

## **Moral Natural Norms: A Kantian Perspective on Some Neo-Aristotelian Arguments**

**Katerina Deligiorgi**

(Sussex)

We're human beings. That is to say we are an organic life form, living, breathing, moving, hurting and mending, doing and suffering beings. It would be an odd moral philosophy that loses sight of this fact. The paper is concerned with a contemporary Aristotelian position in moral philosophy, defended originally by Philippa Foot (2001) and subsequently by Michael Thompson (2003, 2004, 2008), that aims to put this fact at the heart of our philosophical reflections about morality. This strand of neo-Aristotelianism<sup>1</sup> is of special interest from a Kantian perspective for a number of reasons. Both ethics are objectivist. Whereas Kantian ethics, at least as it is usually presented, is rationalist, absolutist and abstract, the neo-Aristotelian version has its roots in nature, addresses human beings as natural beings, and is attentive to the particulars of human life.<sup>2</sup> Perhaps the best way to capture the difference from which others flow is that nature and reason are not contraries in the neo-Aristotelian account, rather it is natural for human beings to be rational, to reason about the good, and act on the basis of practical reasoning. From a contemporary perspective, this is particularly attractive because it allows for a naturalistic defence of moral value that fits within the broader trend towards 'liberal' or 'expansive' naturalism.<sup>3</sup> Finally, because natural goodness rather than moral legislation is the guiding notion, the problem of the authority of the moral law, a problem originally identified by Elisabeth Anscombe (1958) as being particularly tricky for Kant's moral philosophy, simply does not arise for Aristotelianism.

In summary, Aristotelian ethics has the resources to address a range of first as well as second order ethical questions precisely in those areas in which Kantian ethics is traditionally supposed to be weak. My aim in this chapter is to examine some of these questions, narrowing my remit to those concerning the nature of the good and the authority of norms. In particular, I want to motivate and sketch a non-naturalist Kantian

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<sup>1</sup> Thompson calls his view naïve Aristotelianism (2008). Foot in the early 'Virtues and Vices' paper sees herself as part of a fresh movement in analytic moral philosophy that concerns itself with virtues, citing Geach and von Wright, and argues that Aristotle and especially Aquinas can offer valuable resources to think about these matters (Foot 1978, 1). Anscombe (1958) is an obvious point of reference. For a philosophical treatment of this conceptual family see Vogler (2013).

<sup>2</sup> This is a description of Kant's ethics, which I endorse, at the same time, I hope to show that these characteristics are defensible and not just useful as critical targets.

<sup>3</sup> The term 'liberal naturalism' is used in this sense by Putnam (2016) though antecedents can be found in Stroud (1996) 'expansive' naturalism. For discussion see De Caro and McArthur 2010.

response to the neo-Aristotelian challenge that targets specifically its meta-ethical and meta-normative naturalistic assumptions.<sup>4</sup>

### 1. The idea of the good.

Kant begins his ethics with the good. Clearing the ground for a metaphysics of morals, he states that it is ‘impossible to think of anything at all in the world, or even beyond it, that could be considered good without limitation except a **good will**’ (GW 4:393). So before even philosophy starts properly, when the topic is simply common human reason, Kant asks his readers to think about a good that is ‘without limitation’ (GW 4:393) and ‘absolutely good’ (GW 4:394). The answer, ‘good will’, leads to the further question: ‘what makes the will good?’ to which Kant replies, it is not good on account of the ‘effects or accomplishes’ (ibid.), but rather because of its form. The question then is how to characterize this form apart from saying that it is good. Kant’s imagined interlocutor, someone endowed with common human reason, must be thinking of *something* when thinking of the good will *as* absolutely good. The idea of a will that can be ‘good in itself’ and favoured above everything else simply in itself (ibid.) seems slippery, however. Not only Kant does not allow any content to be thought here, such as effects produced by the will, he gives no clues as to how to direct thinking about such a good; indeed he grants that there is something strange in this train of thought, which could be a ‘mere high-flown fantasy’ (ibid.). Some would agree straightaway; abstracting the will from its ‘fitness to attain some proposed end’ (ibid.) takes away from us the resources to think about the good. More seriously this abstraction signals a ‘break with the concept human’ (Thompson 2013, 704), because seeking to imagine a perfectly abstract willing as good willing means already imagining a disembodied willing and this is an early and decisive wrong turn.<sup>5</sup> I shall return to this shortly. First, I want to pursue another obvious line of attack.

In these opening lines of the *Groundwork*, Kant talks about the good as such, good without qualification, limitation, condition. This kind of talk, however, is possibly questionable and should be done away with. Following Geach (1956), Foot recommends an ‘attributive’ understanding of adjectives such as ‘good’ and ‘bad’ (Foot 2001, 3). It is important to dwell on this point because it plays a foundational role in shaping Foot’s position. Accepting Geach’s argument is a first move intended to provide a further, more fine-grained analysis of the ‘logical grammar’ of moral

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<sup>4</sup> There is by now a long tradition of Kantian commentary that focuses on substantive issues, and I have made my own contribution to this, partly inspired by pioneers such as Herman 1996 and Baron 1996. For a systematic, thorough, and practically detailed argument see Varden 2018.

<sup>5</sup> Compare Aristotle’s opening of the *Nicomachean Ethics*: ‘Every craft and every inquiry, and likewise every action and every pursuit [or, better, choice, *proairesis*], are thought to aim at some good; for which reason the good has rightly been declared to be that at which all things aim’ (Book I, 1094a).

evaluative terms (ibid.). This is a long-standing commitment. In 'Goodness and Choice' (1961), Foot develops an account of the good that is tied to function. She argues that we there is a very large range of words, which are not 'functional' in the sense that philosophers use -e.g. 'knife', 'pen', 'eye', 'root'- 'whose meaning determines criteria of goodness' (Foot 1977, 137). Her examples include 'farmer', 'rider', 'liar', 'daughter', 'father'. The criteria of goodness in this latter category are not fixed by the use the thing is put to, but rather by the kind of interest we have in something and 'what we expect from it' (ibid., 139). This takes us towards the point that then Thompson develops about goodness having human form. Given its significance for both Foot and Thompson, it is important to attend to the original Geachian point.

