THE AUTHORITY OF MORALITY

John Milliken

A Dissertation
Submitted to the Graduate College of Bowling Green
State University in partial fulfillment of
the requirements for the degree of

DOCTOR OF PHILOSOPHY

August 2007

Committee:
Raymond Frey, Advisor
Mary E. Benedict
Graduate Faculty Representative
Steven Wall
Fred Miller, Jr.
ABSTRACT

Raymond Frey, Advisor

A generally recognized feature of morality, discovered through experience, is that it makes demands on us, requiring us to do or not do certain things. It thus seems to have authority. A distinctive feature of this kind of demand is its independence of the agent’s own ends or desires. If an authority commands you to do \( x \), you are required to do it, end of story. A way to describe this feature is inescapability, indicating these requirements apply to you in a way you cannot escape. Another distinctive feature of morality’s demands is their weightiness. They are supposed to be such that we always have most reason to comply with them. This alleged property is the overridingness of morality.

Thus, in virtue of its authority, morality is thought to be both inescapable and overriding. In a well-known essay, G.E.M. Anscombe argues the only viable way to account for this kind of authority is to appeal to God. Is there another possibility? One is to say we do not need an authority; morality can be inescapable and overriding without one. I consider virtue ethics as a view Anscombe herself thought managed without the idea of an authority, but conclude it cannot ground either inescapability or overridingness. Another option is to say we may need an authority, but it need not be God. Inescapability and overridingness can arise from reason, or autonomy, or societal demands. All these strategies fail, however, vindicating Anscombe’s contention. The options for us are either some form of divine command ethics or an abandonment of the thought that morality is inescapable and overriding.

Put this way, we may think our only real option is to give up inescapability and overridingness. It is widely thought there are insurmountable difficulties with the idea that
morality can depend upon God. After showing a nuanced understanding of divine command ethics can avoid them, I conclude it is at least a conceptually satisfying way to account for inescapability and overridingness. The ultimate conclusion is that divine command ethics or the abandonment of the two features are the most plausible ways forward.
ACKNOWLEDGMENTS

I would first of all like to thank my father, who both gave me an early start on the road towards philosophy (though he did not know this at the time) and has continued to be supportive and interested in my work to the present. I am also grateful for excellent undergraduate professors who awakened my taste for philosophy and gave me the tools to carry it on at the graduate level. I owe particular thanks to professors Kreuzman and Hustwit. My graduate experience has been delightful in all respects, and I am especially thankful for my committee members who took so much time to guide me towards the completion of this project. My chair always seemed to take a special interest in my work and provided needed doses of encouragement along the way. Finally, I thank my wonderful wife, who has always been my biggest fan.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>ANSCOMBE’S WORRIES</td>
<td>11</td>
</tr>
<tr>
<td>2.1</td>
<td>Introduction</td>
<td>11</td>
</tr>
<tr>
<td>2.2</td>
<td>Three Theses and One Solution</td>
<td>13</td>
</tr>
<tr>
<td>2.3</td>
<td>The Special Sense</td>
<td>20</td>
</tr>
<tr>
<td>2.4</td>
<td>The Special Sense and Modern Moral Philosophers</td>
<td>28</td>
</tr>
<tr>
<td>2.5</td>
<td>Conclusion</td>
<td>30</td>
</tr>
<tr>
<td>3</td>
<td>AUTHORITY AND MORALITY</td>
<td>32</td>
</tr>
<tr>
<td>3.1</td>
<td>Introduction</td>
<td>32</td>
</tr>
<tr>
<td>3.2</td>
<td>Inescapability</td>
<td>35</td>
</tr>
<tr>
<td>3.3</td>
<td>Overridingness</td>
<td>42</td>
</tr>
<tr>
<td>3.4</td>
<td>Authority</td>
<td>47</td>
</tr>
<tr>
<td>3.5</td>
<td>The Justification of Authority</td>
<td>52</td>
</tr>
<tr>
<td>3.6</td>
<td>Authority and Morality</td>
<td>59</td>
</tr>
<tr>
<td>4</td>
<td>DOING WITHOUT AUTHORITY</td>
<td>62</td>
</tr>
<tr>
<td>4.1</td>
<td>Introduction</td>
<td>62</td>
</tr>
<tr>
<td>4.2</td>
<td>Hursthouse and the Normative Status of Virtue</td>
<td>64</td>
</tr>
<tr>
<td>4.3</td>
<td>Ought, Inescapability, and Overridingness</td>
<td>69</td>
</tr>
<tr>
<td>4.4</td>
<td>The Absence of Authority and the Features of Morality</td>
<td>73</td>
</tr>
<tr>
<td>4.5</td>
<td>Morality without Authority</td>
<td>77</td>
</tr>
<tr>
<td>5</td>
<td>AUTHORITY WITHOUT GOD: REASON</td>
<td>82</td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>----------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>5.1</td>
<td>Introduction</td>
<td>82</td>
</tr>
<tr>
<td>5.2</td>
<td>Kant and Pure Practical Reason</td>
<td>85</td>
</tr>
<tr>
<td>5.3</td>
<td>Practical Reason as the Source of Authority behind Morality</td>
<td>98</td>
</tr>
<tr>
<td>5.4</td>
<td>Conceptual Problems with Practical Reason as Authority</td>
<td>101</td>
</tr>
<tr>
<td>6.1</td>
<td>Introduction</td>
<td>106</td>
</tr>
<tr>
<td>6.2</td>
<td>Korsgaard’s Argument</td>
<td>107</td>
</tr>
<tr>
<td>6.3</td>
<td>Assessing the Argument</td>
<td>117</td>
</tr>
<tr>
<td>7.1</td>
<td>Introduction</td>
<td>130</td>
</tr>
<tr>
<td>7.2</td>
<td>Social Obligation</td>
<td>131</td>
</tr>
<tr>
<td>7.3</td>
<td>Evaluating the Social Obligation Account of Obligation</td>
<td>136</td>
</tr>
<tr>
<td>7.4</td>
<td>Conclusion</td>
<td>144</td>
</tr>
<tr>
<td>8.1</td>
<td>Introduction</td>
<td>146</td>
</tr>
<tr>
<td>8.2</td>
<td>Divine Command Theory</td>
<td>147</td>
</tr>
<tr>
<td>8.3</td>
<td>Euthyphro</td>
<td>148</td>
</tr>
<tr>
<td>8.4</td>
<td>Right and Good</td>
<td>150</td>
</tr>
<tr>
<td>8.5</td>
<td>Divine Goodness</td>
<td>158</td>
</tr>
<tr>
<td>8.6</td>
<td>Epistemology</td>
<td>161</td>
</tr>
<tr>
<td>8.7</td>
<td>Divine Command Theory, Inescapability, and Overridingness</td>
<td>165</td>
</tr>
<tr>
<td>8.8</td>
<td>Conclusion</td>
<td>166</td>
</tr>
<tr>
<td></td>
<td>BIBLIOGRAPHY</td>
<td>169</td>
</tr>
</tbody>
</table>
CHAPTER 1. INTRODUCTION

One of the earliest and most famous examples of written law still extant is the so-called code of Hammurabi, the text of which is preserved on a stone monument erected sometime during his reign of c. 1792-1750 BC.¹ Within the text, Hammurabi declares his commission by Marduk (the principal Akkadian god):²

[T]o bring about the rule of righteousness in the land, to destroy the wicked and the evil-doers; so that the strong should not harm the weak; so that I should rule over the black-headed people like Shamash, and enlighten the land, to further the well-being of mankind.³

The laws of the land receive a divine endorsement and are legitimized, being handed down from Marduk to the king. Both “righteousness” and “the wicked” are not things determined by the king, but are otherwise established. His role is to uphold the former and punish the latter. On the matter of punishment, the text elsewhere identifies Shamash (another god) as “the great judge of heaven and earth.”⁴ Thus, we can see the gods as intimately bound up with morality as both the advocates of righteousness and the judges of wickedness. Despite the antiquity of this picture and its pantheon of strange gods, we can discern familiar aspects of morality. In particular, there are moral standards or rules that are independent of human establishment that apply to us whether we like it or not. The king here does not invent morality, but only enforces it. Moreover, he is not the only enforcer, but the gods stand ready to carry out a final judgment in the afterlife. Contained also within the picture is the idea of obligation, though of course the term itself is not used. Yet all the usual trappings of it are here—law,

⁴ Ibid.
punishment, and judgment. Righteousness does not look optional nor does wickedness: the former is required just as the latter is forbidden. Leaving aside the particulars of the Akkadian metaphysics, the basic idea is this: morality contains a set of obligations that both apply to us in some inescapable way and that we are bound to obey.

This way of conceptualizing morality is ubiquitous throughout the history of the West, as is the strategy of understanding its special authority in relation to divine requirements. European intellectual history descends in large part from the Christian worldview, according to which morality has its fundamental source in the will and character of God. During the early modern period, however, this traditional way of understanding morality began to be questioned as various pressures, both intellectual and political, made appeals to revelation undesirable. The general trend of the Enlightenment was that God’s role in morality came to be ever more marginal, which paved the way for the entirely secular moralities of the contemporary period.

This shift occasioned new questions that had much to do with the problem of authority now that God had been excused from the role. The picture given by Hammurabi’s stele above is quite transparent about why morality is authoritative: standing behind it are both the king and the gods who can visit punishments on wrongdoers and shower rewards upon the righteous. Without God, Dostoyevsky’s assertion threatens: anything is permissible. And why not? If God is no longer watching, why must I now pay attention to morality if I find its requirements irksome? Kant’s answer was that the requirements of morality turn out to be none other than the requirements of our own practical reason. We have no need to receive a law from God or anyone else. Obedience to such dictates is always something less than true morality since, Kant thinks, we must then obey out of fear or some other incentive. In contrast, the truly moral give

---

5 To see how widely this view is shared, consider that it is part of the ethical understanding of Islam, Judaism, and Christianity.
themselves the law that their reason demands. They are autonomous and act from pure respect for the law as such. Kant’s view is really a wonderful picture of the spirit of the Enlightenment itself: the mature moral agent has come out from the nursery and the tutelage of his guardians and stands now on his own two feet, guided by reason alone. Yet there is within Kant’s view a somewhat surprising remnant of the historically dominant picture. He finds it necessary in his *Critique of Practical Reason* to appeal to the existence of God and an afterlife in order for the moral life to really make sense. The pursuit of the highest good, which the moral law enjoins, together with the attainment of happiness commensurate with virtue, require the assumption that the universe is ordered in such a way that these things are possible. This necessitates God and an afterlife.⁶

David Hume provides a counterpoise to Kant in that he manages to thoroughly secularize morality, clearing a path that many others would eventually follow. For him, our moral discourse rests upon natural sentiments we feel in response to human behavior: “An action, or sentiment, or character is virtuous or vicious; why? Because its view causes a pleasure or uneasiness of a particular kind.”⁷ There is no need, he thinks, to appeal to God or anything outside of us to explain our moral practice. There are simply things that, not surprisingly, tend to meet with the disapproval of our sentiments, and such things we label “wrong,” “bad,” etc. For example, Hume suggests marital fidelity in women meets with our approval in view of the need of men to know that the children who demand so much from their time and resources are

---

really their own offspring. For if they could not be confident of this, men would not join with
women in the raising of children, which is an obvious problem for the society as a whole.\textsuperscript{8}

Dark clouds appear, however, on the horizons of Hume’s rational and demystified
account with the arrival of the “sensible knave.” This is the person who plans to behave morally
to the extent necessary to remain in the good opinion of others, but to violate morality when
opportunity arises to do so without detection. His thinking is as follows:

A sensible knave, in particular incidents, may think that an act of iniquity or infidelity will
make a considerable addition to his fortune, without causing any considerable breach in
the social union and confederacy. That honesty is the best policy, but is liable to many exceptions; and he, it may perhaps be thought, conducts himself with
most wisdom, who observes the general rule, and takes advantage of all the exceptions.\textsuperscript{9}

Hume responds to the knave by claiming it is too hard to pursue such a strategy and
besides, its hard not to feel bad about oneself for being knavish. But the person of the sensible
knave, in various versions, continues to haunt the pages of moral philosophers.

