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Modern Moral Obligation

by

David James Graham

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Abstract – Modern Moral Obligaton by David Graham

This paper examines the notion of obligation as it appears in the writing of Kant and Hume, and is based on a critique by G.E.M. Anscombe. Anscombe's critique amounts to the assertion that obligation is incoherent without a lawgiver, and since obligation is central to modern moral philosophy, contemporary thinkers would be well-served by discarding the reasoning of Kant, Hume, and other post-enlightenment thinkers.

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CHAPTER I: INTRODUCTION

On 6 August 1945, American warplanes dropped an atomic bomb on the city of Hiroshima, and, three days later, a second on the city of Nagasaki. Precise figures are impossible to calculate, but it is generally agreed that around two hundred thousand people lost their lives in the attack, either immediately, or due to radiation poisoning in the months that followed. Most of the casualties were civilians.[1] Less than a week after the bomb fell on Nagasaki, the Japanese leadership accepted the conditions of the Potsdam Declaration, and unconditionally surrendered. The Second World War was over.

When Oxford University declared in 1956 that they intended to confer an honorary degree upon Harry S. Truman, philosophy professor GEM Anscombe was incensed, and attempted to mount a protest. With the exception of Philippa Foot,[2] Anscombe received almost no support.[3] Normally, as Anscombe points out, the granting of an honorary degree is not a matter of much interest; honorary degrees being conferred "as a reward for a very distinguished person," as opposed to "a reward of merit."[4] In this case, Truman's legacy is intimately tied to the bombings of Nagasaki and Hiroshima, and Anscombe could not accept that Oxford would overlook "a couple

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[1] Raico, Ralph, "Harry S. Truman: Advancing the Revolution" in John V. Denson, ed., *Reassessing the Presidency: the Rise of the Executive State and the Decline of Freedom*, (Auburn, Alabama: Ludwig von Mises Institute, 2001), p. 566

[2] Haldane, John, Letter. The Times Literary Supplement, October 14, 2005

[3] Quite the opposite, on the day of the vote, the house was stacked against Anscombe and Foot after the dons at St. John's were told "The women are up to something in Convocation; we have to go and vote them down."

[4] Anscombe, G. E. M. "Mr. Truman's Degree," *The Collected Philosophical Papers of G. E. M. Anscombe*, vol. III (Ethics, Religion and Politics). Blackwell (Oxford: 1981), p. 64

of massacres"[5] and honor a man who was, by his own admission, responsible for the deaths of tens of thousands of civilians.

The debate over the moral status of Truman's decision tends to center around the *necessity* (or pragmatism) of the act – surely there was a better way. On the one hand, Truman and his apologists argue that a nuclear attack, though horrific, was still the best available option – politically, militarily, *and* morally. Truman's opponents dispute this claim, arguing, (for instance), that Japan was on the verge of surrender anyway, or that Truman was concerned with securing America's position in the post-war world by winning a spectacular victory. Anscombe is interesting because she ignores entirely the question of political and military expediency, in essence granting that Truman and his military advisors were correct. In her famous paper "Modern Moral Philosophy", written two years after the honorary degree was granted to Truman, Anscombe extends and clarifies the moral case against Truman. In specific, Anscombe claims that the taking of innocent lives can never be morally justified, even if it is the best possible course of action by all other measures (for Japan no less than America). Further, and more importantly, the suggestion that modern moral philosophy is capable of providing such a justification demonstrates the incoherence of moral philosophy.

A Note on Procedure

At barely twenty-five pages, "Modern Moral Philosophy" manages to become a sprawling work of philosophy. Anscombe pauses to hint at various massive topics, devotes scarcely 800 words at dispatching the canon of Enlightenment philosophy before turning her attention to explaining the advent of the Hebrew-Christian ethic, its

[5] Anscombe, 1981, p. 65

connection to Aristotle, and its eventual decline. In order to avoid the inevitable quagmire that would arise from an attempt to interpret the whole, I will restrict myself to the central claim of "Modern Moral Philosophy", the **conceptual** thesis, which argues that the central concepts of obligation and duty "ought to be jettisoned... because they are survivals... from an earlier conception of ethics which no longer generally survives."[6] The task of this first section is to elucidate the reasoning behind the conceptual thesis, and to provide a description of what, precisely, has been abandoned. This will prepare us for later sections of the project, which will examine how well the charge of incoherence fits when applied to the theories of Hume and Kant.

Anscombe's central claim in "Modern Moral Philosophy" is two-fold: first, that the notion of obligation is central to all modern moral philosophers, and second, that this notion is inescapably and hopelessly corrupt. The obvious implication is that modern moral philosophy is not worth pursuing. Anscombe directs her criticism at several thinkers specifically, and her motivation for addressing them is the same as mine: collectively they provide a cross-section of modern approaches to moral obligation. If Anscombe is to be successful, her charge will need to be demonstrated against Hume and Kant, whose characterizations of obligation differ dramatically. Consequently, it will not be enough to demonstrate that "obligation" is incoherent, it will need to be demonstrated that obligation *as conceived by Kant*, and then *as conceived by Hume*, is corrupt and incoherent. If Anscombe fails in this task, then the claim that modern moral philosophy is not worth pursuing also fails.

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[6] Anscombe, G.E.M., "Modern Moral Philosophy" in *Virtue Ethics*, eds. Roger Crisp and Michael Slote, (Oxford: Oxford University Press, 1997) p. 26

Demonstrating the Incoherence of Modern Moral Philosophy

As stated earlier, Anscombe does not question the military necessity of the bombings of Hiroshima and Nagasaki. Anscombe is willing to grant this concession because she is convinced that it does not provide moral justification for taking an innocent life; indeed nothing will. "Killing innocents as a means to your ends is always murder,"[7] Anscombe claims with characteristic bluntness. To Anscombe, it does not matter if Truman's ends were noble, or if the nuclear bomb was the most efficacious way to achieve them because *killing innocents as a means to your ends is always murder.* [8] If Anscombe is correct, then Truman is a murderer – a very distinguished murderer, but a murderer nonetheless.

Anscombe's intent in characterizing Truman as a murderer is to reduce the situation to brute facts, excluding any value judgments. There can be *no doubt*, according to Anscombe, that, in the pursuit of his own ends, Truman was responsible for the death of many thousands. Further, Anscombe alleges, it cannot be disputed that this is the very definition of murder, and so it is a purely factual statement, unsullied by any hint of moral judgment, to say that Truman is a murderer. And because this assessment is a matter of brute fact, all interested parties will – ostensibly – agree.

In order for the case against modern moral philosophy to proceed, Anscombe must attribute a very specific line of response to her opponents, according to which

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[7] Anscombe, 1981, p. 64

[8] It is important to note that Anscombe differentiates between the *unintended* death of civilians in the course of pursuing a military objective – even when such a consequence is "statistically certain", as in traditional bombing – and the direct targeting of civilians.

Anscombe's "brute facts" are not challenged.[9] Instead, the apologist Anscombe imagines for Truman seeks to introduce additional analysis that will permit an altered *perception* of the facts. Seen in the light of this new analysis, what had previously been unthinkable and unconscionable is recast: permissible, justified and even – as the Oxford dons demonstrate – praiseworthy. One of the many variations upon modern moral philosophy – the ethical theories of Hume, for instance, or Kant – provides the lens through which this analysis may take place.[10] Anscombe derives two conclusions from the fact that a moral justification for killing the innocent can be provided: The first is that modern moral philosophy is not worth pursuing – we are simply not presently equipped – that is 'able' – to practice moral reasoning.[11] This assertion, of course, will provoke serious discussion (not to mention raised eyebrows), but it is Anscombe's second conclusion – the conceptual thesis – that will occupy our attention.

The conceptual thesis alleges that the moral reasoning that delivers a justification for the killing of innocents is not merely misguided; according to Anscombe, it reveals an inconsistency. Reasoning to the conclusion "The killing of innocents for one's own ends is morally permissible," is not merely sophistical or spurious, it is *incoherent*, no less than the pronouncements of the ancients proving that there is neither space nor time: the conclusion shows that the method of reasoning that

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[9] And how could they be? It is simply a matter of fact that murder is the killing of innocents for one's own ends.

[10] This Anscombe refers to as "the **triviality** thesis" – essentially, contending that since all modern moral philosophies could be used to justify the judicial killing of innocents, the differences between them are "of little importance." (Anscombe, 1997, p. 26)

[11] Very slightly modified, this provides the last of Anscombe's theses, "the **profitability** thesis," which culminates in the assertion that "it is not at present profitable for us to do moral philosophy." (Anscombe, 1997, p. 29)

delivered the conclusion must be defective. "If someone really thinks, in advance, that it is open to question whether such an action as procuring the judicial execution of the innocent should be quite excluded from consideration - I do not want to argue with him; he shows a corrupt mind."[12]

With this statement, Anscombe is doing more than merely stating that she will not entertain a debate about the moral worth of a specific act. Certainly this is part of her meaning: Anscombe is claiming that some acts cannot be justified. But Anscombe means to go further, asserting that in the same way that the philosopher who seriously contends on behalf of judicial execution shows a corrupt mind, the moral system that delivers a justification for murder is corrupt and incoherent. And the evidence of the corruption is in the fact that it delivers a judgment affirming the morality of murder. The claim that murder could be morally permissible is a kind of contradiction in Anscombe's accounting.

Put as briefly as possible, Anscombe asserts that murder can never be justified, but it has been. This is a sort of inconsistency – somewhere, an error has been made, either in the theories of modern moral philosophy, or in its application. From a rhetorical standpoint, this position is as much as unassailable. Asking, even politely, if taking an innocent life might be justified in some circumstances will have no audience with Anscombe (never mind that the some of the most contentious moral issues of the past century have turned on versions of this question). Consequently, for those who disagree with Anscombe, there is no point raising the issue; she is likely to merely to dismiss her interlocutor by quoting Alexander Pope – "All looks yellow to the

[12] Anscombe, 1997, p. 41

jaundiced eye." Anscombe is unwilling to waste her time attempting to prove her point to those who have been infected by the corrupting influence of moral philosophy. It scarcely needs to be stated that this view of Anscombe's is an unsatisfying (not to mention uncharitable and unbecoming) philosophical position. Worse, those who do not immediately share Anscombe's conviction regarding the moral status of killing innocents (as in the case of Truman) can learn nothing from Anscombe. If you are unconvinced, Anscombe will not deign to convince you.

Anscombe does not leave her audience entirely without direction, however, but points her audience toward what she sees as the ultimate source of the incoherence that has crippled modern moral philosophy: contemporary moral language. Anscombe claims it is our conceptions of "moral obligation" and "duty" that are hopelessly corrupt and dangerously misleading. If this is the case, it should be no surprise that the judgments that flow from these notions are themselves corrupt. Anscombe claims that if obligation cannot be coherently employed, the implications for moral philosophy are staggering; essentially, without a coherent conception of duty, the wholesale abandonment of modern moral philosophy itself is our only recourse, (to the extent that this is psychologically possible). This, of course, entails the abandonment of the moral theories of Hume, Kant, and Mill, and every thinker that followed them. Never one to shirk a sweeping pronouncement, Anscombe advocates precisely this course of action.

Identifying the supposed source of the alleged incoherence in modern moral philosophy will allow us to circumvent Anscombe's unwillingness to parlay with Truman's apologists and other skeptics. Thus, although Anscombe will not provide clarification regarding the incoherence implied by a moral justification of murder, we

can still arrive at the same conclusion by examining the notion of obligation for evidence of incoherence. In this way, Anscombe's argument can hold sway over even those who would otherwise questions Anscombe's claims about judicial killings.

Permissible vs. Moral Obligation

Thus far, Anscombe has placed a great deal of emphasis upon what she sees as a mistaken judgment delivered by modern moral philosophy. This alleged mistaken judgment – securing the judicial execution of innocents – has been illustrated by her commentary upon Truman. Anscombe's emphasis could be misleading, if it led one to the conclusion that Anscombe's argument was pragmatic or empirical. Certainly, Anscombe would argue that suspect moral judgments, such as the one delivered by Oxford about Truman, give us reason to believe that something deeper is wrong, but Anscombe does not suggest the abandonment of modern moral philosophy merely because it "does not work" or because the brute facts demonstrate that the enlightenment project has failed. Instead, Anscombe's argument in "Modern Moral Philosophy" is founded upon her claim that the concept of moral obligation lacks cognitive content. As such, the continued relevance of obligation is due to a lingering emotive sense the term retains, rather than by any external justification.

Because it cannot be avoided, it must to be acknowledged: Anscombe's expectation that an incoherent notion is poisoning moral philosophy strains credulity. Far from being cognitively empty, or incomprehensible remnants of discarded systems, words like 'should' and 'ought' appear to be problem-free – clear, contemporary, and entirely indispensable. Even the most ardent admirer of Anscombe would admit that it seems a stretch to suggest that "family obligations" or "obligations to the job" are

mysteriously bound up in a notion of ethics that has been discredited and discarded. Anscombe would counter that she has no contention with many ordinary senses of obligation, and makes it clear that despite the incoherence of obligation, there are still contexts in which the language of obligation (words like "ought" or "should") are perfectly comprehensible and coherent. For instance, according to Anscombe, there is no danger of incoherence in discussions of proper functioning. Thus, we may, for instance, issue a command "You should oil the lawnmower." In this context, the "ought" serves as an indicator of practical necessitation according to which a contingent desire combined with the specific physical conditions which govern a certain circumstance. Thus, it is simply a matter of what Anscombe calls "brute fact" to say that the lawnmower ought to be oiled; it is "in fact" the case that lawnmowers work better when they are oiled. There is nothing mysterious about this relation, and for the person who does not desire a happy lawnmower, it is clear that no obligation exists. What Anscombe calls an obligation of brute fact might just as well be referred to as an obligation of practical necessitation.

Despite this concession, Anscombe forcefully contends that modern moral philosophy is beyond its depth when it attempts to speak to obligations other than those that are statements of mere fact. (In essence, moral philosophy is beyond its depth when it speaks to matters of morality.) To clarify, Anscombe states that there is a difference between discussions of practical necessitation and discussions of morality, and it is in this latter category that moral philosophy is not fit to speak. Anscombe's willing admission that obligation can exist in the realm of brute facts demonstrate that it is not obligation *itself* that is problematic; instead, it is the very specific category of

moral obligation. The question, then is, as Simon Blackburn has put it, "Can the weight of Anscombe's claim be borne by those sinister italicizations of the word 'moral'?"[13] To answer Blackburn's question, we must consider Anscombe's description of the provenance of a moral obligation (as opposed to an obligation of practical necessitation) arises, and what a moral obligation (again, as opposed to an obligation of practical necessitation) entails.