Geach's target is the search for *the* good, principally exemplified in Moore's non-reductivism. Geach aims to show that 'good' behaves in a way that is not compatible with non-reductivism. Descriptive adjectives as in the sentence 'this is a red shoe' can be parsed as 'this is red' and 'this is a shoe', attributive ones, such as 'this is a good horse' cannot be so parsed, for 'good' ascriptions to be meaningful there need be always something to which they are attributed ('... is a good A', 'A' is a placeholder for a noun term). The argument is also applicable here, since I attribute to Kant the view that he has a good without qualification in his sights. Although it looks as if he is making attributive use of it, as in the good *will*, what guides the enquiry is the search for something that is good without qualification. 'Something' functions grammatically as placeholder for a noun term but conceptually the enquiry belongs with the tradition that searches for *the* good. So the Geachian point still has a target in Kant. The way to respond to this challenge is to show that the idea of the good is conceptually well-defined, that it has a shape by which we can recognise it. This is exactly what Kant does when he tries to show that the good can be a form and connects the form of goodness with duty. Duty captures the common moral notion that moral goodness is about doing the right thing just because it is the right thing to do. Our pre-philosophical moral life then allows us to capture a form of goodness that is not dependent on anything external to it, such as inducements or consequences. Therefore the thought of goodness we started with is not empty, or fantastical. It is rather common. It may be that Kant's further attempt to specify this thought through the notion of law as an elucidation of the principle of duty goes wrong. But so far we have no reason to abandon the path Kant opens for us.

We may decide to part ways when confronted with the issue of locating the form of goodness. Foot aims to show that 'evaluations of human will and action share a conceptual structure with evaluations of characteristics and operations of other living things, and can only be understood in these terms' (Foot 2001, 5); and again: 'moral judgement of human actions and dispositions is one example of a genre of evaluation itself actually characterised by the fact that its objects are living beings' (ibid., 3).<sup>6</sup> The

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<sup>6</sup> Foot's naturalism, originally at least, does not appear to be motivated by the usual attractions of naturalism, chiefly avoiding supernaturalism (see e.g. Stroud 1996).

point is forcefully made by Thompson, who argues that what keeps us ‘from accepting a naïve Aristotelianism or a practical naturalism or a natural goodness theory’ of the sort Foot presents is the idea that the concept human does not have the right sort of relation to knowledge to ‘count as anything relevant to fundamental ethical theory’ (Thompson 2013, 704). This is why he thinks Kant ‘is so emphatic about dispensing with (what I am calling) the concept *human* within practical philosophy; it is something alien, impure, empirical’ that must be replaced with ‘the *pure* concepts of a *rational being in general* or of a *person*’ (ibid.).

To address these points, I propose to proceed as follows. First I want to respond to the negative claim implicit in Thompson’s discussion of Kant and it concerns Kant’s motivation for the move to pure ethics. Once this is cleared, and it is shown that it is not excess fastidiousness with the messiness of humanity that moves Kant, I will turn to Foot’s positive doctrine about natural goodness, taking into account Thompson’s eloquent elaboration of it, on the importance of the ‘concept of human’, of keeping in our sights the life form that has arisen ‘on this planet, quite contingently, in the course of evolutionary history’ (Thompson 2004, 12).

Kant explains the move to pure moral philosophy and the need for such a move in different but compatible ways. In the *Groundwork* he presents it as a result of a ‘*natural dialectic*’ (GW 4:405), it is not speculation, he writes, but ‘practical grounds themselves’ that push us to step from our common practical assumptions to ‘the field of practical philosophy’ (ibid.). The natural dialectic consists in this, that on the one hand we have the notion of goodness that fits our various purposes and then also the notion of doing the right thing just because it is the right thing to do. This latter, Kant says, is perfectly perspicuous to common human reason and without need for philosophy, common human reason distinguishes what is good and what is evil in a way that fits this notion of duty (GW 4:404). We may challenge Kant that he has not shown that *all* such evaluations are indeed translatable into the vocabulary of duty. I think this is true. However, if we think of duty as a stand-in for the ‘condition of a will that is good in itself, the worth of which surpasses all else’ (GW 4:403), then duty and ordinary judgements of moral goodness do seem to coincide in that they capture goodness that shapes behaviour that can go against someone’s interest at least narrowly conceived. The thought is that there is a good that is not translatable by saying ‘in my

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Rather, she is interested in showing that moral evaluations belong to a larger family of evaluations of ‘natural goodness and defect in living beings’ (Foot 2001, 3). This is also obvious in Foot’s early work, in which Aristotelean and Aquinian notions of goodness and virtue are not sought out explicitly for the purpose of constructing a naturalistic ethics but because they seem to provide better answers to moral questions than alternatives (see e.g. ‘Virtues and Vices’ and ‘Goodness and Choice’). The concern with avoiding supernaturalism seems to be more of a worry for McDowell than for Foot.

interests', and which, more generally does not take the form of qualified goods. Happiness promoting goods are of that sort. This is merely a conceptual distinction at this juncture and it is a conceptual distinction Kant detects in ordinary moral thinking.

