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Virtue Ethics and Moral Motivation:
Foot and Anscombe's Critique of the Moral 'Ought'

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Sommaire

This thesis examines two essays that are of tremendous historical import to the emergence of virtue ethics as a substantive approach to normative ethics: G. E. M. Anscombe's "Modern Moral Philosophy" and Philippa Foot's "Morality as a System of Hypothetical Imperatives". Both authors argue that a notion central to modern ethics, that of moral obligation, is irrevocably incoherent because of its inability to account for moral motivation. As an alternative, they propose a conception of ethics centred on virtue which promises to make up for this shortcoming. In this thesis, I assess whether they can make good on that promise. Chapter one justifies my focus on Anscombe and Foot. I argue that a genuine rift between, on the one hand, deontology and consequentialism and, on the other, virtue ethics exists only in the case of radical forms of virtue ethics. However, largely sidelined in contemporary discussions of the relative merits of virtue ethics, consequentialism and deontology, however, is the problem that initially gave rise to virtue ethics as a substantive approach to normative ethics: the problem of moral motivation. I thus propose a reconsideration of two early texts which directly and forcefully argue for the rejection of the notion of obligation in ethics on the grounds that it provides an inadequate framework for making sense of moral motivation and which present, as the necessary corrective, prototypical versions of the basic forms of virtue ethics which correspond to the two basic contemporary forms of radical virtue ethics: the eudaimonist and aretaic approaches. In chapter two I assess Anscombe's case for virtue ethics in terms of its adequacy as a solution to the problem of moral motivation. I begin by working out what Anscombe means by the notion of "moral obligation" and then turn to the reasons she offers for why its assumptions fail to constitute an adequate framework for ethical judgement. I then explain her alternative conception and argue that her eudaimonist means of identifying moral demands threatens to suffer from limitations that are no less serious than those of the alternatives she rejects. I conclude that the prospects for virtue ethics as a

critique of the notion of moral obligation appear to be more hopeful in the aretaic form of Philippa Foot. The third chapter addresses the strength of Foot's argument to the effect that attempts to generate or identify moral obligations from a standpoint external to the prior ethical commitments of agents should be abandoned in favour of a conception of ethics which puts at the forefront the aretaic concepts. The main difference between, and the chief advantage of, the conception of ethics Foot wishes to reject and her own conception is that the former incorporates the recognition that the question of whether morality is a system of hypothetical imperatives is not a question that can be settled a priori. On the basis of these critiques, I conclude that the road through virtue ethics as a free-standing method of normative ethics leads back to a need for highly abstract critical approaches to problems of right action that set the boundaries around the moral.

Résumé

La généalogie du mouvement contemporain vers une éthique de la vertu en tant que forme d'éthique normative, peut être retracée dans une nouvelle réponse à une vieille controverse métaéthique concernant le problème de la motivation morale. Des philosophes du milieu du milieu du vingtième siècle comme G.E.M. Anscombe, Philippa Foot, Edmund L. Pincoffs, et G. H. Von Wright envisageaient le problème ainsi: Toute la théorie éthique moderne présentait des limites contraignantes dans la mesure où, selon eux, elle s'appuyait de manière tacite sur une notion irrévocablement incohérente de l'obligation morale. Dit autrement, l'éthique moderne tablait sur l'idée que tous les agents moraux ont certaines obligations morales, et qu'il n'y a pas de lien nécessaire entre le bien de l'agent et le fait de remplir de telles obligations. À moins que d'avoir un «devoir» moral veuille dire avoir des raisons qui, de manière appropriée, sont liées à ce que l'agent désire ou à ce qui est dans son intérêt, il serait impossible, argumentent les auteurs, d'expliquer pourquoi une personne devrait être motivée à faire ce qu'elle est prétendument moralement obligée de faire.

Dans la philosophie analytique du milieu du siècle, les efforts inspirés par la difficulté inhérente à établir un lien entre la motivation morale et l'obligation pour ressusciter l'éthique, se sont cristallisés autour de deux approches fondamentales qui, encore aujourd'hui, fournissent les bases des deux principaux champs contemporains de l'éthique de la vertu. La première, l'approche eudémonienne, modelée étroitement sur l'éthique aristotélicienne, et dont la principale défenseure était sans aucun doute G.E.M. Anscombe, cherche à établir un lien conceptuel entre ce que les agents devraient faire d'un point de vue moral, et ce qui est dans l'intérêt de l'agent en faisant équivaloir la vertu, et de ce fait la bonne action, avec les traits de caractère dont les êtres humains ont besoin afin d'être florissants, ou être heureux, l'*eudémonia*. Si les vertus sont les traits de caractère dont nous avons besoin afin de vivre une vie florissante et bien remplie, en d'autres mots, si l'agent vertueux est seulement celui ou celle qui fait ce qui, d'un point de vue moral, devrait être fait, alors les notions de bonne action et de bonheur, de devoir et d'intérêt semble être intimement liées. La seconde école, que l'on pourrait appeler l'approche arétaïque et dont la principale porte-parole au milieu du siècle était peut-être Philippa Foot, met plutôt l'accent sur les conceptions les plus réfléchies des

agents, des valeurs implicites dans les traits de caractère vertueux qui méritent notre allégeance. Selon cette vision, nous devons agir moralement parce que cela permet de faire ressortir nos valeurs les plus profondes. En dépit d'importantes différences entre ces positions, Foot et Anscombe partageaient l'intuition que la philosophie morale moderne ne possédait pas les ressources pour rendre compte de ce fait évident de la motivation morale. Toutefois, si une conception éthique arrivait à expliquer adéquatement ce fait concernant la motivation morale, alors il incomberait aux éthiciens de prendre au sérieux une telle conception de l'éthique. Pour elles, seule une conception de l'éthique ayant la vertu comme concept central pourrait accomplir cette tâche.

L'objectif de ce mémoire est de revenir sur les fondations, trop souvent oubliées, de l'éthique de la vertu grâce à un examen minutieux de deux essais philosophiques les plus influents du vingtième siècle en ce domaine, celui de G.E.M. Anscombe, *Modern Moral Philosophy*, ainsi que celui de Philippa Foot, *Morality as a System of Hypothetical Imperatives*. Avec un esprit révolutionnaire et une envergure considérable, les deux auteures soutiennent que la notion d'obligation morale est irrévocablement incohérente et elles se promettent de rectifier le tir. Pour elles, le succès d'un tel argument repose sur une inversion de l'ordre de priorité moderne: elles suggèrent ainsi de mettre la priorité sur ce qui est vertueux plutôt que sur ce qui est dû. Dans ce mémoire, j'évalue dans quelle mesure, elles réussissent à remplir cette promesse.

Le chapitre un explique pourquoi il est nécessaire de procéder à un examen minutieux des textes fondateurs d'Anscombe et de Foot. Je commence par définir l'éthique de la vertu comme un supplément nécessaire aux approches de l'éthique normative, basées sur les actions. Selon cette acception, l'éthique de la vertu consiste principalement à prendre en considération un champ négligé bien que légitime de l'évaluation morale : le jugement de caractère. Je me demande ensuite pourquoi, si l'éthique de la vertu doit être envisagée comme nécessaire afin d'étoffer notre conception de l'évaluation morale, alors, est-elle le plus souvent présentée comme une solution de remplacement en compétition avec d'autres conceptions éthiques comme le conséquentialisme et la déontologie. La véritable rupture entre d'un côté, la déontologie et le conséquentialisme, et de l'autre, l'éthique de la vertu, n'existe selon moi que dans le cas d'éthiques de la vertu qui prennent une forme radicale - les types d'éthiques de la vertu qui se caractérisent par la priorité conceptuelle qu'elles accordent aux concepts arétaique ou eudémoniste aux dépends des concepts déontologiques. Le problème de la

motivation morale est cependant largement ignoré dans les discussions contemporaines sur les mérites relatifs de l'éthique de la vertu, du conséquentialisme et de la déontologie. Or, c'est ce même problème qui a initialement favorisé l'essort et donner un sens à l'éthique de la vertu en tant qu'approche indépendante à l'éthique normative. Je propose donc de revenir aux sources et d'analyser deux des textes fondateurs, celui d'Anscombe «Modern Moral Philosophy» ainsi que celui de Foot, «Morality as a System of Hypothetical Imperatives». De manière directe et vigoureuse, les auteures argumentent en faveur du rejet de la notion d'obligation en éthique, une notion que les deux voient comme symptomatique de l'appauvrissement de l'éthique moderne. Puis, elles proposent comme solution de remplacement une conception de l'éthique ayant la vertu comme concept central.

Dans le chapitre deux, j'évalue la contribution d'Anscombe en faveur d'une éthique de la vertu afin de savoir si cet argument offre une solution au problème de la motivation morale. Je commence par tenter de dégager le sens qu'Anscombe attribue à la notion d'«obligation morale». Ensuite, j'examine les raisons pour lesquelles, selon Anscombe, l'obligation morale présuppose des concepts qui ne peuvent constituer une base adéquate du jugement éthique. Je termine par la présentation de son modèle de rechange eudémonien. Comme je le suggère dans mon analyse de l'interprétation d'Anscombe, sa critique du «devoir» moral doit être comprise comme étant dirigée contre deux branches distinctes de la pensée éthique moderne, la première s'attaquant à l'*expressivism* de Hume, Hare et Ayer, et la seconde à l'approche conséquentialiste et déontologique. Plutôt que de m'en prendre directement aux objections historico-conceptuelles de ces deux théories générales du jugement moral, je soutiens que même si nous acceptons l'énoncé d'Anscombe selon lequel la conception de loi en éthique que ces deux théories présupposent souffrent effectivement des faiblesses qu'elle identifie, il y a malgré tout de bonnes raisons de croire que sa solution de remplacement eudémonienne ne soit pas une option plus viable. En ce qui concerne son analyse de l'*expressivism*, je cherche à montrer que son exposé sur la manière de comprendre les jugements moraux ne trouvera pas d'oreille favorable car sa conception présuppose un point de vue externe à l'agent pour mesurer les énoncés moraux substantifs; un point de vue que l'expressivisme nie caractéristiquement. En ce qui a trait aux approches comme la déontologie et le conséquentialisme, je soutiens que les moyens eudémonistes qu'elle suggère pour identifier les exigences morales, si ils sont pris sérieusement, menacent de souffrir de limites tout aussi sérieuses que celles des

autres conceptions éthiques qu'elle rejette. Sur la base de ce constat, j'en arrive à la conclusion que les perspectives d'avenir pour l'éthique de la vertu en tant que critique de la notion d'obligation morale apparaissent comme étant plus prometteuses dans la forme arétaique comme celle proposée par Philippa Foot; c'est à cet argument qu'est consacré le troisième chapitre.

Le chapitre trois évalue la force de l'argument de Foot selon lequel les tentatives qui cherchent à générer ou identifier les obligations morales d'un point de vue externe aux engagements éthiques préalables des agents doivent être abandonnées en faveur d'une conception de l'éthique qui met à l'avant plan les concepts arétaiques. Je commence par présenter l'argument de Foot contre la doctrine des impératifs catégoriques et montre que l'argument ne s'applique qu'à l'éthique kantienne. Je poursuis par un examen plus détaillé des idées de Foot sur la moralité en tant que système d'impératifs hypothétiques afin de déterminer si cela peut constituer une critique générale des théories qui cherchent à produire un cadre externe à l'agent pour le jugement moral, comme elle le soutient. Loin de supposer une mesure de valeur totalement neutre des obligations morales, je soutiens que de telles théories sont, au fond, des tentatives pour identifier des principes fondamentaux qui se prétendent être l'expression de nos valeurs partagées. La principale différence entre les deux conceptions correspond à l'avantage qu'a la seconde théorie, celle principalement que Foot cherche à rejeter, à savoir que la seconde reconnaît que la question de savoir si la moralité est un système d'impératifs hypothétiques n'est pas une question qui peut être décidée à priori.

Force est de conclure qu'une fois examinées en détail, autant l'éthique de la vertu eudémonienne d'Anscombe que l'éthique de la vertu arétaique de Foot, échouent à offrir une solution plus attrayante aux problèmes auxquels font effectivement face les théories éthiques basées sur des principes, et ce en dépit des prétentions des auteures. Les deux exposés, bien que de manières différentes, sous-estiment le double rôle de la théorie éthique afin de parvenir à produire un cadre adéquat pour le jugement moral, lequel prendrait à la fois en considération les raisons de l'agent pour se conformer aux exigences de l'éthique et qui, en même temps, donnerait une perspective par laquelle les croyances morales de facto de l'agent pourraient être évaluées. J'en arrive à la conclusion que la voie vers une éthique de la vertu en tant que méthode autonome de l'éthique normative nous ramène à la nécessité d'avoir une approche critique hautement abstraite afin de traiter des problèmes de l'action bonne, laquelle pourrait ainsi servir établir les frontières autour de la morale.

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Virtue Ethics and "Modern Moral Philosophy"

1.1

No unbiased observer of the last decade in Anglo-American ethics can fail to be impressed by how rapidly the so-called "virtue ethics approach" has established itself alongside consequentialism and deontology as one of the principal methods of normative ethics. Until about the late 1980s, virtue ethics was to mainstream ethical theory was what homeopathy is to institutionalised medicine—squarely on the fringe—and anyone bothering to pay it any heed would probably have concluded that a "virtue ethicist" was just about anyone who seriously held that considerations of virtue could have a contribution to make to moral philosophy. No more.

An increase in the demand for ideas, not unlike that for commodities of all kinds, normally coincides with a real or perceived need hitherto gone unmet. At risk of stating the obvious, the need to which virtue ethics most directly responds is that of tending to a neglected area of the evidently legitimate field of ethical inquiry: judgements of character as a form of moral evaluation. It has been observed that from the end of the nineteenth century to the mid-twentieth, and largely under pressure from the success of utilitarianism, it was commonly accepted that the principal business of ethical theories was to tell us what makes right actions right.[1] Though a more considered examination of consequentialist and deontological accounts of rightness, particularly as related to the issue of application[2]—one need only think here of Kant's notion of "good will" and the consequentialist virtue of "benevolence" as traits of character necessary to move

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[1] As Marcia Baron remarks in Marcia W. Baron, Philip Petit, and Michael Slote, *Three Methods of Ethics* (Oxford: Blackwell, 1997), 37.

[2] For an in-depth discussion of character in Kant's ethics see *ibid.*, 34-49.

agents to act in accordance with the results of moral deliberation—the tendency to focus on developing procedures for the moral justification for actions issued in the marginalisation of moral disposition as a proper object of study for ethics. The meteoric rise of virtue ethics can, in one important sense, be seen as a rush to fill this lacuna.

To see that the problem developing an account of rightness for the sake of identifying the determinate ends of ethical action cannot be the whole of ethics one need look no further than Aristotle. In Book II of the *Nicomachean Ethics*, Aristotle reminds his audience that performing just actions is a necessary but not sufficient condition for moral agency in a full sense. Knowing what actions one ought to perform and acting on that knowledge, Aristotle argues, is only one part of the ethical life and, *ipso facto*, of ethical judgement. Further required is a certain practical skill or ethical know-how, moral virtue: "Acts, to be sure, are called just and temperate when they are such as a just or temperate man would do; but what makes the agent just or temperate is not merely the fact that he does such things, but the fact that he does them in the way that just and temperate men do".[3] The rather elementary point Aristotle makes in this statement is that moral judgement applies not only to the acts agents perform but the *way* in which they are performed. There are, to Aristotle, at least three aspects of character which come under scrutiny in moral evaluation independently of the moral value of acts.

The first, a consideration that is assigned a central place in Kant's ethics, is that for an act to be judged morally good it must be accompanied by the correct intentions. More specifically, those agents who act morally the best are those who choose to do what is morally good for no other reason than because it is morally good. A virtuous agent, Aristotle says, "chooses [virtue], and chooses it for its own sake".[4] For instance, a garage mechanic who is up front with his naïve customers about the problems with their cars only because he thinks that being honest is the best way to keep his customers coming back (and thus his business in the black) clearly suffers from a kind of moral defect. For part of what we

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[3] Aristotle, *Nicomachean Ethics*, II, 1105b2-26.
[4] *Ibid.*, II, 1105a9-b2.

mean by being honest is seeing the inherent value in honesty; an honest person tells the truth whether or not it is in his or her interest to do so.[5]

In addition to the question of whether an agent chooses an action for its own sake there is the question of the consort of appropriate sentiments and actions. Moral virtue, Aristotle says, "is concerned with feelings and actions [...]. It is possible, for example, to feel fear, confidence, desire, anger, pity, and pleasure and pain generally, too much or too little; and both of these are wrong. But to have these feelings at the right times on the right grounds towards the right people for the right motive and in the right way is to feel them to an intermediate, that is to the best, degree; and this is the mark of virtue".[6] Aristotle's doctrine of the mean aside, the suggestion as it relates to moral judgement and character is that virtue is a tendency or disposition not only to act rightly in certain circumstances that sets the morally good person apart, but a disposition to have the right sorts of feelings in a set of circumstances. An agent who, when faced with a request from a friend in genuine need of help, complies grudgingly is certainly not morally bad, but his feelings quite clearly detract from the generosity of her actions. It is apparently because of this feature of moral judgment that we are able to make an evaluative distinction between those who only succeed in acting rightly by wrestling down their desires to the contrary and those who act from and with spontaneously good sentiments though their actions are, by outward appearances, identical. No matter which side of the debate over which of the two deserves the highest praise, both sides share the claim that it is in the field of actions *and* feelings that moral character operates.

The third and final aspect of moral evaluation that perhaps most clearly comes under the rubric of disposition of character is that directed towards moral habitude; an agent's character is judged to be of moral worth not only because of the relation between acts and certain intentions and sentiments but also on the basis of a pattern of behaviour measured over a long period of time and over a range of situations. Occasional or selective performance of acts worthy of moral

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[5] See also *ibid.*, VI, 1144a3-24.
[6] *Ibid.*, II, 1106b9-1107a1.

praise or blame clearly detract from the overall moral worth of the agent's character. A foreign aid worker, for example, who is deeply moved by the troubles and difficulties of starving children in Africa yet is neglectful of her own can hardly be said to be possessed of the character trait of kindness in an undiluted sense. As above, the absence of behaviour that is consistently morally good does not, of course, mark off a person as essentially bad, on the contrary. The point, rather, is that there is an important moral distinction to be made in judgement between those who are ethical incidentally and those who, in Aristotle's words, do so "from a fixed and permanent disposition".[7]

For Aristotle, as for the bulk of contemporary proponents of virtue ethics, from the observable fact that human beings ascribe moral blame and praise not only to the actions that people perform but the *way* actions are performed—with the right intentions and sentiments and from moral habit—it followed that any systematic treatment of ethics must, in *addition* to taking into account principles of right action that moral goodness implies, explain the nature of virtue, provide a substantive account of the virtues, and offer some guidance as to how human beings can come to acquire moral virtue.[8] Once this is recognised, the general

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[7] *Ibid.*, II, 1105a9-b2; cf. I, 1098a8-27.

[8] It is sometimes thought that, according to Aristotle, the possession of the virtues is sufficient for moral goodness and thus that Aristotle's ethics can do without an account of right action. However, at the end of Book VI of the *Nicomachean Ethics*, Aristotle apparently came to see that virtue, as he had defined it, suffered from the defect of what Alan Gewirth has called "moral indeterminacy". A quality, or rule or judgement or criterion of moral evaluation is indeterminate if, as Alan Gewirth puts it, it "provides for outcomes which are mutually opposed to one another so far as concerns their moral status" ("Rights and Virtues", *Review of Metaphysics* 38 (1985): 753). The problem, in other words, was that the virtues, unless directed towards the right ends could in fact be used for bad ends, that the virtues were not unqualifiedly good since their possession, on its own, does not guarantee morally good conduct (Cf. *Nicomachean Ethics*, VI, 1144a25-b19). Like Kant, Aristotle held that problem with assigning unconditional moral worth to the virtues was that, in Kant's words, without the guidance of "the principles of a good will, they may become extremely bad, and the coolness of the villain not only makes him far more dangerous, but also directly makes him more abominable in our eyes than he would have been without it" (*Fundamental Principles of the Metaphysics of Morals*, trans. T. K. Abbott (Buffalo: Prometheus Books, 1987), 18; cf. Aristotle, 1144a25-b10). In a move that is echoed in the reasons Kant gives in the opening pages of the *Fundamental Principles of the Metaphysics of Morals* for rejecting the virtue-centred approach of ancient ethics, Aristotle states that "virtue in the full sense" is guided by "the right principle" (*Nicomachean Ethics*, 1144b10-33). But rather than opting for a positive account of rightness, Aristotle's corrective to this situation was by way of the introduction of the virtue of *phronesis*, or practical wisdom, which just is the capacity to identify the right principle to which morally good acts conform (cf., *ibid.*, 1144b33-1145a11).

question as it concerns virtue in ethical theory is no longer *whether* it has a place in the field but rather *what* its proper place is.[9] A space is opened up for a whole range of philosophical questions pertaining to virtue: What does it mean to have a character trait? How does the possession of a character trait suppose a combination of specific patterns of thought, feeling, desire, and action? Why do we assign value to certain character traits and why do we consider them forms of human achievement? What is the relation between the value we attribute to these traits and other values that we find in action and human accomplishment? Why should we wish to possess virtues and why are they necessary? What link exists between being virtuous and fulfilling one's duties or moral responsibilities? How does one come to acquire, possess, and exercise the virtues? Is there a relation between character traits and other natural or acquired competencies such as intelligence and imagination, or artistic, linguistic or even athletic abilities? Are some or all the virtues part and parcel of a substantive human good or rather the product of collective socio-historical factors?[10] What is the relation between the issue of the justification of rules or principles of right action and a substantive account of moral virtue?[11] These, then, are the questions that frame much of the sweeping philosophical programme of contemporary virtue ethics.

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If "virtue ethics", however, were only a matter of deepening philosophical reflection into the de facto yet heretofore overlooked aspects of the ethical it

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[9] Of course, there will always be holdouts. Alan Gewirth in his critique and review of MacIntyre's *After Virtue*, 2nd ed. (Notre Dame: University of Notre Dame Press, 1984), "Rights and Virtues", for instance, is wary of assigning anything but a purely derivative status for the virtues, arguing that the virtues have moral content only insofar as they promote human rights.

[10] Martha Nussbaum, for instance, in "Aristotelian Social Democracy" in *Liberalism and the Good*, eds. R. Bruce Douglas, Gerald M. Mara, and Henry S. Richardson (New York: Routledge, 1990) argues for an account of "good human functioning" based on a thick conception of the human being. By contrast, Alasdair MacIntryre in *After Virtue*, vies with proponents of ethical universalism for an understanding of the substance of virtue as being the product of a particular cultural and social standpoint.

[11] This list of the central questions of virtue ethics is largely attributable to Nicholas J. Dent, "Vertu" in *Dictionnaire d'ethique et de philosophie morale*, ed. M. Canto-Sperber (Paris: Presses Universitaires de France, 1996), 1571.

would be difficult to explain why it is now presented by some of its more outspoken proponents as a *method* of normative ethics in its own right and an *alternative* to consequentialism and deontology. As long as philosophers who specialise in issues of virtue are willing to admit that the work of identifying the determinate end of moral acts—or, in a locution of more contemporary appeal, of justifying rules and principles of action—has an autonomous and equally important place in the business of ethics there appears to be no room for conflict between consequentialism or deontology and the study of virtue.

Indeed, the idea that the proper aim of virtue ethics is essentially to complement established theory that focuses on problems of right or just action is central to the position that Kurt Baier has labelled "moderate" virtue ethics.[12] As Baier explains, the moderate thesis claims that the neglect of such questions as "What is a virtue, and what is a vice?" and "What is the connection between being a virtuous person and doing the right thing?" in the forms of ethical theory that have dominated Anglo-American ethics in the twentieth century does not in and of itself belie their inadequacy. A virtue ethics of this sort certainly sees traditional approaches as lamentably incomplete but not essentially on the wrong track.[13] Such moderate critics argue that ethics has at least two parts, one which

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[12] See Kurt Baier, "Radical Virtue Ethics" in *Midwest Studies in Philosophy*, Vol. XIII, eds. Peter A. French, Theodore E. Uehling and Howard K Wettstein (Notre Dame: University of Notre Dame Press, 1988), 126-135.

