

An Intuitionist Response to Moral Scepticism

A critique of Mackie's scepticism, and
an alternative proposal combining
Ross's intuitionism with a Kantian
epistemology

by

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ABSTRACT

This thesis sets out an argument in defence of moral objectivism. It takes Mackie as the critic of objectivism and it ends by proposing that the best defence of objectivism may be found in what I shall call Kantian intuitionism, which brings together elements of the intuitionism of Ross and a Kantian epistemology. The argument is fundamentally transcendental in form and it proceeds by first setting out what we intuitively believe, rejecting the sceptical attacks on those beliefs, and by then proposing a theory that can legitimize what we already do believe.

Chapter One sets out our intuitive understanding of morality: (1) that morality is cognitive, moral beliefs can be true or false; (2) that morality is real, we do not construct it; (3) that morality is rational, we can learn about it by rational investigation; and (4) that morality places us under an absolute constraint. The chapter ends by clarifying the nature of that absolute demand and by arguing that the critical idea within morality is the idea of duty.

In Chapter Two Mackie's sceptical attack on objectivism is examined. Four key arguments are identified: (1) that moral beliefs are relative to different agents; (2) that morality is based upon on non-rational causes; (3) that the idea of moral properties or entities is too queer to be sustainable; and (4) that moral objectivism involves queer epistemological commitments. Essentially all of these arguments are shown to be ambiguous; however it is proposed that Mackie has an underlying epistemological and metaphysical theory, scientific empiricism, which is (a) hostile to objectivism and (b) a theory that many find attractive for reasons that are independent of morality.

Chapter Three explores the nature of moral rationality and whether scientific empiricism can use the idea of reflective equilibrium to offer a reasonable account of moral rationality. It concludes that, while reflective equilibrium is a useful account of moral rationality, it cannot be effectively reconciled with scientific empiricism. In order to function effectively as a rational process, reflective equilibrium must be rationally constrained by our moral judgements and our moral principles.

Chapter Four begins the process of exploring some alternative epistemologies and argues that the only account that remains true to objectivism and the needs of reflective equilibrium is the account of intuitionism proposed by Ross. However this account can be developed further by drawing upon number of Kantian ideas and using them to supplement Ross's intuitionism.

So Chapter Five draws upon a number of Kant's ideas, most notably some key notions from the *Critique of Judgement*. These ideas are: (1) that we possess a rational will that is subject to the Moral law and determined by practical reason; (2) that we possess a faculty of judgement which enables us to become aware of moral properties and (3) that these two faculties together with the third faculty of thought can function to constitute the moral understanding. Using these ideas the thesis explores whether they can serve to explain how intuitions can be rational and how objectivism can be justified.

DECLARATION

Research for this thesis began in October 1990 at Birkbeck College, London and was completed at The University of Edinburgh in 2001.

I would like to thank my supervisors Roger Scruton, Andrew Chitty, Timothy Sprigge, Vinit Haksar and Rae Langton who all helped me considerably. I would particularly like to thank Rae Langton who gave me considerable support after taking on my supervision at a very last stage in my studies.

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All responsibility for research and writing are mine.

Signed

Simon John Duffy

INTRODUCTION

The argument of this thesis is that we should reject a certain kind of moral scepticism and, instead, that we should accept in its place a theory of moral intuitionism. The argument is advanced by a negative critical assault upon the arguments for scepticism proposed by Mackie and by the development of a positive alternative theory, that I shall call Kantian intuitionism.

Put in these terms the argument may seem to be straightforward. However my argument is also forced to navigate between the varied uses, within meta-ethics, of different technical terms. Often these terms can confuse the reader, often implying ideas that the author does not intend. However there is no pure language that can serve as an alternative to the rich and contested language that we actually use. So I will use the opportunity of this introduction to both rehearse the overall structure of my argument and to provide the reader with certain warnings as to the precise use that I will make of some of the key terms within my thesis.

One of the most important ideas within this thesis is the idea of an intuition. As a starting point I use the term intuition to refer only to those commonly assumed ideas or thoughts that we accept without question. I propose that in this limited sense we do have certain intuitions about the status of morality. However I am not claiming that we have a faculty of *philosophical* intuition that gives us insight into deep meta-ethical truths. Instead I am simply claiming that the beliefs that form the bedrock of our common-sense (or intuitive) beliefs about morality are the best place to start in investigating meta-ethics. However at the end of my thesis I go on to use the idea of an intuition in a more ambitious sense. I will argue that it is reasonable for us to assume that we really do possess the power to apprehend certain specific moral truths. However my own account of intuition does not treat intuition as a form of sensory perception. Instead I will rely on the idea that our full rational nature brings with it an innate awareness of certain constraints, amongst which are the constraints upon the will (that is, the Moral Law) and the constraints that experience places upon our faculty of judgement.

Now the journey that I take to reach this conclusion is dominated by an effort to rebut certain sceptical arguments put forward by Mackie. His distinctive form of

moral scepticism is an attempt to argue robustly for scepticism in meta-ethics without sullyng our faith in ethical truth. His position continues to be a powerful force both within philosophy and society. Moreover, while I disagree utterly with Mackie's conclusions I do agree with many of the points of detail within his argument.

In particular I am in strong agreement with Mackie as to how we do actually conceive of the status of morality, a position that he calls objectivism. For Mackie, objectivism implies a commitment to (a) cognitivism in ethics (we treat our moral beliefs as potential knowledge, beliefs that can be true or false), (b) the reality of morality (we do not think that we determine what is true or false in ethics but we believe that moral truths exist independently of us), (c) the rationality of morality (we believe we are capable of coming to an understanding of what is true or false in ethics) and (d) the absolute demands that our moral beliefs place upon us. I argue that Mackie is right to claim that this is how we do take morality to be. But where Mackie wishes to show that we are in error, and that this conception is inherently flawed, the hypothesis of my thesis is the contrary. My argument will be that our intuitive beliefs about the status of morality are utterly correct.

However while I do want to defend what I have here called 'objectivism' my preference for the use of that term is simply because it is the term Mackie uses to define our everyday conception of ethics. The idea of objectivity is one of those complex and contested terms that has played an important part in philosophical debate, but is fraught with different possible interpretations. In fact the idea of objectivity itself is not a clear part of our intuitive picture of morality's status.¹ Instead I am going to simply use the term 'objectivism' for the name of the theory that claims morality has those four properties that I have described above.

I also make one further point within my first chapter concerning the precise character of the absolute demands that morality makes upon us. I argue at the end of Chapter One that ethics is fundamentally deontological. That is, I argue that the idea of duty is essential to ethics. This point will not seem to be immediately relevant to my argument and to some it will seem otiose because of a commonly held view that matters of meta-ethics can be treated entirely separately from matters of ethics itself.

However I will go on to argue that if my claim that ethics is deontological is true then this does constrain the kind of meta-ethical theory that we will need to explain the objectivity of morality. In particular this assumption rules out the meta-ethical theory known as moral naturalism.

This argument concerning duty gives rise to the need to make a further terminological clarification. There is a common view, but a mistaken view, that deontologism is the opposite of consequentialism. That is, some people define deontologism as the theory that consequences of actions do not matter in morality. This is incorrect and very unhelpful in properly understanding the character of moral theory. A deontological theory is one that claims that ethical principles must be understood in terms of duties; as it is logically possible to have a duty to determine our own actions only in the light of the consequences of our actions then deontologism should not be opposed to consequentialism.

All of these introductory matters lead in Chapter Two to an analysis of Mackie's reasons for rejecting objectivism and embracing moral scepticism. He makes two fundamental arguments: the argument from relativity and the argument from queerness and he divides each of those arguments into an epistemological and a metaphysical part. I argue that all of these arguments are very weak and ambiguous, and that they provide us with no good reasons to jettison our objectivist conception of ethics. However I argue that behind these arguments lurks a broader epistemological and metaphysical theory, one that I name scientific empiricism. It is then a further assumption of my thesis that this theory of scientific empiricism is incompatible with moral objectivism and so, if it is true, then we must abandon our belief in moral objectivism.

The focus of my thesis then narrows to a consideration of the scepticism that is based upon scientific empiricism. This means that I do not consider other ways in which one might embrace moral scepticism. Instead I focus on the kind of scepticism that is ideally represented by Mackie's position. My objective is to demonstrate that scientific empiricism is false. This is a large task and my thesis only attempts to set out one kind of critical assault upon that theory. In particular I examine whether

scientific empiricism can be reconciled with our experience of the rationality of morality.

Mackie does not believe that moral rationality is bankrupt, instead he believes that we can reason about morality in at least one way; that is, by the use of reflective equilibrium. This idea, proposed by Rawls, seems to offer an account of rationality that is compatible with scientific empiricism; but I argue that the appearance of compatibility between reflective equilibrium and scientific empiricism is an illusion. If scientific empiricism were true it would render reflective equilibrium inane and utterly irrational. This argument is made within Chapter Three, the central chapter of this thesis, and the argument serves the further purpose of beginning to provide a clearer picture of what kind of theory will be needed to replace scientific empiricism. For my analysis makes clear that any adequate theory of moral rationality will have to account for our capacity both to make legitimate moral judgements *and* be aware of true moral principles. The need to explain how we can have these two different kinds of rational capacity will be central to the development of a more positive theory to replace scientific empiricism.

This is the challenge that confronts the remainder of my thesis. For my assumption is that it is insufficient to show that scientific empiricism is intellectually unattractive. Instead we must offer a coherent alternative theory that can adequately justify our commitment to moral objectivism. I begin the task of trying to define that theory in Chapter Four. There are a number of meta-ethical theories that are explicitly opposed to moral scepticism. I consider four of the anti-sceptical theories available: (a) moral constructivism, (b) moral naturalism, (c) moral rationalism and (d) moral intuitionism. However of these four theories I find that only the fourth, moral intuitionism, is compatible with moral objectivism.

Furthermore this fourth theory, the moral intuitionism proposed by Ross, is still rather limited as an alternative metaphysical and epistemological framework to scientific empiricism. Therefore in Chapter Five I try to begin the task of developing this alternative framework by combining Ross's account with a number of key Kantian ideas. In particular I exploit the Kantian account of our mental faculties that has been developed by Arendt. Hence I am able to offer a possible explanation of

what an intuition is. Further I describe how reflective equilibrium can function as a rational process. Finally I show that this theory could justify our everyday conception of morality, objectivism. It is this alternative framework that I call Kantian intuitionism.

This final step of my thesis is certainly rather speculative and it certainly is not given as an interpretation of what Kant, Arendt or Ross really meant. Instead it is an attempt to offer an original contribution to meta-ethics by making use of the distinct ideas of those great thinkers. The theory has been developed in order to try and justify what we already believe about morality. It is a theory which I hope at least suggests that we do not need to accept that Mackie's view of the world is inevitably correct. Instead we may be properly entitled to see ourselves as moral beings who, to some degree or other, have the capacity to know what is right and what is wrong and to perceive the moral character of the world in which we live.

¹ For instance I might say that you were being 'too objective' in the way you described some moral catastrophe, in which case I would be using the term objective to mean dispassionate; however a moral judgement can often be quite appropriately passionate. In fact it is possible to identify at least five possible meanings for the term 'objective' that are relevant to ethics: (a) objective can mean real rather than imagined; (b) objective can mean 'not emotionally involved'; (c) there is the idea of objectivity as implying a distinct perspective on things that is contrasted with a subjective or first-person perspective. (d) There is also the idea of objective meaning external to the mind. The subtle distinctions and overlaps between these different senses of the term 'objective' are important and have provided food for both sceptics like Mackie and anti-sceptics like Nagel. However I will use objectivity in morals in a fifth sense (e) as a label for the theory that morality has the four properties that I set out: cognitivity, reality, rationality and that it places us under an absolute constraint.

1 OUR BELIEFS ABOUT MORALITY

In the first chapter of the thesis I set out what I take to be the fundamental elements of our intuitive understanding of morality's status. In particular I argue that we intuitively believe that morality is cognitive, real, rational and that it places us under an absolute constraint. Following Mackie, I call this conception of morality's status: objectivism. I then further argue that moral theory should also be treated as deontological, that is our understanding of morality depends upon the idea of duty. The idea of duty further implies two ideas: Free Will and the Moral Law.

1.1 What do we owe common-sense?

An appeal to intuition is often an unsatisfactory form of argument, especially if by 'intuition' we just mean a highly personal insight that cannot be justified by any other means. If I claim to know that 'the Earth is flat' but argue that my knowledge is based only on 'an intuition' then you would find that laughable. For that belief is contrary to our shared scientific understanding of the way the world is and the way we commonly understand many of our modern experiences, like travelling around the globe.

Nevertheless there is a more acceptable way of using the idea of intuition. We certainly do share some understanding of the way things are which we may not be able to justify with explicit reasoning. Whether I am talking of cabbages or kings, rights or duties, I expect those who know my language to understand what I mean and to share with me many assumptions about the world and the meanings of the words I use. We are not expected to justify everything we say with a proof or a definition; instead we frequently rely on the existence of a shared picture of the world, one that provide us with a bedrock of intuitions that supports effective communication. For instance, if I say 'I'll see you next week' then I am relying upon assumptions about the nature of time that are critical to my ability to communicate with you. But I would struggle to define some of those ideas, never mind providing a justification for my use of those ideas. As Wittgenstein wrote:

I did not get my picture of the world by satisfying myself of its correctness; nor do I have it because I am satisfied of its correctness. No: it is the inherited background against which I distinguish between true and false.

Wittgenstein, *On Certainty*, 15e

These two conflicting experiences of intuition provide the broad context for this thesis and for many of the conflicts within philosophy. On the one hand we are aware of the vulnerability of many of our assumptions to critical assault; for frequently the nature of things appears much more uncertain when critically examined. On the other hand we seem to rely for all our thinking and communication on a bedrock of assumptions or intuitions. Philosophers frequently engage in this conflict. Some philosophers favour scepticism and are critical of many of our claims to knowledge. Others have explicitly sought to defend our ‘common-sense’ beliefs against the ‘ravages of scepticism’. However this is a complex conflict; for while it is quite common for one philosopher to identify himself as being opposed to scepticism it is not unusual to find that same philosopher being identified as a sceptic, or an ally of scepticism, by others.¹ Further, some philosophers are sceptics about morality but are not sceptics about everything. In fact moral scepticism seems most often to arise when a philosopher is very certain about some forms of knowledge, but believes that morality cannot be justified with the same assurance as those other forms of knowledge.

Moreover those who take themselves to be defending our common-sense intuitions against scepticism frequently disagree about the method needed to defend those intuitions. At one extreme there are philosophical optimists, like Descartes, who feel that they can provide explicit proofs that will provide a firm basis for our knowledge and which can be shown to support many if not all of our common-sense intuitions. At the other extreme is the view, often identified with Wittgenstein, that each of the different ways by which we understand the world is correct (as long as it remains within its proper realm). For them it is philosophy itself that causes confusion by seeking to find underpinnings for things which simply cannot be underpinned and by stretching meanings in ways which only serve to undo the thread of common-sense. This is the ‘quietist’ defence of our common-sense intuitions; it proposes that there is

no method for finding certain knowledge. Instead, at a certain point, we must learn the virtue of silence and ask no more questions.

An intermediate position is held by Kant, who believes philosophy can uncover *some* truths, but only some truths, and that there is a real danger that bad philosophy can lead us astray from common-sense. In particular he was concerned to defend our ordinary common-sense intuitions about morality from scepticism:

...there arises a natural dialectic - that is, a disposition to quibble with these strict laws of duty, to throw doubt on their validity or at least on their purity and strictness, and to make them, where possible more adapted to our wishes and inclinations; that is, to pervert their very foundations and destroy their whole dignity - a result which even ordinary reason is unable to approve.

In this way the common reason of mankind is impelled, not by any need for speculation... but on practical grounds themselves, to leave its own sphere and take a step into the field of practical philosophy.

Kant, *Groundwork of the Metaphysic of Morals*, p. 70

Like Kant I believe that philosophical speculation often threatens both the precise content of our moral beliefs and our understanding of the status and validity of those beliefs. So the objective of this thesis is to defend our intuitive understanding of the nature of morality from sceptical criticism and to propose a positive theory that justifies that intuitive understanding. This is essentially a transcendental argument; that is I will not deduce a position from some principle which I already know to be true with certainty, instead I will develop a position which justifies what we already happen to believe. I will develop an account of how things must be in order to justify our intuitive beliefs about morality.

This philosophical strategy is based on a simple idea: our common-sense intuitions provide us with the best place to start. For if we assume things from the start that are *not* commonly held then we will find that our deductions, however logical, will have had little effect on the reader, who is asking himself, 'Why did he start there?' However, if one identifies the real weight of our shared common-sense intuitions then one can properly attempt to persuade the reader of a better set of beliefs. Or to put this same idea another way, the burden of proof in any matter of philosophy, must surely be placed on the one who wishes to change commonly held beliefs.

However while it may make sense to start with an understanding of our common-sense intuitions, it does not follow that our common-sense intuitions are inherently coherent or defensible. It may be that our common-sense intuitions are too confused or contradictory to be defended. The initial challenge is, therefore, to try and develop an account of those common-sense intuitions. But this is not a straight-forward task, for there is always a risk that distinct philosophical theories, that we are committed to for quite independent reasons, will become mixed up with our account our intuitive beliefs in a way that ensures that we lose our starting-point before we have even begun.² So we need something to illustrate our common-sense intuitions in a way that does not depend on first adopting a philosophical position. My assumption will be that it is our use of moral language that will provide us with that guidance; that is, close attention to the characteristic features of moral discourse will reveal the underlying assumptions that guide that discourse.

The first challenge is to distinguish moral discourse from other forms of discourse that may share some of the same terms. We can identify a critical set of distinctions if we examine the question ‘What is right?’ For we can identify three quite different possible meanings for that question: the instrumental, the ethical and the meta-ethical. In English these three senses can often be distinguished by the different locations of the stress in the spoken phrase.³

If we say ‘*What* is right?’ as in ‘*What* is the right way to get home?’ we are often concerned with an *instrumental* question. What is usually implicit is that we want to get home quickly and safely. What we are concerned to identify is the actual technique that will best achieve the envisioned end. This is not a moral question. We can even imagine someone asking this kind of question of some end he knew was wrong. For instance, when, in *Suspicion*, Cary Grant asks the famous author the best way to murder someone we assume he is using ‘best’ in this instrumental sense. I will not be directly concerned with analysing this form of discourse, although I will occasionally draw certain distinctions between it and ethical discourse.

If we say ‘What is *right*?’ as in ‘What is the *right* thing to do?’ we are concerned with an *ethical* question; what is implicit is that there is some kind of obligation which I may or may not have, and its precise character is being questioned. This is an

example of ethical discourse and it is this kind of discourse that I will be trying to analyse.

Finally, if we say ‘What *is* right?’ as in ‘What is it for something to be right?’ we are asking a *meta-ethical* question. This is not a question that is asked very often outside philosophy seminars. Nevertheless it seems quite meaningful, and not too different from other questions asked in the same way. For example the question ‘What *is* red?’ might be answered by ‘It’s a colour’ or by some more complex scientific statement.⁴ Clearly my whole thesis exists as an episode within this last form of discourse. In particular, I am concerned to define the intuitive meta-ethical assumptions that we make and to defend those assumptions from sceptical criticism. However it is the common-sense intuitions that are revealed by an analysis of *ethical* discourse that I am primarily concerned to defend, rather than any existing part of meta-ethical debate itself.

Moreover, although I will be making an analysis of ethical discourse, this thesis is not directly concerned with ethical questions themselves. I am not trying to answer questions such as ‘What is *right*?’ or attempting to define the ethical principles by which we should live. My concern is to understand the beliefs that underpin moral discourse.

Now the work of identifying our intuitive understanding of morality has already been carried out by one of the most influential moral sceptics, Mackie. He argues in his book *Ethics* that our intuitive understanding of morality is fundamentally flawed and, with certain caveats, he is happy to take on the mantle of the moral sceptic. He makes a series of arguments to demonstrate that morality is not what it seems to be. I will examine these arguments in detail below, as I am going to treat Mackie as the primary target of my own critical arguments, but now I will consider how Mackie himself pictures our intuitive understanding of morality.

¹ Descartes is a leading example of such a thinker who himself writes “Not that indeed I imitated the sceptics, who only doubt for the sake of doubting, and pretend to be always uncertain; for on the contrary, my design was only to provide myself with good ground for assurance, and to reject the quicksand and mud in order to find the rock or clay.” [Descartes, *Discourse on Method* in Descartes [2] p.125] Yet many have argued that Descartes is a sceptic in spite of himself, precisely because his arguments do *not* succeed in providing good grounds for assurance with regard to the sceptical problems he highlights.

² And it is not just ‘philosophers’ who have philosophical beliefs; we all have them. For instance the idea that ‘moral beliefs are relative’ is now a commonplace idea. However I will go on to argue that this idea is in sharp contradiction with the assumptions we actually make when really engaged in moral debate and should therefore be treated as an *intuition* about morality’s status.

³ The location of the stress will not always indicate the intended meaning; nevertheless I think that attending to the different possible articulations of the sentences does illuminate the potential distinctions in meaning.

⁴ As opposed to ‘*What* is red?’ which seeks to identify what things there are that are red, for example post-boxes, or ‘What is *red*?’ which seeks to learn more about the specific qualities of red as a colour, for example ‘It’s deeper than orange’ or ‘Its a fiery colour.’

1.2 Our everyday conception of ethics

Mackie's initial sceptical claim is that "There are no objective values" and he refers to the common-sense picture of ethics as the "everyday objectivist" conception of ethics.¹ Although Mackie believes that this conception is false, he nevertheless provides a useful account of that "everyday" or intuitive understanding:

The ordinary user of moral language means to say something about whatever it is that he characterizes morally, for example a possible action, as it is in itself, or would be if it were realized, and not about, or even simply expressive of, his, or anyone else's attitude or relation to it. But the something he wants to say is not purely descriptive, certainly not inert, but something that involves a call for action or for the refraining from action, and one that is absolute, not contingent upon any desire or preference or policy or choice, his own or anyone else's. Someone in a state of moral perplexity, wondering whether it would be wrong for him to engage, say, in research related to bacteriological warfare, wants to arrive at some judgement about this concrete case, his doing this work at this time in these actual circumstances; his relevant characteristics will be part of the subject of the judgement, but no relation between him and the proposed action will be part of the predicate. The question is not, for example, whether he really wants to do this work, whether it will satisfy or dissatisfy him, whether he will in the long run have a pro-attitude towards it, or whether this action is an action of a sort that he can happily and sincerely recommend in all relevantly similar cases. Nor is he even wondering just whether to recommend such action in all relevantly similar cases. He wants to know whether this course of action would be wrong in itself. Something like this is the everyday objectivist concept of which talk about non-natural qualities is a philosopher's reconstruction.

Mackie, *Ethics*, pp. 33-34

In Mackie's account I think we can identify at least four different but connected claims about our intuitive understanding of morality. Or, to put the point slightly differently, objectivism in morality implies a commitment to four further beliefs:

a) Cognitivism

Mackie assumes that when we are confronted by a moral question then we want to know what the answer is to that question and we assume that there is an answer: that

some response is true, while another is false. That is, we are cognitivists about morality; we believe that ethical propositions are either true or false.

Now on the face of it every discourse in which assertions are made appears to be cognitive, in that any assertoric statement can be denied or confirmed. For instance: 'Water has a boiling point of 100 degrees Celsius', 'Post boxes are red', 'Killing people is wrong', 'Stravinsky is a great composer' or 'Coconut tastes awful' are all statements that can be treated as true or false. However what can be disputed is whether every discourse that appears to be cognitive should be properly treated as cognitive. For instance, it is commonly assumed that matters of mere personal taste, while they can be expressed as statements, would be better understood as expressions of attitude. So when I say 'Coconut tastes awful' this should be understood not as an attempt to say something true about the taste of coconut. Rather, I am simply expressing my personal attitude towards the taste of coconut.

So, in terms of Mackie's own example, the researcher is seeking an answer to his question. He wants to know whether it is true or false that 'It is wrong to do research into bacteriological warfare.' Mackie is surely right here about ethical discourse. We do take ethical discourse to be cognitive in this precise sense. This means that those who have tried to analyse ethical discourse into some non-cognitive form, for example as an expression of an emotion or attitude, are certainly mistaken if they believe that their analyses accurately represent what we actually mean when we engage in ethical discourse.² Our everyday objectivist conception of morality implies cognitivism, the position that moral beliefs are either true or false.

b) Realism

When Mackie claims that the typical moral language user is aiming to describe something "as it is in itself" as opposed to being expressive of an "attitude" it is implicit that the subject matter of ethics, what we are describing, is not something that, in any sense, it is up to us to determine. That is, Mackie rightly asserts that we take morality to be about something real in the precise sense that it is not something that we have imagined, 'made up' or constructed. The potential researcher wants to know whether working on the project is 'really' right not whether he or anyone else has a positive attitude to him working on the project. He assumes the truth of the

matter lies in something that is quite independent of anything he himself can determine, either individually or in concert with others.

It is important to see that this question is actually a distinct feature from the previous question. Not all forms of cognitive discourse are taken to be about something real. Sometimes we take ourselves to be talking about something real and sometimes we take ourselves to be talking about something fictional or imaginary. However, we can make cognitive assertions about something that is not real. For example, we can make true or false statements about the rules of a game that we have constructed ourselves. We would not say such rules were themselves real, even though we can make true or false statements about them. Positive law, the law of countries, is like that. It is quite possible to make true or false statements about laws of Scotland (they are cognitive matters that we can clearly know or fail to know) but we do not treat them as real in that they are quite clearly rules that we've made up ourselves in order to live together. Hence our everyday objectivist conception of morality implies realism, the position that our moral beliefs are based upon something that is independent of our own determination.

c) *Rationality*

A further implicit feature of moral discourse is its rationality. When the researcher seeks to identify what is the right thing to do he is seeking reasons that will justify the truth of one belief or another. So, we intuitively assume that ethical discourse is rational and that debate and dialogue can help the participants to 'find the truth'. This is not the same in every form of discourse. For instance, if the researcher and his wife were acting in a play or were performing a ritual then it would not be appropriate to ask them to justify their words. However, in ethical discourse, justification is taken to be both possible and appropriate.

However there is a caveat here. While it seems to me unquestionable that ethical discourse seems rational in this sense that I have described above I think that the way that ethical beliefs are authorized is different to the way some other rational beliefs are authorized. For instance, if I claim that 'this book weighs 100g' then you might very well ask 'Do you *know* that?' In that case you would expect a clear answer from me as to how I came to hold the belief that the book had that weight. For example

you might expect me to have measured its weight or to have been told about its weight by some reliable source; that is, I might quite naturally say ‘I *know* it weighs that much because I’ve just weighed it.’ If I could give no answer then you might take my statement to be ‘just a guess’ and you would normally expect me to have made that clear at the outset by not making a clear assertion of knowledge but by saying something like ‘I *believe* it weighs 100g’.

However ethical discourse does not seem to follow this pattern. While we expect to have to give reasons for our moral beliefs we are rarely asked to authorize our claims by reference to a determinative procedure. If you ask me ‘Why is it wrong to kill people?’ you do not expect me to provide a proof or demonstration of the fact that it is wrong. Reasons *are* expected, but there is no expectation that some determinative procedure can be applied to decide what is true.

In fact, I would argue this feature of ethical discourse is reflected by the fact that we don’t tend to make much use of the verb ‘to know’ when expressing ethical beliefs. We are much more likely to say ‘I *believe* its wrong to kill people’ than to say ‘I *know* killing people is wrong’ and this is *not* because we think that such a belief doesn’t qualify as knowledge. Rather it is because *justification* in ethics *is* less determinative than in some other forms of discourse. This does not mean we cannot be ethical cognitivists or that ethical justification is impossible, far from it. It simply means that when we make moral claims we are aware that we cannot fall back on a determinative procedure that will enable us to ‘show’ our claim to be true. We believe ourselves to be capable of ethical knowledge, for we believe we can form true and justified beliefs; but the lack of a determinative procedure often makes it pointless to stress the difference between ‘mere’ belief and ‘hard’ knowledge.

Ethical discourse is not alone in not being governed by any clear procedure for determining what is true. For instance, there is also aesthetic discourse. If I claim that a book is well written you will expect me to be able to offer reasons to support my claim, but you will not expect a proof that the book has a specific set of qualities. Neither form of discourse is thereby rendered non-rational. We still expect reasons to be provided; but the typical character of moral debate does not imply that we make any assumption that moral beliefs are authorized by a clear and authoritative

procedure. However we still believe that moral beliefs can be rationally justified, and for this reason it is clear that our everyday objectivist conception of morality implies that we believe our moral beliefs should be rationally justifiable.

d) Absolutism

Mackie also claims that morality is "...not inert, but something that involves a call for action or for the refraining from action, and one that is absolute, not contingent upon any desire or preference or policy or choice, his own or anyone else's." Or, put more simply, a moral claim places an absolute demand upon us.

If the researcher tells his wife that he thinks it is wrong to do the research then he is telling her about an absolute demand that he takes to be placed upon him. That is, she should take it that an action (or, in this case, a non-action) *must* be performed by him. Hence if he makes this claim, it would be quite natural for him to go on to say '...so, I will not take the job' or if he decides to take the job anyway we might expect him to act in a hesitant or guilty fashion. For instance it would also be natural for him to say 'I know I should not do the work, but I really need the money.' What would be unnatural would be for the researcher to make the claim that the research was wrong and to then act and talk as if he was under no obligation to act in that way. So our everyday objectivist conception of morality implies, for lack of a better term, absolutism, the position that our moral beliefs make absolute demands upon us.

Now this idea of absolutism requires further analysis and in the following section I will try to define the nature of this absolute demand more closely. However before completing this analysis of ethical discourse it is worth noting one property of ethical discourse which Mackie has not included. It is often claimed that ethical principles are *universal* in scope; that they apply to everyone (or, as Kant takes it, to every rational being). However I think Mackie is right not to treat this quality of moral beliefs as a fundamental assumption within ethical discourse.

It is probably true that in some sense we assume universality at the beginning of a process of discourse. So the researcher's wife will take it that her husband thinks it would be equally wrong for her to do the research. However, after some discussion, she may find that he only thinks it wrong for *him* to do this kind of research, (e.g. he may feel *he* as a greater vocation to pursue). So there can be no inherent ethical

contradiction in thinking that a particular principle applies to one individual in a particular circumstance but does not apply to another individual in the same circumstances. It is certainly true that if I changed places in *all respects* with an individual (that is, including my own personal characteristics) then the same principles would apply to me as did to him; but this is a shallow conception of universality.³ Hence I will not be treating universality as a critical feature of our intuitive understanding of moral beliefs.

In essence then I think that Mackie has correctly identified the key features of our intuitive understanding of morality. I think that we intuitively take morality to be objective in all the ways in which I have defined that term. Morality is (1) cognitive (something about which we can have true or false beliefs) (2) real (something which is independent of our own making) (3) rational (something that we can come to understand) (4) and absolute (in that it makes absolute demands upon us).

Moreover I have tried to define those terms with sufficient clarity as to define the limits of their meaning in such a way that we don't overstep what our common-sense understanding strictly implies. We take morality to be something about which we can have true or false beliefs. It is something that is real in the sense that we did not invent, construct or imagine it in any way. It is rational in the sense that we take it that we can come to a better understanding of moral truths through reasoned argument, debate and discussion; but there is no authoritative procedure by which moral truths can be proven or demonstrated. However I have not said enough for my own purposes on the nature of the absolute demand created by morality, and so I will now go on to argue that an adequate understanding of morality must make use of the idea of duty.

¹ Mackie [1] p. 15

² Mackie is unusual in that while he is clearly a non-cognitivist he has no truck with the kind of linguistic analysis that has been proposed by other non-cognitivists like Stevenson (attitudinism) or Ayer (emotivism). Instead Mackie is happy to accept that our common-sense intuitions, as they are reflected in our use of moral language, speak in favour of cognitivism. Mackie just believes that he can show those intuitions are in error. See Stevenson and Ayer. I will not be discussing these linguistic issues in this thesis and I agree with Mackie that they are not authoritative in determining the truth or falsity of objectivism.

³ This is a shallow conception of universality because it means that the same principle applies to all *identical* individuals in the same circumstances. A deeper conception of universality would be one that implied that the same principle would apply to *all* individuals (no matter how they differed from one another).

1.3 The centrality of duty

In the last section I argued that our common-sense understanding of morality involves a commitment to the idea that morality is absolutist. But I think that we can usefully pursue this idea of absolutism and this will have the following advantages: (1) First I will be able to develop an even more precise definition of the objectivism that I will try to defend from sceptical attack. (2) Second I will be able to clarify some of the metaphysical implications of our intuitive understanding of morality. (3) Third these conclusions will enable me to adjudicate between some of the main anti-sceptical arguments. (4) Fourth these conclusions will inform my development of an alternative epistemology to that proposed by Mackie.

In order to explore this idea of absolutism I will need to enter into a debate that may seem purely ethical and one that certainly exists at the margin between meta-ethics and ethics. That is, I think that we need to determine the most appropriate characterisation of moral theory. I will then go on to argue that moral theory should be treated as deontological; it should be based upon an analysis of our duties.

My first argument will be that, while I have claimed that our intuitive conception of morality involves the idea that moral beliefs place us under absolute demands, this idea can be further clarified by considering how moral beliefs have an impact upon us. This is not an uncontroversial question and philosophers have disagreed about how best to articulate moral theory. For instance, we find that Aristotle begins his examination of ethics by focusing on the question of what is the 'good' for man, distinguishing statements of limited teleological function ('This is a good kettle') from statements about the *ultimate* good for man.¹ In sharp contrast Kant focuses instead on the idea of the imperative, and distinguishes the hypothetical from the categorical imperative. To my mind it seems natural to suppose that we will need to determine the most appropriate characterisation of moral theory before we can understand the epistemological and metaphysical implications of objectivism.²

Now in recent discussions on the correct characterisation of moral theory Dworkin has made a useful distinction that I will take as my starting point. He thinks that we

can distinguish theories by whether they treat the idea of goods, rights, virtues or duties as 'basic'.

Political theories differ from one another... not simply in the particular goals, rights and duties each sets out, but also in the way each connects the goals, rights, and duties it employs... It seems reasonable to suppose that any particular theory will give ultimate pride of place to just one of these concepts; it will take some overriding goal, or some fundamental set of rights or some set of transcendent duties, as fundamental, and show other goals, rights, and duties as subordinate and derivative.³

Dworkin, *Taking Rights Seriously*, p. 171

So a theory like utilitarianism, which proposes that morality consists of action directed towards the production of certain ends, are clearly *goods*-based; for the idea of a good stands as the fundamental term in the theory. The good (whatever conception of it is proposed) is our goal, it gives direction to our moral actions. Hence utilitarians tend to see *virtue* as only a convenient cover-all term for those personal characteristics which are correlated to the tendency to produce certain goods. However other theorists have argued that it is virtue *itself* that is the proper end for our actions. For instance, Loudon says "...morally excellent individuals care for their souls and view morality as a fundamentally self-regarding project."⁴

Liberal theorists such as Mackie and Waldron see *rights* as the best means of both distributing goods and defending the individual who is seeking to promote his own interests; they believe that respect for rights is the fundamental feature of any decent moral theory.⁵ Others, including Kant and Ross, see *duty* as the fundamental term of moral philosophy and believe that knowledge of one's duties should be at the heart of our moral understanding.

Now I will argue that the fundamental idea, one necessary to any adequate moral theory, is the idea of duty. No other concept can adequately account for the full range of our modes of moral expression. This fact is critical to my whole positive thesis. For I will argue that several meta-ethical accounts fail precisely because they cannot provide an adequate account of duty; and at the end of my thesis will set out an epistemology that purposefully seeks to explain how the idea of duty is possible.

I will set out my reasons for this preference below, however it should be noted that, while I think that there are good reasons for favouring a duty-based moral theory,

this is certainly controversial. In fact, to some extent it would fair to treat my preference for a duty-based moral theory as a posit for my meta-ethical position, as I do not have sufficient space to show that the alternatives to a duty-based moral theory are wholly inadequate.⁶

a) *Duties are more fundamental than rights*

One reason why we should treat morality as duty-based is that any alternative mode of expressing moral ideas still requires the idea of a duty in order to make moral sense. For instance, if we take the idea of a right, it is clear that the idea of a right implies the idea of a duty. That is, to say someone has a right is to imply that someone has a duty to respect that right.⁷ Hence your right to free speech implies a set of duties imposed on me (and others) not to interfere with the expression of your ideas. If you have a right to an income and the basic necessities of life then others must have a duty to ensure that you can be provided with those things.

However the same does not appear to be the case in reverse; to understand what a duty is we do *not* need to rely on an understanding of a right. In fact it even seems possible to imagine oneself as being under an obligation, but to have no right implied. As Simone Weil writes, “A man left alone in the universe would have no rights whatever, but he would have obligations.”⁸ Weil’s contention is that if we imagine ourselves totally alone, if we put away all other persons, we are still left with duties. We might, for example, think that Robinson Crusoe still has a duty to improve himself and we would not treat this duty as being implied by any right.⁹

Now I am not arguing that this makes rights redundant. Rights appear when other moral beings or persons appear. Rights enable us to see the other properly, not as things upon which we can just act, but as individuals who are living ‘their own’ life. Rights are then part of the resources available to the other for use in our shared world of limited resources. Rights guarantee the other support and protection in the living of their life. But rights are not basic to our moral understanding as they can only be explicated in terms of duties and it is logically possible to conceive of a moral universe where there were no rights.

b) The inadequacy of consequentialism

I think that the idea of a goods-based theory is identical with what is also called consequentialism. Consequentialism proposes that the moral value of actions is measured by their effects or by the amount of good achieved, that is any consequentialist theory holds that any duty, right or virtue is ultimately explicable in terms of some x that is good.¹⁰ Moreover it is commonly argued that consequentialism is a much more plausible theory than deontology, the idea that we should act in accordance with our duties. For, as deontology “does not appeal to the consequences of our actions” it will inevitably “prescribe actions which lead to avoidable human misery.”¹¹

However, this kind of argument is critically flawed. For although I began by defining consequentialism in contrast to deontology, in a way that is quite typical, this contrast is actually both unhelpful and inaccurate. The term deontology, properly, means a theory of duty and it seems to me that we can identify three types of deontological theory, that each treat consequences in different ways:¹²

1. Duties are never determined by the consequences of our actions
2. Duties are determined by consequences or by other moral considerations
3. Duties are wholly determined by the consequences of our actions

Now it is surely much more plausible to see the last type of deontological theory as being equivalent to consequentialism than to contrast consequentialism with all these types of theory. In other words it is actually misleading to define deontology as the view that consequences do not matter, for a theory of duties can quite properly incorporate a consideration of consequences.

Moreover the consequentialist should not want, by sleight of hand, to lose sight of the fact that he believes that we have a *duty* to promote 'the good'. Even if one believes that the consequences of our actions are the *only* aspect of the action worth considering it is the fact that it is our duty to promote that good that gives us our reason to act. Without falling back upon the concept of a duty it seems very difficult to see how consequentialism can function as a moral theory. To say that something is good is all very well, but that is only of interest to me if I believe that I have a duty to promote that good.

So, on the one hand, it is not possible to articulate a goods-based moral theory without relying upon the idea of duty. On the other hand it is quite possible to conceive of our having duties that are not determined by any consequences, say the duty to fulfil a promise, regardless of its consequences. Now I am not going to attempt to adjudicate between the possible positions described here (that is, (1), (2) and (3)) but it is clear that while all require the concept of a duty only (2) and (3) require the existence of goods. So it seems that (a) any moral theory that proposes that we should direct our action at certain goods still requires some duty to make those ends appear as moral ends but also (b) that it is certainly logically possible to conceive of a moral universe that pays no attention to goods.¹³

c) *Duty is more fundamental than virtue*

The same issue arises for virtue, although there is a critical ambiguity in the concept of virtue that I will go on to explore. Just as moral goods are things that we *should* realise virtues are characteristics we *should* develop within others and ourselves. There is no way that we can conceive of a moral good that does not imply that someone has a duty to pursue the realisation of that good. If the enjoyment of pleasure is a moral good then we must think that at least some of us are obliged to pursue that good on our own behalf or on the behalf of others. If courage is a virtue then we *should* be courageous. Hence it seems to me that the idea of a duty is necessary to any reasonable understanding of a virtue, for what distinguishes a virtue from any other kind of personal characteristic is that a virtue is the kind of personal characteristic that I have a duty to promote.