Before we begin, the suggestion that Anscombe could tolerate an obligation needs to be defended – after all, the entirety of the essay that is our focus is dedicated to *discrediting* moral obligation. Once again, however, a distinction must be drawn between the modern notion of obligation – which Anscombe accuses – and its predecessor notions, which are, apparently, not at all problematic. "The situation, if I am right, was the interesting one of the survival of a concept outside the framework of thought that made it a really intelligible one."[14] To say that it survived the philosophical context that gave it meaning implies that moral obligation was not always encumbered with incoherence. In fact, according to Anscombe, the moral 'ought' become incoherent relatively late; for thousands of years it was perfectly coherent to point out moral obligation, and even to expect that the charge would bear some dialectical weight; its incoherence, Anscombe states, arose with the Enlightenment.[15] Anscombe's provision of a definitive timetable for the genesis of incoherence in moral obligation gives a starting point for our investigation. Specifically, it allows us to

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[13] Blackburn, Simon, Review from the Times Literary Supplement, 30 September, 2005, 27 September 2006. <http://www.phil.cam.ac.uk/~swb24/reviews/Anscombe.htm>

[14] Anscombe, 1997, p. 31

[15] Anscombe, 1997, p. 30

compare a representative pre-Enlightenment account of obligation – which (Anscombe implies) are not incoherent – with the accounts of Hume, Kant and Mill, asking what was present in the earlier accounts that is now lacking? And how could this difference lead to the fatal inconsistency that Anscombe diagnoses?

Thus far, we have identified three separate conceptions of obligation: those based upon practical necessitations, pre-Enlightenment moral obligation and modern moral obligation. The first two of these conceptions are not – according to Anscombe – problematic. In contrast, the last description is so deeply flawed that it derails all of modern moral philosophy. Our next task is to trace each of these descriptions of obligation, beginning with those explained as hypothetical imperatives, and continuing through (an ostensibly consistent) pre-Enlightenment account of obligation. Finally, we will examine moral obligations themselves, asking what dialectical work a moral obligation is meant to do, in an attempt to uncover the deficiencies in the theories of Hume and Kant.

Practical Necessitation & Matters of Brute Fact

Anscombe does not dispute that coherent obligations can be conceived. By her own admission, her criticism is pertinent only in those instances where obligation is used in reference to a moral subject matter.[16] Consequently, a prescription like "The lawnmower ought to be oiled" – which is related to the proper-function of a lawnmower and lacks any moral content – is not at issue. Instead, it is a mere matter of relations

[16] Thus, Anscombe's criticism could be recast to conclude that the central failing of modern moral philosophy is that it fails to make this distinction: there is no special category of reasoning that is applied only to morality. Instead, the same sort of reasoning that is properly applied to questions about lawnmowers is extended to include the gamut of human experiences.

between contingent desires and the facts that obtain in a given circumstance. Thus, I should oil the lawnmower because if the lawnmower is not oiled, it will not work properly – fail to oil, you will fail to mow. In cases like this one, the non-moral prescriptive 'ought' is only necessitated by rationality and a contingent desire, so that if you do not have the desire to see your lawnmower work, you are not obligated to oil it. Further, because no one has issued a command, obedience is, in this case, not owed to anyone. Seen in this way, the 'ought' is merely a presentation of the conditions necessary for proper functioning; it is part of the class of what Kant called "hypothetical imperatives." It may be 'bad' for my lawnmower to be without oil, but this alone does not mean that *I* am 'bad' if I do not oil it.

In contrast, failure to discharge a moral obligation – that is, a moral failure – is a failure *qua* human being. Anscombe is not alone in the assertion that moral obligations are absolute – that is, exceptionless; incontrovertible; and unconditioned – moral obligations are, in Kant's rendering, "categorical imperatives." The difference between a contingent practical necessity involved in a hypothetical imperative and an absolute obligation to morality constitutes the weight borne by those "sinister italicizations" referred to by Simon Blackburn. And recall Blackburn's assertion: if Anscombe is to have any success, she must be explained how these descriptions of obligation are different and incompatible.

Consequences

At this point, it is particularly important to proceed cautiously. We are proceeding along a tricky, and counterfactual, path – specifically by inquiring into what Anscombe would believe about moral obligation if she believed in moral obligation. I

believe this is a warranted examination. Several times, Anscombe makes it clear that the problem she is identifying is not with moral obligation properly construed, but with moral obligation as construed by modern moral philosophers. This distinction is never clearer than when Anscombe applauds present-day philosophers – the same philosophers she is critiquing – for their success in unseating moral orthodoxy. "I should be inclined to congratulate the present-day philosophers on depriving 'moral ought' of its now delusive appearance of content, if only they did not manifest a detestable desire to retain the atmosphere of the term."[17] Anscombe is saying that the modern moral philosophers are attempting to have their cake and eat it, too; they deprive the moral ought of the context that gave it meaning, but continue to act as if moral obligations are binding, and influential in our decisions. I intend to investigate what obligation meant prior to its alleged loss of content. The purpose of this investigation is two-fold: first, it intends to capture what atmosphere is – allegedly – illicitly retained, and secondly, it will give a picture of the content that Anscombe feels is necessary for a coherent description of moral obligation. This, in turn, will allow us to point out where this content is missing from the accounts that are our target.

Failure *qua* Man

We will begin our examination of the differences Anscombe perceives between moral obligation and obligations of practical necessity with an examination of the consequences of failing to discharge a moral obligation. Anscombe believes that a moral failure is synonymous with a judgment of "failure *qua* man" (which the same meaning as the colloquial "He is a bad person," and is an indictment of moral

[17] Anscombe, 1997, p. 34

character). By contrast, one may fail to observe the requirements of a practical necessitation while avoiding classification as a failure *qua* man. To return to Anscombe's example, it is a perfectly reasonable use of the word "ought" to say, "The lawnmower ought to be oiled." If you fail to properly maintain your lawnmower, you may be accused of being an irresponsible steward of your resources, or it may be claimed that you are a failure as a groundskeeper. It would be odd for someone to claim that failure to observe the requirement of oiling the lawnmower is tantamount to failure *qua* man. One can envision all kinds of 'should' requirements, and the failure that would result from violating them. For instance, failing to make reservations on your anniversary might result in your classification as a failure *qua* husband; failing to properly prepare for a test might result in failure *qua* student; failing to observe the laws of the land results in failure *qua* citizen.

This is not to say that moral obligations and the obligations of a citizen or parent are necessarily separate – failing to satisfy your obligations as a parent might also mean that you fail to meet a moral responsibility – but they are not necessarily the same: a person may be a bad husband/student/gardener without also being a bad person. Similarly, a person may be an excellent husband, a conscientious student and a responsible gardener, and still be a failure as a human being by dint of their moral shortcomings.

This was Anscombe's accusation against Truman: even granting that the bombings of Hiroshima and Nagasaki were efficacious and militarily necessary (and therefore may have been an obligation of his post as Commander-in-Chief), the choice to take an innocent life *for any reason* constitutes a moral failure – a failure *qua* man.

Anscombe's opinion that Truman should not be celebrated is based upon her contention that a moral obligation is an absolute obligation. As such, it cannot be balanced against other concerns or outweighed by even very important considerations. In contrast, the obligation grounded in brute fact allows that a violation is not *necessarily* constitutive of a failure. For instance, imagine that you have a friend, Thomas, who you routinely meet for lunch. Occasionally, you say, "I'll get lunch today," but Thomas never reciprocates. One could reasonably claim that Thomas is under an obligation to occasionally pay for lunch, and he has failed to meet this requirement. Still, on balance, you are satisfied with the friendship: Thomas is a wonderfully generous conversationalist, full of insightful questions and gracious advice. Despite his peccadillo regarding the bill, Thomas is "a good friend." Anscombe will not permit the same to be said for Truman. Despite providing brilliant leadership in a difficult time, Anscombe refuses to consider any evidence apart from his role in the bombings of Hiroshima and Nagasaki. Truman is a failure *qua* man because he failed to meet a moral obligation. According to Anscombe's account, a moral obligation must be an absolute prohibition; there is no "on balance" in morality. Modern moral philosophy, according to Anscombe, is not capable of making absolute judgments, that is, judgments invoking "a sense in which they imply some absolute verdict (like one of guilty/not guilty on a man)."[18] Thus Anscombe advises that modern moral philosophy be shelved until psychology advances to the point that it can inform a discussion of how "an unjust man is a bad man, or an unjust action is a bad one."[19] There is no similar

[18] Anscombe, 1997, p. 38
[19] Anscombe, 1997, p. 37

difficulty for adherents of the Hebrew-Christian system, according to which moral failure is synonymous with failure as a human being – failure *qua* man, to use the philosophical parlance.

Put another way, Anscombe would claim that although any number of obligations may be posited and justified, but it is not at present possible to establish an absolute obligation, and consequently, moral obligation is beyond our ken. In a way, Anscombe's insistence here is reminiscent of her contentions with regard to murder – she is convinced that declaring Truman a murderer is a matter of definitional fact that is beyond discussion or debate. Similarly, Anscombe is clear that a *moral* obligation is absolute by definition: an obligation may be conceived which is not absolute, but it would not be a moral obligation. Thus, a person may be under an obligation, but external factors demand violating that obligation. For instance, the game of basketball is governed by strict rules, and those who wish to participate in the game are obligated to follow the rules. As anyone familiar with the sport will know, if a team is trailing late in the game, it is basic basketball strategy to 'foul' the opposing players because a foul stops the clock, and late in the game, time is critically important. Consequently, a coach will tell his players to deliberately break the rules of the game, because in this specific circumstance, the penalty for violating the rule is less damaging to a team's chances for victory than the consequence of strict rule obedience. Thus, though a 'good' (that is successful) coach will stress rule-following in most circumstances, there are occasions where *failing* to break the rules is bad strategy. Simply put, the coach who fails to instruct his players to foul at the end of a close game is a bad coach.

Anscombe insists that strategic thinking is utterly inapplicable to moral decision-making. At the end of a basketball game, the coach is willing to accept the penalty for fouling an opposing player; consequently, he orders his charges to break the rules. For making a good strategic decision, we applaud the coach, but we do not extend our congratulations to the murderer who admits that he broke the statute against homicide, and is willing to pay the penalty. Because there is a moral prohibition against taking innocent life in addition to a state sanction against it, Anscombe would insist that no amount of strategic value can reshape the moral status of murder.

Anscombe is painfully clear and unyielding: the considerations that weigh against observing a moral obligation are temptations, and giving in to them is weakness. Anscombe's description of moral behavior has it that "The strictness of the prohibition has as its point *that you are not to be tempted by fear or hope of consequences.*"[20] For a prohibition to be truly absolute, it must hold regardless of any external circumstances. Violating a moral prohibition may bear external consequences – if you kill someone, you may go to jail – but an absolute prohibition remains even if all external consequences are removed. When someone asks, "Why should I not violate this moral command?" a variety of answers can be given that appeal to the consequences (whether natural or by statute) of that act. But to answer in this way conflates moral obligations with ordinary obligations. There may be very good pragmatic or empirical reasons to avoid murdering someone, but these do not constitute a moral case for being found innocent of evil. Simply put, consequences do not – indeed, cannot – create absolute

[20] Lovibond, Savina, "Absolute Prohibitions without Divine Promises," in "Modern Moral Philosophy", ed. Anthony O'Hear, (Oxford University Press: Oxford), 2004, p. 155

obligations, and more importantly, the absence of consequence does not release a subject from their moral obligations. On Anscombe's strict definition of what constitutes morality, all arguments about human flourishing, or pragmatic claims about social rewards for obedience are excluded; though they may be true, they cannot figure in the calculation of the moral worth of an act or person.

The fatal flaw of modern moral philosophy, according to Anscombe, is that it intends to convey the gravity – the "atmosphere" – that is properly borne only by those theories with a content that warrants them to do so. Our next step is to examine briefly what content will allow for an absolute obligation, which, recall, Anscombe insists a moral obligation must be. The error that Anscombe allegedly uncovers is a sort of double standard wherein only a conditional obligation is justified, but the moral judgment that accompanies the failure to discharge that conditional obligation is the absolute judgment of "guilty" on a man. Thus, Anscombe contends that we may recast obligation as something less than absolute, but after doing so, we cannot pretend that there is any grand or mystical or *absolute* consequence for failing to observe that obligation. In that case, what consequences there are for disobedience are meted out by the brute facts; there cannot be the suggestion of the possibility of failure *qua* man.

The remainder of this first section will consider this last point. We will proceed first by briefly examining Simon Blackburn's counter to Anscombe's allegations about the absolute nature of morality, which turn on Blackburn's contention that, regardless of whether an obligation is contingent or absolute, "if it looks like a moral demand,

behaves like a moral demand, and quacks like a moral demand, then that is what it is."[21] Following this, we will turn our attention briefly to Samuel Von Pufendorf, who provides an account of the content of obligation from prior to the Enlightenment – prior, that is, to use Anscombian terms, to the emptying of content from the notion of obligation. This will allow us to see what content an account of obligation requires, and will provide a rubric for evaluating the theories of the philosophers who are Anscombe's targets.

Simon Blackburn

At the core of the conceptual thesis are two claims; first, that modern moral obligation is cognitively bankrupt as a result of the abandonment of the absolute prohibitions that characterized pre-Enlightenment conceptions of obligation; and second, that the emotive force of this now empty term is deliberately cultivated and maintained. Consequently, although any number of specific arguments could unseat Anscombe's conclusion in "Modern Moral Philosophy", it would seem that those arguments must be directed at overturning one of these central claims. Thus, one could argue that moral philosophy makes reference to the emotive force of obligation (and because this position admits that there is no *cognitive* force to obligation, only emotive force remains). Alternately, it must be established that, despite Anscombe's insistence, moral obligation is *not* cognitively empty; this is what must be demonstrated if the theories of Hume, Kant, and Mill are to survive Anscombe's charge. Before we turn our attention to this task, I want briefly to pause to consider Simon Blackburn's defense of modern moral obligation, which takes a different approach than those I will attribute

[21] Blackburn

to Hume and Kant. In specific, Blackburn responds to Anscombe by arguing that moral obligation need not be based upon absolute prohibitions. If we can successfully – or at least plausibly – close this route, it will limit the options for the thinkers who are our primary targets.