[13] There is no doubt that the primary focus of deontology and consequentialism is systematising our moral principles and rules of action in order to help us to see what must be done or recommended to be done in particular circumstances, and thus are indeed guilty of the charge of "neglecting the virtues" so often levelled against them by advocates of virtue ethics. A convincing case could be made, however, to show that this is due not to theoretical limitations of consequentialism or deontology as such but rather to a sheer lack of *interest* in these philosophical issues. This tendency is particularly clear among the classical defenders of consequentialism and deontology. Mill, for instance, comes close to admitting to it outright when he says that considerations of virtue "are relevant [to morality], not in the estimation of actions but of persons; and there is nothing in the utilitarian theory inconsistent with the fact that there are other things which interest us in persons besides the rightness and wrongness of their actions" (*Utilitarianism*, reprinted in *The Essential Works of John Stuart Mill*, ed. Max Lerner (New York: Bantam Books, 1961), 206). He goes on to say that, although the performance of right actions does not necessarily indicate good character, utilitarians are firmly of the view that the best characteristic a person can have is the tendency to good conduct, as defined by utilitarianism (*Ibid.*, p.207). For Kant's part, his restricted conception of virtue as a disposition of the will towards doing what is right or, in more Kantian terms, towards self-constraint in accordance with the moral law, or equivalently, with the dictates of the Categorical Imperative (Cf. *The Metaphysics of Morals*, trans. Mary Gregor (Cambridge, Eng.: Cambridge University Press,

deals with the morality of acts and another with the morality of character, neither of which is wholly reducible to the other.[14]

Others demur. These more radical critics see the neglect of virtue as a far more serious matter. For their part, the upshot of the minimisation of considerations of virtue in favour of a rule- or act-based approach to ethics where

1996), 394-5) suggests that he is concerned with character only insofar it plays a motivational role tied to his program of explaining how principles of right or just action can be justified (Cf. Jürgen Habermas, "Morality and the Ethical Life," in *Kant and Political Philosophy*, eds. Ronald Beiner and William James Booth (New Haven: Yale University Press, 1993), 321). More recent proponents of the deontological and consequentialist approaches express a similarly narrow interpretation of virtue as a proper orientation towards the right. As Gregory Trianosky observes, such a conception is worked out in one of two ways, either of which may be endorsed by deontologists or consequentialists ("What is Virtue Ethics All About?" in *Virtue Ethics*, ed. Daniel Statman (Edinburgh: Edinburgh University Press, 1997), 49-51). The first view, of Kantian origin, and which is defended most notably by John Rawls and Richard Brandt holds that the disposition of virtuousness is a substantive concern to choose among the range of available options in a given situation the action which conforms to one's duty and to do so for its own sake. The answer to the question of what, morally speaking, we ought to do is of course sought in what is enjoined by some analogue to the Categorical Imperative (a formalist rule which discriminates between right and wrong principles of action). On this interpretation, the only virtue rightly so called appears to be that of integrity. (Cf. John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1970) and R. B. Brandt, "The Structure of Virtue" in *Midwest Studies in Philosophy*, Vol. XIII, 64-82. For two other similar accounts of virtue see Bernard Gert, *The Moral Rules* (New York: Harper Torchbooks, 1981) and Geoffrey Warnock, *The Object of Morality* (London: Methuen Press, 1971).) According to another interpretation of virtue as a proper orientation towards the right, virtue is seen as whatever character traits enable human beings to better pursue their commitment to what is antecedently identified as right. Unlike the Kantian view where the plain recognition of duty on the part of the virtuous agent is the mainspring of right action, according to this causal view the prior demands of morality are better met by the virtuous agent on the condition of their propensity to disregard the competing inclinations – the harms, dangers, distractions and temptations – that may incite the agent not to do what is right. This view, rather than seeing all the virtues as a kind of instantiation of a sense of duty, can accept there being a heterogeneity of virtues which, in different ways, contribute to or enable or dispose agents to perform right acts. For one account of the enabling role of virtue see G. H. von Wright, *The Varieties of Goodness* (London: Humanities Press, 1963). On either account, virtue very generally understood as an internalised normative disposition in the character of an agent to do what is antecedently identified as right. The principal value of virtue, then, resides in the ends they serve or the duties they enable us to perform. Finally, even if the only value of virtue is indeed instrumental, there is no obvious reason why any one of the central questions of virtue ethics listed above could not be investigated in relation to virtue in this sense. Why, then, were not addressed? Jerome Schneewind has offered a suggestion which corroborates the idea that it stemmed from a lack of theoretical interest: during the early modern period, he writes, the philosophical problems related to virtue "seemed less urgent [...] than the problems arising from issues of strict justice, which they took to pose threats to the very existence of society" (Jerome Schneewind, "The Misfortunes of Virtue", *Ethics* 101 (1990): 62). In short, the principal aim of ethics was to show how serious disagreements among equals could be settled and first priority was given to what it was thought might assist with those controversies.

[14] Among the more prominent moderate virtue ethicists are Robert B. Louden, *Morality and Moral Theory* (Oxford: Oxford University Press, 1992), N. J. H. Dent, *The Moral Psychology of the Virtues* (Cambridge: Cambridge University Press, 1984), and Michael Slote, *From Morality to Virtue* (N.Y.: Oxford University Press, 1992).

answers to the fundamental question of "What, morally speaking, are we to do?" are characteristically expressed in deontic terms, identifying what kinds of actions are "obligatory" or "permissible", "right" and "wrong" is the principal cause of the allegedly moribund state of ethics as it has tended to be expounded in universities and little remains to be said in its favour.[15] In their view, needed is not the *completion* of the deontological or consequentialist projects but a whole new method of normative ethics with virtue as its central concept.

Though a lack of agreement even among the proponents of the radical thesis makes any general description unavoidably controversial, a broad consensus appears to be emerging led primarily by Michael Slote and Rosalind Hursthouse concerning in what a virtue-centred theory of normative ethics consists. Roughly put, the core idea is that consideration of the characteristics of the virtuous agent or, more specifically, of the traits, dispositions and motives that qualify an agent as virtuous contains sufficient resources to tackle the central questions of normative ethics—namely, "What, from a moral point of view, should we do?"[16] Consequently, virtue ethics so defined sees no need for fundamental recourse to moral rules or principles derived independently of admirable moral character traits. Rather than holding that acts are morally good to the extent that they accord with justified moral rules or principles, moral value of comportment stems instead from the degree to which it is representative of standards of good character. Some interpret this thesis as calling for a kind of revolution in the very language of ethics in which deontic terms—terms such as "right" and "wrong", "obligatory" and "permissible" which are suggestive of a set of moral rules which define the range of the right—be altogether replaced by aretaic terms—epithets of character such as "good" and "bad", "admirable" and "ignoble", "virtuous" and "vicious"—on the grounds that the use of the former altogether fails to reflect what is, for advocates of virtue ethics, the fundamental nature of ethical judgement. Others opt for a reductive approach. In their hands,

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[15] See Baier, "Radical Virtue Ethics", 127.

[16] Cf. Michael Slote, "Virtue Ethics" in *Three Methods of Ethics*, esp. 176-179 and Rosalind Hursthouse, "Applying Virtue Ethics" in *Virtues and Reasons*, eds. Rosalind Hursthouse, Gavin Lawrence, and Warren Quinn (Oxford: Oxford University Press, 1995).

moral rules may indeed have a place in ethics, and we may thus continue to employ deontic language in ethics, as long as is understood that they derive from more basic notions of good character.[17] On this view, the rule "Do not lie" and the corresponding judgement "It is wrong to lie" are indeed acceptable but only because lying is a species of dishonesty.[18]

Whichever route is taken—either rejecting outright or allowing for the derivative use of deontic language—the common feature of forms of virtue ethics as a method of normative ethics is the thought that judgements of character are more fundamental than judgements of right or just action. The virtue ethicist Philippa Foot appeals to this claim, for instance, when she argues that it is wrong to commit euthanasia if continued life would be a good to the person in question because it is what a person with the virtue of benevolence would do.[19] Another virtue ethicist, Rosalind Husthouse, who has dedicated much of her recent work to showing how a virtue ethics approach to substantive ethics can be fruitfully applied to medical ethics, claims that because a person who is just would keep a deathbed promise, *ceteris paribus*, it is wrong not to do so.[20] In Justin Oakley's formulation, then, virtue ethics carves out its theoretical niche by providing an account of moral reasons according to which "[a] right action is one that is in accordance with what a virtuous person would do in the circumstances, and what

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[17] Cf. *ibid.*, p. 177. It is sometimes objected that this debate amounts to spurious semantics, claiming that if we are committed to the claim that an act is bad, are we not implicitly committed to the claim that it is, in some sense, *wrong*? Likewise, if we judge that someone is "dishonest" or "mean-spirited" does this not imply that we hold that that person has done something wrong and that good moral agents *ought* not to do similar things? This point is has been raised by Philip Montague in "Virtue Ethics: A Qualified Success Story" in *Virtue Ethics: A Critical Reader*, ed. Daniel Statman (Edinburgh: Edinburgh University Press, 1997) and by Robert B. Louden in "On Some Vices of Virtue Ethics" in *Virtue Ethics*, eds. Roger Crisp and Michael Slote (Oxford: Oxford University Press, 1997), 195.

[18] A seminal articulation of this view appears of course in G. E. M. Anscombe's "Modern Moral Philosophy", *Philosophy* 33, no. 124 (1958): 1-19. Her intuition that aretaic notions are more basic than deontic notions has been further developed and defended by many others including Philippa Foot, *Virtues and Vices* (Berkeley: University of California Press, 1978), esp. 157-79; Michael Stocker, "The Schizophrenia of Modern Ethical Theories", *Journal of Philosophy* 73 (1976): 453-66; Bernard Williams, *Ethics and the Limits of Philosophy* (Cambridge, Mass.: Harvard University Press, 1985), esp. Ch. 10; Alasdair MacIntyre, *After Virtue*, esp. Ch. 5; and, more recently, Bernard Baertschi, *La valeur de la vie humaine et l'intégrité de la personne* (Paris: Presses Universitaires de France, 1995), esp. Ch. 1.

[19] Philippa Foot, "Euthanasia", *Philosophy and Public Affairs* 6 (1977): 106.

makes the action right is that it is what a person with a virtuous character would do here".[21]

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A deeper understanding of the distinctive character of virtue ethics as an approach to handling problems of moral action, and an appreciation of some of the problems which confront it, can be had by comparing it with its two principal rivals, consequentialism and deontology.

In very general terms, the first, consequentialism, asks us to think of the moral value of an act in terms of the results or effects of courses of action for human well-being in general. It recommends that when faced with a problem of what, morally speaking, we should do in a situation we consider the effects of alternative courses of action. The right action is the one that tends to bring about the best (or at least as good) consequences when compared with the alternatives in the circumstances. Though the idea of "best consequences" has been worked out in a number of ways but, for our purposes, let us say that the best consequences are those that maximise overall human well-being and minimise frustration and suffering.[22]

As is the case with the other moral theories, in essence, the "account of rightness" being offered here has no other purpose than to suggest some acceptable basis of moral judgement and thus, presumably, to provide a corresponding moral reason to act in a situation. Consequentialism's characteristic response to the question of how to morally evaluate actions, or the

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[20] R. Hursthouse, "Normative Virtue Ethics," in *How should one live? Essays in the virtues*, ed. R. Crisp (Oxford: Clarendon Press, 1996), 25.

[21] Justin Oakley, "A virtue ethics approach," in *A Companion to Bioethics*, eds. Helga Kuhse and Peter Singer (Oxford: Blackwell Publishers, 1998), 88.

[22] For a thorough and economical discussion of the various forms of consequentialism (act-consequentialism, rule-consequentialism, and utilitarianism) see Section 2 of Marcia Baron's contribution to Marcia W. Baron, Philip Pettit, and Michael Slote , *Three Methods of Ethics* (Oxford: Blackwell Publishers, 1997), 5-10. Baron classes all these variations of so-called teleological ethical theories under the single heading of "consequentialism". The version I am presenting here is probably closest to classical act or direct utilitarianism, in which the doctrine is applied to directly to actions, as opposed to institutions or rules of conduct, such that an individual action is right if it increases well-being more than any alternative.

basis on which to make moral judgements about actions, is in terms of their propensity to produce overall good. In passenger aeroplane lavatories all over the world there is a little sticker above the sink which reads something along the lines of: "Out of respect for the comfort of other passengers, please wipe the sink with your hand towel after use". This is an excellent example of consequentialist justification. Small though it is, the sign's argument can be reconstructed as follows: (1) Most people experience disgust when the have to use a sink made dirty by someone else; (2) If you don't wipe the sink after you make it dirty then many other people will experience disgust; (3) One ought to act in such a way as to minimise people's displeasure; (4) Therefore, you ought to wipe the sink. (We will not consider whether the fact that apparently no one accepts this argument constitutes an objection to consequentialism.)

Since the basis of moral judgement is the consequences of an action, indispensable to making moral judgements *à la* consequentialism, and thus of deciding what is the right thing to do in a situation, is some conception of what the consequences of an action will be. The consequences of not wiping the sink in the aeroplane lavatory are clear enough; this is not always, indeed very rarely, the case. Thus as it applies to a situation in which we are asked for money by a panhandler, for instance, one would be expected to consider the following sort of process of deliberation. Would this person be happier, or have his frustrations reduced thanks to my help? Would I be happier if I were to give? (Consequentialism does not disallow that one's own happiness be taken into consideration as long as it is not given more weight than anyone else's.) And if so would my happiness be outweighed by any potential suffering I may cause by giving as, for instance, if he will use the money to support a severe drinking problem, which is the principal cause of his unfortunate state in the first instance. On the other hand, if this is not the reason he is penniless, but rather because he is out of work, due to illness or circumstances or by choice, and his insufficient welfare benefits require that he supplement his income in this way then should I give? A consequentialist approach would demand that these and other factors be taken into consideration when deciding the issue; some research may be required

which may involve complexities that make a forthcoming answer extremely difficult to arrive at. Indeed, the problem of whether one can judge well enough what the consequences will be to base rightness on that judgement is one of the perennial critiques of utilitarianism. Nevertheless, consequentialism, by equating the value of an action or its degree of rightness to the good that results from the action, gives clear and tangible directions as to where to look when attempting to identify good reasons for making a moral judgement, a feature that it cannot be said to share with deontology.

In the context of general discussions of how deontology explains why one course of action is morally preferable to another, it is often said that, according to deontology, a person has an obligation to do something because a rule prescribes it. This is not entirely false but, without a great deal of qualification, it risks leading one to believe that deontologists ascribe to the insane thesis that the mere existence of a rule is enough to give someone a reason for acting. The deontological tradition, rather than seeing value only in the consequences of acts for well-being, proposes a broader principle approach to moral justification. More precisely, it considers that an action is right to the extent that it conforms with morally acceptable rules or norms of action which in turn gain their legitimacy in relation to general considerations that are worthy of moral recognition such as "What would happen if everyone did what I propose to do in this situation?" or "Could the rule that I propose to follow be met with the consent of all those affected if the rule were generally observed?" Generally speaking, deontology's approach to determining the rightness of a discrete action is to question whether, if understood as an instantiation of a general rule or policy, such a policy could pass a justificatory test; if the rule passes the test then it can be said to be justified morally. For the sake of illustration, let us look briefly at how this strategy of justification was worked out in Kant.

Kant's basic idea was that when one is faced with the question of what to do one has in mind a range of possible options which are expressible as a general principle or rule and which is a function of the agent's situation, or accords with the circumstances, of the agent's situation—a principle Kant labelled one's

maxim. Simply put, a maxim is a general policy statement or statement of a rule prescribing what to do in similar situations.[23] One example of a maxim Kant gives is: "whenever I find myself in need of money, I will borrow money and promise to repay it even though I know I will never be able to repay it". As was suggested, in order to find out whether this maxim is morally justified, whether it prescribes the right thing to do in the circumstances, it must pass the test of universalisability. Kant's formulation of this test was the categorical imperative—"act only on that maxim whereby you can at the same time will that it should become a universal law"[24]—but the general question is whether a law or principle or rule sets for oneself can become a general law or policy that all could follow. Or more intuitively still, we are to ask "What would happen if everyone in my situation did the same thing?" The maxim is justified on the condition that it can be universalised—if it can become a universal practical law, as Kant puts it, one that everyone follows—without yielding a contradiction. In this way the categorical imperative serves as a principle of justification.

Now according to Kant, a maxim can be self-contradictory in one of two ways: either by implying a conceptual contradiction or a contradiction of the will of the agent.[25] The first sort of duty is called by Kant a "strict" or perfect duty; the second a "meritorious" or imperfect duty.[26] An instance of the first sort of duty is that not to make false promises. Why can I not will that the making of false promises in order to get what I want should not become a universal law? Because if everyone in the same situation did the same thing then promising could not exist in such a world. The practice of promising depends on people keeping their word. The example of being asked for money from a desperate stranger on the street falls into the category of imperfect duty. The policy statement in this case is may be: Whenever I am solicited by someone in need, I

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[23] Kant defines a maxim as "as subjective principle of action, and must be distinguished from the *objective principle*, namely, practical law—i.e., a justified rule of action. The former contains the practical rule set by reason according to the conditions of the subject (often its ignorance or its inclinations), so that it is the principle on which the subject *acts*. See Kant, *The Fundamental Principles of the Metaphysics of Morals*, 49, n7.

[24] *Ibid.*, 49.

[25] *Ibid.*, 49-52.

will not help. Although there is no conceptual contradiction involved in the universalisation of this maxim, it does not, however, pass the test of the contradiction of the will. Could I will that no one ever helps anyone in need? Presumably not, for it is easy to imagine that one day one may find himself in a position in which he needs the help of others. Thus by accepting the policy "Never help anyone in need" the agent would will as universal a law that he himself could not accept. The contradiction in this case is a contradiction of the agent's will. It is by these means that Kant proposes a way of determining what are one's moral duties in a situation.[27]

The third approach to thinking about problems of right action is that of virtue ethics. When considering whether to adopt a plan of action in a situation, virtue ethics would respond by asking us to consider the character trait of which the action under consideration would be typical or representative: Would it be an act of kindness, or cruelty? Generosity or stinginess? Friendship or obsequiousness? The morally advisable course of action, of course, is identified as the one that conforms with virtue—or, as it is often put, the one that a virtuous person would do in the circumstances, "the virtuous person" here being simply an ideal of the morally good person, the sort of person one would describe as worthy of moral admiration. Hence, the council that might be given from the point of view of virtue in the case of giving to a panhandler would be something like:

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[26] *Ibid.*, 49-50, n9; 52.

[27] Cf. Kant's discussion of the application of the categorical to these examples at *ibid.*, 50-51. Different deontologists, of course, formulate the justificatory test in different ways. John Rawls, for instance, recommends "the original position" in which all those concerned meet as rational and equal partners to decide upon a contract, a set of rules governing their social intercourse, not knowing their own or each other's actual social position. The idea of the original position is to set up a fair procedure so that any principles agreed to will be just. See *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971) esp. Section 24, 136-42. G. H. Mead recommends a procedure that he calls ideal role taking that requires that any morally judging subject put himself in the position of all those who would be affected if a norm were to take effect. See his "Fragments of Ethics," in *Mind, Self, and Society* (Chicago: Chicago University Press, 1934), 379-89. Habermas, for his part, suggests the rule of argumentation, (U): "For a norm to be valid, the consequences and side effects of its general observance for the satisfaction of each person's particular interests must be acceptable to all". For a succinct explanation of this principle see Habermas, "Morality and the Ethical Life", 321-23. The characteristically deontological feature all these theories share that they proceed by developing a statement of a standard for moral judgements, or a statement of the viewpoint from which moral questions can

"Try to imagine what a person with the virtue of sympathy would do, and act likewise". The behaviour recommended as being typical of a virtuous disposition is presented as a moral model to follow without attempting to find reasons external to the value of being virtuous itself. Such advice does not necessarily invoke specific moral rules or refer directly to the consequences that would follow from imitating the model of virtuous behaviour. This does not, however, suggest that the virtuous agent does not take into consideration the consequences or appeal to just moral rules in deliberating over the morally preferable course of action in a given situation.[28] One could hardly say, for instance, that a giving to a person who will only use one's help to worsen his situation is an act of sympathy, nor that a person could be the object of moral admiration if he fails to recognise his own fragility and the fragility of others and, on the basis of this recognition, makes it a general rule, *ceteris paribus*, to help those in need.

However, to object that virtue theory's apparent reliance on the concepts of right action central to consequentialism and deontology necessarily implies the failure of its attempt to reduce, wholly or in part, the deontic to the aretaic would involve a false dichotomy. For the core claim of virtue ethics as it relates to consequentialism and deontology is not that the criteria of right action they propose are fundamentally misguided as such. The idea, instead, is that if such considerations are attractive it is *because* they succeed in capturing an important part of what an agent with a good moral character would in fact take into consideration in the process of moral deliberation. The point of contention is not, in other words, the choice between either consequences or just moral principles, on one hand, or the notion of good character, on the other, but of which to accord conceptual priority. What would tip the balance in favour of an act- or character-based approach to normative ethics, then, would appear to be an answer to this decidedly *metaethical* question.

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be judged impartially, for the sake of justifying rules or principles of action in relation to which the rightness of discrete acts is determined.

[28] Cf., for instance, Rosalind Hursthouse, "Virtue Theory and Abortion," in *Virtue Ethics*, eds. in Roger Crisp and Michael Slote (Oxford: Oxford University Press, 1997), 220, n. 2.

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Quite naturally, to the extent that virtue ethics becomes entrenched as theory of normative ethics, the priority of the aretaic over the deontic is simply assumed despite continued charges that recapitulate Kant's criticism, and Aristotle's worry, that estimations of character cannot be the basis of ethics: without the guidance of independent principles of right conduct even the best character traits can be the source of wrong acts.[29] Assuming the untenability of excluding from the range of the proper subject matter of ethics either principles of right action or the character traits required for moral agency in a rich sense, how, if at all, can the issue of which to assign conceptual priority—aretaic or deontic—be resolved?

Gone largely to the wayside in current discussions of the major reasons for favouring virtue ethics over its rivals is one concern which, if legitimate, would appear to promise to make virtue ethicists of us all. Unlike recent proponents who seem to be principally interested in how to distinguish virtue ethics from consequentialism and deontology and demonstrating its advantages over its theoretical rivals as a free-standing theory of normative ethics,[30] advocates of virtue ethics earlier in the twentieth century saw as perhaps the most urgent reason to return virtue to the centre of ethics was that it seemed to offer a solution to one of the oldest and most intractable problems in modern ethics, the problem of moral motivation.

The issue, on philosophers such as G. E. M. Anscombe, Philippa Foot, Edmund L. Pincoffs, and G. H. von Wright's view, was that modern ethics in both its consequentialist or deontological manifestations tacitly relied on what, in their view, was the irrevocably incoherent notion of moral obligation, or, in Stephen Darwall's words, the idea that "there exist requirements or demands that

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[29] See the discussion of Kant and Alan Gewirth's objections to virtue-centred ethics and *phronesis* in Aristotle's ethics above, n. 8.

[30] See, for instance, Bernard Baertschi who in Chapter 1 of *La valeur de la vie humaine et l'intégrité de la personne* (Paris: Presses Universitarie de France, 1995) argues that among deontology, consequentialism and virtue ethics, it is only the latter that is capable of resolving moral dilemmas. For two representative overviews of the major challenges confronting

are binding on all rational persons, even though the conduct demanded may lack any connection to the good of the person obligated".[31] Unless being under a moral ought means, in some relevant sense, to have reasons which tie in with what agents desire or with what it is in their interest to do, they argued, the question of whether agents in fact have a corresponding motivation to conform their actions to what they are morally obliged to do remains impossibly open. The strategy, in the broadest terms imaginable, was to employ a transcendental argument against those who wish to maintain the priority of the deontic over the aretaic: unless proposed procedures or criteria for determining right action are derived from prior notions of the kind of agent it is morally desirable to be or, more generally, from agents' prior commitments to the values implicit in an account of rightness, it would be impossible to explain why anyone would be motivated to conform to the results of the application of practical reason, so understood.[32] If considerations of right action gain all their weight from a prior set of aretaic commitments, this argument, if sound, would serve to show that ethics *has to be* virtue ethics.

The idea that the validity of principles of right action implicitly rests on a good in which all those who are thought subject to such principles have an interest, however, was hardly a discovery of mid-twentieth century analytic philosophy. David Hume defends something closely resembling this thesis in his *Treatise on Human Nature*[33] and, indeed, it has been a staple of critiques of Kant

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contemporary virtue theory see Hursthouse, "Virtue Theory and Abortion" and Michael Slote, "Virtue Ethics".

[31] Stephen Darwall, *The British Moralists and the Internal 'Ought'* (Cambridge, Eng.: Cambridge University Press, 1995), 2. Cf. G. E. M. Anscombe, "Modern Moral Philosophy", *Philosophy*, Vol. 33 (1958): 1-19; Philippa Foot, *Virtues and Vices* (Berkeley: University of California Press, 1970); Edmund L. Pincoffs, *Quandaries and Virtues* (Lawrence, Kansas: University Press of Kansas, 1986); G. H. von Wright, *The Varieties of Goodness* (London: Routlege & Kegan Paul, 1963).