However, confusingly, it is also possible to treat virtue in a slightly different way; that is, to be virtuous can mean to be someone who does their duty. Hence we might, paradoxically, say that a man of many virtues is not virtuous if he does not act in accordance with duty. Now if we take this second sense of virtue as the primary sense then the relationship between virtue and duty is different, for now virtue is simply defined by reference to duty.¹⁴

So virtues, like goods, if they are to be morally relevant must be distinguished by being those virtues that we have a duty to develop. Moreover if we take virtue in its second sense we find that it is to be defined as possessing the kind of nature that does

fulfil its duties. It is perhaps not quite so easy to imagine a moral universe in which virtue itself wholly drops out of the picture, for the only way of disentangling duty from virtue entirely is to imagine a self that has no character: no continuing existence and no innate characteristics. However for my purposes I think that we can confidently claim that, however close connected are duty and virtue, it is the idea of duty that does not need to be defined by the idea of virtue.

Hence my argument is that, if we take Dworkin's four options, it is duty that is clearly the basic term in moral theory. No moral theory that could reasonably be conceived as a moral theory can do without the idea of duty. Each of those other terms, while they can make a distinct contribution to the detail of a moral theory, is not essential to the existence of moral theory itself.

d) How to express moral claims by other means

Now so far I have restricted my examination of the expression of moral claims to the four nouns proposed by Dworkin. However, in English, there are other ways of making moral claims, that do not rely upon the use of these nouns. In particular we can make moral claims by the use of certain adjectives or by the way we form verbs. This means that the following three formulations are, *in essence*, identical:

1. I have a duty to do x
2. I ought to do x
3. It is right that I do x

Now there is one important distinction here, for we might say that 'I have duty to do x' *and* 'I ought to do x' *but* 'It is right to do y' in those cases where we are under *prima facie* duties to do x but our real duty is to do y. However while this is important it has been dealt with adequately by Ross and does not effect my argument at this point.¹⁵ The critical point here is simply that the idea of duty is still essential to these other modes of expression, even when the term duty itself is not being used.

So, it seems clear to me that of the four ideas proposed (duties, rights, goods and virtues) we must suppose that it is duties that are fundamental to the articulation of any moral theory, that can reasonably qualify as a moral theory. This is an ethical argument of the broadest sort and does not rule out certain kinds of extreme

consequentialism or rights-based moral theories. It simply claims that even those kinds of theories must rely on a concept of duty in order to have any impact upon the individual; therefore it seems reasonable to claim that duties are basic to moral theory in a way that those other ideas are not. Now this conclusion is interesting enough, for it means that we can refine our account of objectivism and instead of just claiming objectivism implies absolutism (the fact that moral beliefs place absolute demand upon the individual) we can now claim that objectivism implies deontologism, the idea that moral beliefs place us under duties. However, having identified the central place of duty within moral theory, I will now try to analyse the concept of duty itself and see what further conclusions can be drawn from the importance of duty to our intuitive understanding of morality.

¹ See Aristotle p. 63.

² Not everyone believes that we need to provide an account of the correct character of moral theory before beginning to determine the status of morality. Brink and Boyd, (although both consequentialists) believe that the truth of moral objectivity can be demonstrated without any commitment to a particular kind of moral theory. However I cannot see how such an approach is feasible. Surely the metaphysical and epistemological implications of Aristotle's man of virtue striving for eudaimonia are different from the implications of Kant's account of the categorical imperative, which is again different from the implications of Mill's utilitarianism?

³ Note that Dworkin refers to "goals" rather than goods, but I think that for our purposes there is no significant difference between my use of 'goods' and his use of "goals". Dworkin also refers to political rather than moral theories; however this analysis has been used in moral philosophy. See Raz and Mackie in Waldron [3].

⁴ Loudon p. 51

⁵ Waldron writes, "Consider as a paradigm the requirement that policemen and others should refrain from torturing people. Most of us think that the reason for this requirement has to do with the profound and traumatic suffering that torture necessarily involves. If so, that is, if our recognition of this requirement is generated by a concern for the interests of those who might be tortured, we may say that the requirement is right-based... it might be thought that the deliberate infliction of suffering debases and degrades the torturer,... If this is what we think, then to that extent our concern about torture may be described as duty-based." [Waldron [3] p.13] I think Waldron is mistaken here and that he has in fact analysed rights and duties back to goods and virtues respectively. Instead it seems to me that we would say that a rights-based theory focuses our attention on the wrongness of what happens to the victim whereas a duty-based theory focuses attention on the wrongness of what the torturer does.

⁶ It should also be noted that I am not claiming that the notion of objectivity logically implies that morality is deontological, rather I am using the term objectivity as the label for our common-sense understanding of morality's status, which I am arguing involves a commitment to deontology.

⁷ Strictly this is only true of those rights that Hohfeld defines as claim-rights. This matter is made slightly more complex if we restrict our attention to the other kind of right that is defined by Hohfeld as a liberty and which strictly implies the existence of no duty. So, I may have a right to smoke only in the limited sense that I am under no obligation not to smoke. Here 'absence of duty' is implied. However, in defence of my position I think one can claim that (a) the idea of duty is still necessary even to a 'mere liberty' (it is just necessary in a negative sense) and (b) the territory covered by our mere liberties is actually the territory of those matters that are not of moral concern.

⁸ Weil [3] p. 3

⁹ Of course we might claim that Robinson Crusoe has a right to be improved by himself but such a formulation, while not plainly false, seems contorted, unnatural and unhelpful to any analysis.

¹⁰ See Angeles p. 55.

¹¹ Smart p. 5

¹² See Angeles p. 69.

¹³ Now there is an important distinction here between the case of rights and the case of goods. Rights cannot be understood without duties, however we can conceivably imagine goods existing without there being duties. However such goods would not strictly be moral goods if no one had a duty to promote or maintain them. This reveals an important tension between the 'narrative' perspective on our actions, which enables us to see certain goods as being achieved over time, and the 'decision' perspective by which we are actively engaged in making a decision, in attempting to do what is right. We can conceive of reality as a narrative where we make judgements about the goods happen and the virtues of the actors. However it is only when we go on to be aware that we are responsible agents, who has duties, that we can properly develop a moral understanding.

¹⁴ Furthermore a different distinction can be made when the term 'moral virtue' is used to distinguish those virtues that directly have good consequences from those that only have indirect benefit. So for instance the quality of benevolence might be distinguished from that of intellect, for it might seem that if we know someone is benevolent then we know that they are trying to do good, whereas if we know someone is very clever we have no immediate knowledge of whether this gift is being put to a good purpose. However this distinction seems to me to be quite secondary and depends upon a prior moral theory that determines the details of our duties and then draws conclusions about what characteristics directly support the fulfilment of those duties. In fact as Kant argued even benevolence can be acted on in a way that is contrary to duty.

¹⁵ See Ross [2] pp. 18-36 and above p. 33

1.4 The implications of duty

I have argued that the idea of duty is essential to morality; for without the concept of duty then true moral expression becomes impossible. However, while we cannot analyse the idea of duty into another moral term, we can draw out from the idea of duty two critical meta-ethical implications: (1) Duty implies the existence of an absolute law, by which our wills must be constrained. (2) Duty implies the existence of a free subject who can will in accordance with that law, but who can also avoid willing in accordance with that law.

I can best demonstrate these implications by analysing the verbal mode of expression, where we use 'ought' or 'should' to express our duties. Usefully we can compare that mode of expression with two other kinds of effect that we can achieve with the same words. (1) We can use 'ought to' or 'should' with a *predictive* meaning, say 'If the cue ball hits the first red the second red ought to go into the pocket.' (2) We can also use 'ought to' or 'should' with a *instrumental* meaning, say 'In order to get from Glasgow to Edinburgh quickly, I *should* use the M8 rather than the A8.' Finally (3) we can use 'ought to' or 'should' *morally*, say 'You ought not to kill another human being.'

Now, while we are concerned here only with the latter usage, what all these uses have in common is the sense that a potential event is in accordance with a given law or principle.¹ In the predictive case these are simply the causal laws of physics. In the instrumental case we are indicating that the specified action, relative to an implicit or explicit desire of the agent, is the one which is most appropriate in accordance with the relevant natural laws.² In the moral case the specified action is the action that is specified by the Moral Law, an absolute law that is indifferent to the agent's desires. So in all three uses there is an implicit reference to the idea of law but in the moral use it is an implicit reference to the idea of the Moral Law.

Moreover if we compare the following two sentences we can see how the idea of freedom is also implicit in the idea of duty. If I wish to express my settled intent to act in a certain way I might say 'I will do x'.³ However if I say instead that 'I ought

to do x' it is not implicit that I have committed my will to the act, but it is implicit that it is possible for me to commit my will to that act. In other words 'ought' implies both 'I can do x' and 'I can avoid doing x'.

This same point is given even greater emphasis by a common use that we make of the term 'duty'. For it is quite natural to say 'I'd really like to watch the football, but I have a duty to visit my sick aunt.' So it is not uncommon to see the term 'duty' being used precisely to capture the sense that I ought to do x *even though* I don't want to do x. However this conflict between desire and duty is *not* essential to the idea of duty; for there is nothing illogical about stating 'I know I have a duty to see my aunt, and it's a duty I want to fulfil.' It is rather that the idea of duty is simply more commonly called upon when duty and desire do conflict. So, when I say 'I have a duty to do x' then it is implicit that doing x *may* not be what I want to do. This is also surely very close to the point Kant makes. Kant maintains that the idea of duty illuminates the true nature of morality, because it illuminates the contrast between the demands of duty and the desires felt by an imperfect human being who does not possess a perfectly good will:

We have now to elucidate the concept of a will estimable in itself and good apart from any further end. This concept, which is already present in a sound natural understanding and requires not so much to be taught as merely to be clarified, always holds the highest place in estimating the total worth of our actions and constitutes the condition of all the rest. We will therefore take up the concept of duty, which includes that of a good will, exposed however, to certain subjective limitations and obstacles. These so far from hiding a good will or disguising it, rather bring it out by contrast and make it shine forth more brightly.

Kant, *Groundwork of the Metaphysic of Morals*, p. 62

One further minor implication of the idea of duty is made apparent in only the adjectival mode of expression. When I say 'It is *right* that I do x' it is implicit that of all possible actions it is x that is the one which is *most* appropriate. The concept of 'rightness' implies that there is one correct option within a plurality of possible choices. This makes apparent both the potential complexities of moral choice but also our moral assumption that there is only one 'right' choice. It is precisely because of this issue that Ross had to create the special term "prima facie duty" in order to better describe the common phenomenon of appearing to have several duties that

conflict. The (apparent) duties, that seem to conflict with each other, are the *prima facie* duties. But we can only have one (real) duty, because only one thing can be the *right* thing to do.⁴

So, while the three ways of articulating the idea of a duty (by the use of verbs, adjectives or nouns) do each tell us something slightly different things about the idea of a duty, at their heart is the idea of a free will that is subject to the Moral Law.⁵ This is surely how the will does experience morality, as both an external pressure, a discipline placed on the will, and yet also as a demand that somehow corresponds to the nature of the will. But, as we know only too well, although the will *is* subject to the absolute force of the Moral Law, we are still quite free to act contrary to that law.

All of this concludes my analysis of our intuitive beliefs about the status of morality. We take moral discourse to be objective, real and rational. Moreover I have argued that we can conceive of the reality that underpins that discourse as the Moral Law, an absolute demand placed upon the free will and reflected in our experience of duty.

However at the moment all of this argument has only served to illuminate our intuitive beliefs about morality. I have not yet tried to justify the truth of that intuitive picture. So in Chapter Two I will attempt the first stage of this justification by defending objectivism from the sceptical criticism of Mackie. In Chapter Three I will attempt to explore the idea of moral rationality in more detail and I will argue that moral rationality is not reconcilable with the kind of metaphysical and epistemological framework that Mackie relies upon in his arguments, a framework that I call scientific empiricism. In Chapter Four I will consider whether there is any existing meta-ethical theory that really does justice to the idea of objectivism as Mackie has defined it. Finally, in Chapter Five I will begin the process of developing an alternative metaphysical and epistemological framework to scientific empiricism, one that I think does do justice to objectivism. Overall my argument will attempt to show that not only do we have no good reason to abandon our intuitive beliefs about morality but that there is also a coherent and attractive theory that can justify our commitment to those beliefs.

¹ The moral usage is clearly quite distinct and is in no obvious way subservient to the other uses. If anything, the central meaning is the moral meaning. In the predictive usage the difference between the 'red ball ought to...' and the 'red ball might...' is simply that in the former case we are expressing an expectation which relative to a law or state of affairs we think pertains. The force of the 'red ball *ought* to...' is taken from the idea of a moral imperative, from the idea that subjects 'ought' to obey the law.

² I include both the laws of natural science and the 'laws' of social science under this title 'natural laws.' The pattern of traffic usage governing the roads of Britain is one of the 'laws' which determine the 'best' route from Glasgow to Edinburgh. I do not assume anything in particular about the connection between natural and social sciences here, other than that the Moral Law is not the same as either of them.

³ There are of course other uses we can make of this phrase. I might, for example, say 'I know that I will not stop smoking.' Here of course I am not expressing my intent, my intent may be quite contrary, but I am making a prediction. I am, in a sense, treating myself as part of nature, subject to natural laws and hence not free to do otherwise.

⁴ See Ross [2] pp. 18-36.

⁵ We might see the subjection of a *free* will to the law as being a contradiction to the idea of law, because law implies necessity and freedom implies contingency. However the idea of law is not fundamentally a scientific idea but a human idea that we apply in a metaphorical manner to physical nature (as if atoms were subjects of the King of Nature).

2 THE SCEPTICAL ATTACK

In the second chapter of my thesis I set out the four sceptical arguments proposed by Mackie and describe his “error theory” of ethics. I then proceed to provide a critique of Mackie’s four sceptical arguments: the two arguments from relativity and the two arguments from queerness. I argue that each of these arguments is utterly unsuccessful, but that they do reveal an underlying philosophical position held by Mackie, one that does stand in sharp contradiction with the common-sense intuitions about morality that were identified in Chapter One. I then go on to describe what I take to be that underlying philosophical position, one that I term ‘scientific empiricism’, a theoretical position that both motivates and supports Mackie’s particular form of moral scepticism.

2.1 Mackie’s error theory of ethics

Mackie provides a good example of robust moral scepticism and in his book *Ethics: Inventing Right and Wrong*. He states the case for the deceptive nature of morality in clear and bold terms and in a way which recognizes the epistemological and metaphysical aspects of the problem. In grappling with Mackie one is forced to defend our common-sense intuitions about morality’s status against a broad range of philosophical challenges; and it is for that reason that I have chosen to use Mackie as the primary counterpoint to my own views.

Furthermore, as we have seen, Mackie’s characterisation of how we intuitively think of morality is broadly correct. He recognises that we take morality to be cognitive, real, rational and that it places an absolute demand upon us. However Mackie believes that this objectivist understanding of morality is false and that we are in error if we make the claim that, say, our moral beliefs can be true or false. Hence Mackie states that his theory is an error theory. The bedrock of beliefs that we rely upon when we make moral claims is fraudulent.

Mackie recognizes that his position requires strong theoretical support. He acknowledges that it is costly to throw aside our belief in objective values. However he believes that he possesses strong arguments that do undermine our beliefs about morality. Broadly, his philosophical arguments for moral scepticism are (1) that the

relativity of moral systems undermines the possibility that we can have true moral beliefs and (2) that the idea of any real underpinning for morality is “*queer*” or implausible. These critical arguments are supplemented by accounts of how morality has gained the appearance of something that really exists, which thus makes more plausible the idea that our understanding of morality can come into error. He summarizes his case below:

Moral scepticism must, therefore, take the form of an error theory, admitting that a belief in objective values is built into ordinary moral thought and language, but holding that this ingrained thought is false. As such, it needs arguments to support it against ‘common-sense.’ But solid arguments can be found. The considerations that favour moral scepticism are: first, the relativity or variability of some important starting points of moral thinking and their apparent dependence on actual ways of life; secondly, the metaphysical peculiarity of the supposed objective values, in that they would have to be intrinsically action-guiding and motivating; thirdly, the problem of how such values could be consequential or supervenient upon natural features; fourthly, the corresponding epistemological difficulty of accounting for our knowledge of value entities and of their links with the features on which they would be consequential; fifthly, the possibility of explaining, in terms of several different patterns of objectification, traces of which remain in moral language and moral concepts, how even if there were no such objective values people might persist firmly in that belief.

Mackie, *Ethics*, pp. 48-49

However I will not treat his arguments exactly in the way that Mackie does, for his five points rather obscure the central points that he wants to make. I will go on to treat his arguments in the following way. I will treat his first argument as (1) the argument from relativity. This is the argument that moral beliefs are relative in the sense that the multiplicity of conflicting moral beliefs indicates that there is really no fundamental justification for one belief rather than another. Different beliefs are not right or wrong, they are merely different. Objectivism is therefore false because moral cognitivism is false, moral beliefs cannot be true or false. I will treat the first argument as an *epistemological* argument from relativity, because it is concerned with the idea of moral knowledge.¹

However I will make, as his second argument (2), the argument that our moral beliefs can be explained, without any reference to moral reality. Instead the fact that we have moral beliefs, which we treat as objective, can be explained in terms which

are entirely non-moral. That is, the objective *appearance* of morality is explicable in terms of sociology, psychology, biology (or whatever). So morality is not based upon some kind of moral reality, rather it is relative to, or born out of, entirely natural features of the universe. In effect this argument is the *metaphysical* argument from relativity although Mackie articulates it, in the quote above, both as an element of his first argument and as his fifth argument.²

The third argument (3) that I will address is what Mackie himself calls his *metaphysical* argument from queerness; which is the argument that if we try to imagine what kind of properties, entities or realities there would need to be in order for objectivism to be true all the ideas that we need to rely upon are simply too queer to withstand any reasonable scrutiny.³ So it is implausible to believe that there is anything that exists that could adequately support our intuitive beliefs about morality and that what we already know to exist does not justify those beliefs. (In other words I am treating Mackie's second and third arguments above as two aspects of the same metaphysical argument, which is how he frequently treats them within *Ethics*.) In other words this argument is opposed to the realist element within objectivism, the belief that morality is based upon something real and not something that we have constructed, either individually or socially.

Finally (4) I will address Mackie's *epistemological* argument from queerness, which is the argument that when we consider our own rational capacities, and reflect upon how we achieve knowledge in other areas we never come upon any faculties that could possibly explain how we could actually achieve moral knowledge.⁴ Any attempt to explain how moral knowledge is achieved falls back upon the queer idea that we can somehow intuit the truth of certain moral propositions by some queer rational apparatus that has no other place in human rationality. Hence we would be better to abandon faith in any such queer capacity and conclude that we are not capable of knowing morality, because morality is not the kind of thing that can be known.

Now I am going to deal with each of these arguments in turn. In each case I will argue that Mackie's argument is far weaker than it at first appears. In fact at the end of the chapter I will attempt to explain why arguments that, on their own terms, are

quite weak appear to be so strong. My explanation will be that the arguments implicitly rely upon an underlying theoretical position that is widely held and is attractive to many thinkers, not because of its consequences for our ethical beliefs, but for quite independent epistemological and metaphysical reasons. I call this position scientific empiricism and I think that Mackie's arguments, particularly his arguments from queerness, owe what strength they have to the fact that scientific empiricism is a popular position that *is* impossible to reconcile with our intuitive beliefs about morality. However I will return to this analysis at the end of this chapter.

¹ See Mackie [1] p. 36.

² See Mackie [1] p. 42.

³ See Mackie [1] p. 38.

⁴ See Mackie [1] p. 39.

2.2 The epistemological argument from relativity

The modern age is not the first age to have accepted that our local moral code is not the only moral code, and to recognize a certain plurality in moral traditions and practices.¹ However, it is part of what supposedly makes us ‘modern’ that we now have to accept that the fact of plurality is also proof of the ultimate relativity of values. Previous ages might have seen a different culture as alien, as heretic, as gentile, as barbarian or might even have looked to different cultures for new insights or wisdom. But our age tries to see the other merely as ‘other’, to try and avoid making a value judgement about the other’s ‘values’.

This move from plurality to relativity rests on the assumption that there are only two proper ways of understanding the fact of plurality: either to accept that moral positions are relative to their holders or to deny that any moral position has real meaning. In other words, if there is no *one* moral theory then it must be that all moral theories are equally meaningful or they are all equally meaningless.

In fact, if we make a further use of the idea of objectivity, we can even reconcile those two different understandings. We can claim that moral truths only seem truthful from within a particular subjective point of view, but ‘objectively’ there are no moral truths.² Plurality, then, is meant to persuade us of the relativity of morals because it draws our attention to the fact that there is no authoritative *procedure* for determining the truth in matters of morality (for, if there was an authoritative procedure then different people would reach the same conclusion). In a sense plurality is only important because it draws attention to this important fact. In fact for Mackie, and other moral relativists, there would be no difference in our fundamental position if we all lived in a world with only one moral code; we just would not be so *aware* that our moral beliefs were relative, because we could not contrast our beliefs with the different moral beliefs held by others. Or, perhaps we could say that, if morality is objective and is something about which we can have true or false beliefs, then there must either be only one set of moral beliefs held (a position which plurality falsifies) or there must be some way of determining which of the many views are true or false

(a position which is falsified by our sense that there is no authoritative technique for determining what is the right set of beliefs).

For Mackie our position is psychologically bearable because we can ‘play along with’ *our* set of rules.³ Moral codes are analogous to the rules of a game. Most of the time, when we are playing Whist so is everyone else. If we meet someone who is playing by the rules of Poker we will face some difficulties. These difficulties cannot be resolved from *within* the game. The rules of Poker and the rules of Whist do not help you deal with people playing by different rules. Rather, we seek resolution ‘outside the game’ by persuading the other person to join our game, by joining their game, by inventing a new game, or by letting each other get along with their own games separately (that is, by assimilation, compromise or separation).

Mackie acknowledges that there is something unattractive and counter-intuitive about this position. It implies that in the name of intellectual honesty we separate what we know as a philosopher (objectively) from what we say and do as active citizens (subjectively) and it implies that much of our moral behaviour is founded on a lie: the objectivity of morality.

However, can we really accept that plurality does imply relativity? There are several reasons to think not. First, if we come across someone with a different belief to the one we hold we do *not* normally presume that neither belief is true, rather we tend to suppose that the one we hold is true and that the other is false. This is true of any kind of belief. What we would normally expect to see happen in such a situation is each person present their reasons for holding their belief.

Second, the idea of moral *dialogue* also presumes that each person is, in principle, willing to give up their own belief for the very reason that they believe that reasons could be given which would provide sufficient reason for them to change their own belief. We believe our moral beliefs are based *on* something and we are generally concerned to ensure that we have the right beliefs. A dogmatist is disparaged because we think it right that we listen to and respect the views of others as part of a search for the truth.

Third, if I do not reach a resolution in some moral debate I do *not* generally presume that both my beliefs and those of my disputant are ‘true but relative.’ Instead, I will

believe either that: (1) I am right and the other is wrong, or (2) the other might be right, but I have not yet been sufficiently convinced, or (3) that we are both wrong, and that we have not yet found the right belief. Hence there is no symmetry here. It is quite possible to believe that both beliefs might be false, while not believing that both views might be true. All these appeals to the practice of ordinary moral discourse reveal how counter-intuitive is the relativist's position. We simply do presume the existence of moral truths that we try to identify by our arguments and debates. However these examples also confirm our other common-sense intuition, that there is no simple procedure or technique for identifying moral truth. But clearly this does not make moral debate impossible, it simply gives it its own unique character. If we could simply defer to some authoritative technique we would not use moral dialogue and debate to learn and to improve our own understanding.⁴

There is, however, one way in which we might say another holds a true belief that we do not hold, and this requires us to make use of the perspectival idea of subjectivity described above. For it is, in certain circumstances, possible for us to say 'His belief is true for him' if we have some special reason. For instance, (1) if he is a member of some group whose lifestyle, culture, beliefs I do not share but whom in some way I respect. For example, I am not Jewish, but I try to respect Jewish food laws if I am cooking for Jewish friends. I do not believe that Jewish food laws apply to me but I recognize both that my Jewish friends hold those laws to be moral truths and I respect their beliefs. Alternatively (2) he may have a particular character, profession or lifestyle which is different from mine but which I can respect. For example, a colleague may be so dedicated to his work that he sacrifices aspects of his family or personal life to that work. So while I may have a different belief about my duties to my family I would not assume that his belief was false, I might imagine that his particular type of personality or talent had to be consumed by his work. Or finally (3) he may exist at a different time in history from mine and is engaged in an activity that I would have properly respected, *then*. For example, a medieval king may have been involved in a bloody civil war. I might look on that war as barbaric, but at the same time, I might also recognize that his situation was so radically different that it may have required actions that we would *now* see as morally reprehensible (in the context of our time).

Notice that the idea of respect is crucial to the possibility of our accepting a different belief from our own as true. This reflects the moral principle that we should respect differences between people and peoples and that we should cherish the diversity of people. This is not ‘broad’ moral relativity. Many things that others believe will not be respected, even if we believe that the other holds them as true.

Moreover the moral differences that we respect will tend to be in areas which seem softer and more open to interpretation or development. I can respect my Jewish friends’ beliefs about food because I cannot see them as undermining any central moral truths. I cannot respect an Anti-Semite’s views because they do undermine central moral truths. I can respect the different balance of obligations my colleagues believes in because I do not think he is undermining any central moral truths. I would not respect someone’s choice to be unfaithful in marriage, because this does undermine central moral truths.⁵

These examples also illuminate the fact that even when we do respect the views another holds we do not really *share* their views (or give up our own views). From our subjective perspective only one belief is true and there is no contradiction implied. Moreover, we do not start with a presumption of plurality but with a presumption of unanimity. And it is only when reasons are offered to justify any differing views that we can then evaluate whether that different belief is either ‘just different’ or is a moral error.

If these points are accepted it becomes very unclear what the argument from relativity amounts to. If the argument is merely that many different and contradictory moral beliefs exist then it is clear that this, of itself, means nothing. It is surely simply open to the argument that many of these different beliefs are simply wrong and others are dependent on context.

If the argument is that there is *no* procedure for determining which beliefs are true and which are false then this is also false. We certainly do think we can learn that our beliefs and the beliefs of others are false and argument is *one* way we do that. Of course it may be that there is no simple and authoritative procedure for determining truth or falsity in morality, but then why should there be? I do not think that even the most ardent scientist or logician would claim that there is always a simple

authoritative procedure for resolving problems in their fields, for there are always many questions for which no answers have been found. But the difficulty of determining an answer does not in those fields in any way effect their willingness to say that there is a reality about which we can have knowledge.⁶ Even if morality is to some degree more uncertain than logic or science this of itself tells us nothing. The fact that it is more difficult to determine the rights and wrongs of abortion than it is to determine whether '2 + 2 = 4' is no reason to give up believing that there is a real moral truth at stake in the matter of abortion.

A third way of interpreting Mackie's epistemological argument from relativity is that the differences between different cultures and societies are so big that it is simply inconceivable that there is some shared Moral Law, which they all trying to articulate. However, while there are certainly some differences between different moral codes and traditions from different cultures, there are also enormous similarities between those codes. For instance, Lewis in *The Abolition of Man* points to the many similarities between the Law (Judeo-Christian), the Tao (China), Rta (Hinduism), the Good (Platonism) and many other codes and traditions.⁷

Now clearly this consensus cannot, by itself, be an argument for the existence of the Moral Law, just as plurality does not prove its non-existence. However it surely makes a difference whether we characterize the plurality of moral codes as essentially harmonious (as variations on a central theme or as different branches of the same tree) or whether we see it as a completely divergent diversity (as different as chalk and cheese). Neither characterisation can be *proved* correct. While the sceptic will point to differences between moral codes which seem fundamental he will find that the moral realist will either see the difference as based on some perversion of morality (say nationalism as a perversion of patriotism) or will see the difference as grounded in an area of genuine uncertainty, where different interpretations of morality might be possible or where real developments or discoveries might be possible (say in certain matters of sexual morality, for instance the reducing prejudice against homosexuality).⁸

What is important, is to recognize that there is nothing essentially incoherent about believing in moral truth, and a belief in moral truth still allows one to deal with the

existence of moral plurality without recourse to dogmatism. In fact, the very judgement that dogmatism is a vice is a moral truth. The fact that dogmatism is a vice implies that we should never seek to put a strait-jacket on moral truth and never believe that we can know something without a degree of uncertainty. In fact, this uncertainty only has significance if we believe in the truth of morality. Relativism is not an antidote to dogmatism, because it treats all moral beliefs as dogmas. Only a belief in the fundamental truth of morality actually allows one to approach moral problems and apparent diversity without dogma and in a spirit of real humility. The relativist has no reason to respect the views of others because he already knows that there is no possibility that they have anything to teach him.

Perhaps the reason that the argument from relativity has gained so much weight is that it seems to be scientific. Instead of treating plurality by the light of Moral Law there is a desire to be scientific or 'objective' about that plurality. In a sense the argument from relativity merely reflects a vital axiom of modern social science, the attempt by the psychologist, anthropologist or sociologist to create a scientific way of seeing patterns in human behaviour. For a scientist it is an obvious truism that there is no need for moral evaluation in the practice of science. The physicist, the chemist and the biologist try to accurately describe what happens in certain circumstances. It would be an unnecessary confusion to ask whether the movement of an atom, the reaction of a chemical or the feeding habits of a lion were morally good. Similarly it *might* seem that the *best* way to understand human phenomenon is to suspend moral judgement.

However the only proper reason for suspending moral judgement in human affairs is to prepare oneself to make an even better moral judgement. To try and understand the Holocaust we must take seriously the possibility that many Nazis believed in what they were doing, believed it was right. Acknowledging this fact should not imply that what they did or believed was anything but abhorrent. In fact we may be obliged to make a clear-headed assessment about what made people believe such things as part of our ultimate moral duty to create circumstances where such atrocities cannot be repeated. Being scientific about man can be justified, but it must serve a moral end; no 'scientific' judgement can replace a moral judgement.

There is nothing about the fact of moral plurality that should disturb our common-sense intuitions. In fact we are intuitively tuned to expect diversity and are certainly able to respond respectfully to it. Nothing about the lack of an authoritative criterion for solving moral problems should disturb our common-sense intuitions, it is neither necessary nor desirable that moral truths be simply proven or demonstrated by some simple procedure. There is certainly as much reason to believe that morality is one thing, separately interpreted, and diversely honoured and diversely abused as there is reason to believe it is as an aggregate of conflicting social mores and conventions. The argument from relativity, as it applies to epistemological matters, then seems to lack cogency. We must now go on to consider whether the argument is any stronger when we think instead of the metaphysical relationship between moral beliefs and ‘nature’.

¹ See Herodotus p. 98.

² See n. 1 p. 9 above for my analysis of the different uses of the term ‘objective’.

³ See Mackie [1] pp. 64-73.

⁴ Lewis makes this point even more forcibly. “M. Sartre seems to me to be the victim of a curious misunderstanding when he rejects the conception of general moral rules on the ground that such rules may fail to apply clearly to all concrete problems of conduct. Who could ever have supposed that by accepting a moral code we should all be delivered from all questions of casuistry? Obviously it is moral codes that create questions of casuistry, just as the rules of chess create chess problems. The man without a moral code, like the animal, is free from moral problems. The man who has not learned to count is free from mathematical problems. A man asleep is free from all problems.” [Lewis [1] pp. 78-79]

⁵ Of course this is *my* view of what is central to morality and I am not trying to sneak in the false claim that there is a clear and authoritative body of moral truths of which *I* am aware. Rather it is that we are most of us are aware, when we are being reasonable, that there are differences of weight or centrality and that at the margin certain matters may be influenced by more ‘subjective’ factors.

⁶ As Nagel writes “The fact that morality is socially inculcated and that there is radical disagreement about it across culture, over time, and even within cultures at a time is a poor reason to conclude that values have no objective reality. Even where there is truth it is not always easy to discover.” [Nagel [1] pp. 147-148]

⁷ See Lewis [2] p. 49.

⁸ Perhaps the most extreme example of this process of distortion would be the moral philosophy of the Nazis. Their moral system took the idea of human development, mixed it with scientific myths about race, and saw most other moral ideals and principles as worthless. Their moral system was just about as horrific and dangerous as any set of beliefs can be, and yet even they had to make some link to at least one idea of real moral value, e.g. that we have an obligation to improve ourselves. I have explored the philosophical roots of Nazi eugenics elsewhere. See Duffy.

2.3 The metaphysical argument from relativity

The metaphysical argument from relativity is the argument that because we can see that moral beliefs are formed by groups and individuals as a necessary part of their social formation then we can conclude that moral beliefs should be treated as relative to those social practices and human needs. However this use of the term ‘relativity’ has two quite distinct interpretations.

First it can mean that moral beliefs are inextricably linked to the practices of individuals and groups in such a way that we cannot imagine the belief being formed without there being some entity who holds, cherishes or needs the belief. Clearly in this sense it is true that morality is relative to social practices and human needs. However this relationship of mutual dependence does not undermine the truth or falsity of those beliefs. Sometimes it will simply be that the culture or personality which is ‘relative to’ those beliefs is itself wrong, evil or misguided. Sometimes the difference will merely be a difference that can be respected and even learnt from. Nazi beliefs were ‘relative to’ the German society of the 1930’s where they arose; the moral beliefs were false and the society which held those beliefs was evil. Judaism is a minority religious system in Western Europe that involves different religious practices and some different ethical principles. Judaism is ‘relative to’ those Jewish people who have cherished its existence for at least three thousand years; these good ideas can be studied and can provide opportunities for learning and enlightenment.

When we evaluate moral beliefs we are also evaluating the people who hold those beliefs. This is normal moral practice. If you held strongly to the view that you were justified in acting cruelly to those around you then I would judge you badly; even if you did not act on the principles you espoused, just as I would judge the principle to be false. Hence this interpretation of the notion of relativity as it describes the necessary relationship between beliefs and those who hold the beliefs is harmless and does nothing to cast into doubt our common-sense intuitions about morality.

However there is a second interpretation of the idea of relativity which appears to be much more damaging to my argument. For we can take moral beliefs to be causally

dependent upon, and hence *wholly subject to*, certain facts about groups or individuals. In fact this kind of sceptical argument: ‘that moral beliefs are *merely* functions of particular human societies’ is just one aspect of a general argument that *dependant* phenomena (things which could not have existed without other things having first existed) can be analysed into those things. They are ‘merely’ this or ‘merely’ that. Morality is clearly a *dependant* phenomenon in this sense and so particularly subject to this kind of criticism.

This type of sceptical argument comes in a number of guises, none of which appear to be metaphysical, yet underlying each argument is a central metaphysical assumption. I will call this general type of argument the argument from dependence because each argument proposes that morality is a ‘dependant phenomenon’, one that depends utterly upon, and can therefore be adequately explained by, some account of the development of human nature.

One of the most recent examples of the argument from dependence is provided by the numerous attempts to derive an explanation for morality from socio-biology. Alternatively others have tried to explain morality from game theory, while others have used psychoanalysis.¹ In philosophy one of the most important examples of this type of analysis is provided by Nietzsche’s derivation of slave morality from the mentality of the slave in his conflict with the master, who then creates morality out of his sense of *ressentiment*:

When the oppressed, downtrodden, outraged exhort one another with the vengeful cunning of impotence: ‘Let us be different from the evil, namely good! And he is good who does not outrage, who harms nobody, who does not attack, who does not requite, who leaves vengeance to God, who keeps himself hidden as we do, who avoids evil and desires little from life, like us, the patient, humble, and just’ - this listened to calmly and without previous bias, really amounts to no more than: ‘we weak ones are, after all, weak; it would be good if we did nothing *for which we are not strong enough*.’

Nietzsche, *On the Genealogy of Morals*, p. 46

If there is a general form to the argument from dependence it runs something like this:

1. There was a time before human beings had the moral understanding that they have now.

2. At that time there were forces at work within human society which led to the creation of the moral understanding.
3. We now experience the fruit of those forces without realising how the moral understanding was developed.
4. The moral understanding is therefore merely a product of those forces; it is not capable of comprehending any genuine moral reality.

Now from a philosophical perspective one thing is immediately apparent from this form of argument and that is that steps (1), (2) and possibly (3) are not in any sense metaphysical assumptions. Rather they are broadly scientific; although they suffer from the additional subjectivity inherent in all social sciences, plus they deal with experiences that are outside any feasible experimental time frame. Nevertheless they are of a piece with the scientific enterprises of biology, sociology, psychology and anthropology.

However step (4), which can seem an innocent and logical corollary of the previous steps, is in fact drenched in metaphysics. The idea that something is *merely* a product is very different from simply saying that something is a product. The word 'merely' implies that there is nothing new in the product, that the kind of reality inherent in the product was inherent in that which made it. For instance if we say purple is merely the combination of blue and red we are drawing attention to the existence of certain primary colours that combine to produce other colours. Purple then does not have its own reality but derives its reality from the more fundamental reality of blue and red. Or, if we say the table is merely the combination of five pieces of wood we are pointing out that the table is built up of certain component parts that are simpler than the table itself and stand in contrast to the aesthetic and functional value of the table.

The application of the word 'merely' seems then to be straightforward. However we can see how slippery it is if we consider some other examples. If we say a human being is the product of a sperm and an ovum we can see that to add the word 'merely' here would be to suggest that a human being has only the reality of those two things. This is actually a metaphysical argument, close in spirit to materialism, and it implies that there is no difference between the kind of reality displayed by a

life which is fully developed, conscious and rational than in simple cellular entities. Whether such a position is true or false is not the issue here; rather I am arguing that the addition of the word ‘merely’ turns an interesting account of how one thing may have led to another into a metaphysical account of the relative reality of the later thing.

Technically speaking such arguments are committing the genetic fallacy, the false assumption that something is no more than what made it.² A human being is not merely a sperm plus an ovum. An oak tree is not merely an acorn. In fact we could just as well argue that the contrary is true. The oak is the *fulfilment* of the acorn, the human being is the *fulfilment* of the sperm and the ovum. Now again this kind of argument is also metaphysical and I do not intend to pursue it here, but one can see that merely by altering the emphasis and the language one can suggest a whole different way of understanding dependence. Dependence can be either the dependence of the derivative or the dependence of an achievement or objective. So, for any of the accounts above, we might as well argue that our genes, our unconscious, our pre-history or whatever served the purpose of bringing the reality of morality into existence.

Further we might argue that it is actually these new meanings which ‘make sense of’ the earlier meanings. For example, from the perspective of morality it can make sense to encourage social rules that extend sympathetic feelings amongst citizens. Or from a proper understanding of one’s duties one can really understand the meaning of being in debt to someone.³

Not only is the idea of dependence highly ambiguous but, in step (3), we can see a further weakness in the argument. All arguments of this type have to hold that what we now believe depends upon something we have since forgotten. For, if we could see the underpinnings of our beliefs, then those beliefs would themselves be undermined. For example, I cannot take seriously my belief that I have a duty to honour, protect and stay faithful to my wife if I believe that such duties are really only the result of a patriarchal system of oppression. Now this is not plainly self-contradictory, in fact it is typical to see it argued that the necessary forgetfulness is itself a further product of these creative forces. For the slave could not make a

subject of the master without everyone forgetting that this was merely a matter of subjection and coming to believe that these new standards were universal and transcendent. However what this surely admits is that our moral understanding is *categorically different* from any understanding we might have of the mechanics which preceded that understanding.

The point is that the presumption of forgetfulness makes the argument for us that there is a difference between the moral understanding and any understanding we might have of the mechanics that produced it. It in fact implies that rather than morality being *merely* anything, morality must be understood as a development *from* something. The sceptic's argument collapses because the claim that the moral understanding is merely X is undermined by his claim that the identity between our moral understanding and X can go unnoticed.

