared decision-making can foster clarity for both doctor and patient about who is making decisions, and establish whether there is a place for advice within their shared and respective deliberations.

In the interests of manageability, I have restricted my focus to management consultations between doctors and competent adult patients in largely Western medical settings. I do not address those common scenarios in which family members or wider clinical teams participate in care planning, or scenarios in which decisions must be made for a non-competent patient. The circumstances I depict are strongly informed by Western medical norms, which cast competent patients in a decision-making role. In other cultural settings, responsibility for medical decisions may rest elsewhere, and role delineations, including expectations about how a doctor communicates, may vary in ways that are relevant to an ethical analysis of advising.

As we set off, it is useful to recall Chapter 4's discussion of power and its potential to derail advising. Relationally comfortable, norm-compliant advice is more difficult when advisors have power over advisees. Advisees can worry about the implications of acting against advice: will their advisor be disgruntled, and treat them less well as a result? The possibility that acting against advice will result in advisor-imposed negative consequences can absorb advisee attention, divert focus from the substance of the decision at hand, and present a powerful reason to follow advice, even if the advisee would prefer to do otherwise. The prospect of advisor-imposed negative consequences can threaten an advisor's sense of discretionariness—that the decision is theirs to make, based upon their own practical reasons.

Doctors need, and hold, powers to enact their role obligations. These powers exist because doctors do far more than advise patients: they diagnose, prognosticate, and identify and evaluate potential treatment pathways. They provide practical medical treatment. They refer patients to specialists and apply on their behalf for funding, services, controlled drugs, access to interventions, and enrolment in clinical trials. They write reports for insurers and issue certificates declaring a patient fit or unfit. In these and many other ways, doctors work on behalf of patients. These are also ways in which doctors manage access to health (and some social) services: without a doctor's agreement, it is not possible to receive many forms of

³⁰ Stigglebout et al., 'Shared Decision Making: Concepts, Evidence, and Practice'; Couët et al., 'Assessments of the Extent to Which Health-care Providers Involve Patients in Decision Making: A Systematic Review of Studies Using the OPTION Instrument'.

care. Doctors have both power and responsibility in relation to patient care, and in relation to patients.

In the case of medical management, a doctor's power and responsibility is not incidental to the subject of advice, it pertains precisely to it. Doctors do not just advise about something that is happening in a patient's life, they play a major role in setting up the choice situation that they then advise about. The first way this happens is through information provision. Doctors are obliged to explain a patient's health condition, why and when management decisions are needed, what the options are, and what they would involve. In and of itself, this informational role does not compromise the norm-compliance of a doctor's management advice; it is common for advisors to inform in ways that set up a choice scenario.

The problem for the ethics of advising arises from the second way that doctors set up choice situations: through their influence on the availability of treatment options. Doctors do not merely suggest options for patients to go away and consider; whether they see options as advisable (and the advice they give) can determine whether those options are open to that patient. This element of a doctor's role involves an exercise of power over a patient's practical choices that is difficult to reconcile with the auxiliary function of advice. If a patient does not want to go down a treatment pathway her doctor advises, she may only know of alternatives if her doctor communicates them as such, and is willing to provide them. If a patient wishes to receive a treatment that a doctor regards as inadvisable, she must either lobby to receive it, search out a more amenable doctor, or accept that her wishes will not be met. By virtue of their role as care provider and gatekeeper, doctors control access to the means of realizing healthcare choices. When doctors advise in favour of a treatment, they make a practical commitment to contribute to its provision. Likewise, when doctors advise against a treatment, their advice acts as a practical obstruction to access. Doctors do not merely advise about how to manage a health condition, they facilitate, restrict, and provide management options. A doctor's responsibility to ensure that a patient receives an appropriate standard of care, and their understanding of resource constraints, limits how responsive to a patient's wishes they can be.