The reason why is that the knave identifies a problem that is really a problem for us all:
why must we do the moral thing when we do not want to? However far from Hume’s clever
rogue we may be, we all kick against the restraints of morality at certain points and it is then that
this question becomes unavoidable. One response is to be dismissive of the claims of morality.
It is to say there is no reason to pay attention to them when we do not care to. In other words,
we could take up the attitude of the amoralist. This could be for various reasons. The
sociobiologist may tell us that the powerful claims of our conscience are only the promptings of
our genes, present because of their contribution to reproductive success. Or we might, in

\textsuperscript{8} Ibid., 570-573.
University Press, 1902), 282-283.
Freudian style, conclude that what our forebears took to be dictates of the voice of God within are only the internalized demands of our parents. Fortunately, for most the dismissive response of the amoralist goes against the grain. It is a fact of our experience of morality that we feel it has some kind of special authority over us. In his book on moral phenomenology, Maurice Mandelbaum draws attention to this. We experience morality as consisting of demands that are “objective” and “independent of [our] desires.”

A more natural response is to try to find a way to make sense of this seeming demandingness that justifies rather than undermines it.

The Enlightenment serves as a point of departure in this project. As I have already suggested, there existed a standard answer to this problem before it, which it in many quarters uprooted. The old answer was that morality seemed to make special demands on us, which we ought not to ignore, because it was constituted by the commands of an all-powerful and ever-present God. The new answers are various, and it is the purpose of this dissertation to assess them. My thesis is this: The phenomenology of morality points to its having a special authority, and the only adequate way to sustain it is by appealing to divine commands. We can either adopt some form of divine command ethics or abandon the thought that morality has this special authority. Thus, the answers descending from the Enlightenment are all failures, if seen in a certain light. That is to say, they are failures if they hope to allow morality to retain the same kind of authority it possessed under the old theistic view. If they content themselves with an attenuated view of authority, they may well prove adequate accounts. Much depends, then, upon the degree of authority we ultimately think morality has. If we hope to retain a traditional conception of morality’s authority our only real option is divine command ethics.

---


It is important for me to be clear about what the issue is. Given what I have said so far, someone might be tempted to think the primary problem I am worried about is motivation. It looks as though I want to underwrite a story that will guarantee everyone will be motivated to do as morality requires. I do not think, however, there is any such story. Given our nature, we will always at least sometimes act against morality, no matter how well justified its claims appear to us. I do think, however, motivation is important; indeed, it is surely a mark in its favor if an ethicist produces an account of morality that inspires people to more closely conform to it. But I am more interested in how the authority of morality can be made sense of because of our need as rational beings to see the things we hold dear as justified. Morality asks great things from us and we are oftentimes willing to sacrifice for its sake. We want to know the sacrifice is worth making.

Of course, if no account is forthcoming that shows the authority of morality to be something we can subscribe to, there will inevitably be consequences of this discovered in our actions. An analogy that comes to mind here is the progress of the mainline protestant denominations in the West during the past century. At its beginning, attendance was still very high though the doctrines that had given birth to these various denominations had in large measure been abandoned or stripped of their original force. People did not stop going immediately because the strength of habit and tradition is strong. But the inevitable decline came as the younger generations found the forms without the doctrines an empty and pointless shell. We should expect nothing different in the realm of morality. When its philosophical underpinnings become weak or non-existent, a habitual deference must inevitably give way to
the pressures of desire and self-interest. Taking this as a serious possibility, I am inclined to see what we can say about the authority of morality.

I will proceed as follows: Chapter two is a detailed examination of G.E.M. Anscombe’s influential article, “Modern Moral Philosophy.” The reason for starting here is that she is concerned about the very same issues I am. One of her theses in this piece is that modern moral philosophers tend to endow morality with a special authority that has no clear source. Here there is no surprise since, as I have suggested, our experience of morality has this authoritative aspect. Anscombe’s contention is that this special sense of authority is a vestige of a divine command view of ethics that used to be prevalent but has now been abandoned by philosophers. Moreover, the special authority of morality cannot make sense outside of such a view and therefore philosophers should rethink how they talk about ethics. Anscombe’s assertion becomes the question of this dissertation: Is it really the case that only a divine command view of ethics can support the special authority we typically take morality to have?

In order to address this question, I first need to explore the concept of authority in general and that of morality in particular. This is the task of chapter three. I contend that the features of morality in view when we speak of its authority are its inescapability and overridingness. This chapter argues for a certain way to understand these terms and places them within the context of Joseph Raz’s account of authority.

With this basic conceptual framework in place, the stage is set to consider the various alternatives to divine command ethics for founding the inescapability and overridingness of morality. Before I come to that, however, I consider an important question: I have been talking

---

12 I am not yet trying to take a position on the question of whether the demands of morality are in harmony or conflict with enlightened self-interest. I intend the term here more narrowly and colloquially. In common discourse we often contrast acting morally with acting in self-interest.

as though inescapability and overridingness are tightly bound up with the idea of authority, but we might think they are essentially separable. Chapter four thus explores the possibility of having the two key features without having an authority of any kind. It begins with a consideration of Hursthouse’s version of virtue ethics for two reasons. First, virtue accounts are often thought distinct from other kinds of ethical theory in that they are based not in the right but in the good. This grounding pushes notions like obligation and duty off of center stage and with them any obvious need for authority. Second, it was Anscombe’s suggestion that modern moral philosophers move to an Aristotelian position as a way of avoiding giving morality the special kind of authority to which she objected. It seemed to her, then, that virtue ethics was a view that could be developed without any necessary role for authority in the offending sense. After arguing that a virtue ethical view cannot plausibly sustain inescapability or overridingness, the chapter concludes with general considerations that aim to show any view that hopes to do so must have a place for authority.

The following three chapters examine different ways to locate this authority. Chapter five explores the idea that the authority behind morality is the authority of reason itself. It looks at Kant’s way of arguing this as well as others and concludes reason will not serve as the authority behind inescapability and overridingness. Among other concerns, a key problem with views of this kind is that reason can be an authority only in a metaphorical sense. Its inability to be an actual authority is related directly to its failure to sustain the two important features I have been referring to.

Chapter six is a critical appraisal of Korsgaard’s way of establishing the authority of morality given in *The Sources of Normativity*. Her account is superior to the reason-based accounts since she actually places a person in the role of the authority behind morality: the agent herself.
The main problem with Korsgaard’s account, however, stems from this autonomy. It turns out that neither inescapability nor overridingness obtain since the agent is only beholden to those requirements she actually makes of herself. Korsgaard’s arguments fail to show that these self-imposed requirements must necessarily coincide with what we take to be those of morality. Moreover, it is unclear that it is conceptually coherent to speak of exercising authority over and hence creating obligations for oneself.

Chapter seven considers one last possibility for grounding the authority of morality and thereby securing inescapability and overridingness. It does so in the demands of others in society. This view goes some way towards sustaining our basic intuitions about morality. The demands of others can explain how we come to feel obligated and how obligations can attach to us independently of our subjective ends and desires. Yet it does not go all the way, for serious problems remain. For one thing, society may not demand from us all that we think morality does. In addition, it may require of us things that go directly counter to morality’s norms. For both reasons we feel the conceptual need of a standard of morality that stands over and above the contingent demands of our place and time.

The final chapter finds a solution to these problems in divine command ethics. It is similar to the social obligation view of chapter seven in that obligations arise from demands made upon us by other persons. But in this case, the other person is God, from whose authority derive the obligations of morality. This chapter briefly describes one version of divine command ethics that solves the various problems connected with authority so far raised, and explains how such a view is able to account for inescapability and overridingness. Divine command ethics is, however—at least among philosophers—the most controversial strategy presented in the dissertation. As a result, much of the last chapter will be taken up by a defense
of the view against certain standard objections. In particular, it will try to defuse the Euthyphro
dilemma and answer concerns about the epistemological implications of the view. The aim of
this chapter is not to present a case for divine command ethics in the sense of arguing that it is
the correct view. Rather, I intend only to show that it both solves the problems with which the
dissertation is concerned and is at least a coherent view. A full defense of it would require a
dissertation in its own right.

One final thing to keep in mind as we proceed: This dissertation will be focusing on the
aspect of morality that has to do with obligation and related ideas. I do not intend to convey the
impression that I consider this to be the whole of morality, for indeed I do not. A
comprehensive view of morality contains not only a doctrine of the right, but also an account of
the good. To my mind, the latter is more fundamental and thus more important. The demands
of morality are rendered coherent by a conception of their purpose and a vision of the moral life
of which they form a part. It is my view, though I will not argue for it here, that moral laws are
mostly for moral lawbreakers. In a world in which we had perfect knowledge of the good and
perfectly virtuous dispositions, moral obligation would have little or no role. But this is not such
a world and we are not such persons. Instead, we all find ourselves at least sometimes in the
position of the would-be lawbreaker. It is then an interesting and needful thing to consider what
we might tell ourselves and others about why the demands of morality merit our allegiance.
CHAPTER 2. ANSCOMBE’S WORRIES

2.1 Introduction

In 1958 Elizabeth Anscombe published a paper entitled “Modern Moral Philosophy” which proved quite influential in a number of ways.\(^{14}\) Many, for example, credit her essay with initiating the recent revival of virtue ethics in philosophy and a corresponding resurgence of interest in Aristotle. It also shifted some attention to issues in moral psychology that had been for some time largely neglected. That her article, which is on many points insufficiently argued and dogmatic, should have been so influential (one commentator calls it “a major event in twentieth-century ethical theory”\(^ {15}\)) is somewhat surprising. Its success suggests she articulated a problem laying inchoately below the surface of the philosophical scene, but whose presence was generally felt. This problem was the increasing strain on a type of moral discourse whose form had changed little, even as its foundations had been radically altered.

The discourse in question is the ubiquitous one of talking about morality in terms of duties, requirements, and laws of a fixed and determinate nature. Jonathan Glover captures the flavor of this well in a recent book:

> In Europe at the start of the twentieth century most people accepted the authority of morality. They thought there was a moral law, which was self-evidently to be obeyed. Immanuel Kant had written of the two things which fill the mind with admiration and awe, ‘the starry heavens above me and the moral law within me’. In Cambridge in 1895, a century after Kant, Lord Acton still had no doubts: ‘Opinions alter, manners change, creeds rise and fall, but the moral law is written on the tablets of eternity.’\(^ {16}\)


Alongside the persistence of this way of talking about morality, however, had come decisive changes in moral philosophy. Belief in God had eroded, especially as the shared public foundation for morality, and logical positivism and emotivism had put traditional morality on the defensive. Anscombe exposed the mounting tension between the usual way of picturing morality and currently accepted philosophical positions. One of the main conclusions of her article is that since we are unlikely to return to the foundations within which our moral discourse has its home, we need to adopt a new way of talking and thinking about morality.

She begins her piece by proposing to defend three theses: First, that philosophers do not currently have an adequate understanding of psychology and should cease doing ethics until they acquire one; second, certain ethical terms—in particular moral obligation, the moral ought, and similar constructions—derive their special significance from a theological worldview which has been abandoned, leaving them without a clear sense; and finally, the differences between the main British ethicists since Sidgwick are of little importance. These theses are all related in some way to the impact on ethics of the general abandonment among Western intellectuals of a belief in God. In particular, it has confused our language and introduced a certain decadence or decay into our understanding of morality. The purpose of this chapter is to elucidate Anscombe’s position on these matters and set the stage for the chapters that follow. Anscombe’s thought is that if belief in God is abandoned, ethics must change in a quite radical way. Our current way of conceptualizing morality—with its special status—must either find a new foundation or be revised. The question of this dissertation is whether she is right to think so.