So, there is nothing about the fact of a relationship of dependence between certain human societies and moral laws that should undermine our common-sense intuitions, for people and societies can be better or worse at capturing moral truth. The fact that morality emerges from systems of social organisation gives us no reason to reduce its metaphysical status to something baser than itself. This metaphysical version of the argument from relativity is therefore entirely indecisive. Hence we must now turn to Mackie's arguments from queerness.

¹ See, for instance Freud: "...I should like to insist that its outcome [of his enquiry] shows that religion, morals, society and art converge in the Oedipus complex." [Freud p. 156]

² Definitions of the genetic fallacy include "arguing that the origin of something is identical with that from which it originates" [Angeles, p. 110] and "confusing the causal origins of a belief with its justification." [Honderich (ed.) p. 306]

³ As opposed to Nietzsche, who believes the concept of guilt is merely based upon the 'earlier' concept of debt.

2.4 The metaphysical argument from queerness

Now Mackie himself believes that his argument from queerness (an argument which also can be split into a metaphysical and an epistemological part), is his most important weapon against our intuitive belief in “objective values”. He writes:

Even more important, however, and certainly more generally applicable, is the argument from queerness. This has two parts, one metaphysical, the other epistemological. If there were objective values, then they would be entities or qualities or relations of a very strange sort, utterly different from anything else in the universe. Correspondingly, if we were aware of them, it would have to be by some special faculty of moral perception or intuition, utterly different from our ordinary ways of knowing everything else.

Mackie, *Ethics*, p. 38

Furthermore Mackie goes on to explain why he thinks that the idea of objective values must be intrinsically “queer.” He points to “...the metaphysical peculiarity of the supposed objective values, in that they would have to be intrinsically action-guiding and motivating.”¹ So, if Mackie is right, any reasonable system of metaphysics will fail to provide morality with the underpinning necessary to support our objectivist assumptions. The entities with which metaphysics is concerned cannot, reasonably, do the work required by morality; for the idea of something that is intrinsically action-guiding is simply too queer to be acceptable.

Before criticising Mackie’s argument I think that it is worthwhile trying to really identify its full force. For it is certainly true that when we do take up a certain naturalistic perspective (that is, if we choose to look at the things of the world as merely *things*) it is indeed difficult, to see how any ‘thing’ can motivate us.² How can a future action ‘call out’ for someone to do it as a duty? How can any *thing* in the world ‘call on us’ to promote it as a good? How can any person, considered as another *thing* in the world, ‘demand’ respect as a right?

I think then that Mackie’s argument amounts to an extension of this naturalistic perspective on reality into the field of metaphysics. That is, he is claiming that it is *just* as difficult to see how any *metaphysical* entity can provide a better reason for

action than a natural entity. In other words, if atoms, energy fields, rocks, living organisms or whatever else we believe exist cannot ‘demand’ anything it is just as unclear how minds, monads, things-in-themselves, Spirit or whatever else the metaphysician may conjure up can ‘demand’ anything of us either. Things (even supposedly strange metaphysical things) do not demand actions. This is the driving assumption within Mackie’s metaphysical argument from queerness.

Now as Mackie states this argument is clearly very close to the argument that was famously made by Hume and which is sometimes called “Hume’s Law, that one cannot derive an ‘ought’ from an ‘is’”³ and which is expressed in the following passage:

In every system of morality which I have hitherto met with, I have always remark’d, that the author proceeds for some time in the ordinary way of reasoning, and establishes the being of a God, or makes observations concerning human affairs; when of a sudden I am surpriz’d to find, that instead of the usual copulations of propositions, ‘is’, and ‘is not’, I meet with no proposition that is not connected with an ‘ought’ or an ‘ought not’. This change is imperceptible; but is, however, of the last consequence. For as this ‘ought’ or ‘ought not’, expresses some new relation or affirmation, tis necessary that it should be observ’d and explain’d; and at the same time that a reason should be given, for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it. But as authors do not commonly use this precaution, I shall presume to recommend it to the readers; and am persuaded that this small attention wou’d subvert all the vulgar systems of morality, and let us see, that the distinction of vice and virtue is not founded merely on the relations of objects, nor is perceiv’d by reason.

Hume, *Treatise*, p.469

Mackie believes that he and Hume are making the same central point. For if we are to understand the nature of reality then we need to know what *is*. If we know all that *is* we still do not know what *ought* to be. Knowing what ought to be is a separate matter, or in Hume’s terms, a “new relation.” But if what ought to be is different from what is then it seems that what ought to be is outside reality, for *surely* reality is identical with what *is*. For Mackie it is simpler for us to concede that there can be no answer, we simply cannot imagine anything that could adequately serve the purpose of explaining how any state of affairs could demand something from us.

How much simpler and more comprehensible the situation would be if we could replace the moral quality with some sort of subjective response which could causally related to the detection of the natural features on which the supposed quality is said to be consequential.

Mackie, *Ethics*, p. 41

However we must be very careful here. Hume's Law is not actually identical to Mackie's metaphysical argument from queerness and the difference between Mackie's position and Hume's position is critical to understanding the flaw in Mackie's argument. Hume's argument is that it is statements of empirical fact ("relations of objects") and logical reasoning (what is "is perceiv'd by reason") that are, *alone*, insufficient to imply moral judgements. Mackie's argument is that we cannot imagine *anything* that can possibly exist and make moral demands upon us.

In fact I think that Hume's Law is true, but it is limited in its application, for it is only concerned with the question of whether moral truths can be derived from logical principles or empirical facts. I will go on to argue that Mackie's own argument is quite distinct and not at all successful. However I think that it is important to distinguish Mackie's argument from Hume's argument, for at least two reasons. First, by linking his account to Hume's Law Mackie is claiming more legitimacy for his argument than he is entitled to, hence if my argument is successful it will be clear that Mackie can claim none of Hume's authority for his own argument. Second, my motive for considering both Mackie and Hume's argument at this point is that if Hume's Law is true then I think that this does have immense significance for the kind of meta-ethical theory that can be used to defend objectivism. I will be considering these matters in more detail in Chapter Four, however it is worth saying that many of those who have tried to develop anti-sceptical positions have held that Hume's Law is false. In particular the moral naturalist believes that we can form an understanding of moral truths by building on empirical facts, but I will go on to argue that moral naturalism cannot successfully account for the objectivism of morality.

So I will begin this argument by considering Hume's argument first. We can illustrate Hume's argument by using, as an example, Cain's murder of Abel. We can imagine all the possible facts of that case: the precise actions of both parties, their histories, their motives and these would all be empirical facts. But the one fact that we cannot

find alongside these facts is the fact that ‘Cain ought not to have killed Abel.’ This fact is not a fact *alongside* the other facts of the case, it is rather the judgement we make *in the light* of those facts. If we are then asked to justify our judgement that ‘Cain ought not to have killed Abel’ we may make some more general claim like ‘You ought not to kill other human beings’ but this further claim is not a statement of empirical fact. Alternatively we may point to certain matters of facts (say, ‘Abel was not attacking Cain’) in order to rule out any possible justification for Cain’s actions. But it is not these matters of fact alone that justify our moral judgement; rather it is that there is another moral principle that is conditioning the first, (say ‘You ought not to kill another human being unless they are attacking you’).

So, on this analysis, Hume’s Law is true. But it only provides ammunition for a moral sceptic like Mackie if it is implausible to think that there is another way that there can be a fact that ‘Cain ought not to have killed Abel.’ It is the claim that such ‘moral facts’ are unimaginable that constitutes the argument from queerness. Hence it is this assumption that enables him to “supplement” Hume’s Law and provide us with the argument from queerness.⁴ We might then say that the argument from queerness builds upon Hume’s Law as follows:

1. Empirical facts and logical truths, by themselves, never create moral demands (Hume’s Law)
2. We cannot imagine anything else that might possibly create moral demands (Metaphysical Queerness Argument)

However, before I begin to criticize Mackie’s argument from queerness it is important that we examine Hume’s Law in more detail. For although there have been numerous attempts to argue that Hume’s Law is false and that the objectivity of morality can be based upon empirical facts and logical reasoning I do not believe that it *is* helpful to dissolve the is/ought distinction. In fact we find that many of the arguments that attempt to criticize Hume’s Law end up, unintentionally, undermining moral objectivism. Hence I will argue that Hume’s Law is true, but that Metaphysical Queerness Argument is false.

The difficulties inherent in defending moral objectivism by way of rejecting Hume’s Law are exemplified in an argument made by Searle. He argues that the gap between

the 'is' and the 'ought' can be bridged by exploiting a category of facts that he calls "institutional facts". To demonstrate his argument I will set it out as it would apply to Cain's murder of Abel.⁵ He proposes that we can construct the following logical argument and thereby demonstrate how an 'ought' can logically be derived from an 'is', that is from a set of facts:

1. Abel did not attempt to kill Cain or otherwise threaten Cain. empirical fact
2. Cain set out to kill Abel. empirical fact
3. Cain killed Abel. empirical fact
4. Cain murdered Abel. implied by (1), (2), and (3)
5. Cain ought not to have killed Abel. implied by (4)

Now this is a fairly straightforward moral argument. Statements (1), (2) and (3) are all empirical facts. Statement (4) is what Searle would call an institutional fact, that is it fits the previous statements into a proposition which already implies a certain moral viewpoint (that the unjustified, predetermined killing of a human being is murder) and this leads to statement (5), a statement of duty.

However while Searle has successfully taken us from an 'is' to an 'ought' it is hard not to think that there is some obfuscation here. Hume was not concerned with the linguistic shift from the 'is' to the 'ought' but a shift from factual observation and logical analysis to moral evaluation. Now on this front the idea of an 'institutional fact' is highly ambiguous. One can, by analysis and observation, conclude that 'Cain murdered Abel', *only* if one takes murder to be no more than a particular kind of combination of empirical facts. But, if that is all murder is then (4) does not imply (5) for a further fact is missing, a fact that is not observable or derivable by logic, the fact that 'one ought not to commit murder.' Alternatively, if the idea of murder *already* implies that one ought not to do it, then the problem is that statement (4) is underdetermined by statements (1), (2) and (3). For those empirical facts do not tell us that one ought not commit acts of unprovoked killing.

So, empirical propositions, on their own, do not imply moral propositions. They can provide evidence, but there is always a missing step. If we accept Searle's contention that the gap between 'is' and 'ought' is to be bridged by 'institutional facts' we seem

to be heading away from moral objectivism and towards relativism. The idea of an institutional fact is the idea that some facts are *instituted* by human practices, and that it is relative to those practices. Where different communities hold different institutional facts Searle can say nothing other than ‘so be it: different people can derive different obligations from the same facts’. Hence this attempt to overcome Hume’s Law and logically connect moral beliefs to empirical beliefs only succeeds at the price of abandoning the idea that morality is objective.

So Mackie and I agree that Hume’s Law is true as it applies to empirical facts and logical truths alone. Moreover, I also agree with Mackie that it is fruitless to attempt to try and bridge the gap between ‘is’ and ‘ought’ by focussing on the “terms in which everyday judgements are more likely to be expressed.”⁶ However this leaves us with the central point at issue: whether we can imagine *anything* that creates moral demands over and above empirical reality or logical truths.

In order to answer this question we must return to our previous analysis of our intuitive understanding of morality and, in particular, my contention that the central idea within our moral understanding is the idea of duty. My claim there was that we used the term ‘ought’ when we refer to some kind of ‘law’. Hence, if the red ball ‘ought’ to hit the black this is because of the laws of physics. If you ‘ought’ to use the M8 to get to Glasgow from Edinburgh it is because of the presumption that patterns of human behaviour make it more likely that you will arrive in Glasgow more quickly if you take that route (the need for speed being presumed). Similarly if we claim that Cain ought not to have killed Abel we are implicitly referring to the Moral Law, the law by which we judge his actions and the same law by which Cain ‘ought’ to have constrained his actions. So, by my previous argument, I already know that I am already committed to a specific metaphysical account of reality, one that contains the Moral Law. Furthermore, as I argued at the same point above, my analysis also suggests a further metaphysical requirement, that we imagine ourselves to possess Free Will.⁷

So, if we return to our example, we can now see how the idea of the Moral Law might serve to explain how we can derive an ‘ought’ from an ‘is’. For if we know that: (1) Abel did not attempt to kill Cain or otherwise threaten Cain; (2) Cain set out

to kill Abel; (3) Cain killed Abel and (4) ‘One ought not to kill other human beings, (unless, say, one is acting in self-defence)’ then we can conclude that (5) ‘Cain ought not to have killed Abel.’ Hence we have derived an ‘ought’ from an ‘is’, but not by reference to empirical facts or logical truths alone, for we needed to refer to part of the Moral Law in order to make the necessary deduction.

Now clearly the fact that our moral understanding presumes the existence of the Moral Law does not prove that it is real. But the truth or falsity of any metaphysical theory is not even at issue within the queerness argument. Instead, what is at stake in the queerness argument is whether there is *any* metaphysical account that could explain how something could be ‘absolutely demanded of us’ that is not patently “queer”.

But if that is Mackie’s claim then surely it does not take long to respond. The idea of a Moral Law is quite clearly not “queer” because it has been an object of discussion within philosophy for at least two and a half thousand years. Surely that fact alone must ask us to question whether such ideas are simply too queer to be believable. In fact, numerous ways have been proposed to explain how the Moral Law could be understood. In general we can identify at least three broad types of account each of which has been used to support the idea of morality. There are (1) humanist philosophies that see all human beings as being subject to certain laws that are in some way inherent in our nature as human or rational beings. There are also (2) pantheist theories that connect all as one and in which there is an essential moral dynamic. Finally (3) there is theism, which sees God as external to man and as laying down the Moral Law for man.

Now it is of course quite possible to argue that any or all of these arguments is false or to argue that metaphysics, as a whole, is incoherent.⁸ However I do not think one can reasonably suggest that the idea of a motivating entity is incoherent without doing either of those things. Moreover when we examine the examples that Mackie uses to support his argument from queerness they hardly support his case. For instance, he cites Plato’s conception of the Good as a motivating object of our cognitive abilities:

Plato's Forms give a dramatic picture of what objective values have to be. The Form of the Good is such that knowledge of it provides the knower with both a direction and an overriding motive; something's being good both tells the person who knows this to pursue it and makes him pursue it.

Mackie, *Ethics*, p. 40

Now Mackie, as far as I can make out, gives no particular argument why the "Good" is, as he puts it, "among the wilder products of philosophical fancy."⁹ He seems to take it for granted that Plato, and all others who have tried to provide the basis for moral objectivism, have simply been led, by the impossibility of the task, to create queer ideas of what exists. But surely this form of argument is akin to one of Plato's cave dwellers, complaining to the philosopher who has returned to the cave, that his account is too strange to be believable.¹⁰ I think Mackie needs a much stronger argument than that.

Also, as Sprigge notes, it is hard to see how *anything* about which we seem to have developed a relatively clear idea and which we have 'built into our conception of morality' can be so implausible.

But if the idea of there being value properties is as incoherent as Mackie thinks it, how did we ever come to envisage not just the idea of there being properties which could answer to some general description, but certain definite such properties? Could we have the idea of a certain definite property if there are no properties at all of the genus to which it belongs, nor any element out of which the idea of it could be constructed.

Sprigge, *The Rational Foundation of Ethics*, p. 80

So my argument is as follows. (1) Hume's Law is true, we cannot derive an 'ought' from an 'is' without reference to something else beyond empirical facts and logical reasoning. (2) However the 'something else' that is implied by our intuitions about morality is the Moral Law. If we combine the Moral Law with empirical truths and logical reasoning then we can successfully derive an 'ought' from 'is'; or, in other words, we can thereby explain how empirical circumstances can appear to place demands upon us. (3) Mackie has provided no convincing argument to show that the idea of the Moral Law is queer or implausible, nor to rule out any of the other possible metaphysical accounts that might justify our intuitive beliefs about morality.

Of course there may be a metaphysical argument that can be made that is finally convincing and that determines the question of morality's status once and for all. But I am not aware of such an argument and Mackie certainly does not offer one. Instead we will now have to turn to Mackie's final argument against objectivism, the epistemological argument from queerness.

¹ See Mackie [1] p. 49

² See Buber.

³ See Mackie [1] p. 64.

⁴ Mackie [1] p. 40

⁵ "Jones uttered the words, (1) 'I hereby promise to pay you, Smith, five dollars.' (2) Jones promised to pay Smith five dollars. (3) Jones placed himself under (undertook) an obligation to pay Smith five dollars. (4) Jones is under an obligation to pay Smith five dollars. (5) Jones ought to pay Smith five dollars." [Searle, *How to derive 'ought' from 'is'* in Foot, p.102] See also Mackie's discussion of the same argument, Mackie [1] p. 66.

⁶ See Mackie [1] p. 41. For instance Mackie might be referring to the kinds of argument proposed by Foot and Murdoch. "We have the right to say that a man cannot decide to call just anything dangerous, however much he puts up fences and shakes his head." [Foot, *Moral Beliefs* in Foot p. 90] "On my view it might be said that, *per contra*, the primary general words could be dispensed with entirely and all moral work could be done by the secondary specialised words. If we picture the agent as compelled by obedience to the reality he can see, he will not be saying 'This right', i.e., 'I choose to do this', he will be saying 'This is A B C D' (normative-descriptive words), and action will follow naturally. [Murdoch [3] p.42]

⁷ See above, p. 31.

⁸ Mackie himself clearly rules out the option of arguing for the meaninglessness of metaphysics: "The assertion that there are objective values or intrinsically prescriptive entities or features of some kind, which ordinary moral judgements presuppose, is, I hold, not meaningless but false." [Mackie [1] p. 40]

⁹ See Mackie [1] p. 41.

¹⁰ See Plato [1] p. 320.

2.5 The epistemological argument from queerness

As we have seen the metaphysical part of this argument is not convincing; for Mackie gives us no reason to suppose that there is not a metaphysical position that could be adopted which enables us to explain how there can be objective values. Moreover Mackie does not show that the many positions that do in fact appear to offer some explanation of objective values are obviously false. This then leaves us to consider the epistemological version of the queerness argument. The epistemological argument is that if we examine the way we know things then we can see that the idea of moral knowledge, in any deep sense, is implausible, for it would rely upon some untenable form of intuitionism.

Mackie's argument is that if there is a moral reality which we can know then we need some way of being aware of it; but we do not have any special faculty of intuition that would make such knowledge possible. We see the colour red with our eyes. We hear the child crying with our ears. We have senses and sense experiences that enable us to understand the world, but we have no sense organ to perceive sin or virtue. Instead, he believes, we engage in a shared social practice that has no basis other than the one that we construct to meet our practical needs as a society.

Furthermore, while we are able to somehow infer the existence of imperceptible entities such as atoms, on the basis of the data that arrives through our senses, there is no comparable inductive process by which we might infer the existence of a duty. When the apple fell from the tree Newton could theorize and test out his theories of gravity. When someone takes an apple from a tree that isn't his own then there is no test that could support the hypothesis that the apple is stolen.

Now it seems to me that it is at this point that Mackie's argument is at its strongest and, as will emerge in Chapter Four, I will end up agreeing with him that only some reference to a faculty of intuition can finally explain how we can justify our intuitive beliefs about the status of morality. But, as Mackie writes, intuitionism has been "out of favour" for some time:

Intuitionism has long been out of favour, and it is easy to point out its implausibilities. What is not so often stressed, but is more important, is that the central thesis of intuitionism is one to which any objectivist view of values is in the end committed: intuitionism merely makes unpalatably plain what other forms of objectivism wrap up. Of course the suggestion that moral judgements are made or moral problems solved by just sitting down and having an ethical intuition is a travesty of actual moral thinking. But, however complex the real process, it will require (if it is to yield authoritatively prescriptive conclusions) some input of this distinctive sort, either premises or forms of argument or both. When we ask the awkward question of how we can be aware of this authoritative prescriptivity, of the truth of these distinctively ethical premises or of the cogency of this distinctively ethical pattern of reasoning, none of our ordinary accounts of sensory perception or introspection or the framing and confirming of explanatory hypotheses or inference or logical construction or conceptual analysis, or any combination of these, will provide a satisfactory answer; ‘a special sort of intuition’ is a lame answer, but it is one to which the clear headed objectivist is compelled to resort.

Mackie, *Ethics*, pp. 38-39

However I think that we must proceed quite carefully at this point. It seems to me that the supposed implausibility of intuitionism relies upon the supposed plausibility of a specific epistemological and metaphysical theory. That is, intuitionism seems somehow dubious to Mackie because he is relating it to an account of ‘how things really are’ that has no room for any moral intuitions. In fact it is this same implicit theory that also gives rise to the perception of queerness in the metaphysical argument. It is not the case that motivating entities are inherently queer. But if we have already adopted a view of the world in which there only exist ‘mere things’ that are subject only to the laws of physics then it is genuinely impossible to see how there can be any other kind of being or law. As Nagel writes

He [Mackie] clearly has a definite picture of what the universe is like, and assumes that realism about value would require crowding it with extra entities...

Nagel, *The View from Nowhere*, p. 144

So my first objective is to identify the theoretical position that Mackie believes to be so obviously true that it can be called upon, implicitly by his arguments, but does not need to be explicitly defended.¹ I think this broad metaphysical and epistemological position could be characterized as follows.

The first assumption (1) is that the world is morally silent. Knowledge of the world is based on information we acquire through our senses. The world can be understood because the self possesses sensory powers that can gather empirical information and can form the basis of our factual beliefs. However there is no *moral* reality that we can become aware of. Of course, as science is not fixed there is no firm account of what the world is; but whatever it is, the world does not have moral properties. The world is morally silent.

The second assumption (2) is that what morality is based upon are non-rational drives. For the scientific empiricist recognises that we do hold moral principles and that these do determine some or all of our actions. But these principles are not held because we know that they are true or false. Ultimately such principles reflect our drives; and our drives can be no more true or false than a cat can be true or false. The drives that underpin morality are ultimately non-rational. That is, while one desire may be rational or reasonable in the light of some other desire, a desire *itself* has no context by which it can be justified.

There is therefore, at the heart of this model, a clear distinction between matters of cognition (things that we can know and which can be true or false) and motivation (things that we do or desire). Morality is a function of our motivational powers not our cognitive powers, even though morality ‘appears’ to be subject to cognition.² In fact Mackie himself dispenses with any rational theory of motivation at all; instead he proposes that, while we may find that prudential motives give us some reason to be moral, our motivation to be moral is not really explicable on any rational basis at all.

Why we are like this is in the first place a psychological question, to be answered, perhaps as Hutcheson, Hume and Adam Smith suggested, by reference to ‘sympathy’; but more fundamentally it is a sociological and biological question to be answered, as I have said, by an evolutionary explanation.

Mackie, *Ethics*, pp. 191-192

The correlative third assumption (3) is that rationality is limited to matters of logic and empirical discovery. That is, the self has various rational powers that enable it to hold beliefs and evaluate whether those beliefs are true. These rational powers can

discover (a) logical or mathematical truths (e.g. $A \vee \neg A$) which are somehow integral to the mind's own rational functioning and (b) empirical truths (e.g. $E = MC^2$) which are based on what we learn from the outside world.

While other sources of truth have been proposed in the course of human thought (e.g. divine revelation, Biblical truth, constitutional truth, poetic vision or Ideas of Reason) these are all really forms of superstitious belief which have no place in the modern understanding of things. Moral beliefs, which are not based on either logic or empirical evidence, are therefore without any ultimate rational foundation. Human beings are motivated by forces and drives, and while these forces can be understood (like any other part of nature) they do not arise from our rational natures. What we do (motivation) is *ultimately* not based on what we know (cognition). Although knowledge can help us to decide *how* to achieve our ultimate ends it cannot help us to identify those ultimate ends.

The fourth assumption (4) is that we have no independent power of moral judgement. For, although we may appear to make moral judgements about concrete matters (e.g. 'That was a good thing to do'), these are either the application of moral principles that we happen to hold or merely sophisticated ways of expressing emotional reactions. We do not apprehend the goodness of some act of virtue in the way that we might apprehend the redness of an apple.

The fifth assumption (5) of scientific empiricism is that thinking serves merely to organise our moral beliefs. Our moral beliefs are subject to our rational powers; they can be: deduced one from the other, made to sit comfortably with known facts about the world and operationalized. However rational thought cannot *discover* moral beliefs in the same way as it can factual beliefs. Thinking has a merely instrumental role. The purpose of thinking thereby seems to lie in its organisation of our moral beliefs into consistent patterns, which thereby offer less contradictory guidance to the acting man.

Now I will use the term 'scientific empiricism' to refer to these five assumptions, which together form the epistemological and metaphysical background for Mackie's sceptical arguments. The term 'scientific empiricism' is appropriate because this model of knowledge is based on the idea that experience is the key to knowledge

(empiricism) and the modern presumption that the world described by science is the ultimate reality (scientism). However it is important to remember that many empiricists, (e.g. Locke) were not in any way moral sceptics and would not accept this model of knowledge. Also classical intuitionism (e.g. Butler) is really a kind of empiricism, conceiving moral intuition as a form of sensory perception. Therefore scientific empiricism is not identical to empiricism.

However there is nothing eccentric about scientific empiricism as a model of knowledge. It reflects our clear sense of being aware of the world as both separate from us, separate from our needs and wants, and yet being something we can learn about. I think it is fair to say that it is a general faith in scientific empiricism that provides the background for Mackie's scepticism about the idea of a faculty for moral intuition and any metaphysical theory that might support moral objectivism.

Also I think it is helpful to see Mackie's position as part of the modern empiricist movement which has dominated twentieth century philosophy. It is useful to remember that Mackie's scepticism about moral knowledge is part of a general movement that is quite opposed to scepticism or relativism in other areas of knowledge. And I therefore agree with Mackie that the moral realist must provide an account of how we obtain moral knowledge. Simply claiming that all knowledge is subjective, or that reason is inherently moral, is not enough to defeat scepticism. Objectivism about morality implies that moral beliefs can be true or false and that we are able to discover the truth of those beliefs through rational thought. Hence the objectivist cannot argue that all knowledge is subjective or relative, for this argument only serves to undermine objectivism itself.

In all that follows I will be trying to criticize that particular form of moral scepticism that is based on scientific empiricism and I will begin to articulate an alternative epistemology that supports moral knowledge, one that will involve the idea of a justifiable intuition. The key question that I will pose in the next chapter is whether, as an epistemological account, scientific empiricism can adequately support a reasonable account of moral rationality. I will argue that if scientific empiricism is true it turns moral rationality into a charade, rather than a form of rational thought.

This does not constitute a complete destruction of the sceptic's position; however it does further deepen the reasons we have not to believe the sceptic's arguments.

I will follow this argument in Chapter Four with a consideration of the alternative meta-ethical theories that have been put forward against scepticism. From that chapter I will conclude that, just as Mackie claims, only intuitionism can be reconciled with the objectivist conception of morality. Then in Chapter Five I will try to explain how a Kantian form of intuitionism might both justify objectivism and how such an account might offer an 'unqueer' epistemological framework.

¹ Mackie does however recognise that a more detailed defence of his position is really required, for he recognises that he needs to show that many of our ideas would need "empiricist foundations" before they could be accepted. [Mackie [1] p. 39]

² Hume has been influential in defining this paradigm of knowledge, yet his idea of "Sentiment" seems to provide some basis for seeing Hume as moral realist (which was certainly how he saw himself). See Hume [1] p. 169.

3 THE PROBLEM OF MORAL RATIONALITY

In this third chapter I turn my attention to the theory of scientific empiricism that is implicit in Mackie's sceptical assault on our intuitions about morality. I argue that, although this theory does indeed contradict our common-sense intuition that morality is objective, this does not mean that we should abandon our commitment to objectivism. The opposite alternative is available to us: to reject scientific empiricism. In order to determine which view is correct I then pursue the question of how best to understand moral rationality. I argue that one of the most attractive accounts of the process of moral rationality available, and one endorsed by Mackie himself, is that provided by Rawls: reflective equilibrium. However on further analysis I show that, while at first blush reflective equilibrium appears to fit scientific empiricism well, as Mackie assumes, in fact the two theories are actually not reconcilable. So it is proposed that we abandon scientific empiricism and seek to identify an epistemological theory that is both more supportive of our objectivist common-sense intuitions about morality and one that can be reconciled with treating reflective equilibrium as a rational process.

3.1 Can scepticism be reconciled with rationality?

In Chapter One I argued that we intuitively take morality to be objective. I went on to define that idea in terms of four distinct claims: that morality is (1) cognitive, (2) real, (3) rational and (4) deontological. To a large extent my analysis of the content of our intuitive beliefs agreed with Mackie's own analysis. In Chapter Two I set out Mackie's sceptical arguments against our intuitive beliefs. I then argued that, while all of those arguments were in themselves indecisive, the arguments did reveal an implicit metaphysical and epistemological theory that, if true, would indeed force us to reject our intuitive beliefs about morality: scientific empiricism. In fact, from this point on my target is scientific empiricism, that specific kind of moral scepticism, which is vividly articulated by Mackie.

However, at this critical point in my own argument, when the positive position that I am opposing has finally come into focus, it is vital that I clarify how my own argument will develop. The conflict between scientific empiricism and objectivism underlies much of the recent debate in meta-ethics and has led to at least two kinds of philosophical strategy. One approach to the problem is to seek a kind of

reconciliation between scientific empiricism and our intuitions about morality.¹ Scruton provides one example of this kind of approach. He argues that we should distinguish two distinct perspectives on reality:

We may therefore contrast two modes of understanding: science, which aims to explain appearances, and ‘intentional understanding’ which aims to interpret them - i.e. to describe, criticize and justify the human world.

Scruton, *Modern Philosophy*, p. 243

That is scientific and intentional understanding are two aspects of the understanding, each with their own authority. Moreover this analysis enables Scruton to deal specifically with Mackie’s queerness argument in the following way.

But queerness is just another name for ‘causal inertia’. Moral properties play no part in explaining physical reality: we perceive them in the world, but the world can be explained without referring to them. From the scientific perspective, there is no fact of being good, only the fact that certain things are seen as good. So much the worse for the scientific perspective.

Scruton, *Modern Philosophy*, p. 280

However while Scruton’s argument is correct it falls short of what we really need to decide the matter. For the conflict is not between the perspective of science and the perspective of morality. Clearly these perspectives, qua perspectives, are reconcilable; for the idea of perspective is the idea that we can take up differing views of the same object. In fact, once we switch to the language of ‘perspective’ then Mackie himself is happy to agree that the perspective of morality is genuine. For Mackie believes that we will continue to engage in moral discourse and that this discourse will continue to give itself the *appearance* of objectivity.

But Mackie also believes that we are genuinely entitled to go beyond claiming that we merely have different perspectives on reality. For Mackie the perspective of science is much more than a perspective. Or rather, science is not *a* perspective on reality it is *the* perspective; it is the objective view of what really exists. On the other hand, for Mackie, the objective appearance of our moral understanding is false; morality is *fundamentally* subjective, not objective.

Scientific empiricism is a metaphysical account of the way reality is and hence an account of what things are *not* real, and it is also an epistemological account of what

things we can know (and so what things *cannot* be objects of knowledge for us). In other words, to accept that scientific empiricism is true is to accept a theoretical position which leaves no room for any further theoretical position that could support our common-sense intuitions about morality. If scientific empiricism is true then we must accept that our common-sense intuitions about morality rest on an error. To switch to a language of ‘different perspectives’ can only be justified if it can be shown that scientific empiricism is not true.

Now this leads us to perhaps the most obvious alternative way forward. That is, we could engage in a metaphysical critique of scientific empiricism or advance a metaphysical theory that supports our common-sense intuitions about morality. Parfit and Sprigge have taken something like this approach. For example, Sprigge’s defence of utilitarianism is largely based upon the belief that you can reasonably defend a form of idealism, one which gives a central role to the idea of motivating pleasures.² However I am not aware of any metaphysical argument that can utterly demolish scientific empiricism and I do not wish to explore these questions by engaging in matters that, to me, are much more dubious and difficult to resolve than question of how we are to understand the status of morality itself. To an optimist about our capacity for metaphysical knowledge my own approach will seem timorous, for instead I will proceed by considering morality itself.

I will not be exploring how to reconcile scientific empiricism with objectivism (which I think impossible) nor will I try to start by offering an alternative theory to scientific empiricism. Instead my own approach will be to *first* demonstrate how unattractive scientific empiricism is if we take it seriously and allow ourselves to abandon our intuitive commitment to objectivism about morality; and *second* to define an epistemological position that can entirely support our common-sense intuitions about morality.

In this chapter I will begin by further exploring our reasons for rejecting scientific empiricism. In particular I will examine the idea of moral rationality. It is already clear from my account of Mackie’s arguments that a faith in scientific empiricism involves the denial that morality can be either cognitive or real. However it is less clear how the scientific empiricist must treat the notion of moral rationality.³

The crux of my argument will be that scientific empiricism cannot provide us with an attractive account of moral rationality. It is a fact of human life that we debate and think about such questions as ‘What is the right thing to do?’ or ‘How should I live my life?’ Our commitment to this practice of moral reasoning surely implies that it has some rational purpose, that by argument and debate we can somehow advance or improve the views we hold. Hence my earlier argument that we take morality to be rational. But my argument here will be that, if the scientific empiricist’s assumptions are accepted, then the meaningfulness of this everyday process becomes illusory. Moral reasoning, which seems to be a genuinely productive and meaningful attempt to improve our moral theory, is instead the meaningless rearrangement of the pieces of a pattern, where no one pattern is any better than any other.

Of course, the most hard-headed sceptic may accept this conclusion; that kind of sceptic might argue that we simply have to face the fact that when we reason about morality we are not really reasoning. I do not intend to argue against this option. If the sceptic chooses to take this line then this merely underlines the high price he has to pay for his moral scepticism. However Mackie does not take this extreme sceptical position. Mackie believes that we are able to make “a legitimate kind of inquiry” by:

the attempt systematically to describe our own moral consciousness or some part of it, such as our ‘sense of justice’, to find some set of principles which were themselves fairly acceptable to us and with which, along with their practical consequences and applications, our intuitive (but really subjective) detailed moral judgements would be in ‘reflective equilibrium’.

Mackie, *Ethics*, p. 105

Mackie does not make great claims for this process as a rational process, he is quite clear that it is not really a process that can *discover* moral truths. Instead he sees it as the clearer articulation of what we already believe. However what Mackie concedes is that when we engage in the process of reflective equilibrium we are engaged in a purposeful and productive process. He is therefore accepting that, in one respect at least, our intuitive sense of morality’s status is not false, for we intuitively take morality to be rational. He is simply offering a modest account of how moral rationality functions. What I will argue in this chapter is that the position that moral rationality can be interpreted in the ‘modest’ fashion that Mackie proposes is false

and that scientific empiricism cannot be reconciled with any reasonable account of moral rationality. In particular scientific empiricism cannot be reconciled with the rational process of reflective equilibrium.

This argument will serve two purposes. First I will be advancing my case from Chapter Two, that the costs of moral scepticism are too heavy to bear and that those costs even out run what sceptics like Mackie are prepared to admit to. However in the process of exploring the notion of moral rationality I will be proposing that the idea of reflective equilibrium is both a genuinely rational process, but one that provides an epistemology quite distinct from that proposed by scientific empiricism. This argument then serves the second purpose of setting the scene for the positive proposal that I will develop in Chapters Four and Five. At the heart of this proposal will be the epistemological claim that moral rationality involves an attempt to reconcile our awareness of moral judgements with our awareness of moral principles. Unlike some other moral objectivists it is an important aspect of my thesis that both moral principles *and* moral judgements, separately, are supported by two different faculties. Moreover I will go on to argue that the existence of these two faculties could support a coherent conception of moral intuition.

¹ Arguably moral naturalism, which I will discuss in more detail below (p. 113) is also a kind of reconciliation strategy that also attempts to revise the metaphysical assumptions of scientific empiricism. For it supposes that scientific understanding is objective, but much broader than the scientific empiricist presumes. The moral naturalist assumes that we can objectively know matters of scientific fact and moral facts and the universe contains properties and entities that are adequate to this broadened scientific approach.

² See Sprigge p. 142.

³ Actually Mackie does not want to deny that morality creates absolute demands upon the self, the property of morality that I have called its deontological character. For he thinks that the inherent absolute prescriptivity of morality (its demandingness) is the very quality that cannot be successfully combined with the idea that there are real moral properties or entities. Hence we must abandon the notion that moral beliefs can be cognitive and based upon something real. However he does not want to suggest there is any *basis* for this deontological character. Instead we are to presume that we somehow invent it and allow it to imbue our thoughts. However it has no real basis beyond some human need for the discipline it brings. In essence this account could usefully be compared to Hobbes's account of how we invent the sovereign Leviathan in order to keep ourselves safe from each other.

3.2 Some ways of justifying a moral theory

Now, when it comes to understanding the nature of moral rationality, moral philosophy is actually studying itself. That is, understanding how we can ‘think morally’ is also the study of how philosophers justify the business of doing moral philosophy, or at least that particular part of moral philosophy which is the development and justification of a moral theory.

I am going to treat the idea of a moral theory in the same way as Mackie does.¹ That is, a moral theory is a set of organized and ordered moral principles that is so arranged that it can support the production of particular moral judgements by the holder of those beliefs.² We can perhaps imagine the theory as a crystalline pattern which lies at the heart of our web of beliefs and which consists of those beliefs that are most abstract and which are least effected by the particularities of the individual or their context. That is, a moral theory is a set of abstract principles, but principles that are logically connected to concrete judgements.³

This distinction then provides a very useful way of helping us with the next problem, which is to identify an adequate account of moral rationality itself. For, while we are assuming that the *outcome* of moral rationality is the moral theory, we have not yet shown how moral rationality operates to achieve that outcome. Now, as I have just set out, I am going to argue that the process of reflective equilibrium is an important aspect of moral rationality. Moreover I am going to argue for the importance and relevance of reflective equilibrium by showing how two alternative accounts of moral rationality both (1) fail to accurately describe moral reasoning and (2) must rely on some faculty for making moral intuitions in order to justify their own rationality.

So we can identify three approaches to the justification of moral theory. The first (the principle-first approach) is based on the idea that we are somehow aware of true moral principles. The second (the judgement-first approach) is based on the idea that we are aware of the truth of concrete moral judgements. The third approach, the process of reflective equilibrium, is a synthesis of these two prior approaches, and it

offers us an account of how we can reconcile our awareness of certain moral principles with our awareness of concrete moral judgements.

a) *The principle-first approach*

The key assumption of the principle-first approach to moral theory is that there are some moral beliefs that have special authority in our system of moral beliefs.⁴ These key beliefs, or *principles*, are conceived as founding the system. Subsequent beliefs are then built on to these principles. One example of a theory that is congenial to this approach is act-utilitarianism, a system with only one key principle - the principle of utility, (that one should act so as to maximize total utility). This principle is proposed as the foundation stone of our moral beliefs; it should either determine our actions or provide a test for any putative action or general rule of action.

This approach might also be characterised as radical in the limited sense that it aims to get to the root of the matter, because it treats moral theorising as an attempt to uncover the set of moral principles that should underpin our moral beliefs.⁵ However it also tends to be radical in its implications for our everyday moral beliefs (in the way Alexander's solution to the Gordian knot was radical). For, frequently, full attention to the driving principles of the theory seems to cause some of our beliefs, our first 'naïve' beliefs or judgements, to be swept aside, to be replaced by, supposedly better founded beliefs.

The conflict between our principles and our prejudices (or common-sense intuitions) brought about by this radical approach to moral philosophy is displayed in the typical cut and thrust of philosophical debate at the ethical level. Each theorist endeavours to defend or attack a particular conception of the right moral theory by showing how it contradicts or supports some strongly held belief. For example, one might try and counter an advocate of utilitarianism by showing that on certain occasions it seems immoral to maximize happiness, for example, if that means killing someone. However from the point of view of the radical approach such conflicts serve, at best, an heuristic purpose, for the truth of the principle cannot be found in its support for, or hostility with, any other less basic beliefs.

Now the principle-first or radical approach to the development of moral theory faces two significant difficulties. First it seems to poorly describe actual moral reasoning.

For it implies that it is our awareness of the most general and abstract principles that is most important. On this basis the most abstract principle to which one feels committed would inevitably trump any more concrete judgement; for the justification of that judgements lies (on the basis of this approach to justification) only with the most general principles. Hence a commitment, say, to average happiness utilitarianism may inevitably lead to my supporting an ambitious programme of euthanasia, even if I have strong feelings that euthanasia is wrong. On this approach, my only way of justifying my feeling that euthanasia is wrong is to identify some other very general principle that can in turn trump my commitment to average happiness utilitarianism. But this seems perverse, for there seems no obvious reason why my belief that euthanasia is wrong should simply submit to any belief that is more general.