[32] Kant's difficult and controversial notion of a transcendental argument is understood, following Charles Taylor's characterisation, as an argument that begins from some indubitable feature of experience and then proceeds to lay out the possibility conditions of that feature of experience. The idea, of course, is that if the indubitable fact about experience is possible—which, in being an indubitable fact of experience, it is—than the conditions that make it possible must also be the case. See Charles Taylor, "The Validity of Transcendental Arguments", in *Philosophical Arguments* (Cambridge, Mass.: Harvard University Press, 1995), 20.

[33] See David Hume, *Treatise of Human Nature*, 2nd ed., ed. L. A. Selby-Bigge (Oxford: Oxford University Press, 1978), esp. Book III, Section I.

critique from the first.[34] Adopting a position that mirrored that of these contemporaries of Kant, the early proponents of the revival of virtue in the twentieth-century believed on the whole that no amount of revision of Kantian or consequentialist ethics could resolve the problem of motivation.[35] As long as the notion of what is morally required is understood as something fundamentally distinct from what furthers the moral agents' good, an unbridgeable gap is placed between the prescriptions of ethics and what moral agents could be rationally expected to want to do. Normative ethics, conceived as an attempt to justify actions that may, and by definition, deeply conflict with what it is in an agents' interest to do fails because it cannot, even in principle, succeed.[36]

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[34] As Charles Larmore observes in his discussion of the so-called Kant-Pistorius controversy in *The Morals of Modernity* (New York: Cambridge University Press, 1996), 26-28. On Bernard Baertschi's account, Max Scheler raises parallel objections to Kant's ethics in *Le formalisme en éthique et l'éthique matériale de valeurs*, trans. M. de Gandillac (Paris: Gallimard, 1955), 220-25. See Baertschi, 31-35.

[35] Some later Kantians openly acknowledge that Kant is vulnerable to the objection that his ethics lacks practical impact because of the dichotomy he set up in it between duty and inclination. But recent forms of Kant-inspired procedural ethics—most notably, perhaps, Habermas and Apel's foundational programme of discourse ethics and Michael Smith's linguistic reductionism, go some distance in making up for this shortcoming. Discourse ethics appears to escape the charge by postulating that, in its ideal speech situation, the interests of all that may be effected by the adoption of a controversial policy are taken into consideration, *inter alia*. For a succinct explanation of this point see Habermas, "Morality and the Ethical Life", 329-30. For further elaboration see Habermas, *Justification and Application: Remarks on Discourse Ethics*, trans. C. P. Cronin (Cambridge, Mass.: Harvard University Press, 1993). For its part, Smith's linguistic reductionism seems to avoid the conflict between judgements of rightness and moral motivation by equating morally judgements with judgements about what an agent would desire to do if he were fully rational. See Michael Smith, *The Moral Problem* (Oxford: Blackwell Publishers, 1994), esp. Ch. 6.

[36] For an extremely influential articulation of this position see Alasdair MacIntyre, *After Virtue*. It is the conflict in modern ethics between what is obliged and what is in an agent's good that, in his terms, "doomed the Enlightenment project to failure". See esp. pp. Ch. 5. It is worth noting as well that the answer to the question of the relation between obligation and good was also the principal dividing line between "liberals and communitarians" in the debates in political theory which peaked in the late 1980s. The issue, as it played out here, was whether the state could intervene from a point of view of ethical neutrality in regulating conflicts between citizens who pursue various and diverse conceptions of the good life or whether the state and its institutions inescapably reflect the ethical particularities of tradition, practice, and community or a shared conception of the good. A list of some prominent "liberal" thinkers would include Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth, 1977), Thomas Nagel, *Equality and Impartiality* (Oxford: Oxford University Press, 1991), Alan Gewirth, *Human Rights: Essays on Justification and Application* (Chicago: Chicago University Press, 1982), and John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971). The latter seems to concede to some of the major claims of communitarianism by developing something of compromise position in *Political Liberalism* (New York: Columbia University Press, 1993). "Communitarian" critics include, for instance, Michael J. Sandel, *Liberalism and the Limits of*

In mid-century analytic philosophy, efforts to resuscitate ethics inspired by the putatively intractable incoherence of the notion of moral obligation crystallised into two basic approaches which continue to provide the basis for the two major camps in contemporary virtue ethics. The first, the eudaimonist approach closely modelled on Aristotle's ethics, and whose most influential advocate is doubtless G. E. M. Anscombe, attempts to forge a conceptual link between what agents, from a moral point of view, should do and what it is an agent's interest by equating virtue, and thereby right action, with the character traits that human beings need in order to flourish, live well, or be happy—what the Greeks called *eudaimonia*. If the virtues are those character traits that we need in order to live a full and flourishing life, in other words, and if the virtuous agent just is the one who does what, from a moral point of view, she should do, then right action and happiness, duty and interest seem to be intimately connected.[37] The second, what could be called the aretaic approach and whose principal spokesperson at mid-century was probably Philippa Foot, avoids having to go in the direction of developing an account of the substantive character traits that are required for human flourishing as such which seems to be implicit in eudaimonism by focussing instead on agents' most considered conceptions of the values implicit in virtuous character traits that are worthy of our allegiance. On this view, we ought to act morally because doing so is an instantiation of our most deeply held values.[38] Despite the important differences between these

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Justice (Cambridge, Eng.: Cambridge University Press, 1982), Alasdair MacIntyre, *After Virtue* and Charles Taylor in *Philosophy and the Human Sciences: Phlosophical Papers*, vol. II (Cambridge, Eng.: Cambridge University Press, 1985). For an overview of the issues that divide liberals and communitarians see Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (Oxford: Blackwell, 1992).

[37] The leading ethicist in this cause of eudaimonist virtue ethics today is perhaps Rosalind Hursthouse. (Cf. works cited above.) As noted above, however, in her attempts to develop and defend the approach, Anscombe's initial inspiration for opting for it has largely dropped out of the picture as a reason for favouring virtue ethics.

[38] Her position was initially presented in "Morality as a System of Hypothetical Imperatives", *Philosophical Review* 81, no. 3 (1952) but was refined and elaborated upon in a number of her papers including "Morality and Art", *Proceedings of the British Academy*, LVI (1970) and "Moral Beliefs", *Proceedings of the Aristotelian Society*, LIX (1958/9). Michael Slote is today the best known representative of aretaic virtue ethics, although he seems not to want to go as far as Foot in endorsing what she saw as an important implication of this view, that morality is a system of hypothetical imperatives.

positions, the intuition that both Foot and Anscombe had in common was that modern moral philosophy did not possess the resources to account for the obvious fact of moral motivation, and that if this could be shown then it behove ethicists to take seriously a conception of ethics, which in their view was an ethics based on virtue, which could.

The aim of this thesis is to reconsider these somewhat forgotten foundations of virtue ethics through a close examination of what have become two of the most influential philosophical essays of the twentieth century: G. E. M. Anscombe's "Modern Moral Philosophy" and Philippa Foot's "Morality as a System of Hypothetical Imperatives". Revolutionary in spirit and sweeping in scope, both argue that the notion of moral obligation is irrevocably incoherent and promise that the success of their arguments implies an inversion of the modern prioritisation of what is *due* over what is *good*. In the two chapters that follow, I assess whether they can make good on that promise.

2
Anscombe and the Incoherence of the Moral "Ought"

2.1

Elizabeth Anscombe's "Modern Moral Philosophy" is without a doubt among the most audacious philosophical essays of the twentieth century. In a scant 19 pages of the 1958 edition of *Philosophy*, she calls for the rejection of consequentialism, the approach to ethical reflection that, at the time, not only dominated Anglo-American ethics but which had been the theoretical basis of a sweeping social-reform movement in Britain throughout the late nineteenth and early twentieth century, she argues that the deontic language around which virtually all modern ethical philosophy had hitherto been built involves irreparable conceptual difficulties and, partially on the basis of the latter aim, proposes that the study of moral philosophy be completely suspended and attention should be turned instead to the philosophy of psychology, the conspicuous lack of which was the cause of these conceptual difficulties in the first instance.

Whether owing to Anscombe's urgings or not, the philosophy of psychology has much developed since but, as is to be expected, moral philosophy indeed went on. In fact, it would never quite be the same again. If only in retrospect, by all accounts "Modern Moral Philosophy" was hugely instrumental in putting the notion of virtue back on the philosophical agenda of Anglo-American ethics by advancing a bold causal explanation of the perennial and widely acknowledged problem that moral philosophy has faced throughout the modern period, that of accounting for moral motivation. In Anscombe's view, the central weakness of "modern moral philosophy" is its inability to give an account of impartial universal moral demands, or moral obligations, which both explains why human beings are subject to such demands and which at the same

time provides a rational explanation as to why they should conform their actions to the demands of morality. The problems of explaining the "categorical" nature of moral obligations, the related ongoing disputes over attempts to justify moral norms, as well as the retractable problem of providing a convincing response to the question of "Why be moral?" are not, in Anscombe's view, simply a matter of the failure on the part of metaethicists to come up with an adequate analysis of moral judgement that would explain why making a moral judgements seems to imply corresponding reasons to act accordingly but a product of conceptual and historical factors working together to make the very notion of moral obligation altogether incoherent. Her proposed route out of this morass is to look to a new conceptual framework in which moral judgement can once again make sense. Specifically, her suggestion is that we work out the requirements or demands that moral agents face not by attempting to identify and apply general principles of action, as has been the approach traditionally privileged in modern ethics, but rather in terms of the virtues understood as character traits, dispositions not only to act but to feel and react in certain ways, required to live a full and characteristically human life, the flourishing life or life of *eudaimonia*. In this connection, then, it is principally Anscombe's second thesis, the thesis about the incoherence of the deontic language of modern ethics, that has inspired neo-Aristotelianism.

My aim in this chapter is to assess Anscombe's case for virtue ethics in terms of its adequacy of a solution to the problem of moral motivation. I begin by attempting to work what Anscombe means by the notion of "moral obligation" (2.2-2.3). Next, I turn to the reasons she offers for why, in her view, the assumptions it contains fail to constitute an adequate framework for ethical judgement and explain her eudaimonist alternative (2.4). As my analysis interpretation of Anscombe reveals, her criticisms of the moral "ought" are best seen as being directed at two distinct branches of modern ethical thought, the first corresponding to the "expressivism" of Hume, Hare and Ayer, and the second to the principle-based approach of deontology and consequentialism. But rather than taking issue directly with her historico-conceptual objections to these two

broad theories of moral judgement, I argue that, even if we grant Anscombe the claim that the law conception of ethics they both suppose does indeed suffer from the weaknesses she identifies, there are good reasons to suppose that her eudaimonist alternative is not a viable option. In the case of expressivism, I attempt to show that her admonition to understand moral judgements would fall on deaf ears since it presupposes an agent-external point of view from which to measure the substantive claims of morality, a point of view that expressivism characteristically denies (2.5-2.7). For the part of principle-based approaches, I argue that her eudaimonist means of identifying moral demands, if taken seriously, threatens to suffer from limitations that no less serious than those of the alternatives she rejects (2.8-2.9). On the basis of this claim, I conclude that the prospects for virtue ethics as a critique of the notion of moral obligation appear to be more hopeful in the aretaic form of Philippa Foot, which I will then go on to examine in chapter 3.

2.2

The appropriate place to begin attempting to understand Anscombe's argument against the notion of moral obligation is with a statement of that influential second of the three theses she develops in "Modern Moral Philosophy":

> The concepts of obligation, and duty—*moral* obligation and *moral* duty, that is to say—and what is *morally* right and wrong, and of the *moral* sense of "ought", ought to be jettisoned if this is psychologically possible; because they are survivals, or derivatives of survivals, from an earlier conception of ethics which no longer generally survives, and are only harmful without it. (1)[1]

As Anscombe's extensive use of italics passage suggests, in proposing that ethics be expurgated of deontic terms, Anscombe is not advancing a general objection against words such as "ought" and "should", words that are used in sentences expressing the idea that there are moral requirements, only what she calls a

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[1] In this chapter, bracketed figures refer to page numbers in G. E. M. Anscombe, "Modern Moral Philosophy", *Philosophy* 33, no. 24 (1958): 1-19.

"special so-called 'moral' sense" that they have come to acquire (5). In her view, there is an ordinary and "quite indispensable" use of deontic terms in which actions are recommended in relation, in her general terms, "to what is good and bad" (5). When we say, to borrow Anscombe's examples, that some piece of machinery ought to be oiled because it is bad for it to run without oil (5), or when we say that a plant should be watered occasionally because not having water is bad for it (7), then we are using "ought" in a sense that Anscombe thinks is perfectly acceptable.

Understood in this way, "ought" may equally be used in connection with a notion of what needs to be done in order for a person to perform his or her function well. An eastern Canadian farmer, for instance, should plant his crops no earlier than the May long weekend; otherwise the results of his precociousness will show him to be bad farmer. His crops will most likely die. If, for instance, I come across an injured man lying at the side of the road and I judge that I should stop to help him, and what I mean is that it would be good for him to be tended by me, then it is Anscombe's sense of "should" that I am employing. Similarly, in relation to a notion of what a person must do in order to be a good person *qua* person—or what in contemporary common parlance is called an "ethical person"—then there are certain things one must do in order to meet this standard. Just as a farmer should plant his crops at a certain time of the year, a person should be truthful, respectful, just, kind, etc.. Not displaying these character traits, it is held, is the mark of a bad person. As Anscombe remarks, it was precisely in such terms that Aristotle thought of the notion of what was ethically required (5). If happiness, as Aristotle argued, is the particular good of human beings and if happiness means "living well and doing well"—or, what came down in his terms, being virtuous—then human beings should be virtuous.[2]

The important thing to notice about the use of "ought" in this sense is the relation between the idea of a good for a thing or a person and particular prescriptions for action, specific things an agent ought to do. From the facts that being oiled is good for a piece of machinery, that being helped is good for the

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[2] Aristotle, *Nicomachean Ethics*, 1097*b*2-21.

injured man, that being honest is good for people corresponding demands seems to follow quite naturally: machinery should be oiled, the injured man helped and people honest.[3]

It may be objected from the outset that there is a certain prima facie eccentricity in Anscombe's characterisation of the "ordinary use of ought". Although one may grant that obligations follow from good states of things or people, it seems odd to say that someone is under a corresponding demand unless one desires or has an interest in the good of the thing or person in question. This objection is most straightforwardly captured in the example of a piece of machinery needing oil. Is it true to say that I should oil my car if I don't care about it breaking down or running badly? Indeed, if I want it to break down then exactly what I should not do is oil it. This confusion can, I think, be lifted by contrasting Anscombe sense of obligation terms with another equally ordinary use of modals of advisability—namely, their hypothetical sense.

Used hypothetically, modals of advisability recommend actions in relation to the interests and desires of an agent. For instance, if Pinkleton wishes to get accepted to medical school then he should study so as to get the highest possible marks. Once he decides that he would prefer, say, to be a used car salesman then it is no longer true that he should study so as to get the highest possible marks. Although there is a sense in which the hypothetical use of modals of advisability and the ordinary use that Anscombe has in mind both "relate to good and bad" (If Pinkleton wants to get into medical school then presumably it is because getting into medical school is, in his view, good and not getting in bad) it would be a mistake to think of the two uses as being

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[3] The notion of an action being recommended in relation to what is the good of a thing seems closely related to Geach's controversial claim that "good" is an attributive predicate. Unlike what he called "predicative adjectives", such as "round" or "green", the use of which imply that a subject has the stated characteristic, the use of attributive predicates apply in relation to the characteristic properties of the subject and as such do not imply that the subject has that property—as, for instance, in saying of mouse that it is large does not mean that it is large, but rather large for a mouse. Geach held that "good" and "bad" never apply predicatively, but always in relation to a set of references suggesting specific concepts—a good watch, for instance, is one that keeps time, that is comfortable to wear, that meets minimum aesthetical standards, etc.. See Geach, "Good and evil," in *Theories of ethics*, ed. Philippa Foot (Oxford: Oxford University Press, 1967).

coextensive. Whereas a hypothetical obligation exists in relation to a certain aim or end an agent wishes to realise, an obligation in Anscombe's sense, as we have seen, exists in relation to some conception of the particular intrinsic good of the object of the obligation. To illustrate the difference, if I tell you that you should put oil in your car and what I mean is if you don't then it will be ruined and you will no longer have a functioning car and presumably you don't want that, then I'm using "should" hypothetically. In contrast, if I say that you should put oil in your car's engine and what I mean is that it is good for the car to be oiled, that the car runs badly without it, then I am using "should" in Anscombe's sense.

The conflation of the hypothetical and Anscombe's sense of "ought" thus arises from the assumption that motivating reasons plays an essential role in the existence of an obligation. This, of course, is true in the case of hypothetical imperatives where the instrumentality of obligations are linked to the desires of an agent as given. In the case of ought-statements in Anscombe's sense, though, the imperative relating as it does to the good of the object of the obligation, stands independently of an agent's instrumental ends. Anscombe concedes, as she must, that having a corresponding interest in the particular intrinsic good of the object of the obligation is indeed a necessary condition of acting on an obligation (7). But rather than altering the truth-value of the obligation statement, the presence of such an interest is a conceptually independent feature of the psychological state of the agent. Put otherwise, the *requirement* to act is independent of whether or not one in fact acts on it.

That one can use these two senses of "ought" in the same circumstances yielding different recommendations without contradiction provides at least a prima facie reason to believe that what is at play here are two distinct uses of obligation terms. To return to the example of a car needing oil, on one hand, if I want my car to break down then it is true to say that I should not oil it.[4] On the other hand, it is clear that in relation to what is good for the car it needs oil and thus should be oiled. These contradictory obligation statements are concurrently

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[4] Assuming that not putting oil in the car, in the circumstances, is the best way for me to achieve my instrumental end.

true: I can concede that I should oil the car (from the point of view of its good) and that I should not oil it (from the point of view of my own interests). Considerations of which of these recommendations I actually choose to adopt is a separate question which, again, does not alter the truth value of either statement but turns on which end I choose to adopt. From the perspective of Anscombe's sense of advisability terms, if I don't oil the car the fact that I want it to break down may be brought in as an *explanation* of why I don't do what ought to be done. It does not, however, change one iota the fact that the car should have oil. In the case of obligations in this sense, relating to the good of a thing, there is nothing I could think in the circumstances that would change them. As Anscombe puts it, the issue of motivating reasons in relation to acting on an obligation in her sense is not whether one ought to do such and such a thing for the good of the thing but whether the good state has any influence at all on one's actions (7).

2.3

When what Anscombe calls the "ordinary" sense of ought is employed, certain demands or claims about what actions are recommended in a set of circumstances bear an obvious conceptual relation to the notion of the particular intrinsic good of a thing. From the idea that being healthy is good for a person it follows that one should do what is necessary in order to be healthy. Similarly, if it is good for an injured man lying at the side of the road to be helped then he ought to be helped. I would like now to place this in contrast with another use of obligation terms that Anscombe does not object to—namely, their juridical sense—and which, like the Ascombian ordinary sense and the distinct hypothetical sense, presents a clear conception of what an obligation is. Whereas in the ordinary sense, ought statements stand in relation to the particular intrinsic good of things, and in the hypothetical sense ought-statements stand in relation to an agent's interests and desires, in the juridical sense, obligations stand quite unambiguously in relation to rules.

The relation between rules and obligations is not one that is difficult to grasp, a fact which may perhaps account for the absence of a direct discussion of it in Anscombe's essay. For an explanation of the meaning of right, wrong and obligation in their juridical sense we may turn to an economical statement of this point made by Richard Taylor:

> To speak of an action as *wrong* is to say that it is in some sense or other forbidden—for example, that it violates some rule, law, or moral principle. To say of one that it is *right* is to say that it is not in any such sense forbidden, or in other words, that it is permitted by such rules, laws, or principles. And to say that a given action is *obligatory* is to say something different still; namely, that some rule, law, or principle requires that it be done.[5]

The point here, very simply, is that in the juridical sense judgements of what is right and wrong and obligatory are made true or false in reference to a set of standing rules. If, for instance, there is a law stipulating that the speed limit on a certain highway is 100 km/h, then it is wrong (i.e., illegal in juridical language) to drive faster than 100 km/h on that highway. One *therefore*, in virtue of the fact that that law exists, has a (legal) obligation to drive no faster than 100 km/h on that highway. Another and perhaps clearer way of illustrating the juridical sense of right, wrong, obligation, etc. is by looking at the way these terms are used in the context of a game.

Imagine, for instance, someone playing dominoes who has only a weak grasp of the rules. Her opponent has put down the double six and she replies against it with a five. The move is wrong. For the sake of contrast, let us imagine that the player has now mastered the game and scrupulously follows the rules but indiscriminately plays dominoes with blank sides, erroneously not keeping them for the end of the game. Here we would have to say she played badly, but, from the point of view of the rules of dominoes, she did nothing wrong. A similar point, of course, could be made with the notion of an obligation. Let's say the game is over, the points are being counted and it is discovered that one player

picked when he could have played, costing his opponent the game. Here again, the player had to or had an obligation to play that domino, again, according to the rules of the game. Such judgements are impossible to gainsay—about the rightness and wrongness of moves as well as the player's obligations—once one has a grasp of the rules.

Rightness and wrongness, as well as what is obligatory and permissible are, when used in the juridical sense, defined by the rules of the game. The clarity with which such judgements are made—verdicts, in Anscombe's term—comes from the existence of a definite set of rules. In this way, statements of what is right, wrong and obligations, in the context of the came, come to have a truth value. It is true that it is wrong for me to make certain moves exactly because the rules are the measure of rightness and wrongness in play.

It is important to underline that, at least as ordinarily understood, the concepts of "right", "wrong", and "obligation" seem to be incorrectly used outside the context of rule-governed behaviour—most notably, for the present purposes, in contexts in which recommendations are made in relation to the particular intrinsic good of the object of an ought-statement and in the context where hypothetical use is intended. If it is said that I should water my plants and what is meant is that it would be bad for them not to be watered, it would seem odd to say that I did something wrong in not watering them. Similarly, if we tell Pinkleton to study hard if he wishes to get into medical school, this does not seem to be prima facie equivalent to saying that he has an obligation to do so. Another example which may serve to illustrate the same point relates to methods of student evaluation. On an examination with an accompanying answer key, the students' answers are correctly described as right or wrong; in the case of a long dissertation, by contrast, the language of right and wrong is altogether out of place. We would be inclined to say rather that a bad or faulty essay was written, but to say that the essay was wrong misses the mark. If Anscombe is right, these discrepancies stem from the suppositions of the notions of right, wrong, and

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[5] Richard Taylor, "Ancient Wisdom and Modern Folly," in *Midwest Studies in Philosophy Volume* XIII, eds. Peter A. French, Theodore E. Uehling, and Howard K. Wettstein (Notre Dame:

obligation—namely, that to say that an action is right implies the imposition of an either/or standard, such as a rule or principle, in relation to which the judgement is made. The action either conforms to the rule, and is therefore judged right, or it does not, and is judged wrong.[6] This, in any case, is what the everyday use of these words seems to suggest.

As was mentioned above, Anscombe has no in-principle objection to the use of obligation terms their juridical sense in ethics. Just as the rules of a game give clear guidance as to a person's obligations in play, when ethics is understood in juridical terms, with moral rules, a moral legislator and so on, what is morally right and wrong, and what is morally obligatory follow straightforwardly from the moral law. Anscombe calls this a "law conception of ethics" and describes it this way:

> To have a *law* conception is to hold that what is needed for conformity with the virtues failure in which is the mark of being a bad man *qua* man (and not merely, say, *qua* craftsman or logician)— that what is needed for *this*, is required by divine law. (6)

Her idea seems to be that if the standard or point of view from which moral assessments are made is that of moral law, then it is unproblematically true that to contravene the moral law is by definition to do something wrong and, a fortiori, that the moral law carves out an agent's moral obligations.

Here again, the caveat about not bringing in the issue of motivating reasons is necessary in order to avoid confusion. First, the issue of motivating reasons must be kept distinct from the question of the truth or falsehood of the obligation. As in the case of moral obligations in Anscombe's ordinary sense, conformity of an agent's actions to the moral law will require some interest in being moral or being a good person. Whereas in the Aristotelian sense, which employs the "ordinary" ought, the incentive to live a life of *eudaimonia*, to realise one's intrinsic good as a human being, in the divine law conception the threat of divine

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Notre Dame University Press, 1988), 61.