Patients' reliance on doctors for information about and access to care produces an unequal power relation: the doctor can set a patient's interests back in ways that are difficult for patients to avoid or correct for. Unequal power relations create inhospitable conditions for advising (although, as noted in Chapter 4, there are ways to manage and overcome them). In other contexts, it is sometimes possible for an advisee to subvert the power of an advisor by falsely voicing an intention to act on advice. It is often difficult, however, for a patient to conceal a decision not to follow advice from their doctor. A sense of being scrutinized or of having to account for oneself to a powerful advisor can act as a deterrent to choosing against advice. Even if a doctor would not dream of imposing ill consequences, the patient may not feel that she has discretion once she knows her doctor's view. The doctor's status as expert may further deter questioning or expressions of disagreement

with advice; a patient may worry about being perceived as mistaken or ignorant, and losing standing in the doctor's eyes. There is also the ever-present mystery of patient notes, which record the doctor's account of a consultation (but not the patient's). How might a doctor record a patient's decision to choose against advice, and what impression might that make upon other care providers? Such considerations seep into the cognitive and relational backdrop for patients. Particularly for those with a sense of reduced standing in relation to doctors (perhaps because they belong to a marginalized or stigmatized community; or have experienced humiliation, discrimination, or disrespect in health care settings, for instance), a doctor's advice, especially if issued with little inquiry into the patient's goals or perspective, can seem less like help with their own practical reasoning than a replacement of it.

Despite the range of ways that they enact power on behalf of, and over, patients, doctors are obliged, and often strongly motivated, to respect their patient's autonomy. The most concrete expression of this obligation is the requirement to obtain patient consent before providing treatment.³¹ For a patient's agreement to constitute a valid consent, it must be voluntary, informed, and made on the basis of sufficient understanding.³² A decision is taken to be voluntary if it is intentional and was arrived at in the absence of controlling influence.³³ Given the power asymmetry and the historical legacy of doctors deciding for their patients, prescriptive all-things-considered advice (advice that tells a patient what they should do or decide) may exert a pressure that rises to the level of a controlling influence for some patients, even if the doctor does not intend this. Pressure can come to bear through a patient's sense that their doctor would be displeased by their going against advice and could act on that displeasure in ways that set their interests back. A patient may perceive a threat and feel little choice but to go along with the doctor's advice, on pain of losing access to care. Such sentiments were widely expressed by participants in one US study of patient experiences. Participants considered that going against a doctor's advice would be tantamount to denigrating their expertise and might reduce their doctor's willingness to help them:

If I were to do that I would think...is the guy going to be pissed at me for not doing what he wanted?...Is it going to come out in some other way that's going to lower the quality of my treatment?...Will he do what I want but...resent it and therefore not quite be as good...or in some way...[be] detrimental to my quality of care.³⁴

³¹ There are exceptions, for instance where patients are not competent to make a decision at the necessary time.

³² For a classic analysis of informed consent, see Faden et al., *A History and Theory of Informed Consent*. For an account of English law relating to consent to treatment, see Montgomery, *Health Care Law*, Ch. 10; Manson et al., 'Rethinking Informed Consent in Bioethics'.

³³ Nelson et al., 'The Concept of Voluntary Consent'.

³⁴ Frosch et al., 'Authoritarian Physicians and Patients' Fear of Being Labeled "Difficult" Among Key Obstacles to Shared Decision Making'. See also Joseph-Williams et al., 'Power Imbalance Prevents Shared Decision Making'.

Given the need to support and respect patient autonomy and the difficulty of advising patients without imposing upon a patient's sense that the decision is theirs to make, it may seem wise for doctors to avoid advising altogether. And indeed, some doctors do guard against the possibility of inadvertently pressuring patients by avoiding all-things-considered management advice. Instead, they attempt to convey information neutrally, preserving as much as possible the patient's prerogative to decide between reasonable treatment options based upon their own preferences, goals, and values. This approach maps onto what Ezekiel Emanuel and Linda Emanuel term the *informative model* of relationships between doctors and patients. Under this model, doctors act as 'purveyor[s] of technical expertise, providing the patient with the means to exercise control.'³⁵ Studies of clinical encounters document ways that doctors position the patient as decision-maker, using phrases like: 'You need to figure out,' 'You have to decide,'³⁶ 'It's your life, your decision,'³⁷ 'and then you can decide and tell us that,' 'That's why it's your choice you see because (.) it's how you feel about it.'³⁸ Such phrases, whilst in themselves more directive than would be advocated in communication skills training at many medical schools, are intended to counteract any impression that decision-making rights lie with the doctor.³⁹

An a-prescriptive approach to medical management avoids the ethical conundrums of advising and it suits some patients, in some contexts. In their study of cancer patients' experiences of shared decision-making, Sally Thorne and colleagues report some participants' preferences for wide latitude to determine their own treatment pathway. One talked about her oncologist in the following terms:

[My doctor] uses the kind of consultation model. So that's how I chose the medication I'm on. . . She let me do the research and so forth and you know, the pros and cons. And then that's what I chose and then she said, 'If that's what you want we'll "try it" for a year'. . . see how it goes. . . I'm glad that she's that kind of oncologist. I respect her, what she says, you know, she's a professional. She knows all the medical side of it, but it is my body.⁴⁰

Other patients crave knowledge of what the doctor thinks would be best for them and resent being positioned as solely responsible for setting their care trajectory. Thorne and colleagues also encountered participants who had wanted to be told

³⁵ Emanuel and Emanuel, 'Four Models of the Physician-Patient Relationship', p. 2221.

³⁶ Both examples are from Chhabra et al., 'Physician Communication Styles in Initial Consultations for Hematological Cancer', p. 575.

³⁷ Bélanger et al., 'Patient Participation in Palliative Care Decisions: An Ethnographic Discourse Analysis', p. 5.

³⁸ The last two quotes are from Sherlock et al., "'What Would You Recommend Doctor?'—Discourse Analysis of a Moment of Dissonance when Sharing Decisions in Clinical Consultations', p. 551.

³⁹ My thanks to Fiona Moir for this observation.

⁴⁰ Thorne et al., 'Communicating Shared Decision-Making: Cancer Patient Perspectives', p. 294.

what to decide, or more, wanted the doctor to decide for them. Although these participants recognized that their doctor's reticence was the product of a desire to protect their freedom of choice, it had elicited in them a response of bewilderment and moral isolation:

I felt abandoned. . . When she said you can have a lumpectomy or this or that and then just was quiet. I thought that's outrageous. Please. There's a right answer to this question!⁴¹

In Rebecca Sherlock and colleagues' study on decisional dissonance in doctor-patient interactions, patients can be seen resisting their doctor's attempts to situate them as decision-makers, as in this extract (from which I have removed notation symbols for readability):

PATIENT A: 'Well. I'm going to leave it in your hands'
 SURGEON: 'Okay'
 PATIENT A: 'And you decide which is best for me, whether it's a lumpectomy or a mastectomy, whatever'
 SURGEON: 'Okay. Unfortunately I can't decide for you'
 PATIENT A: 'Bu. . .'
 SURGEON: 'Uh'
 PATIENT A: 'But you're the specialist'
 SURGEON: 'I know! But'
 PATIENT A: 'But you've got to say'
 SURGEON: 'Aa'
 PATIENT A: 'Well I think it's better for you to have this'⁴²

As these extracts show patients have wildly different preferences about how management decisions should be made, and who by. Some patients want to make their own decisions and prefer not to receive all-things-considered advice. Others desperately desire direction. A general rule about whether and how doctors should advise is elusive because advice's potential to help (or otherwise) depends upon the kind of help the patient wants within a given decisional context. So, doctors must endeavour to discover the preferences of the patient before them.

To make things more complex, patient preferences are not the only things that matter; doctors are bound by professional standards that constrain the options that they can offer or agree to. If a patient seeks an option that his doctor regards as seriously harmful (an unapproved or inappropriate drug, for instance), it would

⁴¹ Thorne et al., 'Communicating Shared Decision-Making: Cancer Patient Perspectives', p. 294.

⁴² Sherlock et al., "'What Would You Recommend Doctor?'"—Discourse Analysis of a Moment of Dissonance when Sharing Decisions in Clinical Consultations', p. 550.

be improper for the doctor not to advise against it, and more improper still for her to provide it. If a patient discloses information in the course of seeking advice (that her partner is abusive, for instance, or that she is blacking out when driving), the doctor may be bound to act on that information even if the patient requests otherwise. A doctor's duty of care obliges them to assume a more interventional role in some areas of practice than is ideal when viewed from the perspective of the norms of advice. But advise they must, at least sometimes.