So why leave this happy place? What Kant thinks creates the need for philosophy - which, like Socrates makes common reason 'attend to its own principle' (GW 4:404)- is what happens when one 'feels within himself a powerful counterweight to all the commands of duty' (GW 4:405). If we stay at the level of common reason, there are solutions to this, we can train ourselves better or try to fit better with the moral teachings we have been given, attend to exemplars and so on. But none of these addresses the philosophical worry about the ground of morality and the validity and authority of its commands. So practical philosophy is introduced to help us learn about the 'source of its principle' (ibid.). This is not the full explanation why Kant then adduces an *a priori* ground for moral laws, but at least it shows that it is not the idea Thompson (2004) and (2013) attributes to him, namely that the natural kind 'human' is alien and external and so unable to contribute anything fundamental to ethical theory. The concern, rather, is with identifying a domain of a goodness that is moral and can serve as 'ground', 'source' (GW 4:405) or 'basis' (MM 6:125) for such good. That the search turns to an *a priori* and not natural domain has to do with the question of authority of morality and the nature of agency, issues to which Foot is highly alert as I will now try to show.

Let us now turn to examine Foot's positive proposal. In *Natural Goodness*, Foot offers a systematic argument for the thesis about moral evaluations being a species of evaluations of natural goodness and defect in a human being. In what follows I will reconstruct the basic steps. The first step is to say that moral evaluations connect to ideas of goodness that gain their meaning -and sense- from human nature. The point of this is to alert us to the distinctive grammar of goodness judgements that apply to living beings. Things can be good or defective with respect to what they are supposed to do, living beings can be good or defective with respect to the sort of being they are supposed to be. Foot wants us to attend to the set of judgements we pass on individual living beings with respect to their life form, so they can be good or defective in some such respect. Specifically the evaluation of the goodness of individual living beings is possible without reference to the aims and interests of other beings. Such evaluation is natural, given the assumptions so far, and, following the previous point, it is also intrinsic.

To elaborate: the evaluation is natural because it relies on what Foot, after Anscombe, calls 'Aristotelian necessities' (2001, 15). These necessities are expressed in sentences about living beings, their habits, and life cycles that need not be true of each individual yet are true of the natural history story one wants to tell of the living being in question. Thompson, who has given a detailed analysis and defence of this species of necessity, calls these sentences 'Aristotelian categoricals' (Thompson 2008, 29) and Foot follows suit (2001, 29). Further, the evaluation is also intrinsic because such it relates to goodness or badness with respect to the life-cycle of the individual we judge. Life-

cycles include facts about nourishment and reproduction, from which norms are derived that characterise the life-form, e.g. co-operative hunting in wolves (Foot 2001, 34). In this way, we arrive at norms that are explicable ‘in terms of facts about things belonging to the natural world’ (Foot 2001, 37). This broad schema of natural normativity is recommended because it allows us to make sense of judgements of goodness through interrelated notions of function and purpose that we commonly extend to non-moral evaluations of natural beings. In the case of human beings, the evaluations do not refer to features of the individual, say her ears or feet, but to the dispositions of her will. Foot is in agreement with Kant here. She states that ‘moral goodness is goodness of the will’ (Foot 2001, 14), where by ‘will’ she not mean a piece of human mechanics, like a valve, say, which pushes us to action, but rather a manifestation of practical rationality. Will is a term that captures how humans act, which is by having some reason to do things. Natural goodness sets the context for the employment of practical rationality or, what amounts to the same thing, for exercises of the will.

This is the position in essence. I will now discuss briefly John McDowell’s response to this, partly because of its importance for any discussion of Foot’s views and partly because it helps bring into the argument a certain Kantian family of views.

McDowell’s basic point is also the starting point for Christine Korsgaard’s *Sources of Normativity*, namely that rational reflection is both a condition for posing normative questions and also the source of our continuing difficulties in settling with an answer: ‘normativity is a problem for human beings because of our reflective nature. Even if we are inclined to believe that an action is right and even if we are inclined to be motivated by that fact, it is always possible for us to call our beliefs and motives into question’ (Korsgaard 1996, 49, also 119).<sup>7</sup> McDowell’s argument is important because it picks on a point that is internal to Foot’s account, namely that humans have practical rationality. McDowell says that ‘we cannot make sense of *logos* as manifesting itself in agency without seeing it as selecting between options, rather than simply going along with what is going to happen anyway’ (McDowell 1998, 170). He illustrates the point

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<sup>7</sup> Korsgaard goes on to say that this is the reason we are pushed to do moral philosophy. While the point resembles Kant’s, it is not Kant’s. Kant speaks of moral doubt arising in a context in which we feel the pull of contrary inclinations, this doubt may be called self-serving from a moral point of view, but more benignly it is a temptation to wheel and deal when it comes to moral matters doing what suits us because ‘maybe there is nothing special about doing the right thing; maybe there is no overarching right thing I ought to be doing’. The difference is subtle but important because this latter enquiry leads to a justification of the nature of moral demands whereas the ‘why should I do this?’ which Kant also addresses leads to a justification of the authority of moral demands in relation to the agent to whom they are addressed. I think Kant’s point is rather closer to what Foot calls a ‘tight corner’ (2004, 1), though her example of the ‘Farm Boy from the Sudetenland’ does not illustrate this, on the evidence she cites from the letter she uses from the anonymous farm boy, the young man seems remarkably clear about what is to be done, why it should be done, and at peace with his choice; he possesses enviable clarity of vision and calm.

with the example of the speaking reasoning wolves, what the wolves ‘acquire is the power of speech, the power of giving expression to conceptual capacities that are rationally interlinked in ways reflected by what it makes sense to give as a reason for what’ (McDowell 1998, 169).<sup>8</sup> Practical rationality works in a context of reasons in the plural; having acquired reason, a wolf ‘can contemplate alternatives, he can step back from the natural impulse and direct critical scrutiny at it’, he can ask ‘Why should I do this?’. Once ‘this critical question has arisen’, McDowell argues, ‘how can it help to appeal to what wolves need? “Why should I pull my weight?”’, says our reflective wolf, wondering whether to idle through the hunt but still grab his share of the prey. Suppose we respond, truly enough: “Wolves need to pool their energies, if their style of hunting is to be effective.” If our wolf has stepped back from his natural impulse and taken up a critical stance why should what we say impress him? (McDowell 1998, 171). The point of the story is that though it is possible to include in a natural history of humanity practical rationality, once you have accounted for its functioning, then you have allowed for a gap to emerge between the individual who makes use of his reason and the natural goodness that is explicable in terms of facts about things that belong to the natural world.