18 Lagerspetz describes Anscombe’s point in similar terms: “She felt that moral philosophy had gone stale. Its central concepts had been undermined and trivialized. In the process, a fundamental dishonesty had crept into our philosophical vocabulary.” “Anscombe on the Moral Ought,” 437.
I will begin with a survey of her arguments for these three theses and explain how they are connected. As it turns out, along the way to establishing the three claims she begins with, it becomes apparent she thinks a return to an Aristotelian approach to ethics is a way of alleviating the apprehensions she has about modern moral philosophy. For her, returning to Aristotle is at the same time a rejection of what she calls the “law conception of ethics.”\(^{19}\) This is the conception that is supposed to derive from defunct theistic views and that must now be abandoned. Hence, it will be important to examine what Anscombe took this conception to be for it is this way of looking at morality that the chapters ahead consider. This chapter will conclude with an illustration that the central problem about which she is concerned is real. There is indeed a tendency among philosophers to endow morality with special qualities (to be described below) while not paying careful attention to how such qualities are grounded. This is a kind of explanatory hole left by the abandonment of theism that must be filled one way or other. Failing that, we must take seriously Anscombe’s suggestion that we rethink the way we conceive of morality.

### 2.2 Three Theses and One Solution

Anscombe puts her first thesis this way: “[I]t is not profitable for us at present to do moral philosophy; that should be laid aside at any rate until we have an adequate philosophy of psychology, in which we are conspicuously lacking.”\(^{20}\) For her, psychology is needed for the understanding of things like what it means to have a virtue, what human actions are, and what role motives and intentions play in them.\(^{21}\) Why moral philosophy cannot get along without a proper understanding of these things might seem more obvious today, but we will come to her

---

\(^{19}\) Ibid., 6.  
\(^{21}\) Ibid., 5.
particular reasons for thinking so in a moment.\textsuperscript{22} I will not be saying much about this part of Anscombe’s argument. I take it as clearly true that a weak understanding of moral psychology will inevitably lead us astray in ethical theorizing. Moreover, nothing central to the arguments I will be making will turn upon contested points within philosophical psychology.

Her second thesis concerns the use of certain moral concepts, which she designates as “\textit{moral} obligation,” “\textit{moral} duty,” “\textit{morally} right and wrong,” and “the \textit{moral} sense of ‘ought’”.\textsuperscript{23} She has no complaints with the ideas of obligation, right and wrong, or ought as such, but she thinks the preface ‘moral’ imbues them with what she calls a “special sense.”\textsuperscript{24} I will have much more to say about what this sense amounts to in due course. For now, it will suffice to say that for her it implies a law view of ethics. According to such view, the content of morality is given in laws we are bound to obey.

She does not simply draw attention to the suspicious use of these terms, but also offers an explanation of how such usage developed. She attributes the special sense of these terms to Christianity and its view of God as divine lawgiver, which was dominant in the West for many centuries.\textsuperscript{25} According to such a picture, it adds something to the statement that you have an obligation to do something to say you also have a \textit{moral} obligation to do it or that it is a \textit{moral} duty. For these latter expressions would mean that in addition to whatever other reasons you might have to perform the action in question, it is also commanded by God.

Her claim is that though the divine command theory of ethics has long since ceased to be generally accepted, talk of \textit{moral} obligations and \textit{moral} duties has retained the same kind of

\begin{itemize}
\item \textsuperscript{22} Interestingly, the first of Anscombe’s theses has received little comment as far as I have been able to detect. Perhaps it was sufficiently obvious to her audience that they were quite inept as far as psychology is concerned. There has been much attention to these kinds of things lately, which is directly connected to the popularity of virtue ethics.
\item \textsuperscript{23} Anscombe, “Modern Moral Philosophy,” 1.
\item \textsuperscript{24} Ibid., 5.
\item \textsuperscript{25} Ibid.
\end{itemize}
force it previously had. She gives a useful analogy: “It is as if the notion ‘criminal’ were to remain when criminal law and criminal courts had been abolished and forgotten.”

In such a context, people might still be called “criminals” as a way of indicating that they went against society’s norms. Of course, the concept would no longer really make sense, but we could imagine it retaining the special derogatory force it currently has. In the same way, according to Anscombe, modern moral philosophers use moral terms in a way that made sense within a context now abandoned: that of a divine lawgiver.

Anscombe’s final thesis is, “the differences between the well-known English writers on moral philosophy from Sidgwick to the present day are of little importance.” Little importance, that is, in comparison to what they have in common: their consequentialism. She points out that according to what she calls the “Hebrew-Christian ethic” there are various actions held to be wrong no matter the consequences. On the other hand, all of the English ethicists to whom she refers disagree: Given the right circumstances, any action might be right. Anscombe coins the term “consequentialism” in the article as a way of describing the practice of modern moral philosophers of considering all the consequences that follow from an action as equally relevant to its evaluation. This means I am to be held morally responsible for both results I intend and those I merely foresee. Anscombe identifies this as the crucial development, which she attributes to Sidgwick. Its result was that, “the kind of consideration which would formerly have been regarded as a temptation, the kind of consideration urged upon men by

---

26 Ibid., 6.
27 Alasdair MacIntyre has developed this theme from Anscombe at length in After Virtue (Notre Dame, IN: University of Notre Dame Press, 1981).
29 Ibid., 10.
30 Ibid. She concludes, “It would argue a certain provinciality of mind not to see this incompatibility as the most important fact about these philosophers, and the differences between them as somewhat trifling by comparison.”
31 Ibid., 12.
32 Ibid., 10-12.
wives and flattering friends, was given a status by moral philosophers in their theories.” 33 The person who says to his spouse, “If you do the right thing you will be put in prison, and imagine how I will suffer without you,” exemplifies the kind of thing she has in mind here. She calls such considerations “temptations” since, though foreseen, the suffering of the spouse is not intended and is not relevant to the question of what it is right to do.

Now how exactly are these three theses connected? I think it makes the most sense to see the second, concerning the corruption of our terms, as the central one. If Anscombe is right about modern moral philosophers, they are in a rather untenable position. They spend their efforts writing about “moral obligations” and “moral duties” without any clear conception of that to which they refer. The real problem with this is its fruit. If her imaginary example about a country without laws whose inhabitants nevertheless still referred to certain people as “criminals” were actual, we might expect to find people labeled “criminal” for any number of idiosyncratic reasons; there are no longer objective criteria for the application of the title. Similarly, in our own society where philosophers have dismissed the divine lawgiver, the labels “morally wrong” or “moral duty” have come free from their moorings and may settle upon whatever actions recommend themselves to the philosopher whose theory they inhabit. There is really a double problem of ambiguity here. Think again of the criminal example: if there are neither laws nor government, we are left without being sure either which sort of people count as criminals or, once such people are identified, what it means for them to have this status. The same is true for modern moral philosophers. They search for an account of what it means for something to be a moral duty, and yet have no theory-independent means of identifying instances of moral duties save for bare intuition. This explains the tendency she identifies in her

33 Ibid., 12.
third thesis. *Of course* anything whatever might be “morally right” or one’s “duty” under these circumstances. The philosophers set out as if to discover the meaning of moral obligation but in reality are simply inventing it—for it no longer has any clear meaning at all. The connection of all of this with her first thesis about moral psychology comes by way of Aristotle.

How does Aristotle make his appearance in Anscombe’s argument? For one thing, he provides a nice contrast with the complicated modern ways of talking about moral obligations, moral duties, and everything that goes along with them. In particular, she says, he does not seem to have the category “moral” at all in the modern sense. He has not separated out from the political, aesthetic, or social some special zone of human activity to be spoken of in its own distinctive—and highly obscure—terminology. Rather, he gives us a simple picture:

The terms “should” or “ought” or “needs” relate to good and bad: e.g. machinery needs oil, or should or ought to be oiled, in that running without oil is bad for it, or it runs badly without oil. According to this conception, of course, “should” and “ought” are not used in a special “moral” sense when one says that a man should not bilk.

There is nothing mysterious here: When we say that you ought not to lie we mean only that it is not something that contributes to a flourishing life for humans. In this it is exactly parallel to saying that you ought not to hit yourself in the knee with a hammer, or eat too many carbs at lunchtime. In modern ethics, these examples belong to very different categories. The first one is a moral matter, while the other two are not. Moreover the “ought” we would apply would mean something different in the first case, though again, its not clear exactly what. In short, talking the way Aristotle does seems to simplify things greatly and take the mystery out of moral language.

---

34 Ibid., 1.
35 Ibid., 5.
This is not the only thing Anscombe finds attractive about Aristotle, though. His approach to ethics seems to protect us from the modern tendency to allow that anything at all, under the proper circumstances, might be right. An example she keeps returning to in her article is the condemnation by a judge of a defendant he knows to be not guilty. It is easy to imagine a situation in which this course of action could result in the best overall consequences (suppose it would prevent a riot). The result is that we have an action generally acknowledged to be wrong, which, according to consequentialism, would be the right thing to do. In contrast, if we describe the judicial condemnation of the innocent in Aristotelian language, the appropriate label of it is surely “injustice.” This is an advantage:

And here we see the superiority of the term “unjust” over the terms “morally right” and “morally wrong.” For in the context of English moral philosophy since Sidgwick it appears legitimate to discuss whether it might be “morally right” in some circumstances to adopt that procedure; but it cannot be argued that the procedure would in any circumstances be just.\(^{36}\)

The key here is the phrase “appears legitimate,” for it seems obvious to her such a discussion is not legitimate. In fact, at the end of the article she says modern moral philosophy’s ability to entertain the suggestion that the judicial condemnation of the innocent might be morally right is her most basic complaint.\(^{37}\) Using the terminology of virtue, on the other hand, shows the procedure for what it is; for there is no light under which certain things can be called just, even though someone might argue they are right.

This brings us finally to the place of the first thesis, for to use the terminology of virtue requires an adequate understanding of the moral psychology of persons. The reason for this is

\(^{36}\) Ibid., 16.

\(^{37}\) Ibid., 19. She adds elsewhere, “But if someone really thinks, in advance, that it is open to question whether such an action as procuring the judicial execution of the innocent should be quite excluded from consideration—I do not want to argue with him; he shows a corrupt mind.” (17)
that the virtues are understood in terms of what is good for a person; or to put it another way, what contributes to *flourishing*. Consider again Anscombe’s example: In order to know a machine ought to be oiled one must know oil is good for a machine, and this is understood by reference to a *good* machine. That which is good for a thing is that which enables it to fulfill its function—that is, to be a good instance of its kind. Analogously, in order to know we ought to be honest, we must understand how this contributes to making us good:

> In present-day philosophy an explanation is required how an unjust man is a bad man, or an unjust action a bad one; to give such an explanation belongs to ethics; but it cannot even be begun until we are equipped with a sound philosophy of psychology.\(^{38}\)

An adequate philosophy of psychology, then, serves as a prerequisite to a modern deployment of Aristotelian ethics.