Blackburn does not dispute Anscombe's contention that moral prohibitions as conceived by modern moral philosophy are not absolute. Contrary to Anscombe, Blackburn insists that this does not matter – despite being non-absolute, contemporary moral obligations are not devoid of meaning; in fact, Blackburn argues that contemporary reasoners are regularly confronted with cognitively compelling moral obligations. Under the sway of Anscombe's reasoning, we may be persuaded to abstain from naming our moral obligations, but this is of no interest: "if it looks like a moral demand, behaves like a moral demand, and quacks like a moral demand, then that is what it is." In order to demonstrate the existence of these moral obligations, Blackburn asks the reader to imagine a situation in which one of Blackburn's university colleagues is found to have engaged in some malfeasance – accepting bribes in exchange for the assurance of good grades for instance. In such a circumstance, it would be very ordinary and not the least mysterious for Blackburn to "believe you have failed in your duty, that you have betrayed your obligations to the university and to your students. Is this 'merely' psychological, and am I using words with 'merely' talismanic force? Well, just try me. Suppose I break off relations with you, or make the matter public, or invoke sanctions, strip you of your rank or drum you out of your job."[22] Surely, Blackburn states, this is a case in which a moral obligation has been breached, and

[22] Blackburn

surely the consequences imposed are intended as the enforcement of that moral obligation. In fact, to say that they are not is "poppycock." If you are impressed Anscombe's argument, Blackburn states, you may be convinced to avoid using the language of moral obligation, but the abandonment of this lexicon does not result in a liberation: moral demands are not dissolved simply because they are now called by another name. And, more ominously, if I am convinced to "avoid [words denoting moral obligation] because they are the private preserve of people who believe in the divine law, then I have been hoodwinked and robbed."[23]

Anscombe's Response to Blackburn

My defense for Anscombe's conclusions in "Modern Moral Philosophy" will be necessarily brief, and will follow Anscombe in arguing that even when a demand feels, acts – and yes, quacks – like a moral obligation it is not necessarily coherent; later, I will claim that Blackburn is mistaken – it absolutely *does* matter if we refer to a command as a "moral obligation" as opposed to something else because a moral demand means something more than what is meant by common sense obligation. Success here will limit the options available to apologists for Hume, Kant and Mill with regard to Anscombe's claims in "Modern Moral Philosophy". Specifically, it will exclude from consideration notions of obligation that are radically different in content or consequence from the accounts of obligation founded upon absolute prohibitions.

At the outset of Blackburn's commentary on "Modern Moral Philosophy" stands his contention that people encounter moral demands every day. We know we have encountered them because we know how moral demands *behave* and *look*; we know

[23] Blackburn

what it feels like to encounter a moral demand. Regardless of what it is called, moral obligation continues to play a role in our everyday lives and in our society. Anscombe would not, I think, dispute this; but the mere fact that moral obligation continues to influence behavior and wield dialectical force does not confer any assurance of cognitive integrity. In fact, this continued influence is precisely what Anscombe rails against – the atmosphere lingers long after the context that provided meaning has been discarded. To illustrate this, Anscombe draws an analogy between obligation and criminality, inviting her readers to imagine that all legislation was abandoned and all courts were disbanded. Since an act is 'criminal' only in case it constitutes a violation of a law, and a person is 'a criminal' only if they are convicted of breaking the law, in a world without law, the word 'criminal' is emptied of meaning. In terms of motivational gravity, however, even a term that has no literal meaning can be profoundly meaningful. Thus, although 'legality' and 'illegality' are no longer rationally justifiable considerations, this does not guarantee their exclusion from the decision-making process; in spite of being stripped of their rational justifications, the stigma attached to being called a criminal and the emotional meanings of terms like 'illegal' may remain powerfully motivating. Similarly, despite having "no discernable content,"[24] obligation is imbued with a "mesmeric force."[25] Seen in this way, Anscombe's claim is not that moral obligation is utterly meaningless apart from its original, Hebrew-Christian, moral framework – it is not as if we do not know what it means to be obligated. Instead, Anscombe's claim is that moral philosophers continue to employ the emotive force of

[24] Anscombe, 1997, p. 43
[25] Anscombe, 1997, p. 33

'moral obligation', but the term is cognitively empty – the emotive force inheres only in the term itself.

Blackburn insists that the force of contemporary moral obligation is not merely mesmeric, or "talismanic." Instead, you may find yourself drummed out of your job, socially spurned, and perhaps even incarcerated. Note, however, that Blackburn does not accuse his colleague of failure *qua* human being. Instead, the specific accusation of professional failure: the bribed professor has not satisfied his obligation *to the university.* It is by no means clear that failure to meet a professional obligation makes the professor a 'bad' man – that is, a moral failure. A professional failure has professional consequences, thus, the professor might lose his job. But how do professional consequences, or their absence, provide us with guidance toward proper moral judgment? If the university chooses not to punish the offense, if the professor's colleagues are ambivalent, is the professor morally absolved? Ultimately, Blackburn has given us no reason to believe that this situation involves anything more than an obligation to an employer.[26] And Anscombe has no difficulty with this sort of obligation.

If we accept that Blackburn's case falls short of proving the possibility of a third way, we are left with two candidates that are acceptable to Anscombe. The first – Anscombe's suggestion – is a return to Aristotelian virtue ethics. The second is a return to a pre-Enlightenment conception of obligation. In pointing out this option, I am not suggesting that the successor notion must be identical – or even similar – in *detail* to the

[26] Of course, there are further interesting avenues connected to Blackburn's position that could be examined, but I will not do so here.

notion it replaces. As we have seen, Anscombe's contention is that modern moral philosophy has sacrificed the content of modern moral obligation, while retaining its atmosphere. If it can be established that this content has not gone missing, but is present in the theoretical considerations of the philosophers who are our targets, then Anscombe is mistaken, and moral philosophy will continue unabeyed. If, on the other hand, this content really is lacking, however, then Anscombe's case is made. Clearly, a lot rests on what we make of the term 'content.' Anscombe seems to use 'content' to denote the justificatory structure that gives the notion of obligation its purchase. To uncover what this structure looks like we turn our attention to Samuel von Pufendorf.

Samuel Von Pufendorf

Unfortunately, for the purposes of this project, what Pufendorf said is only as important as when he said it – it is his historical place as a pre-enlightenment philosopher that recommends Samuel von Pufendorf to our consideration. In examining his theories, we will use a painfully restricted lens in order to capture only his description of obligation. Pufendorf provides a clear picture of the way in which obligation was conceived prior to the Enlightenment – which is relevant, of course, because this is when Anscombe alleges that the content of obligation was lost. Whatever was lost is present in Pufendorf. Following the rubric that Pufendorf presents will result in a description of obligation that is – according to Anscombe – satisfactorily consistent. With this in mind, we turn our attention to Pufendorf, unsung hero of pre-Enlightenment moral philosophy.

In Pufendorf, we encounter some familiar themes – familiar because they are later repeated in "Modern Moral Philosophy". Pufendorf, like Anscombe, claims that

obligation is "commonly defined as a legal bond, by which we are of necessity bound to perform something."[27] Unlike Anscombe, Pufendorf goes on to describe exactly how this bond is created.

Imagine that a King has issued a command. Under what circumstances does this create an obligation upon his subjects? Is it enough to say that the King is the King – each word he speaks is, by nature, obligatory upon his subjects? According to Pufendorf, it is not: even the King cannot utter an obligation in isolation from justification. Otherwise, obligation would contain a circularity: where there exists an obligation (in this case to the King), we are obligated to respect it. Pufendorf's question is meant to address how this obligation arises in the first place.

For Pufendorf, those who would command a moral obligation must possess two qualities: first, the "power to bring some harm at once upon those who resist"; and secondly, "just grounds for his claim that the freedom of our will should be limited at his discretion."[28] Pufendorf's two requirements could be paraphrased as a provision for *motivating* compliance, and for *justifying* a claim to obedience. Without the "power" to motivate, subjects may "with impunity ignore commands", and the measure of an obligation is that it "impose a necessity."[29] However, a command may be issued, and it may even come to bear the force of necessity, but this alone does not mean that it is an obligation. For instance, a powerful and brutal person may so limit your options that you obey out of necessity, but in this case you are still not under a moral obligation. In

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[27] Pufendorf, Samuel, *On the Duty of Man and Citizen According to Natural Law,* ed., James Tully, (Cambridge: Cambridge University Press, 1991), p. 27

[28] Pufendorf, p. 27

[29] Pufendorf, p. 28

order for a command to be respected as more than mere coercion, the one who utters the command must be *justified* in issuing it. For Pufendorf, this justification arises out of a past relationship, or by virtue of the character of the person who issues the command. Accordingly, one may justifiably demand an obligation in case that "some conspicuous benefits have come to the [person obligated] from the [issuer of the command]; or if it be proved that he wishes the other well, and is also better able than the man himself to provide for him, and at the same time actually claims control over the other; and finally if a man has willingly subjected himself to another and agreed to his control."

The details of Pufendorf's account are relatively unimportant – we will not require our thinkers to mimic the specific ways in which Pufendorf's account is justified or motivated. What will be required is that some objective form of justification and motivation be in place – there must be an answer to the question "Why are we morally obligated to the King?" Further, as we saw, this answer must avoid circularity. Pufendorf's is certainly not the only explanation, and it may not be the best, but in order to be successful on Anscombe's terms, a description of obligation must contain an account of how the commands issued by the theory are justified, and why its subjects are motivated to obey them.

On this final point, we conclude the introduction and embark on the pursuit of obligation in Hume, and Kant. Our ultimate task is to determine the success of each theory in weathering the command leveled by Anscombe in Modern Moral Philosophy. We will focus on uncovering the *content* of each theory, which specifically we will accomplish by examining, in depth, the justification and motivation that each author provides for his account of moral obligation. If by this method it is shown that these

theories have no content then Anscombe's case warrants – at least – further examination. If, on the other hand, these accounts are justified and motivated, then they are not without content, and moral philosophy will continue unaltered.

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CHAPTER II: HUME

Having encountered in the introduction what Anscombe intends in the concept of moral obligation, we now attempt to apply the critique to our first target, and find it a surprisingly poor fit. Hume does not seem to meet the criteria that must be in place of Anscombe's definition of Obligation: it is not absolute, it is not overriding, it is not normative. Therefore, we can say with Norman Kemp Smith, "there is no such thing as moral obligation in the strict sense of the term."[30] Much of Hume says about the origin and meaning of moral judgment leaves Anscombe very little with which to take issue – it cannot be claimed that Hume employs a corrupt notion of obligation if Hume does not employ any notion of obligation at all. Upon encountering Anscombe's critique of Hume, one is reminded of Anscombe's biting criticism of those who ascribe the modern notion of 'moral' to Aristotle. Accordingly, if someone professes to be expounding Hume and talks about moral obligation, "he must be very imperceptive if he does not constantly feel like someone whose jaws have somehow got out of alignment: the teeth don't come together in a proper bite."[31] If the notion of obligation is present in Hume, it has little in common with the notion that Anscombe is attacking. It is my intention to give Anscombe every possible advantage; consequently, the priority is to uncover in Hume a plausible account of moral obligation of the kind decried by Anscombe. Without losing sight of this ultimate goal, let us first examine why Hume is a uniquely bad target for Anscombe's argument.

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[30] Norman Kemp Smith, quoted in Cohen, Mendel, "Obligation and Human Nature in Hume's Philosophy," *The Philosophical Quarterly*, Vol. 40, No. 160, (Jul. 1990), p. 317

[31] Anscombe, 1997, p. 27

As we saw in the previous section, ethics as envisioned by Anscombe are built up from an absolute obligation. For two reasons, Humean obligation is radically different: first, where Anscombe's obligation focuses on *rules*, Hume focuses on *character*, and second, where Anscombe is concerned with normative ethics, Hume delivers a descriptive account deriving morality from sentiments. Thus, what Anscombe calls moral obligation does not exist in Hume – instead there any obligation that exists is derived from character. Thus Anscombe's charge is on unstable ground.

Ethic of Character

A stark division between actions and character is a continuing theme in Hume's ethical theory, and it is in the latter that Hume locates the ultimate source of our ethical descriptions. "Hume's is an ethic of *character,* as contrasted with the more common ethics of action and rules."[32] Consequently, when human beings want to know the moral value of some or another act, they should not look at the act, but to the character that would produce such an act. Consider, for instance, murder – Anscombe's paradigmatic case of immorality. Anscombe claims that as soon as we have ascertained the facts of the situation and determined that an act is murder, we know all that we need to know, and making a moral judgment is mechanical. By contrast, according to Hume, the act itself is less important than the sort of person who committed the act. This does not necessarily mean that murder may be virtuous: we may find that murder is constantly conjoined to a vicious character. It does mean, however, that our condemnation is not of the act itself, but is always of the character that is responsible for the act. Thus, because it may be discovered that the judicial killing of innocents

[32] Davie, William, "Hume's General Point of View," in *Hume Studies*, Volume xxiv, Number 2, November 1998, p. 277

may occasionally be an act delivered by a generous, noble character, we cannot rule out "murder" categorically as Anscombe would prefer. Put another way, because Hume has not enacted an ethic of actions and rules, we are not constrained by a list of commands that an agent ought to conform to; instead, we are reminded of the character traits that humans celebrate, and are encouraged to cultivate these traits.

Because it is not an ethic of acts, it is not surprising that Hume should contend that "the external performance has no merit. We must look within to find the moral quality."[33] By contrast with ethics that evaluate acts, Hume is saying that the knowledge of the facts surrounding a situation – even when that situation is murder – moves us no closer to understanding the moral essence of that situation. "The vice [of murder] entirely escapes you, as long as you consider the object [act]. You can never find it till you turn your reflexion into your own breast, and find a sentiment of disapprobation, which arises in you, toward this action. Here is a fact; but 'tis the object of feeling, not of reason. It lies in yourself, not in the object."[34] This is why the moral status of an act – even murder – cannot be determined through a mere consideration of the act itself; something more than mere descriptive analysis is required. *Pace* Anscombe, Hume argues that if we examine the way we evaluate moral questions, we will discover that moral judgments and behavior are not determined by rational principles, let alone a rule-governed obligation. What, then, is it that we need to know in order to make a moral judgment? What information stands in the place of the "brute facts" that allowed us to make a judgment on Anscombe's account?

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[33] Hume, David, *A Treatise of Human Nature*, ed. L. A. Selby-Bigge, 2nd ed. revised by P. H. Nidditch (Oxford: Oxford University Press, 1978) p. 477

[34] *Treatise*, p. 468-469

Ethic of Sentiments

When making a moral judgment from an ethic of acts and rules, the measure is clear: if an act is prohibited, it is wrong – and always wrong – to commit that act. The measure according to an ethic of character is much less clear; when we look internally and consider the character, it is not immediately obvious what we are looking *for*. For Hume, the division between the ethical and unethical ultimately rests upon the "sentiment of disapprobation."[35] As was previously discussed, moral judgments are not made by appeal to facts that exist apart from human beings; instead, our moral preferences are tied inexorably to our natural preferences and human dispositions. Thus the moral status of any act, even murder, cannot be judged if we consider the act in isolation. Further, Hume claims that there is nothing more to say when rendering a judgment upon, for instance, cruelty and treachery, beyond the fact that they "displease from their very nature,"[36] whereas "a generous and noble character... never fails to charm and delight us."[37] Moral judgments cannot be made apart from human data; what we refer to as moral qualities are, according to Hume, projections of feelings. "The uneasiness and satisfaction are not only inseparable from vice and virtue, but constitute their very nature and essence."[38] This synonymy stands at the heart of Hume's ethical theory: reflection upon acts that we call virtuous gives rise to pleasant, satisfying feelings; by contrast, the consideration of vice is painful, displeasing, and unpleasant.