[6] Note also that the structure of judgement suggested by Anscombe supposes too that the rules be clear and that judgements can be easily made, or that they can be applied, in relation to them. As

or legal punishment was traditionally conceived of as a good incentive in this regard (19). But the existence of the obligation, the fact that one has a moral obligation here, is independent of anything that the agent could think, desire or believe. It is still true to say that one has an obligation, say, to obey the injunction to "honour thy mother and thy father" even one has no inclination to do so, once the rule "thou shalt honour thy mother and thy father" is established as a moral rule. From this perspective, where a set of moral rules does apply an agent has a set of obligations that are entailed by the moral rules in precisely the same way that one has certain obligations as the player of a game or as a legal agent.

Of course, it is always possible to call into question the legitimacy of a rule and, with it, the legitimacy of a judgement of whether certain actions are right, wrong, or obligatory. But the fact that there is this internal relation between the legitimacy of the rule and judgements of rightness only underscores the dependency of the notion of rightness on that of rules.

An error that is sometimes made in reading Anscombe is to understand her as claiming, in the words of one critic, "that she finds the notion of a universal law which is not the command of any deity, a 'special moral "ought"', unintelligible.[7] I think Anscombe has to bear the brunt of the blame for this, for she does, and quite unequivocally so, make this claim in her essay. The passage quoted above in which the law conception of morality is defined continues, "Naturally, it is not possible to have such a conception unless you believe in God as law-giver; like Jews, Stoics, and Christians" (6), indicating quite clearly that, in Anscombe's view, the notion of an obligation, of judgements of right and wrong in ethics, always presuppose the existence of divine law. As Richter points out,[8] however, later on in the essay Anscombe offers suggestions that quite clearly go back on this idea and suggest that she accepts in principle the broadening out of the

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the institutional application of formal law attests, particularly in the latter case this is by no means obvious.

[7] Gregory Trianosky, "What is Virtue Ethics all About?", in *Virtue Ethics: A Critical Reader*, ed. Daniel Statman (Edinburgh: Edinburgh University Press, 1997), 44. See also Alan Donagan, *The Theory of Morality* (Chicago: The University of Chicago Press, 1977), 3.

[8] Duncan Richter, "The Incoherence of the Moral 'Ought'", *Philosophy* 70 (1995), 73.

category of a law conception of ethics to include ethical theories that "retain the notion of moral law without a divine legislator" (13). At least five possible alternatives are discussed but clearly she has no great hopes for any one of them. Be that as it may, if any of these theories could be worked out and be used as a common point of reference for the juridical use of obligation, wrong, etc. then juridical language would be at home in a secular ethics.

Taking Kant's Categorical Imperative to illustrate her claim, if it could be shown to provide authoritative justification for a set of rules defining the range of moral behaviour, then the requirement of assertoric, truth-assessable moral claims would be met. The importance of Anscombe's admission of secular ethics as a law conception of ethics in understanding her is not to be underestimated. For it suggests that her central aim is not, as it is sometimes thought, to show that any secular ethics that employs deontic terms (i.e., "Modern ethics", in her locution) is *in principle* confused and incoherent (though she certainly has her doubts about all attempts to sort things out so far) but rather, in Richter's words, "to show that moral philosophy could be incoherent and under what circumstances it would be".[9]

2.4

In what circumstances, then, could moral philosophy be incoherent? Undoubtedly in a great many, but the circumstances Anscombe has in mind are those in which the juridical language of a law conception of ethics is used—that is to say, where moral judgements are made using the words "right", "wrong", "obligation", and "ought" in the sense of obligation—but in which there is a conspicuous lack of a corresponding notion of moral law, the conceptual framework in which such judgements are made intelligible (5-6).

It should be evident from the foregoing presentation of Anscombe's argument that, in my reading, the central issue related to intelligibility of the so-called "moral ought" is that of being able to account for the truth of an ought-

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[9] *Ibid..*

statement—or put in other terms, provide reasons for why one's actions should conform to the prescription of an ought-statement, moral or otherwise. These statements are, I think, equivalent on Anscombe's terms for the simple reason that if it can be agreed that a given ought-statement is true, then one has accepted that there are normative reasons for conforming one's actions to the prescription in the statement—or, simply put, a reason to *do* what is required. This should not be mistaken for the stronger (and arguably independent) claim that an agent who judges an ought-statement to be true cannot but do what is prescribed in the ought-statement, or have a corresponding motivating reason (that such a judgement is necessarily motivating). What it does imply is that the agent has been provided with some normative reason to act accordingly, which may or may not be judged to be of sufficient importance to become a motivating reason.

So far, we have looked at three uses of "ought" that would seem to count as intelligible in the minimal sense of admitting assessment of truth and falsehood (and, again, in this sense providing a clear answer to the question of why one's actions should conform to the prescription in the ought-statement). First, there is Anscombe's or the ordinary sense of ought, that which relates to what I have called the particular intrinsic good of the object of an ought-statement. If I say that you should repay your debts and what I mean is that if you don't you will show yourself to be a bad person the answer is clear. The acceptability of the reason given turns of course on a shared assumption that in this case it is true that not repaying debts is the mark of a bad person, but once this assumption is in place, it can be taken as a reason to repay one's debts. True, it is possible not to want to be a good person but this desire, rather than altering the truth of the first ought-statement, suggests rather that what is being employed is another sense of "ought", namely the hypothetical sense. In this second sense of "ought", the truth of the ought-statement is derived from the agent's interests and desires. From this point of view, if I judge that I should not repay my debts and what I mean is that it is to my ultimate instrumental advantage not to do so (even though it is perhaps true that I should repay my debts in the other sense), then again the

answer to why I should not is clear at once: not doing so is a means of getting what I want.

The third sense is the juridical sense, where obligations are made true or false in relation to accepted rules or principles or laws. Here, the reason why I should repay my debts is because there is a standing rule which requires it. The reason why one should do what is prescribed is simply because it is in accordance with the rules. Should one have any doubts about this point, it is suggested to recall the game analogy. Since the rules of dominoes state that a turn in dominoes is identical with playing the side of one of the dominoes in the player's hand against a played domino of equivalent value it is thus true to say that players have an obligation to play accordingly. Of course, just as it is possible not to want to accord one's actions with an ought-statement in the ordinary sense, so too is possible not to want to follow the rules. But again, once it has been established that there is a set of standing, authoritative rules or principles in place, they can be used as the basis for an explanation of why one ought to do what is prescribed in the ought-statement—or, equivalently, which makes the ought-statement true.

Now there is a *fourth* use of ought, what Anscombe calls the "moral sense of 'ought'" (1), the "ought" characteristic of modern moral philosophy, that according to the criteria of intelligibility that I have attributed to Anscombe does not make sense—in other words, it does not suppose, as it were, an answer to the question of "Why should I do that?". This sense resembles the juridical use of ought in that it, as Anscombe says, "implies a verdict like guilty/not guilty on a man" (5) as for instance when we judge that such and such an action is wrong or obligatory in some (for now unspecified) moral sense.

It is tempting at times to think of Anscombe's argument as one which concerns only the meaning of words, but there is apparently more to it than that.[10] She does claim that the use of the word "obligation" in making moral judgements "implies a law and a judge" but she must admit that words can have more than one meaning. For instance, the word "verdict" means, in one of its senses, a

decision on an issue of fact in a civil or criminal cause or an inquest. Used this way, a law and a judge are required. But in another sense it can simply mean a decision or judgement—as for instance when I say that "after much bitter debate, hurt feelings on all sides, the verdict was that we should eat paella for dinner". Obviously, the fact that the criminal or civil courts were not involved in the decision does not render this statement meaningless.

It appears to be Anscombe's view that it is not just the words "obligation", "right" and "wrong" or "ought" in the sense of obligation that generates the incoherence in its moral use but the "special so-called 'moral' sense—i.e., a sense in which they imply some absolute verdict (such as guilty/not guilty on a man) on what is describe in the 'ought' sentences" (5). Used this way, moral judgements imply, say, not just something that is very important to do (as seems to be the suggestion of the figurative use of "obligation") but an absolute judgement about what is right or wrong or obligatory from a moral point of view. It is this sense that requires a law and a judge in order to make such judgements true (8).

At the beginning of this section I said that the incoherent use of right, wrong, obligation and ought in the juridical sense stems from the continued use of such terms in this specific sense but without reference to laws that would make such judgements intelligible. Now if it is true that moral judgements made using "obligation", etc. in the juridical sense require a framework of rules in order to make sense, and if people continue to make such judgements without reference to a set of rules, we should expect people to use these words incoherently or meaninglessly—where "meaninglessly" means being unable to meet our criteria of being able to provide reasons why one should do what is prescribed in the ought statement or, equivalently, explaining what could make such a statement true. This, according to Anscombe, is exactly the situation in which Hume and certain unnamed "present-day ethicists" found themselves.

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[10] As Cora Diamond points out in "The Dog that Gave Himself the Moral Law," in *Midwest Studies in Philosophy* XIII, eds. Peter A. French, Theodore E. Uehling, and Howard K. Wettstein (Notre Dame: Notre Dame University Press, 1988).

Throughout her discussion of the incoherence of the moral "ought", Anscombe is incredibly indirect about exactly what doctrine she has in mind.[11] One thing, however, is clear: that in order to fall within Anscombe's target range one must subscribe to what is sometimes called Hume's law, the contested view that it is impossible to derive an "ought"-statement from an "is"-statement or, in other words, that there is no logical bridge over the gap between fact and norm.

In rough terms, the is/ought gap, if there is one, is supposed to point to an incoherence in the very idea of morality.[12] On the face of it, moral judgements purport to be a species of cognitive judgement, judgements about the way things are morally speaking, *and* they are supposed to have an impact on our actions. So, if I judge that killing is wrong then, it is presumed, I have a corresponding motivating reason not to kill. But, according to the standard picture of human psychology, normally thought to go back to Hume, one only has a motivation to act in accordance with one's beliefs if one has a corresponding desire, a psychological state which is conceptually independent of representations of how the world is. This has unsavoury implications, for if no recognition of how things are could rationally move us to have one desire rather than another, the argument goes, a necessary condition of acting on a moral judgement is not whether or not it is judged true but whether we desire to act accordingly. Moral judgements, then, seem rather to be an expression of desires, attitudes or feelings—i.e., a kind of non-cognitive psychological state. If what is required to make sense of a moral judgement is, as Mackie once put it, a "queer fact" whose recognition is supposed to have an impact on our desires and if no fact could have such an impact on our desires, a moral judgement not only is not but could not in principle be all it is cracked up to be.[13]

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[11] As the following account reveals, Anscombe objects to the basic tenets of expressivism and prescriptivism as would be expounded, most notably, in the classic texts of R. M. Hare, *The Language of Morals* (Oxford: Oxford University Press, 1952) and A. J. Ayer, *Language, Truth and Logic* (Oxford: Basil Blackwell, 1957).

[12] According to Michael Smith's convincing exposition of the issue in *The Moral Problem*, 4-13, on which my account relies. Cf. also Stephen Darwall, Allan Gibbard, and Peter Railton, "Toward a *fin de siècle* ethics: Some trends", *The Philosophical Review*, 101, no. 1 (1992).

[13] See J. L. Mackie, *Ethics: Inventing Right and Wrong* (London: Penguin Books, 1980), esp. 38-42. Also see Michael Smith, *The Moral Problem*, esp. 5-13.

A very extensive bibliography could be constructed of the various attempted refutations, counter-refutations and explanations of this fundamental discrepancy. Anscombe's tack is decidedly historical. In her view, the situation in which philosophers like Hume found themselves, unable to identify any explanation of why one should conform one's actions to the prescription of a moral judgement was, in her words, the result of "the survival of a concept outside the framework of thought that made it a really intelligible one" (6).

The law conception of ethics of pre-Reformation Christendom was, according to Anscombe, internally coherent; when a moral judgement was made it was understood that "wrong" meant "to go against God's law". In the same way, determinate judgements could be made about people's moral obligations. It was unambiguously true—or at least truth-assessable[14]—to say that human beings have a moral obligation, say, to not to kill each other because saying that someone has an obligation meant that divine law required it.

The internal coherence between judgements of right and wrong and obligation, on one hand, and the moral law, on the other, that once existed in the divine-law based law conception of ethics began to come apart, Anscombe says, when the authority and role of divine law was called into question. The crucial historical turning point Anscombe identifies in this regard corresponds to a significant shift that took place in the understanding of the role of divine law in God's purposes for humankind that came to be widespread among Protestants at time of the Reformation. Characteristic of Protestant theology was that divine law was, in her words, "given, not to be obeyed, but to show man's incapacity to obey it, even by grace" (6, n.1).[15] Add to this the ensuing (and perhaps related)[16]

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[14] Since uncertainty about exactly what divine law requires is possible, as theological disputes attest.

[15] Alasdair MacIntyre borrows this hypothesis from Anscombe and greatly expands on it in a similar argument for the failure in post-Enlightenment ethics to explain what a moral obligation is and why moral agents have them in *After Virtue*, Chapter 5.

[16] Charles Taylor and Charles Larmore have both argued that Protestant theology paved the way for the adoption of the mechanistic world view. See Charles Larmore, *The Morals of Modernity* (Cambridge, Eng.: Cambridge University Press, 1996), Chapter 2 and Charles Taylor, *Sources of the Self* (Cambridge, Mass.: Harvard University Press, 1989), Chapter 18.

process of secularisation in North Atlantic culture and we have a climate in which the idea of an authoritative divine moral law is unlikely to flourish.

Naturally, this crisis did not fundamentally alter people's substantive ethical beliefs. Lying and adultery and killing and so on continued to be considered immoral. The content of the erstwhile divine moral code, in other words, remained more-or-less intact. Of equal importance for Anscombe's purposes, nor did the crisis issue in a corresponding change in the *language* of ethics. People continued to say, for instance, that killing is wrong, that one has a moral obligation to be honest in one's dealings with others, etc. and, consistently with the remaining moral commitments, feel the force of those judgements even though the framework within which such judgements once had meaning was no longer was in place (6). But what it did lead to, according to Anscombe, was a situation in which no sense could be made of the meaning of the key terms that had been retained. Another way of putting the same point is to say that given a judgement of the kind "One ought to do *x*", no *explanation* could be found for why one ought to do *x*.

The expressivist view,[17] in other terms, takes over the idea of a moral judgement implying a verdict on an action from the juridical sense of obligation, but unwittingly excludes the possibility that rules or laws could be the basis of such judgements, thereby stripping such judgements of their content. The result of this, in Hume's language, was that moral judgements cannot be "inferred" from is-statements. No factual description could be up to the task of explaining or implying ought-judgements in the juridical sense because it is the moral rules applied to a description that generate the judgement of whether such a situation is wrong, right, or obligatory. A statement of the particular intrinsic good of a thing or a person could not render judgements made using obligation in the moral sense true since such judgements amount to a kind of descriptive statement and, given

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[17] As my interpretation suggests, Anscombe's interlocutor seems to be the proponent of expressivism—the view, roughly speaking, that moral judgements express attitudes or feelings. However, since, as I have it, the principal objection to this view is that, understood this way, moral judgements are not truth-assessable, her argument could hold in the case of prescriptivism (or the view that moral judgments are prescriptions or blind imperatives) as well. For the sake of simplicity, I will refer to the position to which she objects as expressivism.

the misunderstanding of the relation between descriptions and the moral use of "ought", ought statements can be derived from is-statements (7-8) Finally, once this incoherent use is firmly in place, even laws or other moral principles pretending to capture the content of a moral judgement is rendered an impossibly open. For, in the juridical conception, a decision on whether, say, the greatest happiness principle in fact captures what is morally required can only be made in reference to moral laws that, once again, are assumed but wholly absent. (8)

Since no explanation could be found for why one should do what it is judged one ought (moral ought) to do, Hume concluded that it must be an simple expression of preference, attitudes or feelings. Detached from the context in which the reasons for why one should do such and such a thing, he was left understanding obligation statements in pure prescriptive or expressive terms, comparable to interjections or blind imperatives. And on Anscombe's view, Hume and others, given the context, showed tremendous insight in coming to this conclusion. If the moral sense of ought requires that a law and a judge to make sense of such judgements, and if law and judge is denied, then one will quite naturally be led to understanding moral judgements in expressive terms. Anscombe writes:

> This comment [that it is impossible to infer "morally ought" from "is" sentences], it seems to me, would be correct. This word "ought", having become a word of mere mesmeric force, could not, in the character of having that force, be inferred from anything whatever. [...] I should judge that Hume and our present-day ethicists had done a considerable service by showing that no content could be found in the notion of 'morally ought'. (8)

Though Anscombe's idea that Hume's inability to make sense of the transition from "is" to "ought" is symptomatic of the general confusion around the meaning of deontic terms in modern ethics, it does not imply, as I have said before, that, in Anscombe's view, morality writ large can be intelligibly treated as a system of law only by presupposing a divine lawgiver.[18] She concedes that a

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[18] Alan Donogan, for instance, wrongly attributes this view to Anscombe in his objections to her thesis in *The Theory of Morality* (Chicago: The University of Chicago Press, 1977), 3. Kurt Baier

non-divine law conception of ethics could in principle provide the necessary framework for a coherent use of such terms (13) but expresses some strong reservations about whether they can be anything more that awkward surrogates of divine law. She describes such attempts as "fishy", "unimpressive", "absurd", "unlikely to lead to good results" but rule them out as possible she does not. Looking to social norms or conscience, a view she ascribes to Butler, would certainly fit the bill but fails on the grounds that social norms and conscience, in Anscombe's phrase, "could dictate vile actions" (13). Kant's notion of self-legislation she rejects, perhaps ungenerously, as absurd (13). Norms may be sought in the laws of nature but Anscombe suggests, and we can agree, that, in the present context, such a view is more likely to lead to injustice rather than good (14). Legislation may also be established along contractual lines, but suggests it comes up against the problem of meeting the requirement of consensual engagement in a contract (14). Lastly, she discusses the possibility of arguing "that the use of language which one makes in ordinary life amounts in some sense to giving signs of entering into various contracts" (14). Interestingly, this seems to be a partial anticipation of the sort of procedural ethics of Apel/Habermas and, similarly, Michael Smith whose metaethics, though not is not grounded not in the idea that ordinary use of language shows signs of entering a contract but rather the related idea that language-use supposes a formal method for ethical justification involving intra- and inter-subjective coherence. Be that as it may, in order for any attempt to be successful they would have to meet the minimal requirement of showing that they are capable of capturing particularly moral content and thereby setting out rules from a uniquely moral point of view and in relation to which moral judgements can be made—in other words play a stand-in role for divine law as that which renders moral judgements true. For example, if it could be shown that a certain rule is justified in a moral sense, then any violation of this rule would have to be considered wrong. A

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makes a similar objection in "Radical Virtue Ethics," in *Midwestern Studies in Philosophy* XIII, eds. Peter A. French, Theodore E. Ueling, and Howard K. Wettstein (Notre Dame: Notre Dame University Press, 1988), 127-29.

divine or other conception of ethics could, then, provide the necessary framework for a coherent use of "obligation", etc.

Alternatively, we may, Anscombe says, simply avoid both the apparent difficulties of finding alternative content to the notion of moral ought and falling into Hume's trap by simply doing ethics without moral obligation, understood in the absolute or juridical sense. And it is possible to do ethics without thinking in terms of obligation; the ethics of Aristotle is a case in point who had, on Anscombe's reading of Aristotle at any rate,[19] had no term meaning wrong or illicit in an absolute or moral sense—no "blanket term" which, like morally wrong, is supposed to qualify any action or conduct which goes against what is morally prescribed. Trying to force such a term onto Aristotle's ethics is likely to end up in something like a Procrustean bed. In Aristotle's terminology, the notion could be indicated, Anscombe says, but only by quite a complex statement, which never really quite co-extensive with absolute sense of "wrong" as it is employed in the law conception of ethics: "that is "illicit" which, whether it is a thought or a consented-to passion or an act or an omission in thought or action is something contrary to one of the virtues the lack of which shows a man to be bad *qua* man" (6).

I say that the notion is not quite coextensive because the standard against which moral judgements are made has made a significant shift from justified or authoritative moral laws or rules to some ideal of the morally good or virtuous person—what Anscombe calls the flourishing of a man which consists in being good (18). On this model, we should no longer ask whether a certain action, etc. is morally wrong but whether it is just, truthful, generous, etc. (9); similarly, ideas about what agents should do from a moral point of view should no longer be sought in rules or precepts but rather in some conception of what human beings need to do well as human beings, from the point of view, Anscombe says, of "the activity of thought and choice in regard to the various departments of

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[19] Cf. Nicholas White's discussion of the notion of moral obligation in ancient ethics in "The Imperative, the Attractive and the Repulsive: Sidgwick and Modern Views on Ancient Ethics", in *Essays on Henry Sidgwick*, ed. Bart Shultz (Cambridge, Eng.: Cambridge University Press, 1992) where he disputes the claim that ancient ethics had no conception of duty.

life—powers and faculties and use of things needed", or the virtues (14-15). Her suggestion, in other words, is a return to the Aristotelian model according to which the correct way to find out what is morally required is to determine what is needed for human flourishing, a task which as she admits herself, is likely to receive tremendous resistance in the present climate and one that is difficult to fill out at the best of times (15; 18)

2.5

Anscombe's largely negative argument for why the law model of ethics, and its concomitant concepts of right, wrong, and obligation, should be given up turns, very generally, on her identification of certain difficulties related to the prospects for making sense of the notion of moral judgement made in the juridical mode. Before going on to discuss and assess her diagnosis, it should be pointed out (if it is not so obvious that it goes without saying) that a rejection of the law conception of ethics is neither equivalent to nor implies embracing the sort of Aristotelian-style ethics of virtue that Anscombe advocates. Clearly, one might follow Anscombe and accept that the law conception of ethics faces an irretrievable problem of legitimation in the absence of the authority and scope of divine law yet reject her further claims that (1) there is an ordinary moral ought or norm that applies to all human beings in virtue of their particular intrinsic good, and (2) that the particular intrinsic good of human beings is to be parsed in terms flourishing, where "flourishing *qua* man consists in his being good (e.g., the virtues) [...] so a man needs, or ought to perform, only virtuous actions" (18)[20] Indeed, any number of positions is open to one who should reject the law conception of ethics, including the possibility that no sense can be made of a moral "ought" under any interpretation.

Some proponents of an ethics of virtue are of a decidedly particularist bent.[21] This, it should be clear, cannot be said of Anscombe. The relation

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[20] Cf. Trianosky, "What is virtue ethics?", 44.

[21] Indeed, if anything this is the position most of the prominent neo-Aristotelians. Among the numerous critics whose work contributes to the vast body of literature on virtue ethics and

between the law model of ethics and the Anscombian Aristotelian ethics of virtue is that of two competing candidates for making sense of the fundamental idea of any universalist moral theory: that there are moral demands that apply to human beings as such. An assessment of Anscombe's case for virtue ethics would thus proceed one of two ways. The first would be to carefully examine her evaluation of law conception of ethics to see if her charges of incoherence stick. If it turns out not to have the disadvantages or weaknesses she purports it does one can hardly say that Anscombe has given us good reasons to abandon it. The second possibility would consist in accepting the essentials of her critique and assessing her case in terms of whether the proposed Aristotelian approach, as she presents it, is a viable alternative to the difficulties of the law conception of ethics despite the weaknesses she identifies. The course I shall adopt is the latter and, accordingly, part of my examination of Anscombe's case will consist in explaining in what sense I believe that she is right to claim that the law conception of ethics is incoherent. But I will also show that the problems she identifies with the law conception of ethics are ones that are equally shared by the Aristotelian alternative she proposes.

As we have seen, although Anscombe advocates the rejection of the law conception of ethics and with it the language of right, wrong, obligation and the so-called "moral" ought it supposes, she does not believe that all those who adopt the law model of ethics can be painted with the same brush. Anscombe holds that these words used in their particular "moral" sense always suggest a verdict on an action and thus, in her view, their coherent use necessarily involves a reference to antecedently established moral rules or precepts. Her argument, however, can be seen as being directed at two distinct camps.

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communitarianism are Alasdair MacIntyre, especially *After Virtue*, Charles Taylor, *Philosophy and the Human Sciences*, vol. II (Cambridge, Eng.: Cambridge University Press, 1985), Michael Sandel, *Liberalism and the Limits of Justice* (London: Duckworth, 1981) and, in part, Bernard Williams, especially in *Ethics and the Limits of Philosophy* (Cambridge, Mass. Harvard University Press, 1985). In general terms, they attempt to anchor the claims of virtue in historicist judgements about the shared tradition, practice, and community.