For the last thirty or so years, calls to move medical practice towards shared decision-making have increased. Cathy Charles, Amiram Gafni, and Tim Whelan's influential model identifies the following key features of shared decision-making:

1. At a minimum, both the physician and patient are involved in the treatment decision-making process.
2. Both the physician and patient share information with each other.
3. Both the physician and the patient take steps to participate in the decision-making process by expressing treatment preferences.
4. A treatment decision is made and both the physician and patient agree on the treatment to implement.⁴³

This model situates doctor and patient as joint decision-makers and offers an alternative to an informational approach, in which a doctor explains, presents options, and then vacates the decisional space. Shared decision-making also differs from an advice-based approach, in which a doctor shares their view about what would be best for the patient but locates the decision itself (at least formally) with the patient. In shared decision-making, decisions are approached through partnership and responsibility is shared. When advice is deployed, in contrast, responsibility for the decision sits with the patient, although their choice can be understood through the lens of received advice. Doctors are responsible for their advice, but not, if the norms of advice have been adhered to (not an easy task, as we have seen), for the treatment choice that emerges from it (see Chapter 5 for my account of responsibility for advised acts).

Although in theory shared decisions, doctor's decisions to which the patient consents, and patient decisions based upon a doctor's advice, are importantly distinct, in practice they are not readily disambiguated. In the extract above we see the patient allocate decision-making to her surgeon ('I'm going to leave it in your hands. . . You decide which is best for me. . .') only for the surgeon to throw it back at her ('Unfortunately I can't decide for you'). Then the patient protests—but not with 'But you're the specialist, you have to decide.' Instead, 'But you're the

⁴³ Charles et al., 'Decision-Making in the Physician-Patient Encounter: Revisiting the Shared Treatment Decision-Making Model', p. 652. See also Charles et al., 'Shared Decision Making in the Medical Encounter: What Does it Mean? (Or, it Takes at Least Two to Tango)'.

specialist, you've got to say "Well I think it's better for you to have this". The patient shifts from asking (or permitting) the doctor to decide, to voicing an expectation for directive advice, but my guess is that she did not perceive this shift. In other contexts, the difference between being advised and being decided for is perfectly appreciable. If I ask you whether I should get my hair cut to a mohawk or a mullet, that would feel quite different—for both of us—than if I told you that I was leaving the choice in your hands. You may be willing to share your view, but choosing someone else's hairstyle is a hefty burden you may not wish to take on. What if I hate the mullet you (tastefully) select once I am sporting it? And frankly I am not sure that I would want to cede so much control of my appearance, but I would happily solicit your advice.

Why is the difference less discernible in medicine? Although the choice between two mighty hairstyles is consequential, it pales in comparison to the choice at issue for this cancer patient and her surgeon: whether to remove her whole breast or excise the tumour (plus a margin of healthy tissue) and preserve the breast. One would think that this would heighten the patient's sensitivity to who is deciding, but it seems that for this patient, the distinction between deciding and advising is blurred. I suggest however, that it would be a mistake to think that she and others like her are not sensitive to who is deciding when they appear to treat advice and decision as equivalent. Rather, they express the force that their doctor's advice would have for them. The patient wants to choose what the surgeon thinks she should, not (I am supposing here) because she is intimidated by the surgeon, but because she is intimidated by the decision before her. She does not want to decide alone and sees her doctor as role-obligated to exercise their judgement on her behalf. When confronted with an indication that the doctor will not decide for her, she seeks their advice instead, because she fully intends to do exactly what they advise. Being advised and being decided for can feel equivalent when the perceived risks of striking out alone are high enough.

If I am right that in such circumstances a doctor's expression of a view about the best treatment for a patient is akin in force to a treatment decision that the doctor makes and the patient accepts, we are not really in the realm of advice as I have described it. We are rather in the territory that Wiland explores—of joint agency.⁴⁴ Patient and doctor decide together and share responsibility for decision-making. Shared decision-making represents the stakes that doctor and patient each have in management decisions more faithfully than models that situate the patient as decision-maker and the doctor as advisor. Given all the factors that disrupt normatively sound advising—the asymmetries of power, expertise, and vulnerability between doctor and patient; the duty of care that obliges doctors to sometimes restrict or override patient choice—and the difficulties that patients can have

⁴⁴ Wiland, *Guided by Voices: Moral Testimony, Advice and Forging a 'We'*.

asserting choice in medical contexts, it may be better to opt for respectful decision-making partnerships than an advice relationship.⁴⁵

Shared decision-making requires discussion not only of clinical matters, but also of decisional ones: the fact that there are decisions to make, what those decisions pertain to, what the options are for approaching them, and that the approach will be guided by the patient's preferences.⁴⁶ Shared decision-making also offers a starting point from which patients and doctors can branch out into other modes when the patient chooses. Once a working partnership has been established and patients feel confident about roles and responsibilities, a role for advice may emerge.