McDowell and Foot share a conception of living nature that is not just a sum of biological facts. These facts are the substratum for the exercise of skills and abilities that can be exercised more or less well.<sup>9</sup> Foot is not unaware of the point about reasons McDowell raises. She says that ‘while animals for the good (thing) *that they see*, humans go for *what they see as good*’ and she continues that human beings have the power to *see grounds* for acting ‘and if told that they should do one thing rather than another they can ask *why* they should’ (Foot 2001, 56). She also goes as far as to acknowledge that the ‘[h]uman good is *sui generis*’ (Foot 2001, 51). However, she also insists that there is a ‘natural-history story’ about how human beings ‘achieve this good’ (ibid.). But this ‘achieving’ of the good, even if there is a natural history story that gives content to goodness, is not the same as *seeing* in the natural history story grounds for acting. McDowell’s point is that ‘reason’ is a normative notion and if we are concerned with normative force, then facts about what rational wolves or humans need to survive and flourish need not tell us what individuals in either species ought to do; in short, the

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<sup>8</sup> Cf: ‘Suppose some wolves acquire reason. I mean this as something one might say in Greek with the word ‘logos’. What the wolves acquire is the power of speech, the power of giving expression to conceptual capacities that are rationally interlinked in ways reflected by what it makes sense to give as a reason for what (McDowell 1998, 169).

<sup>9</sup> ‘Substratum’ is not quite right because it implies something neutral and rigid, whereas natural traits can affect the exercise of skills and abilities. In humans for example, pathological forgetfulness would make it very hard to keep promises. Where the boundary is between let’s say purely physical facts and normative facts is an issue that Foot does not address.

ought is guided by a conception of norm that does not follow goodness.<sup>10</sup> The worry is not about how facts bear on goodness but how goodness bears on norms.

Let me explain. When Foot tackles the question ‘Why should I do this?’ (2001, 52-65), she sees it primarily as a question of how objective evaluative standards bear on individual first person normative perplexity or outright scepticism. But the issue I think McDowell is raising here is of a rather different sort, namely that norms, on Foot’s account, are just means for bringing about the good. In that sense, and that sense alone, she has not revised her original thought about the hypotheticity of imperatives, given some good (now of course including objective natural sorts of good, goods that tend to matter to us) the norm is just a way to reach it. By contrast, if I read McDowell correctly, he is suggesting that norms have a life apart from their connection to goodness. This is why when he develops his own positive views, he thinks of norms becoming visible to us and having authority over us within a certain culture or way of life they help constitute. Following this line, morality itself would be a *sui generis* institution that generates oughts that are connected to but not identical to the human good. Because of this McDowell’s neo-Aristotelianism is not vulnerable to the sort of criticisms standardly levelled against Foot’s natural goodness position, namely that virtues do not promote fitness; such criticisms show the need for a clear boundary between substantive conceptions of goodness that can be drawn from the natural history story and formal conceptions tied to norms human beings follow, revise, contest and so on.

Thompson (2003) addresses just this issue, albeit briefly, when he discusses what he calls ‘logical Footianism’ (Thompson 2003, 2). He appears to be tackling head on the idea of instrumentality. He denies however that Foot only allows for such norms and considers this to be an extreme Humean position (Thompson 2003, 4). Instead, he argues that there is no *a priori* way of saying what ‘routes or forms that the practical application of thought can take in a practically reasoning animal’ and that the idea of practical reasoning simply demands that someone does A ‘on the strength of a consideration about doing A’ (ibid.). What form these considerations take is left open, the sorts of ought and should that are available to practical reasoners are context specific. I don’t think this is a satisfactory position. It may be a good position to have

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<sup>10</sup> Cf: ‘Reason does not just open our eyes to nature, as members of the animal species we belong to; it also enables and even obliges us to step back from it, in a way that puts its bearing on our practical problems into questions. With the onset of reason, then, the nature of the species abdicated from a previously unquestionable authority over the behaviour of the individual animal. (McDowell 1998, 172). McDowell’s own way of addressing this issue is through the concept of second nature which ‘open[s] our eyes to reasons’ (McDowell 1996, 88) and allows us to navigate a properly normative domain (and therefore assert, reject, assess, comply with reasons). A similar point is made by Rosalind Hursthouse on the importance of upbringing, which I take it is a kind of becoming initiated into the normative domain properly speaking, not just how virtuous people do things, but that there is such a thing to which virtuous people respond, namely moral oughts; see Hursthouse 1999, 79-80.



on the nature of ought because it cleaves between functional and agential interpretations of the ought.<sup>11</sup> But it is not clear that this general position helps with the moral ought: the criticism is that moral oughts have a way of slipping out of their moorings in conceptions of goodness and so they need special attention.<sup>12</sup> When Foot (2004) addresses Humeanism she is much clearer about the target, and much closer to Kant in fact. She argues that there are different types of practical rationality not reducible to each other. The first two are recognizable types of what Kant calls hypothetical imperatives: there is the ‘Humean’ or ‘neo-Humean’ ‘that refers all rational decisions to the base of the agent’s present desires’ (Foot 2004, 3), and the ‘prudential’ that refers to broader conceptions of self-interest and the agent’s good (ibid.). Foot’s aim, just like Kant’s aim which I sketched earlier, is to make space for a third type, which is of special relevance to morality, which is a should and shouldn’t that ‘*speak of reasons for doing a certain action or not doing it*’ (ibid.). She then argues that these reasons have their roots in the natural history story of human beings and refers the reader to the idea of natural goodness she develops in her book (Foot 2004, 9).