Such a deployment seems to Anscombe a very good idea. As she says, “It would be a great improvement if, instead of ‘morally wrong,’ one always named a genus such as ‘untruthful,’ ‘unchaste,’ ‘unjust.’”\(^{39}\) The reasons why should by now be obvious. She is centrally worried about two things: the obscure and confused nature of the modern way of talking about ethics among philosophers, and the erosion of moral clarity to which it leads. Aristotle’s ethics provide a way of addressing them both. On the one hand, the language of virtue is clear and free from any hazy ontological commitments. To say one ought to do something is to say it contributes to flourishing, a concept we can presumably spell out in relatively uncontroversial terms. On the other, the particular virtues, like “justice,” have a rich descriptive content that guarantees their attachment to certain objects. The judicial condemnation of the innocent *simply is* a paradigm case of injustice and to deny this is to make a mistake in one’s language. This

\(^{38}\) Ibid., 4, 5.

\(^{39}\) Ibid., 9.
allows us to cut out the middleman, so to speak: for modern moral philosophers, the evaluative term “morally wrong” attaches to some description (e.g. “the judicial condemnation of the innocent”) by way of whatever theory is currently in favor. The connection is therefore tenuous. In the case of injustice, however, the evaluative term is at the same time part of the description, leaving no room for them to come apart.

2.3 The Special Sense

We have now to take a more careful look at Anscombe’s account of the “special sense.”

She suggests we do without phrases like the “moral ought” and “moral obligation” in ethics: “It may be possible, if we are resolute, to discard the notion ‘morally ought,’ and simply return to the ordinary ‘ought’…” What exactly is Anscombe asking us to give up? Obviously, the issue is not really about the terms but the concepts standing behind them. What are the concepts modern moral philosophers find themselves appealing to in what Anscombe takes to be an unreflective and illegitimate way?

Unfortunately, her article is not altogether clear on this point. There are, however, two passages where she seems to state most directly what she has in mind. In the first, she says of the suspect terms (in contrast to the way Aristotle uses them):

But they have now acquired a special so-called “moral” sense—i.e. a sense in which they imply some absolute verdict (like one of guilty/not guilty on a man) on what is described in the ‘ought’ sentence used in certain types of context.

---

40 Anscombe is not the only philosopher to raise worries about this special sense of moral obligation. Bernard Williams agrees that, “Morality is distinguished by the special notion of obligation it uses, and by the significance it gives to it. It is this special notion that I shall call ‘moral obligation.’” He identifies this special sense of obligation with the ideas of inescapability and overridingness, which are analogous to the features Anscombe ascribes to it. Bernard Williams, Ethics and the Limits of Philosophy (Cambridge, MA: Harvard University Press, 1985), 174 and following. See also: Philippa Foot, “Morality as a System of Hypothetical Imperatives,” The Philosophical Review 81, no. 3 (July 1972): 305-316.


42 Ibid., 5.
In another place, she says they involve the idea of being bound, or that something is required in the same sense in which something can be required by law.43 Let’s consider each of these in turn.

What exactly is the meaning of an “absolute verdict”? If we think of the legal context, a verdict is announced by a jury or a judge. The task of the jury or judge is to assess the facts of the case and determine whether the defendant is innocent or guilty before the law. Once such a determination is made, the decision trumps or pre-empts the judgment of anyone else on the case. The court’s determination becomes the official resolution of the matter.

It is not clear what she has in mind here. She says ambiguously that the moral terms she is concerned with “imply” an absolute verdict. This could mean either that the person who uses such terms is issuing such a verdict or is simply reporting a verdict already made by someone else. In either case, notice that while a court issues a verdict of guilty or not guilty on a person, Anscombe is suggesting the moral ought points to a verdict of right or wrong on some action. But a general verdict upon some type of action amounts to the same thing as a law. Anscombe’s talk of “absolute verdicts” then appears simply an elliptical way of imputing a law-like quality to morality.

The other passage upon which I would like to focus draws this out more clearly:

The ordinary (and quite indispensable) terms “should,” “needs,” “ought,” “must”—acquired this special sense by being equated in the relevant contexts with “is obliged,” or “is bound,” or “is required to,” in the sense in which one can be obliged or bound by law, or something can be required by law.44

In order to understand what Anscombe is suggesting here we need to understand what it is to be bound or required by law. Strictly speaking, laws by themselves are not binding. If we

43 Ibid.
44 Anscombe, “Modern Moral Philosophy,” 5.
were to find laws written on a tablet in the desert unconnected to any living institution, they could not conceivably have any binding force upon us; something more is needed. It is, admittedly, difficult to say what that something more is. In any case, it seems the difference between dead laws and “living” ones is the presence of authority in some form. It is authority, residing either in the laws or behind them, which is able to bind us.

What exactly does authority consist in? Especially in the context of the state, it is often associated with the threat of punishment. We must not think, however, that authority consists merely in the ability to inflict sanctions. The mafia may impose sanctions on a storeowner if he refuses to pay “protection” money, but this does not mean they have authority over him. At the most, they have a certain amount of power over him. Someone who does have authority over others is able to create obligations and impose duties. To put it another way, authorities are able to make it the case that those under their authority are bound or required to do certain things. This binding and obligating is not on account of bare power; for authority—if it is actually recognized and respected as such on the part of its subjects—has no need for sanctions.

Those who recognize an authority treat its directives as sufficient reasons for action, without needing the extra motivation supplied by threats of punishment. However, since people are apt to rebel even against benevolent and justly instituted authorities, such authorities—if they are to keep order—must have the ability to punish. Nevertheless, it is the authority that makes the punishing legitimate, not the other way around. The aspect of the special sense Anscombe is

---

45 Anscombe hints at this by the way she refers to the special sense at one point—“A word retaining the suggestion of force...” (8)—and by her connection of obligation in its original context with reward and punishment. (19) This is not to say Anscombe holds the view that authority just consists in the ability to apply force (which Hobbes espouses), but she recognizes the connection.

46 Richard De George makes this point. See his: The Nature and Limits of Authority (Lawrence, KS: University Press of Kansas, 1985), 63.
referring to here, then, is not simply the implication of punishments to be dispensed upon
infractions of moral norms, but the presence of authority, which is able to require actions of us.

Closely bound up with the notion of law is the idea of universality. The laws of a state
tend to apply to all of its citizens. Likewise, if morality is comprised of laws, they will apply to
all those within its particular jurisdiction. No one, however, lies outside of the jurisdiction of
morality. It is an assumption of the kind of language Anscombe is considering that we share a
common moral code. When someone says to another, “That is morally wrong,” he does not
mean “morally wrong for me” but “morally wrong tout court.” That is to say, morally wrong for
anyone in the same circumstances. If morality consists of laws, we are all alike under their
jurisdiction.

The special sense, then, implies that morality consists of rules having a certain status:
they are requirements, or obligations, and as such we are all bound to follow them. If this is
indeed the implicit content of the “special sense,” then I imply certain things when I say, for
example, “It is morally wrong to murder.” I imply this claim represents a law that in some sense
comes from outside of me. In other words, the statement is a kind of report and not an
assertion of my feelings on the matter. I also imply the rule is authoritative, and hence that you
are required not to murder. This brings in its train the implication that there may be sanctions
for non-compliance. What makes such utterances problematic for modern moral philosophers
is that it is not clear either in virtue of what we are subject to such a rule or in what sense we are
required to abide by it. It is also far from clear what sanctions could be involved. It is in this way
that the terms seem to lack any content “except a certain compelling force” which Anscombe
calls “purely psychological.”

Perhaps an example is in order to illustrate the potential problems with the special sense. Suppose (to return to Anscombe’s central case) there is a judge considering whether to condemn a man for a crime he did not commit in the interests of keeping the peace. A utilitarian might say to him, “You ought to condemn the innocent man.” Imagine he replies, “I see that perhaps peace could be maintained by condemning this man and that it is likely that several deaths might occur if I do not—in short I see that utility is likely to be served by his condemnation. Nevertheless I do not think I should do it.” The utilitarian then rejoins, “But in these circumstances you have a moral obligation to condemn him.” This last statement is for Anscombe the fishy one, for in saying the judge has a moral obligation, the utilitarian seems to be saying something over and above the fact that the condemnation in question will result in the greatest utility.

What exactly is he adding? It is undeniable that the proclamation of a “moral obligation” has a certain force to it—it is “spoken with a special emphasis and special feeling”—yet it is not clear what accounts for it. The implication of the utilitarian’s remark is that the judge is required to condemn the innocent man. The judge may wonder, however, why he is required to condemn rather than acquit. The judge may wonder what is so important about utility that it would take precedence over what is manifestly unjust. It is, further, a matter of speculation what the consequences of the judge’s action will actually be and hence whether the recommended action is actually right. He may wonder further: required by whom? If the utilitarian cannot answer these questions, it is hard to escape the impression that he uses the phrase “moral duty” as nothing more than a rhetorical stamp of his foot. Indeed, this is all it can be, if

---

48 Ibid., 6.
Anscombe is right that the use of the moral terms with their special sense is only coherent in the context of a theory of divine law.

The ultimate result of the loss of a rationally defensible foundation for our moral language is some form of emotivism, where our use of terms like “moral duty” simply reveals what we feel about certain behaviors. Anscombe perceives a development like this all the way back in Hume, who also recognized the suspect nature of the “moral ought” and its cousins.\textsuperscript{49} Since he thought there could not be anything “out in the world” corresponding to “morally wrong,” no laws handed down by a lawgiver, he proposed the source of our morals was within. The language of morality, he concluded, is founded upon our sentiments and nothing more.

For Anscombe, the explanation of how ‘ought’ and like terms came to be saddled with a special sense can be found in history. Our particular moral heritage runs through a long period dominated by Christian thought during which a theistic law conception of ethics was prevalent.\textsuperscript{50} According to such a view, God is the authority who has made a determination of what actions are right and has also commanded them. There is more than one way this can happen, and in fact, the relationship between God and morality has been envisioned in two dominant ways. On the one hand are voluntarists, who argue God’s will is the source of the moral law. Not only do his commands make moral rules obligatory, but they create \textit{ex nihilo} the content of those rules at the same time. Thus, on this view it seems possible for God, by his mere commanding of it, to make cruelty and murder “morally right.” On the other hand are intellectualists, who identify God as the source of the obligatory nature of the moral law, but not of its content. The latter is determined independently by our nature, in Aristotelian fashion. Hence morality commands

\textsuperscript{49} Ibid., 6.

\textsuperscript{50} Ibid., 5.
what is anyway good and in accord with our nature, a thing that might be discovered through reason quite independently of revelation.

On either one of these views, the elements of the special sense identified above have a clear place and grounding. It is God who makes the moral law, since either His will is the ultimate source of it (for voluntarists) or He is at least the best able to judge what is in fact good for creatures with our nature (for intellectualists). It is also God in either case who makes the moral norms not suggestions but commands in virtue of his authority. If one of these two possible views about the relationship of God to morality is held, then it does make sense to speak of moral oughts since something actually stands behind the language. However, most modern moral philosophers do not hold such a picture and yet, as Anscombe delicately puts it, “manifest a detestable desire to retain the atmosphere of the term.”\(^{51}\) The result is the usage by modern philosophers of the “moral” ought with its suggestion of being bound as by a law. It is in order to avoid this that a return to Aristotle seems promising to Anscombe.

A large share of the work in Anscombe’s argument is done by a dichotomy she presents concerning a law view of ethics:

To have a law conception of ethics is to hold that what is needed for conformity with the virtues, failure in which is the mark of being bad qua man (and not merely, say, qua craftsman or logician)—that what is needed for this, is required by divine law. Naturally it is not possible to have such a conception unless you believe in God as a lawgiver; like Jews, Stoics, and Christians.\(^{52}\)

\(^{51}\) Ibid., 18.
\(^{52}\) Ibid., 6.
The dichotomy is this: either you take up a law view of ethics with a divine source, or a law view is not available to you at all. If this is true, then the modern moral philosophers Anscombe is concerned with have no choice but to abandon any semblance of a law view of ethics.