Providing good care in modern health systems is a formidable task. Doctors must perform the clinical elements of their role well, often under resource constraints. It takes time and sensitivity for doctors to establish trust, a shared understanding, and negotiate decision-making roles. Consultations are often short, and continuity of care is not always easy to achieve. Because of the importance of advisee discretion and the powerful forces that compromise it for patients, advising may not be the best way of supporting patients with management decisions. Shared decision-making is a more reliable default.

8.6 Conflicts of interest

Conversations about roles can establish shared expectations within a professional relationship, but they are not magic bullets. Quite apart from the fact that entrenched distrust of a profession is not easily dislodged, especially when contact occurs in short appointments on the professional's turf, disclosures can supply new obstacles to an effective advice relationship. Take the example of financial advice. It would seem that an advisee's position is improved when an advisor declares a conflict of interest (they stand to gain personally through commissions on the financial products they sell). Armed with that knowledge, advisees can respond to advice in more informed ways. If an advisor recommends an investment product that they declare an interest in, advisees can discount the recommendation to allow for the conflict. But, for reasons that may already have begun to suggest themselves, perverse outcomes can ensue when financial advisors disclose conflicts. In this final

⁴⁵ Additional examples of studies of doctor-patient interactions include Stevenson et al., 'Doctor±Patient Communication About Drugs: The Evidence for Shared Decision Making'; Entwistle et al., 'Involvement in Treatment Decision-making: Its Meaning to People with Diabetes and Implications for Conceptualisation'. See also Edwards et al., 'Consumers' Views of Quality in the Consultation and their Relevance to "Shared Decision-Making" Approaches'; Joseph-Williams et al., 'Power Imbalance Prevents Shared Decision Making'; Street et al., 'Physicians' Communication and Perceptions of Patients: Is it How They Look, How They Talk, or is it Just the Doctor?'

⁴⁶ See Elwyn et al., 'Measuring the Involvement of Patients in Shared Decision-Making: A Systematic Review of Instruments', p. 7, for a summary of the stages and competencies of shared decision-making.

section I show the limits of managing ethical tensions in an advice relationship through speech alone.

Scholars of organizational behaviour Daylian Cain, George Loewenstein, and Don Moore enumerate a range of problems that arise when disclosures are relied upon to manage conflicts of interest.⁴⁷ Disclosures are of limited value unless advisees understand how advice has been shaped by a declared conflict. But how are advisees to understand this? This would require insight into the advisor's beliefs, values, and practices; the extent to which the conflict incentivizes biased advice; how any counteracting incentives moderate this effect; and a way of evaluating the advice proposition itself. But such insight into the mysterious workings of financial advice is not standard issue. Most of us do not know enough about financial matters and how the industry works to assess the extent to which conflicts of interest compromise advice. Disclosures present advisees with new practical problems. Should they distrust advice because its other-regardingness and sincerity are likely compromised, or take the declaration as a sign of the advisors' trustworthiness? What if there is no less biased advice available, or advisees have no way of determining this?

Cain, Loewenstein, and Moore tested their hypothesis that disclosures do not enable advisees to make sounder decisions with an experiment.⁴⁸ They tasked advisees (referred to as estimators) with guessing the value of coins in a jar. Advisees had access to advice to inform their estimate. Some advisees received advice from advisors who were rewarded if their advisee guessed accurately and others from advisors who were rewarded if their advisee guessed high. Of the latter group, in half the advice events, the advisor's incentives were disclosed, and in the other half they were not. They found that advisees tried to correct for known advisor conflicts by adjusting their guess downwards but did not adjust sufficiently to make their guesses as accurate as those resulting from non-conflicted advice. This was partly because advisors who had to declare their incentives inflated their recommendations to neutralize the effect of disclosure. Whilst advisors who did not have to disclose their incentives issued recommendations higher than their own estimate of the value of the coins, advisors who did have to disclose issued recommendations twice as high as those of the non-disclosers. That is, disclosures seemed to promote more biased advice, and advisees were not able to accurately estimate the extent of the bias and choose accordingly.

These results suggest that conflict of interest disclosures do more than simply convey information.⁴⁹ They affect behaviour within an advice relationship. Advisors know that advisees who are aware of their conflicts will trust them less

⁴⁷ Cain et al., 'The Dirt on Coming Clean: Perverse Effects of Disclosures of Conflicts of Interest'.