The second problem faced by the radical approach is that we need to *found* the first principle or principles. Over each moral theory developed in this tradition there hangs the question of what justifies the founding principles of the system. For unless we can give some reason to justify holding our most general moral principles we seem to be basing our moral theory on those beliefs that we cannot justify rationally. Bentham observed this paradox and provides the typical response to it:

Has the rectitude of this principle been ever formally contested? It should seem that it had, by those who have not known what they have been meaning. Is it susceptible of any direct proof? It should seem not: for that which is used to prove everything else, cannot itself be proved: a chain of proofs must have their commencement somewhere. To give such proof is as impossible as it is needless.

Bentham, *Introduction to the Principles of Morals and Legislation*, p.36⁶

The typical way of overcoming this problem of how to justify the fundamental moral principles is then solved by proposing that these principles possess some especial obviousness that we are suitably equipped to notice. In other words we use some kind of faculty of moral intuition to become aware that such moral principles are correct. Certainly this not an attractive epistemological account and it seems that the notion of moral intuition has only been introduced in order to solve this particular problem. Let us see if a different approach might provide a less problematic account of moral rationality.

b) *The judgement-first approach*

The opposite approach to the radical approach, with its emphasis on founding moral principles, is the judgement-first approach to the justification of moral theory. If we imagine a continuum of moral beliefs that leads us from abstract principles (e.g. each person has the right to life and liberty) to increasingly concrete judgements (e.g. 'I should be allowed to shop on Sundays' or 'Now is the time to pay back that debt') then the judgement-first approach to moral philosophy emphasises the concrete end of that continuum.

This approach might be characterised as the conservative approach to moral theory. This conservative approach assumes that, in general, our actual moral judgements are entirely adequate and that they do not need to be underpinned by some rigorous conceptual or rational structure of belief.

In fact the logic of the conservative approach is to reject the image of an architecture of moral knowledge, with founding principles upon which more detailed moral knowledge is then built. Moral theory is not a list of true principles, rather it is a rough sketch, that attempts to capture in outline the character of our actual moral beliefs, beliefs which can never hope to be adequately replaced by that sketch. Just as a sketch of a landscape cannot stand for or replace the landscape. The theory only aims to enable us to talk in the most general terms about the full range of our specific moral judgements

However this conservative approach suffers from the same weaknesses as did the radical approach. First it offers an inaccurate account of how moral reasoning works. For it is simply not true to say that we cannot be rationally persuaded to forego certain moral judgements to which we are committed when we identify attractive moral principles that contradict those moral judgements. Correlatively, we also do feel that if our judgements cannot be supported by moral principles that they are somehow weaker. For example I may be morally opposed to the practice of fox-hunting, however if I cannot identify an attractive moral principle that explains why fox-hunting is wrong then it would surely be rational for me to forgo my moral judgement.

The second reason why the conservative approach is unattractive is that it also relies upon the idea that we possess some faculty for making moral intuitions in order to explain how we can justify the moral judgements we make. In fact my argument so far may seem to simply reinforce Mackie's epistemological argument from queerness. Both the radical approach and the conservative approach appear to require some kind of justification (for either moral principles or moral judgements respectively), but theorists in either camp struggle to provide an explanation of how we can truly justify those founding principles or basic moral judgements. Instead the moral objectivist appears to be forced to propose a special faculty of moral intuition, just as Bishop Butler did:

But there is a superior principle of reflection or conscience in every man; which distinguishes between the internal principles of his heart, as well as his external actions; which passes judgement upon himself and them; pronounces determinately some actions to be in themselves just, right, good; others to be in themselves evil, wrong, unjust; which, without being consulted, without being advised with, magisterially exerts itself, and approves or condemns him, the doer of them, accordingly; and which, if not forcibly stopped, naturally and always, of course, goes on to anticipate a higher and more effectual sentence, which shall hereafter second and affirm its own. But this part of the office of conscience is beyond my present design explicitly to consider. It is by this faculty natural to man that he is a law to himself: by this faculty, I say, not to be considered merely as a principle in his heart which is to have some influence as well as others; but considered as a faculty, in kind and in nature, supreme over all others, and which bears its own authority of being so.⁷

Butler, *Three Sermons*, p.94

So, just as Mackie argues, only this kind of intuitionist account (one which gives moral knowledge a real foundation by imagining a quasi-sensory faculty which can 'see' what is right or wrong) seems to be sufficient to enable moral beliefs to be true or false. Yet, as we have seen, Mackie believes that any such account is quite queer, relying on some special extra faculty which scientific empiricism does not have to imagine. And there surely *is* something unattractive about having to simply say 'well that's as far as we can go, we just see this kind of thing as good.' and to call upon the idea of a faculty of moral intuition simply to extricate oneself from this problem seems quite feeble. So Mackie's argument must be answered.

Furthermore we now appear to have two further problems. First the analysis above has shown that there is a fundamental divergence between two very different possible kinds of account of moral intuitionism. Some, like Mill and Bentham, assume that we have an ability to intuit deep moral principles, like the utility principle, and it is these principles that then form the bedrock of our moral theory. Others, like Butler and Moore, believe that we have a capacity for making intuitive moral judgements about whatever matters lie at hand; these judgements then provide the fabric of our moral theory. This means that even if we are prepared to accept the feasibility of intuitionism there is a fundamental uncertainty about which of the possible alternative accounts is correct. This surely adds to the *prima facie* unattractiveness and queerness of intuitionism.

Furthermore even if we could decide between these two alternative versions of intuitionism we would still be left with the problem of accuracy. For neither account seems to accurately reflect how moral reasoning actually works. If the objectivist prefers the radical approach and tries to identify central principles then he always seems to be prepared to simply cast aside his existing moral judgements. If he tries to defend his concrete moral judgements then he is forced into putting those judgements beyond rational scrutiny. Neither approach seems to be adequate to the task of describing a properly rational approach to the development of a moral theory. In fact we might say that both accounts of moral rationality seem rather unreasonable.

However there appears to be a solution to both these problems, one that builds a synthesis between the radical and conservative approaches and one that even appears to do without any need for moral intuitions: reflective equilibrium.

c) *Reflective equilibrium*

The third account of how we justify moral theory is the one articulated by Rawls and known as reflective equilibrium. This account, as we will see, provides a synthesis between the radical and conservative accounts, providing a way in which both principles and judgements can be respected. In addition reflective equilibrium *seems* to offer a viable and rational alternative to intuitionism. In fact reflective equilibrium has been embraced by sceptics like Mackie who do not wish to totally abandon our common-sense intuition that we possess a genuine capacity to use moral rationality.

Not as a way of uncovering moral truth but at least as way of improving our moral theory by a “legitimate kind of inquiry” that can “describe [but not discover] our sense of justice.”⁸

Rawls’ views on the operation of moral thought are possibly the most important and influential of the late twentieth-century and at first it *seems* to hold out the possibility that we can ‘boot-strap ourselves’ into a moral understanding without any reliance on a faculty of moral intuition. I will go on to argue that such boot-strapping is impossible. Rawls *is* describing a real phenomenon of our mental life, but *properly understood*, it is a phenomenon that requires a very different set of epistemological assumptions than those available to scientific empiricism.

At the beginning of the twentieth-century ethics found itself in a very hostile philosophical environment, pitched against science its only value appeared to be anthropological or cultural. Scientific empiricism had superseded older metaphysical and epistemological theories and the study of moral philosophy became highly meta-ethical; that is, philosophy no longer asked ‘What is right?’ but rather ‘What does ‘right’ mean?’ The publication of Rawls’ *A Theory of Justice* stands testament to an important change in mood, and a return to the serious study of ethics. Not only did Rawls present ethical arguments but he also seemed to show that the philosopher could still *do* moral philosophy in a serious way, could still say something new at an ethical level.

What Rawls offers is another approach to moral philosophy which seems to avoid the difficulties of the conservative and radical approaches and which carves out a distinct niche for the moral philosopher. Rawls sets out a rational process which takes us to the desired end state of reflective equilibrium and which works as follows:

1. Key moral principles are put forward for our examination.
2. These principles are reflected on and their implications for our day-to-day judgements are deduced from these principles by logical deduction and by the application of empirical facts.

3. If the choice of initial principles and subsequent reflection leads to judgements which are not consonant with our actual judgements then we have a choice we can either:
 - a) go back to the initial principles and propose an alternative set, or
 - b) amend our initial (pre-reflective) judgements and replace them with the proposed (post-reflective) judgements.

This process implies that we can create an increasing fit between the more abstract principles that we hold and the judgements that we actually make, as suitable emendations of principle or judgement lead to the theory of ‘best possible fit.’⁹ So Rawls writes:

From the standpoint of moral philosophy, the best account of a person’s sense of justice is not the one which fits his judgements prior to his examining any conception of justice, but rather the one which matches his judgements in reflective equilibrium. As we have seen, this state is one reached after a person has weighed various proposed conceptions and has either revised his judgements to accord with one of them or held fast to his initial convictions (and the corresponding conception).

Rawls, *A Theory of Justice*, p.48

This whole idea is very indebted to Quine’s theory of committed relativism. That is, Quine proposed that the problem of rooting or founding any theory can be avoided. He claims that the problem of foundation, as traditionally conceived, is insoluble, for there is no first proposition or set of propositions upon which to base all our beliefs. However there is still an active role for rationality. We are still able to use logical and inductive procedures to knit together and test the whole network of our beliefs and bring them under one conception or theory. The theory that we thereby form can then ‘do the job’ and will stand for us, at any one time, as the true theory. In this same spirit Rawls writes:

Therefore we do better, I think, to regard a moral theory just as any other theory, making due allowance for its Socratic aspects. There is no reason to suppose that its first principles or assumptions need to be self-evident, or that its concepts and criteria can be replaced by other notions which can be certified as non-moral, ...but justification rests upon the entire conception and how it fits in with and organizes our considered judgements in reflective equilibrium. As we have noted before, justification is a matter of the mutual support of many considerations, of everything fitting together into one

coherent view. Accepting this idea allows us to leave questions of meaning and definition aside and to get on with the task of developing a substantive theory of justice.

Rawls, *A Theory of Justice*, pp. 578-9

In this way the process of reflective equilibrium does offer an attractive account of how moral reasoning actually works. First it does offer an account of moral reasoning that seems to more accurately reflect the actual process we use. This quality can be displayed by comparing reflective equilibrium to actual exercises in philosophical thought. The search for conceptual consistency has always been, and will always continue to be, an active catalyst for good philosophical thought. For instance a moral argument about vegetarianism is likely to centre on the pursuit of certain parallels between cases which are supposed to reveal deeper truths. For example: (1) ‘You do not condone the murder of other humans for food, so why condone the slaughter of animals?’ or, (2) from the other point of view, ‘You don’t worry about a mouse being killed, so why worry about the killing of rabbits for food?’ Each side suggests there is a parallel between one judgement that it is assumed the listener will unconditionally accept and a second judgement that is in harmony with the view the speaker is advocating. The speaker attempts to lever the listener into changing his judgement by indicating the parallels or similarities that exist between the two cases, while beneath their immediate object of dispute is the contested question of what counts as the best conception of ‘those creatures whose lives are sacred’. The judgement is not only an instantiation of the conception but is meant to act as a persuasive advocate for that conception.

However reflective equilibrium is not only an account of how theories are developed which is in harmony with this process of philosophical dispute. It also *seems* to provide us with a way of creating a moral theory that explains and justifies the legitimacy of the theory, without any reference to the idea of a faculty for moral intuition. Reflective equilibrium starts with no more than the actual judgements and principles that we start with and there seems to be no need for any independent mode of rationality to justify our moral judgements. It is our initial principles and judgements *themselves* that provide the basis for the production of the principles that will then justify our judgements in reflective equilibrium. Hence it *seems* that there is

nothing in this version of what moral philosophy does (reflective equilibrium) and what a moral theory is (a conception - a set of generative principles) which is not reconcilable with scientific empiricism. For the scientific empiricist reflective equilibrium is an excellent way forward, providing a coherent account of how we can, in a limited kind of way, justify the moral theories we develop.¹⁰

Ultimately the moral theory is legitimized by no more than its capacity to give explanatory power to our judgements in reflective equilibrium. Our judgements have pulled themselves up by their own bootstraps; they provide the resources upon which a theory develops and give the theory its legitimacy. However, at the same time as the theory is brought into being to explain our judgements, it also develops its own autonomy or power; for our judgements are also subject to theory; for, to take our generative principles seriously *is* to let them effect our actual judgements. Moral principles can be justified in terms of the judgements that they support and moral judgements can be justified in terms of the moral principles that imply them.

Unlike the radical and conservative approaches to moral philosophy reflective equilibrium does not seem to require the active intervention of any faculty outside this process of logical ordering and reorganisation. The relationship between moral principles and moral judgement becomes entirely self-nourishing with no need for the intervention of any power of intuition.

However this is mere appearance. While reflective equilibrium does describe a genuine part of moral rationality, it cannot be used to justify moral theory in the way that I have just described. In fact, I will argue that the sceptic's epistemological framework, scientific empiricism, is utterly inconsistent with reflective equilibrium as a rational process. So the apparent compatibility between scientific empiricism and reflective equilibrium is mere appearance. *However* I do not want to argue that the idea of reflective equilibrium is itself incoherent. Rawls *is* describing a genuine feature of a moral thinking. But we can only accept the idea of reflective equilibrium properly as a *rational* approach to the development of moral theory if we embrace an epistemological account that involves the idea of moral intuition.

In effect my argument is that *if* reflective equilibrium is true *then* scientific empiricism is false. Clearly this form of argument is analogous to Solomon's

approach to the baby with two mothers.¹¹ Reflective equilibrium is the baby which is brought before us by the false mother (scientific empiricism) but its true mother (intuitionism) is found by putting the baby's life at risk. So I will go on to consider whether reflective equilibrium can offer a coherent account of moral rationality if it is restricted to relying only on the epistemological components of scientific empiricism.

¹ See Mackie [1] p. 105.

² I agree with Loudon that this is possibly a shallow conception of what a moral theory is; however it is important to my argument that I work within the same framework as proposed by Mackie. See Loudon, p. 97.

³ However, at this stage in my argument I have no absolute way of determining which beliefs are to be properly considered as principles and which beliefs are to be properly considered as judgements. All I am in a position to state is that principles are more abstract than judgements. So, for example, if I believe 'murder is wrong' then this is certainly a relatively abstract belief in relation to 'Cain ought not to have killed Abel' but it is less abstract than 'one ought to promote the maximum happiness'. Hence we cannot tell whether a particular belief is a principle or a judgement without reference to the whole theory. In Chapter Five I will propose a development to this account which states more clearly the separate foundations for principles and judgements. However that issue will be explored at a later stage in the thesis.

⁴ I think the idea of 'authority' is itself very revealing as to the genealogy of this conception of moral theory, for without the idea of 'authority' one might ask what status the fact of mere logical primacy gives one belief over another. It is as if theories are based on the imperative of obeying the word of God, (Judaism could thus be thought of as having ten key principles, the Ten Commandments, the objects of Moses' revelation on Sinai). However I do not mean to suggest that Religious moral theory is, in general radical; clearly the role of faith and mystery in founding religious moral beliefs and the theological act of interpretation leave more to be said than can be comfortably slotted into this conception.

⁵ Of course there is *some* kind of connection here between the sense of radical which means 'gets to the roots' and the idea of political radicalism. However the connection is ambiguous and complex and I am certainly not implying that politically radical thinkers are thinkers who are committed to the radical approach to moral theory, in the sense I define it here. The same caveats apply equally to the description of the conservative approach that follows.

⁶ Mill

⁷ In one way Butler and Bentham are not that far apart, for both emphasise the essential utility-seeking aspect of human nature. However, while for Bentham that fact of human nature is grounds for supposing that there is a principle of utility against which our actions can be measured, for Butler it is grounds for conceiving of an overarching human faculty which will guide us between the Scylla and Charybdis of self-interest and altruism. In the passage immediately preceding the text quoted above he writes, "...the natural disposition to kindness and compassion, to do what is of good report, ...leads him to society, and by means of which he naturally acts a just and good part in it, unless other passions or interests lead him astray. Yet since other passions and regards to private interest, which lead us (though indirectly, yet lead us) astray, are themselves in a degree equally natural and, and most often prevalent; and since we have no method of seeing the particular degrees in which one or the other is placed in us by nature, it is plain the former, considered merely as natural, good and right as they are, can no more be considered a law to us than the latter." [Butler pp. 93-94] That is, for Butler, our intuitions about duty serve to discipline both our natural inclination to promote our own self-interest and our equally natural inclination to help others.

⁸ Mackie [1] p. 105

⁹ Rather confusingly "reflective equilibrium" is used as the name for both the end-state and the process by which that state is reached.

¹⁰ Dworkin contrasts two conceptions of reflective equilibrium: the natural model and the constructive model. He claims that the moral objectivist would support the natural model, but that this natural model would imply such a hard view of our moral intuitions that no process of equilibrium could get under way. Instead he proposes that we should see reflective equilibrium as operating according to the constructive model which sees our intuitions as a starting point for the construction of a shared set of principles. I think this analysis is profoundly mistaken as it actually both misconceives moral objectivism and leaves reflective equilibrium radically unconstrained, as I will go on to show. See Dworkin in Daniels p. 36. Whether Rawls was himself trying to provide a way in which moral rationality could be reconciled with scientific empiricism is a moot point. Certainly Bloom thinks so, although Rawls is never explicit on this point. However, for the purposes of my argument I think his own views are not relevant. See Bloom [2] pp. 315-345.

¹¹ See 1 Kings 3:16-28

3.3 The need to constrain reflective equilibrium

My argument is that reflective equilibrium, as it must be understood by the scientific empiricist, is radically unconstrained. If we accept scientific empiricism then it seems that, given any initial configuration of actual judgements (pre-reflective judgements), there will be an infinite number of potential conceptions that could be reached by the process of reflective equilibrium. For, there is nothing to suggest that any (and so ultimately all) actual judgements are safe from being sacrificed to the proposed conception. I will argue that this is the fundamental problem in trying to reconcile scientific empiricism and reflective equilibrium.

This point is illustrated if we compare reflective equilibrium with the mathematical process by which one arrives at a line-of-best-fit to describe the pattern of some points. Our moral judgements are like the points on a plane and our moral theory (or moral principles) is like the line that connects those points. The theory explains the judgements just as the line defines the points. However the difference between these cases is that where, for the mathematician, the points are fixed, for the moral theorist any actual point can be replaced or moved to be in harmony with the proposed line-of-best-fit. So *any* point can be made to fit *any* line. But if an infinite number of moral theories can pass the test of reflective equilibrium the process is radically unconstrained. And if this is the case then surely it does not qualify as even a modest account of moral rationality. Instead it appears to be an utterly inane process without any meaning or real purpose.

Of course, the sceptic does not see reflective equilibrium as radically unconstrained and there are a number of factors that serve to constrain the process of theory creation in practice. (1) First, this process is an actual human process. So it will be constrained by the individual's actual capacity for hypothesising and by those principles which are close at hand. Stranger or more esoteric formulae will only evolve naturally from the search for greater consistency or inner harmony. (2) Second, one could reasonably assume that we want to hang on to as many of our pre-reflective judgements as possible. Humans are made uncomfortable by change and

changing a judgement has a psychological cost. (3) Third, humans operate in a social world where consensus is valued and powerful coercive and educational pressures are brought to bear upon the beliefs of each individual.

However although all these constraints are real they are only contingent. If the charge was that reflective equilibrium *actually caused* complete confusion and anarchy by offering an infinite range of possible theories, then these constraints might explain why there is no such chaos. However these constraints do nothing to give us the sense that any theory or any judgement is any *better* than any one of an infinite number of different theories or judgements. If rational thought can take us to any location, to any set of beliefs, then surely the process of rational thought is without value. But surely reflective equilibrium must aspire to being more than that or it simply becomes a placebo: a meaningful looking, but empty process, which substitutes for rationality.

There are a number of further rational, rather than contingent constraints that operate upon the process of reflective equilibrium. But these constraints are too weak to give the process meaning. (4) A fourth constraint is offered by the possibility that the attractiveness of a theory could be explained in terms of simplicity. Certainly the idea of simplicity seems to offer a real criterion for comparing certain theories: Rawls' Theory of Justice can be compared favourably (with respect to its simplicity) to the Ten Commandments and unfavourably (with respect to its simplicity) to the Principle of Utility. However while simplicity might be a good reason to prefer one theory over another amongst a group of otherwise equally good theories it does not help us fix upon a theory when that question is still left unanswered.¹ And if we were to assume that all theories were equally adequate before being reviewed with respect to simplicity we would have the bizarre conclusion that the simplest, whatever that was, was the best. So, while simplicity may be important, it cannot be the only factor for preferring one theory to another.

However, if we go beyond simplicity and seek out some more sophisticated aesthetic factor we make no more progress. (5) For example if we take the idea of coherence there are a number of ways this idea could be interpreted, but none of these interpretations is helpful. For instance if we (a) take coherence to mean a theory's

coherence with our pre-reflective moral judgements then this is merely restating of the second constraint. (b) If we take coherence to mean coherence with our post-reflective judgements then this is simply to define the state that is reflective equilibrium. (c) If we mean a theory's coherence with itself we are simply restating the fourth constraint, for if the coherence of a theory means anything it surely means simplicity. (d) If a theory's coherence means coherence with the laws of logic and physics (which are the only theoretical constraints available to scientific empiricism) then this simply assures us that the theory must neither be illogical nor contradict any natural laws.

(6) Similarly if we use some yet wider aesthetic factor, say the theory's beauty, unless we mean by that coherence or simplicity we must mean something heterogeneous to the picture painted by scientific empiricism. Although I think a theory's beauty is probably an important factor in determining the truth of moral theories it is surely not a factor that is readily explicable in terms of the resources that scientific empiricism allows us.

If, as I believe, the sceptic can offer no substantive rational constraint to the process of reflective equilibrium then we will be left with the logical possibility that reflective equilibrium can lead us to an endless variety of equally good moral theories. In which case reflective equilibrium does not offer us an account of moral theory building that gives any theory rational legitimacy beyond being merely non-contradictory and not in breach of the laws of physics

My contention is that we cannot seriously treat reflective equilibrium as a rational process if it allows for the co-existence of a multiplicity of mutually inconsistent theories. I will argue that in order to make it a rational process then it must be doubly constrained. (1) Some of our moral judgements need to be justified by more than the moral principles we hold. In addition (2) we must be able to provide reasons for our moral principles which go beyond the capacity of our principles to justify the moral judgements we hold. That is, if we treat reflective equilibrium as rational then both our judgements and the principles must be capable of being rationally grounded.

If my critical argument is correct and we put this point in terms of the different approaches to moral philosophy then my argument is that reflective equilibrium does

not actually evade *all* the difficulties inherent in the radical and conservative approaches to moral philosophy. On the one hand it improves on those approaches because it quite rightly recognizes the fact that moral rationality does depend upon *both* our reflection on moral principles *and* our capacity to make moral judgement. However it does not avoid the problem of intuitionism that was raised by those approaches. Rather reflective equilibrium needs *both* our principles *and* our judgements to be separately legitimized, if it is to be interpreted as a rational process. This cannot be achieved within the context of scientific empiricism.

a) *Constraining moral judgements*

For the scientific empiricist we have no capacity for legitimate judgement formation over and above logical deduction from our set of generative principles. Given any set of original judgements we can construct a conception that may further confirm some of our judgements but may clash with other judgements. If we accept the picture given to us by scientific empiricism we seem to have no *rational* basis for holding on to any judgement in the face of the constructed conception. However, Rawls states:

By going back and forth, sometimes altering the conditions of the contractual circumstances, at others withdrawing our judgements and conforming them to principle, I assume that eventually we shall find a description of the initial situation that both expresses reasonable conditions and yields principles which match our considered judgements duly pruned and adjusted. This state of affairs I refer to as reflective equilibrium. It is an equilibrium because at last our principles and judgements coincide; and it is reflective since we know to what principles our judgements conform and the premises of their derivation.

Rawls, *A Theory of Justice*, p.20

Rawls' assumption here ("I assume that eventually...") is of the utmost importance, not because it is wrong but because it makes an assumption about how we operate as moral beings. The key question here is what actually constitutes the attractiveness of a particular judgement. We know that, in reality, in the face of some particular conception, not all our conflicting judgements are as easily disposed of as others and that we will hold on to some judgements more strongly than others. However scientific empiricism gives us no account of how different judgements can be relatively attractive to us. Instead he must rely on a 'black-box' within in our moral psychology.² This 'black-box' has to *feel* for us, it decides when we can give up, or

maintain, allegiance to a particular judgement in the face of the proposed conception. This means that scientific empiricism holds that effectively the judgements we stick with and do not abandon in the face of the proposed moral principles are the judgements to which we are irrationally attached.³

It seems to me that if we are to take reflective equilibrium seriously then we cannot be satisfied with an account of our judgements that makes them either: merely the result of whichever theory we happen to hold *or* a kind of pre-rational inheritance. In other words we have to imagine that the faculty by which we *feel* that some judgement is just too important to give up in the face of a particular conception is itself *rational*. I will name this faculty the faculty of judgement.⁴

b) *Constraining moral principles*

However even if we possess a faculty for making justified moral judgement this still does not allow us to make sense of reflective equilibrium. This is the second problem that we face in making use of the idea of reflective equilibrium. If an individual has a faculty for making judgements then he will be able to treat his own judgements as potentially reliable, as potentially some kind of intimation of moral truth. For someone seeking reflective equilibrium this faculty assures him that his final judgements will not be too far off-track and that any moral theory that he is trying out will not be able to sweep away his proper judgements about what is right or good. However, for the process of reflective equilibrium to make any sense we also need an account of how our judgements can legitimately be altered or effected by a proposed moral principle; that is, we need an account of what counts for the attractiveness of one moral principle over another.

But if scientific empiricism is true then there can be no rational constraint operating on the generation of moral principles. Even if moral judgement acts as a significant constraint on the process of reflective equilibrium, it does not constrain the process sufficiently to avoid leaving the final conception that supports our judgements radically unconstrained. That is, although our judgements may be surer it seems as if the principles that underpin those judgements could come in an infinite number of forms. If we take, for example, a judgement such as 'I should not murder Joe' it is possible to identify a number of principles upon which this judgement might be

based: 'I should not kill another human being.' 'I should not cause unhappiness to others.' 'I should not infringe Joe's right to life.' 'I should not be a murderer.' But while those beliefs are based on actual moral theories, there is also nothing to stop us imagining other possible belief systems that still support the same judgement. These reasons may seem stupid, inane or bizarre but they are still possible reasons: 'It's one o'clock and nobody should be murdered at one o'clock.' 'I do not possess a sword and murders should all be carried out with a sword.' 'I should not act in any way that has an effect on anybody else.' 'I should not put myself out for any reason.'

The problem now is that even if we now feel that our judgements are more reliable we still have no basis upon which to determine the merit of different moral theories. For each more particular moral judgement there are many general moral beliefs from which that judgement might be derived. I see nothing to indicate that, even for a whole field of judgements, the same possibility does not exist and that many theories (possibly an infinite number) could do the job of implying the judgements we actually hold.

We can again compare our situation to that of the mathematician seeking a line-of-best-fit to explain a scattering of points. If the theory is analogous to the function of the line and the judgements to points on that line then the existence of a faculty of judgement has somewhat constrained the number of possible theories that could underpin those judgements. Now, instead of being able to draw *any* line and then alter the points to fit that line, the theorist is restricted to drawing only lines that actually meet the given points. Presuming that we possess a faculty of judgement can make our actual judgements 'stickier,' it gives our judgements 'weight.' However, just as it is still possible to use an infinite number of lines to describe any fixed number of points so, in the same way, it is still possible to come up with many theories to support a given set of judgements.

Even if I am wrong and there are not multitudes of conflicting moral theories that can justify the given moral judgements this only moves the problem on to a different footing. For at the heart of the matter is the need to give some account of *why* one theory might be more valuable than another for reasons more than the mere congruence of that theory with a particular set of judgements. The problem faced by

a proponent of reflective equilibrium who wants to use only the resources of scientific empiricism for their explanation is that scientific empiricism can only provide criteria of the narrowest grounds for discriminating between theories.

I think an outsider to our more recent philosophical heritage would feel that the most obvious foundation for our moral principles has not been explored; that is, that our moral principles should be true.⁵ But, as I stated above, scientific empiricism assumes that moral principles are not founded and that world contains nothing that could make them true or false.

Moreover, the difficulty of finding an account of what counts as truth for moral beliefs is further reinforced by the difficulty implicit in trying to see a theory as both *constructed for* judgements and as *constructing* judgements. In other words it seems strange that anyone should take seriously the idea of using a theory in order to develop judgements if at the same time it is known that the theory has only been constructed to support our judgements. So it seems that scientific empiricism will struggle to offer us a picture of how a moral theory can be justified. But without such an account moral theory becomes an empty bag of tricks. While it aims to justify judgements it offers nothing but empty rhetoric. “It is a tale told by an idiot, full of sound and fury, signifying nothing.”⁶

I believe that to give life to the idea of reflective equilibrium we need a different conception of moral epistemology, one that can give real weight to *both* our principles and our judgements. The answer, it seems to me, to the problem of justifying moral principles, will lie in both the idea of moral intuition and the idea of the rational will. And I will begin to explore these points below.

Of course, it will now seem that we are over-egging the pudding. To claim that we have a faculty for making moral judgements and *also* that we can identify true moral principles appears to put human beings in the position of having two perfectly adequate tools to do one job (to determine what is right). Moreover our need for reflective equilibrium is surely based on our being dissatisfied with at least some of our existing judgements and some of the moral principles we espouse. However we do not need to presume that we are ever blessed with good judgement or perfect awareness of moral truth. In fact quite the opposite, we tend to assume that

identifying the correct moral beliefs is a difficult matter. Morality is a difficult matter that requires debate, argument and structures for handling moral disagreement. Seen in this light reflective equilibrium is not redundant. We do not have perfect moral judgement or hold perfect moral principles but we can engage in a rational process by which moral judgement and our awareness of moral principles can tutor each other and conspire to identify the true character of moral reality. Ironically this is a process which may not even have a final resolution (there may be no point of reflective equilibrium). Now all of this is purely speculative and rests on the assumption that I can go beyond a negative criticism of the sceptical argument and propose a coherent epistemological theory in its place. But before beginning this task it is important to understand why the scientific empiricism's use of reflective equilibrium has been unsuccessful.

¹ If simplicity was so clearly a good thing we should feel that nine commandments would be a big improvement over the traditional Ten.

² A 'black-box' is a component in a system where one can identify the inputs and outputs but can give no account of its inner workings.

³ If again we compare reflective equilibrium to the mathematical process by which one arrives at a line-of-best-fit to describe the pattern of some points, what I am saying is that the analogy is radically limited because the moral theorist has no ability to give proper weight to the 'points.' It might be countered that one does this in the mathematical process, by for instance, discounting 'out-liers.' But what in mathematics can be done explicitly, and covered by some statement about how consistently the points do match the theory, must here be done implicitly, and it is this implicit weighting which is crucial to a proper understanding of what a moral judgement is.

⁴ It may be confusing to use the same name for the faculty as for the product of that faculty but I want to connect my thoughts here to the work of Kant and Arendt on judgement. This matter will be discussed in more detail below, see p. 158.

⁵ Rawls himself begins by saying, "A theory however elegant and economical must be rejected or revised if it is untrue..." [Rawls [1] p. 3]

⁶ Shakespeare, *Macbeth*, p. 132

3.4 The failure of scientific empiricism

My argument so far is that (1) reflective equilibrium does accurately describe an aspect of moral rationality, but (2) that reflective equilibrium cannot be reconciled with scientific empiricism, so that (3) scientific empiricism is false.¹ This means that the existence of reflective equilibrium does not enable scientific empiricism to develop an adequate account of moral rationality, for reflective equilibrium requires more than scientific empiricism has to offer. In order to understand why such a promising idea in fact proves so unrewarding we must see reflective equilibrium in its wider context.

The idea of reflective equilibrium seems to be an extension into the moral field of the ideas of Quine. Quine argues that we should see a theory as being created by the interplay of the beliefs formed by our confrontations with the outside world (empirical evidence) and the inner need for consistency (or the maintenance of certain logical standards). Ultimately, Quine argues, there is no more to those standards, say the logical “law of the excluded middle”, than that they are very successful theoretical postulates.² Such a standard is not based on anything outside our web of beliefs, it just happens to be one very *central* thread, one upon which many more minor threads hang, and one which would cause us a lot of inconvenience to forego. Occasionally however we do forego basic theoretical principles when finally the advantages to our network become clear.

The totality of our so-called knowledge or beliefs, from the most casual matters of geography and history to the profoundest laws of atomic physics or even pure mathematics and logic, is a man-made fabric which impinges on experience only along the edges. Or, to change the figure, total science is like a field of force whose boundary conditions are experience. A conflict with experience at the periphery occasions readjustments in the interior of the field... No particular experiences are linked with any particular statements in the interior of the field, except indirectly through considerations of equilibrium affecting the field as a whole.

Quine, *From A Logical Point of View*, pp. 42-43

Whatever one may take to be the truth or otherwise of this account it has one key element that gives it some cogency, and that is its *pragmatic* conception of man's relationship to the world. Man is a creature who can use theory in order to picture the world, who can use this picture in order to determine action, and the effects of that action can be fed back into the man's evaluation of the effectiveness of the theory.³ It is this pragmatic aspect of Quine's picture (which allows the theory holder to ask 'Does my theory *work*?') which makes Quine's account seem at least plausible.

However I think that the moral sceptic has no analogous way of asking whether a moral theory works. One can imagine a man saying of any scientific theory 'I'll see if this will help me build this bridge' and, if the bridge fails, the man would have a reason to question his theory. However if the relevant theory is a *moral theory* then there is no comparable sense of a failed task. Let us take an extreme example; say for instance that a man believes that he should never act violently and, hanging onto this belief, he sees all his family and friends wiped out by his enemy. Even in a case as extreme as this one it is not at all clear that his theory has failed him. Believing in pacifism properly might even imply that he should have already thought through the possibility of such an occurrence.

Those of us who are not pacifists may, in this situation, want to say that he should *re-evaluate* his theory; but what we mean by this is that we believe that we could show the man that he was mistaken and that his belief in the personal value or innocence of his family should have alerted him to his mistake. However we would not be comparing his theory against some clearly failed task, instead we would be trying to explore the man's own account of his moral values. In fact, if the man actually felt that his belief in pacifism was a guarantee that his family would not be hurt then he was never holding a moral theory; he was holding a (false) predictive theory.

We cannot refer to some failed project because nothing in morality guarantees that it will provide 'success'. If we try to evaluate a moral theory by its capacity to help us achieve some outcome we erase its moral character, its evaluative character, and turn it instead into a rulebook for skilful behaviour. This in turn merely begs the question of what end it is we are actually using our skills to reach. To put it another way it is our 'moral' view of the world which enables us to put the kind of value on our

families which means we should see the prospect of their death as demanding moral reflection.

What reflective equilibrium appeared to offer was a way of developing a moral theory that steered between the seeming irrationalities of the radical and conservative approaches. However the combination of scientific empiricism with reflective equilibrium, while it seemed to give an attractive account of how moral reflection works, actually deprives the process of moral reflection of any access to reality, purpose or truth. If its implications are thought through, scientific empiricism makes the very idea of reflective equilibrium inane. It is an empty process, one that can simply generate endless different (self-consistent) theories but not one that can, in any way, hope to provide theories that are in any substantive sense better or truer.

Of course, it may be possible to save scientific empiricism by retreating somewhat. If the scientific empiricist claims that there is no faculty for moral judgement he can still believe that we *seem* to make moral judgements; just as we can *seem* to provide justifications for our beliefs based on the principles we happen to believe. We can therefore use the process of reflective equilibrium to alter our beliefs. We also might be able to gain a greater degree of theoretical simplicity in our views by finding abstract principles that support some or all of our existing judgements; and this in turn might make a particular moral theory easier to apply. None of this is ruled out by the critique I have given. What is ruled out is seeing this process as any more than a game. Neither our moral judgements nor the moral principles we hold could be said, in any significant sense to be justified; and once they are transformed through this process they never gain any justification.

Moreover, while we might be able to simplify our beliefs in this way nothing really makes such a simpler theory *better* because there is no perspective on our actions that would allow such an evaluation. Why should following simpler rules be *better* than following confusing rules when what really matters is whether those rules are right. And if any rules are right, it is just as right to follow rules that are difficult to follow. Pragmatic convenience itself cannot be imported as the ultimate value, it too must be justified; or rather, from the perspective of scientific empiricism, pragmatic convenience is just another value we may or may not have.

So, by my argument no one can claim to be both a scientific empiricist and claim that they can provide a moral argument for anything. The only constraint the scientific empiricist seems to be able to provide for moral rationality is that he should not contradict himself. But this constraint is quite consistent with him developing any number of mutually inconsistent moral theories and justifying any set of diverse moral judgements he may happen to hold. Even the claim that moral rationality is simply “describing... moral consciousness” is false. For the process of moral rationality described by the scientific empiricist does not help to describe moral consciousness, it actually changes certain elements of that moral consciousness, if it does anything at all.

In summary, in this chapter, I have attempted to explore a key element of Mackie’s account of moral rationality. Although Mackie is a sceptic at a meta-ethical level Mackie does not wish to make all forms of moral argument redundant, for this would itself be deeply unintuitive and unattractive. For the human experience of being persuaded and persuading others by moral argument tells strongly in favour of our common-sense intuition that morality is rational. Mackie believes that reflective equilibrium, as an account of moral rationality, provides an explanation of how we can argue rationally about morality, but an explanation that is still consistent with the epistemological and metaphysical framework that he supports: scientific empiricism.

Against Mackie I have argued that, on closer analysis, the combination of reflective equilibrium with scientific empiricism cannot provide an adequate account of moral rationality, for it is an utterly inane process upon which there are no rational constraints. In fact in order to make reflective equilibrium function effectively as a rational process it needs to operate on the assumption that we have two epistemological capacities that are excluded from scientific empiricism: the capacity to make true moral judgements and the capacity to be aware of true moral principles.

In terms of my overall thesis this argument has had two critical functions. At the end of Chapter Two I proposed that Mackie’s arguments for scepticism were in themselves weak but that they served to articulate scientific empiricism, a theory that is genuinely hostile to objectivism. In this chapter I chose not to offer an alternative theory to scientific empiricism but to focus on one area where I think the

inadequacies of the theory are illuminated. That is, in its failure to provide any reasonable account of moral rationality. So the first purpose of this argument has been to show that scientific empiricism is an unattractive theory, because it turns moral rationality into an empty charade. Clearly this is not an argument that proves scientific empiricism is false, it merely serves to weigh the scales more heavily against it.

However there was a second, more positive purpose to this chapter, which has been to explore in more detail the true nature of moral rationality. It seems to me that we should not abandon reflective equilibrium, that there is certainly something true about Rawls' theory. What we need instead is a different epistemology, one in which that theory can sit, one that can provide both those forms of rational constraint that are required to turn reflective equilibrium into a meaningful process. For the theory of reflective equilibrium, if it can be interpreted as a rational process would also support the observations made about moral rationality in Chapters One and Two. For there I claimed that it was a feature of our common-sense intuitions about morality that we did *not* have direct access to moral truths by a clear or determinative process or proof. Hence my argument will be that reflective equilibrium, properly understood, provides an excellent way of explaining certain aspects of objectivism.

But now it is necessary to move beyond criticising Mackie's position and to offer an alternative epistemological and metaphysical position to scientific empiricism. So in Chapter Four I will review some of the leading anti-sceptical positions in meta-ethics. Then, in Chapter Five, I will offer my own account of how we can justify objectivism, one that will build on both Ross's intuitionism and Kant's rationalism and which will provide an explanation of how reflective equilibrium can be treated as a genuinely rational process.

¹ Although strictly this claim is with the caveat that we assume ourselves to possess a capacity for moral rationality. Clearly it is possible to reconcile reflective equilibrium with scientific empiricism if one is prepared to believe that an infinite number of conflicting moral theories are equally justifiable.