Yet there is reason to be skeptical of this dichotomy, and Anscombe furnishes it herself. For later on in the article she considers various possibilities of “retaining a law conception without a divine legislator,” and adds, “This search, I think, has some interest in it.”\(^53\) Here she seems to be modifying what she said earlier, which strongly suggests a *divine* law view is the only possible sort. As it happens, she surveys several candidates for such a non-divine law view. We may look for the source of moral law in the norms of society. Alternatively, perhaps the moral law can emanate from Kantian-style self-legislation. A third possibility is to look for laws of nature. Finally, she suggests, we may try to make contract the basis of a moral law. After quite brief consideration, she dismisses all of these as unworkable. The problem with them, however, is not that it is conceptually incoherent to have a non-divine law view of morality, but rather that she judges inadequate the groundings for moral law they put forward. The possibility remains, then, that modern moral philosophers can formulate a view according to which the special sense of moral terms—their pointing to law-like nature of morality—can be underwritten in some naturalistic way. Anscombe’s equating at one point of the way divine laws obligate with the way rules oblige in a game buttresses this thought.\(^54\) If these two kinds of obligation are really the same, can we not then see the moral norms of a society as the “rules” according to which we play the common game of life? If so, it is clearly possible to have a law view of ethics that is nevertheless not a *divine* one.

\(^{53}\) Ibid., 13.
\(^{54}\) Ibid., 18.
However it is grounded, the distinguishing mark of the special sense is its vision of morality as a system of law: moral rules express the things we are bound or required to do. As I have just argued, Anscombe herself implicitly admits that such a law view need not include a divine element. Thus, the definition of the view leaves as open questions both what establishes the content of moral norms and in virtue of what we are bound to follow them.  

2.4 The Special Sense and Modern Moral Philosophers

We have so far seen what Anscombe’s special sense is and the problem with employing it while at the same time having no clear idea about what underwrites its elements. I want now to lend credence to her complaint that philosophers actually err in this way by looking at some specific examples from the literature.

There has been some confusion over what exactly Anscombe means by a “special sense.” William Frankena, for example, doubts there is anyone who thinks the moral ought has a special sense. Instead, what he thinks mark the moral ought are the reasons grounding it. The issue here might be purely semantic, for in fact I think Anscombe would agree with what Frankena says: the moral ought seems to be (implicitly) appealing to special grounds to give it a certain weight. The problem is that the nature of these grounds remains quite obscure. What we are looking for, then, are philosophers who use ‘ought’ and related terms not with a meaning different from ordinary oughts, but in a way that seems to point to auxiliary reasons for doing

Roger Crisp has a similar interpretation of Anscombe’s law view of morality. It is “a sense of morality as something external to one’s self and its largely egocentric desires, putting constraints on one’s actions, these constraints to be understood as a kind of ‘law’. The divine law conception of ethics, then, is one early expression of the notion of a binding morality, a notion which can be expressed, as in Aristotle and secular modern philosophy, without reference to divine law.” Roger Crisp, “Does Modern Moral Philosophy Rest on a Mistake?” Modern Moral Philosophy, ed. Anthony O’Hear (New York: Cambridge University Press, 2004), 84-85.


For the moment, we will leave it undecided what exactly is meant by “weight” here. It could mean that the grounds implicitly appealed to are to be considered along with the other considerations present, simply helping to tip the balance in favor of the moral option. Alternatively, the idea could be that the grounds appealed to are special in that they preempt other kinds of considerations that would otherwise be relevant.
some action without being clear about what those reasons might be.\textsuperscript{58} In other words, when I say you ought to do some thing, I typically mean there are good reasons for you to do it. If you ask, I should be able to articulate what those reasons are. When I say you \textit{morally} ought to do something, I am appealing to the presence of a special kind of reason over and above whatever other reasons may recommend the action in question. A problem arises when I am not able to specify, if asked, what the nature of that special reason is.

Ironically, there are some fine examples of the sort of language about which Anscombe is worried within articles written in criticism of her paper. Perhaps the clearest of these can be found in a piece by E.J. Bond.\textsuperscript{59} He is trying to defend the use of deontic language in morality against the criticisms of both Anscombe and Foot.\textsuperscript{60} He seems to be using the “special sense” in the following way: After describing various prudential reasons for being honest, he concludes, “But they are not the only or even the principal reasons why a person ought not to lie, steal or cheat; for lying, stealing and cheating are \textit{morally wrong}.”\textsuperscript{61} Here the consideration that lying, stealing, and cheating are “morally wrong” is offered as the reason not to do them; yet what kind of a reason is this? Duncan Richter seems quite right to say, “If someone asks me why one should not cheat and I reply ‘Because it is wrong,’…I might as well say ‘Because you shouldn’t.’”\textsuperscript{62} At least Bond tells us what such a consideration is \textit{not} grounded in:

\textsuperscript{58} Anscombe puts it this way: “So if the divine law obliges not to commit injustice by forbidding injustice, it really does add something to the description ‘unjust’ to say there is an obligation not to do it. And it is because ‘morally wrong’ is the heir of this concept, but an heir that is cut off from the family of concepts from which it sprang, that ‘morally wrong’ \textit{both} goes beyond the mere factual description ‘unjust’ \textit{and} seems to have no discernable content except a certain compelling force, which I should call purely psychological.” Anscombe, “Modern Moral Philosophy,” 18.


\textsuperscript{60} His main points are that the move to virtue ethics will not allow Anscombe to maintain the judgment that the judicial condemnation of the innocent never ought to be done, and that the concept of moral obligation cannot logically rest upon divine commands.

\textsuperscript{61} Bond, “Moral Requirement,” 246.

The truth is that deontic reasons, unlike other reasons for acting, cannot be accounted for, either as explaining or as justifying reasons, in terms of contingent wants..., or private interest of any kind, no matter how constant, how long range, or how universally shared.\(^{63}\)

Nor is it grounded in any external sanctions or commanded by some authority.\(^{64}\) It is not obvious what is left to do the job, nor does Bond tell us. Nevertheless, moral principles are “binding” and they create “obligations”\(^{65}\)

We can discern similar problems in an article by Roger Crisp.\(^{66}\) In the context of criticizing Anscombe’s reading of Aristotle, he gives “being bound to hit a moral target but failing” as a paraphrase of “missing the moral mark.”\(^{67}\) Elsewhere he speaks of the things one is morally “required” and “permitted” to do.\(^{68}\) Anscombe would surely reply that while we know what it is to be bound, required, or permitted by a person or by the law, it is most unclear what these concepts mean outside of that context as Crisp employs them. Nor, to cite another author, is it clear what the law-like nature and force of morality, which can be “appreciated without any direct reference to the gods at all,” is supposed to consist in.\(^{69}\)

2.5 Conclusion

Examples like this can be found fairly frequently and bear out Anscombe’s point. There is something mysterious going on here. We need some way to give sense to moral oughts and moral obligations if we want to continue speaking this way. Lacking one, Anscombe is right to recommend moving on:

---

\(^{63}\) Ibid., 236.

\(^{64}\) Ibid., 234.

\(^{65}\) Ibid.


\(^{67}\) Ibid., 82.

\(^{68}\) Ibid.

I should judge that Hume and our present-day ethicists had done a considerable service by showing that no content could be found in the notion “morally ought”; if it were not that the latter philosophers try to find an alternative (very fishy) content and to retain the psychological force of the term. It would be most reasonable to drop it. It has no reasonable sense outside a law conception of ethics; they are not going to maintain such a conception; and you can do ethics without it, as is shown by the example of Aristotle.\(^{70}\)

As I have already said, the question I want to examine is whether Anscombe is correct to think the special authority we attribute to morality is unavailable without God. The first task I turn to is an exploration of the concept of authority, the features of morality associated with it, and the way the two are related. As we have seen, for Anscombe the special way modern moral philosophers use moral terminology seems to imply a picture of morality wherein it consists of universal laws binding on us all. Within a legal context, laws are the sort of thing that impose requirements upon us that apply to us whatever we happen to think about it. We do not have the power to excuse ourselves from them. Moreover, we usually have especially weighty reasons to pay attention to the laws inasmuch as the state provides penalties if we choose to ignore them. When it comes to morality, calling its directives “laws” is suggestive of these same things. They are requirements imposed upon us that we are not free to set aside, and that provide us with weighty reasons for doing as they direct. These two features of law, civil or moral, can be described as its inescapability and its overridingness. They describe, in fact, what it means for something to be law-like. The challenge Anscombe puts before us is to specify how morality can be law-like without the divine lawgiver. In the next chapter, we set the stage for taking up this challenge by carefully describing inescapability, overridingness, and authority.

\(^{70}\) Anscombe, “Modern Moral Philosophy,” 8.
3.1 Introduction

Anscombe’s article presents us with a complex problem. She is surely correct to argue that modern moral philosophers use certain moral terms with a special sense suggestive of a unique status supposed to attach to the norms of morality. The problem is how to understand this special sense. As we have seen, she thinks only God can give it meaning and hence as modern, secular philosophers we ought to try as much as possible to remove it from our language. If that option seems undesirable, then we are forced to give some account of this sense that vindicates it and yet does not rely upon theistic assumptions. Subsequent chapters are devoted to considering possible ways of doing this. Prior to this examination, it is necessary to have a very clear idea of the special status morality is supposed to have so we can recognize success in the event that we meet with it.

As we have seen, Anscombe does not give a completely perspicuous account of how she understands the special sense she charges modern moralists with invoking. Other philosophers, however, have also noticed this special sense and tried to be more precise in their descriptions of it. Taking what several of them have to say together, a relatively well-defined picture emerges.

One element of that picture is the thought that morality is in some sense inescapable. Perhaps the easiest way to understand this initially is as a negative notion. In contrast to other kinds of requirements, that are escapable, those of morality are not. Philippa Foot, in a famous essay about the nature of moral demands, introduces inescapability in this way. She draws the contrast in terms of Kant’s distinction between hypothetical and categorical imperatives. Hypothetical imperatives, in order to apply to an agent, depend upon the presence of some end

---

or desire in that agent. For example, *If you want to be respected, you ought to work hard* is a hypothetical imperative, applying only to the person who in fact wants to be respected. If this desire is not present in an agent, then she is not subject to the imperative. In this sense, hypothetical imperatives are *escapable*; one can get out from under them by simply lacking certain ends or desires. The application of categorical imperatives, on the other hand, is not contingent upon the desires of the agent to whom they apply. The imperatives of morality are supposed to be of this kind. Foot puts it this way:

> The use of “should” and “ought” in moral contexts is, however, quite different. When we say that a man should do something and intend a moral judgment we do not have to back up what we say by considerations about his interests or his desires; if no such connection can be found the “should” need not be withdrawn. It follows that the agent cannot rebut an assertion about what, morally speaking, he should do by showing that the action is not ancillary to his interests or desires.\(^72\)

The idea of inescapability then, is that the requirements of morality apply to an agent no matter his particular interests, desires, or ends. This way of thinking of the demands of morality has strong intuitive appeal as illustrated by an example used by Wittgenstein:\(^73\) If you are watching me play tennis terribly, you might say to me, “You know, you ought to hold your racquet differently.” If I said, “Actually, I do not want to play any better,” then you would drop your point. On the other hand, if you were watching me verbally abuse my opponent, you might say, “You know, you ought to be more kind to him.” If I replied, “Actually, I am not interested in treating people any better than I do,” your response would be different from the previous case. Even if you did not say so, you would no doubt think it does not matter what I

\(^{72}\) Ibid., 314.

am interested in, I *ought* to treat others better. You would think this because you thought of moral norms as *inescapable*. This way of understanding inescapability appears not only in Foot, but is echoed by other philosophers.\(^74\) We will examine it more fully after introducing the second aspect of the special sense of morality: overridingness.