⁴⁸ Cain et al., 'The Dirt on Coming Clean: Perverse Effects of Disclosures of Conflicts of Interest'.

⁴⁹ Other studies suggest a slightly different picture. See Chen and Richardson, 'Conflicted Financial Advice: Disclosure Revisited'.

and they alter advice accordingly, to preserve its potential to serve their own interests. It has been suggested that advisors who declare conflicts feel morally licenced to pursue their own interests, and so may be more brazen in their deviations from the norm of other-regardingness.⁵⁰ But studies suggest that the sincerity and other-regardingness of advice are not uniformly affected by disclosures of conflicts. When advisors can avoid conflicts that they would have to disclose, they sometimes do so.⁵¹ Advisors display sensitivity to the norms at play within their professional domain: when advising within a role in which ‘client first’ norms prevail (such as medicine), disclosures of conflicts seem to prime advisors to offer more reliable advice. This stands in contrast to advisors within a ‘self-interest first’ role (such as financial advice), for whom disclosure of conflicts seems to provoke more biased advice.⁵² Some advisors respond to the threat of advisee loss of trust through issuing strategically restrained advice (presumably to demonstrate their trustworthiness) whilst others opt for strategic exaggeration.⁵³ Advisees are hard pressed to predict how a conflict will distort professional advice.

Similarly, advisees respond in a range of ways to conflicted advice. In some contexts, advisees experience *insinuation anxiety*: concern that an advisor will think that they think that the advisor is corrupt if they reject advice given under declared conflict of interest.⁵⁴ A wish to preserve both the advisors’ face and an atmosphere of trust can create pressure to accept advice even when it is distrusted. Insinuation anxiety appears particularly potent in contexts in which “client first” norms prevail. When advisors are expected to serve their own interests, the *panhandler effect* can lead advisees to experience a disclosure as a request to help the advisor to secure the personal advantage they stand to gain if the advisee follows their advice.⁵⁵ In these cases, advice has the force of a plea or request which makes the advisee uncomfortable, but nevertheless inclined to follow advice in order to avoid a difficult interaction.

Much of the research that has uncovered these effects has been conducted in artificial settings. Their presentation may differ in real life. But the key insight that disclosing conflicts does not obviate their negative effects upon advice relationships is likely to survive a transition into the wild. As Cain, Loewenstein, and Moore point out, disclosure regimes are often preferred to structural and

⁵⁰ Cain et al., ‘When Sunlight Fails to Disinfect: Understanding the Perverse Effects of Disclosing Conflicts of Interest.’

⁵¹ Sah and Loewenstein, ‘Nothing to Declare: Mandatory and Voluntary Disclosure Leads Advisors to Avoid Conflicts of Interest.’

⁵² Sah, ‘Conflict of Interest Disclosure as a Reminder of Professional Norms: Clients First!’

⁵³ Cain et al., ‘When Sunlight Fails to Disinfect: Understanding the Perverse Effects of Disclosing Conflicts of Interest.’

⁵⁴ Sah et al., ‘Insinuation Anxiety: Concern That Advice Rejection Will Signal Distrust after Conflict of Interest Disclosures.’

⁵⁵ Sah et al., ‘The Burden of Disclosure: Increased Compliance with Distrusted Advice.’ See also Sah et al., ‘Insinuation Anxiety: Concern That Advice Rejection Will Signal Distrust after Conflict of Interest Disclosures.’

regulatory changes that would remove conflicts, because they leave the incentives that displace trust undisturbed.⁵⁶ Financial advisors (and other professionals) would rather keep their incentives and work around the relational complexity they create than surrender them and build greater trust with clients. But disclosures are inadequate mechanisms for restoring the helpfulness of conflicting advice. Trust in advisors is most rational when the interests of advisor and advisee align, and both parties know this. Conflicts of interest, by their very nature, generate misalignment. Whilst professions that tolerate conflicts of interest amongst members tend to be distrusted, advisees often have little choice but to seek their advice. The very unfamiliarity with the field that leads advisees to seek the expert guidance of distrusted professions also impedes their assessment of and confidence in its quality. This puts advisees into a position of unwilling reliance upon advice they view with suspicion. Attempts to correct for the polluting effects of conflict are likely to be hampered by factors such as the *anchoring effect*, because distrusted advice still supplies the starting point for deliberations.⁵⁷ Distrust of a profession can reduce the helpfulness of advice even when issued by conscientious, unconflicted advisors, a factor that may lead some advisors to surrender to their reputation by accepting conflicts that they may have preferred to spurn if doing so earned them trust.