If the dialectic I presented so far is on the right lines, then the natural history story of goodness can indeed provide content for evaluative judgements and for exercises of practical rationality. However, it faces a problem when it comes to getting to grips with the specific normativity of the moral should and shouldn’t. Another way of putting this is that the problem is not a problem of content but of form. Within the neo-Aristotelian tradition I have been discussing there is talk of a form of life, but the emphasis is on the sorts of contents that make the life good for such and such living being, and in the case of humans the good that informs their practical reasoning. The talk of ‘form’ in other words takes us to a very abstract notion of goodness of the living being in question, a notion that can be filled by whatever life necessitates or a flourishing life necessitates. And I made the point that ought and good -even at that general level- can come apart. They can come together if the ought can connect with an idea of goodness that is formal. This is the direction Kant is going: his insistence on law and ought is not a kind of rule fetishism, but rather the idea that the moral law, or better, an ought that has the characteristic of being categorical, that is, for all rational beings and not admitting of exceptions, is expressive of the moral good, a good without limitation. But it has to take an imperatival form because it is the form the good takes *for* human beings, that is, for

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<sup>11</sup> I take Kant to have a typically agential conception, the ought is something that addresses and needs uptake by agents, and I take Judith Jarvis Thomson (2008) to have a functional conception see esp. p. 211.

<sup>12</sup> I think this is a point that Darwall also makes when he says ‘Moral *obligations*, I argue, are not just what there are good (or even compelling) moral reasons for us to do; they are what members of the moral community have the authority to demand that we do, what we are accountable to one another and ourselves for doing’ (Darwall 2007, 891). However, our right to use the notion of obligation needs to be established or at least something more needs saying about it. I do this in the following section, where I also look at some other points Darwall raises in connection to Anscombe.

finite beings capable of practical rationality but who also have all sorts of other ends, to do with their current desires or longer term prudential aims. So the idea of a moral law in the form of a categorical imperative is intended to help identify or clear out a space for ends which Kant calls ends of reason, that are ends proper to moral beings. But going in this direction seems to place Kantian ethics at the crosshairs of Anscombe's criticism about law and authority.

## 2. The idea of law

Anscombe (1958) offers a subtle diagnosis of modern moral philosophy, because of her brevity of expression, some care is needed in reconstructing her argument. On my reading, she is opening a two-front attack: on the one hand, she shows that a moral philosophy that directs us to care for the consequences of our actions only risks leaving us with an ethics that is conditional, allowing no sense of something that is simply wrong to do full stop; on the other hand, she argues that the notion of the 'ought' current in modern moral philosophy, while it has force, just like the prescriptivists and emotivists believe, it has no moral authority, it is like a verdict that 'retains its psychological effect, but not its meaning' (Anscombe 1958, 33).

I want to start by examining the notion of the force of the ought. One thing Anscombe can mean by force in this context is motivating force or some such notion that speaks to the belief/desire debate. Taking a step back to consider her contribution to this debate an obvious point of reference is her use of the metaphor of the direction of fit (Anscombe 2000, 56). In her description of the contrast between a man using a shopping list and a detective jotting down what the man puts in his shopping basket she appears to endorse a recognizably Humean psychology, in which beliefs aim at fitting with the world (the detective's role) whereas desires aim at realisation (the shopper's role). Such interpretation is not decisive however. The broader context of this brief discussion is given by the aim to say something about actions that is specific to them and so say something about human behaviour such that it is not just like any other causal phenomenon (which is not to say whether it is non-causal or anything of the sort). This project is perfectly consistent with the moral point she makes about consequentialist ethics, but seen from the other side so to speak: the point is that a certain kind of naturalist commitment only allows us to look at behaviour as a cause for certain consequences, which leave out what we might want to have in view, when trying to understand what someone is doing, namely the practical attitudes of the person.<sup>13</sup> If we now look at the direction of fit remarks with this larger context in mind, we can see that the initial Humean resemblance fades away to some extent, at least insofar as we

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<sup>13</sup> We might even want to include here for moral appraisal other less well defined items, that are not to do with overt choices or deliberations with a view to make a choice, items which Iris Murdoch groups under 'texture of being' (Murdoch 1956, 39). For relevant and very illuminating analysis of just these issues see Morris 1998.

may not speak of individual desires as aiming at this or that, but of desiring as something that makes sense if we open our eyes to things such as the practical attitude of a person who has certain ends in view and is guided by them in doing whatever it is they are doing, when they act intentionally.

Having now bracketed the motivational or narrowly psychological interpretation of the notion of the force of the ought, we may now turn to what I think Anscombe's real topic is, the authority of the ought. This comes out clearly in her criticism of Kant. Her argument is basically this: Kant's attempt to secularise the ought, to transpose legislation from divine to human agency, is not working because self-legislation is a bogus notion. And it is bogus precisely because it is short on authority. If I can make the law, I can also break it: I'm above it. The whole point of the authority of the law, however, is that it works if I am *under* it. The relation is not supposed to be symmetrical.<sup>14</sup> This is a perfectly good point. I will now outline Kant's position in order to show how it is not touched by this version of the criticism.

Kant is alert to the question of the authority of moral demands. This is what drives the argument that the ground of moral laws must be *a priori*. Understanding Kant's apriority claims then will serve two functions in the context of this discussion: first it ties up with the earlier discussion about the search for a non-natural ground for the form of moral goodness, and so it speaks to Thompson's argument, and second it explains how Kant aims to secure the authority of the moral ought, so as not to make it a matter of mere caprice.