² "Let us just recognise that the law of excluded middle is not a fact of life, but a norm governing efficient logical regimentation." [Quine [2] p. 57]

³“Concepts are language, and the purpose of concepts and of language is efficacy in communication and prediction. Such is the ultimate duty of language, science and philosophy, and it is in relation to that duty that a conceptual scheme has finally to be appraised.” [Quine [1] p.79]

4 ALTERNATIVES TO SCEPTICISM

At this point in the thesis I am going to review some of the meta-ethical theories that might offer an alternative to the scepticism inherent in scientific empiricism. In reviewing these accounts I evaluate whether they succeed, not only in opposing scientific empiricism but also in accounting for all of the features of objectivism: morality's cognitive character, its reality, its rationality and its deontological character. I argue that two accounts in particular appear to be attractive: Korsgaard's analysis of Kantianism offers an attractive account of how to understand obligation, although as a whole the account fails to properly justify objectivism. Ross's account of intuitionism provides a theory that does justify objectivism, however it is somewhat under-developed as an epistemological theory. So it is proposed that a certain synthesis between the two theories might be achieved.

4.1 Is there an alternative to scientific empiricism?

In Chapter One of this thesis I set out to define our objectivist picture of morality, that it is cognitive, real, rational and based on duties. I went on to argue that this intuitive picture of morality implies that we are committed to the existence of both the Moral Law and Free Will. In Chapter Two I examined the sceptical arguments, proposed by Mackie, that sought to suggest that this picture was false. I concluded that these sceptical arguments themselves failed. However those arguments did lead me to consider a theory that I called scientific empiricism, a theory that is widely held and which does indeed contradict our intuitive picture of morality. In Chapter Three I argued that scientific empiricism itself is false; at least if we assume that moral rationality is not an utterly empty and illusory process. Furthermore I developed from this argument a more detailed picture of how moral rationality must function if it is to be a credible rational process, and this involved the idea of reflective equilibrium and the existence of two rational powers for separately discerning the truth of moral judgements and moral principles.

It would of course be ideal if I could show that scientific empiricism was self-contradictory. For then I could construct an argument that did not rely upon a prior commitment to something else, (as I did above when I assumed that moral rationality should be able to do more than simply generate an infinite number of moral theories).

Moreover I would then not be under the same obligation to find an alternative metaphysical and epistemological account that can support our common-sense intuitions about morality. However, while I think there are many reasons, beyond strictly moral reasons, for thinking scientific empiricism is weak, inadequate and implausible I cannot find any absolute proof that it is false. Hence I am forced to accept that scientific empiricism is, at this stage at least, a logical possibility.

Moreover, if there is no coherent or attractive alternative to scientific empiricism, then it may seem that scientific empiricism, for all its defects, should be accepted as the only reasonable theory on offer. The critical challenge therefore is to ensure that some reasonable alternative to scientific empiricism can be offered. So, in this chapter, I consider four of the leading theories that attempt to offer some alternative to moral scepticism.

For, although the twentieth-century was a uniquely sceptical century, dominated by a faith in natural science and materialism, there were many attempts to defend morality from sceptical attack. I am going to focus on only four of these defences and in each case I am going to focus my discussion on the work of a particular philosopher who I am taking to be typical of a broad anti-sceptical strategy. However it should be noted that the distinctions between these different styles of defence are not always clear and there are other philosophers who take an intermediate position between some of the different approaches that I define below.

Furthermore, it should also be noted that there is no agreed definition for all the terms used to describe these anti-sceptical theorists. What brings them together is that each position has been developed to some degree or other in opposition to scepticism. However there is no uncontroversial way of defining the title that is appropriate to each theory. For example, Lovibond characterizes her own position as 'moral realism' but Brink calls the kind of position that she defends 'moral irrationalism.' This problem exists partly because there is no shared theory on the relationship between language and reality and the nature of knowledge; therefore a theorist like Lovibond can claim her title on the basis of her own specific views about language. However Brink's own view of language and reality is radically opposed to her view.

My own policy will be to treat each theory as anti-sceptical, in the sense that each theory explicitly aims to rebut scepticism. I will then describe and name each position in terms of the critical components of the theorist's position. The first theory I will consider I will name 'moral constructivism'. Moral constructivism is the view that moral reality, like all forms of reality, is constructed socially by a language community. The moral constructivist believes that the moral sceptic's error lies in a mistaken faith in the concept of an 'independent reality' access to which enables us to form true beliefs. There is no reality independent of our understanding of things and this is as true for physical reality as it is for moral reality. A leading proponent of this form of moral objectivism is Lovibond.

The second theory I will consider is often called 'moral naturalism.' Moral naturalism is the view that there is a moral reality and that this reality is a part of the world in exactly the same way as the natural reality that we discover by means of natural science and experience. It is understood by use of the same cognitive powers that we use to learn about nature and no special powers of intuition are required to understand moral reality. A leading proponent of this form of moral objectivism is Boyd.

The third theory I will consider might be termed 'moral rationalism.' Moral rationalism is the view that we are bound, by our rational natures, to hold to certain moral principles of action and that it is only the subsequent idea that those principles are true which justifies talking about the idea of a moral reality. This is not to claim, like the constructivist, that we construct moral reality, but it is to claim that the category of moral reality is redundant, for morality is to be explained not by some reality but by the force of our own reason.¹ A leading proponent of this form of moral objectivism is Korsgaard.

Finally the fourth theory I will consider is known as 'moral intuitionism.' Moral intuitionism is the view that the nature of moral reality is *sui generis*, of its own kind, and that we only have the capacity to know that certain actions are right because we have a specific capacity for forming correct moral beliefs: moral intuition. The intuitionist believes, with the naturalist, that the idea of an independent, non-constructed reality is essential to the justification of our moral understanding. But,

unlike the naturalist, the intuitionist believes that the naturalist's account of that reality and of our cognitive powers fails to do justice to the exact nature of the morality.

Before I begin my analysis of these various positions two other things should be noted. In all of my discussion I will continue to emphasize the epistemological components of the various theories, rather than the metaphysical elements. For while scientific empiricism is both a metaphysical and an epistemological position I will concentrate upon the epistemological issues confronting moral objectivism.

Also, in my analysis of each of these positions, I will continually refer back to my analysis of objectivism. I claimed that we take morality to be (1) something we can know (cognitivism) (2) something real, not something made up (realism) (3) something that we can learn about through rational thought, even though there is no clear way to prove each moral belief (rationality) and (4) something that places us under absolute demands (absolutism). Also, in my subsequent arguments I have developed some of these ideas. In particular I am now operating under the assumption that moral rationality is partly described by reflective equilibrium and that we must somehow possess the power to justify our judgements and principles independently. Furthermore I am claiming that the absolute demand placed upon us must ultimately be in the form of some set of duties (deontology). Together these ideas provide the framework against which I will be comparing each anti-sceptical theory.

For, what I will argue, is that while all of these positions have been developed in an anti-sceptical spirit, it is often the case that details within the theories actually contradict objectivism. Hence a theory can turn out to be both anti-sceptical and also revisionist; that is it can imply that some of our common-sense intuitions about morality were wrong, just as Mackie claimed. Of all the anti-sceptical positions I consider it will only be intuitionism, particularly the intuitionism of Ross, which is fully consistent with our objectivist intuitions.² However this theoretical position is probably the least commonly held position today. I will go on to argue, this is partly because the form of intuitionism described by Ross has become misunderstood and its attractions have been concealed by those misunderstandings. In Chapter Five I

will argue that intuitionism, particularly when it draws upon some elements of the Kantian theory proposed by Korsgaard, is the most effective theory at supporting our actual common-sense intuitions about morality.

¹ Scruton describes this strategy well when describing Kant's moral philosophy: "Practical reason, which makes no claim to truth, does not stand in need of this second, 'objective', deduction. It is enough that reason compels us to think according to the categorical imperative. There is nothing further to be proved about an independent world. If sometimes we speak of moral truth, and moral reality, this is but another way of referring to the constraints which reason places on our conduct." [Scruton [3] p. 76]

² Hence I will be agreeing with Mackie's analysis that only intuitionism can save objectivism, but I think I can offer an account of intuitionism which is not queer.

4.2 Lovibond's moral constructivism

Lovibond's theory, which I have termed moral constructivism, builds upon a distinctive view of the relationship between language and the world. In particular Lovibond takes herself to be building upon ideas developed by Wittgenstein, Quine and Hegel. She believes that *all* of our knowledge of the world is forged by social convention. Moreover she rejects the empiricist notion that certain kinds of scientific belief are to be treated as privileged because they are based upon sensory experience. Instead she claims that the idea that moral knowledge compares badly with scientific knowledge is based on a mistaken faith in scientific knowledge.

However she suggests that our response, when we realize that empirical beliefs are not entitled to any special privilege, should not be nihilistic or sceptical. Instead we must continue to hold faith with the whole panoply of knowledge. The realisation that all knowledge is founded on shared social practice, not upon indubitable empirical experiences, should make us more respectful of other forms of knowledge, like moral knowledge. Hence she writes:

These considerations suggest that according to the Wittgensteinian view of language which we are proposing to ourselves as a possible basis for moral realism, a given class of judgements is to be regarded as *objective* (or *answerable to truth*) just in case we regard our discourse about the relevant subject-matter as being regulated by a 'pull toward objectivity' in the sense indicated above. [That is, a conformity of use in language is forced upon us by the social nature of language learning, an idea Lovibond credits to Quine. - *my note*]¹ The linkage of these ideas holds good, *a fortiori*, for moral judgements, since we are operating now... ..with a metaphysically homogeneous conception of language. Moral judgements on this view are answerable to truth because moral discourse like almost every other kind of assertoric discourse, is subject to the Quinean 'pull': in order to use moral predicates correctly, we have to emancipate ourselves from certain subjectively natural principles of association, and achieve a perspective on the world which is accessible alike to ourselves and to others. Our proposed theory of ethics, in short, is a realist theory in that it asserts the existence of *intellectual authority-relations* in the realm of morals, whereas non-cognitivism denies these.

S. Lovibond, *Realism and Imagination in Ethics*, pp. 62-63

a) *Cognitivism: defended by constructivism*

Now clearly many of the terms in which Lovibond describes her theory are inconsistent with the terms that I have used in this thesis. In particular what Lovibond calls ‘objectivism’ I am calling ‘cognitivism’. But, terminological discrepancies aside, it is clear that Lovibond’s theory is cognitivist. She believes that moral beliefs are capable of being true or false, and hence they are things we can know or not know.

At the centre of her theory is the Quinean theory that entities exist only in relation to particular forms of discourse, and the cognitivity of a discourse (that is, its capacity to make statements that are either true or false) depends largely upon its “assertoric” form. If we can make statements of the form ‘Jack has a duty to do x’ then, in the context of that discourse, duties exist. And if we can claim that it is true or false that ‘Jack has a duty do x’ then we can claim that the discourse is objective. There is no more to be said on the matter.

The constructivist believes that our understanding of the world is utterly constrained by the language we use to ‘describe’ the world. Our understanding of things is formed in a language and there is simply no way of getting ‘behind’ the language to see the relationship between words and things. If we are to question the existence of any entity we can only define that entity in the context of some discourse, and we are capable of forming distinct discourses, with distinct purposes. On this Quinean basis the moral objectivist has no problem in claiming that there are duties, rights, goods and virtues; for these entities are presupposed by our ethical discourse. However this discourse can neither trump, nor be trumped by, the discourse of physics and its presumption that quarks exist. Each discourse, or each language game, is legitimate on its own terms, but must not over-stretch itself and try to dictate how another discourse operates.

b) *Realism: abandoned by constructivism*

However, while Lovibond builds her theory upon that quality of cognitivity that we quite rightly presume to be a property of moral discourse, she does so while sacrificing another of our common-sense intuitions about the status of morality: the

common-sense intuition that morality is *real*, that is (in the precise sense that I defined above) something that is not determined by us.²

For, as I have already discussed, we do not just believe that our moral beliefs can be true or false, we also believe that they are real. And that means that they are real in something like the sense that stone that Dr Johnson kicked was real. Of course Lovibond may be right that we can only come to ‘understand’ that stone using concepts that we create ‘between us.’ But we still understand there to be something ‘behind’ our idea of the stone. In the same way we take it that while the concept of duty may be created by us, that concept reflects the true nature of some reality, moral reality. That there is something mysterious about this conception of an underlying moral reality cannot be denied, but my claim is that we must maintain this conception of the relationship between reality and the understanding if we are to remain true to our common-sense intuitions. The price that Lovibond pays for removing this idea of a moral reality is that she must sacrifice our common-sense intuition that morality is something that has not been merely devised by human beings.

Not that Lovibond is wrong to question the dominance of the scientific perspective on reality. She is right that there are alternative perspectives to the scientific perspective and that the scientific perspective does not possess any authority over other perspectives (or other discourses).³ For we do possess many different ways of understanding the world, ways that do not need to be seen as founded upon one primary source of knowledge. As Lovibond suggests, each form of ‘assertoric’ discourse may imply the existence of its own reality and those realities may not be compatible with entities that are relied upon in different discourses. However Lovibond draws far too much comfort from these facts.

The inherent difficulty in Lovibond’s moral constructivism is that we will still seek to give a unifying explanation of the very different kinds of phenomena within a “metaphysically homogeneous conception of language.” Crudely, that is, we will seek an explanation for the fact that physics is different to ethics. And once we have begun to seek an explanation it is surely difficult to avoid relating physics to a physical and causally determined universe that affects our senses and hence effects

our beliefs about that universe. If this explanation is accepted it surely takes a large sedative to stop us asking ‘Well then, what *really* underlies moral truth?’ and we are likely to find the response ‘Well, ultimately, *we* do’ unsatisfactory; even when that ‘we’ is characterized as a sovereign language community and as the only possible ground for all meaning. For our intuitive belief about the objective status of morality is entirely opposed to that claim, rather we believe the reality of morality is equivalent to the fact that we did *not* make or construct morality.

In fact it is quite difficult to see what difference there is between Mackie’s conception of morality as a linguistic game in which objectivity is falsely ascribed to moral statements, and Lovibond’s conception of morality as part of a complex, man-made web of belief, which we all believe to be imbued with objectivity. The only difference seems to be that now even science and logic must lose their intuitive truthfulness; for it is surely implied that the objects of logic and physics can now only be conceived to exist in the context of the discourse that contains them. Hence Lovibond seems to be claiming that the question of whether matter exists can only be made intelligible within the context of physics. This is highly counter-intuitive.

If we fully commit ourselves to Wittgensteinian quietism, and we refuse to worry about the distinctions between these competing discourses then we may not be troubled by any of these matters. But as soon as we start to do philosophy we will ask for the grounds of these different kinds of discourses. Then, as soon as we start to imagine metaphysical descriptions of the world (for example, materialism, idealism, theism and dualism) we begin to see different possible explanations for the way moral statements might be true or false from the way that scientific statements might be true or false. In other words, as soon as philosophical thought begins it illuminates ‘cracks’ in the world of knowledge, and there is no way of returning to a state of pre-philosophical darkness. For instance, the belief that ‘we are all merely aggregates of particles in space’ seems to me to have a profound effect on how I am able to understand my duties and rights.⁴ However Lovibond’s argument seems to imply that such philosophical speculation can only endanger our experience of morality as a field of knowledge. This kind of argument involves the same quality of double-think as does Mackie’s own error theory: As a citizen I think I know what is right or

wrong; as a philosopher I know that this is the result of (a) false objectification (Mackie) or (b) our shared language game (Lovibond).

Ultimately I believe that Lovibond's attempt to both defend moral realism and to reject the category of moral reality gets us nowhere. In fact if it is indeed true that we cannot think meaningfully about metaphysics or epistemology I do not think we can defend a category such as moral reality at all. The only logical response would be silence. But it is difficult to see how one can articulate an argument for remaining silent. Hence it cannot be maintained that Lovibond is an objectivist about morality, in the sense I have defined, because she is not a realist about morality, in the sense defined.

c) *Rationality: inadequately treated by constructivism*

While Lovibond rejects the idea of an independent moral reality she does not believe that this damages the rationality of morality. In fact she seems to believe that we are entitled to conceive of morality as real *precisely* because we are aware that we must struggle to describe moral reality, that we can make mistakes and that we can even be morally blind. However it seems to me that Lovibond's account makes it very difficult to see what she might mean by 'getting it right'.

Although Lovibond is clearly right to claim that our moral understanding may not be perfect, and that we know it may not be perfect, her attempt to describe how it might be that we get things wrong is inadequate. I can identify no argument in her account which illuminates what it really means to be 'more articulate' in the language game of ethics, without reference to *that* which we are trying to articulate (that is, to some moral reality). If there is no moral reality to describe it is unclear how we can articulate what it *is* more clearly.

Of course Lovibond is right to claim that our moral beliefs are socially formed, and it is those beliefs that form the starting point for moral thought. However this inheritance cannot provide its own justification. Moral thought can only be justified if we take ourselves to possess some power to legitimize our thoughts. Moreover, as I argued above, we may even need two independent sources of authorisation, a power to recognize true moral judgements and a power to recognize true moral principles. However Lovibond provides no account of moral rationality that could justify our

moral beliefs. Instead she seems to see moral beliefs as being formed primarily by the power that some people have over others (e.g. parents over children). But although I may now tell the truth because my father disciplined me in a way that means that I believe I should tell the truth, this cannot be the rational justification for not lying. Rather I can now see that my father was right to discipline me, because lying is wrong. The act of discipline does not constitute a reason, rather the discipline requires a rational justification. Hence it must be concluded that the constructivist does not provide an adequate account of moral rationality.

d) *Deontologism: abandoned by constructivism*

On our final criteria for objectivism, the deontological character of morality, constructivism has even less to say. The theory does provide an explanation for how beliefs can contain within them a practical consequence; for any belief is construed as the outward manifestation of the practice of rule following. However constructivism cannot provide any justification for our intuitive belief that we live under absolute moral duties, duties that demand our obedience.

So, in summary, Lovibond's theory supports our intuitive belief that morality is cognitive. However it is explicitly opposed to our intuitive belief that our moral beliefs can be based upon something real, something not constructed by ourselves. It supports the idea that moral rationality exists, but it offers no account of how our moral beliefs might be rationally justified. Finally, constructivism seems to offer no justification for our belief that morality places absolute demands upon us, in the form of duties. So it is clear that while constructivism offers an alternative to scepticism, it is an alternative that falls far short of anything that might actually justify our common-sense intuitions about morality. Instead, if we were to accept constructivism we would have to revise many of those common-sense intuitions.

¹ Quine defines his concept of the objective pull as follows: "Society, acting solely from overt manifestations, has been able to train the individual to say the socially proper thing in response even to socially undetectable stimulations." [Quine [3] p. 5]

² See above, p. 17.

³ See Lovibond pp. 17-23.

⁴ That is, it seems to me difficult to see how one can take seriously the idea that one is a being who possesses certain moral duties if one believes that as a being I am really just a particular combination of particles existing in space and time for a limited period. In other words it seems to me difficult to reconcile materialism with moral objectivism.

4.3 Boyd's moral naturalism

Defining what we mean by the term 'natural' as it relates to morality is not straightforward. Certainly when Locke refers to the "law of Nature" he is using the idea of nature in contradistinction to the "positive laws of commonwealths".¹ Nothing here is implied about the relationship between the moral law and the natural sciences. Alternatively, if we talk about a sense of morality being natural to man, as opposed to something unnatural or foreign, then I suspect all our moral anti-sceptics would take themselves to be moral naturalists in *that* sense.

However I think that the term 'moral naturalism' is best understood as defining a very particular strategy for defending the reality of morality. Broadly, a moral naturalist believes that the reality of morality and our capacity to understand that reality can be explained by the same structures that underpin our understanding of the natural world (which, for the purposes of this strategy, are assumed to be as well-founded as anything can be). Correlatively moral naturalism seeks to justify our knowledge of morality *without* recourse to metaphysical or epistemological claims that are more 'extravagant' than those strictly implied by our capacity to understand the 'natural world'.

In fact there are many different versions of moral naturalism and the theoretical details of the moral naturalist's precise position alter with their general account of knowledge. In the twentieth-century it is possible to identify at least three quite specific forms of moral naturalism. First, there are philosophers like Foot and Murdoch who base their approach on a linguistic analysis of moral meaning.² Second, there are philosophers, like McNaughton, who believe that moral knowledge is based on certain kinds of fundamental empirical experiences. Third there are philosophers who believe that, while we can only seek coherence in our knowledge-formation, the coherence of our thoughts about the world is sufficient justification for our belief in the independent reality of that world and the adequacy of our ideas to that world. It is this latter version of the moral naturalist strategy that I will explore in this chapter.

a) *Cognitivism: defended by naturalism*

Boyd is a contemporary advocate of this latter view and he makes clear his defence of moral objectivism is based upon the assumption that moral knowledge must be made consistent with scientific knowledge:

There are, roughly, two plausible general strategies for unifying scientific and moral knowledge and minimising the apparent epistemological contrast between scientific and moral inquiry.

1. Show that our scientific beliefs and methods actually possess many of the features (e.g. dependence on non-objective ‘values’ or upon social conventions) which form the core of our current picture of moral beliefs and methods of moral reasoning.
2. Show that moral beliefs and methods are much more like our current conception of scientific beliefs and methods (more ‘objective’, ‘external’, ‘empirical’, ‘inter-subjective’, for example) than we now think.

Boyd, *How to Be a Moral Realist*, p. 185³

And it is this second approach that Boyd takes to be the defining characteristic of moral *naturalism*, as opposed to some form of constructivism (which tries to show that natural science is more subjective, like morality, than we take it to be). For Boyd, morality is best defended from scepticism by showing that the methodology of ethics is so similar to the methodology of science that there is no reason not to treat ethics as a science. Hence it is clear that naturalism is a cognitive theory, on the basis that it assumes natural science to be cognitive (to be able to identify true beliefs) and argues that moral knowledge is sufficiently similar to natural science that it is entitled to treatment as a form of genuine knowledge.

b) *Realism: defended by naturalism*

It is also absolutely clear that moral naturalism is a realist theory, for unlike the constructivist, the naturalist does believe that there is an independent reality that underlies our moral beliefs: nature. That is, when we make moral claims we are attempting to describe features of the natural world. These moral properties of the natural world may be more complex than the properties we associate with natural science and they may be more inter-linked to human needs or wants, but these differences are only differences of degree. At bottom, ethics is just another part of

science (different to, but connected to, natural science) and it is concerned with identifying real properties in the world.

c) *Rationality: inadequately treated by naturalism*

Boyd's account is also explicitly rationalist, for it assumes that it is the very continuity between the (rational) methodology of natural science and ethics that gives us reason to suppose that morality is real and cognitive. Moreover his particular version of moral naturalism involves the same commitment to the process of reflective equilibrium as my own account.

Boyd asserts that reflective equilibrium is inherent to the methodology of natural science in exactly the way that we discussed above in reference to Quine.⁴ Boyd believes that science involves a process of developing increasingly effective theories about reality by a process of testing out our existing theoretical beliefs against the observational judgements that we make in the light of our contact with that reality. We attempt to get our theory into balance with our judgements and hence scientific progress occurs and our ideas become more adequate to the reality which underlies them.

Hence Galileo's theoretical assumption that a heavier object would fall to the earth proportionately faster than a lighter object came into conflict with the observational fact that the two different cannonballs he dropped landed at almost exactly the same time. On the basis of the observation the theory had to change; and hence we begin to develop a more accurate picture of the way things really are.

It is possible to defend a realist interpretation of the human sciences because it is possible to argue that actual features in the world constrain the findings in those sciences sufficiently that the relevant background theories will be true enough for theory-dependent observations to play a reliable epistemic role.

Boyd, *How to be a Moral Realist*, pp. 106-207

Boyd proposes that our moral beliefs are subject to alteration in the light of observational evidence in just the same way as scientific beliefs are subject to observational data. The only critical difference is that much of the effectiveness of moral observation relies upon the ordinary human capacity to sympathize with

others. Boyd's theory therefore obviously supports our common-sense intuition that morality is rational.

However Boyd's account of *how* reflective equilibrium develops our moral understanding is not the same as my account. My argument was that reflective equilibrium must be *doubly* constrained in the case of morality; judgements and principles must each have their own unique form of legitimacy. But Boyd's theory presumes that we only need one constraint upon reflective equilibrium: the constraint of judgement. That is, he is arguing that there really are moral properties in the world and we can become aware of those properties. Our moral principles are then formed in the light of our awareness of those properties. But the principles themselves are only justified by their capacity to promote the existence of those properties. As I argued above this still leaves the process of reflective equilibrium unconstrained and it is ultimately an unsatisfactory account of moral rationality.⁵ However I will not repeat my earlier arguments and this problem in Boyd's account is not fundamental, rather it is a side-effect of the fundamental weakness of Boyd's theory: its failure to explain the deontological character of morality.

d) *Deontologism: abandoned by naturalism*

At first Boyd's theory seems attractive, as it appears to build a bridge between moral knowledge and scientific knowledge. For, if we assume that scientific knowledge is the best example of knowledge available, and it can be shown that moral knowledge has the same methodological credentials as scientific knowledge, then moral knowledge can qualify as knowledge, in the fullest sense available to us. However the fundamental challenge set for moral naturalism is not to show that moral knowledge is fundamentally the same as scientific knowledge but to show that moral knowledge is entitled to be seen as objective, in the full sense that I have defined. This means that morality must not only be something we have true or false beliefs about, be based on an independent reality and be open to moral rationality but it must also be something that demands our obedience, something that imposes duties upon us. However I will argue that Boyd's theory does not manage to provide an adequate account of how morality can place us under an absolute demand, in the form of duty.

Boyd argues that ethics functions in exactly the same way as natural science, but that ethics is primarily concerned to describe and understand a rather special kind of entity: “important human goods, which satisfy important human needs”.⁶ These entities are certainly more complex than other kinds of entities and their existence depends on complex interrelationships between different properties. Nevertheless the complexity of human goods makes them no less real.

Moral goodness is defined by this cluster of goods and the homeostatic mechanisms which unify them. Actions, policies, character traits, etc. are morally good to the extent to which they tend to foster the realisation of these goods or to develop and sustain the homeostatic mechanisms upon which their unity depends.

Boyd, *How to be a Moral Realist*, p. 203

On the face of it Boyd appears to construe the idea of moral goodness in such a way that it avoids the naturalistic fallacy.⁷ That is, his position seems to avoid the obvious failure that occurs when any theory equates the term ‘good’ with any natural term. Boyd claims the moral realist “may choose to agree that goodness is probably a physical property but deny that it has any analytical definition whatsoever.”⁸ For the term ‘good’ refers not to some simple property but to a complex cluster of properties and interconnecting mechanisms, much of which may never be definable in everyday terms. Hence any putative analytical definition will fail because it cannot be made in terms of the “hidden real essences” that actually underpin our use of the idea ‘good’.⁹

Now this is obviously an interesting proposal. It would mean that if I see Cain kill Abel and I call that event ‘bad’ I am really referring to the extent to which such an event possesses some significant properties that tend to undermine the mechanisms that support the existence of the cluster of goods that make up moral goodness. Hence my judgement would be much more like an indirect scientific judgement such as ‘Abel’s blood is made up of millions of corpuscles’ rather than a direct empirical judgement like ‘that flower is blue’. This seems somewhat counter-intuitive to me but it provides an interesting suggestion as to how moral properties can be construed as natural.¹⁰

Boyd’s proposal then would seem to support the development of a consequentialist moral theory, that would link the use of ethical principles and to their impact upon

human welfare (moral goodness).¹¹ As Boyd suggests, it is clearly not a straightforward matter to work out exactly how human beings should behave in order to promote goodness, but the complexity of the underlying reality to which the terms refer is just the way it is. An analogous complexity lies in the term 'healthy', which is a vital term of medicine, and we do not doubt that a doctor can successfully use that term or that it refers to something real, just because we cannot analyse it into a number of component parts.

However it is my contention that Boyd does not actually avoid the problem that Moore calls the naturalistic fallacy, which is the problem of identifying moral properties with natural properties. Boyd's contention is that he avoids the naturalistic fallacy because his account does not treat the term 'moral goodness' as replaceable by any natural property or set of natural properties. The term refers to a certain essence which is revealed in our awareness of a combination of properties and their underlying mechanisms, but the term does not refer to those properties or mechanisms themselves and no reduction to those properties is implied.

However Boyd's account of how moral goodness works is false and it fails because moral properties cannot be explained in this naturalistic way. The failure of this argument can be seen if it is rewritten in a way that removes any direct use of the moral terms (replacing goods with Gs, needs with Ns and moral goodness with MG). In this way we can examine Boyd's argument as a truly *naturalistic* account:

1. There are creatures that possess a certain nature.
2. This nature makes them inclined to achieve certain ends.
3. The creatures identify their particular ends as 'Gs' and those aspects of their own nature that gave rise to the inclination to achieve those ends as 'Ns'. The creatures then identify the whole cluster of such ends as 'MG'.
4. The creatures often find it difficult to identify what and how the things they have identified as 'G' qualify to be also treated as some aspect of 'MG'. But in general with time and a lot of hard work they have become increasingly clear that there is a unified whole underlying the seeming diversity of things they call 'G'.

5. The creatures who are most effective at noticing the existence of ‘Ns’ and ‘Gs’ are those who are capable of imagining what it is to have the particular nature of those others or to imaginatively put themselves in their circumstances.

Now this, or something like it, is surely a fair rendering of Boyd’s account. However it seems clear to me that if this is a true account of how moral goodness gets its meaning and of the goods that underlie that meaning then we are likely to feel that moral goodness is not what we took it to be.

The problems are numerous and if we return to our Cain and Abel example we can identify many of them. Cain feels a need to kill Abel. Cain fulfils his need by killing Abel. So it would seem that a need to kill qualifies as a potential human need and the death of a brother qualifies as a human good, an act of murder would then seem to have a prima facie reason to be treated as an aspect of moral goodness. Now clearly Boyd needs to rule out this reading of the situation in some way, but it is unclear whether he has given us sufficient means to correct that reading of the event.

Now I think we can identify at least three arguments that could be used by Boyd to avoid the conclusion that moral naturalism fails to provide an adequate account of moral rationality. First Boyd might claim that for any end to qualify as a “human good” it must be in some way ‘normal’ for human beings to seek that end.¹² However I do not see how any statistical analysis can help us here. If we imagine a world full of beings who consistently seek to revenge themselves in a Cain-like fashion this does not entitle us to start treating the thing they call ‘G’ as a genuine good. And if we begin to add, to our imaginary world, more and more Abel-like beings (who consider their own lives to be Gs) this is surely not making the act increasingly bad? Surely not, the badness of the act does not alter with the proportion of Cain-like or Abel-like beings in the Cain and Abel world.

However Boyd has a second argument at his disposal. For he can argue that the act of killing Abel disqualifies itself from being treated as a good because it does not cohere with other ‘goods’ and so it will tend to harm the homeostatic cluster of goods that defines moral goodness. However, let us suppose that Boyd is right and that the achievement of genuinely good ends tends to support the achievement of further

genuinely good ends. Our problem is that this only gives us a distinguishing feature of goodness if it is also the case that no other ends cohere in this way. But why shouldn't evil similarly cohere? It seems utterly plausible that the fulfilment of Cain's 'G' (the death of Abel) would also tend to encourage others to achieve similar 'Gs'. Furthermore even if only moral goods cohere in this way it is surely not *this* fact that determines whether something is good or not. It is surely possible to imagine a world where goods don't cohere, in fact we often find in life that we are forced to choose between good things. So it seems implausible to treat the coherence of various 'Gs' as the determining factor in treating such 'Gs' as actual goods.

Thirdly Boyd may contend that it is sympathy which provides the critical indicator of whether an end can be treated as good. Hence he might assert that we could see that Abel's death is bad because we can sympathize with Abel's plight. Now it is obviously right that sympathy plays a vital role in helping us develop our moral understanding. But it cannot play a *determining* role without creating some very peculiar results. Understanding the problem here relies on recognising that the idea of sympathy is already a moral notion, we are ready to sympathize with Abel because we already know that it is *Abel* we 'should' sympathize with. However if we strip the psychological mechanism of sympathy of its moral character we are left only with the idea that the observer can put himself in the shoes of others. But this idea is not genuinely helpful unless we already assume that we have the right moral attitude. I can 'sympathize with' Abel or I can 'sympathize with' Cain. Clearly if I sympathize with Abel I am likely to be more directly aware that Abel was not wishing for his own death; but that in itself does not tell me whether that death is good or bad.

Hence my contention is that Boyd does not escape the naturalistic fallacy. For, if we really seek to understand morality in properly naturalistic terms we will fail to properly account for morality. Now it may be that Boyd would reject my interpretation of his account and claim that he can make full use of our understanding of the ideas of "goods", "needs" "moral goodness" and "sympathy". But if this is the case I cannot see how his account qualifies as naturalistic. This is the critical ambiguity at the heart of Boyd's account. For if we are not going to try to understand 'goodness' in terms of physical properties or as being based on something natural

then it becomes increasingly unclear why it is helpful to refer to the theory as moral *naturalism* at all.

Moral naturalism must be rejected because it is not able to explain how natural features of the world can be identified with moral properties. Moreover, in the attempt to link moral properties to natural properties the moral naturalist inevitably creates a theory that, under pressure, can no longer claim to be cognitive. For naturalism inevitably explains moral properties in the light of natural desires or needs that we contingently possess, to varying degrees. Hence there is a sense in which moral naturalism becomes relativistic. Not as in Lovibond, where moral beliefs are true relative to a language community; instead moral naturalism makes morality relative to the particular set of natural characteristics we happen to possess.

Moreover the problem of explaining how moral properties can be explained in terms of natural properties is actually the more minor problem within Boyd's account. The second problem is that Boyd's account cannot explain how the existence of moral goodness can generate duties. That is, even if Boyd's account of how we pick out moral properties in the world is true and that we could therefore determine which things were morally good his account utterly fails to explain why any moral property can demand something from us. Even if we can identify the world as possessing good things and bad things this does not help us understand why we should *do* anything. As I have argued above duty is essential to the moral understanding and the concept of duty cannot be derived from a naturalistic conception of goodness.

We see Abel's murder as bad. But if we construe this badness as some physical property in the world it does not follow that we ought to intervene or that Cain ought not to have murdered Abel. We certainly cannot move from is to ought if 'what is' is merely some set of physical properties. The only line of defence that I can envisage is for the naturalist to accept this in some limited way but to argue that the idea of duty is grounded in our natural impulse to respond to certain events or states. On this basis duty is a fabrication, used to organize our responses towards good and bad things in a kind of standard way. Rule utilitarianism is typically defended in that way; yet even then we always return to the same problem, what makes it necessary for us to act in a particular way just because something is bad or good. The price

Boyd pays for his theory is that he must amend our common-sense intuitions about morality. Boyd cannot say that we are under an absolute demand to act in a certain way, all he can say is that we feel impelled to act in certain ways and we have hence labelled those ways as duties.

So, in summary, my argument is that Boyd's account of moral naturalism fails to provide us with a meta-ethical theory that supports our actual common-sense intuitions about morality. The theory proposes that we treat ethics as a branch of natural science and that we treat moral properties as physical properties. It sets out to support our common-sense intuition that morality is cognitive, real and rational; but it can provide no adequate account of how morality places us under absolute duties. Moreover it cannot even sustain its claim to have offered a theory which makes moral beliefs cognitive, because it relativizes them to the contingent wants and desires we happen to have. The model of moral rationality is also inadequate; for it is capable of supporting an infinite number of moral principles. Hence moral naturalism, like constructivism, is not a theory that supports our common-sense intuitions about morality; instead it is a theory that radically revises those common-sense intuitions.

¹ Locke p. 123

² See n. 6 p. 61

³ See Boyd in Sayre-McCord. This distinction is revealing of the central premise of moral naturalism, that science really does represent the paradigmatic example of an objective discourse. However this is not my assumption and that means that I do not accept Boyd's analysis of the anti-sceptical options. Rather I think that the objectivity of morality is based upon quite independent grounds to its 'closeness' to the methodology of science.

⁴ See above, p. 95.

⁵ Boyd does not think his theory is unstable, although he recognises that awareness of moral properties that he presumes does not guarantee an immediate awareness of the moral principles upon which actions should be based. Instead Boyd presumes that, while we may hold initial moral theories that are quite imperfect our moral theories only need to be somewhat right at the outset in order for us to reach progressive improvements in our moral knowledge. Furthermore he proposes that we can identify a movement of moral progress quite akin to the supposed progress of natural science which is indicative of the methodological effectiveness of moral rationality. Boyd even believes that moral progress is a fact, one that reveals the intrinsic truth of the moral realist's position. That is, we are becoming more aware of what is good over time in exactly the same way as science makes progress and this fact reveals the intrinsic effectiveness of the methodology of moral rationality in working out what is really good. But this argument is false in two important ways. First I think that the evidence for any moral progress is quite weak and to make any such case surely requires an enormous degree of selectivity and wishful thinking. Second no respectable form of moral objectivism should depend on the idea of inevitable moral progress. One of the strengths of moral objectivism is that it accounts for our ordinary belief that it makes perfect sense to conceive of a society that, however good it believes itself to be, is evil and blind to its own badness.

⁶ See Boyd in Sayre-McCord, p. 203.

⁷ See Moore, p. 9.

⁸ Boyd in Sayre-McCord, p. 199

⁹ Boyd in Sayre-McCord, p. 194

¹⁰ It would be interesting to consider here the relationship between this theory and a theory of aesthetic judgement where we take it that we are referring directly to how things appear. Hence it seems even more implausible to construe 'This painting is beautiful' to be a reference to a complex cluster of properties that we take to be present in the arrangement of pigments and their relationship to the normal human observer.

¹¹ Boyd believes that other ethical theories might be developed within his proposed meta-ethical framework. However Boyd (along with similar moral naturalists like Brink and Smith) seems to be a committed consequentialist and I certainly struggle to see how his theories could be plausibly be construed otherwise.

¹² In all of this discussion, for the sake of simplicity, I am going to focus on the question of 'goods' rather than 'needs'. I would contend that the idea of a need is a correlatively defined moral idea and that therefore need can no more be used to justify morality than can good.

4.4 Korsgaard's moral rationalism

In my view a somewhat more persuasive strategy for defending morality from scepticism is the strategy that I will call moral rationalism. The general approach of moral rationalism is to stress how moral thinking is an essential part of rational thought itself. Here it is the process of rational thought that is taken as central and the status of morality is 'saved' because it is as *rational* as any other kind of thinking we do about the world. However, while this approach begins to get us closer to an explanation of moral objectivity, there is an ambiguity in its argument that still leaves moral rationalism unable to fully justify our objectivist intuitions about morality.

Today Kant is seen as the originator of this form of argument and Korsgaard is one interpreter of Kant who has worked out a particularly detailed defence of moral rationalism.¹ I will therefore try and provide a clear articulation of Korsgaard's argument, as I understand it. As my analysis develops I hope to show that this form of moral rationalism is valuable, but ultimately flawed as a defence of objectivism.

In order to discuss Korsgaard's theory I will, as I have before, judge it by its capacity to justify our objectivist conception of morality. However I will discuss the four key elements of objectivism in quite a different order, beginning with Korsgaard's account of moral rationality. For rationalism, as its name suggests, is much more easily understood by explaining its relationship with rationality (and thereby with deontology) than by its rather difficult relationship with cognitivism and realism.

a) *Rationality: defended by rationalism*

Unlike the naturalist and the constructivist, Korsgaard is quite ready to acknowledge that the demanding, or more specifically, the deontological character of morality must be justified if we are to provide a theory that is adequate to our actual experience of morality. So, she sets out to understand how obligation could be possible, and by obligation I take her to mean what I began by calling the 'absolute demand' that moral beliefs make on us and which I went on to argue is the force of morality that we recognize in our experience of *duty*, the experience of an absolute

constraint upon what we should will. That is, Korsgaard takes her starting point to be the question: “What *justifies* the claims morality makes on us?”²

However her argument proceeds by developing a detailed account of how obligations are generated out of the process of practical rationality itself. Her argument is complex and exploits and amends Kant’s theories. In essence the argument proceeds as follows:

(1) We are potentially rational creatures who can stop and think about what we do. This capacity to stop and think about what to do is identical with our capacity for practical reason. “The reflective mind cannot settle for perception and desire, not just as such. It needs a *reason*. Otherwise, at least as long as it reflects, it cannot commit itself or go forward.”³ Korsgaard believes that we are not obliged to accept Hume’s picture of man as being driven by his passions and only able to use reason to determine what *means* the self should use to fulfil those passions. Instead we can, and we *must* if we are to be rational, find reasons to justify our desires.