The failures of disclosure to remedy the harm caused by conflicts of interest are instructive. Advisees seek out professional advisors because of their professional status and bring their experience of and attitudes towards the profession to each encounter with its members. It is difficult for practitioners to overturn accrued distrust because their actions can be interpreted through a lens of suspicion. Professions must create conditions for trust through profession-wide measures that remove the conflicts that provide cause for distrust. Disclosure regimes simply won't cut it.

8.7 Conclusion

Professionals are not alone in facing questions about how responsive to be to one's advisee, when to advise or provide help of a different form, and when to declare a conflict rather refrain from advising. These are amongst the many ethical questions that arise when we consider helping someone with practical reasoning. In this chapter, I have laid out three particular ethical challenges that, whilst occurring more generally within advice relationships, may be exacerbated for professionals

⁵⁶ Cain et al., 'The Dirt on Coming Clean: Perverse Effects of Disclosures of Conflicts of Interest.'

⁵⁷ Anchoring is a heuristic in which the reasoner estimates an unknown value based upon a connected value. The resulting estimate can be too closely tethered to the connected value that forms the starting point, resulting in erroneous or unreliable reasoning. See Tversky and Kahneman, 'Judgment under Uncertainty: Heuristics and Biases.'

because of the relative absence of personal ties and relational trust. I have argued for three conclusions: privilege responsibility whilst ensuring responsiveness within the contours of one's roles obligations (and theirs); have open conversations about decision-making; and remove conflicts of interests. As with so much in the sprawling domains in which we advise, the devil is in the details, and I have skated over much detail about how specific professions operate in my efforts to draw out broadly applicable ethical claims. My hope is that I leave you, the reader, with new questions about what it means to advise well, and how advice affects the ethical ties that bind us, and a set of claims to argue against, if not to incorporate into your own reasoning about when and how and who to advise.

Conclusion

In Chapter 1 I set six questions through which to review philosophical reflections on advising. They were: What is advice? Why take advice? Why give advice? How should one advise? What are the qualities of a good advisor? and What should the advice relationship be like? Over the course of this book, I have developed my own answers to these questions, and a few others that I picked up along the way. It may be helpful to summarize them here.

Advice is help with practical reasoning. The illocutionary point of advice is to help an advisee see how they should proceed. It has a words-to-world fit: in advising we convey our beliefs about (some aspect of) an advisee's practical reasons to help them work out what to do. We hope that our advice will reliably map their practical reasons. We do not advise to try to 'get' our advisee to do as we think they should; that is, we do not try to make that part of the world that is composed of our advisee's actions fit our words. My account of what advice is, and its illocutionary characterization, was developed in Chapter 2.

The primary reason to take advice mirrors the primary reason to give it: to be helped with practical reasoning. Importantly, we do not take advice to make ourselves subject to the desires or will of our advisor. But there are other reasons to engage in advice-taking, grounded in advice's character as a social practice. Advice-giving and taking can build and strengthen relationships because it is an act of help that establishes a mutual expectation of solidarity. The strength of that expectation differs by context and relationship in ways that I explored in Chapters 6 and 7. The expectation of (a measure of) solidarity that advising gives rise to, combined with the prevailing ambiguity about how responsibility for advised acts is apportioned, creates the conditions for strategic advising. We sometimes take advice, and give it, to circumvent negative reactive attitudes that we see coming our way—such as blame and resentment. Strategic deployments of advice undermine trust in advice and betray the trust of an advice partner. This was a major theme of Chapter 6.

Much of the preceding discussion has been about how we should advise, beginning with analysis of advice's illocutionary point and illocutionary force in Chapter 2, which flowed into an account of the norms of advice in Chapter 3. We should advise sincerely, through applying our best knowledge and reasoning to an advisee's practical problem. Our advice should be other-regarding and address our advisee as a practical reasoner, preserving their discretion to decide. When our

advice is norm-compliant, we preserve our advisee's accountability for their act. If we amp up the force of our advice or trade on power relations that weaken our advisee's capacity to act against advice (explored in Chapter 4), we risk compromising discretionariness and become (partially) responsible for their acting on our advice. I developed a novel account of responsibility for advised acts, underwritten by the illocutionary point of advice and its norms, in Chapter 5.