The way Kant presents the relation of grounding in the first *Critique* is by separating the moral ought from anything in nature: 'The **ought** expresses a species of necessity and a connection with grounds which does not occur anywhere else in the whole of nature' (A 547/B 575).<sup>15</sup> This is of a piece with Kant's justification for the need for a metaphysics of morals, a pure philosophy of morals and with the specific claim that

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<sup>14</sup> The point is made succinctly by Teichmann: 'A law is not a request, nor yet a cooperative agreement. In fact, one cannot make requests of oneself, or make agreements with oneself, any more than one can legislate for oneself; but in the case of legislation, as Anscombe indicates, the main problem for Kant's view is that one cannot punish oneself for breaking one's own 'laws'' (Teichmann 2008, 109). The passage is cited in Stern 2014, I engage with Stern in what follows.

<sup>15</sup> I take the argument here to be about the moral ought rather than any ought, given the context. I also read this as continuous with the following thought from the *Groundwork*: 'Everyone must grant that a law, if it is to hold morally, that is, as a ground of an obligation, must carry with it absolute necessity' (GW 4:389). This is a point that Kant picks up also later when drawing a contrast between laws of physics and of chemistry: 'But it is different with moral laws. They hold as laws only insofar as they can be *seen* to have an a priori basis and to be necessary' (MM 6:215). Put together the three quotes give us a conceptual point to which corresponds a metaphysical commitment about the nature of deontic grounding, a connection with ground and authority, and finally how this relation of ground to law must be visible to agents that fall under the law.

moral commands have a priori grounds. I shall isolate the apriority claim and seek to explain what is at stake here, with a view to justifying this move.

Apriority is a claim that moral commands are moral as a matter of a *sui generis* primitive fact, what Kant calls a fact of reason. It is a fact of reason, because of the nature of the reasons morality gives us, which are objective in the sense that they have objective form, which is to say that they are universalisable and holding for all rational beings. If we follow Kant then, or at least this interpretation of his argument, we have a top-down authority relation, between a primitive ground, the fact of reason, and something grounded, the law. The ground is not opaque, on the contrary, it has rational shape and is accessible by individual rational thinkers. What Kant is saying effectively is that morality generates reasons for us to do things. The positive argument does not give us any more than that. Kant is not providing us with the a priori ground. He simply describes the relation of ground to grounded and argues that it is not a brute fact but a fact of reason. Reason gives us both the shape of authoritative commands -they are obligating unconditionally- and connects these with the formal idea of goodness, as I argued previously.

Where does self-legislation come into this account then? Self-legislation, or more accurately, rational self-legislation is a metaphor for rational order of moral norms.<sup>16</sup> Essential for understanding self-legislation is the claim that, in moral matters, 'reason does not follow the order of things as they present themselves in appearance, but frames for itself with perfect spontaneity an order [*eine eigene Ordnung*] of its own according to ideas' (A548/ B576). Of course, insofar as they reason morally and try to figure out what to do, individual agents self-legislate in an etiolated sense of the word, that is, they check whether their reasons can be a law for all agents. Individual moral self-legislation is a co-legislation and drives home the idea that we are citizens in the moral commonwealth not kings or dictators.

Still one may argue what is special about the fact of reason with respect to the authority question? It is fine to answer Anscombe's criticism by pointing at reason as legislating, but why reason rather than nature? In other words, how about Thompson and Foot's points: why should reason frame for itself its own moral order rather than turn to nature and seek guidance there? I think for this we need to look at the negative version of the argument about apriority, namely the claim that the ground for the moral ought, that by virtue of which the law is a moral law, is not reducible to natural facts. Here is how one may challenge the Kantian view: Kant, especially in the first *Critique* passages I have been quoting, is assuming a value-free conception of nature as a domain of efficient causes. Such an assumption is not necessary; worse, it is misleading when it comes to

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<sup>16</sup> The idea of the self-legislation of reason involves also claims of metaphysical and epistemic priority, which exceed the scope of this discussion; I provide further detail in Deligiorgi 2019a, 2019b and 2017 and discuss the meta-ethical commitments of the position in Deligiorgi 2012.

living beings. Here then is a root problem with the original grounding argument.

While it is true that one of the notions of nature Kant presents fits the accusation, it is also true that this is far from the only notion he holds and defends. Not only is he aware of teleological judgements when it comes to living beings, but also seeks to incorporate them systematically into his philosophy. In principle then, functional naturalistic explanations, where some features of the living being or its life cycle are judged to be good for something, are available to him. That the ground of moral demands is not to be sought there is justified by the conceptual distinction he makes between what is in the interests of the agent (or the species) in the widest sense and what is moral. It is not that Kant would be unable to entertain the idea that there is natural goodness -this is exactly how he thinks of happiness- it is just that he thinks this is the wrong *kind* of goodness for morality.

I now want to return to Anscombe's argument and see how it stands with respect to this interpretation of Kant and self-legislation and to the earlier discussion of Foot. Anscombe introduces the point about divine command to point at a deficit in current uses of 'ought', the lack of proper appreciation of the authority of morality yields commands that are at best *pro tanto*. This is a very Kantian thought as I hope to have shown. What I want to discuss now is whether divine authority adds something to the argument that the Kantian picture I have presented lacks. There are two ways of going here, one is to take Anscombe's use of divine command as a model solution to the problem of authority and either criticise it or show that it is not mandatory; the other is to focus on her recommendation that we learn from Aristotle.