(2) If we are to try and reason about what we will do we must be able to reflectively endorse, or justify, any desires or projects we might happen to have. Initially we might say that this means that we must use reason to find out whether what we want is really what is right. However when we further reflect upon what is involved in such an act of reflection we can identify two moments to the process of reasoning.

(2a) The first moment of reflective endorsement is to ‘think about’ what my desire is, or, in Kant’s terms to identify the “maxim” upon which I am going to act. This means that I define both the action that I will *and* the purpose that I am intending to achieve by that means.⁴

(2b) The second moment of reflective endorsement is to test our maxim, to see whether it can be justified by a reason. “But until the will has a law or principle, there is nothing from which it can derive a reason.”⁵ To have a reason for what we do is to *act from principle*. If I am asked why I will x then, if I am to provide an ultimate reason (i.e. after I’ve exhausted hypothetical reasoning), that reason will be of the form, ‘... because it is a rule (for me) that...’ or ‘... because I ought to...’

However our capacity to think about our desires, and to reflectively endorse or reject those desires, is not only identical with our capacity for practical reason it is identical with our capacity for freedom. In other words I can only see myself as free or rational if I am acting for my own reasons and it is from the perspective of an agent, deliberating about what I might do, that I experience freedom. If another imposes a law upon me then that is not a reason for me, unless I have a prior reason to accept that law; therefore it is that prior reason which is the source of normativity.

(3) The solution Korsgaard proposes is that we must “give ourselves a law” for (a) only the self has the necessary authority to obligate the self and correlatively (b) no law that is imposed upon us “from outside” can be obligatory for us. “We must regard our decisions as springing ultimately from principles that we have chosen, and justifiable by those principles. We must regard ourselves as having free will.”⁶ However the freedom of the will does not mean we can just will anything (if we are being rational). We need to know whether our maxim can be reconciled with a law that we can give ourselves.

(4) However we can identify the principle against which we must test our maxim. We can do this by universalising the maxim that we are considering. Hence we can maintain our own autonomy. To universalize the maxim is to use the maxim itself as the basis of the law that we create for our selves. If we examine whether our maxim can be reconciled with its own universalization then we can discover whether the maxim can be rationally willed.⁷ We cannot endorse our desires on the basis of something that we do not think is a real universal law. If it was anything less than a universal law then we would need to have a reason to apply it; that is we would need a law.

(4a) Here Korsgaard’s account differs from Kant in identifying two distinct stages in the use of the process of universalization to create the Moral Law. The first stage is the universalization of the maxim across the life-span of the agent who is reflecting upon the maxim. In other words the agent is to ask himself whether he could will that he *always* lives by that maxim (whether he could turn the maxim into a law for himself). In this way the agent is determining his own “practical identity” the principles that define who we are. And we cannot act in contradiction to our practical

identities for “It is the conceptions of ourselves that are most important to us that give rise to unconditional obligations. For to violate them is to lose your integrity and so your identity, and no longer be who you are.”⁸

At this stage we must ask ourselves, if we are to be rational, whether the action we are considering can really be reconciled with the practical identities we hold. However Korsgaard recognizes that this kind of consistency with one’s own identity is insufficient to justify treating any practical identity as morally necessary. Nevertheless rationality does restrict our actions; we must either reject an action that conflicts with a practical identity we hold or we must reject that practical identity and take on another identity.

Just as our own practical rationality implies that we value and respect our capacity to act rationally so we must value the capacity for rationality as it is found in all rational beings. Hence other rational beings must be treated as ends and must be respected as such. Or, which I think amounts to the same argument, because our reasons must inevitably be public reasons, it is not possible for us to have reasons which do not treat other beings who reason as also having value. “The space of linguistic consciousness - the space in which meanings and reasons exist - is a space that we occupy together.”⁹

(4b) Rationality in action implies we must live in accordance with some practical identity. However all practical identities are grounded in our status as humans, as the kind of being who has practical identities. So we cannot value our practical identity without valuing our humanity. Hence we must not simply universalize our maxim across our own life but we must universalize our maxim across all human beings. We must ask ourselves whether such a maxim is consistent with our status as moral beings.

Clearly this account needs further explanation as there is much that is difficult here and so to begin with I propose to return to illustrate Korsgaard’s argument by the use of an example. At this stage I am still trying to describe her argument and this example has been purposefully selected so as not to undermine Korsgaard’s argument. I will come to more difficult cases subsequently.

Let us imagine a man, Lamech, who is fearful that someone might kill him, and so he murders that man himself.¹⁰ I will use this example as a means for illustrating Korsgaard's argument. To understand the force of Korsgaard's argument let us imagine (1) that Lamech stops to think about what he is doing and try to see how his capacity for practical rationality could give rise to an awareness that he is under an obligation not to kill this man. Clearly Korsgaard is supposing that Lamech can 'stop and think', but as Korsgaard admits, this is not claiming that Lamech *will* stop and think. For Korsgaard we are imperfectly rational creatures who are quite capable of acting without thinking. But it seems quite reasonable that we suppose that our moral nature should be revealed at this point of reflection.

Second we are to think about our desires. (2) Now here Korsgaard uses Kant's concept of a "maxim" to show us how we should understand what it means to think about our desires. For while we might say that Lamech has a desire to kill the man, that way of putting the matter is elliptical. From Lamech's point of view, once he stops to think about *what* he intends to do he finds himself relying on a maxim, which for Lamech might be 'I will kill this man to remove the risk that he might kill me.' So Korsgaard is claiming that practical rationality involves reflecting upon our maxims.

Furthermore (3) if we were to ask Lamech for his reason for killing the man we would be asking him to tell us what principle he was acting on. Lamech might say 'Because I want to.' But we would say that this was no reason; it offers no justification. He might say 'Because I fear him.' But we would say that is not a reason, unless he could show why those we fear should be put to death. If however Lamech says 'Because it is wrong that people who put others at risk of their lives should live.' then this has the form of a reason, that is it provides the means by which the action can be justified in terms of some principle.

However the question that then arises is *what* particular principle can be properly utilized to test the maxim. Clearly there are many principles that might be used to test the maxim that Lamech is considering; however if Lamech simply imports some principle that he either simply imagines or someone tells him then he will be left with the further problem of justifying *that* principle. Lamech must give himself the

principle, a principle that can then become a law. And the only basis for that law is the maxim that Lamech is considering, but not the mere maxim, but the maxim treated as a law: the universalization of the maxim.

Now there are two possible stages to the process of universalization envisaged by Korsgaard. The first stage (4a) is the universalization of the maxim as it applies directly to Lamech. So he is to ask himself whether he can will his maxim 'I will kill the person who I fear might kill me' and the *universalization* of that maxim would be 'I will always be someone who kills those I fear.' This then would become the practical identity of Lamech who must ask himself, if he is being rational, whether he could live with this conception of himself. In itself there is nothing contradictory with this practical identity, however if Lamech valued a practical identity as a 'peace-maker' then there may be a conflict between the two practical identities.

Finally (4b) Korsgaard claims that Lamech's commitment to his own autonomy and rationality implies a commitment to value rationality and autonomy in others. As Lamech cannot but value his own practical identities as, say husband and father, he must also value the ground of those identities, his humanity. But humanity is a quality of others and so must be valued in those others. Hence the universalization process enters its second stage and Lamech must now, include all other rational beings within the law. So the second stage of universalization of the maxim gives us the law that 'Everybody should always kill those they fear.' However this gives rise to a contradiction between the maxim and the universalization of the maxim. While the maxim's purpose was to promote Lamech's security the universalization of that maxim represents a law that would radically undermine his security.¹¹ Hence the principle 'Everybody should always kill those they fear' cannot qualify as a moral law and Lamech is not justified in murdering the man he fears.

Hence it is clear that moral rationalism certainly seems to support our objectivist assumption that morality be rational. Each rational being is constrained by rationality itself to hold to certain principles and those principles might be either abstract or concrete depending upon the character of the agents own intentions.

b) Deontologism: defended by rationalism

Korsgaard's is also the first theory that attempts to explain how we might be under the absolute demands of morality. Unlike the moral naturalist Korsgaard is not prepared to say that such demands can simply be explained by some facts, for facts have to be turned into moral reasons and mere facts do not provide us with reasons for action. Korsgaard therefore quite rightly returns us to the Kantian question, which is 'how is it possible for us to have practical reason?' Hence we suppose Lamech to be someone who might be able to stop and think, who has the capacity to reason about what he is about to do, and to reason not just about the means he has chosen but the end he has in mind also.

Secondly Korsgaard's theory begins to introduce the same metaphysical ideas that I suggested above are implied by our objectivist intuitions. For she assumes that in order to suppose ourselves to be creatures who can reason about what we will do we must presume ourselves to be free to will, rather than being simply subject to our desires. Hence we assume Lamech has a free will. At the same time Korsgaard, following Kant, rightly assumes that the will is constrained by the Moral Law and it is this constraint which provides the grounds for our sense of duty. As we discussed above, this constraint does not restrict the will's freedom (for we can will the wrong thing, and wilfully so) but it is a restriction on what we *ought to will*.¹²

So, while we suppose Lamech to be free, we also suppose that the significance of that freedom lies in whether it is used in harmony with or contrary to the Moral Law. This idea is of the utmost importance; for if our conception of the will is a mere capacity to act in contradiction to desire then the will would not be a rational faculty. Instead it would just make human action unpredictable, without adding any meaning to that action. It is the fact that the will has its law, the Moral Law, which makes the will a rational faculty.¹³ Hence I think that Korsgaard provides us with a powerful model for explaining the nature of duty.

c) Cognitivism: inadequately treated by rationalism

However it is at this critical point that we can begin to identify certain difficulties within Korsgaard's account, difficulties which are typical of rationalist accounts of morality. The first problem in Korsgaard's account of how moral principles can be

derived from a process of universalization is that it does not seem to work; or rather, the process can lead to radically conflicting principles. This means that the account seems to suffer from the same indeterminacy as moral naturalism. Hence it is hard to see how the theory can really be treated as cognitive.

The Lamech example I just discussed was purposefully selected to support Korsgaard's argument. However I think there are many examples that throw up immediate difficulties for Korsgaard's argument. In fact if we return to my earlier example, Cain's murder of Abel, we will find that we cannot arrive at a satisfactory conclusion using Korsgaard's procedure.

Cain's maxim would be 'I will kill Abel to rid myself of someone who has put me to shame.' If Cain universalizes that maxim for himself (first stage universalization) that maxim becomes the practical identity of 'someone who always kills those who shame him.' Clearly, however unattractive such a practical identity would appear there is nothing immediately incoherent with such an identity. Finally if Cain universalizes his maxim over all rational beings his maxim becomes the law that 'Everybody should always kill those who shame them.' However I can see no way that Cain's maxim is in contradiction with its universalization as a law.

The law itself is internally coherent, for Cain's law embodies a certain extreme form of honour code that some communities even live by. Furthermore there is no contradiction between his maxim and the law. He wills Abel's death as one who has shamed him. There seems to be no more contradiction in this than in any system of jurisprudence where we impose penalties on those who cause crimes. Yes, Abel is also permitted to kill Cain if Cain had shamed Abel; but that is just plain consistency. So we still seem to be left with the counter-intuitive conclusion that it is right for Cain to kill Abel.

However perhaps there is another kind of 'contradiction' implied. Perhaps Cain should realise a contradiction inherent in the loss of life of his own brother over a matter that simply does not merit such a measure. But the problem seems to be that our ordinary belief that such an act is wrong, and that any law that justifies it cannot really form part of the Moral Law, cannot be explicated using Korsgaard's methodology.

Moreover if Korsgaard cannot explain what is wrong with Cain's murder of Abel then she cannot draw too much comfort from having seemed to explain some other cases, such as Lamech's murder. It seems that, by Korsgaard's account, rationality forces us to respect (a) certain "conventional" principles of morality (e.g. to tell the truth) because without respect for the principle the practice itself would collapse and (b) certain "natural" principles (e.g. Lamech-type murdering) because without respect for those principles social life would unravel. However if it is merely irrational to act in ways which undermine valuable social practices and to undermine things of immediate value to the self but it is not irrational to act in ways which are plainly bad but do not touch us so directly then something has gone wrong. Surely it is fundamental evils, like the murder of Abel, that we expect to be ruled-out by reflective endorsement. Korsgaard believes that the process of reflective endorsement "is bound to govern us by laws that are good" but to the extent that Korsgaard is unable to assure us that she can constrain the principles that we can will (rationally) then her account is going to be in significant tension with our ordinary intuitions about morality.

In particular it seems that there is no reason to think that there will be a set of moral beliefs that we can treat as true. Cain can act rationally by his moral principle and Abel could live rationally by a contrary principle. While some principles may not pass the universality test it is hard to see how countless other contradictory principles will pass the test. Hence it is unclear how Korsgaard's account can explain our common-sense intuition that morality is cognitive. Instead it seems that Korsgaard is closer to saying that Cain's principle can be true for Cain but that it may not be true for someone else.

d) *Realism: abandoned by rationalism*

The second problem is even more fundamental. Korsgaard believes that we can explain and justify the Moral Law using only the idea of human autonomy. But this seems to be in sharp contradiction with our common-sense intuitions about the status of morality. In particular Korsgaard's theory that 'we give ourselves the Moral Law' conflicts with our common-sense intuition that morality is based on something real, something that was not created by us, but is independent of human construction.¹⁴

In terms of my articulation of her views above I am claiming that her major error is to suppose that we must, in order to act from principle, *give ourselves that principle*. Now this critical step is, on her view, justified by two arguments: one negative the other positive. Her negative argument is that there is simply no alternative source of legitimate authority for a principle of action, for the ideas proposed by other philosophers do not work. In particular she considers thinkers like Pufendorf who believe that the authority of morals is based on the authority of a law that is imposed on human beings, that law makes us 'have to' do or not do certain things.¹⁵ However, as Korsgaard argues, the obvious problem with this position is that it simply defers the problem of normativity. The legislator must be legitimate and the subject must be obliged to the legislator and both these conditions must be met before we can deem ourselves to be properly obliged by the legislator. So the source of normativity cannot be simply legislation by another.¹⁶

Her positive argument is that it is our own freedom that is the source of normativity, it is because I, rather than another, freely give myself the law, that I am obliged by it. Correlatively Korsgaard argues that just as I give myself the law the law gives me myself. That is, it is constitutive of my practical identity as an agent, and without it I (as an agent) would not exist.

Now clearly there is a lot going on in this thought-provoking argument. However the central problem is that Korsgaard's theory is in clear conflict with our objectivist assumption that morality is clearly not something we have created or given to ourselves. Rather, morality is real and we take morality to be real precisely in the sense that reality is something that is *not* 'up to us'. However Korsgaard seems untroubled by this conflict between her rationalism and our common-sense intuitions.

In fact there is something quite peculiar in the idea that our giving those principles to ourselves provides the authority of moral principles.¹⁷ For it would seem that this would be the very thing which would lead us to suppose such principles had *no* authority. For example, if Cain believes that the law by which he must act is simply a law which he has 'made up' then surely his respect for that law is diminished, for surely he could just 'make up' a law which more convenient to his wishes.

Now Korsgaard clearly believes she has an answer to this problem. She says that “the subject is unequivocally the author of the law, but autonomous lawmaking is not something you can do any way you like, any more than thinking is. It must be done universally.”¹⁸ Or to put that in more Kantian terms, it is *reason* that gives itself the law. So it is not Cain, *qua* unique individual, who is legislating for himself, it is Cain, *qua* rational being, who is so legislating. Obligation stems from our rational natures and our rationality is not something that we can simply treat instrumentally; instead rationality is sovereign over us.¹⁹

However if we are to now accept that rationality itself is sovereign over us, rather than our own will simply creating laws for ourselves, we need to understand the legitimacy of that rationality. If I am to accept that I should obey the Moral Law because rationality itself demands it, then I need to have a conception of rationality itself which commands respect.

The elevated status of rationality is then a critical premise of her theory, but we are surely entitled to ask what kind of conception of reason she holds and why reason demands that our will obeys it. Now one line of argument is that nothing itself can be said in defence of reason, reason provides the basis of rational debate and to challenge reason is to invite scepticism. The sceptic can say nothing against reason, for without reason no rational debate is possible. This kind of argument provides a kind of *ad hominem* argument against scepticism: don’t try to argue me out of my faith in reason, the fact that you are trying to use arguments reveals that reason is necessary.

Yet surely this kind of defence of reason is simply inadequate. For surely we are entitled to ask what kind of reason it is that Korsgaard is proposing that we submit ourselves to. That is, we do not need to be a sceptic about reason to place some limits upon what we think reason can do and Korsgaard herself is clearly of the opinion that metaphysics, for example, is not accessible to rational enquiry. But, if reason cannot determine the nature of metaphysical reality why should we believe that it is sovereign over the will.

In fact there are some conceptions of reason that would make the idea that rationality should be sovereign highly suspect. For example, Nietzsche takes reason to be an

aspect of the will to power, a means for exercising power and changing the world. But surely this kind of reason is not due our reverence and obedience.

Rationality - How did rationality arrive in the world? Irrationally, as might be expected: by a chance accident. If we want to know what the chance accident was we shall have to guess it, as one guesses the answer to a riddle.

Nietzsche, *Daybreak*, p. 77

Perhaps the contrast between Korsgaard's view and objectivism could be stated as follows: Intuitively we believe that we should respect what reason tells us about morality because we believe that reason possesses the capacity to understand the true character of morality. But Korsgaard believes that, when it comes to practical matters, reason demands self-consistency and universalization and that these, in turn, place constraints upon what we should do, constraints that we understand to be the Moral Law. So it is clear that objectivism must assume a more ambitious conception of rationality than does Korsgaard.

However the disadvantage of Korsgaard's more minimal conception of rationality is that it is a wholly inadequate basis for the sovereignty over the will that Korsgaard requires. Of course it is not that self-consistency and universalization are not important, they are. But the extent to which they are important is a reflection of the nature of morality, not the reverse.²⁰ Cain should not kill Abel, even if he could do so in a way that would enable him to be utterly consistent with himself. Cain should not kill Abel because it is wrong, not because that would be an internally inconsistent thing to do.

It is clear that moral rationalism is not able to fully justify our objectivist intuitions. The theory is built on a presumption that rationality is vital to morality. But its attempt to underpin morality with a merely procedural account of rationality cannot be sustained. First it is clear that our assumption that morality is real, that it is something not made by us, cannot be reconciled with the idea that we give ourselves moral principles and then authorize them by an appropriate procedure. Second the proposed procedure seems to leave many moral principles relativized to the preferred maxims of diverse individuals in a way that makes it hard to see how we can properly treat moral principles as true or false.

However Korsgaard is offering a theory that does accurately capture something of what it means to be under a duty: to be aware that an intended act requires justification by (or must not infringe) some absolute principle, a principle that gives us a final or absolute reason to act (or to refrain from acting). She rightly recognizes that meta-ethics must attempt to explain the relationship between the Moral Law and the will. But I will return to these ideas after considering one last meta-ethical theory.

¹ Unlike Lovibond and Boyd, Korsgaard is not so eager to describe her own theory as a form of moral realism although she does allow that her own position might be realist in a limited extent. She distinguishes procedural from substantive moral realism; the procedural approach seeks to find answers to moral questions by answering them in the right way (i.e. rationally), the substantive approach supposes the existence of truths which rationality must uncover.

² Korsgaard [1] p. 9

³ Korsgaard [1] p. 93 It is interesting to note that Korsgaard's image of the impact of reflection on action implies that thought can, after 'pulling us back' from action, then come to help us actively will an action. This picture of how thinking operates is in sharp contrast to the phenomenological account of thinking offered by Arendt but is consistent with Korsgaard's optimism that thinking through the universalisation of our maxims will give determinate answers to moral questions. See Arendt [1].

⁴ Note that this is not to analyse all actions consequentially. If I will to return your book to you because I promised to do so then my purpose is the fulfilment of a promise.

⁵ Korsgaard [1] p. 98

⁶ Korsgaard [2] p. 163

⁷ "As a rational being you may take the connection between a purpose you hold and an action that would promote it to be a reason for you to perform the action. But this connection must be universalisable *if the reason is sufficient*. Only in this case have you identified a law. If universalisation would destroy the connection between action and purpose, the purpose is not a sufficient reason for the action. This is how, on the Practical Contradiction Interpretation, the contradiction in conception test shows an immoral maxim to be unfit to be an objective practical law. As an autonomous rational being, you must act on your conception of a law. This is why autonomy requires conformity to the Formula of Universal Law." [Korsgaard [2] p. 102]

⁸ Korsgaard [1] p. 102

⁹ Korsgaard [1] p. 145

¹⁰ See Genesis 4:23. Lamech's real character does not seem to be quite as extreme as the character I am describing, however as someone who commits the next murder in the Bible and as someone whose justification is a rather vague appeal to self-defence he seems an appropriate figure to use. [In the Jewish Midrash it is even claimed that Lamech killed Cain.]

¹¹ Korsgaard offers her own account of Kant's contradiction test in her essay *The Formula of Universal Law*. See Korsgaard [2] pp. 77-105. I take it that if Lamech's maxim were such that its existence depended upon a convention (as making false promises depends upon promising) then its universalisation would contradict its own concept. If however the maxim posits a purpose that would be undermined by its universalisation (as seeking security might be for somebody who wills murder as a form of defence) then it contradicts its own willing.

¹² See above, p. 31.

¹³ The necessary connection between our obligation to the Moral Law and our freedom is central to Kant's arguments and to his emphasis upon the idea of duty, as is reflected in this quote: 'But why is the doctrine of morals usually called (especially by Cicero) a doctrine of duties and not also a doctrine of rights, even though rights have reference to duties? The reason is that we know our own freedom (from which all moral laws, and so all rights as well as duties precede) only through the moral imperative, which is a proposition commanding duty, from which the capacity for putting others under obligation, that is the concept of a right, can afterward be explicated.' [Kant [4] p.64] That is, we can only give sense to the idea of our being free agents if we are aware that our actions can be measured by some objective standard. Without duty there would be no 'I ought' and no 'I will' just 'I do.'

¹⁴ See above, p. 17

¹⁵ "The legislator is not invoked to supply the content of morality or even to explain why people are often motivated to do what is right. The legislator is necessary to make obligation possible, that is, to make morality normative." [Korsgaard [1] p. 27]

¹⁶ Korsgaard goes on to consider two other strategies for explaining the source of normativity. First she suggest that some thinkers, e.g. Moore, characterise moral beliefs as if they were merely cognitive questions and they then fail to explain why we are obliged by things just because they are true. Second she thinks some thinkers, e.g. Hume, identify the morality with an aspect of human nature, however they cannot explain how this provides us with reasons for action.

¹⁷ Cohen also discusses this problem in his response to Korsgaard's reflective endorsement argument. See Cohen in Korsgaard [1] pp. 167-188.

¹⁸ See Korsgaard [1] pp. 236-237.

¹⁹ Korsgaard herself reveals the deep ambiguity in her own thought when she writes, "Does Kant think, or should a Kantian think, that human beings simply have unconditional or intrinsic value, or is there a sense in which we must confer value even upon ourselves? ... I can see myself migrating to the latter [view], the view I now hold." [Korsgaard [2] p. 407] Of course this shift in her own thinking has a clear motivation, for it is certainly less challenging (both metaphysically and epistemologically) to think that moral values can be created by a certain kind of rational animal of which a human being is an example. However it is also clear that to interpret our rational natures in this less demanding way is to effectively make moral rationalism almost identical to moral constructivism and to make it share its inherent weaknesses.

²⁰ There is an interesting problem inherent in the idea of universalisation. To make Cain capable of imagining his act as being universalisable we need to give Cain the capacity to (at least) see himself as one moral being amongst many who are in some relevant sense equal. However it would seem that such a conception of others already requires moral awareness. This and further considerations of this nature could lead to an even more radical attack on Korsgaard's position than the one I have developed above.

4.5 Ross's deontological intuitionism

The alternative anti-sceptical theory that I want to explore is moral intuitionism. This is the theory that proposes that we are beings who are capable of knowing moral truths, but claims that the nature of this knowledge and what is known is categorically distinct from our knowledge of natural science or logic. This approach has been explored before, most recently by Moore, Brentano and Ross. I am going to concentrate wholly upon Ross's theory, for his deontological moral theory gives proper emphasis to the importance of the idea of duty in ethics.

In order to defend and articulate Ross's account of morality I will return to the four key ideas that I previously argued make up our intuitive understanding of morality, which I termed objectivism. That is I argued that morality appears to be (1) cognitive, (2) real, (3) rational and (4) it demands our absolute obedience. As I have already done for the three previous theories I will examine each of these ideas in turn and try to show what Ross believes to be the case with regard to that idea.

a) *Cognitivism: defended by intuitionism*

I have argued that we take our moral beliefs to be matters of truth or falsity or, using the term in the way I specified earlier, morality is cognitive. This same assumption is also clearly made by Ross who criticizes the "sociological school of Durkheim and Levy-Bruhl" for not recognising the true status of morality.

But beliefs have the characteristics... ..of being true or false, of resting on knowledge or of being the product of wishes, hopes, and fears; and in so far as you can exhibit them as being the product of purely psychological and non-logical causes of this sort, while you leave intact the fact that many people hold such opinions you remove their authority and their claim to be carried out in practice.

Ross, *The Right and the Good*, p. 13

So, the intuitionist claims that our moral beliefs can be true or false (or, morality is cognitive) just as the moral naturalist and constructivist does.

b) *Realism: defended by intuitionism*

Secondly my contention has been throughout this thesis that we believe morality to be real, and real in a very specific sense. We believe morality to be real (in contrast, say, to the way positive law is clearly not real) in that we have not, individually or collectively, ‘made it up’ or constructed it. Morality is real because it is something we discover, something we form more or less adequate beliefs about, *not* something that exists only at the level of the beliefs that we hold about it. Ross makes this same assumption.

The point is that we can now see clearly that ‘right’ does not mean ‘ordained by any given society’. And it may be doubted whether even primitive men thought that it did. Their thoughts about what in particular was right were to a large extent limited by the customs and sanctions of their race and age. But this is not the same as to say that they thought that ‘right’ just meant ‘what my race and age ordains’. Moral progress has been possible just because there have been men in all ages who have seen the difference and have practised, or at least preached, a morality in some respects higher than that of their race or age.

Ross, *The Right and the Good*, p. 13

This kind of commitment to the reality of morality is clearly shared by both intuitionists and naturalists. However it is also clear that it is precisely this conception of a moral reality that is rejected by a constructivist like Lovibond, who believes that there is no sense to believing in any reality ‘behind’ the understanding of reality that we develop through our various discourses. And, as we have seen, the position of Korsgaard is certainly ambiguous. She claims to be a procedural realist, which means that we cannot just think whatever we like about morality because we are constrained by the process of rational thinking; we are subject to rationality itself. However what is unclear and questionable in Korsgaard is the precise status of rationality itself.

c) *Rationality: defended by intuitionism*

My further contention about our intuitive understanding of morality is that we take it that we can, at least to some extent, approach the truth by rational debate and argument and that our beliefs are rational in the sense that they can be justified. However I went on to provide a much more detailed analysis of one aspect of moral rationality, the idea of reflective equilibrium. From this account I drew the

conclusion that if we were to treat the idea of reflective equilibrium as a rational process, a means by which we approach the truth about morality, then we would have to assume not only that we are capable of making the logical steps of deduction and induction but also that we are able to directly evaluate both whether moral judgements were true or false and whether moral principles were true or false.¹ I went on to argue that it is only if we see ourselves as possessing those two independent capacities for forming true beliefs that we can justify our use of reflective equilibrium as a rational procedure.

Now it is interesting to compare my conclusions with those made by Ross for it seems to me that Ross reaches *almost* exactly the same conclusion, but without reference to the more recent idea of reflective equilibrium. Ross takes us to have at least two powers of intuition: (1) a power to recognize certain general principles as self-evidently true and (2) a power to see the rightness or wrongness in certain particular acts. In fact he links these two forms of intuition together in a process which is reminiscent of the reflective equilibrium process:

In a precisely similar way [to the development of our understanding of mathematical truths] we can see the *prima facie* rightness of an act which would be the fulfilment of a particular promise and of another which would be the fulfilment of another promise, and when we have reached sufficient maturity to think in general terms, we apprehend *prima facie* rightness to belong to the nature of any fulfilment of promise. What comes first in time is the apprehension of the self-evident rightness of an individual act of a particular type. From this we come by reflection to apprehend the self-evident general principles of *prima facie* duty.

Ross, *The Right and the Good*, p. 33

When we combine this account with Ross's view that our intuitions are revisable it seems that Ross's account bears a striking resemblance to my own account of reflective equilibrium:² (1) we form beliefs based on our judgements of particular cases and (2) we develop an understanding of principles by which we ought to act. These two different forms of intuition thereby underpin the development of our moral understanding.

Ross is therefore making the same commitment to the existence of two distinct human capacities that enable us to be aware of the truth about morality, capacities that are distinct from our capacity to make logical connections between thoughts.

This commitment to the existence of a distinct rational capacity is the defining feature of intuitionism and is missing in all of the other three alternative anti-sceptical theories.³

A rationalist, like Korsgaard, wants to do without any capacity for intuition, instead she wishes to define our seeming capacity for moral intuition in terms of the logical operations like universalization and the identification of certain kinds of self-contradiction. A constructivist, like Lovibond, is quite comfortable with the idea of calling certain statements ‘intuitions,’ but for her this means no more than that such statements have the appearance of operating as ‘data’ for the moral thinker. Lovibond no more believes in ‘epistemological powers’ than she does in ‘underlying metaphysical realities’. A naturalist, like Boyd, does not believe that we have intuitions of moral truth *in addition* to the forms of sense experience that are taken as basic in the development of natural science. Boyd believes that no such intuitions are necessary, for we can form justified moral beliefs simply by utilising the same cognitive powers that we use to understand the natural world.

Not only does Ross offer us an account of our intuitions that fits my analysis of reflective equilibrium as a description of moral rationality, but it is also an account which is compatible with the caveat to the rationality of morality that I described above.⁴ For there I claimed that although we believe morality is rational we also do not expect to see moral debate resolved by some authoritative procedure. That is, there may well be some occasions within moral discourse that we are forced to say ‘No, I can’t prove that to you; that is just what it seems to me’ or ‘Well, that’s just what I think’. Now I have argued that this lack of an authoritative procedure by which moral questions can be resolved is not a threat to the truth, reality and rationality of morality; and this same position is taken by Ross.⁵

I should make it plain at this stage that I am assuming the correctness of some of our main convictions as to *prima facie duties*, or, more strictly I am assuming that we *know* them to be true. To me it seems self-evident as anything could be, that to make a promise, for instance is to create a moral claim on us in someone else. Many readers will perhaps say that they do *not* know this to be true. If so, I certainly cannot prove it to them; I can only ask them to reflect again, in the hope they will ultimately agree that they also know it to be true. The main moral convictions of the plain man seem to me to be, not opinions which it is for philosophy to prove or disprove, but

knowledge from the start; and in my own case I seem to find little difficulty in distinguishing these essential convictions from other moral convictions which I also have, which are merely fallible opinions based on an imperfect study of the working for good or evil of certain institutions or types of action.

Ross, *The Right and the Good*, pp. 20-21

Here the critical conflict appears to be the conflict between intuitionism and rationalism, for the rationalist seems to believe that it is *precisely* by the use of some procedure that we can justify the necessity of certain moral principles. Certainly I think that Ross's theory is a more accurate reflection of our typical experience of moral debate which is rarely characterized by deference to some logical procedure for finding out what is right.

d) Deontologism: defended by intuitionism

The fourth meta-ethical assumption that we make in moral discourse is that moral truths place absolute practical demands upon us, what Korsgaard calls the "normativity" of moral beliefs. Furthermore I suggested that, although we may experience this absolute demand in a number of forms, the essential form of that absolute demand is captured by the concept of duty. Now it seems to me that of all the intuitionists Ross is in the best position to explain this feature of our moral beliefs. For Ross argues so clearly that what is right, or what we ought to do, cannot be analysed in terms either of mere factuality (what is) or even into terms of what is good.

In fact, it is on precisely this issue that my earlier analysis of ethical terms came to rest: an adequate account of moral theory must rely on the idea of a duty and the idea of duty itself cannot be reduced to some other term.⁶ Hence we could say that Ross's deontological intuitionism provides exactly the explanation required for how it is that moral beliefs demand our respect: for each moral belief implies the existence of some duty.

However, I also have some sympathy with Korsgaard's criticism of intuitionism here. Korsgaard believes that the intuitionist treats moral beliefs as just one more "branch of knowledge" and as such is subject to the criticism that theory is externalist; that is, intuitionism seems to put our motivation to be moral outside the holding of the moral belief itself.⁷ But I will go on to argue that we can salvage intuitionism if we build on

some of the Kantian analysis made by Korsgaard herself; for I think that Korsgaard is right to argue that it is the existence of the faculty of the will that makes the idea of the absolute demands of moral beliefs intelligible. Morality, I will go on to argue, is addressed directly to the will and it is in our capacity as willing beings that we confront the constraints that the Moral Law places upon us. So, I will argue that Ross's account can be improved by importing a Kantian epistemology.

Finally, before going on to consider how we can reconcile the theories of Ross and Korsgaard, it is worth noting one last respect in which Ross's theory seems to best match our actual intuitions about morality. I argued above that a caveat to the absolute demand placed upon us was the need to clarify whether a duty applied to a particular individual.⁸ That is, while we think moral principles apply, *ceteris paribus*, universally it is not always clear that things *are* equal (more often not, *ceteris imparibus*). I concluded then that Mackie was right not to treat universality as a fundamental property of our intuitions about morality.

Now Ross's theory seems to me to offer the most acceptable explanation of the universality of moral truths: one that is neither too strong nor too weak. On the one hand, unlike moral rationalism, intuitionism does not claim that all successful moral principles must be universalizable, without any form of self-contradiction. Rather it is the other way round; it may or may not be the case that any respectable moral principle we consider, on its own and without reference to any further context is universal in scope and places the same demand on everyone. However, in practice, that principle must be applied in a way that is sensitive to all the nuances of the situation that confronts the actor, including differences that are specific to the actor himself. Moreover the principle must only be applied if it is the right principle to apply, in the light of any other principles that might be relevant to the situation.

My claim is then that moral intuitionism provides the best explanation for all our actual intuitions about morality. It offers us a theory that enables us to confirm our intuitions about morality, without any revision: morality is cognitive, real, rational and places us under the absolute demand of duty. Of all the competing moral theories it is the only one to so completely match what we defined as our starting point when thinking about morality.

¹ See above, p. 88.

² Ross writes, "...the moral convictions of thoughtful and well-educated people are the data of ethics... [to be] rejected only when they are in conflict with other convictions which stand better the test of reflection." [Ross [2] p. 41]

³ That is, the defining idea is the idea that we are capable of understanding moral truths because we have *some* distinct cognitive power that makes it possible for us to understand moral truths. The fact that Ross and I both think that at least *two* distinct rational powers are involved in the process of moral rationality is not the defining feature of all kinds of intuitionism. I will discuss this whole matter in more detail in Chapter Five.

⁴ See above, p. 18.

⁵ Of course it would be going to far to call either my own or Ross's position non-cognitivist it is just that we sometimes use the word 'know' in a way which implies we can provide a proof or demonstration for the truth of the belief. This distinction is also recognised in the way we might say of a particular moral belief that we 'think' it or 'believe' it rather than 'know' it. This is also reflected in what Ross says here, "...what we are apt to describe as 'what we think' about moral questions contains a considerable amount that we do not think but know, and this forms the standard of reference to which the truth of any moral theory has to be tested, instead of having itself to be tested by reference to any theory." [Ross [2] p. 40]

⁶ See above, p. 26.

⁷ See Korsgaard [1] p. 37.

⁸ See above, p. 21.

4.6 The limitations of Ross's intuitionism

So, in summary, I have argued within this chapter that only moral intuitionism, of the four meta-ethical theories that set out to oppose moral scepticism, is actually adequate to the task. The other three, whatever their merits, fail to defend our intuitive picture of morality. This means that if we were to accept any one of them we would then need to revise our objectivist picture of morality.

The first theory I examined, moral constructivism bases its opposition to scepticism upon the claim that scientific empiricism itself is based upon an indefensible theory that claims scientific knowledge is privileged over moral knowledge because it is based upon our empirical experience of reality. The constructivist argues that science is entitled to no special privilege, because scientific knowledge is not validated by empirical experiences. Rather, all forms of knowledge are constructed by social interaction and language-making. Hence scientific knowledge and moral knowledge have equal status. But the primary failing of constructivism is that it abandons to the sceptic our intuitive belief in the reality of morality and ultimately the theory cannot save itself from a further slide into relativism and non-cognitivism.

The second theory I examined was moral naturalism. The moral naturalist shares with the constructivist a desire to offer a theory that will in some way bring together scientific knowledge and moral knowledge as two branches of knowledge. But, unlike the constructivist, the moral naturalist is still committed to the idea of an underlying reality that must be respected by knowledge. Hence he argues, against the scientific empiricist, that moral scepticism arises by artificially limiting the sphere of what can count as empirical experience. The moral naturalist wishes to treat moral experience as part of a field of empirical data that can be taken up and used by rational, theory-making beings such as ourselves. However the problem with moral naturalism is that, by erasing the critical difference between moral knowledge and scientific knowledge, it fails utterly to explain how moral knowledge can place us under the absolute demand of duty. Furthermore the naturalist's account of how moral properties are embedded in the world seems inevitably to drift towards making

the existence of those properties relative to human needs and desires in a way that is also relativistic.

Moral rationalism responds to the sceptical challenge in quite a different way. It takes seriously the idea that morality must have a practical quality, and the rationalist argues that it is this practical quality of morality that should form the basis of our meta-ethical theory. Scepticism takes hold because we misconceive morality as a 'thing,' something to be studied; but instead morality is the name for the set of principles by which we must live, if we wish to live rationally. So we should conceive of ourselves as practical beings that live according to reason and that some of those reasons by which we live are absolute reasons or moral principles. In particular Korsgaard argues that we can generate genuine moral principles by considering our own particular purposes and motives and by then asking whether these private reasons (maxims) could function as moral principles for everybody else as well. Hence ethics is the study of what we must *do* rather than the study of what is. However, while rationalism seems to have much to offer its attempt to argue that the specifically moral character of moral principles arises out of their universality seems unsuccessful. As a merely procedural account of how moral rationality operates it ends, like constructivism, in offering an account of morality that has abandoned the idea that morality is real.

The strength of Ross's intuitionism is that, without doubt, it offers us the best articulation of our common-sense intuitions about the status of morality. As we described the theory matches, point for point, the common-sense intuitions about morality that I identified at the start of the thesis. Ross believes that morality is something that we can know (cognitivism). He believes that it exists quite separately from anything that we might have invented or constructed (realism). He thinks we can come to better understand it through rational endeavour (rationality) and he believes it does demand our respect by representing itself to us as a set of duties (deontologism). But, of course, it is not too surprising that Ross's account is in harmony with our common-sense beliefs or common-sense intuitions about morality. For Ross is not only an intuitionist in the sense that he believes we possess a capacity for moral intuition. Ross is also an intuitionist in a quite separate sense, that is he believes that our basic intuitions about reality (amongst which would sit our four

common-sense intuitions about the status of morality) are the facts with which philosophy has to deal.

Ross is in many respects a follower of Moore who argues that philosophy tends to pay insufficient respect to the things that common-sense has to teach us. So, Ross's methodology rests precisely on the assumption that what we take to be true of things *is* true of things. It is not common-sense but philosophy that unnecessarily causes confusion. On this basis I think Ross would claim that scientific empiricism is merely a philosophical construction, and it is to be rejected out of hand precisely because it denies what we intuitively take to be true.