A good advisor is sensitive to power's implications for an advisee's discretion, and advice's implications for attributions of responsibility. A good advisor delivers advice in ways that are accessible to an advisee, maintain its sincerity, and convey respect for them as a practical reasoner. A good advisor desires a good outcome for their advisee but does not fix their desires upon an advisee's performance of the advised act or take on the advisee's practical project as their own. A good advisor invests the requisite level of care into formulating their advice and takes responsibility for it. They respond to their advisee's goals and values within the parameters set by their professional, moral, and relational responsibilities. They stand by their advisee when blame is being meted out and exhibit discretion when praise is. An advice relationship should be founded on role-modulated solidarity: the advisee is the principal agent and the advisor their helper. The animating concern is for the advisee seeing how to act well. Parties to an advice relationship should not engage in advice to advance their own ends at the expense of their partner's; advice activates a reciprocal duty of care. These conclusions were built up over theory-informed, case-based reasoning across each chapter.

As the survey in Chapter 1 progressed, several questions that were unresolved, or even hitherto unnoticed, accumulated. My ethical theory of advising supplies a basis for answering them. Firstly, I noted the unexamined assumption that advisors should craft advice with an eye to what is possible that is built into Michael Smith's 'advice model' of reasons internalism.¹ My account supports this assumption, within limits. Where there is a practically available option for action that an advisor can sincerely recommend, advising is permissible. If advice is to help an advisee with practical reasoning, it must be practically accessible. Advice should be responsive to an advisee's goals, values, and limitations. However, sincerity requires that advice reflects the advisor's standards and values even as it engages with the advisee's. The advisor is responsible for what they advise and can be held accountable for it. If the only advice that an advisee could act on would be indefensible, advice is not the right kind of help to give.

We noted too the range of views about how practical advice has to be to qualify as such. I said that an account of advising should establish the forms that advice can take and resolve whether suggestions to consider a course of action can figure as advice. I am with Gauthier in recognizing that advice encompasses

¹ Smith, 'Internal Reasons'.

recommendations to perform mental acts as well as physical ones.² In Chapter 2 I identified four kinds of advice that vary in their focus (action or deliberation) and their completeness and prescriptivity. On my account, advice can be all-things-considered, restricted, intention-based, or deliberative. It can be delivered in a range of styles, from directive/prescriptive to indirect to inquisitional. Whether a speech act counts as advice is a matter of advisor intent, context, and its illocutionary profile.

I identified several ways that the discretionariness of advice can be understood. I conclude that the ethics of advice requires non-enforcement: an advisor should not require an advisee to follow advice. The case of Conrad Roy and Michelle Carter, explored in Chapter 6, shows one iteration of how advice relationships can go wrong when the would-be advisor takes it on themselves to ensure that advice is followed. But the higher standard, that advice requires pressurelessness, still calls to me. It may not be possible to refrain from exerting any pressure at all on an advisee, for all the reasons I have laid out in this book. Advice colours an advisee's deliberative landscape, and when their actions are scrutinized, advice informs our evaluations of the agent and the act. Knowledge of this can present its own kind of pressure for an advisee. However, the aim should be to reduce advisor-imposed pressure to the extent that it is possible. Where advisor-related pressure is inevitable, it may be better to swap to another illocutionary or decisional mode (a request in the case of Nadim and his brother Abbas, analysed in Chapter 3, and shared decision-making in the case of medical management decisions, discussed in Chapter 8). The possibility of pressurelessness is one factor that makes advice to strangers viable (as noted in Chapter 7).

The final point that arose in Chapter 1 concerned the permissibility (or desirability) of advice designed to rouse the advisee to action. I conclude that it is one—perfectly respectable—thing to present advice to appeal to an advisee's concerns, as I argued in Chapter 4. That can draw a practical proposition to an advisee's attention and help them with practical reasoning. It is another—norm-violating—thing to engage in what Hobbes called 'Counsell vehemently pressed', a form of speech that bespeaks an attempt to have the world fit one's words.³ As with advice, telling the one from the other requires attention: to the content, the context, the form, and the advice relationship.

² Gauthier, *Practical Reasoning: The Structure and Foundations of Prudential and Moral Arguments and their Exemplification in Discourse*.

³ Hobbes, 'Of Counsell', p. 304.

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