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[35] As we shall see, the sentiment must arise in just the right way or, or it cannot contribute to an ethical determination

[36] *Treatise*, p. 296.

[37] *Treatise*, p. 296

[38] *Treatise*, p. 296

That Hume's ethic is focused exclusively upon internal factors has important implications for his characterization of obligation. Unlike the obligation required by the "Hebrew-Christian" ethic, an ethic of character does not require an agent to do or to refrain from doing any specific act, because the relevant evaluation is not of the external act, but of the motives and character that gave rise to it.

By contrast, the obligation required by ethics of rules and actions is an obligation to engage in or refrain from given acts, and not surprisingly, it is governed by rules. Samuel Pufendorf provides the paradigmatic definition of this sort of obligation, influentially writing that obligation is "that whereby one is required under moral necessity to do, or admit, or suffer something."[39] Hume's account of obligation is radically different than Pufendorf's, arising as it does from a moral account that has a radically different foundation. According to Hume, obligation of the sort that is found in Pufendorf should have no place in our moral motivations unless it has been shown by independent means to be virtuous. "No action can be requir'd of us as our duty unless there be implanted in human nature some actuating passion or motive, capable of producing the action. This motive cannot be the sense of duty."[40] On this point at least, far from being the object of Anscombe's critique, Hume appears to be an important ally, anticipating her criticism and providing a means to accommodate it. In the discussion thus far, any invocation of the vocabulary that Anscombe claims is anathema is just *façon de parler*; Hume does not expect to motivate his readers to virtue by claims of

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[39] Pufendorf, quoted in Darwall, Steven, "Motive and Obligation in Hume's Ethics" *Nous*, Vol. 27, No.4. (Dec. 1993) p. 417

[40] *Treatise*, p. 518

obligation. Neither would Hume have expected that his readers would require such motivation.

An Ethic Devoid of Obligation to "Do or Forbear"

Thus, contrary to what Anscombe suggests, the characterization of obligation that derived from this moral theory is dramatically straightforward. As Steven Darwall puts it, the Humean moral obligation "derives from an observer's response to contemplated character, not in anything (to use Cumberland's words) that 'can superinduce a Necessity of doing or forbearing any thing, upon a Human Mind deliberating upon a thing future.'"[41] Put in other words, moral obligation is a natural consequence of an approving or disapproving sentiment that occurs within the agent contemplating the act; obligation does not take the form of a rule imposed from the outside that is sanctioned by some powerful authority. Instead, we pursue our Humean moral obligation for entirely natural (and entirely internal) reasons: we pursue a noble character because it serves our interests.

As I hinted earlier, however, this is not the only way of interpreting Hume. I do not claim that the reading I suggest for Hume is necessarily what Hume intended, but I am convinced that it is a plausible reading in keeping with Hume's wider philosophical considerations. To be clear, it is my intention to give Anscombe every possible advantage. It has already been established that certain readings of Hume can avoid Anscombe's charges altogether; I am curious to see if there exists a reading on which Anscombe succeeds and Hume is left clinging to a cognitively suspect notion of obligation. I believe such a reading can indeed be had. In attempting to demonstrate

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[41] Darwall, p. 417

this, we will first examine Hume's discussion of the natural virtues, where it will be argued that Hume's description of morality is not as far removed from the view Anscombe criticizes as was initially thought. Ultimately, however, this will prove insufficient, and we will see that while Anscombe's case cannot be made with regard to the natural virtues, the same cannot be said for the artificial virtues. It is here that Anscombe's case will ultimately have its greatest purchase. But before we arrive at the artificial virtues, we will consider the natural virtues.

The Reaction of Hume's Contemporaries

At this point, the prognosis for Anscombe's case is dire. There remains a sliver of hope, however, which presents itself in the form of the general point of view. Imagine attempting to extract a moral judgment from a man about his hated enemy. How, in this case, will the sentiments provide an accurate judgment based on moral merit? Similarly, if one were to hear only the first in a series of lectures on Hume's ethic, one could be misled into the conclusion that we are free to do entirely as our basest feelings would instruct. "Well, this is marvelous! I don't feel like being kind to children, so I am not obligated to act kindly. Also, I really dislike my neighbor Roger, and now Hume tells me that nothing beyond my own feelings constrains my behavior toward my neighbors! This is very liberating." This possibility – for reasons that should be, by this point, familiar – shocked Hume's contemporaries, who were somewhat scandalized by his claim that moral "facts" were nothing more than sentiments. For Hume's contemporaries as for Anscombe, morality was a normative inquiry as opposed to merely being descriptive. The purpose of morality so conceived is to provide an account of right and wrong in the robust, objective sense; thus, if an act

is wrong for one person, it is wrong for everyone. Hume's ethics appear at first glance to ignore normativity altogether, and to the extent that Hume's ethics are normative, they are focused upon what it is good to *be* rather than what it is good to do. Further, Hume's arrives at his description of what it is good to be by an examination of human sentiments. This seems to be akin to announcing that morality is in the eye of the beholder, which strikes Hume's readers (and will later strike Anscombe) as a contradiction: if it is not normative, how can it be morality? In some ways, contentions about normativity are analogous to Anscombe's earlier claim that the judicial murder of innocents must be excluded from consideration altogether. In this case, Hume is accused of entirely undermining morality by offering a description of morality that is so radically different that it cannot possibly be an accurate. Hume's contemporary critics reasoned that even if the consideration of murder does not give rise to the 'appropriate' sentiment of disapprobation, this alone does not establish that murder is permissible. "To make the *rectitude* of moral actions dependant upon *instinct*, and in proportion to the warmth and strength of the *moral sense*, rise and fall like spirits in a thermometer is depreciating the most sacred thing in the world and almost exposing it to ridicule... It might as well be said that eternal and necessary truths may be altered or diversified... by the difference of men's understanding."[42] If it is the case that no act – not even murder – is right or wrong by its very nature, then, of course, the moral value of given act is indeterminate. Does this fit with what we know about morality? Anscombe would argue that it does not: some acts can be excluded from consideration, regardless of the way we feel. There can be no exception to the rule prohibiting the judicial

[42] John Balguy, quoted in Cohen, pp. 320-321

murder of innocents for instance. Every person, regardless of their sentimental responses, *ought* to avoid certain acts. Otherwise, according to this objection, we make morality fanciful, prone to fluctuations as the temperature.

It is important to note that the case against an ethic based on the sentiments is by no means irresistible. Hume could insist that the best we can hope for is an accurate description of what we call moral and the method by which we divide the moral world into judgments of virtuous or vicious. The chief claim against Hume to this point is that his account must be about something other than morality because morality is inescapably normative. But what if Hume were to abandon normativity, and argue that the character of morality is radically different than we once thought, specifically in that there is no way to state absolutely that certain acts are impermissible? In that case, it would appear that the charge being levelled by Hume's contemporaries (and later by Anscombe) cannot proceed.

But Hume does not take this course. Instead, he introduces the General point of view. In so doing, Hume makes it clear that he expects that our moral judgments will be at least consistent – the conviction that an act is worthy of moral praise will be widely (if not universally) shared.

The General Point of View

In recognition of the fact that our sentiments and our moral judgements do not correlate entirely, Hume provides an explanation: the General Point of View, which serves to stabilize our otherwise unpredictable sentiments. Invoking the General Point of View amounts to an admission that human sentiments alone are not foolproof means of providing moral judgments. "In order, therefore, to prevent those continual

contradictions, and arrive at a more stable judgement of things, we fix on some steady and general points of view; and always, in our thoughts, place ourselves in them whatever may be our present situation."[43] In layman's terms, adopting the general point of view is akin to stepping into someone else's shoes[44] – to see things from the general point of view is to see them through the eyes of a disinterested (or perhaps 'appropriately interested') third party. Moving to this objective position does not require that we relinquish our personal point of view completely or permanently, so we are free to hold superficially contradictory views with regard to the same person or act. For instance, one could honestly tell someone, "I love you," while at the same time offering a harsh ethical critique of their character.[45] Conversely, the general point of view marks a difference between emotional responses that are purely personal – matters of taste – and those that are the foundation for ethical judgments. This returns us to the case of the man asked to give a moral account of his enemy. As Hume says, "When a man denominates another his *enemy*, his *rival*, his *antagonist*, his *adversary*, he is understood to speak the language of self-love, and to express sentiments peculiar to himself, [but] when he bestows on any man the epithets of *vicious* or *odious* or *depraved*, he then speaks another language, and expresses sentiments, in which he expects all his audience are to concur with him."[46] The general point of view thus distinguishes between two different forms of sentiment: those that are sufficient for a moral judgement, and those that, because of a recognized bias, are not. What the

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[43] *Treatise*, p. 581-582
[44] Davie, p. 277
[45] Hume says precisely this in the *Treatise*, pp. 586-587
[46] Quoted in Davie, p. 279

general point of view does *not* do is provide a foundation other than the one already laid; Hume remains convinced that sentiments give rise to moral judgments. The function of the general point of view is to help to separate which of our emotional responses are relevant to a moral judgment, and which are tainted by proximity or our own concerns. This interpretation of the general point of view seems to fit well with Hume's text, which says that we make moral judgements by, "fixing on some steady and general points of view."[47] Because it is a steady point of view, it does not change from case to case, and if general, it is accessible equally to all. It is only from within this hypothetical point of view that we are able to deliver moral judgments. And the moral judgments that are uncovered from this perspective are remarkably uniform.

Difficulties With the General Point of View

Consequently, on the whole, Hume arrives at position that certain things *should* be done by everyone.[48] This is important because it suggests that Hume's moral theory may have more in common with the absolute obligation that Anscombe claims is illicitly employed in modern moral philosophy. The untutored reaction to this is that it is a coup for Anscombe. Immediately, several difficult questions arise, the most pertinent to our purposes being the most obvious: why should we favor the sentiments delivered by the general point of view? Unless, of course, there is some external moral standard (rational or religious, for instance) to tell us which sentiments are fit to serve as the basis of our moral judgments, why do we discard some sentiments in favor of others? Further, upon accepting that some sentiments cannot be employed as the

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[47] *Treatise*, p. 39
[48] Cohen, p. 318

foundation of ethical judgments, how do we undertake to correct them? Hume believes that these objections can be answered by the action of sympathy and moral education.

Sympathy

Despite its centrality to the project, nowhere does Hume explicitly define sympathy operationally or logically, instead providing a description of its genesis and role in human psychology.[49] "No quality of human nature is more remarkable, both in itself and in its consequences, than that propensity we have to sympathize with others, and to receive by communication their inclinations and sentiments, however different from, or even contrary to our own."[50] In short, through the mechanism of sympathy, we feel sentiments of approval and disapproval for character traits that are useful generally, but not particularly for us or even for our immediate circle. The experience of eating a delicious meal and watching someone else eat a delicious meal are entirely different. It is straightforward for the person who is eating to say, "This is good food," but Hume points out that it is straightforward for the person merely *watching* to make the same pronouncement. We see their eyes roll back, perhaps they offer verbal cues (e.g. "Yummy!"), perhaps they loosen their belt and ask for seconds. Hume claims that this ability to sympathize is an important part of our moral decision-making apparatus. "When I see the effects of passion in the voice and gesture of any person, my mind immediately passes from these effect to their causes, and forms such a lively idea of the passion as is presently converted into the passion itself."[51]

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[49] Mercer, Philip, *Sympathy and Ethics*, (Oxford: Clarendon Press, 1972) p. 20
[50] *Treatise*, p. 316
[51] *Treatise*, p. 576

It is important to point out that sympathy is an involuntary human reaction – we do not choose to be sympathetic, or undertake it at anyone's command or out of a sense of duty, but because it cannot be avoided. Hume uses the analogy of a stringed instrument to express the infectious quality of the sympathetic response. "As in strings wound up, the motion of one communicates itself to the rest; so all the affections readily pass from one person to another and beget correspondent movements in every human creature."[52] The tightly wound strings does not choose to vibrate in sympathy; according to Hume, neither do we choose to limit our reactions to the general point of view (that is the public – moral view). Consider again the language Hume uses to describe our reactions to cruelty and treachery. These "displease *from their very nature*."[53] On the other hand, generosity and nobility "*never fails* to charm and delight us."[54] We cannot but be pleased by generosity, wherever it occurs, and we cannot but be repelled by cruelty, even when it is distant from us. This remarkable feature of sympathy provides Hume with an explanation for why self-interest may be effaced in favor of the concerns of a neighbor.

Admittedly, there are some instances where our sentiments are unusually recalcitrant – in connection to our own children, for instance. Although we quickly learn how to correct our sentiments by recognizing which of our sentiments are derived from the general point of view, in those situations where we find ourselves unable to feel as we should, moral education allows us to go about "correcting our language,

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[52] *Treatise*, p. 576
[53] *Treatise*, p. 296. Emphasis added
[54] *Treatise*, p. 296, emphasis added

where the sentiments are more stubborn and inalterable."[55] Knowing when to adjust our language is the task of moral education.[56]

One may express doubts about the veracity of Hume's explanation of human psychology, or doubt the efficacy of moral education to correct its shortcomings, but in our current context, this is not a profitable debate. Anscombe alleges that Hume's theory is without content, relying on the emotive force of a notion that has been emptied of meaning. In the context of the natural virtues at least, this is not true. Contrary to Anscombe's claim, Hume has provided content for his notion of obligation: it is delivered by the general point of view, acting in concert with sympathy and rational self-interest. It may be that Hume's account of psychology is inaccurate, but this is a separate case – it is not relevant to the argument that Anscombe is making. To draw an analogy, divine command accounts of obligation are not devoid of content simply because they rest on the uncertain claim that there exists a supreme being able to convey the divine will to humanity. In both the case of Hume and of the divine command theorists, their theories are content-laden. Thus, in the case of the natural virtues, Hume is excused from Anscombe's critique.

The Sensible Knave and the Artificial Virtues

Although Hume escapes judgment with regard to the natural virtues, he still must make his case for the artificial virtues. It is here, I will argue, Hume falters. As Hume expands his claims about human psychology, he claims that humans have no

[55] *Treatise*, p. 582

[56] This is Hume's admission that, in some contexts at least, sentiment is inalterable, and the general point of view is insufficient to correct it. In these cases, it appears knowledge supersedes sentiment. It would be interesting to ponder the implications of this admission in connection Hume's wider ethical considerations, but I will not pursue that here.

natural motivation toward the artificial virtues – thus are they distinguished from the natural virtues. Natural sentiments, buttressed by the general point of view, and remembering the influence of sympathy, do not explain our adherence to justice, honesty, chastity, and the rest of the artificial virtues. Here, in the artificial virtues, we find what we have been looking for. I will argue that Hume uses explicitly moral language to prop up his conception of the artificial virtues, but in spite of his best efforts, he cannot establish that these artificial virtues must be observed without exception in all cases. Though Hume's account of the artificial virtues falls short under only very specific conditions, the fact that artificial virtues are not as Hume presents them (that is, binding in all cases) represents a major shortcoming. Finally, I will make the claim that Hume's efforts to give the artificial virtues an exceptionless character are as important as the fact that he failed to do so, and may prove to be more important because it demonstrates that, even if Hume's theory is not under the thrall of the mesmeric force of the classic (pre-Enlightenment, 'Pufendorfian') account of obligation, Hume himself is, and makes an effort to approximate his account to it in this important regard.