However I am not sure that this kind of defence of our common-sense intuitions is wholly adequate. It seems to me that we simply do rely on metaphysical and epistemological pictures of how the world is, and of how we know what we know of our world. These pictures do not exist simply within a closed world of philosophy, they are live and active in the minds of thinking people. In fact I think that one could quite easily claim that, in the twentieth-century, people became increasingly sceptical of morality precisely because of the dominance of scientific empiricism within intellectual circles. So, I think that we are forced to try and identify some alternative epistemological and metaphysical account that can support our common-sense intuitions. If we do not then we will, as Mackie recommends, have to treat such intuitions as an error.

So, in this chapter, we sought to find a suitable metaphysical and epistemological theory by reviewing some of the major meta-ethical theories that seek to reject moral scepticism. However this has not led us to an entirely satisfactory conclusion. For the one theory, intuitionism, that seems to adequately respect all of our common-sense intuitions about morality is also the least developed meta-ethical theory. In fact the Ross does not really attempt to define an epistemology to support his position. Instead *The Right and the Good* is more an ethical text, that seeks to reject consequentialism, than it is an argument for a particular epistemological solution to the problem of ethics.

Now it is clear that, if we are hoping to answer these questions, Ross is only of limited help. (1) While Ross quite clearly argues that we do treat our knowledge of

morality as knowledge, in as good a sense as we treat any other form of knowledge as knowledge, he does not explain either the connection or the distinction between ethical knowledge and knowledge in physics or logic. (2) While Ross does correctly identify the existence of two distinct powers of moral intuition he does not offer us any more detailed picture of how we should conceive of these powers of intuition, nor does he explain how moral judgement relates to other forms of judgement. (3) Ross clearly thinks we can use a process, very much like reflective equilibrium, to develop a better moral understanding, however it is not clear how we are to conceive of the relationship between thought and intuition in Ross's theory.

These questions will then set the scene for the last part of my thesis. For I hope to end the thesis by at least offering some suggestions about how we can resolve some of these issues and begin to outline an alternative epistemological theory to scientific empiricism. However I think that there is hope. For I think that Ross's theory can be aided and supported by several ideas that were developed by Kant. This is what I will attempt to show in the last chapter of my thesis.

5 TOWARDS A KANTIAN INTUITIONISM

In this, the concluding chapter of my thesis, I argue that it may be possible to develop a more detailed account of moral intuitionism by exploiting certain Kantian ideas. In particular I will accept the Kantian distinction between practical and theoretical reason and I will argue that we are aware of moral principles because we possess practical reason. In addition I propose that it may be useful to adopt the Kantian notion of judgement to explain the way in which we can also be aware of moral properties, a form of moral awareness that is distinct from our capacity to be aware of moral principles. This dual account of moral rationality is also in harmony with the tripartite account of our mental powers that Arendt developed from Kant's thought. She distinguishes three mental powers: will, judgement and thinking. I then argue that we can combine this account of our mental powers with the idea of a rational intuition to give rise to a tripartite account of rationality itself. I then argue that this tripartite account of rationality might be used to explain how the process of reflective equilibrium doubly constrains moral reasoning in the way that I proposed it must be in Chapter Three. I end by reviewing how the proposed theory, that I term Kantian intuitionism, might explain and justify our belief in moral objectivism

5.1 How might we justify objectivism?

The challenge is now to try and offer an epistemology that will support the objectivity of morality. I began by defining what I take to be our intuitive or commonsensical picture of morality's status: objectivism. I argued that the moral scepticism that opposes objectivism is less attractive than it seems, but that if we examine the roots of that scepticism we find the theory of scientific empiricism, an epistemology that cannot be reconciled with objectivism. Furthermore I have argued that although there are a number of alternative epistemologies to scientific empiricism the only one that is fully in harmony with objectivism is the moral intuitionism of Ross. So I will now try and build on Ross's theory and try to offer a viable alternative to scientific empiricism that makes use of a number of Kantian ideas.

Of course it is not always easy to second guess the potential objections to any view that one is proposing and it is beyond the ambitions of this thesis to defend the proposed theory from every perspective possible. Instead I will simply attempt to set

out the theory that I am offering as an alternative to scientific empiricism. Hence this thesis must be seen as the first step in the development of this alternative epistemology and it cannot be treated as a full defence of that epistemology.

The theory that I am exploring as an alternative to scientific empiricism is one that I call Kantian intuitionism. The theory is Kantian because it borrows three distinct ideas from Kant. First I will make use of Kant's idea that we possess a power of practical reason, a rational power that governs the use of our will. This idea is quite commonly used in contemporary meta-ethics and has already been explored in some detail in my discussion of Korsgaard's theory above.

However I will also make use of two further Kantian ideas, ideas which are much less well known and which are set out in Kant's third critique, the *Critique of Judgement*. This, the last of Kant's great works, is not well known today, but it plays a vital role in integrating different elements of Kant's thought. In the *Critique of Judgement* Kant argues that we possess a special mental power for making judgements, which he calls the faculty of judgement. The presumption that we do indeed possess a faculty of judgement will be the second uniquely Kantian idea that I will exploit in my argument below.

Not only does Kant propose the existence of a faculty of judgement in the *Critique of Judgement* but he also proposes that we possess three distinct faculties, each of which plays a role in human reasoning. Arendt subsequently took up this idea and defined these three distinct mental activities as thinking, willing and judging. It is her account of this Kantian epistemological structure that I will be using as the basis for my own theory. However my argument will be an extrapolation of her theories into the field of moral reasoning. For Arendt never makes fully explicit the connection between the three faculties and moral reasoning.

However my theory will not only be Kantian but also intuitionist.¹ That means that I will agree with Ross that certain moral beliefs seem true and that it may be reasonable to treat them as true, even when no further reason can be provided to justify those beliefs. But this does not mean that we have to treat the idea of moral intuition as a quasi-sensory faculty that we possess only to resolve moral questions. Instead I will argue that the idea of an intuition, as an unproven belief that we can

reasonably treat as true, is integral to all forms of reasoning and has not been dreamt up simply to support the objectivity of morality. In fact I will argue that we should not really speak of moral intuition at all, as if it was one form of specifically moral intuition. For there are at least three kinds of intuition in operation in our mental life; and some moral intuitions rely on the operation of the faculty of judgement but some rely on the operation of the will. To my knowledge this argument is a unique attempt to set out the relationship between moral intuitions and the Kantian faculties.

In addition my proposal will have the further benefit of casting light on an unresolved debate within intuitionism. For there has always been a conflict between intuitionists like Moore (who believes that we have intuitions of the goodness of certain kinds of things) and intuitionists like Ross (who believes that we can have intuitions about our duties). I will argue that my theory offers a helpful synthesis between these two versions of intuitionism.

The theory that I then develop will also enable me to develop a clearer solution to the problem that I raised in Chapter Three. There I argued that reflective equilibrium was a helpful account of moral reasoning but one that needed to be underpinned by a substantive account of moral rationality. In order that reflective equilibrium can be taken seriously as a process that will enable us to think positively and constructively about morality it is necessary that there are two different kinds of rational constraint upon the operation of logical reasoning. The kind of Kantian intuitionism that I will be exploring locates the sources of this rational constraint in the will (which is governed by practical reason) and in the faculty of judgement. Hence I will argue a Kantian intuitionism might make it possible that we can treat reflective equilibrium as a genuinely rational process.

This will then bring me to the question of whether Kantian intuitionism may serve to justify objectivism. I will argue that it is a promising approach and that it is a particularly attractive epistemological account because it can support all the features of objectivism that I have described within this thesis. That is, a Kantian intuitionism seems to support and explain the cognitive, realist, rational and deontological properties of morality.

My argument will proceed in this chapter by (1) exploring Kant's notion of practical reason. I will then (2) explain Kant's theory of judgement. From there I will then go on to explore (3) how Arendt, following Kant, brought these ideas together in a tripartite account of our mental life. These elements will then enable me to develop an account of Kantian intuitionism. I will suggest that (4) the rationality of these mental powers might be conceived to consist in the existence of distinct rational laws that should constrain their operation. I will then explore whether (5) this analysis of rationality in general can help us explain how reflective equilibrium can function as a rational process. Finally I will end by (6) examining whether this theory might serve to justify the four distinct features of moral objectivism.

¹ Kant himself uses the notion of intuition in a very different sense in the *Critique of Pure Reason*, to mean a sensory experience. He also refers respectfully to what I have called common-sense intuitions in the Groundwork. See Kant [2] p. 70. Intuitionism for me is the kind of theory proposed by Ross that presumes that we can be directly aware of certain moral truths. Thus it is reasonable for us to assert certain moral beliefs as true even though we cannot offer final justification or proof for those beliefs. Instead, if we presume that we are beings who do possess the means to be directly aware of moral truths, then we can be justified in holding moral beliefs even when we are unable to further justify those beliefs by providing reasons. In other words it is rational for us to sometimes say I can not prove that say 'Killing people is wrong it just strikes me as so'. Intuitionism construed in this way does not give us any right to simply assert our moral beliefs as moral truths. For: (1) we can be mistaken, the moral belief we hold may be false even though it 'feels' right and (2) the belief might be shown to be false by some argument that we have not yet been made aware of. It is certainly unlikely that Kant himself could be construed as an intuitionist himself.

5.2 The will

So, to begin, I will turn my attention to the idea of practical reason. I have in fact already discussed this idea at a number of points above. First I mentioned the attempt by Scruton, following Kant, to make morality a matter of intentional rather than scientific understanding and hence to avoid any contradiction between science and morality.¹ Second I introduced the distinction again when explaining how Korsgaard developed her own version of moral rationalism.² There she proposed that we should understand morality as a system of final reasons for actions, reasons beyond which we cannot get.

The Kantian approach to moral philosophy is to try to show that ethics is based on practical reason; that is, that our ethical judgements can be explained in terms of rational standards that apply directly to conduct or to deliberation.

Korsgaard, *Scepticism about practical reason*, p. 311³

In fact my own commitment to the Kantian distinction between theoretical and practical reason has run throughout this thesis and is revealed by my continued commitment to Hume's Law. Hume's Law tells us that what we know by empirical or logical argument (what we know *is*) does not tell us what we *ought* to do. But this 'law' is in fact correlative with the distinction that Kant makes between matters that we come to understand (theoretically) about the world and what we decide to do (practically) in the world.

In fact the scientific empiricist is happy to exploit this distinction himself. But the scientific empiricist believes that we can only come to a rational understanding of the world and that ultimately rationality is absent from our practical reasoning.⁴ We can genuinely know things about the world, but there is no law by which our actions themselves can be deemed rational or irrational. We are beings who just have a certain nature and who act according to causal laws.

The assumption then that I will make is that the distinction between theoretical and practical reason is true but that, *contra* scientific empiricism, we can reason

effectively about our ends. This then gives rise to a further necessary idea. For if we assume that practical action has a purpose then it requires a causality to make it effective. That is, we do not just *think* about what to do but that we actually *do* it, we act upon the world. This means that we must assume the existence of a special form of causality that enables us to act upon the world independent of physical causality but answerable to practical reason itself. The name for the self's power to act is the will. The will is the mental power that Kant describes as "a power of spontaneously beginning a series of successive things or states."⁵

The will as a faculty, or distinct mental power, is not an uncontroversial addition to our developing theory and to claim that it exists is to certainly add to the metaphysical 'extravagance' of our theory. However this is no reason not to consider the possibility that the will does exist, for it is surely plausible to assume that we will need a richer epistemological theory than scientific empiricism if we are going to make sense of objectivism. But the primary difficulty in defending the place of the will in meta-ethics is that the concept of the will is so little used in contemporary moral philosophy that it is difficult to connect the question of its existence to existing debates within meta-ethics. In fact today it is likely that the will would be either discounted as a metaphysical fantasy (incompatible with causal determinism) or seen purely as an egotistical force of disruption.⁶

However until the end of the nineteenth century, a very different idea of the will played a vital part in Christian and modern philosophy. In *Willing* Arendt traces the history of the will from St. Paul, St. Augustine, Duns Scotus to Kant. What all these different theories of the will have in common is the idea that we possess a real capacity for free action, but that the free will is properly constrained by the categorical imperatives of the Moral Law.⁷

However Kant's theories mark the high water mark for this conception of the will.⁸ For while Hegel does recognize the importance of the will to any developed sense of the moral understanding he also begins the process of trying to identify the laws that determine the will.⁹ This process of decline takes a further step with Schopenhauer who, while he makes the will the centre-piece of his whole metaphysical and ethical philosophy, makes the will wholly self-defeating and clearly abandons the traditional

idea that the will is free.¹⁰ Nietzsche follows Schopenhauer in keeping the will central to his account of metaphysics and even rationality itself; but he characterizes the will more by its striving forcefulness than by any law or force by which it is constrained.¹¹ So we see that, over the course of a mere hundred years, an idea that had held the highest significance to moral philosophy declined to the point of redundancy.

Now my assumption is that any proper account of moral objectivism must return to these older epistemological theories and must reassert the existence of a *rational* will. That is I am going to experiment with a theory which assumes that the will exists. Furthermore I am going to assume that the Moral Law describes the constraints under which the will must operate. That is, the will *ought* to act in accordance with the Moral Law, and to the extent that the will does act in accordance with the Moral Law we can say the will is operating rationally.

My assumption is of course Kantian. But Kant's argument is much more ambitious than mine is. He argues that pure practical rationality is the very essence of morality and that we can account for the nature of morality by considerations which arise out of the operation of our mental faculties alone and without the need for any heterogeneous justification. Moreover we have already reviewed this argument in a more modern guise from Korsgaard.¹²

But I propose to only make use of some of Kant's own moral theory. It seems to me that what is clearly right about the Kantian picture is (1) the view that the will does freely determine our actions and (2) the idea that the rationality of the will is identical to the will's obedience to the Moral Law. Moreover I agree with Korsgaard and Kant that (3) the rationality of the will is practical rationality and is concerned with determining the moral principles by which we should live.

However there are a number of other elements to Kant's moral theory that seem more uncertain and they will *not* be forming any part of my final theory. I will not be taking the view that (4) the Moral Law is perfectly determined by the will's ability to will the universalization of its own maxim without self-contradiction. Nor, (5) do I accept that the idea that autonomy is the key to understanding the force of the categorical imperative.¹³ Instead I will be sticking to the path of intuitionism which

claims that the truth of moral principles is a brute fact, not something that arises out of the logic of our own capacity to think about and universalize our reasons for actions. I will return to this matter in some more detail below.

So my assumption is that we should distinguish practical from theoretical rationality and hence that we are in possession of a rational power that will enable us to be aware of the moral principles or imperatives that make up the Moral Law. Furthermore it is also clear that this epistemological claim gives rise to a metaphysical need to assume that the will exists; and what we mean by the will is a capacity to freely act and to cause things to happen in the world. We need this capacity in order to make sense of our epistemological assumption. For there would be no purpose to knowing what was right if we could not act in accordance with that knowledge. Moreover the conclusion that the will must exist in order to make sense of practical reason reinforces the argument that I made in Chapter One that the concept of duty also implies the existence of the will.¹⁴

Now all of this is not an argument for the existence of the will or practical rationality. Rather I am setting out the theoretical structure that I will go on to test. My argument will be that we will have a reason to trust these theoretical assumptions if we find that they lead to an account of intuitionism that is still consistent with objectivism and my account of reflective equilibrium. However, before beginning to explore those questions we must make some further theoretical assumptions.

¹ See above, p. 68.

² See above, p. 124.

³ See Korsgaard [2].

⁴ Although the scientific empiricist will allow that some actions are more rational than others if we can presume some further end that will be achieved by those actions. However such 'hypothetical imperatives' gain their rationality not from the rationality of the end itself but from the fact that we can apply our theoretical understanding (more or less adequately) to these matters to determine what is the best action to perform (that is an action can be the best or most rational action by which to achieve an end) but the end is not and cannot be determined by rationality itself.

⁵ Kant [5] p. 412

⁶ For such an analysis of the modern understanding of the will see Honderich [2] pp. 910-911. Personally I believe that the best way to respond to supposed conflict between causality and free will is to show that the argument that the freedom of the will is incompatible with determinism is to stand matters on their head. To claim that free will does not exist is like claiming that mountains don't exist because maps are only two-dimensional. The map, that is our scientific understanding of the world, *inevitably* eliminates free will, because the extent to which the will is free is the extent to which the world is unmappable. However clearly there is much more to be said on this matter than can be comfortably fitted into this thesis.

⁷ See Arendt [6].

⁸ Arguably Kant himself is responsible for the line of thought which has led to the demise of the will in contemporary philosophy. Kant, so Arendt argues, tries to tie the will's rationality down in accordance with a rational procedure (the universalisation of the maxim) rather than respect its integral freedom.

⁹ This is an important matter of interpretation that I make only hesitantly. However I think that the Master-Slave dialectic, which seems to me to be Hegel's way of overcoming desire and giving birth to an ethics of respect, does, for all its vitality and force, reduce the significance of the will, as it was understood by Kant. See Hegel [2] pp. 111-119 and also Hegel [1] pp. 20-21.

¹⁰ Schopenhauer believed both that Kant failed to recognise that the 'thing-in-itself' was identical with the will and that Kant had confused rationality with morality. See Schopenhauer [1] p. 110 and pp. 514-528.

¹¹ See Nietzsche [1] pp. 90-92.

¹² See above, p. 124.

¹³ See above, p. 106.

¹⁴ See above, p. 31.

5.3 Judgement

In the previous section I suggested that an illuminating distinction could be made between theoretical knowledge of what is and practical knowledge of what ought to be. I then proposed that we take seriously the possibility that the will does exist and that the will is answerable to the Moral Law. In this section I will explore a further possible distinction in knowledge between our understanding and our capacity for judgement. This distinction is based upon Kant's account of the faculty judgement within the *Critique of Judgement*.

The Kantian notion is that it is one thing to know facts about the world or to know the nature of the Moral Law. To the extent that we know about those things then we have a better understanding of things. However it is quite a different matter to know that *this* is an actual instance of something we know. To the extent that we know how our knowledge of the world and the Moral Law applies *to* the world we have a better capacity for judgement. For example I can know that all sorts of things about dogs including the fact that 'dogs are four legged mammals' but to know that *this* thing before me is a dog is to exercise judgement. I can know all sorts of things about the Moral Law including the fact that 'murder is wrong' but to know that *this* act before me now is an act of murder requires a capacity for judgement.

Kant's use of the term 'judgement' here is quite precise: judgement is our ability to apply universals (the general ideas we use in thought) to particulars (the actual objects of our experience). As Kant writes, "Judgement in general is the ability to think the particular as contained under the universal."¹ We might say that a judgement is concerned with how the subject 'takes the world to be', and the faculty of judgement takes the world as it is experienced and makes it thinkable for the subject. The world that the subject experiences is a world of particulars; and in order to understand the world we must bring together those particulars with the universals by which we form our understanding of things.

In particular it is important to see that this Kantian use of the term 'judgement' is somewhat more precise than Rawls' use of the term 'judgement'. Up until now I have

always discussed the idea of judgement as if it were merely one type of moral belief. For that is how the idea of judgement is used by Rawls in his account of reflective equilibrium. For Rawls moral judgements are just moral beliefs that are more concrete (or more empirical) than abstract (or more general) moral principles. However for Kant a judgement is not just a more empirical statement, such as 'Cheating the Inland Revenue is wrong' (as opposed to 'Lying is wrong.')

For Kant a judgement is linked to a real particular. So we see acts of judgement better reflected in sentences like, '*That* (particular instance of cheating) is wrong.'²

Of course the faculty of judgement does not exist in isolation from the understanding and if there are no concepts to apply then judgement can not operate. In fact the richer our understanding the easier it can be to make the right judgement. So if I possess a rich understanding of colours and then come across a purple flower then I will be able to ascribe the right colour concept to that particular flower. If I only possess the concept of the colours blue and red then I will struggle to make the right judgement. If I possess a rich taxonomy of the virtues, then I will be able to find exactly the right term to describe someone who is benevolent. However with only a limited understanding I might only be able to describe that person as good.

But the relationship between the understanding does not finish there. According to Kant it is not just a matter of 'applying' a given set of concepts to particulars. Judgement can also give rise to new concepts that better suit the particular. In fact, fundamentally all concepts must be founded on the need of judgement to find the right term to describe the particular before it. Hence we should not treat judgement as merely the part of the understanding that applies universals to particulars. Instead we should acknowledge its status as an autonomous mental capacity with its own unique role in the development of the understanding.

Let us imagine that we are witnessing an act of murder. We can judge that act in two different ways. First, we can apply a concept to the particular based upon some rule. For instance if we see one human killing another and no factors that might mitigate our judgement (for example the act did not seem to be an act of self-defence) then we can judge that 'This is murder.' However we can only make this judgement if we already possess a concept of murder. That is, we must already know the conditions

upon which some particular might be properly described as murder if we are to make a judgement in that way.

However, according to Kant, this is not the most fundamental form of judgement, for there is a second way in which judgement can operate. If we now imagine ourselves as the witness to Cain's murder of Abel we are now imagining a situation where the concept of murder is unavailable to us. For this is the first murder. Nevertheless, if Kant is right, we can still see something which 'calls out' to be described in some new way, even when we don't have the right term to describe it.

In the *Critique of Judgement* Kant's defines the distinction between the two different modes of judgement as the difference between the determinative and reflective modes of judgement. Kant uses this distinction to explain how:

If the universal (the rule, principle, law) is given, then judgement, which subsumes the particular under it, is *determinative*... But if only the particular is given and judgement has to find the universal for it, then this power is merely reflective.

Kant, *Critique of Judgement*, p. 18

It is in this second form of judgement, the reflective mode, when we are not simply applying some prior concept, that we can best witness the genuine character of judgement. However within the *Critique of Judgement* Kant does not discuss moral judgements in detail. Instead he concentrates upon aesthetic judgements. He argues that it is when we make aesthetic judgements, like 'That is beautiful', that we are most aware of the fact that we do not always judge things in terms of pre-given rules. We do not decide something is beautiful because it possesses properties that make it proper to apply the concept beautiful. Instead we call it beautiful because it is beautiful, and we then try to find an explanation or rule to explain our judgement. Hence the case of aesthetics makes it clear that we do not always judge things by following some rule. Instead we sometimes judge things when we have no rule to apply.

But Kant was not claiming that this fundamental form of judgement was only used in the case of aesthetics. It is merely in the case of aesthetic judgement that this feature of judgement is clearest. In fact for Kant all concepts must, at some point, have been founded upon judgement's need to find the right concept to match a particular.

However as we develop an array of concepts and beliefs about the world so we develop our understanding of the world upon which can pull to make determinative judgements.

So, in the case of many moral judgements, we fully expect to be able to articulate why we make the judgement that we make by reference to the rules of our language. Hence Cain's act is an act of murder, because we can refer to the standard definitional elements of murder (that is, murder is the intentional killing of another human being).³ So we do sometimes see something as wrong by 'following the rule', by noticing that the sum of the factual parts is such that 'it must be murder then'. However it is also possible to make a reflective moral judgement where we do not possess the correct concept. In other words *sometimes* we follow the rule in order to judge the event, but we can also judge the event and then try to find the rule. So, in the case of Cain, I am supposing that, even if we do not possess a concept of murder we might still say 'This is bad' even where we cannot provide a clear reason for our judgement.

Of course, if our moral theory was fully developed then we would have no need to make these more fundamental reflective judgements, for we would never need to grasp the 'new'. However, even then, those concepts will have been derived from somewhere, and our moral theory would be relying on the correctness of the moral judgements made by others. Moreover, it also seems likely that new moral phenomena do arise. Certainly much of the work of Arendt is concerned with drawing our attention to new phenomena. For example, she argues that the concept of totalitarianism better captures the inherent evil of a modern phenomenon like Nazism or Stalinism than existing terms, like tyranny or dictatorship.⁴

The idea then that I want to explore is that we can call upon the substantive notion of judgement that has been proposed by Kant. That is, we do possess an ability to correctly apply universals to the particulars we experience and that this ability is a rational faculty. It is a faculty because it is a distinct power that operates autonomously from practical or theoretical reason. It is a rational faculty because it is capable of acting in accordance with the way things really are. That is we can judge well or we can judge poorly, we can apply the correct concepts or we can apply

incorrect concepts. In the next section I will try to explain the interrelationship between the faculties of the will, judgement and a third faculty: thinking.

¹ Kant [1] p.18

² If judgement is treated as the faculty for making experience thinkable then we can see that the part of English which we call a judgement should not be treated as if it is merely a statement containing empirical information, instead it should be seen as an altogether different category to the statement. For instance, if I say 'Post-boxes are red' I am making a statement or articulating a belief. However if I say '*That* is red' I am making a judgement. The key distinction here is that in the first instance I am merely connecting two universals but in the second I am ascribing a universal (red) to a particular (that thing). Again confusion is very easy here. The reference back to forms of English: the statement, the judgement and (as we shall see) the imperative is to help clarify the differences between the faculties. It is not to imply that a judgement cannot be expressed as a statement. Language is very flexible and it is only in a certain light that its underlying structure is revealed.

³ Murder also implies that the killing cannot be justified. Justification requires that some adequate moral reason for the act is provided e.g. self-defence or as part of a just war. Such a reason may or may not be obvious and is not really something that judgement on its own can immediately help us with. Hence we would need to refer to practical reason to really ground a concept like murder. Judgement is here concerned with the immediate experience. However judgement may enable us to claim that killing people is bad, as we certainly do see such acts as bad. In fact, even if an act of killing were justified we still might initially judge the act as bad. All these matters concern the precise relationship between the will and judgement in grounding moral concepts. I will not discuss this matter of detail within this thesis although I will say in passing that it seems to me that the will is clearly more fundamental to morality than judgement.

⁴ Of course this is the major theme of *The Origins of Totalitarianism* but a useful essay describing the uniqueness of the phenomenon is *On the Nature of Totalitarianism* in Arendt [3] pp. 328-360.

5.4 Thinking, judging and willing

I have now set out two of the major theoretical assumptions that I will draw upon in my effort to justify objectivism, explain the rationality of reflective equilibrium and account for the existence of moral intuitions. (1) First I have assumed that we possess a will and that the will is answerable to practical rationality and ought to be constrained by the Moral Law. (2) Second I have assumed that we possess a faculty of judgement that enables us to grasp in thought the nature of the world that we experience, and this faculty ought to be constrained by the true nature of things. Clearly both these assumptions mark major additional theoretical commitments beyond those made by scientific empiricism. However I will also make one further epistemological assumption, but one that is already implicit within scientific empiricism, and that is (3) that we are beings who can think and that thought ought to be constrained by the laws of logic.

Together these three epistemological assumptions provide me with a tripartite account of rationality and it is this tripartite account of rationality that I will be exploring within the remainder of this chapter. This tripartite structure is clearly more extravagant than the epistemological framework required by scientific empiricism but it is not a purely idiosyncratic epistemological framework. A similar tripartite account of rationality has already been proposed by Kant in the *Critique of Judgement* and was developed further by Arendt in *The Life of the Mind*. So, before I begin to exploit this account of rationality, I will both set it in its historic context and provide a clear summary of how these separate mental powers operate.

Kant developed an epistemological theory that synthesizes our knowledge of logic, science, morality and our appreciation of beauty. He saw his own theory as developing along three different dimensions. In the *Critique of Pure Reason* he set out the details of how we come to know what we know about the world. In the *Critique of Practical Reason* he describes how we have knowledge of what we ought to do in the world. In the *Critique of Judgement* he describes both how we can apply

the knowledge that we have developed *to* the world, and also how the world impresses upon us its essential nature.

This last critique is now rarely studied, apart from in its relevance to aesthetics. But Kant himself sees the *Critique of Judgement* as the coping-stone for his whole theory, and he believes that presuming the existence of a faculty of judgement he is able to explain the “connection of two other higher cognitive powers (understanding and reason).”¹ In the *First Introduction to the Critique of Judgement* Kant explains the nature of the faculties in terms of the different relationships between the universal and the particular

...the systematic presentation of our ability to think turns out to have three parts. the first part is understanding, the ability to cognize the universal (i.e. rules); the second is judgement, the ability to subsume the particular under the universal; and the third is reason, i.e., the ability to determine the particular through the universal (i.e., to derive [the particular] from principles).

Kant, *First Introduction to the Critique of Judgement*, p. 391

However, since Kant’s death, while his theories have continued to be widely discussed, it is uncommon to see either an attempt to understand his whole epistemological theory and it especially rare to see the *Critique of Judgement* examined except insofar as it is relevant to aesthetics. One of the few philosophers who has attempted to do both is Arendt. In *The Life of the Mind: Thinking and Willing* and her *Lectures on Kant’s Political Philosophy* Arendt attempts to outline a broad account of our mental life and the role of the faculties which she defined as thinking, judging and willing.²

Now it is important to note that Arendt does not aim at an interpretation of Kant, instead she exploits the Kantian framework that I have set out above for her own purposes. Arendt proposed that a fundamental analysis of the life of the mind leads to the idea of three faculties: (1) thought, (2) judgement and (3) the will. In essence she uses many of the same distinctions as Kant, but she understands their significance in a slightly different way. She writes:

Thinking, willing and judging are the three basic mental activities; they cannot be derived from each other and though they have certain common characteristics they cannot be reduced to a common denominator. To the

question What makes us think? there is ultimately no answer other than what Kant called “reason’s need”, the inner impulse of that faculty to actualize itself in speculation. And something very similar is true for the will, which neither reason nor desire can move. “Nothing other than the Will is the total cause of volition” (“nihil aliud a voluntate est causa totalis volitionis in voluntate”) in the striking formula of Duns Scotus, or “voluntas vult se velle” (“the will wills itself to will”), as even Thomas, the least voluntaristic of those who thought about this faculty had to admit. Judgement, finally, the mysterious endowment of the mind by which the general, always a mental construction, and the particular, always given to sense experience, are brought together, is a “peculiar faculty” and in no way inherent in the intellect, not even in the case of “determinant judgements” - where particulars are subsumed under general rules in the form of a syllogism - because no rule is available to the *applications* of the rule. To know how to apply the general to the particular is an additional “natural gift” the want of which according to Kant, “is ordinarily called stupidity, and for such a failing there is no remedy.” The autonomous nature of judgement is even more obvious in the case of “reflective judgement”, which does not descend from the general to the particular... to the universal” by deciding, without any over-all rules, This is beautiful, this is ugly, this right, this is wrong; and here for a guiding principle, judging can only give it as a law from and to itself.”

Arendt, *Thinking*, p. 69³

So, in summary Arendt is proposing that we have three distinct mental faculties and that each of these faculties has its own unique character and each can be uniquely developed or perfected. These faculties are thought, judgement and the will; or described in terms of their specific activity they are thinking, judging and willing. Now the idea that I want to explore is whether, by the combined use of these three different faculties, we can form moral knowledge.

However Arendt herself does not apply this epistemological framework to the moral understanding; therefore I will have to take the ideas that she has developed from Kant and see whether there is any possibility that they can be treated as a coherent epistemological framework, and one that serves to justify our common-sense intuitions about the status of morality. So to begin I will try to imagine how we should treat these faculties in relation to the construction of the moral understanding (what, morally, we know). Now one way of giving clarity to this idea of how the moral understanding develops is to show how each faculty operates in its most radically simplified form. In order to do this I will personify the faculty in terms of

the person who best represents the single-minded development of that particular faculty in relation to morality.

a) *The good thinker*

Now if there is one person who symbolizes our *thinking* about morality then it is surely the moral philosopher himself. The philosopher is the person who above all specializes in the use of the faculty of thought in order to understand moral truth. The philosopher is not concerned with experiment or with gathering factual information and the philosopher is not concerned with any practical project. Instead the philosopher uses thinking itself to build a perfect moral theory: a set of moral beliefs without internal conflict, logically ordered and built only on beliefs of the utmost certainty.

We expect, above all else, that the good thinker will have a developed sense of logical intuition and that he will be able to separate good logical arguments from bad arguments. And clearly the skills inherent to thinking are not skills that are shared by everyone equally. Thinking is a difficult process requiring great powers of concentration and a freedom from worries and daily concerns. It is therefore quite natural to suppose that we may not have had the time, ability or inclination to properly organize our own moral theory. It is also natural to suppose that we may make mistakes of reasoning and hold moral beliefs that are in contradiction with each other. The ideal moral philosopher is one who overcomes all of those mundane problems and is dedicated to the pursuit of truth, through thought.

However the philosopher is also a very good symbol for the limits of moral thinking, when thinking is the only activity pursued. As a pure thinker the philosopher's beliefs do not need to be tested against any reality; they are neither based on good judgements about reality nor upon the principles of good action. In fact, if we know that someone is a good *philosopher* we do not know whether he is a good *man*. For we neither know whether (a) the philosopher acts in accordance with his philosophy nor (b) whether his philosophy is true. The philosopher, qua skilled thinker alone, has no innate capacity to be aware of moral truth.

b) The good judge

Now the symbolic representative of moral judgement is surely the judge. The judge sits in judgement over the events of men and determines the right way of understanding those matters. The judge needs access to all the relevant evidence and is an expert at interpreting the relevant theories, laws or principles in ways that make them relevant to the situation before him. In fact both Kant and Arendt emphasize that judgement should be treated as a distinct skill, the skill of seeing what is before one (grasping the particular) which is categorically distinct from that involved in drawing conclusions from principles.

Arendt accepts from Kant that judgement emerges as a ‘peculiar talent which can be practised only and cannot be taught’ because ‘judgement deals with particulars, and when the thinking ego moving among generalities emerges from its withdrawal and returns to the world of particular appearances, it turns out that the mind needs a new “gift” to deal with them’

Minnich, *Judge in freedom*, p. 141⁴

As a talent it must be practised by making judgements in the light of experience. Its relationship to the understanding implies that while we must respect our own moral theories (our own moral beliefs) we must also have the confidence to change them, if the situation reveals itself to be one that is inadequately captured in the terms we understand. It is a skill that is liberated by thinking, but which goes beyond what thinking can do on its own.⁵ It is a skill that we can be better or worse at exercising.

We can also recognize the importance of distinguishing between thinking and judging because we know that having a good theory is not the same as having good judgement. For a man can know what is right (‘in theory’) but still not recognize what is right (‘in reality’). One such person may talk eloquently and clearly about the nature of morality, making subtle distinctions, but may utterly miss the reality of the situation before him. For instance, it is surely plausible that many political philosophers in the Twentieth Century failed to recognize the moral evil of communism, regardless of the stark evidence, because their theoretical beliefs blinded their judgement.⁶ On the other hand it is common to find people who possess excellent moral judgement but who have a very limited theoretical understanding of morality.⁷ They discern what is really happening, what is important in any situation, even though they hold under-developed moral theories.

c) *The good willer*

The will is at the centre of our moral nature and the symbolic person whose will is good is the saint. Now the saint is someone who always does what is right, whose will is good to a supreme extent. Yet such perfection of character is very rare and we do not expect to find a perfectly good will in each human being.

Now again it is clear that the relationship between the saint, the judge and the philosopher is complex. First the saint, the man of supreme good will, may also not have a good theoretical understanding of moral truth. A saint may do what is right purely by intuition without relying on any theoretical understanding of what is right or wrong in theoretical terms, he just seems to know 'the right thing to do'. In its most extreme form this idea is captured by the term 'Holy Fool' which is used to describe someone who is good, but who does not have to rely on any sense of duty or any conscious understanding of moral theory.⁸

Moreover it is not just that the will is independent of thought, it is also independent of judgement. For the saint may also lack the ability to distinguish the character of the reality before him, while still being motivated to do the right thing. This can even lead to tragedy, for instance, where somebody acts in accordance with moral principle, but the precise situation might lead to harm. So if I intend to keep my promise to return a knife to a friend, who then kills somebody with it, my acting from principle has had a bad consequence. Had I judged the situation correctly I might have known that this would happen and my duty to my friend and their victim would have overruled my duty to return the knife. So judgement remains very important to the implementation of principle, for it is only with judgement that I can know which principle to apply.

These three characterisations then suggest the possibility that we can identify, as Arendt and Kant propose, a tripartite epistemology that underlies the formation of the moral understanding. It is this epistemology that I wish to explore further to see whether it might offer us a way of justifying objectivism. This epistemology involves the claim that human beings possess three faculties: thought, judgement and will. These faculties are independent of each other, at least in the sense that an individual is able to develop one of these faculties without it necessarily impacting on the other

faculties. Although I have relied upon Arendt's work I think that it is appropriate to term this epistemology as a kind a Kantian epistemology. In the next chapter I will go on to test whether this Kantian epistemology can offer some support to Ross's intuitionism.

¹ Kant [1] p. 432

² *Thinking and Willing* were the first two parts of a three volume work *The Life of the Mind*. But Arendt died before commencing the final part of this work, which was to be called *Judgement*. However some of her thoughts on the faculty of judgement can be gathered from her notes and from her *Lectures of Kant's Political Philosophy* where she explicitly sought to connect Kant's *Critique of Judgement* to the study of politics.

³ The internal quotes without reference in this passage are either to Kant's *Critique of Pure Reason* or to the *Critique of Judgement*.

⁴ Kaplan

⁵ Arendt discusses at length the way in which thinking's capacity to bring *disorder* to our beliefs is critical to the freedom with which we can judge. See Arendt [1].

⁶ Although there are many more famous examples I think Macpherson, stands as a clear example of someone whose theoretical assumptions caused him to so misunderstand the nature of communism that he could construe it as a kind of economic democracy. See Macpherson.

⁷ Jackson, I think rightly, proposes that Oskar Schindler was such a person. See Jackson in Almond & Hill, pp. 158-165.

⁸ I think Kant is often misunderstood on this point, for while he claimed that somebody not acting from a motive of duty was not acting morally he was not denying that they might be exhibiting a good will. That is, he was concerned to distinguish the precise nature of what it is to act morally (in order thereby to understand the Moral Law) and he was leaving to one side the larger question of what determines the good will. He was certainly not castigating a good will that is not motivated by duty.

5.5 Can moral intuitions be rationally justified?

I have now set out the epistemological framework that I want to use to explore whether there really is any possibility of offering a coherent alternative to scientific empiricism. I have proposed that we possess three mental faculties: thought, judgement and the will. Each of these faculties has its own unique character and each can be developed independently of the others. I will call this framework the Kantian epistemology and I will now explore whether this Kantian epistemology can offer us a way of justifying Ross's moral intuitionism, the rationality of reflective equilibrium and objectivism. First I will turn to the question of how we are to best understand the idea of an intuition.

Ross describes two different kinds of *moral* intuition: (1) intuitions that a particular act is right (or wrong) and (2) intuitions that a particular principle is right (or wrong). However I will start by considering the idea of a rational intuition in its widest sense and I will not restrict myself to moral intuitions. I am going to explore whether we can distinguish three basic kinds of intuition, with a separate form of intuition for each of the Kantian faculties. For it seems possible to identify, within rational thought as a whole, the following basic forms of intuition: (1) intuitions of thought (logical intuitions); (2) intuitions of judgement; and (3) intuitions of the will, (intuitions of moral principle).

Further, it may be possible to treat each of these intuitions as rational because they each result from the operation of our rational faculties. For I think it possible that a genuine intuition arises from the faculty's experience of the law by which it is rationally constrained. (1) Thinking is constrained by obedience to the laws of logic and this gives rise to logical intuitions. (2) Judgement is constrained by obedience to experience and this gives rise to intuitions of judgement. (3) The will is constrained to obey to the Moral Law and this gives rise to intuitions of moral principle.

However before I embark on this discussion it may be worth looking back briefly at the topic of rationality. I began my thesis by claiming that we take morality to be rational because the practice of moral discourse presumes that there is a genuine

purpose to rational debate and discussion; that we can improve our moral beliefs. In the subsequent argument I argued that scientific empiricism was incompatible with even the most modest account of moral rationality; for its account of reflective equilibrium put a multiplicity of contradictory moral theories (that had merely to be logically self-consistent) on the same footing.

Now what I am attempting to do here is to suggest how it is that a being such as ourselves could reason successfully about morality in the way that our everyday practice suggests we can. My argument will be that each of our faculties has a role to play in the development of our understanding. However the reason that each can be productive in the development of a better moral understanding is not because there is a fixed procedure or rule by which the faculty ought to behave. Instead each faculty is free, but it operates within certain constraints, which are proper to it. The existence of these constraints on how we *ought* to use our faculties is the basis upon which we can argue that our intuitions might be justified.