The first she identifies with Hume and certain "present day ethicists" who use these concepts yet fail recognise their supposition of rules or precepts.[22] Others, as she puts it, "recognise the origins of the notions of 'obligation' and of the emphatic, 'moral', ought, in the divine law conception of ethics, but [...] reject the notion of a divine legislator" (13). By this she apparently means that they at least tacitly recognise the legitimacy of her claim that moral judgements made in the juridical mode suppose rules or precepts. This, in her view, is why they "look about for the possibility of retaining a law conception without a divine legislator" (13) in such things as social norms (Butler), self-legislation (Kant), a social contract (Locke and Hobbes?), nature (?): in order to identify a set of principles or rules in order to give the use of "morally ought" meaningful content.

Whereas both camps stand accused of incoherence, the sort of incoherence involved in each case is very different. In that of those who recognise the suppositions of deontic language, their various attempts to develop a system of moral rules to replace those of a divine legislator fail to close the question on the authority of the rules they posit (13-14). Thus, they do not employ juridical language meaninglessly, but fall short of adequately providing for the universal applicability of their ethical system. Hume and the expressivists, by contrast, altogether fail to grasp what judgements made using deontic terms suggest and thus use the terms in genuinely meaningless way. I will deal with each of these wings of Anscombe's attack in turn, beginning with the latter.

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[22] A somewhat odd indictment of a philosopher who conjectures in the *Enquiry Concerning the Principles of Morals*, 3rd ed. (Oxford: Clarendon Press, 1975), Appendix 4, that the ancients put virtue at the centre of their ethics because moral approval was not conditional on voluntary action. This connection has a prominent place in modern ethics, he argues, because of its descendence from Christian theology which treats morality as a system of civic law. He also notes, in a comment which strikingly anticipates Anscombe, that the notions of "right" and "obligation" (to which he adds "property" and "justice") are unintelligible in the absence of an "antecedent morality" which, in his terms, means a rules of duty and morals such concepts suppose. See *Treatise of Human Nature*, 2nd ed., ed. L. A. Selby-Bigge (Oxford: Clarendon Press, 1878), 462n.

2.6

Anscombe accuses the proponents of the expressive ought of the sort of incoherence that may arise in a discussion in which there is a profound misunderstanding on the part of one participant of a key term employed. If the moral use of ought, the concept of obligation, has the particular character of supposing a law, rule or principle as an answer to the question of why one has that obligation, then any answer which does not include such an appeal to a rule or principle is necessarily incoherent. To illustrate, imagine again that we are playing a game, you inform me that some move that I have made is wrong, I ask why, and your response is, say, that it is because you don't want me to make that move. Or imagine that I object to your claim that I have made a false move on the grounds that it wasn't wrong because I didn't want to make that move. Both these response would occasion serious puzzlement for, in the context, they are incoherent answers to a coherent question. They show, in other words, a deep misunderstanding of the meaning of the word "wrong" on the part of the respondent. The sort of answer one expects for the justification of claim about what is right or wrong in a game is an explanation of a rule according to which moves are judged as right, wrong, etc.; as everyone knows, it is not what the players of a game desire that makes certain moves obligatory or right or wrong but the rules of the game.

Anscombe's expressivists use the language of deontology and thus at least appear to be making absolute, verdict-like claims about what is morally required as such yet claim that no belief in the truth of a moral is-statement—be it spelled out in a divinely ordained rule describing what is morally required, about what human beings need in order to flourish, or basic principle purporting to capture how judgements can be made from a moral point of view—is ever reason enough to judge that one "has" an obligation, in the sense of being rationally compelled to do what the is-statement seems to imply be done. Thus, if one accepts to be under a moral obligation, it must be because one has a desire, or a complicated disposition to have a desire, to have that obligation. Put otherwise, when expressivism attempts to explain why some act or omission is obligatory in the

sense of being something no one in the circumstances should do (the implication of the use of the moral "ought") their answer is that it is because they want it to be something no one in the circumstances should do. This is not a sensible response because the very idea of something being obligatory (moral or otherwise) supposes some standard of judgement such as a rule that stands independently of an agent's desires.

Of course, it may be an inevitable metaethical truth that it is fallacious to infer ought-statements from is-statements, or it may not be. And, although it is always a possibility, it seems, to simply redefine a word such as "obligation" so as to render the expressivist use coherent, those who hold the expressivist view would probably agree with Anscombe that the moral ought does imply an absolute judgement and is thus incoherent in the sense she identifies—i.e., that, although in making moral judgements we seem to be making judgements that are supposed to be applicable to and binding on all agents regardless of their interests or desires, no reason can be found for why agents should be motivated to conform their behaviour to such judgements. One might indeed argue that the use of right, wrong, and moral obligation is not incoherent in this sense since more sense can be made of the link between moral judgement and motivation than Anscombe seems to think. This line of objection, however, would be not so much an objection against Anscombe as against Hume (or Anscombe's expressivist version of Hume) and the advocates of the expressive ought. If, on the other hand, we are willing to accept Hume's no-ought-from-is principle, then we can surely agree with Anscombe that juridical language in ethics should be dropped—or (an alternative that Anscombe does not consider) agree that right, wrong, and obligation in morality never mean what they sometimes purport to mean. If morality is (really) just about expressing preferences, then there are no moral obligations in the original sense of that which is binding and applicable to all, interests and desires aside. In such a context, juridical terms would mean, roughly, "desirable or preferable from the point of view of the agent" and one should feel confident in affirming that to judge "lying is 'wrong'" comes down to much the same thing as judging that "systematically choosing to eat vanilla ice

cream over all other flavours is 'wrong'". Unless it is clear on all sides that obligation, wrong, right, etc. can never mean what they purport to mean—and this, of course, is far from being the case—then proponents of the expressive ought are well advised to refrain from using them, if only to avoid confusing themselves and everyone else. This is, however, is probably unlikely to happen since the principal interest of expressivism resides in its iconoclasm and as such is parasitic on just this ambiguity; if no one held that there are at least some genuine moral obligations, that some things are morally wrong, it would be a banal doctrine indeed.

Hence, as I see it, the interesting issue as it relates to Anscombe's argument for the incoherence of the "moral" ought as a strike against the law conception of ethics and, in turn, a reason to abandon the notions of right, wrong, and obligation in ethics in favour of the ordinary ought connected with a conception of the kinds of character traits human beings must have in order to live a full and flourishing human life is not whether the expressive use of the moral ought is incoherent—quite clearly it is—but rather whether Anscombe's arguments would convince someone who holds the expressive view to exchange deontic concepts for an Aristotelian conception of flourishing and, in doing so, make the move to the sort of coherent conception of ethics Anscombe proposes. I shall argue that it would not, and the ethics of Hume is a case in point.

2.7

How, then, is the adoption of a Aristotelian conception of flourishing supposed to help overcome expressivism? What reasons, in other words, has Anscombe given to convince an expressivist like Hume to close the gap from is to ought—which, in her terms, comes down to the denial that there are moral requirements or demands that are applicable and binding on all human beings independently of whether their desires happen to correspond with such demands—by replacing the notion of "morally ought", rendered incoherent with the abandonment of a belief

in an ungainsayable moral law, by her "ordinary" ought, linked with a notion of human flourishing (i.e., being virtuous)?

First, it cannot be the simple realisation on the part of the expressivist that the modern, emphatic sense of the moral "ought" makes sense only within the framework of a divine legislator and, if we lack allegiance to that framework, and continue to employ deontic concepts then such a use is incoherent. For, as we have just seen, one might both accept this thesis and deny that there is some "ought" in the sense of that which is morally required independently of whether or not an agent's desires happen to correspond with such requirements. Of course, if one accepts that juridical language is meaningless in the sense Anscombe specifies then, for the sake of consistency, one may be convinced to give it up and, perhaps, take up Anscombe's suggestion to return to the ancient outlook which makes the virtues central. What would one have to grant in order to make this move, and would Anscombe's expressivists be tempted to make it? Somewhat ironically, the most cursory glance at Hume's ethics reveals that the shift to the language of virtue, understood as expressing character traits that make a person a morally good person, did not diminish his own commitment to the idea that morality must be the work of the passions and desires in human life. One wonders why not.

Like Anscombe, Hume held that the juridical structure of modern ethics is the heir of Christian theology,[23] that the notion of moral obligation was unintelligible without an antecedently given set of moral rules, that without such an antecedent morality it was impossible to explain how a person who does not do his duty is a bad person,[24] and so, for the sake of avoiding "reasoning in a circle" moral judgements were properly expressed in terms of character, virtue and vice.[25] The principal difference between Hume and Anscombe is that

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[23] Hume, *Inquiry Concerning the Principles of Morals*, Appendix 4.

[24] Hume, *Treatise of Human Nature*, 462n; cf. Anscombe, "Modern Moral Philosophy", 4-5.

[25] Hume, *Treatise*, 461-69 and 462n. Arguing against a quasi-Kantian position which identifies immorality with irrationality in the sense of inconsistency, Hume objected to this doctrine on the grounds that it begged the question: since there is no reason to suppose that being irrational in the intended sense—i.e., making an error in reasoning—is in and of itself immoral, if one judges that an act is moral because it is irrational it must be because one makes the prior assumption that that act is immoral. Having rejected the possibility of basing morality on reason (by this an other

whereas Anscombe holds that the virtues are what human beings must have to flourish qua human beings, Hume thought of judgements of virtue as "nothing but to *feel* a satisfaction of a particular kind from the contemplation of character"[26]—feelings which derive some from the natural tendencies of human beings (natural virtues), others which are civic or contractual in origin (artificial virtues).[27] Since no perception of what is morally good or bad, virtuous or vicious, is on its own enough to motivate us to conform our actions to such judgements, moral judgements, Hume concluded, must be non-cognitive impressions or sentiments "favourable to virtue, and unfavourable to vice", sentiments which are, he says, "requisite to the regulation of our conduct and behaviour".[28]

When Hume came to his famous conclusion that morality must be understood in terms of, explained and justified by reference to, the place of the passions and desires in human life it was on the basis of his initial assumption that morality is *either* the work of reason—by which he primarily meant a faculty by which we come to make factual description of a situation judged to have moral qualities—*or* the work of the passions and his own apparently compelling arguments that it cannot be the work of reason.[29] Why did Hume entertain only these two possible means of founding ethics? Or, more to the point, why did Hume not attempt to vindicate moral demands in terms of some notion of the particular intrinsic good of human beings, of what human beings need in order to live an unspoiled, flourishing life?

Anscombe's position on how her "ordinary" or Aristotelian ought would serve to close the is/ought gap seems to be that if a conceptual link could be established between what should be done from a moral point of view—i.e., being virtuous—and a happy or flourishing life then, if such a link exists, it would seem in effect to offer a convincing response to the question of "Why be moral?". If

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arguments), Hume concluded that morality must be the work of the passions. We will return to the issue of why Hume entertained only these two possible formulations below.

[26] *Ibid.*, 471.

[27] *Ibid.*, esp. Part I, Section II and Part II, Section I.

[28] *Ibid.*, 469.

[29] *Ibid.*, 470.

we need to possess the virtues in order to be moral and if in possessing the virtues we live a flourishing or complete human life, then virtue and happiness, duty and interest would be intimately linked, thus giving everyone the best reasons (at least from the point of view of their own personal happiness) to be moral or to acquire virtuous dispositions. Anscombe writes:

> Certainly, in the case of what a plant needs, the thought of a need will only affect action if you want the plant to flourish. Here, then, there is no necessary connection between what you can judge the plant "needs" and what you want. But there is some sort of necessary connection between what you think *you* need, and what you want. The connection is a complicated one; it is possible *not* to want something you judge you need. But, e.g., it is not possible to never to want *anything* that you judge you need. (7)

This, quite obviously, is true. But recall that what Anscombe is trying to do with the notion of human flourishing is not only provide reasons for why we should be virtuous but also restore a coherent conception of ethics, which in her terms, means to restore a position from which it makes sense to judge that an immoral person is a bad person, that there are things that people should do even if their desires and interests don't happen to line up with the demands of virtue. She is, in one of her formulations, proposing a way of restoring the meaning of normativity:

> It might remain to look for "norms" in human virtues: just as *man* has so many teeth, which is certainly not the average number of teeth men have, but is the number of teeth for the species, so perhaps the species man, regarded not just biologically, but from the point of view of the activity of thought and choice in regard to the various departments of life—powers and faculties and use of things needed—"has" such and such virtues: and this "man" with the complete set of virtues is the "norm", as "man" with, e.g., a complete set of teeth is a norm. But in *this* sense "norm" has ceased to be roughly equivalent to "law". In *this* sense the notion of a "norm" brings us nearer to an Aristotelian than a law conception of ethics. There is, I think, no harm in that; but if someone looked in this direction to give "norm" a sense, then he ought to recognize that what has happened to the notion of "norm", which he wanted to mean "law—without bringing God in"—it has ceased to mean "law" at all; and so the notions of "moral obligation",

"the moral ought", and "duty" are best put on the Index, if he can manage it. (14-15)

Anscombe explains the incoherence of the expressive use of "ought" in terms of a conceptual disparity between the suppositions of deontic language—namely, that there are authoritative moral laws in relation to which moral judgements in this mode are rendered true in the sense of being binding on an applicable to all independently of agents' interests and desires—and the conclusion, arrived at on the basis of the observation of the fallacy involved in inferring from is to ought, that one has a moral obligation if one desires to be under that obligation. The gap from is to ought came about because the original reasons why one "ought" to obey the law—i.e., because it was the command of a divine lawgiver—dropped away leaving behind the force of the words and no context in which such judgements were once intelligible; the conceptual framework which made it possible to judge that it was true that human beings had moral obligations had disappeared and all that remained was a purely psychological compelling force of such judgements not backed by reasons.

Now this story certainly explains why Anscombe's expressivists employ deontic concepts rather than, say, Aristotelian virtue terms in formulating moral judgements which suggest universal bindingness and applicability but it cannot, it seems to me, account for the central problem that Anscombe identifies—i.e., the wholesale refusal of the idea there are moral demands in the original sense of being universally applicable and binding. Would not, to paraphrase Anscombe, a Hume in ancient Greece have come to precisely the same conclusions? I think he would have. For it appears that incoherence in the expressivist use of "ought" resides not in the assumptions of juridical language as such—that there is an authoritative set of moral laws or rules or principles—but a commitment to a questionable conceptual relation between normative reasons and motivating reasons or, put otherwise, the claim that in order to have a normative reason one must have a motivating reason, the doctrine of internalism.

Again, what the is/ought gap is supposed to show, in essence, is that "morality" does not have a rational basis. That is to say, a judgement that a

certain act or character trait is something that is morally required is never sufficient reason for an agent to conform his or her actions or character to what is morally required. After all, what is needed in order to act is a desire and, since no recognition of what is the case could rationally compel a person to have one desire rather than another, moral judgements must be expressions of desires, feelings or preferences. But note that this conclusion follows only if one assumes that there is no standpoint from which actions or characters *and* intentions or desires can be evaluated. If one assumes that there is such a standpoint, then the apparent fact that desires play a necessary role in actions is rather a moot point. The expressivist position is that whether or not I do what I judge to be morally required, and in this sense "have" an obligation, all depends on whether I want to do what is morally required. But if there is a moral point of view, then, to paraphrase Anscombe, what it "all depends" on is rather whether an agent makes the correct judgements about what is morally required and has the correct corresponding desires or intentions.

If this analysis is on the right track, what it implies is that Anscombe's expressivists would only be convinced to adopt the Aristotelian ought and thereby close the motivational gap between is and ought only if they accept the prior claim that the notion of "what human beings need to flourish" can be used as a measure for the substantive claims of morality. For just as the coherency requirement of the law conception of ethics is a set of moral laws (justified or divine), so too does the Aristotelian notion of flourishing supposes a substantive set of character traits (justified or natural) which must, like the idea of the divine lawgiver, exist above all human institutions, cultures, and law if it is to play the role of a standard against which not only isolated human acts and character can be judged but, presumably, human institutions and laws as well. What would be needed for this would be a convincing argument that there is some ordinary "ought" which applies to human beings as such and that that ought involves being virtuous—where "being virtuous" means displaying particular substantive character traits required for the flourishing or well-being of human beings as human beings, an argument Anscombe carefully avoids providing through a

series of promissory notes on the philosophy of psychology. Whatever this might amount to in fine print, what it would, it seems, end up showing is that there are certain facts about what human beings must do in order to live well and succeed. The question is whether a Hume would be able to accept such a picture even in principle?

Hume did not even entertain the idea of divine moral rules because it could not be squared with his naturalism. For the same reasons, one can surmise, nor did he even entertain the idea of "human flourishing" as the standpoint from which moral requirements could be judged true. Hume also openly rejected the notion of basing morality on rules or principles, on the assumption that any rule supposed an antecedent morality, and no morality could be based on reason—which Hume defined narrowly as the faculty which perceives relations of ideas and perceptions of fact.[30] It is hard to imagine that the notion of a set of character traits that human beings would need in order to flourish would have fared well against his decidedly strained conception of reason. What would need to be shown to a Hume is that there are certain claims about what is true from a moral point of view that make it such that even if a person has no corresponding motivational inclination to do what such claims prescribe one can still say that they did something that they shouldn't have (from a moral point of view) in failing to conform their actions to moral requirements. No *shift* in the central concepts is going to fit the bill. For even if one accepts to make moral judgements as if they were judgements about what human beings need in order to flourish, even if one believes that what is morally required is good for them, there will still be those who will still not be motivated to be virtuous, even if it is in their best interest to do so. What a coherent conception of ethics requires, in Anscombe's terms, is a position from which such judgements can be made. As her argument stands, she has in no way provided for an expanded notion of what could count as true, a notion that would surpass Hume's and the expressivists narrow conception of what could count as a true statement.

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[30] For Hume's argument for why morality cannot have a rational basis and his concomitant characterization of reason, see *ibid.*, Book III, part I.

One possible approach to opening up the range of truth-assessable claims to include moral judgements conceived either juridically or in terms of human flourishing would be, rather than *equating* the truth of moral judgement with the truth of factual or relational statements (arguably what generates the impossibility for moral claims to be conceived of as true on a Humean model), to understand the truth of normative claims *on analogy* with the assertoric validity of propositional statements. That is to say, by assessing the validity of normative claims using not theoretical reason, but another faculty, practical reason. If such statements could be shown to be true in this sense, then they would meet Anscombe's criteria for a coherent conception of ethics—if, that is, she would accept such a means of evaluating moral claims.[31] The question which arises here which of the proposed central concepts—moral precepts or rules and flourishing respectively—is a more hopeful candidate for grounding ethics. And with this we return to the second wave of Anscombe's attack—namely, against those who wish to retain the law conception of ethics posit as the basis for moral judgement.

2.8

As I said before, there are at least two possible ways of critically approaching Anscombe's argument for the adoption of the ordinary "ought" in ethics. In general terms, her strategy, as we saw, was to attempt to discredit its principal rival, the law conception of ethics, and suggest that a way out of these difficulties is in a shift to understanding the notion of moral demands not as rule-like, unconditional and detached from the good of agents bound, but instead to see the demands of ethics contributing to the particular intrinsic good of human beings as such. The first approach would be to show that she is wrong in thinking that the law conception of ethics is incoherent. This has been the approach of the

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[31] Which it seems she would have to unless she wishes to advocate the entirely implausible view that there are a set of pre-ordained, as it were, natural character traits that human beings, across all cultures and time, must have in order to flourish, a view that is not far removed from and no more defensible than from claims sometimes made by gene-struck sociobiologists to the effect that there are genes for aptitude in the generation of computer languages, quantitative research, or business.

majority of critics of Anscombe. Another approach would be to essentially accept her charges of incoherence and assess whether the Aristotelian alternative does not succumb to the same problems of incoherence as the law conception. The latter has been my approach.

Anscombe's argument, it was noted, can be seen as being directed at two distinct incoherent uses of deontic terms: those who deny her claim that moral judgements which employ such terms suppose rules and precepts in order to make sense, and those who do not. In the previous section, I dealt with the former, arguing that the apparent queerness of the notion of a moral obligation that expressivists identify, that moral obligations are applicable and binding only on condition that agents have a corresponding and rationally non-assailable desire to be under a moral obligation, is parasitic on an express denial of the in-principle possibility that there are "moral obligations" in a meaningful sense. For what being under and obligation means is that one is bound to do conform one's actions to the terms of the obligation independently of whether one happens to desires to do so. What this requires is a standpoint from which an agent's desires can be morally evaluated, a standpoint which expressivists appear to deny. As long as such a position is thought to be unavailable, then one would be well-advised to avoid using the terms "right", "wrong", and "obligation", if only for the sake of clarity. The central weakness of Anscombe's account was her failure to fully appreciate that her own proposal for restoring the coherence of ethics in a conception of what human beings needs to flourish equally supposes a standpoint external and prior to contingent human interests and desires, a standpoint that the narrow Humean conception of reason and truth preclude. Since Anscombe misdiagnoses the disease her cure is unlikely to have any effect on the patient. In the section that follows I will discuss the charges Anscombe mounts against those who accept that juridical concepts, when employed in ethics, suppose a set of moral laws, rules, or precepts in order to make sense. Putting aside Anscombe's specific (and rather limited) arguments against attempts to justify the moral rules or precepts that they try to develop in order to give content to the law conception of ethics in the absence of a divine legislator, thereby providing a basis for moral

judgements in the absolute sense implied by the concepts employed, her general claim is that conceiving of morality as a set of obligations binding on all absolutely, with no connection to the goodness or excellence of the person obligated, cannot be coherently detached from the theological perspective of which it is heir: what such a conception requires is an ungainsayable set of moral laws and only the commands of a deity have sufficient authority and scope to issue such commands.

It should come as no surprise that one popular attempt to escape Anscombe's charges is to deny that the use of deontic terms in no way supposes rules or principles in order to be coherent. Indeed, one commentator goes so far as to argue that Anscombe never really makes the claim at all. In a recent article, Duncan Richter reads Anscombe as not committed, *pace* what most commentators have supposed, to the claim that the conceptions of right, wrong, etc. are incoherent because they suppose a moral legislator whose authoritative say-so creates the norms in reference to which moral wrong, duties, and obligations are determined. He posits that according to Anscombe, in contexts in which there is no commitment to authoritative moral law, "'right' and 'wrong' can be imprecise (but not therefore meaningless) versions of the 'Aristotelian' terms 'virtuous' and 'vicious' or a variety of more precise, or at least richer, terms such as 'noble', 'humane', 'cruel' or 'unjust'".[32] I see no reason to think that Anscombe or anyone else would not concede that it is possible to say 'wrong' and mean 'unjust' or 'inhumane' but the reason she urges us to abandon juridical terms in ethics is precisely because they suppose an authoritative moral law and, where there is no such law, to say that an action is 'wrong' is not so much imprecise as superfluous and meaningless. As she puts it at one point, in the context of a divine law theory of ethics "it really does add something to the description 'unjust' to say that there is an obligation not to do it; for what obliges is the divine law—as rules oblige in a game". She continues, "it is because 'morally wrong' is the heir of this concept, but an heir that is cut off from the family of concepts from which it sprang, that 'morally wrong' *both* goes beyond

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[32] Duncan Richter, "The Incoherence of the Moral 'Ought'," 73-74.

the mere factual description 'unjust' *and* seems to have no discernible content except a certain compelling force, which I should call purely psychological" (17-18).

Richter uses this reading to defend Anscombe against Kurt Baier's attempt to make an end run around Anscombe's challenge that the use of deontic terms in ethics requires an ungainsayable set of moral rules by arguing that "it is simply a mistake to think that the notions of "right", "wrong", "duty", and "obligation" presuppose a moral legislator whose authoritative say-so creates the moral norms by reference to which moral wrongs, duties, and obligations are determined".[33] Baier proposes instead that judgements that there are such wrongs or duties assume only that there are "adequate moral reasons for me to do and no adequate moral reasons for me not to do, that is, 'compelling' moral reason for me to do these things".[34] The suggestion here parallels that made by a number of commentators in response to Anscombe's paper that virtue terms such as "untruthful" and "unjust" are simply "shorthand for saying that agents ought to be truthful and chaste, and that untruthful and unchaste acts are morally wrong because good agents don't perform such acts".[35] In other words, if we are committed to the claim that an act is bad, are we not implicitly committed to viewing it as wrong?

Now these criticisms would hit the mark if Anscombe's only concern were with either the use of words, or with the internal coherence of moral judgements.   As we saw in our examination of the use of "right", "wrong", "obligation" (or the juridical "ought") in non-ethical contexts, the correct use of deontic terms does seem to suppose a set of rules in which such judgements can be made. In playing a game, for instance, moves that go against the rules are properly described as "wrong" whereas moves which do not go against the rules but which are disadvantageous to the player, or which show the player to be a bad player, are more appropriately described using aretaic terms. Likewise, if I judge that you should water your plants and what I mean is that if you do not then they

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[33] Baier, "Radical Virtue Ethics," 128.
[34] *Ibid.*.

will die, it seems altogether incorrect to claim that you have done something "wrong" in not watering your plants. The correct use of deontic terms thus turns on a speaker's intentions; one use does not imply the other, nor is one simply shorthand for the other. And the possibilities for correct use in both cases is as large as the possibilities of incorrect use. For example, if I say to you that it was wrong to not drive your friend to the airport and what I mean is that according to the principles of friendship I accept you had an obligation to drive your friend to the airport, then I'm using "wrong" correctly. If I mean that you have shown yourself to be a bad friend or bad person by not driving your friend to the airport a more accurate choice of words would be "unkind" or "thoughtless" rather than "wrong".