Two things need to be established: first, it must be established that Hume seeks an exceptionless and overriding adherence to the artificial virtues. Second, we must present a case where, even according to Hume's own lights, there is no reason to observe the artificial virtues. If this can be done, then the Humean faces a choice: abandon the demand for normativity and embrace a thoroughgoing descriptivism, or admit that some ethical standard exists apart from human sentiments. It appears that the decision will not be difficult: admitting that the artificial virtues are not binding in a

small range of cases will allow Humean ethics to slip Anscombe's charges almost entirely unscathed. Nothing comes for free, of course, and in the conclusion of this section, I will provide my analysis of the cost of this repair. Before we get to this point, of course, a discussion of the artificial virtues must be undertaken, devoting special care to the claim, made earlier, that Hume expects his artificial virtues to nonetheless command absolute adherence.

The fact that Hume labels these virtues 'artificial' is somewhat disconcerting, given that his project attempts to describe the origin of human moral behavior without making appeal to anything other than the *natural* passions and *natural* dispositions (such as sympathy). That some virtues are artificial could be interpreted as meaning that some virtues are not based upon our emotional responses; they are either based upon some other standard or are entirely arbitrary, neither of which is an appealing option. Hume is quick to distance himself from this characterization, insisting that although justice is "artificial, the sense of its morality is natural."[57] Certainly, this is a confusing assertion, worthy of further consideration.

The Demands of Social Life

For Hume as for Anscombe, duty is never unconditioned: unless there is some antecedent reason to assert that an action is morally obligatory, it cannot be one's duty to perform that action.[58] So for instance, "A father knows it to be his duty to take care of his children: But he has also a natural inclination to it."[59] In this case, the duty arises from a natural inclination, and consequently, the sense of perceived duty is, in Hume's

[57] *Treatise*, 619
[58] Recall that "No action can be requir'd of us as our duty unless there be implanted in human nature some actuating passion or motive."
[59] *Treatise*, p. 519

terms, justified. The duty of care owed to one's children is justified because this is in keeping with our natural dispositions.

In the case of fidelity to promises (that is, honesty) however, Hume alleges that any sense of duty we may feel a sense is isolated from natural inclination; in fact, "'tis evident we have no motive leading us to the performance of promises."[60] Consequently, it is not *natural* to keep a promise, so it is not a natural virtue to keep one. What, then, explains our disapprobation of promise-breakers? Surely it is not merely a groundless duty that explains our reactions to the lying promise, but what other possibilities exist? It is in answer to this question that Hume introduces the concept of the artificial duty.

The importance of artificial virtue is rooted in our particular need for society. Human beings are unique in the animal kingdom, in the degree to which our needs are beyond what our physical abilities can provide.[61] Lions, for example, have a taste for wild game; luckily, they are equipped with the cunning and physical prowess to capture large prey. The ox and the sheep, while not similarly outfitted, have more docile tastes and are perfectly suited to a quiet life of introspective grazing. Human beings, however, have the desires of the lion and the frailty of the sheep. "By society all his infirmities are compensated; [In society man is] in every respect more satisfied and happy, than 'tis possible for him, in his savage and solitary condition, ever to become."[62] In this, Hume shares an insight with Kant, who will also argue that promise-breaking militates against society building, and thus mankind faces an

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[60] *Treatise*, p. 518
[61] *Treatise*, p. 485
[62] *Treatise*, p. 485

obstacle: though we are not inclined to keep promises, we will be better off if we act *contrary* to our immediate interests and inclinations. We need an inclination powerful enough to override our tendency to promise breaking. Luckily, "Mankind is an inventive species; and where an invention is obvious and absolutely necessary, it may as properly be said to be natural as any thing that proceeds immediately from original principles, without the intervention of thought or reflexion."[63] This demonstrates both sides of the coin: the artificial virtues – justice, honesty, chastity and modesty – are purely inventions, but their invention is entirely natural. Society would be unable to function without the constraints that the artificial virtues place on our natural inclinations, and the creation of society is the means by which rationally self-interested agents achieve their ends. Seen in this way, the invention of the artificial virtues is entirely natural, and in keeping with Hume's wider philosophical considerations. Hume is not offering a new motivation or explanation for the origin of our moral judgments; instead, he demonstrates that a longer view explains why the rationally self-interested agent will act in accordance with the artificial virtues despite the fact that his inclinations may counsel an alternate course. The stability offered by society is superior (in terms of its appeal to our sympathy and self-interest) to the individual advantages of dishonesty and injustice. The fact that the artificial virtues are only beneficial in social contexts, or in the presence of certain social institutions, provides a further remove from the natural virtues, the contemplation of which pleases "from their very nature."[64] The artificial virtues, on the other hand, are pleasing only when other criteria are met.

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[63] *Treatise*, p. 484
[64] *Treatise*, p. 296

Artificiality in Moral Instruction: The Noble Lie

Certainly, one can see how self-interest could motivate the artificial virtues. But it does not explain our motivation to adhere to the convention once it is in place. It is possible for an individual to reap the benefits of stability without adhering to the artificial virtues – one can be a free rider. In fact, social systems are adept at handling even widespread duplicity without collapse. Hume explicitly acknowledges this problem in the famous "Sensible Knave" passage. The knave publicly affirms his commitment to society while privately undermining the conventions that allow society to function. In a small community, the disincentive to knavery is immediate, and Hume argues, powerful: our close proximity to our fellows enforces our sense of common future, and the effects of defectors on the strength of the community are stark and obvious. In a larger group, however, this is not the case, and so, in order to ensure our fealty to the artificial virtues, some additional incentive is required. "It is here," according to Marcia Baron, "that things get interesting."[65] Anscombe would agree, because Hume is clear: the additional incentive is moral.[66] Suddenly there is renewed reason for optimism: perhaps Anscombe will be able to make a case! If Hume is unable to provide content for this moral incentive – that is, if Hume is unable to give an account for how this moral incentive is justified – Anscombe's charge is given credence.

Despite the fact that it may be in the individual's interest to occasionally stray from the artificial virtues, Hume insists that it is necessary that we should respect the

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[65] Baron, Marcia. "Hume's Noble Lie: An Account of His Artificial Virtues," *Canadian Journal of Philosophy* 12, 1982, p. 545

[66] Baron, p. 545

artificial virtues *without exception.* But why? What motivates us to pursue this standard? After introducing the question, Hume sets out to provide an answer.

> "There is nothing which touches us more nearly than our reputation, and nothing on which our reputation more depends than our conduct, with relation to the property of others. For this reason, everyone, who has any regard to his character must fix an inviolable law to himself, never, by any temptation, to be induc'd to violate those principles, which are essential to a man of probity and honour."[67]

As Baron points out, Hume has here provided two reasons for even the sensible knave to respect the artificial virtues. First, Hume points out fostering an attitude of deference toward the artificial virtues is of value for those who have "regard to his character." Developing the habit of violating the artificial virtues is damaging in that it weakens the character, and the quality of one's character ultimately determines one's behavior. Recognizing that each act has an enduring impact on the character, one must imbibe "durable principles of the mind, which extend over the whole conduct, and enter into the personal character."[68] Cultivating artificial virtues ensures moral conduct, and this brings us to the second point, namely that good conduct is the central contributor to a good reputation, and the benefits of a good reputation are palpable. For instance, a businessman who ignores the artificial virtue of fidelity will soon be ostracized, and though he may make several profitable exchanges aided by deceit, he deprives himself of the long-term benefits of cooperation. Consequently, even in those cases when it seems beneficial to violate the dictates of the artificial virtues, Hume alleges that one must resist the temptation, else risk the consequences of life without the benefit offered by society. It might appear that crime pays, but by societal convention, the balance is

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[67] *Treatise*, p. 501
[68] *Treatise*, p. 575

tipped.[69] Thus, although there is no natural reason to respect the property of others, a habit – a self-perpetuating pattern of behavior – is created, according to which it is understood that a person who violates the convention of artificial virtues will be censured.

We still need to ask how it comes to be that the principle of justice is "essential to a man of probity and honour." Is Hume making an analytic claim, in essence arguing that the very meaning of the words 'probity' and 'honour' include a respect for justice, honesty, and the other artificial virtues? Hume makes it is clear from his repeated insistence that these behaviors are not virtuous by their very nature that this is not the case. What is closer to Hume's actual contention is that, through a program of vigorous moral education, it *feels as though* the concepts of honor and probity imbed the artificial virtues to the extent that when one violates even an artificial virtue, one has an emotional response indistinguishable from those connected to violating the natural virtues.[70] Thus, although there is no natural reason to disapprobate those who break their promises, we have a visceral reaction of revulsion toward them. Unlike the revulsion for those who violate the natural virtues, however, this revulsion must be carefully honed and tutored through the process of moral education, particularly among children, encouraging "the sentiments [to] take root in their tender minds."[71] Thereafter, when given the chance to violate the artificial virtues, those who have received a proper moral education will refuse in just the same way as if they would

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[69] When you consider the time that a thief spends in jail, stealing may prove less financially advantageous than a legal occupation.
[70] Baron, p. 164
[71] *Treatise*, p. 501

facing the same choice about a natural virtue, taking pride in their chastity, honesty, or refined sense of justice. Though the motivation appears to be natural, it is artifice – the skillful means of politicians ensuring the success of their social structures. There remains, however, the question of why one should cooperate with social influences beyond a certain point. Why, that is, should the good sense of the sensible knave be absolutely impermissible? Even taking into account the repercussions of reputation and character, it would seem that one could envision a situation wherein one's best interest is served by *breaking* the commands made by the artificial virtues. Hume makes no allowance for this, insisting that there is never an exception; one must adhere to the artificial virtues at all times, which seems bizarre. The rules governing adherence to the artificial virtues must be "inviolable." Has Hume given us any reason to accept that the artificial rules be inviolable?

To demonstrate that this question is a legitimate problem for Hume, we must first present a situation where discharging the demands of the artificial virtues cannot be justified by rational self-interest and sympathy, or any natural disposition. This task is relatively straightforward; in fact, Hume provides precisely the example needed when he describes the repayment of a secret loan. Hume's stated intent is to demonstrate that justice cannot be explained by the mechanism of general benevolence alone, and Baron compellingly expands the case to preclude the possibility of any other motivation.[72] Perhaps I could be motivated by self-interest, out of fear of censure from the wider community. Of course, such censure is unlikely because this is a secret loan, and there is also no danger that I will set a bad example for the wider community. Perhaps

[72] Baron, p. 546

sympathy will encourage me to break from my plan to treat my lender unjustly, but this is dependent on my thinking that I have harmed him by withholding payment. Far more likely, I will sympathize with myself for losing a sum of money that is significant to me, while he will hardly notice the repayment. Perhaps one could be motivated by limited benevolence – (that is, benevolence for the parties who are immediately affected). But it is unlikely that I will I feel benevolence for the rich and hateful bigot who issued the loan. And since the rules of justice are mere conventions that do not reflect any larger moral reality, there is also no danger that I will have 'wronged' the old man by refusing to repay my debt. This is an important point. For Hume, there is nothing more than a convention being broken here. Certainly, I will have disappointed my lender, and certainly I will have broken the convention, but if I feel he is rich enough not to be harmed by this disappointment it is unlikely that it will arouse any feeling of beneficence. It is true, I may feel a swell of guilt for having been unjust, but there is nothing in this but the mesmeric force of tradition and education. It is a chimera, rather than any substantial justification. And it is precisely this that Anscombe inveighs against.

Hume's intention in providing this example was to establish that, antecedent to a convention ensuring justice, there is little to motivate it. General benevolence does not counsel us to act justly in this case; society is not harmed if one rich and cruel old man is left out of pocket. In fact, quite the opposite: I am impoverished – not only financially, but also because I have reason to distrust the convention of justice.[73] Baron's point is that the convention does not dramatically alter the situation – there is

[73] Baron, p. 547

still no compelling motivation to repay a secret loan. But Hume is insistent: the law that one lays down for oneself must be 'inviolable' – a law that is "never, by any temptation, to be violated." The reader will not need to be reminded that this is striking in its similarity to the sort of obligation Anscombe advocates for. But, as Baron has shown, this is a position that simply cannot be justified according to Hume's position. Consequently, Hume's insistence upon strict, inviolable, never-giving-in-to-temptation kind of obligation is evidence that something is amiss: Hume begins to look very much like someone caught in the grip of the suspicious notion of moral obligation, despite its bad fit with his own sentimentalist, character-directed virtue ethicist approach.

Hume's strict command regarding the artificial virtues could be read as a recognition of the importance of the artificial virtues. Perhaps Hume believes that the success of the artificial virtues depends upon the creation of a habit that cannot be firmly established without rigid rule following. It might be, as Baron suggests, that allowing people to evaluate each instance where the artificial virtues are demanded would result in widespread divergence from social norms, but Baron herself is quick to point out that there are "admittedly few" situations in which injustice appears to be rational.[74] Surely he cannot believe that we need the prohibition against violating the dictates of the artificial virtues because anything less would endanger the possibility of social life. Neither can he earnestly believe that the concerns of reputation and character are sufficient to motivate the rigid observance of the artificial virtues, as these principles are (as in the case of the secret loan) occasionally not at all in play. In isolation of these possibilities, all that remains is the unconditioned duty that Anscombe

[74] Baron, p. 162

and Hume agree is unwarranted. What would the danger, then, be of allowing an occasional 'indiscretion', especially in those cases when it will not offend our neighbors or our natural dispositions? The primary motivation in the creation of this moral obligation is pragmatic – after all, Hume does not believe that justice is anything more than an instrumental good. Anscombe's accusation assumes that the author intends to demonstrate a genuine duty. For Hume, we only have a duty to justice insofar as we want to live at peace with one another. There is no sanction from above, just the sure knowledge that the failure of our social systems will make our lives more difficult. Anscombe's criticism is that when we claim the mesmeric power of an absolute, unconditional obligation, we do so without sufficient justification. Hume wants, and perhaps feels he needs, an absolute unconditional obligation to justice, but clearly his reach exceeds his grasp: his success in "justifying" – even on his own terms – such an obligation is limited.

It would appear that even Hume, noted iconoclast, is reticent to admit that there are certain circumstances where justice is regrettably frail, but it seems that he cannot bring himself to discard it. Instead, upon discovering the occasional irrelevance of justice, he bolsters his case with needlessly forceful language.