One area that the Kantian apriority argument, the irreducibility to a fact of reason, may have an advantage over divine command, is that these norms are accessible to reason and amenable to rational reflection, so the ought relates intelligibly with the form of goodness. Stephen Darwall (2006) offers an interpretation of Pufendorf's solution to the problem of divine command, which he argues is also relevant to Anscombe. In order to distinguish between moral obligation and coercion, Darwall argues, 'Pufendorf required an account of moral agents' distinctive capacity for self-censure from a shared second-person and its role in free rational deliberation. But this also effectively assumes that to be accountable to God, moral agents must be accountable to themselves' (Darwall 2006, 114). He takes this point to be sufficient to turn Anscombe's claim 'on its head': while morality is indeed inconceivable without 'addressable demands' (Darwall 2006, 115 n.), these are not divine demands, or they are divine to the extent that human beings 'can enter (individually) into moral community with God only if we have the authority to form a moral community ourselves as mutually accountable free and rational persons' (Darwall 2006, 115). I think Darwall is right in pointing at the relevance of moral community -and I sought to gesture in that direction when explaining how self-legislation works at the individual level. However, his point about coercion is convincingly refuted by Stern (2014) who argues, on Anscombe's behalf, that virtues are precisely the sorts of things that make sense 'prior to God's law-giving'

It remains to ask then whether divine command is necessary for securing authority. Sabina Lovibond (2004) argues that the non-theist need not be worse off than the theist. In the context of a sympathetic reading of Anscombe, Lovibond uses Cavafy to show what it takes to 'keep the commandments of morality' without thinking of God (Lovibond 2004, 158).<sup>17</sup> The exact same point can be made in a Kantian context, what is needed is recognition of the existence of a *special* domain of norms that are not like other norms, in that their command is categorical. Categoricality implies a number of things about the distinctive shape of such demands, i.e. they are unconditional, their relation to agents, bearing on their deliberations and decisions, claim to be taken seriously and so on.

Let us now turn to the recommendation that we turn to Aristotle. It seems to me that Anscombe, and, following her, Foot look to Aristotelean ethics in order to have substantive things to say about what we ought to do, without. Still there is a subtle difference of emphasis between Anscombe's and Foot's approach to Aristotle. Anscombe is interested in alerting her contemporaries to a rich resource substantive normative ethics that does not seek to hide the modern problem of the authority of moral norms behind empty invocations of 'law' (empty because they lack an authoritative Law-giver). In contrast, for Foot, Aristotelian ethics can help us reconnect with the ways in which we think about goodness in general and also re-align ourselves with the idea of the good of living beings. That is, irrespective of where we stand on the issue of the role of God in ethics, Aristotle can give us a context in which to use so called 'thick' concepts, such as 'just', or 'unjust' and so on, and so help us say something about what we should be doing morally besides calculating outcomes, the relative merits of action in accordance with their foreseen or foreseeable consequences. This is why, I take it, Anscombe argues that instead of thinking of being bound, or obligated, to do such and such, we can think, with Aristotle's help, of failures of action as instances of *hamartanein*, of 'missing the moral mark' (Anscombe 1958, 30).<sup>18</sup> The question is what happens if we keep the Aristotelian thinking about goodness without the divine command. My concluding point in the previous section, which is now made more vivid

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<sup>17</sup> I have argued in a different context, criticising Foot, about the availability of this perspective, that of keeping the commandments of morality in messy surrounds by those who may not even have the words, or perhaps inclination, to describe their action or stance in this way (Deligiorgi 2012, 128-29).

<sup>18</sup> Whether this is an accurate representation of Aristotle is debatable. Roger Crisp for example has argued that Aristotle has a use for concepts that are much closer to the moral should and ought than Anscombe suggests, and gives the example of *dei*, 'one ought', 'one should', which, he argues, are plausibly derived from the impersonal form of 'deō' 'to need' (Crisp 2004, 83). Crisp goes on to make the interesting point that *dei* came to be used in the fifth century, in contrast to *chre*, for 'objective' necessities or constraints and gives a reference to Williams (1993) who in turn refers to Bernardete (1965). Nonetheless, if I am right, Anscombe is not seeking such a notion in Aristotle, in the first place.

in the present context, is that while Foot recognises and argues forcefully for a form of practical rationality that is neither hypothetical/instrumental nor prudential/interest-based, it is not obvious how natural goodness can sustain it. This leaves Kantian ethics in a relatively strong position on this count. In addition, if we take seriously Kant's conception of the law as given here (rather as mere historical leftover that is reduced to individual self-determination), then it would appear that there are other ethical environments not necessarily ruled by God that can account for authoritative moral commands.<sup>19</sup>

In the final section, I turn to the deeper issue raised by McDowell about rational reflection and whether it is in fact damaging for the argument about authority I sketched here.

### **3. Reason and reasons**

The traditional concern with Kantian ethics is its non-naturalism. I tried to show that there is nothing 'queer' or 'spooky' about the anti-naturalistic position I attributed to Kant. I want now briefly to consider a naturalistic Kantian ethics such as that defended by Korsgaard to show its proximity to Foot's naturalistic Aristotelianism. This will help with address an issue that can arise from the previous discussion, namely that for beings endowed with rational deliberative abilities, reasons shall always appear in the plural and such plurality does not fit the appeal to reason in the singular as a ground for moral demands. Strictly speaking, this is not a concern that features in Foot or Thompson. Still it is relevant to the broader discussion, because of the important role that pure reason plays in Kant's ethics, a role that I sought to defend and which is integral to the non-naturalist meta-ethical and meta-normative elements of the Kantian position, as presented here.