But recall that Anscombe is not as much interested in semantics, whether individual speakers use deontic terms correctly, but rather the conditions under which absolute claims about what human beings, from a moral point of view, ought to do make sense. Anscombe's principal claim against the expressive ought was that it failed to meet even the minimum criterion of coherence for any use of an advisability term. Namely, a use of "ought" (or other modal of advisability) is coherent if and only if judgements made using this term is in some sense truth-assessable—if, in other words, moral judgements are candidates for being true. We can understand Anscombe herself as having presented two examples of essentially coherent uses of ought: what she calls the "ordinary" and the juridical use of ought. In the discussion above, I added a third for good measure: the hypothetical use of ought. All these uses of "ought" are coherent because they can at least in principle be shown to be true or false. What then are the conditions of a correct use of deontic terms in ethics?

If it is the case that the use of deontic terms does suppose rules, then in ethics the use of deontic terms supposes that in some sense "there are" or "there exist" rules in reference to which it is true to judge that human beings have such and such obligations or moral demands. In order to win Anscombe's approval in employing the terms "wrong", "right", and "obligation", *that* would have to be

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[35] Louden, "On Some Vices of Virtue Ethics," 203.

shown. When belief in divine law qua set of rules of absolute authority and scope was abandoned so too was lost the standard against which it could be judged true that there were certain things that were wrong and right for human beings to do, that there were moral obligations.

One would be hard pressed to deny that there are difficulties in filling in the notion of a moral rule or principle as that which plays the role of a measure of rightness. Both rationality and the notion of the greatest good, to name only the most familiar general strategies, are rich and difficult concepts, hence the disputes about the various tests for a rule being the object of a rational choice, the disputes over what constitutes the greatest good, not to mention those between them. One can thus agree with Anscombe at least insofar as she claims that moral principles worked out in secular terms do not have the same putatively unshakeable nature as those of the lost theological perspective. Since there are no moral laws in her required sense, and since the use of deontic terms does suppose a set of rules which obliges, as rules oblige in a game, then to judge that an action is, say, wrong or obligatory, is superfluous. The question that I would like to address now, and the final issue I will address in this chapter, is whether Anscombe's alternative fares any better in terms of a means of providing a basis for moral judgement.

2.9

It is important to reiterate that if the juridical conception of ethics, as Anscombe has it, presupposes a set of authoritative rules in reference to which moral obligations can be judged true or false, the Aristotelian notion of flourishing has similarly lofty assumptions behind it—namely, that there (really) are some character traits human beings do need to have in order to flourish, that there is some "good human character" which, like a divine moral code, exists apart from human cultures or belief systems. It is in relation to this assumption that moral judgements made using the "ordinary" ought can be rendered true: some moral essence of human beings, some account of a human moral telos worked out as a

set of character traits. Only if there "is" such a *telos* will we be speaking coherently in employing virtue terms if what we mean when we say that a person ought to be just or honest, that there is a set of character traits human beings must have in order to flourish. Both conceptions—the juridical and the Aristotelian— suppose, in other words, rather questionable metaphysical claims. Without either of these being true then it is incoherent to say that human beings have certain obligations, interests and desires aside. We have some idea of how deontology and consequentialism introduce impartialist criteria in order to evaluate moral judgements—the former discriminates between valid and invalid moral judgements in terms of their universalisability and the latter in terms of the consequences if applied in a set of circumstances—but how does Anscombe's eudaimonist virtue ethics do the same? If Anscombe is to make good on her promise to render ethics coherent once again by introducing the flourishing life as the central reason to be moral, this substantial issue must not only be addressed but it also must be shown that it constitutes a clearer, more stable framework for making moral judgements than do the surrogates of the divine law conception of ethics she rejects. Even if there were enough material in Anscombe's work to stake out her position on this issue, a thorough treatment of this question would require many pages. In lieu of this, I will simply offer some considerations to the effect that it is far from being obvious that the notion of flourishing offers the prospects for grounding moral judgements she appears to believe it does.

Again, it is unclear in what precisely Anscombe's proposal to work out what, morally speaking, ought to be done consists, but we can perhaps safely assume that it would parallel the suggestion made by more recent eudaimonist virtue ethicists and involve attempting to establish a picture of in what a complete and satisfying human life consists and to exploit this notion as a point of reference in order to determine which dispositions are required to lead such a life.[36] With such a picture at one's disposal, one could then, in a situation in which one attempts to

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[36] Rosalind Hursthouse appears to appeal to such a procedure in her explanation and defense of what I have called eudaimonist virtue ethics in "Virtue Theory and Abortion", 219-20. Nicholas J. Dent also presents the idea of examining the relation between human nature and the virtues as an essential part of his understanding of virtue ethics in "Vertu", 1576.

determine what course of action to adopt, ask oneself what a virtuous agent would do and follow suit. The difficulty here, of course, is to fill in the notion of the virtuous agent or, more precisely, in what the flourishing life for human beings as such consists.

Note that, at least in Anscombe's hands, appealing to the received virtues does not seem to be an available option. As Anscombe suggest in connection with her criticism of Butler, social norms cannot be the basis for morality (13) and she is equally wary of Kant's notion of self-legislation on similar grounds. In her view, his approach is tantamount to recommending that one "go by the laws of one's ancestors", and her concern is that "whether this leads to good or evil will depend on the *content* of the rules or of the customs of one's ancestors" (13).[37] Similarly, one can surmise, it is unacceptable to equate the virtues that are simply held to be constitutive of the good life with those that are constitutive of the good life as such. How would such a project proceed?

If the correct conception of *eudaimonia* is not to reflect "the custom's of one's ancestors", as Anscombe demands, it would have, it seems, to be got from, in John McDowell's words, "an independent 'value-free' investigation of human nature". But indeed, is seems deeply implausible to think that a human life can be judged worthwhile other than in terms of the worthwhile values that are embodied, expressed, and realised in the actions, desires, and sentiments of the virtuous agent.

This problem points, it seems, to a deeper and recurring problem with the link between virtue and the good life as an approach to solving problems of moral action. If the notion of virtue is to avoid trivial circularity in ethics it must not simply specify the virtues as the character traits required for eudaimonia, but explain *why* certain character traits are needed to live the good life. As long as we deal only with accepted, uncontroversial virtues such as justice, kindness, and honesty, the question of why we should be just or honest or kind is not pressing. We believe that good people are just, kind, and so on and it is clear that

displaying such characteristics is, as Anscombe points out, required in order to be a good person. To the extent that we do not call into question the assumption that such character traits are needed to live well. However, not all virtues are met with this same reaction, such as the virtues of chastity, independence, and patriotism. With all these virtues, it is not clear that they are part and parcel of the good life, yet they are "virtues" nonetheless. What this seems to call for is a critical approach, which would consist, at its core, in an explanation or account which could distinguish the real virtues from those that are tawdry or false.

The proposal of eudaimonist virtue ethics is, again, to develop a picture of the flourishing life and use it as a touchstone for the substantive virtues that make up such a life. But again, it seems difficult to define the best human life but in reference to the worthy values that it somehow embodies or integrates or expresses. Indeed, the value of the virtues and in turn the good life of which they are thought to be representative, as Aristotle himself saw, is lost unless they are oriented towards good aims or ends that are distinct from the good the agent derives from the acquisition of excellence of character. It is, after all, possible to be courageous in promoting an unjust cause and the equanimity of a con-artist makes him more abominable in our eyes than he would have been without it. This observation is most often used to show that character traits have no intrinsic value, but it also, I think, applies to the problem of working out, in substantive terms, in what *eudaimonia* might consist. The morally good life, whatever it may be, is good not first and foremost because of the good it brings to the agent, because it consists in her doing well or living well as such (although it may, in a complex way, lead to satisfaction and fulfilment), but because it expresses or embodies or integrates aims that have moral worth. Unless some standard is attached to eudaimonia that is external to the notion of doing well or living well, then, the suggestion that to live the flourishing life is a *reason* why we ought to be moral is empty, signifying merely "the morally upright life" without providing any guidance as to what the morally upright life is and accordingly risks suffering

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[37] It is immaterial whether Anscombe's critique of Kant is accurate; the important aspect of this passage is that here she lays out her expectations of what could count as a justification of moral

from the same weakness Anscombe attributes to consequentialism—namely, moral indeterminacy, or the possibility that a standard of moral judgement could recommend manifestly bad acts (Cf. 17). The only way the notion of flourishing could have meaning and meet Anscombe's own requirements for an acceptable action-guiding theory—i.e., not appealing to social norms or custom, or issuing in moral indeterminacy—is if the life of eudaimonia reflects morally right or acceptable values. But then the more fundamental reason why we should be moral is not to live well but rather to incorporate into our lives the values from which the flourishing life derives its moral goodness. We can get a clearer picture of this, I think, by reflecting Nicholas Dent's convincing description of what it means to have a virtue:

> Posséder une vertu, c'est reconnaître de façon raisonée l'importance d'un bien qui peut être obtenu ou préservé par l'action humaine, et accorder à ce bien, dans l'économie de nos pensées, sentiments, souhaits, désirs et activités, la place qui correspond précisément à cette estimation de son importance, en tant que bien à chercher ou à préserver. Grâce à cette attitude, notre engagement vis-à-vis de ce bien occupe une place stable et durable dans notre vie, une place qui informe et façonne nos réactions aux individus et aux situations, qui guide nos choix et nos décisions, et qui tempère nos espoirs et nos regrets. (Dent, p. 1571)

The value of acquiring and displaying the virtues, then, is inseparable from the importance and worth of the value to which the virtue is tied and, further, the value and importance of assuming an interest in such values in the form and orientation of one's own life in the way that it is integrated into one's life when one is virtuous—as for instance, when we observe that a parent's love for his or her child orders certain psychological and behavioural patterns that make up what we think of as "being a good parent". Though certainly a form of human achievement, virtue understood as the skill of integrating values into the fabric of one's life is, like any other skill or talent, not worth having unless the end for the sake of which it is practised is worthwhile.

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norms.

Thus, unlike the notion of flourishing so central to Anscome's virtue ethics which seems unable, on its own, to set the boundaries around the moral, both the deontological and consequentialist approaches have a distinct advantage in that their respective frameworks for the evaluation of moral judgements provide critical guidance, although perhaps less than perfectly, for sorting through the various candidates for what, from a moral point of view, is worth pursuing. However, although these approaches carry the pretense of identifying acceptable impartialist criteria for working through moral problems, they seem open to a parallel object raised against the notion of flourishing as a reason to be moral. Unless their evaluative criteria and, accordingly, the prescriptions for action in which such criteria issue, reflect or instantiate more fundamental worthwhile values we would have, it seems, little reason to accord them importance in our own processes of practical reasoning. This objection is precisely that on which Phillipa Foot's critique of the notion of moral obligation, and her own aretaic form of virtue ethics, is built. And it is to this that I now turn.

3
Foot on Categorical and Hypothetical Imperatives

3.1

"My view", writes Philippa Foot in "Morality as a System of Hypothetical Imperatives", "is different from Miss Anscombe's, but I have learned from her" (169, n. 14).[1] Notwithstanding this acknowledgement of intellectual debt, there is indeed very little of Anscombe's thought is recognisable in Foot's work except— and it can be stated no less vaguely than this—shared misgivings about the notion of the moral "ought" and the idea that its rejection entails embracing a conception of ethics with virtue as the central concept. The difference, however, are remarkable and the core of that difference lies in their respective reasons for believing that the notion of obligation should be put aside in ethics.

Anscombe accounts for the inability of ethics to come up with a plausible explanation for why agents should conform their actions to the dictates of morality in terms of the suppositions of the language of obligation. In her view, the notion, when employed in ethics, presupposes the existence of a set of agent-external moral rules or laws; once the commitment to such a set of rules is given up, as she claims it was in the modern period, the language of obligation, if it continues to be employed, loses the framework in which it makes sense. As a corrective measure, she proposes abandoning the idea of moral obligation altogether in favour of a conception of ethics based on the notion of human flourishing. Being ethical is (part or all of) what it means to live and do well, and since it would seem that everyone has a good reason to live a good life, everyone has a corresponding reason to be moral.

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[1] All bracketed figures in this chapter refer to Philippa Foot, "Morality as a System of Hypothetical Imperatives", in *Virtues and Vices* (Oxford: Basil Blackwell, 1978).

Apart from the fact that Foot also takes issue with the notion of moral obligation, a position more antipodal to that of Anscombe would not be easy to imagine. What drops out of the picture in Foot is *any* commitment to an agent-external framework for ethical judgement except for one that is based on what could be characterised in Anscombe's term as "social norms", a tendency in ethics towards which Anscombe herself was implacably opposed. Broadly speaking, Foot objects to the modern project of attempting to justify "morality" (as she puts it) on the grounds that such procedures either simply generate guidelines for action that agents already accept, in which case they are superfluous, or if they do not, then agents would have no reason to abide by them. This position is underpinned by her own somewhat Humean psychology of motivation: the only conditions under which an agent can be said to have a reason to act morally if she has an antecedent attachment to the values implicit in what she is putatively obliged to do, from which it follows that any attempt to convince an agent to "be moral" except by appealing to his or her de facto evaluative commitments will fall on deaf ears. For Foot, then, the principal shortcoming of theories that take moral obligation as a central concept is that they fail to understand the real nature and substance of ethical life. Rather than holding on to the false belief that anyone, regardless of his prior beliefs and desires, could be convinced to be moral, Foot envisions the morality system as having its seat in forms of solidarity among those who share an evaluative outlook. It is *because* agents are committed to such aretaic concepts as "generosity", "justice", "kindness", and "benevolence" that they have a so-called obligation to perform the acts in which the values implicit in these virtues are expressed, instantiated and realised. If this were not the case, we could not explain why agent would ever be motivated to fulfil their putative moral obligations. Morality, in other words, is a system of hypothetical rather than categorical imperatives.

This chapter aims to address the strength of Foot's argument that the various attempts to generate or identify moral obligations from a standpoint external to the prior ethical commitments of agents should be abandoned in favour of a conception of ethics which puts at the forefront aretaic concepts. I

begin by presenting Foot's argument against the doctrine of categorical imperatives (3.2-3.3). I then try to show that the argument itself has a very limited application to the classical version of Kant's ethics (3.4). In the next section (3.5), I examine in more detail Foot's idea of morality is a system of hypothetical imperatives in order to determine whether it stands as a broader critique of theories which attempt to provide an agent-external framework for moral judgement, as she intends it. Far from supposing a wholly value-neutral measure of moral obligations, I argue, the theories to which she objects are, at heart, in fact attempts to identify fundamental principles that purport to be the expression of antecedently shared values. The chief advantage of and the main difference between the conception of ethics Foot wishes reject and her own conception of ethics is that the former recognises that the question of whether morality is a system of hypothetical imperatives is not a question that can be settled a priori.

3.2

Foot begins her argument against the doctrine of the categorical imperative by acknowledging that, in one sense, Kant is right in observing that there are two distinct uses of words expressing obligation—in English, the words "ought" and "should"—and that in one use these words are employed hypothetically and the other non-hypothetically, or categorically. In ordinary language, in other words, a speaker can express a categorical or a hypothetical imperative by using these terms appropriately in the context. When advisability words are used hypothetically, the obligation expressed in the imperative is required merely instrumentally, or on the condition of the agent having a relevant intention, desire, or objective. Once the object of the obligation in question drops away the agent ceases to have a reason to do as the imperative recommends.

For the sake of illustration, and to borrow Foot's example, suppose we find ourselves in a position to give travel advice. Believing that a certain traveller wishes to go home, we tell him that he should take such and such a train.

On discovering that he actually intends to go elsewhere, we should have to withdraw our statement about what he should do. The traveller is no longer "obliged" to take the train in question since the existence of the obligation is entirely dependent on his having "home" as an intended destination. Our mistaken beliefs about the traveller's intentions renders the hypothetical imperative offered false in the sense that it does not constitute a means of getting what he wants (159).

By contrast, when advisability words are used categorically, the reason why one is bound to obey their injunctions is unrelated to the interests and desires of the agent. The obligation expressed in an imperative which employs a categorical use of "should" or "ought" is something that an agent is required or expected to do (or not do, in the case of an omission) without qualification. It is, if you will, simply that which is to be done period in the circumstances. This, Foot agrees, is the way in which obligation words are used in moral contexts (159-60). Take, for example, an instance of torture. We want to say that a certain police agency should not torture political prisoners, even if torturing is the best possible means of serving its interests—say, because it is a tried and true method of getting information about dissident movements from captured members. Moral requirements are appropriately expressed as categorical imperatives in Kant's sense, Foot says, since the obligation is not supported by considerations of the interests and desires of the agent; on the contrary, they are obligatory for reasons that seem to be totally unlinked to the agent's preferences: "When we say that a man should do something and intend a moral judgement we do not have to back up what we say by considerations about his interests or his desires; if no such connection can be found the 'should' need not be withdrawn" (159). It is Foot's view, then, that Kant and others who defend the view that all moral imperatives are categorical imperatives have got it right. Moral imperatives are a species of categorical imperative in that they apply unconditionally.

The categorical/hypothetical distinction would be all rather trivial, Foot suggests, if all Kant had meant to do was point out the characteristic way in

which advisability words are used in different linguistic contexts. In everyday language, there is an unconditional and a conditional use of "should" and "ought", uses which apparently correspond to Kant's categorical and hypothetical imperatives, and that moral contexts imperatives fall under the unconditional heading. But, Foot believes, Kant's intentions far surpassed this. By saying that moral judgements express categorical requirements Kant was making a stronger claim about the motivating force that moral judgements are supposed to have on rational agents as such. Moral imperatives, in Kant's view, were distinct from ordinary non-categorical obligations not only in virtue of being inescapable in the sense that, to use Foot's term of preference, they "apply" to the agent—a word chosen by her to convey that they are under a normative judgement and hence that conformity to categorical obligations is expected of the agent, regardless of his or her interests or desires. Categorical imperatives are inescapable in the further sense that they on their own constitute a reason for action, where "reason" expresses conceptual necessity; one can only disregard the injunctions of morality on pain of practical irrationality:

> In describing moral judgements as non-hypothetical—that is, categorical imperatives—[Kant] is ascribing to them a special dignity and necessity which [ordinary] usage cannot give. Modern philosophers follow Kant in talking, for example, about the "unconditional requirement" expressed in moral judgements. These, they say, tell us what we have to do regardless of our interests or desires, and by their inescapability they are distinguished from hypothetical imperatives. (160)

It is the claim that categorical imperatives have this further motivational feature that Foot sets out to refute. Moral obligations, in virtue of expressing a categorical obligations, give agents reasons to act independently of their interests and desires. As Foot defines it, an imperative is categorical merely on account of its employment of a categorical use of words expressing obligation. And, as we have seen, words expressing obligation are used categorically, according to Foot, when what is intended by a speaker who uses an imperative categorically is that the person under the obligation is expected to obey the injunction expressed in

the command—they "apply" to the person—even where obedience is not in his interest and even if he doesn't have the slightest inclination to do so (160). Now, if it were true that categorical imperatives on their own give a reason for action, as Kant and others claim, then it would seem a safe assumption that all imperatives which employ a categorical use of words expressing obligation should also have this same motivational feature. But, as Foot points out, there are some imperatives which employ a categorical use of words expressing obligations but obviously do not have the relevant link to motivation. The example she famously provides is that of the rules of etiquette. Take for instance the rule of etiquette which states that one ought not to slurp one's hot beverages and soups. It is true to say of someone who doesn't follow this rule that he has acted as he shouldn't even if he tells us (in all honesty) that acting in accordance with this requirements of etiquette in no way serves his interests. He has, then, an "obligation" not to slurp his hot beverages independently of whether or not he wants to.[2] Thus, Foot concludes, lacking a connection with the agent's interests and desires, the use of advisablility words in the rules of etiquette is non-hypothetical (i.e., categorical) in the sense defined (160).

If Kant is right about the reason-giving force of categorical imperatives then on account of being categorical imperatives the rules of etiquette ought, in themselves, to give reasons to act. But this is just obviously false. We can concede that the rules of etiquette apply to someone (in the categorical sense that the rightness or wrongness of his acts, according to those rules, is framed by the

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[2] For whatever it is worth, note that in the case of some rules of etiquette the issue of a conflict between an agent's interests or desires and obligations is remarkably inappropriate. A case in point is the example Foot gives of the rule which recommends that a letter addressed in the third person should be replied to in the third person. It seems unimaginable that a person could just want to reply in the first person. Following this rule is simply a technical matter, a matter of knowing and keeping to the rules. Another example of this sort is the set of rules which prescribe the correct placement of utensils and dishes on a table. It seems odd, even silly, that someone would have a burning desire to place the knife on the left side of the plate and do so in defiance of their obligations as a host. What explains the lack of fit with these examples, perhaps, is that they are rules that are of a non-intersubjective nature. Other rules of etiquette are less so, such as the rule regarding not slurping. In some cases, and as is apparently better-recognised in South-East Asia than it is in North Atlantic countries, one may have good reasons to slurp since slurping a hot liquid has the effect of cooling it off thereby avoiding burning the mouth. The rule forbidding slurping may be linked to the fact that certain people find the sound of slurping disgusting. The

existence of a rule which stands independently of what he thinks of it) without supposing that he cannot simply choose to abjure from their dictates if he happens to disagree with them. There is no conceptual necessity, no "requirement of reason" to employ a Kantian turn of phrase, in the rule that states that one ought not to slurp one's soup. I may think that it's a silly rule and that it's far more important to me to avoid painful contact between hot soup and my lips than to protect my company's delicate bourgeois sensibilities or I may just *like* slurping my soup. Whatever I think, there is nothing irrational as such in disagreeing with a rule of etiquette and acting accordingly. In Foot's words,

> [A] rule [of etiquette] does not *fail to apply* to someone who has his own good reasons for ignoring this piece of nonsense, or who simply does not care about what, from the point of view of etiquette, he should do. [...] [O]ne may reasonably ask why anyone should bother about what should (from the point of view of etiquette) be done, and that such considerations deserve no notice unless reason is shown. So although people give as their reason for doing something the fact that it is required by etiquette, we do not take this consideration as *in itself giving us a reason to act*. Considerations of etiquette do not have any automatic reason-giving force, and a man might be right if he denied that he had reason to do 'what's done'." (160-61)

The rules of etiquette, then, employ a categorical use of "ought" but do not in themselves provide reasons for acting. Why should we think, with Kant and his followers, that moral judgements are any different?

Having been shown that "should" or "ought" statements, merely on account of employing a categorical use of ought (or, in Foot's terms, categorical imperatives) do not give reasons for acting on their own it is up to those sympathetic to the Kantian view to show how it is that moral requirements differ from the requirements of etiquette—or how, more precisely, moral requirements are requirements of *reason*, as they maintain. But any attempt to do so, Foot says, is manifestly controversial and hence unacceptable. For, according to the orthodox philosophical view, practical rationality takes one of two forms. It either involves (1) being coherent, in the sense that one's actions are consistent

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rule against slurping, then, seems to be the sort of rule of etiquette which works well in the

with one's beliefs, or (2) instrumental or means-ends reasoning. To think that immorality involves irrationality in either of these senses, according to Foot, involves some rather egregious assumptions. In case of rationality-as-coherence, the assumption would be that *all* immoral acts are acts of *akrasia*, that someone who acts immorally accepts that his conduct is wrong but disregards it, suggesting, rather implausibly, that it is not possible for someone to sincerely disagree with the rules of morality, or be ignorant of them, as one might in relation to the rules of etiquette. The worst thing, Foot says, that the person who rejects morality because he sees no reason to obey its rules can be convicted of is "villainy but not of inconsistency" (161). The second suggestion, that immorality is a form of instrumental irrationality, is no safer that the first for it assumes that immorality necessarily involves acting in a way that defeats one's own purposes (162). It is not obvious that being moral is always in one's best interest.[3] Thus, Foot inevitably concludes, morality is not a system of categorical imperatives in the strong, Kantian sense that the rules of morality in themselves provide reasons for acting that are binding upon all rational agents as such.