The fact remains, the category of duties for which the concerns of reputation and character are insufficient to motivate obedience is small indeed. In order to make the system workable, we require an admission: the facts about artificial virtues do not match very well with what we might have hoped that they would be, and there really is no reason – psychological, pragmatic, aesthetic, scientific, or otherwise – to foist an inviolable rule counseling their acceptance. It must be admitted that in some situations,

we are not motivated to act in accordance to the artificial virtues. For Hume, this may be a bitter pill to swallow, but the alternative is much less palpable. In the introduction to his *Treatise*, Hume makes plain his intention: to apply the methods of scientific reasoning to the traditionally metaphysical field of ethics. Accordingly, Hume must make every effort to ground his theory in data gleaned from "a cautious observation of human life,"[75] rather than rhetorical words about the necessity of justice to a man of probity and honour; the entirety of his project is founded upon the supremacy of scientific reasoning. To be true to his project, Hume must accept that justice is not universally binding, but is a defeasible claim motivated by social concerns; when not so motivated, it is not motivating at all. It is an open question as to whether this triage would result in a system of ethics that is satisfactory to Anscombe, and, in fact, it is open to question whether such a theory would be satisfying to Hume.

[75] *Treatise*, p. xix

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CHAPTER III: KANT

By contrast with Hume, Kant seems the ideal target for Anscombe's criticism – *Groundwork for the Metaphysics of Morals* clearly, deliberately, and indispensably involves the concept of obligation. Moreover, Kant quite consciously sets out to do what Anscombe insists is impossible – he intends to demonstrate the plausibility of moral law (and obligation). Kant believes this can be accomplished by replacing the Divine legislator God with a concept of the moral agent as self-legislator. Anscombe gives this possibility little credence, and discards it without ceremony. "That legislation can be 'for oneself' I reject as absurd; whatever you do 'for yourself' may be admirable; but it is not legislating."[76] To understate the matter, Anscombe's argument does not proceed by making reference to the finer points of Kantian ethics. Instead, it is a rough and ready exegesis of one term: self-legislation. Anscombe claims that the concept of legislation requires a superior power in the legislator.

As we have seen, Anscombe holds to a traditional view – also espoused by Pufendorf among others – that the author of a given legislation must have authority over those the law governs. At first blush, this assertion is so intuitive as to be banal. It is assured by definition that a servant does not command his master – the master has an authority the servant lacks because of a normative power to command. As we have seen, according to Pufendorf, superior coercive force is a necessary condition of obligation without which felt obligation is illusory – apart from coercive force, all that remains is the atmosphere that Anscombe wishes to do away with entirely. Legislative authority is merely verbal unless there is also power to enforce; servants never have

[76] Anscombe, 1997, p. 39

this. Further, the power in question must be capable of coercing the unwilling. Taken together, this makes Anscombe's critique of Kant seem obvious and incorrigible: 'self-legislation' must be meaningless – how can I coerce my unwilling self unless I will to do so (i.e. am not unwilling)?

Kant's task is to demonstrate how a moral command could generate an obligation apart from the traditional condition of superior (coercive) power. It is important to point out that Anscombe's worry here has been widely shared. Kant clearly held that each agent was both the legislator of the Law of Autonomy and subject to that same law.[77] Indeed, Kant holds that the categorical imperative is delivered by nothing more than the individual's will. But how can this generate an obligation that is absolutely binding upon us? Intuitively, if one and the same will are legislator and subject, it would seem the unwilling subject could simply excuse itself of any duty it dislikes. It is obvious that the coercive effect of a law is greatly reduced if the guarantor (enforcer) of a compact is the same person who is bound by it. Consider, for instance, the familiar case of the repentant smoker who writes out a contract, promising to donate one dollar to charity for every cigarette he smokes. After a week, he remembers his promise, and realizes that he owes fifty dollars. At this point, he has two options: pay up, or re-negotiate the contract. The possibility of unilateral renegotiation is terribly tempting, and is the consequence of his unique position as author and enforcer of the law that binds him. He can excuse himself at any time, or so it appears. Consequently, Anscombe argues that the agent under an obligation that flows from self-legislation is

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[77] Kant, Immanuel, *Groundwork for the Metaphysics of Morals*, Trans. Allen G. Wood (New Haven: Yale University Press, 2002) p. 431, 433

under no obligation at all – any duty can be renegotiated with full consent from "all" concerned parties. Without an outside arbiter to lend a contract some force, there is no reason to discharge the duties that arise from it. Consequently, even if an autonomous will wills itself to acknowledge or fulfill specific a specific obligation, it could not ensure that the command is followed. But Kant himself was not unaware of the issues Anscombe raises. Kant would resist Anscombe's blunt analysis, and would perhaps request an opportunity to provide a more subtle explanation. The stakes are high; the least courtesy we can provide is to allow Kant the opportunity to answer Anscombe's charges.

The Creation of the Moral Point of View

In the *Groundwork*, before elucidating his definition of the moral point of view, Kant first describes what the moral point of view is not. In so doing, Kant provides a critique of both the traditional view of obligation – according to which only an external force may command an obligation – and treatments of ethics that rely upon empirical evidence as their primary source of data. This latter criticism would include the account of Hume, among others, while the former would apply to Pufendorf and, more pertinently, to Anscombe.

Kant's first claim is that the moral universe cannot be established by referencing empirical evidence, no matter how thorough.[78] This is because, for Kant, the aim of morality is to provide prescriptions for right behavior or attitudes, and not to furnish a description of mere phenomena. This is because no description can suffice to establish a moral framework; all attempts at establishing empirically derived "moralities" are

[78] *Groundwork,* Ak. 406-410

destined to fail. Kant claims that morality must be unconditioned, and as a consequence, we look in vain if we look in the conditioned world[79] for the origin of the moral law. According to Kant, moral thinking will always be stymied if it relies upon experience, because even a satisfactory empirical stability may be contingent, and moral law cannot be contingent. Consequently, nothing in our experience can satisfactorily establish that the way we do things is morally right. How could we be assured that moral laws were unconditioned by personal desires or inclinations "if they were merely empirical and did not take their origin fully *a priori* from pure but practical reason?"[80] The search for objective, universal and absolute moral norms requires eliminating all empirical concerns, and seeking a "pure *a priori* foundation."[81] The emphasis on the unseating of all contingent empirical data by an *a priori* groundwork is present throughout Kant's writing, and sets him apart from those for whom morality is an entirely natural psychological process.

While Kant agrees with Anscombe that moral norms cannot be hypothetical imperatives, Kant further contends that moral norms cannot be coerced. Our submission to them, he holds, must be "free". The importance of freedom is related to Kant's contention that good moral character inheres purely in intention. This means that the will is not evaluated by its "efficacy for attaining any intended end."[82] Instead, the full measure of a moral character is in its freely willing the good. This must be the

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[79] The conditioned world is the world of conditional causes, a world where one event causes another. We might also refer to the conditioned world as the empirical world of facts and data.
[80] Ak 408
[81] Ak 410
[82] Ak 394

case, for otherwise, moral credit would accrue to the law, but not to the will that obeys it. By way of illustration, imagine that I am tempted to steal, but I am afraid that the policeman will see me and punish me. According to Kant, I should not be considered moral just because I lack the gumption to break the law. True morality cannot be motivated by any external considerations – fear or promise of reward – but only an internal respect for the law. As we shall see, by consequence of this stringent requirement, it is impossible to tell if one has acted morally: acting in accord with moral law is not enough, because there is the added requirement of acting rightly out of a respect for the law.

In fact, proper intentions are so important that they provide the whole measure of our moral worth. Consequently, it does not matter if, due to "the peculiar disfavor of fate, or through the meager endowment of a stepmotherly nature"[83] we fail to accomplish anything. Because Kant is centrally concerned with the role of the will and intentions, the importance of freedom is likewise elevated to the extent that removed of freedom it is impossible to conceive of morality.[84] Genuine moral behavior cannot be compelled, but must be the overflow of the moral will, and if a person is under a compulsion to act, their will is not the source of the behavior. As a result, only a free will with the power to resist or reject moral law can be a good or dutiful one. By way of illustration, imagine the difference between a traffic accident caused by forces beyond one's control, and intentionally swerving your car into oncoming traffic. Even if the result is identical, the moral judgment of the situation is radically different: the

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[83] *Groundwork*, Ak 394
[84] *Groundwork*, Ak 446-450

autonomous driver is morally responsible, but the driver who was compelled by forces outside of his control is not culpable. Similarly, if someone twists your arm, literally or figuratively, to force you into a decision that contravenes moral legislation, you are not morally responsible for the decision, and the person who is forced into a morally conscientious decision is no more worthy of praise than the person who was forced into a vicious act is worthy of blame.[85] Apart from an autonomous will free from external regulation, moral judgments are not possible – morality simply does not apply.

This may seem paradoxical, as Kant argues that the moral law is an obligation for only truly free beings.[86] It seems odd to suggest that freedom is a condition for obligation (to moral law) and vice versa – indeed, they appear to be diametrically opposed – but Kant argues that they are as identical as different representations of the same object, or as "different fractions with the same value brought to the lowest common denominator."[87] Put another way, moral law inescapably governs the autonomous will: one cannot exist without the other. Anscombe's original critique of Kant inveighed against the possibility of self-legislation. Here, we find another apparent contradiction, in the suggestion that the autonomous will is constrained. Kant makes it clear that moral constraint is internal to the will, and inherent in the nature of freedom. Whereas for Anscombe, it appears that coercion or the possibility of coercion is a requisite part of morality, for Kant, coercion is not even a consideration for true moral decisions. Instead, the will freely adopts for itself moral obligations created by the unbending nature of principles of rationality that deliver them.

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[85] For instance, the would-be thief who is chastened by fear into obedience.
[86] *Groundwork*, Ak 447
[87] *Groundwork*, Ak 550

It seems strange to turn for support to the principles of logic – is Kant's suggestion that a fallacious inference represents a moral failure? Kant's contention is not that an offense to reason is necessarily an offense to morality; rather, he claims that reason provides the inner necessitation that Anscombe assumes an external legislator will alone provide. This is because of the unique ability of reason to take on the concerns of the practice to which it is applied. When moral questions are addressed by rational principles, reasons about the province of ethics, then, the judgments of reason become principles of ethics.[88] Reason does not have any special moral status, but in just the same way that it could provide strategic direction for chess or science, its rules and method can be applied to moral reasoning. And the ultimate directive that logic gives to the moral reasoner takes the form of the categorical imperative.

The Role of Reason

Though he does not mention the law of non-contradiction by name, Kant's argument can be explicated by making reference to the fact that consistency underlies all coherent thinking. According to the law of non-contradiction, "the conjunction of a proposition and its negation is a contradiction and is necessarily false."[89] Thus, given two contradictory propositions, one of the pair *must* be true and the other false, and a self-contradictory statement cannot be true. Kant's insight was to transfer this theoretical demand for rationality to the domain of *practice* by making it a necessary condition of being a rational agent; Kant names this The Law of Autonomy.[90] Specifically, this law of practical rationality demands that an agent's behavior be guided

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[88] *Groundwork*, Ak 459-460 note

[89] *Oxford Companion to Philosophy*, ed. Ted Honderich, (Oxford: Oxford University Press, 1995) p. 625

[90] *Groundwork*, Ak 433

by only self-consistent maxims that are consistent with other maxims that a rational agent could adopt.[91] Because it is a principle of consistent practice, it is valid for all rational agents, which obliges anyone who accepts it to prohibit not only self-inconsistent maxims, but also any maxim which conflicts with any other maxim that could be adopted. In effect, a maxim may not conflict with itself or any other consistent maxims used to guide the behavior of other rational agents. Anything else would thwart rationality by offending the principle of non-contradiction.

Having established this practical law of rationality, all that remains is the final step of translating this description of human rationality into the imperative form. This ultimately results in Kant's most famous proclamation: "So act as if the maxim of your action were to become through your will a universal law of nature." As Kant is quick to point out, this command is not merely applicable to those for whom it agreeable; because of its status as a principle of reason, the Categorical Imperative is valid for everyone.[92] Since the Categorical Imperative is prescribed by the objective demands of reason, we would need to escape our own rationality to evade our obligations. Unlike a club, one cannot "opt out" of human rationality; unlike the rules of proper decorum, the rules of logic are grounded in an *a priori* reality.[93] Consequently, the Categorical Imperative is still appropriate, even in those cases when it is contrary to our personal inclinations or desires. This is the superiority that replaces the superiority of force in

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[91] Sullivan, Roger, *An Introduction to Kant's Ethics*, (Cambridge: Cambridge University Press, 1994) p. 35, *Groundwork*, Ak 433

[92] *Groundwork*, Ak 413-414

[93] This would seem to disarm the central argument of Phillipa Foot's "*Morality as a system of Hypothetical Imperatives.*"

Anscombe's traditional point of view. The principle of autonomy cannot wield a cudgel, but in its own way it binding upon the autonomous moral reasoner all the same.

It is informative that Kant describes the principle that gives rise to the Categorical Imperative as "The Principle of Autonomy" because it suggests that failure to accord with the principle is a failure of autonomy. The self-contradictory will inveighs against itself, restricts its own movements, and always causes its own undoing. This is not to say that opposition to the categorical imperative is acting in opposition to immediate self-interest, but an inconsistent will ensures that one cannot achieve all of one's ends: satisfying one end guarantees denying another. In this way, pursuing the Principle of Autonomy allows the possibility of satisfying all of its own ends. Thus, one cannot have an autonomous and inconsistent will.

The meaning of autonomy is literally "self-rule", and is contrasted by the heteronomous will, which is "other-ruled"; the heteronomous will is not under the moral law. For Kant, the will is heteronomous if any force other than human reason governs the will. This may include physical constraints and restrictions, but also any desires that run contrary to the Categorical Imperative. That a physical constraint restricts range of action is straightforward. Less clear is how autonomy is negated by the satisfaction of desire, for surely it is not inconsistent with the requirements of the "self-rule" to choose to satisfy one's own desires. Kant's insistence that unswerving fealty to even our own desires can be negative can be explained in two ways. The first, which we have already encountered, is that our desires may be contradictory, making it impossible (both practically and logically) to pursue all of them. Despite our best efforts, the pursuit of some desires will require the frustration of others. Second, and

perhaps more importantly, is Kant's view that, morality is meant to serve as a constraint to our desires,[94] and virtue is the moral strength required to act within those constraints.