Korsgaard's naturalism consists mainly in her rejection of the grounding trajectory I sketched. This is motivated by an acceptance of the sort of metaphysical commitments popularised by expressivists, though not unique to them, namely that there are no facts that are prior and ought to guide our deliberation about what to do. There are facts that are relevant to our moral deliberations, those that Korsgaard counts as formative of our practical identities, but they are subject to rational reflection which is fundamentally about picking reasons that enable one to move on, and, in later writings, constitute oneself as agent. Not just anything will do however in this effort at self-constitution, what matters is that we apply principles and ultimately the moral law. My aim in outlining this basic thought, which of course Korsgaard (1996) and (2009) develops

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<sup>19</sup> I am tempted to say that the autonomy of morality as such is at stake in Kant's discussion that starts with duty and so the possibility of recognizing as authoritative a distinctly moral ought, the moral law.

and defends with great subtlety, is to show a parallel with Foot.<sup>20</sup> It is conceivable that an agent may constitute herself on the basis of principles without making the further move to the idea of a moral law. What happens if an agent does this? She is not a non-agent, because ex hypothesis she uses principles, it is just that they need not be moral principles. That is, it is perfectly possible to be acting with some good in view, without any particular orientation or care even for a specifically moral good. How can we appeal to such an agent to make them see this? In some versions of her argument, Korsgaard seems to answer that if reflection goes deep enough then it shall reach moral form. But this would mean that moral form is ultimately a conceptual necessity for agency. This has not been shown however, and a good thing too, since on both Kantian and Aristotelian ethics *the form of goodness, and the ought that is intelligibly connected with it, reaches out to us but it is not just us*.<sup>21</sup> Whereas naturalism appears equipped to do justice to this objectivist thought, its limitation, in both Korsgaard and Foot, is that there is nothing in our form of life that makes morality a necessary feature of it. Our form of life could have evolved without any conception of or orientation to a moral form of goodness.

Is though Kant justified in putting his faith in reason? McDowell writes about freedom of action as essentially a freedom of choice between options -what Kant calls *Willkür*. He says: 'freedom of action as inextricably connected with a freedom that is essential to conceptual thought' (McDowell 1998, 171). The point on which I want to focus is that we find ourselves with certain abilities, connections, impressions and so on and then we reflect and once we reflect we think of possibilities, of options. But options and possibilities are not categorical and unconditional things. So maybe the Kantian position is not better off here than the alternatives. I will answer this in a roundabout way starting with the role of practical reasoning in Foot and Thompson.

I said at the start that the role of practical reasoning in neo-Aristotelian ethics is one of the points in its favour, this is because we do not face a problematic relation to some external standard we have to meet. Aristotle, on Anscombe's interpretation, gives us a good way of thinking about what it takes for humans to do things *intentionally*: we are practical thinkers, we do things for reasons. This is something that Aristotle tries to capture in his account of practical syllogism, which is both reconstructive of how one goes about doing things, so that they have an answer to give if asked 'why did you do this?' and it is also action guiding when one has to put some thought into what one is to do, so they consider different ways of attaining the end they have. Thompson (2013) shows why this is an advantageous position to have when it comes to moral matters because you do not need to apprehend some form of the good in order to act well,

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<sup>20</sup> I treat in much more detail Korsgaard's views in Deligiorgi (2012).

<sup>21</sup> Perhaps this is the point Thompson is making when he is saying 'our confidence in the validity of considerations of justice and other fundamental forms of practical thought must, at a certain level, be groundless' (Thompson 2003, 7).



human goodness comes with the assurance that what it is to be human is known through being human.

Let us put to one side the earlier worry about our form of life to have developed without regard for goodness. After all here we are now doing moral philosophy and inheritors of a rich tradition of thinking about moral goodness. Here is the problem though: Aristotle describes practical syllogisms as ‘syllogisms of things to be done have a starting-point, viz. “since the end, or what is best, is such-and-such”, whatever that may be’ (*NE* II 12, 1144a31-3). The significance of this quote is that we already have the end in view. Practical syllogism is not about choice of ends. If we have the end, then we can deliberate strategically, contextually, defeasably about reasons. The reason why this is a problem is that, if we follow the authority-categoricity-reason line of thought, then what we want is not a model of strategic reasoning, what we want is to pick ends that are in accordance with reason in the singular, that is, the reason that issues to us categorical demands, the reason that grounds our distinctly moral conception of goodness. This is what Kant seeks to give us with the formulations of the categorical imperative and its distinction from the various forms of hypothetical imperatives (including prudential ones).

I want to conclude with a word about the Martians that seem so troublesome to Thompson (2004). Here is a different way of looking at Kant’s rational legislative ambitions: when it comes to following reason’s command, individual self-legislators are, as I said before, bound by their context, specifically they address others whom they recognise as members of their moral community. What is it gained by labelling them all ‘rational’? It sounds like ethical empire building so when those Martians - or maybe angelic hosts – materialise in our lonely planet we can all know where we stand.<sup>22</sup> I beg to differ. I think the underlying thought, which is also crucial to understanding the universalisation test, is that who is to count as a member of our moral community is not given, rational being is not a natural kind or at least it is not something stamped on our hide so we can tell who is rational just by looking. This is where rational reflective doubt plays a positive role: reason asks us not to take for granted its constituency, those who have a claim on our attention and can be expected to answer back when we set off pursuing the ends we stringently examined and decided that they are moral. Reason here guards us against becoming complacent. Maybe no Martians will come and no angelic hosts will manifest among us, but we have wronged many in the past and continue so to do, those we consider and those we have considered not our own. So maybe in order to lead a moral human life we cannot rest content with just the human form, maybe we need to keep the door that reason wedges open so as not to be left with a diminished form of the human.

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<sup>22</sup> Millgram (2005) has a similar diagnosis namely that Kant practical reasoning is fundamentally shaped by Kant’s commitment to the principle of sufficient reason. Kant is as a matter of fact suspicious of the PSR but Millgram’s point still has a target if the picture Thompson paints is correct.

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