It is not at all clear what Kant had in mind when he said that moral imperatives are categorical imperatives was that being categorically required simply means, as Foot seems to understand it, to be the object of a normative judgement. Indeed, if that was what Kant thought, how obviously wrong it is to go on to claim that categorical requirements are requirements of reason should be enough to give us pause. I will return to discuss the legitimacy of Foot's interpretation the categorical/hypothetical imperative below. But before going on to this, it will be necessary to say a few words about the implications Foot draws from her conclusion that, in her words, "that the normative character of moral judgement does not guarantee its reason-giving force" (162).

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context of Foot's discussion.

[3] This point if of course questionable if one understands that being moral makes one a better person and that, as a rule, it is in one's best interest to be a good person. Though Foot is short on explanations of this point, we can conclude that what she meant when she said that immorality does not necessarily involve frustrating one's own ends was rather that an agent may have ends which, far from being hindered by being immoral, may indeed be advanced by being immoral— as, for instance, when an auto mechanic lies to a naïve customer about the repairs needed on his car in order to have him to pay for unnecessary work.

3.3

If merely being under an unconditional or categorical moral imperatives is not an adequate reason to act, as Kant and his followers have thought, then in what (in fact) does a moral reason consist? What, in other words, does it mean to have a moral reason? It is in response to this question that Foot presents in outline her characteristically virtue-ethics account of moral requirements.

Foot's argument is principally directed, as we have seen, at showing up the incoherence of the claim that a categorical imperative, being a rule, provides a *reason* for moral action. Though she does not deny that the "moral system" issues in unconditional claims in the sense that they apply to all regardless of their interests and desires if, she reasons, it can be shown that moral imperatives are not *rationally binding* independently of the interests and desires of agents—or categorically—then to have a moral reason just means to have a hypothetical reason, a reason linked to the interests and desires of agents. To think otherwise, Foot claims, is to attempt to invest moral judgements with an illusory or "magical reason-giving force" that they cannot sustain (167, 177). This, of course, is what Foot means when she says that "morality is a system of hypothetical imperatives":

> Moral judgements are, I say, hypothetical imperatives in the sense that they give reasons for acting only in conjunction with interests and desires. We cannot change that, though we could keep up the pretence that it is otherwise. To hang on to the illusion, and treat moral judgements as necessarily reason-giving, is something I would compare to a similar choice in the matter of etiquette; and indeed we do find some who treat the consideration that something is "bad form" or "not done" as if it had a magical reason-giving force. We may suppose such persons harmless, but can hardly hold them up as models of rationality. (177)

Some caution is necessary in approaching this thesis to avoid the false impression that what Foot has in mind when she says one only has a moral reason when acting in kind promotes one's interests or desires is some form of egoism— either that people are always motivated by their own narrow self interests (psychological egoism) or, if they are not, then they should be (ethical egoism).

To come to a clear formulation of what she does mean, we need to briefly review one aspect of the categorical/hypothetical distinction on which Kant and Foot are in agreement.

As Foot observes, a central reason why Kant said that moral actions must be done "for their own sake" or conceive of moral ends as "ends in themselves" was to capture the moral relevance of an agent's reasons for acting—or as Kant was inclined to put it, the content of the agent's maxim. Very roughly, the idea is that one can hardly be considered to have acted morally if one acts selfishly. In contrast to law and etiquette where only external conformity counts when it's a matter of a moral judgement both the agent's reason for acting as well as what he does are relevant. For instance, dedicating my time and money to help relieve poverty in my neighbourhood merely because I want to give others the impression that I actually care about such things is not the same as if I do so out of honest concern and compassion for those who my actions touch. The same action is performed in both cases but it is only in the second case that I am motivated by no ulterior motive than the good of the action itself. In the first case my reasons for acting are attached to my (selfish) interests—namely, my desire for praise. Foot makes it clear that this is not the sense in which moral judgements are hypothetical imperatives. In the absence of any coherence to the Kantian idea that people can be led on rational grounds to act morally out of a sense of "duty" or "respect for the moral law" as an articulation of something that is "right in itself" she suggests that people are moral (a necessary condition of which is the putting aside of narrow self interest and doing what is conceived of as good *point final*) merely on account of the fact that they actually have an interest or genuine commitment to the ends of "moral" actions. In Foot's expression, moral people are those who are attached to "the ends proper to the virtues". She explains:

> It will surely be allowed that quite apart from thoughts of duty a man may care about the suffering of others, having a sense of identification with them, and wanting to help if he can. Of course he must want not the reputation of charity, or even a gratifying rôle helping others, but, quite simply, their good. If this is what he does

care about, then he will be attached to the end proper to the virtue of charity and a compassion with someone acting from an ulterior motive (even a respectable ulterior motive) is out of place. (165)

The illusion-free picture of moral agency that Foot urges, then, is one of moral agents accepting the rules of morality, not as abstract requirements of reason which stand over and against their desires and interests as in the Kantian view, but as the positive expression of what they value even now. And, more importantly, to recognise in an unclouded way that one has a moral obligation is to accept the inevitably hypothetical character of moral obligation as such: one is under a moral obligation only to the extent that one is antecedently devoted to the ends of morality.

This first feature of morality as a system of hypothetical imperatives, that a moral judgement is a moral obligation (in the sense that it gives the agent a corresponding motivating reason) iff the agent has a prior commitment to the moral end to which the imperative is directed suggests a second: that there is no way to convince a person to adopt the ends of morality if she does not already accept them. If Foot is right and that morality is a system of hypothetical imperatives in that it is only on account of a person actually caring about others or having a non-selfish interest in justice, honesty, charity and the like that he will have a reason to be moral, then lacking such reasons, an agent will be deaf to the entreaty that he should be moral. Put otherwise, if a moral judgement gives an agent a reason to act then it is an analytic statement or tautology; it recommends a course of action the end of which the agent is already committed or, if it does not, then it leaves the agent motivationally cold. Just as it is false to say of a traveller that who wishes to go to Toronto that he should or ought to take a train for Quebec City, that he has an "obligation" to take that train, so too it is false to say that someone who has no inclination to be moral has an obligation to be moral.

> My [...] conclusion is that "One ought to be moral" makes no sense at all unless the "ought" has the moral subscript, giving tautology, or else relates morality to some other system such as prudence or etiquette. I am, therefore, quite seriously putting forward a theory

that disallows the possibility of saying that a man ought (free and unsubscripted "ought") to have ends other than those he does have e.g. that the uncaring, amoral man ought to care about the relief of suffering or the protection of the weak. (170, n. 15)[4]

The morality system, then, being a system by which society voices its moral demands and incapable as it is of supporting the weight of rational necessity that, according to Foot, Kant and others attempt to place on it, is a system of hypothetical imperatives. Thus, Foot concludes, *pace* what Kant thought, anyone whose moral reasons do not coincide with those of the "morality" system may choose to opt out.

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[4] I think it has to be admitted that at least as a component of a moral *theory*, which is apparently how Foot intends it, this claim is a little silly. It is just false that someone who is immoral cannot be convinced to be moral. It happens all the time and, by the old Aristotelian principle that if something is then it must be possible, then accordingly it must be possible to persuade someone to "adopt the ends of morality". One could respond to this criticism by pointing out that what Foot is actually claiming is that conviction is not possible by means of the particular Kantian use of ought in morality as an expression of rational necessity. Indeed, there is strong textual evidence to support that this was her intention. Whether with this objection in mind or not, she carefully avoids ruling out the possibility of productive moral dialogue generally in favour of stating that it is the Kantian use of "ought" that is in question (See 166-7 and 169-71, n. 15). This would be true, but it is not clear that it helps Foot. At the very end of "Morality as a System of Hypothetical Imperatives" Foot advances the rudiments of her own alternative picture of how to ground moral judgements in an ideal of human flourishing or the good and undamaged life: "[An amoral man] may deny that he has any reason to trouble his head over this or any other moral demand. Of course he may be mistaken, and his life as well as others' lives may be most sadly spoiled by his selfishness. But this is not what is urged by those who think they can close the matter by an emphatic use of 'ought'" (167). Many virtue ethicists, of course, attempt to link the notion of what is ethically required with particularly human well-being or happiness. It isn't at all clear, though, how this is any less susceptible Foot's own argument. The question that needs to be answered is in what sense *this* ideal, as a reason for being moral, is any different from any other ideal of morality such as justice or compassion. A plausible response would be to say that surely one wants to be happy, or that one's can't have a reason for spoiling one's own life. But his doesn't seem to be able to do the work either for people so often do what they know to be prejudicial to their own interest (e.g., overeating, smoking, not exercising regularly, being lazy generally). Failing a distinction, one would presumably have to have a prior commitment to the end of human flourishing (or some other equivalent ideal) order to accept it as a reason for being moral. Regardless of whether moral judgement is principally about values (as ideals of action) or virtues (as ideals of character), the only way, according to Foot, to explain the fact that moral discussion does sometimes issue in conviction is either by saying that either all parties involved are already committed to the ends of morality, and moral argument consists somehow in getting those who do not recognise this to do so. Otherwise, it is genuinely impossible to convince those who (truly) are not committed to the ends of morality to adopt them. (A third possibility would be to suppose that moral argument is not about giving reasons but instead a matter of foisting one's opinions on another, as the proponents of emotivism once held. However, this as the passage just cited suggests, is not Foot's position.) In other words, Foot's metaethical claim, about the incommensurability of moral judgement stands in spite of her appeal to human flourishing.

3.4

As I suggested above, the ease with which this argument seems to discredit the Kantian doctrine of the categorical imperative is suspect. If all Kant had meant when he argued that moral imperatives are categorical imperatives is that the "ought" employed in moral judgements is categorical, in the sense that certain conduct is commanded unconditionally, the fallacy involved in taking the next step Foot attributes to Kant—the claim that categorical requirements are therefore requirements of reason—is so glaring that we might wish to go beyond simply conceding to Foot's statement that Kant tried to invest the moral ought with an illusory "magical reason-giving force" (167). A lapse of reason on this scale could only be explained by the fact that Kant was under the delusion of a spell himself.

Foot's argument, as we saw, is aimed at discrediting what is indisputably an essential element of Kantian moral philosophy: there is something about moral rules or principles that gives agents a reason to conform their actions to such rules even if they do not have corresponding desires—with its attempt, in other words, to explain why one "ought to be moral" (169). Picking up on Kant's claim that moral obligations were special in the sense of being what he called "categorical imperatives", Foot begins by laying out her interpretation of what a categorical imperative is. What it means for an imperative to be categorical, in Foot's terms, is for it to employ words expressing advisability, words such as "ought" and "should", categorically. Minimally speaking, the categorical use of ought expresses something like an institutional obligation or a normative judgement—that is to say, the idea that an agent is expected to conform to the prescriptions of the imperative whether he likes it or not, or whether he has a commitment to the value implicit in the imperative. But if a categorical obligation is only a statement of what is expected of an agent in the circumstances then Kant's claim that agents have a reason to obey moral obligations even where their desires run contrary to what is morally required runs up on the shoals, for one can think of at least one example of a set of "categorical imperatives"—namely, the rules of etiquette—of which it seems implausible to

say that they are required in any way except as a matter of mere preference. Indeed, if a categorical imperative is only a rule it clearly does not follow that one has a reason to follow its injunction unless one first accepts to be bound by it. The rules of a game, for instance, are binding on players only to the extent that they accept to play the game; but there is nothing about a rule, taken in and of itself, that implies that an agent must follow the rules. She may simply choose not to.

Still, the possibility remains that there is some significant difference between the rules of etiquette and the rules of morality which can make sense of the claim that agents have a reason to conform their actions to the rules of morality even if they don't have a corresponding desire set. But if so, then the defender of the categorical imperative in ethics must, Foot demands, explain this; for it is far from being clear in which sense such rules are required, in which sense an agent's actions *must* conform to the rules; it is just obvious that simply being expected to act in a certain way, having a normative obligation, does not on its own constitute a reason to conform to its prescriptions.

Fortunately, in Foot's view, Kant was fairly clear on the sense in which he held that obeying the rules of morality was obligatory: there was something irrational in being immoral. But according to the orthodox philosophical view, there are two ways in which one can be said to be practically rational: (1) by effectively employing instrumental or means-ends reasoning, or (2) by acting in a way that coheres with one's beliefs. Since Foot agrees with Kant that "the proper ends of virtue", in Foot's phrase, cannot be selfish, in trying to understand what could be meant by the suggestion that disobeying the rules of morality is irrational in the sense that they involve means-ends reasoning Foot posits that one possible interpretation is that in being immoral one does what can be shown to be contrary to a person's interests or ends. She concludes, as we saw, that this cannot be the case since it is far from being clear that being immoral and achieving one's purposes are incompatible—as for instance when a person lies

and manipulates other people in the pursuit of wealth or other social advantage.[5] Thus, conformity to moral imperatives cannot involve rationality in the first sense and, Foot concluded, Kant *must* have had the second sense in mind: if an agent who acts morally acts rationally it must be because he acts in a way that is consistent with his beliefs. But then morality is a system of hypothetical imperatives: from a rational point of view, an agent only has an obligation (in the sense of having a reason to act) if he is antecedently committed to the ends of morality.

The flaw in Foot's case against Kant is that when Kant spoke of morality as a requirement of reason he meant *neither* that obeying categorical imperatives involved instrumental reason *nor* that conformity was a matter of coherence in an agent's beliefs. As apparently Foot came to see more clearly later,[6] what Kant did mean was that moral actions are those whose maxims pass the test of what can be rationally willed as a universal law.[7] What every rational being must be able to will, in other words, is justified in a moral sense. She came to see, in other words, that the special status that moral imperatives are supposed to have depends wholly on his attempt to equate morality with rationality through his principle of justification that discriminates between valid and invalid norms in terms of their universalisability (172). And if such a link cannot be demonstrated, as it is now generally believed it cannot (at least not in such a straightforward way as Kant held at any rate)[8] Kant cannot be said to have successfully established that moral imperatives are not hypothetical imperatives.

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[5] Foot is of course right to say that moral imperatives do not involve irrationality in this sense but for the wrong reasons. Imperatives related to one's purposes or the realisation of one's ends are, according to Kant, pragmatic imperatives which is a species of hypothetical imperative, and thus, in Kant's terms, not *moral* or categorical imperatives at all. Cf. Kant, *Metaphysics of Morals*, 42-3.

[6] As attested to by her brief discussion of the point in the long explanatory footnote added in the 1978 republication of the paper in *Virtues and Vices*, 25 years after the paper's initial appearance in *The Philosophical Review* 81, no. 3 (1952).

[7] Cf. *Fundamental Principles of the Metaphysics of Morals*, 49-50 as well as his more extensive exposition and defense of the doctrine in the *Critique of Practical Reason*, esp. Part I, Book I.

[8] As even the most stout contemporary defenders of Kantianism fully acknowledge. See for instance Allan Gewirth, *Reason and Morality* (Chicago: Chicago University Press, 1978) and Jürgen Habermas, "Morality and Ethical Life: Does Hegel's Critique of Kant Apply to Discourse Ethics?" in *Kant and Political Philosophy*, eds. Ronald Beiner and William James Both (New Haven: Yale University Press, 1993): 320-337.

Having taken this into consideration, the success of Foot's argument, in other words, now rests solely on the failure of Kant's. As Foot concedes:

> [The] difficulties [of Kant's doctrine of the Categorical Imperative] have been argued *ad nauseam*, and I shall not repeat the arguments here. All I would claim to have shown is that no one who rejects Kant's attempts to derive morality from reason has been given any reason to reject the hypothetical imperative in morals. It is commonly believed that even if Kant has not shown the connection between reason and morality he has at least destroyed the hypothetical imperative. I have urged that, on the contrary, there is no valid argument against the hypothetical imperative to be found in Kant should the argument from reason fail. (173)

Be that as it may, the absence of a no valid argument in *Kant* against the hypothetical imperative in ethics does not, of course, entail that it is in principle out of the question that some link between moral action and rationality could not be established, or some other compelling reason why justified moral judgements should be seen as providing compelling reasons to anyone. All would be well and good if her argument were aimed only at Kant, but it is clear that it is the more general claim about reasons for action that Foot wishes to reject. In "Morality as a System of Hypothetical Imperatives" Kant is merely a stand-in figure who represents an attachment to what in her view is a false doctrine in modern moral philosophy, and perhaps modern moral thinking more generally, according to which morality is in some sense compelling, that "moral judgements give reasons for acting to each and every man".[9] It is a recurring theme in her work to raise objections against this view. Thus, like Anscombe, Foot should be understood as attacking some of the key assumptions of "modern moral philosophy". A successful argument against Kant's attempt to link moral reasons with rationality does not constitute a successful argument against the general claim.

Nevertheless, Foot is not particularly concerned about the possibility that morality is a system of hypothetical imperatives. In a move reminiscent of Anscombe's suggestion to adopt an Aristotelian conception of human flourishing

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[9] "Moral Beliefs", *Proceedings of the Aristotelian Society* LIX (1958/9): 130, n. 6.

to ground moral judgement in light of the difficulties the juridical conception faces,[10] Foot says that morality can get along without the categorical imperative, without some explanation for why we "ought" to be moral, in a Kantian sense. This idea, she admits, is not one that is received with open arms by all and suggests that the principal consideration that speaks against the hypothetical imperative—namely, that if being moral is a matter of having contingently corresponding desires, it is always possible that one's desires might change, that we seem to need is some account to explain why a person should still be under the commands of morality if her desires change (171)—need not generate the worries it does. Rather than denying the importance of the issue of what she calls "inescapability", she claims that morality as a system of hypothetical imperatives contains the resources necessary to provide the basis of moral judgements.

In one sense, she says, morality as she conceives it is inescapable. Evaluative concepts such as "dishonest", "unjust", etc., despite their contingency on people actually desiring such things, apply even to those who are indifferent to them (172). The moral system, in other words, imposes standards of conduct and character from which people cannot simply escape by pleading their indifference. In this sense, morality differs from other evaluative realms such as professional or technical skills. Whereas one can avoid, say, being a bad guitarist by never playing the guitar, one cannot escape the moral system. In this sense, Foot says, morality (as a system of hypothetical imperatives) is inescapable (172). As Foot frames her conception of morality, it is not, in her words, "a morality of inclination", by which she seems to mean that it involves the recognition that there are a set of characteristically moral ends which apply to all and that such ends are (or "should" in some non-emphatic sense) be accorded an evaluative priority in relation to agents' first-order desires and whose realization may require self-discipline and resolve (170). Again, the main difference between Foot's picture and that of categorical imperatives is that she denies that there is a position from which one can meaningfully claim that one has a reason to follow the requirements of morality if they do not have a corresponding desire to do so.

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[10] Cf. Anscombe, "Modern Moral Philosophy", esp. 8-9.

Foot does, as we have seen, allow for "categorical imperatives" at least in the limited sense that there are rules of conduct that command a certain conduct in relation not to what is conceive of as good for the agent but which is conceived as, to employ a Kantian turn of phrase, good in itself.[11] Instead of following Kant and others in attempting to confirm (or, necessarily, disconfirm) their universal validity through a process of justification based on principles abstracted from agent's actual beliefs about what is good—in Kant's case, for right or for wrong, whether they can be universally legislated by a rational will—the unconditional commands issued by the moral system is structurally indistinguishable from a system of etiquette in which:

(1) Commands have authority only to the extent its rules are generally approved;

(2) The approval of such rules forms the basis of judgements of character and conduct, but;

(3) No explanation can be provided for why one should approve of those rules (and thus conform their actions to them) to those who do not happen to have a corresponding desiderative attachment to the rules.

In other words, it is possible, within Foot's system, to make judgements to the effect that a person should conform their actions and desires to what morality requires (as the basis of judgement of character or conduct) while denying that anything can be said at all about why a person should do so. In the absence of a position from which such judgements can be made, the claim that "one ought to be moral", as Foot puts it, is either tautological or it relates morality to a system of etiquette (169-70).

Indeed, according to Foot's conception, it is in some sense both. The judgement that "one ought to be moral" is redundant for, on Foot's view, "being moral" is by definition what one judges one ought to do and, in substantial terms,

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[11] Kant, *Fundamental Principles of the Metaphysics of Morals*, 42-44.

such a judgement relates to a system of institutional rules so that to say "one ought to be moral" is equivalent to saying, as Foot puts it at one point, that one should follow the system of rules "by which society is apt to voice its demands" (166), even though there is no way to convince someone who does not share the ends of morality to act accordingly.

Foot is surely right to say that we can get along without the categorical imperative, if what she means by this is that it is not pragmatically necessary that in making a moral judgement we must have thereby provided reasons that anyone will or could accept as a reason for acting accordingly. In fact, if anything, it is the default view. For the most part, the criminal justice system does not appear to assume that, say, thieves can be persuaded not to steal by rational argument. They are simply locked up. International negotiations, such as those currently going on between representatives of Israel and Palestine, as a rule do not start from the assumption that differences can be reconciled by means of reason-giving moral argument. The parties involved, it is thought, have interests and imperatives that take precedence over moral considerations (within certain limits) and successful negotiations demand the mutual and equitable sacrifice of those interests for the sake of reaching an agreement. Finally, when it comes to moral judgement of other people and ourselves, the fact that certain actions or dispositions are considered to fall short of accepted standards of moral character is firm enough basis. Such judgments don't seem to require backing by reasons that everyone would accept, irrespective of their most strongly held opinions to the contrary.[12]

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[12] Note, however, that, if true, Foot's claim that no moral judgements give reasons for acting that all could accept would appear to raise certain conceptual difficulties around the notion of blame. If, given an agent's desiderative makeup, it would be in principle impossible to convince him, say, to abide by the terms of a contract, blaming him for failing to fulfil this obligation would be baseless. The notion that an obligation applies only on the condition that it is in the power of the subject of the obligation to comply—or, in the Kant's famous slogan, that "ought implies can"—and the implication that Kant drew from it—namely, that the determining ground of such interest in morality cannot be agent's conditioned interest but must in some sense be outside the world of experience—has long received negative critical attention. For two relatively recent examples of such criticisms, see Charles Larmore, *Patterns of Moral Complexity*, 80-90 and Bernard Williams, "Morality, the Peculiar Institution" in *Ethics and the Limits of Philosophy*. In any case, it is not my intention to pursue this matter here.

As I see it, however, the question which is of philosophical interests is not whether we can get by if morality is a system of hypothetical imperatives but whether it is in-principle possible that a moral judgement could provide reasons to anyone, whatever his interests and desires, reasons why an agent ought to act in accordance with certain moral norms. And the question that relates to my purposes here is whether Foot argues persuasively that the answer to this question is that it is not. As I will argue, she has failed in this regard, but in order to come to a clear understanding of why, certain clarifications must be made with respect to Foot's position.

<center>3.5</center>

The first point that needs to be clarified is Foot's position on the relation of contingent evaluative attachments to the substantive content of moral judgments. Though Foot's way of putting things certainly makes it look otherwise, she claims not to ascribe to a formalist view according to which the substantive claims of morality are wholly dependent on the contingent evaluative beliefs and desires of agents that make up the hypothetical moral system.[13] Foot insists that some (but not all) moral judgements are not a matter of individual or social choice strictly "provable" or, as she sometimes puts it, "objective" in the sense that they are fixed definitionally—viz., not by definitions of "good" and "bad", "right" and "wrong", of a moral system but by the concept of morality, the definition of which is not something that can be chosen.[14] It seems that she has never really succeeded in making clear, but the way she would define the concept of morality is perhaps most clearly articulated in this passage from her 1970 paper "Morality and Art": "A moral system seems necessarily to be aimed at removing particular dangers and securing certain benefits, and it would follow that some things do and some do not count as objections to a line of conduct from

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[13] See, for example, "Morality and Art", in *Philosophy As It Is*, eds. Ted Honderich and Myles Burnyeat (New York: Penguin Books, 1979), 13.
[14] *Ibid.*, 14.

a moral point of view".[15] By putting together the claim Foot makes in an earlier paper, "Moral Beliefs", that justice—under this heading she includes murder—can not be shown to be morally required[16] with her clear renunciation of this idea in claiming, as she does repeatedly in "Morality as a System of Hypothetical Imperatives" and in "Morality and Art", that the moral proposition that "Hitler's treatment of the Jews was morally indefensible" is one of those objective or provable moral judgements, we can surmise that in saying "removing particular dangers and securing benefits" she means dangers for others as well as for any particular agent himself. What she never denies, however, is that despite the objectivity of certain moral judgements, they are never compelling in and of themselves. Only if agents have a prior commitment to the evaluative ends of moral judgements will they have a reason to govern themselves according to such objective judgments. "Not even the most central and objective judgments of morality", she writes, "automatically give reasons for acting to everyone".[17] So, in Foot's view, it is not the content of moral judgements that is dependent on what people believe to be in their interest or what they desire, but people will only adhere to such judgments if they connect with their contingent desires.