Autonomy

In order to make sense of this, we need to make reference to Kant's conception of human nature. According to Kant, human beings seem able to conceive of themselves as belonging to two realms: the realm of the physical and the realm of the noumenal.[95] Consequently, it is possible that human decisions may be divided between these two realms, each governed by their respective rules of causality. When we participate in the physical world, we are governed by a straightforward physical causality, but human beings appear to be more than mere matter ruled by efficient causes. In order to provide an explanation for the most distinctively human characteristics – freedom and morality, for instance – Kant posits another realm and "another order and legislation than that of the natural mechanism that pertains to the world of sense."[96]

Kant is emphasizing that human beings are also "agents of action"[97] and, in this capacity, we live according to an altogether different form of causality: free causality. Thus, although our participation in the physical world is governed by physical rules, we are also self-governing, rational entities, capable of genuine spontaneity; this is what makes us "persons." [98] It is in our capacity as agents of action, and by virtue of the

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[94] *Groundwork*, Ak, 397, 400, 420n
[95] Yolton, John, *Realism and Appearances: An Essay in Ontology*, (Cambridge: Cambridge University Press, 2000), p. 35
[96] *Groundwork*, Ak, p. 458
[97] Yolton, p. 35
[98] *Groundwork*, Ak 428

freedom that this capacity affords, that humans are able to participate in morality; the fulfillment of obligation only makes sense if we are persons and not mere animals.

Reason

Since it is reason commanding obedience to these moral rules, we must also believe that it is possible to obey.[99] From an objective perspective, it may be explicable that we should make our desires subservient to our reason, but this does not explain or provide a *motivation* to obey. Because it is not autonomous, and autonomy is a necessary condition of morality, the heteronomous will cannot be placed under an obligation to morality. This leads inevitably to the question of why anyone would submit to that constraint. Occasionally, it is true, we may be tripped up by contradictory desires, but on the whole, the problem of inconsistency is far from our minds in practical decision-making. Intuitively, it would appear that we satisfy many more of our desires by overriding the Categorical Imperative. Interestingly, even if this were not the case, Kant would not allow us to pursue morality simply because it is a pragmatic means for satisfying the greatest possible number of desires. Instead, Kant argues that the only moral motivation proceeds from duty. As was previously mentioned, according to Kant, in order to discharge one's duty, it is not enough merely to act in conformity with whatever the moral law obligates one to do; one must do so out of respect for the law.[100] Kant discusses a person who has "sympathetically attuned"[101] soul, and is consequently inclined to beneficence. Strangely, beneficence from this source is no more worthy of our moral approbation than beneficence rooted in

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[99] Sullivan, p. 27
[100] *Groundwork,* Ak 400
[101] *Groundwork,* Ak 398

a desire for honor or profit. Kant's requirement is strict: the moral law must never be treated as a rule for satisfying our desires, or as a means to achieving some benefit like happiness or power. Beneficent actions have moral worth only when we act "without any inclination, solely from duty."[102] It seems strange to suggest that the only morally worthy actions are those that we do not have any reason to perform, but it is in keeping with Kant's view about how one comes to be responsible or worthy of credit for what one does. The view that our satisfaction is of merely instrumental or contingent concern is further supported by our intuition that the pursuit of happiness is not synonymous with the pursuit of moral worth; neither does good moral character assure happiness.[103] To illustrate this point, Kant gives the example of a shopkeeper who treats his customers fairly, but his treatment is not unconditioned, but is, instead, motivated by the fear that if he does any less, his customers will shop elsewhere.[104] Thus, his beneficence may be profitable; it may bring honor or pleasure, but acts of beneficence are not *moral* unless motivated by respect for the law. We may praise the "clever" shopkeeper, but his prudence does not confer upon him any special moral status. To act out of duty, on the other hand, means acting out of respect for the law. This is because good moral character is intrinsically (rather than instrumentally) good; put another way, moral character cannot be motivated by the pursuit of any external good. Consequently, the imperative governing the derivation of all moral norms can be adopted by anyone because it is not tied to the discharging of some or another specific goal. Stripped of all external considerations (profit, honor, or power), what could

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[102] *Groundwork*, Ak 398
[103] *Groundwork*, Ak 442
[104] *Groundwork*, Ak 397

motivate us? "Since I have robbed the will of every impulse that could have arisen from the obedience to any law, there is nothing left over except [mere lawfulness in general]."[105] Duty means keeping the law even when other considerations inveigh against morality. No other possibility exists; our respect for duty must be tied to our responsibility to freedom and reason itself.

The demand for consistency may provide a strong justification for the position, but it does not give an explanation of the psychological, practical motivation. This is a central mystery: what motivates a person to live as if they possessed autonomous moral agency? Why not admit inconsistency and pursuing satisfaction with reason living as a slave to our passions? At this juncture, the traditional view espoused by Anscombe and eschewed by Kant would be helpful – if the legislator bore a superior force, it could simply enforce the law by the imposition of its might. For the quiet arbiter – reason – this is not possible, and, even if it were, Kantian morality is never coerced: only an autonomous will can be moral.

To recast the debate, it seems reasonable to ask Kant to provide a reason for following the dictates of morality. In Pufendorf, two conditions were required before a moral obligation could be conceived – justification and motivation. To this point, Kant has given a justification, and has, in effect, ruled out all motivations apart from respect for the dictates of duty, which are derived from the interaction between practical rationality and questions of morality. Hume made every effort to satisfy even the sensible knave, who had no natural proclivity to moral behavior. What would Kant make of an encounter with his own sensible knave who asks "For what reason should I

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[105] *Groundwork*, Ak 402

respect the commands of morality?" Beyond insisting that there is no motivation for morality apart from a respect for duty this is a question that Kant has not addressed. And, as we shall see, this is not a temporary oversight. We will return to the sensible knave's question in the conclusion, where I will argue that Kant is ultimately successful, not because he is able to satisfactorily answer the question, but because the question is misplaced. Before we get to that point, we must consider the general role of motivation in Kant's theory.

Motivation

To understand Kant's position with regard to moral motivation, it will be useful to consider an example. The claim underlying Kant's directive concerning lying promises is clear: a rational agent cannot will a lying promise. If Kant were saying that no one could *make* a lying promise, we could point to countless counterexamples: it is clearly possible to tell a lie. An education program could be undertaken to demonstrate that lying is governed by a self-defeating and inconsistent maxim, but this too may fail to correct our behavior, for in each individual instance, a lying promise may be in one's best interests. From a limited point of view, even recognizing that it is logically forbidden, a lying promise may be a perfectly cogent and reasonable strategy. Thus, although lying is both psychologically possible and often tempting, Kant remains insistent that one cannot will a maxim counseling a lying promise. Once again, Kant's interlocutor could point to examples of people who have deliberately and repeatedly chosen to lie, but this will not provide a counterexample to Kant's claim. The important distinction to seize is between the *psychologically* possible and *logically* possible; Kant is not making a psychological claim, but pointing out a normative feature of practical

rationality. Psychological predispositions are simply not of interest to Kant. Rather, Kant is showing that such a maxim can never be *justified*; that is, it can never be shown to be rational. The question of motivation, central to Hume's account, does not enter into the discussion. All of this points to the fact that Kant still has not addressed the question of psychological motivation. In fact, he seems to have precluded the possibility of any such motivation by his stringent insistence that morality must be motivated by a respect for law to the exclusion of all other possibilities.

With that said, Kant does grant that happiness is of central importance, conceding that happiness "is merely the general name for the subjective grounds of determination [motives]."[106] In this way, Kant and Hume share an important ground, in that both recognize the motivational force borne by our inevitable search for happiness. Immediately after establishing this common ground, Kant and Hume part company, as Kant contends that happiness cannot provide moral guidance in the form of a practical law, for two reasons: first, the source of happiness is "a question of the particular feeling of pleasure or displeasure in each person,"[107] and it is consequently unpredictable and highly individual. Even within one agent, time and chance amend our pleasures; it will do no good to slavishly constrain yourself to the things that brought you pleasure last year or last month, or to the things that bring your neighbor pleasure. Because what brings rational agents pleasure is neither static nor universal, the pursuit of happiness is highly personal, and the principles derived from its pursuit are neither universally binding nor objective.

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[106] Kant, Immanuel, *Critique of practical reason*, 3rd edition, trans. Lewis White Beck (New York: Macmillan Publishing) 1993, Ak 25

[107] *Critique,* Ak 26

Further even if our judgments of pleasure and pain would dependably arise in connection to the same objects, "the unanimity itself would be merely contingent."[108] Thus Kant objects that, as with any empirical evidence, happiness does not tell us that things must be this way – no assurance can be given (even if the evidence is unanimous) that the things that give us happiness do so necessarily, or ought to give us happiness. Thus, even if all rational beings were derive pleasure from the consideration of love, it may be that after a rigorous education program, this tendency could be reversed, and thereafter, the consideration of hatred would give pleasure. An objective law must be immune to such influence; indeed, an objective law must be beyond the *possibility* of such alteration. It is one thing to point out that the empirical evidence contains no exceptions; it is quite another to suggest that no exceptions are *possible*. In order to be unconditioned, a rule must be established by *a priori*, even when vouchsafed by a unanimous body of evidence. It is therefore not enough to claim that the necessity of moral laws is "not at all practical, but only physical, maintaining that our action is as inevitably forced upon us by our inclination as yawning is by seeing others yawn."[109] Kant discards this possibility for similar reasons, pointing out that empirical evidence in the hard sciences, no matter how uniform, cannot independently generate objective true generalizations. Kant is insistent: the foundation upon which moral laws are constructed must be prior to all human considerations. In an uncomfortable balance, Kant also holds that happiness provides the "subjective grounds" for our actions. Put

[108] *Critique,* Ak 26
[109] *Critique,* Ak 27

another way, our moral motivation must be duty, but psychological motivation is provided by happiness.

Happiness

Kant's position on happiness is difficult to sum, in part because it appears to significantly change between the *Groundwork* and the *Critique of Practical Reason.* Reading only the *Groundwork*, one could be forgiven for assuming that Kant is opposed to the quest for happiness. In this text, Kant appears to suggest that happiness and morality are often opposed, as our tendency is to seek our own pleasure and avoid pain, even when our duty demands that we act otherwise.[110] Kant argues that it is only coincidence if our desires correspond with proper moral action. In consequence, the pursuit of pleasure may lead us to fulfill our duties, but just as likely, we may be misled. For this reason, "throughout the *[Groundwork]*, he emphasized that our pursuit of happiness is the chief rival and impediment to morality and the reason why moral responsibilities appear to us in the form of duties."[111]

When *The Critique of Practical Reason* grants that happiness plays a centrally important role in moral discussions, even claiming that happiness is the ultimate aim of reason and of morality,[112] it seems like an abrupt about-face. In fact, the position is foreshadowed in the *Groundwork* when Kant recognizes the intrinsic (but conditional) importance of happiness. Throughout *Groundwork*, Kant is clear that there is a difference between good moral character, which is absolutely intrinsically good,[113] and happiness, which is merely conditionally intrinsically good in that it allows us to more

[110] *Groundwork,* Ak 390, 398, 442
[111] Sullivan, p. 89
[112] *Groundwork,* Ak. 395, *Critique*, Ak 61-62, 110-113
[113] *Groundwork,* Ak 396

reliably discharge our moral responsibilities.[114] Kant recognizes that humans are prone to despair, and that frail condition "can easily become a great temptation to the violation of duties."[115] The solution is simple: by seeking our own happiness, we ensure that we are fit to discharge our duties. It is important to note that, for Kant, the reverse is also true: when we discharge our duties, we are deserving of happiness. Although this foreshadows the position that Kant ultimately avows in the *Critique of Practical Reason*, the centrality of happiness to his mature views is merely suggested. In the *Groundwork*, happiness is a peripheral, secondary concern; in the *Critique of Practical Reason*, happiness in proportion to merit is the supreme end of all rational agents.

The difficulty for Kant is that although he has proven by reference to analytic principles that virtue is the "highest" end for any rational agent and the one absolute intrinsic good, it cannot be argued that virtue unrewarded by happiness would constitute our whole good rationally speaking. "For this, happiness is also required."[116] Put another way, though our reason is satisfied, our desires are not. It can be shown that good moral character is "the supreme condition of whatever appears to us to be desirable,"[117] yet strangely, even if we achieve this supreme condition, we still have unfulfilled desires: we still want for happiness. Consequently, though virtue is the unconditional, (that is, intrinsic) supreme good, the "entire and perfect good" is "happiness in exact proportion to morality."[118]

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[114] *Groundwork,* Ak 396-401
[115] *Groundwork,* Ak 399
[116] *Critique*, Ak 111
[117] *Critique*, Ak 110
[118] *Critique*, Ak 111

The idea of happiness in proportion to moral merit is also a continuation of a theme that began in the *Groundwork*, according to which it is virtue that makes you *worthy* to be happy. Kant, who places such an emphasis on duty because he knows that our natural inclinations will lead us astray, nevertheless argues that "the good will appears to constitute the indispensable condition even of the worthiness to be happy."[119] Noting that the strong connection between happiness and virtue is present throughout the text ensures that the reader cannot make the common mistake of perceiving Kant as arguing for a moral theory that would rule out happiness altogether. On the contrary, Kant makes it plain that the desire for happiness informs our decision-making, providing motivation to pursue virtue because of the belief that it will lead to happiness.

This causes an immediate problem. Even if one is unfamiliar with Kant's avowal that happiness and moral goodness are not synonymous,[120] a passing familiarity with the systems of the world will reveal that the pursuit of virtue does not necessarily yield happiness, and the happy are not necessarily virtuous. A commitment to promise-keeping, for instance, yields no benefit if others do not also commit to fidelity; and even if they do, we are often made miserable by the weird coincidences and wanton cruelty of chance. As Jesus famously put it, "The rain falls on the righteous and the unrighteous." (Matthew 5:45) This presents a serious problem for Kant, because it would be irrational (and therefore self-contradictory) for reason to command us to strive after happiness, which may be denied due to the vagaries of mere chance. If reason cannot deliver on its promise of happiness in proportion to morality, all the moral

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[119] *Groundwork*, Ak, 393
[120] *Groundwork*, Ak 442

commands derived from the foundational rules of rationality are thrown into doubt. In order for reason to be worthy of our trust, there must be happiness in proportion to merit, and even a cursory examination reveals that this is not always the case.

The fact that this present world does not satisfy this condition makes it reasonable to believe that there must be both a future life and the intervention of a just God who will ensure and guarantee the realization of the highest good – happiness in proportion to merit. Were we to deny this possibility, we effectively deny that reason is trustworthy, and because reason also delivers the commands of the moral law, consistency demands that we also abandon the moral law itself. If reason cannot be trusted absolutely, then it has no objective, *a priori* grounds, and Kant's theory is no better than any empirical theory, describing moral behavior based upon purely contingent facts.[121]

In so arguing, Kant does not reverse his earlier position which held that moral behavior could only be motivated by duty. Instead, Kant holds that is psychologically unrealistic to assume that we can maintain a resolute commitment to fulfilling our duties in the absence of any hope of ever achieving happiness in proportion to our moral merit. This does not change our responsibilities. Happiness in the *Critique of Practical Reason* is presented, by in large, as a conditional good, allowing us to better discharge our responsibility, just as it was in the *Groundwork.* Further, we are instructed to seek *morally permissible* happiness; put another way, happiness that accords with lawfulness and duty. Importantly, this relationship is not reciprocal – happiness is subservient to

[121] *Critique*, Ak 63-64

lawfulness and never the other way around. We do not seek such lawfulness as accords with happiness.