Overridingness has to do with the deliberative weight moral considerations are supposed to have within practical reasoning. Here again there is a point of contrast. There are always various considerations we must weigh when deciding upon a course of action; some of these will be *moral* considerations, whereas others will be *non-moral*. In an example Darwall gives, he imagines a professor who has promised to grade a stack of papers and yet desires to spend a pleasant afternoon out of doors. In this case, there is a moral consideration—the fact that the professor made a promise to his students—as well as a non-moral one about his desire for recreation. To claim that morality is overriding is to say that moral considerations always trump non-moral ones.\(^75\) This is not to say moral considerations cannot be outweighed, but only that if they are, it must be by other moral considerations. The claim of overridingness, then, gives moral demands a special place in deliberation, such that it is always irrational to violate them knowingly (except in the case where one moral demand supercedes another).\(^76\)

I will follow these authors in claiming that when we refer to “the authority of morality” we generally have these two features in mind: its inescapability and its overridingness. It is important to be clear, however, what I intend by “morality.” I do not wish to suggest that all there is to morality is a set of requirements or rules. In practically any ethical view, rules will be


\(^76\) This is the way Samuel Scheffler defines overridingness. See *Human Morality*, 7.
an important part of what constitutes morality. Nevertheless, in addition to certain doctrines about what is obligatory or right, ethical views typically also involve a position on the good, and sometimes also on what kinds of character traits count as virtues. Though there is this breadth to the domain of morality, in what follows I am interested primarily in that segment of it that concerns rules. To put it in familiar terms, I am interested in the right and not the good. Inescapability and overridingness are not usually held to apply to the latter territory in the same way that they do to the first. The good attracts and is optional; the right compels and is mandatory. It is this special demandingness of the right that will be our focus. For the sake of brevity, I will continue simply to refer to this constrained region of morality as “morality,” though the reader should keep in mind this narrower meaning.

There are some terms related to this portion of morality that also appear regularly in the literature that I will not be discussing at any length. In particular, it may seem that some mention is required of the objectivity and universality of morality. It is a conceptual possibility, for example, that certain moral rules could inescapably apply only to members of a particular society and not others. The denial of this constitutes an endorsement of the universality of morality’s claims. Without going into further detail here, the reader should understand this endorsement of the universal scope of morality’s demands as part of the view being considered. As for objectivity, this notion is actually implicitly contained within that of inescapability. When philosophers claim that morality is objective they usually mean simply that its content is not up to the individual to whom it applies. Inescapability makes a very similar point by affirming that the norms of morality apply to an agent no matter what he happens to think or desire.

3.2 Inescapability

---

77 This is true, I would argue, even in a view like utilitarianism, which simply has one central rule: to maximize the good.
Drawing on various contemporary philosophers, I have suggested the inescapability of morality consists in its requirements applying to agents no matter their particular interests, desires, or ends. We need now to consider more fully what it means for a requirement to apply to an agent in this inescapable way.

Think first of a very ordinary, non-moral example. Suppose I park in a private lot whose only rule is: Do not back into your parking space. Does this rule apply to me? The obvious answer is “yes.” Because I have parked in the lot I am subject to its rules. Here applicability is understood in terms of an instance meeting certain criteria. The rule states that no cars in the lot are to back into their spaces. Since my car is in the lot, then my car is not to back into its space. If I chose not to park in the lot, the rule would not apply to me. There is thus just one applicability condition for this rule: that I park in the lot. To say that moral rules apply to me is at least to say I satisfy their applicability conditions, and to claim moral rules are inescapable is to suggest these conditions do not include my endorsing the rules, liking them, or being in any other particular mental state. It is especially important that the applicability conditions are met equally well by the virtuous, the vicious, and the indifferent.

Consider the moral rule: No one is permitted to steal. The applicability condition here is pretty general; it applies to you if you are a someone. In the case of the parking rule, it applied as long as I was on the lot in my car. When it comes to morality, inescapability means we are always “on the lot.” True, there may be cases of humans we tend to exempt from the demands of morality in whole or in part, as in the case of children or the mentally infirm. We will leave that complication aside, however, and say that moral requirements inescapably apply to all persons in the sense that everyone meets their applicability conditions.
There must be more to it, however, than the mere satisfaction of applicability conditions. To see why, consider another example. Suppose you were on an archaeological dig and uncovered an ancient set of laws inscribed on a stone. One of the laws read, “No person, whether native or foreign, is to do any work on the day of the king’s birth.” Does this law apply to you? It looks as though you do satisfy the applicability conditions—you are a person (no doubt a “foreign” one from the law’s point of view). Nevertheless, there is something strange about saying this law applies to you. Bernard Williams suggests that, “The fact that a law applies to someone always consists in more than a semantic relation; it is not merely that the person falls under some description contained in the law.” If not merely that, what is missing? Williams’ answer is that there must be someone to actually apply a law. In the case of civil laws, the state provides institutions to apply them; in the case of the parking lot, the rules will be applied by an attendant; and so on. In any instance where it makes sense to say a law or rule or requirement applies to a person, we must be able to point to some agency that actually applies it.

What about the case of rules like, “If you want peace you must prepare for war”? There are many instances like this we might call “rules of thumb” or “practical rules.” These sorts of rules do not appear to need someone to apply them; they just apply to a person who is in the situation to which they correspond. While this may be true, these are not the kind of rules with which we are here concerned. The rules of morality are not rules of thumb that tell you how to get long with others if you are into that sort of thing. Rather, as we have emphasized above, they are rules you must follow unconditionally. They are not suggestions or helpful pieces of advice, but requirements. As such, the point stands that they need in some way to be applied.

79 Ibid.
How do we understand this? What does it take for a rule to be applied? The most transparent cases are those outside of morality. We are quite familiar with what it means for a rule at school or work to be applied to us. It means that someone has promulgated the rule and stands ready to enforce it by various means. In the case of rules at school, enforcement can take the form of penalties to grades for infringement (or positive augmentation for compliance). At work, rules can be enforced by incentives having to do with pay or promotion. In some cases where we are subject to requirements, the mechanisms for enforcement are more subtle. We may be subject only to the pressures of criticism or social exclusion. In any case, with most ordinary kinds of requirements and rules, their being applied to us means that some person or group has applied them, and thus stands ready to hold us accountable to them.

As we move away from these kinds of instances towards those bordering on or occupying moral territory things become less clear. Suppose someone says he is required to serve his country in time of conflict. It may be that he means this in the straightforward way discussed above: there is a law to the effect that he must serve, attended by penalties in case he refuses. Let us stipulate, however, that there is no such law. Now what could he mean? Here I think there is room for more than one answer. He may, for one, be required in the sense that his community expects him to go and serve. Some of its members, perhaps his family, may even express this quite clearly. In a case like this, a community has its own particular ways of applying such a requirement. If he refuses to go he will be subject, at least, to the censorious looks and remarks of his neighbors. He may also encounter problems finding a job, a wife, etc. Even though these kinds of things are mild compared to the sanctions law can provide, they are a real and powerful influence upon behavior. It makes perfect sense to say the person in our example
was required to serve his country, and that this requirement was *applied* to him by his community.

Staying with this example, there is another way the requirement in question may be applied to the would-be soldier. It may be that the community has little influence on him, or that it is even *against* his serving. He may nevertheless feel required to go by more internal sources. It is important that we do not here imagine he simply *wants* to go; indeed, for the sake of clarity let us say he is quite reluctant to do so. Instead, the feeling he would describe is of *having to* or being *required to* go. We might describe this as a “requirement of reason,” the idea being that he has reasoned to the conclusion that he must go, and unless he is to defy reason he must comply. Alternatively, we may say he is required by his *conscience* to go. Harry Frankfurt uses the helpful terminology of *volitional necessity* to describe this phenomenon whereby an agent simply cannot bring himself to do other than he does.\(^80\) Frankfurt draws our attention to the example of Martin Luther, who famously declared, “Here I stand! I can do no other.” Luther had come to a conclusion in his mind which he was simply unable to shed.

We might think the requirements of morality are just this sort of thing. They apply to us because *we apply them to ourselves*. They spring not from external demands, but are the demands of our own conscience or reason. It is still the case that they must be applied, and that someone stands ready to hold us accountable to them. In this case, it is we ourselves, in the form of guilt, self-condemnation, and regret. There is an anecdote about Abraham Lincoln that illustrates this point. He is said to have stopped in the midst of a journey to assist some piglets who had gotten themselves stuck. When his companion expressed surprise at his level of compassion, Lincoln replied that he had only done it to avoid the reproaches of his conscience. Cases like

---

\(^{80}\) Harry Frankfurt, “The Importance of What We Care About,” in *The Importance of What We Care About* (New York: Cambridge University Press, 1988), 86.
this are common enough: agents feel themselves under requirements applied to them by their own consciences, to which their feelings hold them accountable. This sort of self-requirement has a prominent place in contemporary ethics. In particular, those whose theories descend from Kant often take from him the idea that we are self-legislators, applying to ourselves the demands of the moral law.

There is, finally, one other way to understand how the requirements of morality can be applied to us: God applies them. The first thing to come to mind in this connection is surely the image of judgment in the afterlife and the imposition of divine punishments and rewards. As we saw in the introduction, this connection of divine sanctions with the demands of morality is an old and common one. A nice example of this idea appears in the mouth of the Athenian in Plato’s *Laws*:

Neither you nor anyone else who has got into trouble will ever be able to run fast enough to boast that he has escaped this sentence—a sentence to which the judges have attached special importance, and which should take every possible care to avoid. Make yourself ever so small and hide in the depths of the earth, or soar high into the sky: this sentence will be ever at your heels, and either while you’re still alive on earth or after you’ve descended into Hades or been taken to some even more remote place, you’ll pay the proper penalty of your crimes.  

The Athenian has this confidence in the inevitability of the consequences of immorality because the gods, from whose gaze nothing escapes, stand ready to hold the immoral to account.

God can be the source of requirements, however, in less stark ways as well. In the case of Martin Luther, considered above, he would likely describe his stand as not just required by his

---

conscience but also by his God. This does not mean, however, that he is necessarily thinking of
divine punishments. Instead, which is more likely, he could be feeling the constraints of his
devotion: he is impelled by the positive consideration of divine approval. For Luther and those
like him, God has no need of recourse to threat of punishment in order to impose requirements;
the mere expression of his will is enough.

We have, then, several ways the requirements of morality can be applied: by others in
society, by reason, by the self, or by God. By some such agency the requirements of morality
must actually be applied to us if they are truly inescapable. Recall that inescapability just means
the requirements of morality apply to all persons no matter their particular interests, desires, or
ends. Anscombe’s contention is that none of these sources of requirement can really suffice for
the special authority we grant morality except God. We will be considering each one in turn to
determine whether she is right. One thing seems sure: the existence of moral requirements must
involve some kind of accountability, for consider what it would mean for there to be a
requirement without it: Imagine I claim it is required that I take a vow of poverty. You wonder
what requires this and we go through the list above. It is not required by society: no one is
asking, even indirectly, that I do it and no one will blame me if I do not; it is not required by
reason, for it even seems to me a most unreasonable thing to do; I do not require it of myself—
in fact, I definitely feel that I must not take such a vow and would regret it if I did; God does
not require it of me (let us suppose) nor will He be displeased if I refuse to take it. If all these
things are true, what possible sense can be given to the assertion that I am subject to such a
requirement? The most we can do is have recourse to the kind of bare applicability with which
we began. I may be subject to this requirement because I satisfy the criteria specified in some
rule written somewhere. As I argued above, however, this simply will not do for it fails to
explain the difference between “dead” rules and those that actually apply to us. The difference is that the latter are applied by one of the agencies discussed.