If this reading is on the right track, and I am confident that it is, it would have some rather bizarre implications. For one thing, it would be possible for everyone to definitionally agree (granting they accept Foot's definition of the concept of morality) that certain moral judgements are objectively true yet for no one to have a reason to ever act accordingly. No small irony, then, that Foot accuses users of the moral ought in a way that is free floating and unsubscripted. If ever there was a free floating conception of morality hers, surely, is it. Further, it is also difficult to imagine that people would accept Foot's definitional criteria

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[15] *Ibid.*, 13.

[16] Foot, "Moral Beliefs," 125. In this paper she attempts to overcome the is/ought gap by showing that there are some virtues, such as prudence, temperance and courage, that, from agents need to have from their own point of view. The general idea was that if it could be shown that it is always in the agent's advantage to have certain virtues, then to judge, say, that "one ought to be virtuous" would by definition to provide agents with a reason to be virtuous. Justice, in her schema, turned out not to be a virtue because of its particular character of "benefiting others, and to work to the disadvantage of the just man himself" (125).

if it yielded "objectively true moral judgements" that were in opposition to their interests and desires. For instance, if they, like Thrasymachus (contingently) held that the only thing that is really in one's interest or the only thing that is desirable is what is in their narrow self interest, then they would not accept, as Foot argues persuasively in "Moral Beliefs", that "justice is a virtue". They would, in other words, be inclined to simply refuse to accept Foot's definition of the concept of morality. Finally, the relation Foot sees between moral judgement and reasons for action calls into question the importance for the failure of Kant's attempt to link moral action with rationality through the principle of universalisability for Foot's argument against the categorical imperative in ethics. What Foot's position implies, *pace* what she says on this matter, is that Kant's point that moral judgement would give a reason for acting to everyone would *not* be made if it the connection between reason and morality could be convincingly worked out.[18] Even if it could be proved that only maxims which pass the test of rational universalisability are worthy of being called morally justified, they would still be motivationally insufficient since, in Foot's terms, agents have a reason to conform their actions to moral rules only if they have a wholly contingent attachment to the rule's evaluative ends—viz. (in the case of Kant), being rational. And it is entirely possible, at least sometimes, simply not to want to be rational. On Foot's view, then, Kant's attempt to connect morality with rationality would be best considered a means of objectively evaluating moral judgements in relation to a definition of the concept of morality which, like her preferred formulation in terms of the removal of particular dangers and guarantee of certain benefits, does not provide reasons for acting. A person may simply not care whether her conduct is morally defensible. We will return to discuss these issues in more detail below.

The second aspect of Foot's position that needs to be clarified is her account of reasons. Many of her comments certainly make it look like Foot ascribes to a strict internalist view according to which a reason for action is quite

[17] Foot, "Morality and Art: a Retrospective Note (1978)," in *Philosophy As It Is*, eds. Ted Honderich and Myles Burnyeat (New York: Penguin Books, 1979), 28.

straightforwardly identified with having a non-rationally assessable desire to act in accordance with a practical judgment in passages such as the following. For instance, at one point in "Morality as a System of Hypothetical Imperatives" she says: "I am quite seriously putting forward a theory that disallows the possibility of saying that a man ought (free and unsubscripted ought) to have ends other than those he does have e.g. that the uncaring, amoral man ought to care about the relief of suffering or the protection of the weak. [...] These things are necessary, but only subjectively and conditionally necessary, as Kant would put it" (170). And, should there be any doubt that when she says "ought to" she means "having a reason that is distinct from the desires he happens to have", she says, "moral judgements are, I say, hypothetical imperatives in the sense that they give reasons for acting only in conjunction with interests and desires" (177). Moral imperatives, in other words, like judgements of etiquette express hypothetical imperatives in the sense that they "have no automatic reason-giving force independent of the agent's interests or desires" (176). One can hardly fault William Frankena, then, for assuming in his response to Foot's paper that she uses the word "reason" to mean "something that tends to move to action".[19] She certainly seems to be saying that an agent will only be motivated to act in accordance with the rules of morality if she has a corresponding and, more importantly, punctual set of desires. One will only have a reason to act, in other words, if at the time of acting one happens to have or fails to happen to have the correct corresponding desire.

As she explains in her "Reply to Professor Frankena",[20] a position she develops more thoroughly in "Morality and Art",[21] her view is far more subtle. Providing a reason for someone to act (morally or otherwise) does not mean appealing to what they punctually want or desire. Such "shoulds" must, however, "relate to what the agent wants (for himself or others) or to what he will

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[18] Cf. "Morality as a System of Hypothetical Imperatives", 172-3.

[19] William Frankenna, "The Philosopher's Attack on Morality", *Philosophy* 49 (1974): 351.

[20] "A Reply to Professor Frankenna", reprinted in *Virtues and Vices* (Los Angeles: University of California Press, 1978), 179. Originally published in *Philosophy* 50 (1975).

[21] See esp. 22-25.

care about at some future time".[22] As such, compelling reasons do not have a *necessary* connection with being motivated to act. To borrow Foot's example, one may tell a philosopher that he should get up in the morning to get some work done if he wants to be a good philosopher. Though a reason in Foot's sense has been provided here (assuming the person does want to be a good philosopher) this does not mean that he will necessarily get out of bed. It could be that at that moment, the suggestion leaves him cold. As she puts it in the "Reply":

> [A] reason for acting must relate directly or indirectly to something that the agent wants or which it is in his interest to have, but an agent may fail to be moved by a reason, even when he is aware of it, and he may also be moved by something that is not a reason at all, as e.g. by the consideration that something is contrary to etiquette. Being moved is therefore neither a necessary nor sufficient condition of having a reason. (179)

Thus, to apply this view to moral "shoulds", a person is provided with a reason to act morally only on the condition that an appeal is made to values that has an interest in such as "the good of others" in the case of the virtue of charity (165), "the love of truth and liberty" in that of justice (165), and "the good that honest dealings brings to men" in that of honesty (165).[23] Allowing that an agent may have a reason to act that is connected with what is in the interests and desires but which is not necessary for motivation, Foot distances herself from a narrow version of internalism.[24]

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[22] *Ibid.*, 23.

[23] With this claim, Foot seems to be close to certain other virtue ethicists in holding that, in connection with the issue of moral reasons, considerations of duty are subordinate to an agent's axiological commitments. If it is only because agents are attached to certain "values" that they are motivated to be moral, then an appeal to those values is the best and perhaps irreducible response to the question of "Why be moral?". For a recent exposition of this argument see Bernard Baertschi, *La valeur de la vie humaine et l'intégrité de la personne*, Ch. 1, esp. 31-5. In Foot's way of putting it, moral reasons *qua* appeals to the virtues would seem to be irreducible in the sense that a person who is committed to the ends of justice does not require any further explanation or analysis of the notion of justice. Being shown that some act or rule or principle is just is reason enough to be (at least potentially) motivated to act accordingly. Of course, it is an open question whether in any given case, some further, perhaps reductive, explanation or analysis of such concepts could be had showing that a given act is an instance of evaluative concepts such as justice, honesty, etc. because, for example, actions in accordance with such values provide for the greatest good for the greatest number or moral actions are those that could be approved of after considering what would happen if everyone in the same circumstances acted that way.

[24] David Hume is probably the clearest example of a narrow internalist in the sense intended here.

Foot's account of having a reason puts her in the somewhat strange position of having to admit that an agent may be motivated by something that is "not a reason"—i.e., by something that is not instrumental to what he wants or what is in his interests to have. The example she gives to illustrate is "by the consideration that something is contrary to the rules of etiquette", by which she apparently means (her formulation is ambiguous) that a person may be motivated to obey the rules of etiquette even if it is not in their direct or indirect interest to do so or if they do not want to. In other words, she claims that one need not be moved to do something in order for it to be said of them that they had a reason to do what they did.[25] For a "reason", in Foot's sense, ties in with a person's interests and desires giving him at least some sort of motivational potential. Now within the normal range of intentional human action and with the possible exception of cases of compulsion, being moved *is* a necessary condition for having a reason, at least according to the standard picture of human psychology: if one intentionally does some act it is because one had a desire to do that act,[26] where the relevant desire is understood as the (motivating) reason explaining the agent's action. In this sense, a desire for something, or what an agent wants, just is his reason for being moved. Foot's claim that "an agent may be moved by something that is not a reason at all", then, seems altogether difficult to accept. What Foot means instead, of course, is that if a person is persuaded to be motivated by the consideration that something is contrary to etiquette or morality, it is not that she had no reason at all, but rather that he was motivated by what Foot considers to be a *bad* reason—namely, by considerations of that which is not in her interest to have or in spite of the fact that she lacks an attachment to the end of the rule of etiquette or morality—e.g., when one is motivated to be charitable "for the praise of men" rather than out of compassion (164). Foot also allows, as we have seen, the possibility that one may have the correct attachment to the ends of virtue yet fail to be motivated accordingly, in such a case the agent

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[25] Cf. "Morality and Art", 23-4.

[26] Plus a means-end belief that the act under contemplation is the best way among available options of accomplishing what is desired.

would "have a reason", say, to be charitable, but lack the desiderative makeup to be charitable in Foot's preferred unconditional or categorical sense.

Part of this confusion could be clarified terminologically,[27] but the important thing to note is that, on this interpretation of things, a hypothetical moral imperative such as "be charitable" only "gives" an agent a reason to act if it expresses an antecedent attachment to certain values that makes "be charitable" seem like a rule worth following.[28] I placed "give" in sneer quotes because, as we saw earlier, Foot's argument rests on the putatively true observation that the fact that there is a rule in and of itself *never gives anyone a reason to abide by it.* In other words, her argument requires that it is not rules that gives a reason to the agent but rather that rules reflect the things that people in fact care about. She comes closest to stating this openly when she says at one point in "Morality as a System of Hypothetical Imperatives" when she says: "In my view we must start from the fact that some people do care about such things [as protection of the weak and relief of suffering], and even devote their lives to them; they may therefore talk about what should be done presupposing such common aims" (170). The rules, the fact that anyone sees himself as being morally required to do anything, are simply the handmaids of the "reasons" people actually have. For all she says about the "objectivity" of moral judgements, then, the claim is really an idle postulate in that she does in no way provides for a link between the idea of the truth of a moral judgment and reasons agents could have for acting in relation to such a moral truth.

We can begin to see, I think, Foot's system of hypothetical imperatives starting to unravel. As I see it, the problem stems from two claims that she wants to maintain but which are ultimately irreconcilable. On one hand, she wants to overcome the is/ought gap by showing that reasons can be provided which would in principle motivate agents to act on moral judgements. She does this by attempting to show that moral judgements may motivate agents to act, but only

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[27] E.g., instead of saying that a person acts for no reason Foot could say that her motivating reason is not in line with her reasons of interest.

on the condition that they are attached to the ends of such judgements. But on the other hand she wants to renege on her earlier attempt to overcome the is/ought gap in "Moral Beliefs" through justificatory means by arguing that the best reasons—or the only reasons that could potentially motivate a person to act on a moral judgement—are those which tie in with their own narrow *self*-interest. Hence, according to her analysis, prudence, temperance and courage are virtues, on the grounds that it can't be in a person's interest to be imprudent, intemperate, or fearful, and her rejection of justice as a virtue since it is characteristically aimed at the good of others.[29] Her way out of the latter position was to propose a definitional conception of ethics, which allows her to claim, *inter alia*, that "Hitler's treatment of the Jews was morally indefensible"—in other words, to provide a basis for the claim that there are certain objectively true moral judgments that go beyond what is linked with the motivational structure, the interests and desires, of *all* agents, namely considerations self-interest narrowly construed. In order to maintain that people could be motivated by moral judgements, however, she has to claim that moral motivation must be connected to agent's actual interests and desires—which, as it is commonly thought, cannot be rationally criticized. But, given its assumptions, this programme can only succeed at the cost of driving a wedge between moral judgement and reasons for acting. Foot's moral theory needs, for the sake of conceptual coherence, moral judgements to provide reasons to agents only in conjunction with their contingent interests and desires, but has she done anything more than just assert it?

She argues, as we have seen, along the following lines. A reason to abide by a moral judgement must relate to contingent considerations by which an agent will be moved—i.e., what she wants (for herself or for others). Moral judgements are simply statements that recommend a course of action for the sake of some putatively good end. No statement that recommends a course of action for the sake of some putatively good end is sufficient to move an agent. Thus,

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[28] Note also that one could think that "be charitable" is a good rule for entirely non-moral reasons but reasons which would nevertheless tie in with one's interests and desires—e.g., because one will be shunned thought of badly by others, etc..

[29] See "Moral Beliefs", esp. 121-30.

she concludes, an agent will only have a reason to abide by a moral judgement if he has the contingent interest in or desire for the putatively good end to which the moral judgement relates. The circularity involved here becomes clear once we substitute "reasons" for what Foot means by reasons—i.e., offer considerations which relate to something the agent wants or which it is in his interest to have. The main claim then becomes: moral judgements only offer an agent considerations which relate to something the agent wants or which is in his interest to have only if they relate to something that the agent wants or is in his interest to have. This is of course trivially true, but note that one of the argument's *premises* is that moral judgements cannot in principle provide reasons which do relate to what agents want for himself or for others—just the point which is at issue.

It is revealing, I think, that in presenting her worry that we maintain certain fictions about the inescapability of morality that she compares, in one paper, morality to art.[30] One contrast she draws between the two in order to show why we should be more receptive to the possibility that some moral judgments are subjective is that both aesthetic judgments and judgements about moral guidelines are both judgements of preference.[31] Approving a moral rule, she says, is like judging that a face or a painting is beautiful. And it is true, as she points out, that it seems wrong to say that a person ought to find something beautiful if he does not. This observation Foot carries over to morality: as in aesthetic judgements, there seems to be nothing we could say to someone to persuade him to approve of a moral rule if he lacks the background of evaluative standards to make such a judgement. I think we can concede this point, if it is only one about approving or disapproving of a rule or guideline or piece of art. Moral judgment, understood as the phenomenon of people approving or disapproving of certain propositional candidates for rules of conduct, like taste, is unquestionably something that is conditioned by the historical and cultural circumstances of the judging subject. In China, for instance, when addressed by

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[30] Foot, "Morality and Art".
[31] *Ibid.*, 16-22.

a person of superior rank or status, it is considered a sign of disrespect to look him or her in the eyes. It seems altogether unfair to say that a person who adheres to the guideline is wrong in approving of it anymore than we could criticize, to borrow Foot's example, Tibetans for enjoying lumps of rancid yak butter in their tea.[32]

But of the many differences between aesthetic and moral judgement Foot enumerates in "Morality and Art", she neglects to mention what is perhaps the most important one—namely, that practical judgements (moral or otherwise) are always made in reference to reasons, to considerations of why the person to whom the judgement is directed should actually do what the judgement recommends. It is always possible, in other words, to ask the question why and get some response, which may or may not be considered a good answer by the person obliged.[33] Aesthetic judgments, in contrast, are not related to reasons for acting at all, and whether or not an aesthetic judgment it true is unrelated to reasons given for finding a things beautiful. Although people (especially critics) attempt to find reasons why some piece of art has certain pleasing aesthetic qualities, it is never easy to give reasons, nor is it a requirement of aesthetic judgement. Its perfectly acceptable just to find something pleasing or dreadful or uninspiring or sublime, whereas in practical judgement the acceptability of the judgement turns on what are considered to be good reasons—specifically, good reasons for acting in accordance with it.

Obviously, simply to give a reason for why a person should abide by a moral judgement does not mean that the reason given is necessarily or in some objective sense a good reason. What to Asians might seem like good reasons not to look superiors in the eye when addressed may seem to North Americans and Europeans as particularly bad reasons and vice versa. And, surely, eighteenth-century English slave traders, like twenty-first century sweatshop owners, probably had their own reasons to justify their business practices. But, as I said

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[32] *Ibid.*.

[33] As Anscombe puts it, as we saw in the previous chapter, a use of modals of advisability such as "should", "ought to", and "need" are only coherent if backed by reasons. The truth of an sentence

before, if the validity of objective moral judgments does not turn on criteria that relate to the interests and desire of people, then such "proofs" will surely fall on deaf ears, as is demonstrated amply by an examination of Foot's position. Foot's arguments in "Morality as a System of Hypothetical Imperatives" and elsewhere are aimed at universalist moral theories and they fail because she misunderstands their central question. The point of attempting to justifying moral judgements, understood as trying to show that some moral judgments are universal in scope, is not whether "moral judgements" in the sense of those judgments people make about what it is right or wrong to do (whether or not they are equipped with a definition of the concept of morality) give reasons for acting independently of the interests and desires of agents but whether we should approve of or can justify the rules, along with their concomitant reasons, we historically inherit. Are the reasons provided for why we should accept the rules good ones in the sense of being the kinds of reasons that *should* motivate us to act according to the rules? Do they offer the kinds of considerations that really are in our interest or desire to follow? In other words, there are approaches to moral justification that accept Foot's idea that to have a reason is for it to be attached to what we would or should find motivating to do. The question they seek to answer is whether there are any moral reasons that could be found that would be compelling to all, or as Christine Korsgaard once aptly put it, "reasons we can share"? This is the question that needs to be answered, and in relation to the answer of which it would, if it could ever be carried out, be the basis of a point of view from which universal moral judgement be made and provide reasons, in Foot's sense. The high degree of abstraction in formalist ethical theories to such central concepts as Kant's Categorical Imperative, Habermas's 'U', Rawls's "veil of ignorance", Mead's "ideal role taking" and, more recently, Michael Smith's notion of rightness as what we would desire to do in a state of full rationality, should be understood as attempts to furnish guidelines to justify universal moral judgement in terms that could count as reasons that all would accept.

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employing modals of advisability turns on whether the reasons given are ones that an agent can accept. See chapter 2 above.

It is true, as Foot suggests, that not much would change if morality were a system of hypothetical imperatives, by which she means that it is possible to convince someone to be moral only on the condition that they are attached to the putatively good ends that moral judgments relate. And I think Foot is right to consider the possibility that such reasons cannot be provided and to conclude that, if they cannot, then morality is, in her sense, a system of hypothetical imperatives. It would be philosophically irresponsible to prejudge the question and assume that we must be able to find reasons to back universal moral judgments because that is what we seem to mean when we justify moral judgements. And Foot avoids this temptation admirably. It is a real possibility that no such reasons could ever be found. It is the characteristic approach of Kantian-inspired ethics to view only those moral judgements as valid as those that give reasons for acting to all. Foot argues against this position on the grounds that no moral judgement gives reasons for action if not in conjunction with the interests and desires of agents. But that, in a discussion of the universal validity of moral judgements, is exactly what needs to be decided. And it is not a question that can be answered a priori.

Conclusion

This thesis aimed to reconsider two historically important arguments to the effect that modern moral philosophy, being based on the notion of moral obligation, does not possess the resources to account for moral motivation and which offer as a corrective to this limitation a radically new approach to ethics that has virtue as its central concept. Despite the important differences between their positions, both G. E. M. Anscombe's "Modern Moral Philosophy" and Philippa Foot's "Morality as a System of Hypothetical Imperatives" argue that the notion of moral obligation is irrevocably incoherent and promise that the success of their arguments implies an inversion of the modern tendency to prioritise considerations of what is *due* over what is *virtuous*. In this thesis, I assess whether they can make good on that promise.

In chapter one, I justify my close examination of the essays of Anscombe and Foot. I began by defining virtue ethics as a necessary addendum to act-based approaches to normative ethics which consists most centrally in taking into consideration a neglected and evidently legitimate field of moral evaluation: judgement of character. I then questioned why, if virtue ethics is best understood as a requisite for filling out our picture of moral evaluation, it is often presented as an alternative, competing conception of ethics along side deontology and consequentialism. The genuine rift between, on the one hand, deontology and consequentialism and, on the other, virtue ethics, I argued, exists only in the case of so-called radical forms of virtue ethics—forms of virtue ethics which are characterised by the conceptual priority they accord to either aretaic or eudaimonist concepts over deontic. Largely sidelined in contemporary discussions of the relative merits of virtue ethics, consequentialism and deontology, however, is the problem of moral motivation that initially gave rise to and made sense of virtue ethics as a substantive approach to normative ethics in mid-twentieth century analytic philosophy. I thus propose a reconsideration of two early texts, Anscombe's "Modern Moral Philosophy" and Foot's "Morality

as a System of Hypothetical Imperatives" which directly and forcefully argue for the rejection of the notion of obligation in ethics, a notion they both see as symptomatic of the impoverishment of much of modern ethics, and propose as an alternative a conception of ethics that has virtue as its central concept.

In chapter two I assess Anscombe's case for virtue ethics in terms of its adequacy of a solution to the problem of moral motivation. I begin by attempting to work out what Anscombe means by the notion of "moral obligation" and then turn to the reasons she offers for why, in her view, the assumptions it contains fail to constitute an adequate framework for ethical judgement and explain her eudaimonist alternative. As my analysis interpretation of Anscombe reveals, her criticisms of the moral "ought" are best seen as being directed at two distinct branches of modern ethical thought, the first corresponding to the "expressivism" of Hume, Hare and Ayer, and the second to the principle-based approach of deontology and consequentialism. But rather than taking issue directly with her historico-conceptual objections to these two broad theories of moral judgement, I argue that, even if we grant Anscombe the claim that the law conception of ethics they both suppose does indeed suffer from the weaknesses she identifies, there are good reasons to think that her eudaimonist alternative is not a viable option. In the case of expressivism, I attempt to show that her admonition to understand moral judgements in her proposed terms would fall on deaf ears since it presupposes an agent-external point of view from which to measure the substantive claims of morality, a point of view that expressivism characteristically denies. For the part of principle-based approaches, I argue that her eudaimonist means of identifying moral demands, if taken seriously, threatens to suffer from limitations that are no less serious than those of the alternatives she rejects. On the basis of this claim, I conclude that the prospects for virtue ethics as a critique of the notion of moral obligation appear to be more hopeful in the aretaic form of Philippa Foot, which I will then go on to examine in chapter three.

The third chapter aims to address the strength of Foot's argument that attempts to generate or identify moral obligations from a standpoint external to

the prior ethical commitments of agents should be abandoned in favour of a conception of ethics which puts at the forefront the aretaic concepts. I begin by presenting Foot's argument against the doctrine of categorical imperatives and show that the argument itself has a limited application to Kant's ethics. I then go on to examine in more detail Foot's idea of morality is a system of hypothetical imperatives for the sake of determining whether it stands as a broader critique of theories which attempt to provide an agent-external framework for moral judgement, as she intends it. Far from supposing a wholly value-neutral measure of moral obligations, I argue, such theories are, at heart, in fact attempts to identify fundamental principles that purport to be the expression of shared values. The main difference between, and the chief advantage of, the conception of ethics Foot wishes to reject and her own conception is that the former incorporates the recognition that the question of whether morality is a system of hypothetical imperatives is not a question that can be settled a priori.

When examined in detail, then, both Anscombe's eudaimonist virtue ethics and Foot's aretaic virtue ethics, fail to appear as the attractive solution to the problems faced by principle-based ethical theories, despite the authors' pretences. The two proposal, in differing ways, underestimate the dual role of ethical theory to provide a framework for moral judgement which both takes into considerations agents' reasons for conforming to the demands of ethics and which provides a perspective from which agents' de facto moral beliefs can be critically evaluated. Anscombe's eudaimonist project which proposes to couch moral requirements in terms of what agents need to lead a fully realised and satisfying life, though it would, if it could be carried through, seem to offer a satisfying answer to the question of "Why be moral?", suffers from epistemological limitations that are no less serious than those of the alternatives she rejects. Foot fails to see that what she understands to be wholly agent-external approaches to ethical justification in fact embody the same psychological model of motivation so central to her idea of morality as a system of hypothetical imperatives. The reason such theories reach for high levels of abstraction in developing their respective frameworks for ethical justification, far from being an

attempt to establish a value-free standpoint for assessing moral claims, aims instead to broaden the scope of the moral point of view from the particular evaluative commitments of agents to more fundamental, universally shared value commitments.

This excursion into Anscombe and Foot's virtue-centred approaches to ethics, then, suggests that the road through virtue ethics as a free-standing method of normative ethics leads back to a need for highly abstract critical approaches to problems of right action that serve to set the boundaries around the moral. That having been said, it is equally clear that such proceduralist forms of ethics which characteristically aver that through critical reflection people can arrive at acceptable guidelines for action lack a theory of applied moral judgement or a form of ethical know-how which is responsive to the question of how such insights are to be applied to particular situations. Virtue, understood now not first and foremost as character traits necessary for eudaimonia or as the representative of rationally unassailable value-commitments but as the moral skills needed to integrate the results of practical deliberation into everyday life, has here a genuine opportunity to rescue the modern justificatory project from the threat of well-meaning irrelevance.

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