As we have seen, Kant's ethical theory undergoes a critical development between the ethical accounts provided by the *Groundwork* and *The Critique of Practical Reason.* Most problematic is the description of motivation provided in the *Critique*, which requires faith in an immortal soul and a God capable of orchestrating happiness for each person according to their merit. By invoking the highest good, Kant admits that the motivation offered by reason is insufficient on its own to ensure that we obey its dictates. It would appear that the failure of reason to motivate does not have any effect upon the justification of the moral principles it invokes: a theory may be motivational, and again it may be justified – it is not necessary for a theory to be both.

The difficulty here is that, removed of the motivational explanation afforded by appeal to immortality and the realization of the highest good in the afterlife, the question of why rational agents should avoid adumbrating moral commands remains unanswered. Kant has established his supreme moral norm, and he has even demonstrated that we cannot be true to our own rationality without giving credence to the Categorical Imperative. But why should we care that we are not being true to our rationality? After all, rationality is not dependably psychologically motivational – our belief sets are shot through with inconsistency – and even if it were, Kant will not permit any motivation apart from duty. But invoking these postulates appears to be a concession, an admission that it is not psychologically reasonable to expect that we should be motivated by duty alone. Apart from the promise of happiness in proportion

to our merit, our only motivation is located in our commitment to reason, a commitment that human beings have proven themselves all too willing to break.

Kant recognizes that discharging one's duty and acquiring virtue is not entirely satisfying: we still desire happiness and it is unrealistic to expect any but a saint to eschew the chance of deserved happiness for virtue/duty. Thus, Kant faces a problem opposite to the one he accuses Hume of, specifically, Kant has provided an *a priori* justification for the laws of ethics, but has not, indeed *cannot*, offer any motivation other than 'duty' for living by them. In keeping with his conviction that moral laws must be unconditioned, Kant cannot allow for a merely contingent motivation. Consequently, the promise of a future reward cannot be motivational, and must be a merely superfluous concern, an instrumental good allowing people to deal with their psychological frailty. Thus, the motivation for morality is still solely duty, but hope for the concrete realization of the Kingdom of Ends provides a psychological support for *duty* – a method for buoying the spirit of the downtrodden virtuous and ensuring our continued compliance. Thus, although the promise of happiness in proportion to virtue cannot be used as a motivation, it prevents us from rebelling against the "dry and earnest" form of duty that is our only permissible motivation. Seen from this perspective, it is not as damaging that the kingdom of ends represents an ideal; we are familiar with the pursuit of ends that will not be immediately satisfied. Peace on Earth, for instance, may not be realizable in our lifetime, or even in the near future, but this is not so depressing that we cannot bring ourselves to work toward it. Similarly, though progress toward a goal may be negligible, that lack of progress is often not so disheartening that we cannot see it as a justifiable goal.

Conclusion: Does Anscombe make her case?

Upon reflection, it is clear that Anscombe's initial argument is based primarily upon an appeal to common sense. Thus, Anscombe does not bother to examine what Kant intends by self-legislation, but straightaway seizes upon the apparent absurdity of the idea. Careful examination of Kant makes it clear that possibility of a two-fold nature makes what appeared to be "absurdity" plausible; and so Anscombe's initially compelling critique is quickly made uninteresting. In fact, the demands of practical reasoning assure us that the autonomous will is compelled to observe the categorical imperative. At a broader level, Anscombe's charge against all of modern philosophy also seems oddly misplaced when applied to Kant. For Anscombe, the weakness of modern accounts of obligation is that they lack a coherent justification. In Kant's case, however, the greater weakness is located in the account of motivation, because it would take otherworldly strength to efface the desire for happiness in order to pursue dry earnest duty. Recognizing this, Kant references the external motivation, as provided by the promise of happiness in proportion to merit. Rather than aiming the criticism here, where it would seem that Kant is weakest, the critique is directed at the account of justification. Aimed at this target, Anscombe's charge fails to impress. Simply put, Kant has succeeded: his account features an absolute obligation, justified by the nature of the autonomous will.

The realization of the highest good provides a much more interesting venue for Anscombe's critique. Specifically, invoking claims of immortality and God forces the reader to consider the possibility that Kant is invoking a *psychological* motivation to augment duty, which he has stated is the only suitable motivation for morality. Put

more baldly, Kant may intend these postulates to stand in the place of Pufendorf's 'coercion.' Anscombe claimed self-legislation was ridiculous because there was no mechanism for ensuring fealty to the terms of the self-legislated compact. Perhaps the kant too sensed this, and intended to fill this void, providing a carrot for those who are not naturally respectful to the law.[122] Seen in this way, Kant's theory appears vulnerable to an Anscombian critique, as the promise of happiness in proportion to merit is called upon to bear a much greater philosophical weight – it is no longer sufficient that it be merely possible, it must be an actual established reality. To demonstrate why this is not Kant's intention, we return to the question of the sensible knave.

Earlier, it was pointed out that Kant does not make any effort to compel a sensible knave who asks "For what reason should I respect the commands of morality?" This question seems eminently reasonable, but on closer inspection, the question is only reasonable in the same way that the idea of self-legislation was 'absurd.' That is to say, it is a straightforward, common sense expectation that any moral theory should provide such a reason, but in the same way that the common sense expectations were belied in the case of self-legislation, so it is that the expectation of a reason for morality is simply misplaced in Kant's theory.

Kant's project is directed at an entirely different goal than Anscombe seems to expect. Kant has no answer to give the moral skeptic in the vein of the sensible knave, but this is not an oversight; Kant never intends his argument to compel belief. The

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[122] And an implicit threat along the lines of "Watch out, or you will receive happiness in proportion to your merit, you villain!"

exceptional, incredible revelation in Kant's ethical writing is, by comparison with other moral thinkers, rather modest: Kant has provided the *possibility* of moral life. And Kant is not willing to step beyond that limit, but simply provides a justification for morality for those who are interested in living a moral life (and, in the form of the postulates of Immortality and the realization of the highest good, Kant provides hope for those struggling to maintain their commitment to duty). Consequently, Kant is not able to provide proof for sensible knaves. Kant demonstrates that it is not foolish to pursue a moral life, but he "does not take himself to be addressing the genuine moral skeptics who often populate the works of moral philosophers, that is, people who need a reason to act morally and whose moral behavior hinges on a rational proof that philosophers might try to give." Any attempt to convict Kant on the basis of the fact that he does an inadequate job of convincing the skeptic simply misunderstands Kant's intentions.

Further, Kant's formulation of morality ensures that any attempt to answer the sensible knave will come up short. In asking for clarification regarding moral motivation, sensible knaves is admitting that they are not motivated by duty, and in effect challenges Kant to provide a reason to live morally. It is tempting to view the postulates necessary for the fulfillment of the highest good as Kant's answer to this challenge, but it is clear from Kant's insistence that true morality must be unconditioned that this cannot be the case. Kant's answer to the moral skeptic must be the same as his answer to all other reasoners: we live morally only when we are motivated by respect for the moral law. If you are not so motivated, there is no possibility of moral life. Kant's theory is intended for those who are interested in moral life, and who seek to act in accordance with the demands of lawfulness. When, in quiet moments of

introspection we realize that we could be happily flouting the restrictions morality forces upon us, we can recall the promise of a better life. This contingent fact, which does not contribute to the justification of the moral, may provide the psychological tools necessary to fulfill our duty.

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CHAPTER IV: CONCLUSION

When I embarked on this project, I had in mind to answer one question: Can Anscombe make her case against the thinkers who are her target? Very quickly, it became apparent that the emphatic answer was no. Anscombe contends that Hume is a sophist. If sophistry is taken as "clever argument intended to mislead," then in labeling Hume a sophist, Anscombe is making a judgment of Hume's intentions, claiming, in effect, that Hume does not actually hold the positions he defends. To say the least, this is not a charitable reading; it makes it seem as if Hume is laying down a challenge with a wink and a nudge, offering the intellectual equivalent of a parlor game: the entertainment of uncovering the flaws in his argument. Seen in this way, though Hume is brilliant, he does not intend his thinking to be taken seriously. In reading Hume, I saw no evidence of this. Hume may be mistaken, but he is indeed earnest.

If it is possible, Anscombe is less charitable to Kant, calling his central idea "absurd" and dismissing it with scarcely more than two sentences. Of course, as becomes apparent to any reader who invests the requisite effort, Kant is both careful and brilliant. This is not to say that his ideas are without exception believable or credible, but there is no basis for calling Kant absurd. His views may be flawed, incomplete, or unconvincing, but they are not absurd.

Anscombe conveys a genuine disdain for her targets, not merely in what she says, but in what she does not say, devoting less than a paragraph to the specific refutation of Hume and Kant. It is as if Anscombe wants to make it clear that these thinkers are not worth her time; at the conclusion of this project, I am left with the

impression that Anscombe's scant attention is as much a function of her inability to make her charge applicable.

Having arrived at the conclusion that Anscombe would surely fail to satisfy the specific claims against her thinkers, I began to consider a slightly modified question: Could Anscombe's general case against modern moral obligation be successfully applied to the moral theories of Hume and Kant? At the conclusion of this project, I am convinced that the answer here, too, is no; but to Anscombe's credit, the failure is far less emphatic. There is some substance to Anscombe's critique, but considerably less can be made of it than she would like to make. In order to appreciate the importance of Anscombe's central criticism, one must be dedicated to ignoring the (terribly entertaining) bluster that accompanies it. Upon doing so, it becomes clear that the proving Anscombe's serious charges will require substantially more argument than is contained in the paper itself. One of the great (and guilty) pleasures of Anscombe's paper to revel in the lack of decorum with which she presents her complaints. I confess, something akin to delight accompanied reading her earthy condemnations of the "absurd" Kant, Hume, the "sophist" and "stupid" Mill. It is a striking change – and refreshing even – to read criticisms that are so utterly without the normal reverence given to the topic; certainly Anscombe has made herself immune to charges of offering deferential treatment on the basis of reputation.

Satisfied that the claims of absurdity and sophistry would not stick, the purpose of the project changed, to take the rather general criticism of "Modern Moral Philosophy" and apply it to the theories of her opponents, specifically Hume and Kant. The general charge is that these thinkers retain the emotive force of the cognitively

empty term 'obligation.' Anscombe carefully delineates the historical provenance of the now corrupt notion of obligation; for our purposes it is enough to be know that, prior to the enlightenment, obligation was not encumbered with incoherence. Consequently, we can infer that a representative pre-enlightenment thinker like Samuel von Pufendorf will not run afoul of this particular error. A look at Pufendorf provides insight into what will suffice for Anscombe as a satisfactory definition of moral obligation – specifically, justification and obligation.

Hume

Ultimately, Hume comes closer to satisfying the requirement. This strange, because in Hume, binding obligation is largely discarded: the obligation he invokes in his paper is clearly different than the obligation proffered by his contemporary Pufendorf, for instance. In an important way, Hume could agree with the Anscombe's suggestion that talk of moral obligation should be discarded. Specifically, Hume agrees that there is no objective support for our attributions of natural virtue and vice, and that any obligation we feel to these is motivated by our natural dispositions, acting in concert with self-interest and sympathy. In the case of the artificial virtues, however, Hume reverts to the objective absolute obligation, claiming that we must observe the artificial virtues without exception. As we have seen, there is nothing to warrant this in Hume's theory. It must be admitted that this is a strange misstep. How is it that Hume, noted non-cognitivist, noted descriptivist, is found advocating an exceptionless moral obligation? Could it be that Hume is, as Anscombe would suggest, more influenced by the Hebrew-Christian account than we might otherwise have believed? This seems likely, but it is far from a fatal flaw. In fact, the opposite may be true: Anscombe's

critique gives Hume an opportunity to make the necessary correction. The problem that has been located is more a divergence from Hume's primary philosophical considerations, as opposed to a feature of them. Further, it is only in rare situations that an exception to the artificial virtues may be considered, so there will not need to be widespread changes. The only real casualty in this is the wonderful, general nature of the artificial virtues, which now must carry an aesthetically unappealing proviso. It is a comparatively small price to pay, and it is far from the grand, cataclysmic results promised by Anscombe.

Kant

The results in the case of Kant appear to be even worse for Anscombe. According to Kant, we may be obligated – without any apparent motivation – to a dry, earnest duty. To justify this possibility, Kant seeks an *a priori* foundation, placing great emphasis upon the principles of practical rationality, and specifically the dictates of the principle of non-contradiction: we cannot will opposing ends and achieve them both. The difficulty for Kant, then, is not located in the notion of self-legislation, where Anscombe suggests we will find it. Instead, any problems seem related to Kant's account of *motivation*, and specifically the Kingdom of Ends. However, as we have seen, the nature of Kant's project and his characterization of ethical behavior precludes the possibility of answering the sensible knave; that is, Kant does not intend to provide external or psychological motivation to the moral skeptic. Ultimately, I would argue that this does not serve as evidence for Anscombe's claim, but against it: Kant shows that, contrary to pre-Enlightenment assumptions, moral obligation does not require motivational impetus. Kant has provided an answer to Anscombe on each of her

counts, and it would appear that the only way to introduce incoherence into Kant is to stretch the interpretation of his theory beyond the breaking point.

Anscombe

Anscombe's argument is, in large part, motivated by and built upon very stringent expectations of what 'counts' as a moral description. Anscombe is often tempted by stipulations, so, for instance, murder is the killing of innocents for the furtherance of one's own ends. Further, according to Anscombe, morality is normative, absolute (in the sense discussed in the introduction) and comprised of two components: justification and motivation. As we have seen, our writers are most successful when they defy Anscombe's expectations, and encounter most difficulties when they wander close to Anscombe's definition of morality. So, for instance, if Hume was willing to deny normativity and embrace descriptivism, his account is no longer party to Anscombe's concerns. For Kant, danger arises in connection with motivation; Kant wisely avoids this pitfall by avoiding questions of motivation altogether. Consequently, what Anscombe has shown is not what she expects – that the whole of modern moral philosophy is a crumbling and corrupt edifice – but that the *very specific* conception of morality *which she herself* favors cannot be explained without reference to a lawgiving God. Consequently, it can be no surprise that Anscombe ultimately endorses a version of Aristotelian virtue ethics, which, by her own reasoning, does not count as a moral theory.[123] Even if we grant that there is not a modern sense of the term "moral" in Aristotle (and this is debatable), it seems strange to suggest that Aristotle's virtue ethics are categorically different than the theories of Hume, or Kant, or Pufendorf

[123] Anscombe, 1997, p. 27

for that matter. Yet, according to Anscombe, they are. Out of deference to Anscombe, we could choose to avoid the terms that she finds problematic – duty, obligation – and re-title what was formerly 'morality' but by itself, this change is purely aesthetic, and, as far as I can see, Anscombe has given us no reason to go out of our way.

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