3.3 Overridingness

Darwall’s example of overridingness, which I discussed above, involved a professor who had a desire to enjoy the pleasant weather in conflict with a promise to grade papers. The overridingness of moral requirements means that the promise trumps the desire for a walk. This is not, of course, a claim about motivation; it is not saying moral reasons will always prove more powerful motivators than our other reasons, such that we always will feel most strongly moved to do the moral thing. This is obviously not the case. Overridingness is simply a claim about rationality. As Samuel Scheffler defines it, overridingness is “the claim that it can never be rational knowingly to do what morality forbids.”

As it stands, this definition is clearly too demanding. Imagine a person fully convinced through valid arguments that the demands of morality are actually an instinctual inheritance from our long-extinct biological forbears. Imagine also she thinks (as most people do) that a prohibition of cheating is one of the demands morality makes. Now if she finds herself in a situation where she can cheat (say, on an exam) without being caught and where no one is hurt by it, surely it would be rational for her to reason as follows: I know that morality requires me not to cheat just now. However, that is just my genes speaking. I may feel as though I ought not to cheat, but I know this is just a vestige from some earlier time in the history of life. Since I stand to benefit, and no one is hurt, I may cheat in this situation. If this does not sound convincing, imagine someone believing something even more extreme: that the rules of morality are just the creation of adults to keep us from having fun. If that is what someone really believes morality is, how could it be irrational

---

82 Scheffler, Human Morality, 52.
for him to violate its demands? Rationality is relative to the beliefs and information one actually has. In order, then, for morality’s demands to be overriding—that is, for it to always be irrational to knowingly violate them—everyone would have to subscribe to a view of morality that endowed its demands with this special weight. This sets the bar far too high. It ought to be possible that morality is overriding and that someone can act rationally in violating it due to a mistaken belief about what morality is.

This suggests that overridingness cannot be about what is rational but about what we have reason to do. Whatever the student we imagined above happens to believe about morality, there is some fact of the matter about what morality really is and hence about whether she has reason to abide by it. To make this distinction as clear as possible, consider this non-moral example: Suppose there was a door concealing a pit with spikes in the bottom, into which anyone opening the door must inevitably fall. In this case, there are overwhelmingly strong reasons not to open the door and walk through it. Barring some very fanciful story, every person has most reason not to open this door. This does not mean it could not be rational for a person to open the door and walk through it. Imagine you know nothing of what is truly behind the door and I convince you that inside lay vast treasures that are yours for the taking. You would be rational to go through the door even though you would not have most reason to do so. I actually think this concern for what we have reason to do is ultimately what Scheffler and others who discuss this issue have in mind. They seem to be speaking about the rationality of moral action under the assumption that the agents in question have full information about the nature and consequences of the actions they are contemplating. What would be rational for an agent under conditions of full information just is what an agent has reason to do. For the sake
of convenience, I will continue talking in terms of rationality, but this ought to be understood in the context of full information.

Scheffler contends that there are two obvious ways to try to support the claim of overridingness, which depend upon the two main views of rationality: the instrumental and prudential views. He claims, and in this I think he is clearly right, that overridingness cannot possibly be underwritten by the instrumental view. If rationality just consists in the satisfaction of present desires, then what morality requires of us will very often not be the rational thing to do.\(^83\) The prudential view, according to which the rational thing to do is that which serves our interests, is more promising. Think of the colloquialisms that reflect the thought (or maybe only the hope) that the moral thing is also the prudent thing: “Crime doesn’t pay,” “Honesty is the best policy,” and “Cheaters never win.” Might this thought be true?

It would be a difficult argument to make. This is troubling since it seems to leave us with the conclusion that sometimes it is rational to be immoral. Sidgwick, for example, was worried about what seemed to him an irresolvable conflict between the dictates of morality and those of self-interest.\(^84\) As he discussed the matter in *The Methods of Ethics*, he made the opposition between duty and happiness, assuming the latter to be the general end towards which our interests most incline.\(^85\) He makes an interesting three-fold distinction between the consequences of our actions that come to us through the law, through others in society, and through our own psychology. He finds that in none of these areas do the consequences of

---

83 Scheffler, *Human Morality*, 73.
84 In the preface to the 6th edition of *The Methods of Ethics* he says, “There was indeed a fundamental opposition between the individual’s interest and either morality [Utilitarianism or Intuitionism], which I could not solve by any method I had yet found trustworthy, without the assumption of the moral government of the world.” (1901; repr. University of Chicago Press, 1962), xx.
85 See *The Methods of Ethics*, book two, chapter five.
acting according to duty necessarily tend towards our happiness. Neither does acting against duty always undermine it.

Such reflections have driven some philosophers to try alternative routes. Philippa Foot, for one, is in agreement with the critics that morality does not necessarily line up with rationality understood in either the instrumental or prudential sense:

We therefore have fair and square on our hands the problem of rational action ‘in the tight corner’: the problem of the rationality of doing what morality enjoins where desire and long term self interest both speak on the other side.\(^{86}\)

Her strategy is to start with the conviction that “doing what morality enjoins” in such situations must be rational, for we all take it to be so. Instead of judging the moral action in the light of the standard views of rationality, then, she proposes to judge the standard views of rationality in the light of what we intuitively know to be rational moral action.\(^{87}\) Her solution is to propose a third standard of rationality according to which moral reasons have their own reason-giving force that is not reducible to either instrumental or prudential concerns.\(^{88}\)

Others, such as Sabina Lovibond and Rosalind Hursthouse, call upon hope to do some of the work of filling in the gap between prudence and morality. Even if it may seem sometimes as though the two conflict, or if we lack conclusive arguments to the contrary, nevertheless believing they coincide may be the proper attitude to take:

To view oneself and one’s fellow human beings as, by nature, battlegrounds between passion and reason, or self-interest and sociality (or an unholy combination of both), so that there is no hope of human beings’ living well, ever, however much theoretical and


\(^{87}\) Ibid., 5.

\(^{88}\) Ibid., 5-8.
practical rationality we exercise now and hope to pass on to future generations, is a counsel of despair...Keep hope alive.\textsuperscript{89}

Those are Hursthouse's words; Lovibond has something similar to say. She is concerned with certain absolute moral prohibitions, which she concedes circumstances may tempt us to overlook.\textsuperscript{90} It is a virtue to believe that however things may seem, there must be a way out of every problem without violating certain moral principles, or as she puts it, echoing Anscombe, doing the intrinsically unjust.\textsuperscript{91} In other words, there is always a way to be both moral and rational.

Interestingly, both Husrthouse and Lovibond refer to their notion of hope as a kind of secularized counterpart to the traditional Christian virtue.\textsuperscript{92} The theist, at least, has more readily discernable grounds for the hope that morality really guides us in a way consistent with our interests. She may accept, as Kant found it necessary to do, the moral governance of the universe. Or she may, as Anscombe suggests, rely on divine promises that doing right will be always to our benefit and doing wrong always to our detriment.\textsuperscript{93}

Whatever account one ultimately adopts to explain why moral considerations are overriding, it clearly must explain what it is about moral and immoral actions that makes it so important to engage in the first and avoid the second. Here we can discern a connection with the inescapability of morality. If moral considerations are supposed universally to have such great weight, they must apply universally—and this is one part of what inescapability means. Moreover, recall that inescapability also includes the thought that moral requirements are

\textsuperscript{89} Rosalind Hursthouse, \textit{On Virtue Ethics}, 265.
\textsuperscript{90} Sabina Lovibond, “Absolute Prohibitions without Divine Promises,” in \textit{Modern Moral Philosophy} 141-158. Her article is a response to Anscombe’s suggestion that absolute moral prohibitions seem to need the support of divine promises that all will work out for the good if the right is done.
\textsuperscript{91} Ibid., 150.
\textsuperscript{92} For Husthouse, see \textit{On Virtue Ethics}, 265; for Lovibond, see “Absolute Prohibitions without Divine Promises,” 157-158.
\textsuperscript{93} Anscombe, “Modern Moral Philosophy,” 19.
applied to us by some agency. As we saw, this can take various forms, but all of them could figure in a possible explanation of why moral considerations are overriding. Think again, for example, of the young man whose community requires him to serve his country. This requirement could be overriding if the community stands ready to make his life pleasant enough if he goes (or unpleasant enough should he refuse).

Inescapability is the more fundamental and less controversial of the two features of morality so far considered. It is more fundamental because it cannot be the case that all persons always have most reason to do the moral thing unless moral requirements actually apply to all persons. Moral requirements may be overriding for some particular individual without inescapability being true, but they cannot be overriding generally. Inescapability is also less controversial because it is in itself a much more modest claim. To see this, think of the analogy with the law: it would be much easier to argue that the laws of a society applied to all of its members no matter their particular interests, ends, or desires than to show that following the law was always what each citizen had most reason to do. For these reasons, inescapability will have a more central place in the rest of this project. This is not to say overridingness will not be mentioned, but only that it will play a more subsidiary role.

3.4 Authority

So why refer to inescapability and overridingness as jointly comprising the authority of morality? The terminology here is actually quite apt. The common experience of an authority is of someone who applies certain requirements to us and makes sure we have strong reasons to comply with them. Since morality seems to apply requirements to all of us in an inescapable way and with an overriding weight, it would seem to embody some form of authority. Obviously, to say that ‘morality’ has authority must be to speak somewhat loosely, for morality in this context
is not some agency that applies rules to us; it is the rules that are applied. What exactly it is that might act as the source of authority behind morality is the question that will occupy most of the coming chapters. In the remainder of this chapter we will consider more carefully the nature of authority so we have a clear framework for understanding its use in the arguments to come. It is not only within the context of morality that authority appears, and the following discussion of it will be correspondingly broad. Once the general account is on the table, I will then consider its specifically moral application.

Authority comes in two broad varieties. The first kind, theoretic authority, has to do with knowledge. This is the sense in which a biologist may be referred to as an authority in regards to animal taxonomy, for example. We call such persons authorities because we think their judgments on matters of fact within their areas of expertise are to be credited with more weight than those of non-experts. An authority’s judgment is to be preferred to my own on questions of what to believe. Imperative authority in contrast, has to do with action. The person who possesses it is empowered to tell others what to do. This is the kind we most readily associate with government officials, parents, and morality. I will consider it first.

The standard account of imperative authority in the literature is that given by Joseph Raz. He claims imperative authority is “essentially the power to require action.” The idea here is a normative one, so the power in question is not to force action but rather to make certain actions into duties. Authority, especially in the political realm, is often linked with sanctions, which can certainly be a way of forcing action. However, Raz alleges, “The exercise of coercive or any other form of power is no exercise of authority unless it includes an appeal for

---

95 Raz, The Morality of Freedom, 38.
96 Ibid., 28.
compliance by the person(s) subject to the authority…But appeal to compliance makes sense precisely because it is an invocation of the duty to obey.”97 Thus, a thief does not exercise authority over me if he robs me at gunpoint. An authority does not necessarily apply force, but it does impose duties. More formally, Raz says that to accept the authority of Y is to accept arguments like this one:

Y has authority;

Y decreed that X is to do A;

Therefore, X ought to do A.98

The important thing to note about this example is that X ought to do A because Y has so decreed. This is in contrast to thinking the reason why X ought to do A is because Y has so decreed and this is an indicator that X has antecedently strong reason to do A. It may well be the case that X does have such reason, but the essence of authority is that the command creates a new reason upon which the subject ought to act that replaces whatever other reasons were present before the command was given.