So to begin I will set out how each faculty is related to its proper constraint and how hence each faculty might give rise to the relevant kind of intuition. I will argue that each faculty, while it has a different field of operation, is working within the same kind of structure: Each is faculty free, but each faculty ought to obey the law that is proper to its operation.

a) *How should thinking be constrained?*

The faculty of thought is both free and constrained. Thought is free in a way that is directly experienced by the thinker. When the mind is free from direct concern or pressure, the thinker can experience a free-flowing and creative process, directly under his own control. However thinking is also experienced as being constrained by logic and meaning, by the rules which forbid false conclusions to be drawn from true premises.

This means for instance that if I believe ‘Cain killed Abel’ then I must also believe ‘It is not the case that Cain did not kill Abel’. Of course this does not mean we cannot strictly think illogical things. For we do make mistakes of logical reasoning and we can even purposefully abuse logic. But we recognize that thinking *should* be constrained by the laws of logic. Of course, the constraint placed on the thinker to

think in a ‘proper’ way does not constitute a literal impossibility or insuperable coercion, for I can manage to draw illogical conclusions or even make logical mistakes. But the constraint is no less real for that.

Furthermore if thinking were not constrained in this way by the laws of logic, and if we could properly get from one thought to any thought, we would not only end up contradicting ourselves but the whole idea of pure thinking as a rational activity would become unimaginable. Thinking would collapse into a process of random thought-generation or a surreal parade of meaningless ideas. So we conceive thinking to be both free and constrained, and the constraint is a rational constraint, which is more precisely experienced as the laws of logic.

b) *How should judgement be constrained?*

The same general structure applies to the faculty of judgement. If I experience the particular event that is Cain’s killing of Abel I am free to see in that event various truths that I can bring to my understanding. I might see that ‘Cain was dressed in red’ or ‘Abel was tending his sheep’. Judgement is a free mental faculty and different thoughts can be drawn from the same particulars. However, as with thinking, judgement is also constrained by rationality; but the constraint proper to judgement is distinct from the constraint proper to thinking. Although I may be free to see any particular in a wide variety of ways, there is a clear sense in which I am constrained to only judge that a particular is what it is; that is, I should apply only the universals that ‘properly’ apply to that particular.

For instance, if we are considering the event that is Cain’s killing of Abel we should not judge that Adam also killed Abel. The falseness of this belief is not a result of the logical constraint on thinking, for there is nothing illogical about this belief (it is perfectly logically compatible with my belief that ‘Cain killed Abel’ because it is logically possible that Cain *and* Adam killed Abel). The reason that we should not form the belief that Adam killed Abel is because Adam was *not actually involved* in that particular event. That is, it is the constraint of rationality in judgement that should force us to reject the claim that Adam killed Abel. Of course, as with thinking, we are still free to disobey that rational constraint, we are still able to misjudge. But

we do recognize that our capacity to judge should always be constrained by the way things actually are.

c) *How should the will be constrained?*

Now my claim is that the activity of willing is subject to the same rational structure as that in place for the other two faculties. The will is free, we can will any number of things, however there is a clear constraint about what should be willed; we should only will what is allowed by the Moral Law. The Moral Law is the rational constraint that is proper to the will. Again, this constraint does not alter the freedom of the will (any more than the rationality of thought or the rationality of judgement alters the freedom of thought or judgement). But this constraint operates with a similar effect on the operation of the will as the effect of logic on thought or the impact of experience on judgement.

But, whereas rationality affects thinking by constraining the beliefs we can properly form and rationality affects judgement by constraining the judgements we can properly form, its impact on the will is to affect the principles we can properly act by. For, to will something is not the same as to just do it. As Korsgaard argues, what marks voluntary from involuntary action is that it is done purposefully or with reason; and what makes for an acceptable reason is that it is constrained by the Moral Law.¹

So, if the will is properly constrained by the Moral Law, then to the extent that we are aware of that constraint we are aware of the grounds of the moral principles to which we should be committed. It is therefore our awareness of this constraint that gives rise to the moral principles we adhere to or the imperatives that we can come to feel that we are under. Cain willed his brother's death, he willed the killing of another human being for reasons of jealousy, and his maxim ('I will kill Abel because he shamed me') is contrary to the Moral Law ('It is wrong to kill people').

But so far I have only taken the first step in explaining the possible relevance of intuition. For all I have done is to argue that we can align each faculty with a rational constraint upon its operation. However it is not yet clear how we become aware of those constraints, for the fact that we ought to think, judge or will in such and such a way only becomes relevant to us if we can become aware of that constraint. It is at

this point that the idea of intuition becomes relevant, for an intuition is a thought that we feel impelled to accept even though we can provide no further reason for accepting it. My proposal is that we might take ourselves to be capable of forming rational intuitions because we can form thoughts as a direct consequence of our experience of the rational constraint upon our faculties. This is clearly a highly speculative suggestion, but it does seem to offer us a promising way forward.

It is important here to be very clear that I do *not* mean to suggest either that (a) any thought that we cannot provide a justification for is a genuine intuition nor that (b) genuine intuitions can be identified by some special feeling of rightness which adheres to them. Instead I am merely proposing that we have thoughts that we cannot provide any further justification for and that some of those thoughts may be genuine intuitions. We are capable of justifiably treating our intuitions as genuine because we can take ourselves to possess the faculties that I have described.

However it may well be that someone can provide me with a good reason for justifying or invalidating a belief that I had taken to be a genuine intuition. This would show that the thought was not really an intuition at all, it was merely a prejudice (one that might have been justified or unjustified). Moreover I cannot appeal to intuition in a positive way. I cannot say ‘Well I know that it is wrong to kill people because I had an intuition’. Rather it is merely that one can say ‘To me it seems that it is wrong to kill people; and while I cannot provide you with a proof of my belief I do think that we can be directly aware of moral principles such as this. So until I am offered a better alternative I am going to take it that my belief is a genuine intuition.’

Moreover while the idea that we are capable of having intuitions of the Moral Law is very controversial today it is much less controversial to accept that might have other kinds of basic rational intuition. Consider the following logical argument:

1. Cain killed Abel
2. Cain and Abel were sons of Adam
3. If two sons share the same father they are brothers
4. Cain killed his own brother

Now clearly if we believe (1), (2) and (3) to be true then we can know (4) without having to know anything else about the world. But now if we imagine that someone asked ‘Why is (4) true?’ then we might analyse these steps down further. For instance we might try to show that the definition (3) of brotherhood implies that ‘Cain and Abel are brothers’ (3.5), thereby creating a further step between (3) and (4). But if someone continues to struggle to see this kind of implication then there comes a point when it begins to be difficult to see what else can be said to explain the logical connections between such thoughts.

There are of course numerous techniques for developing our capacity to make logical deductions. I can even analyse statements down to a symbolic form that I can refer directly to the laws of logic that justify a particular deduction.² However, from the point of view of rational demonstration, there is without doubt a point of simplification or reductive analysis beyond which I cannot go. In the terms of my argument our capacity to see that (4) is true could be quite properly described as being based on a power of logical intuition. That is, the term ‘intuition’ is used to describe our capacity to determine that something is true, where no further explanation is provided.³

This does not mean that we possess an infallible power of moral intuition. The fact that I claim my belief is an intuition is no reason for you to stop trying to alter my belief by making me consider the matter differently. As I have already said, we can think we have an intuition and be wrong or we can think something has been shown by intuition only to find it demonstrated by reference to something else that is even more intuitively correct.

Hence it is often considered unobjectionable that we have a power of logical intuition, for we recognize that there must be some end to any logical analysis or demonstrative process. However I think that we can also see that intuition is relevant to the way we form judgements about our experiences. If I make a claim such as ‘That car is blue’, referring to a particular blue car in my line of sight, someone might respond ‘Why?’ and there are a number of possible meanings we could give to that question. (1) We could take the person to be unaware that we use the word ‘blue’ to refer to the property of blueness. This question would then be the beginning

of learning how to identify blue things as 'blue'. In which case we would indicate other things that are blue and so help them to understand the application of the concept of 'blue'. (2) We could take the person to be asking why we use the word 'blue' to refer to the property of blueness. Now there may be a reason for our use of the word blue which a philologist would be able to give but ultimately we would have to observe that any word could do that job, but that in this language community we use the word 'blue'. (3) We could even take the person to be asking why we have a concept of blueness in our language. At that point we would try to explain the value (aesthetic, practical or otherwise) in identifying this particular property which we refer to as 'blue'.

However we may also reach a point where we recognize that the questioner's uncertainty arises not from curiosity about the relationship between an experience and a term of language but that it arises from a complete lack of relevant experience. So if a child, blind from birth, asks the question 'Why?' we would have to respond that sight gives rise to certain experiences which include the experience of blueness, and the term 'blue' is used to refer to that property of blueness. Even if we taught the child a sophisticated code by which he could correctly identify things as being blue we would not be satisfied that he was experiencing blueness. Although the child would function successfully within the language community, we would know that he did not really understand the true meaning of 'blue'.

What both my example from logic and my example from judgement have in common is the idea that, at some point, our ability to answer the question 'Why?' runs out. But in the first example the mode of demonstration relies solely on our capacity to think. The second example however relates to our capacity to judge, to experience the world and to correctly determine what it is we experience. In my terms this second power might be called empirical intuition, to see things as they really are.

This then brings us back to the question of how to understand moral intuition. Now it might be possible to argue by analogy, that our power of moral intuition is not a capacity to have moral beliefs that are magically blessed with certainty. Instead it is a capacity to make justified moral claims where there seems to be no possibility of any

further demonstration. It is this capacity which thereby underlies our ability, say, to think that belief A has more moral weight than belief B.

However, if we rely on the Kantian epistemology, moral intuition appears to have two sources and so it should really be treated as two distinct species of intuition. The first type of moral intuition is experienced through judgement and is therefore a simply one particular form of the empirical intuition that I have just described. That is, if I see Cain killing Abel I may 'have to' judge that this event is bad. Now I will not here enter into the complex question of what kinds of things are properly understood as bad or good and how we might be able to breakdown any event into component parts which might themselves be good or bad. However, according to the Kantian epistemology that I am exploring, there is no *prima facie* reason why we should presume that we cannot make genuine moral judgements that are constrained by experience.

Now if this is the case I think that the first type of moral intuition that I am describing here is similar to the power that Moore refers to in *Principia Ethica* or that Brentano refers to in *The Origin of our Knowledge of Right and Wrong*. For both these thinkers this form of intuition is quite precise and can only justify certain kinds of moral judgement. Furthermore, as Moore believes, this power of intuition is quite different from our capacity to recognize moral principles.⁴

On this Kantian account, this power of moral judgement is part of the more general power we possess to correctly apply concepts to the particulars we confront; and therefore the intuitive character of at least some of these judgements is not specifically moral. My contention is that the justification for holding beliefs of this type (beliefs based on experience of particulars) is that we hold ourselves to have a capacity (which I've referred to as judgement) that can successfully apply concepts to particulars. That is, we presume that we are made in such a way that our rational natures and the nature of the world are in a kind of harmony that makes correct judgement possible. This conception of rationality is fundamentally opposed to the idea that our conception of the world is ultimately artificial, that in some way we 'make' the world that we experience.

However this Kantian epistemology goes further, for it also suggests that there might be a second source for our moral intuitions. The second, and more fundamental, kind of moral intuition arises out of our experience of the Moral Law. We have a rational power to will and the rationality of that power lies precisely in the fact that it is constrained by the Moral Law. When we act by some maxim (which will be either in conflict or harmony with the Moral Law) that maxim can form the basis of a moral intuition about what is right or wrong. Hence my argument is that Cain could have known that his act was wrong because he could have recognized that the maxim he willed was in contradiction to the Moral Law.

Unlike Korsgaard, I am unable to offer any procedure by which Cain could have come to that realisation. Instead my thought is that the Moral Law exists and he could have been aware of it in his willing, even if he had no prior conception of murder within his understanding to fall back upon. We can experience rational law both in our experience of operating in harmony with or in contradiction to the relevant law. Of course further factors, (e.g. the internal contradictions proposed by Kant) may make it obvious that something has gone awry, but it is not the contradiction, or whatever, that makes the failure to obey the law a failure; it is the failure *in ipse*. In its general structure there is therefore no difference between our experience of the Moral Law's impact on the will, our experience of the laws of logic upon thinking, or our experience of the rightness of certain ways of seeing the world. In all cases our faculties can act in contradiction to the constraints that are appropriate to them and in all cases this fact can give us reason to suppose that, from time to time, our thoughts may be genuine intuitions, intimations of the rational constraints upon our faculties.

Furthermore this twofold analysis of moral intuition seems to offer the interesting possibility of understanding, in quite a new way, the philosophical conflict within intuitionism between Ross's deontological intuitionism and Moore's consequentialist intuitionism. Ross argues, I think successfully, that the fact that an act promotes the good does not imply that it is right, and that rightness is surely the more authoritative moral concept.⁵ Ross also claims that moral intuition can underpin our observation that certain acts are right or wrong. What I think that my analysis of the moral understanding gives us is an interesting way of understanding the conflicting

accounts of moral intuition provided by two of the great moral intuitionists of the twentieth century.

My claim is that Ross is correct and that we do need an ability to identify what is right which is quite separate from our ability to identify what is good. But Moore's account of moral intuition is also correct. These two perspectives can be combined when we realize that that Ross and Moore were actually describing the two quite separate forms of moral intuition that I have just described, each with its own unique source of authority. As Moore proposes, we do make judgement (some of which are moral) about what we perceive and (where we are unable to provide a reason for those judgements) those judgements derive their rational authority for us because we take ourselves to possess a rational power of judgement. However these intuitions of judgement are quite separate from any intuition that we have that our maxim accords (or does not accord) with the Moral Law; and those intuitions of moral principle have authority within our moral understanding because we take ourselves to possess a rational will. This account thereby provides an explanation of how we might intuit moral principles, as Ross suggests we can.

Of course, as I have already stated, the fact that we claim to have had an intuition is not necessarily adequate grounds for ending rational debate. In fact our intuitions are only likely to be true insofar as the faculties of will and judgement are perfect, which is highly unlikely. Nevertheless, to use a metaphor, the fact that we have poor vision and are only able to see some of the light does not mean we are blind, nor that there is no light.

So, in summary, I have suggested that we may be entitled to appeal to intuition in the justification of our beliefs. For the different laws that apply to each faculty (thinking, judging and willing) are not provable or demonstrable. Instead the reality of the law is experienced in the operation of each faculty and it is the assumption that such a law operates that supports our assumption that our faculties are rational. Intuition is then not to be conceived as an additional faculty, rather intuition is the name we give to our awareness *in thought* that a law applies which makes something so. But no further proof can be given; the intuition is true, because it must be so, because the relevant law applies.

So in this section I hope that I have met my first challenge, to begin to show how the Kantian epistemology might provide an epistemological framework that can support intuitionism. This Kantian epistemology offers support first by explaining what an intuition is, not in terms of some faculty of intuition but in terms of independent faculties that are rationally constrained. The rational constraints upon thought, judgement and the will do not magically give the thinker a series of unshakeable and utterly correct beliefs. But the assumption that we do operate in a way that is rationally constrained gives us good reason to suppose that at certain points no argument can be provided for what is right. Instead we will have to accept an intuition which we hope reflects a genuine experience of the operation of the relevant rational constraint.

Second not only do we have an account of what an intuition is but we can also recognize three distinct kinds of intuitions, two of which are of immediate relevance to morality. This threefold account of intuition then serves to also explain the existence of two different accounts of intuition within Ross and the tension between Ross's intuitionism and Moore's intuitionism. Now I will go on to consider whether this threefold account of rationality might also be helpful in explaining the operation of reflective equilibrium.⁶

¹ See my account of Korsgaard's argument above, p. 124. As I argued above Korsgaard does not believe the categorical imperative is identical to the Moral Law, and that more rational work needs to be done to get to the Moral Law from the categorical imperatives. My argument then was that her own conception of how we derive moral principles is inadequate. My supposition here, and in what follows, is that there is no logical and determinative argument for arriving at an understanding of ultimate moral principles. Instead we may have to rely on our intuitions.

² It also seems to me that the process of conversion by which we might say replace 'Cain kills Abel' with $k(C,A)$ is itself dependent upon a capacity to transform symbols while maintaining meaning which underlies all logical operations and which is as much in need of justification as the logical laws which we deem to underlie the deductive movements of thought.

³ None of this is to imply that someone making a claim on the basis of intuition is (1) making a correct claim or (2) that further demonstration is not possible. It is precisely that conception of intuition that makes intuition seem irrational. However the fact that claims of intuition can be made falsely does not invalidate the concept of intuition.

⁴ Moore is sceptical about the existence of a power of intuition with regard to principles. Instead he believes that principles of action are based on our experience of what promotes things that are good in themselves. He states, "It is plain that no moral law is self-evident, as has commonly been held by the Intuitionist school of moralists. The Intuitionist view of Ethics consists in the supposition that certain rules, stating that certain actions are always to be done or omitted, may be taken as self-evident premises. I have shewn with regard to judgements of what is *good in itself*, that this is the case; no reason can be given for them. But it is the essence of Intuitionism to suppose that rules of action - statements not of what ought to *be*, but what we ought to do - are in the same sense intuitively certain. Plausibility has been lent to this view by the fact that we do undoubtedly make immediate judgements that certain actions are obligatory or wrong: we are thus intuitively certain of our duty, in a psychological sense. But, nevertheless, these judgements are not self-evident and cannot be taken as ethical premises, since, as has now been shewn, they are capable of being confirmed or refuted by an investigation of causes and effects." [Moore, pp. 148-149] Although I disagree with Moore's consequentialist account of moral principle, his argument does help mark an important distinction within intuitionism.

⁵ Ross elegantly argues that Moore falls foul of the fallacy that he had so famously articulated when he defines 'right' as the act which maximises the 'good.' "Ideal utilitarianism' is, it would appear, plausible only when it is understood not as an analysis or definition of the notion of 'right' but as a statement that all acts that are right, and only these, possess the further characteristic of being productive of the best possible consequences, and are right because they possess this other characteristic." [Ross [2] p. 9]

⁶ Interestingly the laws of natural science, or in Kantian terms physics, are not experienced in the same direct way as the rational laws. The laws of physics build upon our empirical judgements and seek out laws or regularities that can act to explain or predict what we experience over time. Hence it is arguable for this Kantian perspective that it is physics that is the least directly rational of the sciences of ethics, logic and physics. For physics relies upon the truth of judgement and then seeks laws that do not apply to rationality themselves but are merely inferred. Possibly the very indirect quality of rationality in natural science helps to foster an illusion of depth that falsely promotes natural science over logic and ethics.

5.6 How reflective equilibrium can be rational

Up to this point I have set forward as a working hypothesis a tripartite Kantian epistemology which brings together the will, judgement and thought. I have then argued that this account can help us understand how we might be rationally justified in treating intuitions as rational. I suggested that we could see an intuition as a thought to which we were committed, but for which we could provide no demonstrable rational justification. However because we are to imagine ourselves as rational beings with three rational faculties each operating in accordance with their own law we could thereby justify our commitment to those intuitions. For we could suppose that the intuition arose from our experience of the relevant rational constraint upon the faculty. Of course this does not prove that intuitionism is true and it leaves many questions unanswered, but it does begin to provide a deeper level of explanation for how intuitionism might be true. For it offers an analysis of moral intuitions that is more sophisticated than the one made by the sceptics: that an intuition is a belief that possesses a magical feeling of rightness.

Now, what I will go on to argue, is that this same Kantian epistemology may also offer a more acceptable account of how reflective equilibrium can be a rational process. Put briefly my argument will be that it is by the operation of all three faculties that we can develop a moral theory, a system of organized moral beliefs. When I analysed Rawls' account of reflective equilibrium above I described it in terms of the following process:

1. Key moral principles are put forward for our examination.
2. These principles are reflected on and their implications for our day-to-day judgements are deduced from these principles by logical deduction and by the application of empirical facts.
3. If the choice of initial principles and subsequent reflection leads to judgements which are not consonant with our actual judgements then we have a choice we can either:

- a) go back to the initial principles and propose an alternative set;
- b) or, amend our initial (pre-reflective) judgements and replace them with the proposed (post-reflective) judgements.

In Chapter Three I argued that under the epistemology of scientific empiricism this process of reflective equilibrium was radically unconstrained and that it was capable of generating a multiplicity of contradictory moral theories. But, if we use the Kantian epistemology in order to understand reflective equilibrium then we can begin to see at least one way that reflective equilibrium might be rationally constrained and hence how it could lead us towards moral truths.

In my earlier argument I suggested that a faculty of judgement could provide the first constraint needed by reflective equilibrium.¹ Now if this is the basis of the constraint then it is clear that the real judgements that can provide authority to the rational agent are judgements about specific particulars. That is, the kind of judgement that I can genuinely make, and feel forced by experience to make, is of the form ‘Cain’s killing of Abel was bad’. This does not mean we cannot make true statements that are more general than that, but if such statements are based upon judgement their truth will be authorised by induction and not deduction. This also does not mean that we ourselves have to experience the particular in order to have a true belief about it. However, in order to lend the authority of judgement to the statement, somebody must have experienced the particular to which the judgement refers.²

The second constraint that I proposed above was that we possess a rational will and that this will should be obedient to the Moral Law.³ I then proposed that the name for our awareness of these moral principles was practical reason. If we presume ourselves to possess practical reason and think about what we were going to do then we might have some intuitive awareness that our reasons (or maxims) are (or are not) in harmony with the Moral Law. If this account is accepted we are then able to see how the second constraint on reflective equilibrium would work. For if we can form a reason that does seem to us to be a moral principle (e.g. ‘killing people is wrong’) then this principle will become fixed for us.

All of this leads us to this suggestion, which is that reflective equilibrium functions effectively as a rational process because it is rationally constrained. First it is

constrained (and about this everybody agrees) by logic, by the need to draw correct deductions or inductions from the beliefs held by the individual. Second it is constrained by experience. For if we assume that we possess a faculty of judgement then we might form genuine moral judgements which truly reflect experience. Third reflective equilibrium is constrained by practical reason. For when we reason about what we ought to do then we can become aware of the moral principles that ought to constrain our actions. These moral principles then also become the final constraint upon the process of reflective equilibrium.

Of course as a picture of moral rationality this is far more complex and confused than some may desire. However moral reasoning is complex and indeterminate. Often we find that we have general moral principles that we are committed to but we also feel a commitment to more specific moral principles that contradict those more general principles. For instance, we might be committed both to 'Killing people is wrong' and 'It is right to defend one's own family from attack.' Hence moral reasoning seeks to determine how much weight to give to the more general belief and the more specific belief and may well revise the more general belief in order to allow the more specific.

Furthermore there is also a constant tension between our commitment to certain principles and our awareness of the moral features of the world. This conflict is witnessed in many of the moral dilemmas thrown up by consequentialism. For instance, we might be committed to 'Killing people is wrong' while also recognising that pacifism has led to the existence of bad things. Again the tension between the two perspectives is one of the things that moral rationality, in the form of reflective equilibrium, tries to overcome. The fact that it is difficult to overcome may well be a reflection of the true complexity of our rational position.

Of course, casting our moral natures in these terms emphasizes the tension between the faculties, and this is as it should be. For any account of morality should recognize that our moral natures are complex and that each faculty is exercised in a way that is distinct from, and even in competition with, our other faculties. However we are not simply torn between these three faculties, for our rational faculties can also co-operate. The co-operation of the faculties is the means by which we can achieve the

goal of moral wisdom. For a wise man is someone who has a good will, who is possessed of good judgement and who can provide a clear account of his moral understanding. The perfection of our judgement or our will thereby supports our ability, as a thinker, to formulate a true moral theory.

So my hypothesis is that our moral understanding (the beliefs that we have about what is right or wrong, good or bad) is forged by the combined operation of our three rational faculties. The will provides the understanding with principles that can contribute to the beliefs we hold. So Cain, when reflecting about his act of willing might think 'I should not have killed Abel' this belief then might become authoritative within Cain's moral understanding. Cain might also, looking back, judge that his actions were bad. So he might come to a belief such as 'My killing of Abel was bad'. These two beliefs, each with their own intuitive plausibility to Cain, would conspire to develop his own moral understanding and to help him see that 'Murder is wrong'. We have three rational faculties and each faculty operates in such a way that it can change our moral understanding.

At the same time it is also supposed that each faculty can be 'determined' by that moral understanding. To the extent that I have a good moral understanding I will be able to identify good moral principles to act upon more readily and I will have a full and adequate range of moral concepts that I can apply to the reality that I experience. Thinking, not on its own, but in co-operation with the other faculties can develop a better moral understanding and that understanding can serve the operation of each of the faculties.

In summary then I have argued that the tripartite Kantian epistemology that I have been exploring may offer us one way of understanding how our intuitions might be rationally justified. Furthermore this account seems to provide an explanation of how reflective equilibrium can be conceived as a wholly rational process, one that is constrained not just by logic but also by experience and the Moral Law. This then leaves me to face the last challenge, which is to explore whether this Kantian epistemology really does support our common-sense intuitions about the status of morality: objectivism.

¹ See above, p. 89.

² I am uncertain how one should treat ‘imagined particulars’ (say a future world that has been polluted by present day indifference to the environment) that have not been directly experienced but could be said to have been genuinely imagined. For while such ‘imagined particulars’ certainly seem less ‘real’ than ‘experienced particulars’ it would be perverse to exclude them from our account of moral rationality. This whole topic needs further analysis.

³ See above, p. 90.

5.7 The justification of moral objectivism

I will conclude my thesis by bringing together the account of objectivism that I offered at the start with the epistemology I have been attempting to outline and which I am calling Kantian intuitionism. My account of objectivism had four parts, but my analysis of objectivism has developed somewhat over the course of the thesis. I argued that we believe that morality is: (1) cognitive, in that moral beliefs can be true or false; (2) real, in that morality is not something we construct or invent but is something which we discover; (3) rational, in the sense that we can discover moral truths by rational investigation; and (4) deontological, in the sense that moral beliefs imply absolute duties that demand our respect. I will consider these ideas in turn to discover whether it is possible to use this Kantian intuitionism to justify our intuitive commitment to these beliefs.

a) *The justification of cognitivism*

On my account of Kantian intuitionism we can justify our moral beliefs in two different ways. (1) We can ‘see’ something, say an event, as right or wrong and we can form a judgement about that event. Or (2) we can act according to a moral principle that we take to be necessary. Now clearly it is easy to reconcile the first of these ways of justifying our moral beliefs with morality’s cognitivism. For all judgements are true or false in accordance with whether they correctly ascribe the right universal to the particular. The two judgements: (a) ‘Cain is bad’ and (b) ‘Cain is a man’ are both identical in form and are both clearly capable of cognitive evaluation.

The presumption of Kantian intuitionism is that judgements can be determined to be true or false in two ways. Where the conditions for the application of the concept are known and are clearly part of the concept then the judgement is determinative and it succeeds or fails in accordance with how well the rules are applied. Hence if we know that bad men are men who hurt other men and we know that Cain hurt another then the judgement is determinative and the criterion for truth is given by that definition. However to the extent that there is no such rule for the application of the

concept then the judgement is reflective. This fact does not alter the cognitive status of the judgement, but it does alter the transparency of the available criteria. If the judgement is reflective it can still be made well or badly, but it cannot be judged by a rule. In fact moral judgements like 'Cain is bad' frequently seem more reflective than determinative. If Kantian intuitionism were accepted then this would both justify our treating moral judgements as cognitive and would explain why so many moral judgements are not determined in accordance with clear rules.

The second, and possibly more fundamental, way in which we legitimize moral beliefs according to Kantian intuitionism is by the use of practical reason: we come to feel that we must act on absolute moral principles. However it might seem that moral principles are not cognitive. For if the principle is construed as an imperative to the self, 'Don't kill other men!' then it might be argued that as such it is surely not something that can be true or false. So it might be argued that a moral imperative is no more true or false than an imperative like 'Shut that door!'

But this argument is surely false. Any moral imperative can be converted into the form of a statement without any loss of meaning. So, even if I experience 'Don't kill other men!' as an imperative, if I understand that imperative as a moral imperative (rather than just some external call on my attention) it is surely perfectly equivalent to the statement 'It is wrong to kill other men'.

If this is right this then raises the same question as before, which is how then can we determine that such a statement is true or false. To this Kantian intuitionism has no further answer than that such statements, when they reflect ultimate moral principles may have no further justification. They reflect our intuitive understanding of what is the right thing to do, our ultimate reasons for actions, reasons which we cannot 'get behind'. However this is not something the Kantian intuitionist is embarrassed by, for ultimately all forms of knowledge rely on some similar kind of intuition. Moral knowledge relies upon intuitions about ultimate practical reason, empirical knowledge relies upon the intuitions of reflective judgement and logic relies upon an understanding of intuitive logical laws. Kantian intuitionism then provides full support for our common-sense intuition that morality is something that we can know

and that moral beliefs can be true or false in the same way that logical or empirical truths can be true or false.

b) The justification of realism

Now when considering the effectiveness of Kantian intuitionism in supporting our common-sense intuition that morality is real it is critical to remember that my definition of what makes something real was that the real was something that we did not invent, construct or make-up. Critically I did not define reality in a way that made it identical with what we might term nature or physical reality. In fact I argued above that it was precisely in making this kind of identification that moral naturalism failed to fully capture the real nature of morality.¹

Now by the definition I gave it is clear that Kantian intuitionism clearly does support our intuitive understanding. For on the one hand we presume that we are constrained to make judgements that reflect the real character of things. Our judgements are not things we invent or superimpose on nature. The characteristics that the judgement draws attention to are presumed to exist in the thing. Also, when we recognize moral principles through the operation of practical reason, we are still dealing with a reality over which we have no control. In fact we can properly name these ultimate reasons for action as the Moral Law, the principles that ought to constrain our actions.

Now I am not claiming that either judgement or the practical reason is without metaphysical consequences. In fact, from the beginning of my thesis, I have proposed that the idea of the Free Will is implicit in our objectivist picture of morality understanding. Moreover it is probable that my account of judgement implies that we should presume the existence of moral properties. If so these are just some of the metaphysical corollaries of this Kantian epistemology and clearly these ideas are irreconcilable with physicalism and certain other metaphysical accounts. However I do not see that we have any philosophical reason to promote some notion of nature or physical reality over any other possible form of reality. For although it is true that physicalism is a dominant form of contemporary thought it is not at all clear that this is because physicalists have finally provided good arguments to defeat idealism, dualism or any other metaphysical alternative to physicalism. In fact the

implausibilities of physicalism are no less significant today than they were in the past.

Nor do I think there is any reason to be particularly concerned by the thought that we seem to have two distinct modes of access to moral reality. On the one hand we are aware of the Moral Law and on the other hand we are aware of moral properties. Clearly any such dual-aspect theory of moral reality is going to have to be resolved in some theory that combines its different modes, but the fact that we have more than one way of knowing something should not make us less likely to believe in the reality of that thing. Rather the opposite, we should think it all the more likely to exist because we are aware of it in more than one way.²

However I do not intend to make any further metaphysical argument here, I am simply clarifying my assumption that there is still space to believe in alternatives to physicalism. For someone who believes that matters of metaphysics can be finally resolved then my argument may seem redundant, for they believe that they can understand reality without having to consider the requirements of our intuitions about morality. However if like me you doubt that we can find metaphysical answers *first* then it seems reasonable to identify the metaphysical consequences of our intuitive beliefs about morality as part of an attempt to better understand metaphysics. Of course much more work needs to be done here to justify these metaphysical ideas but that work falls outside the scope of this thesis and I am not yet clear how to begin to either articulate or defend those ideas.

c) *The justification of rationality*

Clearly my argument has been largely focused on exploring how we can be justified in treating morality as rational and in particular how we can build upon the particular account of moral rationality offered by Rawls: reflective equilibrium. These arguments led me suggest that Kantian intuitionism can offer a justification for treating reflective equilibrium as a rational process. I argued that this epistemology might enable us to do more than just seek logical coherence within our moral theories. On the one hand an awareness of true moral principles can arise out of practical rationality's attempt to grasp the Moral Law. On the other hand we can

make successful moral judgements in our attempt to understand the real properties of things.

The one further point that I want to make here is that this account of the process of moral rationality also supports the further point that I made at the outset. For there I claimed that not only do we believe that we can reason successfully about morality but we are also quite aware that such reasoning is neither simple nor determinative. Instead, at times, we are forced to admit that reasoning must end and that we must simply assert a belief that seems right and has no further justification. This characterisation of moral rationality is perfectly in harmony with Kantian intuitionism.

First as I have argued we do experience ultimate moral principles or reflective moral judgements as intuitions, beliefs that cannot be justified by further argument. However as we try to develop our moral understanding we bring together moral principles and moral judgements in ways that can support each other but can also lead to seeming contradictions where we have no immediate test for assuring ourselves that one judgement or one principle is right. For example, if we imagine a situation such as the civil war in Bosnia our judgement may tell us that the human suffering happening there is morally bad, but practical reason may tell us that we ought not to interfere in the affairs of another country. These different perspectives can then lead to a possible contradiction. For if we take it that the moral badness of the suffering implies some duty to interfere then this may contradict the moral principle we espouse. On reflection we may still conclude that we have no duty to interfere *or* we may ask ourselves to reflect again on the supposed moral principle and end by recognising a deeper commitment to protect the innocent in this kind of circumstance. This is an example of a real moral dilemma and one where our judgements may hint at the need to revise our moral principles.

As I proposed at the outset of my thesis there is simply no determinative process for moral rationality. We can continue to reflect on the adequacy of our moral principles in the light of the moral judgements we feel forced to make. Alternatively we can learn to see the world differently in the light of the concepts we form from our moral principles.

d) *The justification of deontologism*

Finally it is possible that Kantian intuitionism provides a helpful way of explaining how moral truths can be understood to place the self under the absolute demands of duty. The moral principles that the self is aware of through practical reason arise from the absolute constraint that the Moral Law places upon the will. So, for example, if I know that ‘It is wrong to kill people’ what that means, to anyone who has moral awareness, is that ‘I must not kill people.’

Kantian intuitionism also helps explain how Ross’s account of intuitionism supplements and improves upon Moore’s account. For the failure in Moore’s account of intuitionism was to limit moral rationality to moral judgement. If we did not possess the faculty of the will we would not be able to experience duty and we would have no need for practical reason. Instead morality would be limited to making judgements of moral value, judgements which without the existence of duty would be a pale shadow of the moral judgements we can in fact make. As Ross argued it is not enough to know that acts, people or things are good, we must also know what we should do about those things. That means we need duty. Kantian intuitionism explains how duty is both possible, but also how it exists alongside judgement.

This then brings my argument to an end. I have argued that we possess an intuitive understanding of what morality is and that intuitive understanding is that morality is objective. I have argued that the sceptic who believes that common-sense is wrong has few good arguments to support his case. His strongest argument is an appeal to an epistemology I called scientific empiricism, an epistemology that enables us to acquire logical and scientific knowledge but excludes the possibility of moral knowledge. I then argued that the effect of this epistemology was to not only deny objectivism but also to deprive us of any reasonable account of how we could even reason about morality, and that this was a deeply counter-intuitive and unattractive result even for a moral sceptic. I then began the process of trying to see if there was a positive epistemology that could support our common-sense intuitions. I have ended by setting out Kantian intuitionism as that epistemology and by beginning to test whether it does succeed in justifying objectivism and solve some of the other problems that arose during the course of this thesis. Clearly more work needs to be

done. However I think that this kind of Kantian intuitionism may provide the kind of epistemology needed to justify what we ordinarily believe: that morality is objective.

¹ See above, p. 114.

² “The contradictions the mind comes up against - these are the only realities: they are the criterion of the real. There is no contradiction in what is imaginary. Contradiction is the test of necessity.” [Weil [1] p.89]

CONCLUDING REMARKS

This thesis set out to provide a response to Mackie's moral scepticism, but a response that went further than a mere rebuttal of his sceptical arguments. First I set out to build on Mackie's own account of our common-sense beliefs about morality (objectivism) and to clarify the distinct qualities we take morality to possess. What I hope that my account offers is a greater degree of clarity about the exact nature of those qualities. However in defining the nature of objectivism, as in a number of other key areas, I found myself in broad agreement with Mackie. For objectivism involves a belief that morality is cognitive, real, rational and it makes absolute demands upon the subject.

When it comes to Mackie's own sceptical arguments I have tried to pull together a range of anti-sceptical responses against his central arguments. I argued that his arguments are not persuasive. However I also tried to articulate the underlying epistemological framework that explains and justifies Mackie's fundamental view that moral objectivism is just too queer believe. I named this framework scientific empiricism. Again, although Mackie does not define his own theoretical presuppositions in detail, it is clear that I agree with Mackie that if scientific empiricism is true then objectivism is false. However, unlike Mackie, I do not think scientific empiricism is true.

My second assault on Mackie's scepticism is to propose that Mackie cannot reconcile scientific empiricism with moral rationality. This argument is important for two reasons, first it sets the scene for my later more positive arguments, but second it enables me to show how Mackie's position is internally inconsistent. For although Mackie rejects objectivism as a whole he does seem to think that we can continue to argue rationally about morality and we may use the process of reflective equilibrium to do so. Now my argument here does not refute moral scepticism; but it does show that it is very difficult to maintain a moderate form of moral scepticism. Instead my argument shows that if we accept scientific empiricism we certainly cannot hope to use reflective equilibrium to justify moral rationality. This does not touch the most hardened moral sceptic; but it does narrow the theoretical terrain that the sceptic can reasonably hope to occupy.

Unfortunately I do not show that moral scepticism is false. However I do try to show that there is no reason to accept scientific empiricism by default. Instead I set out a number of contemporary epistemological positions that are explicitly opposed to scepticism. I also use my analysis of objectivism to compare and contrast these different positions. This analysis led to my rejecting three of those positions: moral

constructivism, moral naturalism and moral rationalism. In essence I showed that, whatever strengths these theories might possess, they all fail to support objectivism. For all their avowed opposition to moral scepticism they are all revisionist theories, like Mackie's, suggesting our intuitive picture of morality is not justified. However I also noted that the last of these theories, the moral rationalism of Korsgaard, provides a very interesting account of the relationship between practical reason and the nature of obligation.

The one theory that did seem to successfully support objectivism was the moral intuitionism of Ross. In fact Mackie also suggests that it is only intuitionism that can hope to offer a justification of objectivism. But for Mackie intuitionism is a hopelessly queer theory. The final part of my thesis was an attempt test out whether intuitionism could be supported by an epistemology that was not queer.

At this point I drew upon a number of different sources in order to articulate a possible alternative to scientific empiricism. I took from Korsgaard and Kant the idea of practical reason. I also took from Kant the idea of a faculty of judgement, an idea he sets out within the *Critique of Judgement*, and an idea that is rarely exploited within meta-ethics. Finally I drew upon Arendt's reading of Kant's broad epistemology and took the idea that we have three faculties: thought, judgement and will. Although this epistemology is admittedly more extravagant than that proposed by the scientific empiricist it does have a clear intellectual pedigree and has been developed in order to do much more than simply save intuitionism.

Furthermore in testing out this theory I was able to make some potentially interesting discoveries. It seems to me that the idea that we can form genuine intuitions could play an important part in more than just morality and the Kantian epistemology offers one account of how to understand the source of those intuitions. I was also able to use this analysis to suggest a possible reconciliation between the two different kinds of moral intuitionism proposed by Moore and Ross by offering two different potential sources for our moral intuitions.

I was able to add to my previous analysis of reflective equilibrium and to suggest how an objectivist ought to treat reflective equilibrium: as an on-going effort to use thought to reconcile our moral judgements and our moral principles. This account of reflective equilibrium does not offer a determinative procedure for solving moral problems. However it does offer one kind explanation of how reflective equilibrium can be treated as a genuinely rational process by beings who are both capable of making genuine moral intuitions, but also fallible.

Finally this kind of Kantian intuitionism achieves what I hoped it might. It offers one way of justifying objectivism. However the thesis did not prove that this kind of Kantian intuitionism is true. Many questions remain unanswered and much more work needs to be done to think through the ethical, metaphysical and broader epistemological consequences of accepting such a theory. However I hope to have at least provided an interesting starting point for further enquiries.

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