Raz calls this the “preemptive” feature of authority and uses the example of an arbitrator to illustrate it.99 When people submit a dispute to an arbitrator, they give her the authority to settle it and thus to decide what is to be done. People go to an arbitrator in disputes because they distrust their opponent’s ability (or their own, or both) to be impartial enough to make a fair judgment. As a result, the arbitrator is empowered to determine what seems right based upon all the reasons that apply to both parties. The determination of the arbitrator about what to do is a new reason for action, which replaces those the parties originally had. It is not as

98 Ibid., 28.
99 Ibid., 41.
though the decision of the arbitrator simply added one more reason to be weighed in deciding what to do; instead, it is intended to be the summation of the original reasons and thus to take their place. When I submit my case for arbitration, I agree to allow the arbitrator’s judgment to pre-empt my own. Raz puts it this way:

> They handed over to him the task of evaluating those reasons. If they do not then deny them as possible bases for their own action they defeat the very point and purpose of the arbitration. The only proper way to acknowledge the arbitrator’s authority is to take it to be a reason for action which replaces the reasons on the basis of which he was meant to decide.\(^ {100} \)

Raz understands imperative authority, then, as a power to require action on the part of others. The nature of these requirements is such that they give the one commanded reasons which preempt other reasons the agent might have. Since Raz’s account of authority focuses upon its justification he spends little time on the mere description of authority and instead moves quickly to a consideration of the kinds of criteria an instance of authority must meet if we are to regard it as legitimate. That portion of his story we will return to later once we have a better picture in hand of authority itself.

The second kind of authority I mentioned above is theoretic. If imperative authority consists in issuing directives concerning what individuals are to do, theoretic authority is exercised in telling people what is true. The best way to understand theoretic authority is in relation to its function. In brief, such an authority directs the agent as to what there is most reason to believe, in situations where the agent is unable or unlikely to discover the truth on his own. As a practical matter, we all have need of theoretic authorities. In fact, most of the things

\(^ {100} \) Ibid., 42.
we would claim to know are based upon the statements of such authorities.\footnote{In his article “Epistemic Dependence,” John Hardwig emphasizes this point and explains how we can be justified in holding a belief based upon the authority of another. (The Journal of Philosophy 82, no. 7 (July 1985): 335-349.} There are many things each of us needs to know which we lack both the time and expertise to discover for ourselves through direct research. This explains the need for and the place of theoretic authority.

It might seem at first, given the descriptions of these two kinds of authority, that only the imperative kind is relevant to a discussion of morality. After all, I have been emphasizing all along that morality presents itself as making demands upon our behavior, and this is clearly the sort of thing imperative authorities do. Yet we also have in morality an epistemic problem that calls for authority of a different kind. If we think the demands of morality are important and that we ought to pay attention to them, it will be important to know what those demands are. For this knowledge we all inevitably rely on some source or sources of theoretic authority.\footnote{Gerald Dworkin argues in “Moral Autonomy” that the modern ideal of autonomy in this area is largely a fantasy. When we think carefully about the sources of the moral principles we subscribe to, we cannot help noticing how large a role authorities of various kinds play. (The article can be found in: The Roots of Ethics: Science, Religion, and Values, ed. Daniel Callahan, H. Trstram Engelhardt, Jr. (New York: Plenum Press, 1976), 29-44.}

We begin by learning of morality from our parents and the society around us. Later we may reevaluate the norms we have accepted in an effort to decide what morality really requires of us, but even in this we are not completely autonomous. We have no choice but to rely on some norms as foundational and examine the others we hold in the light of them. At least some of these foundational norms must be held on the testimony of authority, whether it be of our parents, our priest, intuition, reflection, or conscience. Theoretic authority is relevant, then, and being aware of its presence and role will help us avoid confusion. It is, for example, ambiguous to say, “The final authority is one’s conscience.” Is this authority in an imperative sense, a theoretic one, or perhaps both? Moving forward, our focus will indeed be upon imperative
authority, but it is important to keep the theoretic in mind both for its very real role in morality and also so that we do not find ourselves confusing it later with imperative authority.

3.5 Justification of Authority

What does it mean for an authority to be justified? Raz attempts to understand the criteria of justification by beginning with an understanding of the function of imperative authority. Roughly speaking, he holds an authority is justified if it is performing its intended role. This is a familiar way of justifying institutions of various kinds. A particular speed limit, for example, is justified if it in fact accomplishes what its purpose is—which may be to reduce traffic fatalities. So, then, what is the role of imperative authority?

Raz summarizes its role this way: “The whole point and purpose of authorities…is to pre-empt individual judgment on the merits of a case…” In other words, an authority directs me to do a certain thing, regardless of what I may think about the course of action mandated. This is only part of the story, however, for it is important to know what purpose this pre-emption is serving. The specifics will depend upon the circumstances since there are many kinds and instances of authority, but in general the idea is that an authority pre-empts the individual’s judgment because that judgment is unable or unlikely to be sound. Parental authority is the clearest example of this role: When very young, children are unable to form judgments about the thing to do; when a little older, such judgments as they are capable of on important matters are unlikely to be sound. Because of this, the parent’s role is to pre-empt the judgment of the child when necessary in favor of what is truly in the child’s best interests.

---

103 This is the same way Anscombe understands the justification of at least political authority. See: Elizabeth Anscombe, “On the Source of the Authority of the State,” in Authority, ed. Joseph Raz (New York: New York University Press, 1990), 147.
104 Ibid., 47-48.
Another situation calling for authority does not necessarily involve the soundness of judgment, but rather the lack of power on the part of the individual to bring about certain desirable results. This is true, most importantly, in contexts requiring coordination. Traffic laws (at least some of them) provide an example of the application of authority to establish conventions allowing drivers to share the roads in an orderly and efficient manner. Even though individuals are perfectly capable of appreciating the need for such conventions, it requires authority to establish and enforce them.

Based upon this understanding of imperative authority, Raz formulates two theses that specify criteria a legitimate instance of such authority must meet: The dependence and normal justification theses. The dependence thesis is the claim that an authority’s commands should try to direct an agent in the way the reasons that apply to that agent indicate. For example, an air traffic controller issues authoritative directives to pilots about what they should do in a way consistent with what those pilots have reason to do—land safely. This follows from the reason for having an authority in the first place: to pre-empt an individual’s judgment when it seems likely to lead him astray. In a qualified sense, then, authority is exercised for the sake of those subject to it. The qualification is this: Raz is not saying authorities must act in the interests of those subject to them, but upon the reasons that apply to them. These can conflict, as in an example Raz uses: Soldiers have reason to put the interests of their country above their own, which means a commander does not necessarily violate the dependence thesis by ordering them to do something that exposes them to the threat of death.\(^\text{105}\) Since authority has a purpose, and that purpose is to remedy situations in which individuals are not able or not likely to assess

\(^{105}\) Ibid., 48.
correctly the reasons that apply to them, authority’s directives must depend upon just those reasons.

Not only must an imperative authority, in order to be justified, issue commands that depend upon the reasons antecedently applying to its subjects; these commands must successfully point the agent in the same direction the reasons themselves do. This requirement is the normal justification thesis:

[The normal way to establish that a person has authority over another person involves showing that the alleged subject is likely better to comply with reasons which apply to him (other than the alleged authoritative directives) if he accepts the directives of the alleged authority as authoritatively binding and tries to follow them, rather than by trying to follow the reasons which apply to him directly.]

106

He calls this “normal” because it is not the only way to justify an authority. Raz suggests an arrangement where grown children continue to accept the authority of their parents in certain respects may be justified because it avoids hurt feelings and is otherwise harmless.107 In most cases, however, authority is justified if it actually accomplishes its purpose. Indeed, we could say this is the proper way for justification to be established.108

As Raz himself notes, however, the satisfaction of the dependence and normal justification theses do not by themselves automatically yield a justified authority. He suggests claims to legitimate authority must be weighed against things like the value of personal autonomy. Thus, while I may in fact better comply with the reasons that apply to me by following your directions as to how to live, it is important for me to make my own decisions

106 Ibid., 53.
107 Ibid., 54.
108 Raz claims the use of ‘normal’ here is normative, not descriptive. See page 54.
about certain aspects of my life. Or so Raz argues. In fact, I do not think this is obviously correct. If we had an authority of infinite wisdom and foresight who was able to tell us always what would be in our best interests, would it really be better sometimes to make our own determination about what to do? In any case, on one level personal autonomy is unavoidable. We are, as Sartre put it, doomed to be free and must always decide what to do, even if it is to do what someone else commands us. Nevertheless, it does seem to be the case that we do not regard someone as a legitimate authority simply on the strength of satisfying both the dependence and normal justification theses. While these are necessary, they are not sufficient.

What more is needed is a difficult question. Raz points out that unless a person claims authority and is actually regarded as legitimate by a certain number of people she is unlikely to satisfy the normal justification thesis. Coordination problems give us one reason to think this. Only someone able to get a large number of people to follow her orders is able to solve them. Thus it seems someone must be established in a position of authority before she can really exercise legitimate authority.

There must, then, be some process by which authority is delegated or bestowed upon a person or body. As an example, judges within our country are granted authority—they do not simply step forward and claim it. There is a process (either election or appointment) through which their authority is assigned. We recognize them as justified authorities (when we do) in large part because they are granted their authority by an institution (the state) we regard as legitimate. Consent is surely an important part of the justification of certain authorities. For instance, the reason a lieutenant has authority over a private and not over me is because the

\[\text{Ibid., 57.}\]
private has, in a volunteer army like ours, consented to place himself under the authority of his commanders.

Consent is not, however, always necessary. A paradigm case of justified imperative authority is that of parents over children. Here consent is certainly not given nor thought necessary. Notice that in this case, however, the authority must still meet the requirements of the dependence and normal justification theses in order to be thought justified. I will say, then, that these theses present us with a minimum requirement a justified authority must meet. It is, moreover, not arbitrary that certain adults come to occupy positions of parental authority over certain other children. Biology supplies us in this instance with a generally recognized process by which such authority is bestowed.

All of this above concerns imperative authority. I ought now to say something about how the other sort of authority we looked at is justified. Theoretic authority will be justified in a manner analogous to the practical. We begin with its function, which seems to be to fill a ubiquitous practical need. We all have need of much knowledge that we are not able to acquire directly on our own. This can range from scientific matters (the distance of the earth from the sun) to quite practical ones (how to properly bake a soufflé). When we consider our limitations of both time and expertise, it is clear we must rely on the authority of others for most of what we accept to be true. Given this function, theoretic authority is justified if (to paraphrase Raz) the agent is better able to form true beliefs by taking the statements of the alleged authority as authoritative and therefore believing them.

Though there are similarities between the two types of authority, it is important to keep in view a difference to which I have already referred. Raz describes imperative authority as the ability to require action and this suggests the things commanded by a practical authority are not
optional, which is of course why it makes sense to call them commands. Especially in the case of political authorities, persons wielding practical authority typically have the power to force us to comply with their commands if their authority alone proves insufficient. Theoretic authorities do not seem to possess this imperative quality. Indeed, the forcing of people to believe certain things is regarded the hallmark of the oppressive abuse of governmental powers. If the directives of imperative authority are categorical, then those of theoretic seem instead to be hypothetical: I am bound to listen to the theoretical authority only if I am interested in the area of his expertise or in having true beliefs.

Suppose, for example, that Tim is an expert golfer and so constitutes a theoretic authority in that area. It does not follow that I need to listen to anything Tim says, unless I, too, want to be an expert golfer and decide to submit my judgment to his in respect to my game. It is also the case that there are plenty of authorities on golf besides Tim, and if I want to become a better golfer I may choose which one I want to listen to. Even when I do submit to the competence authority of a golf instructor, I may decline to listen to him at any point if I so desire. Contrast all this with parental authority, which is a paradigm case of the imperative variety. We do not choose our parents, nor—as children—decide to place ourselves under their authority. We are under it whether we will or no. Moreover, we are not at liberty to select different parents nor to selectively choose which imperatives we will allow to bind us. It is true that we may rebel against imperative authorities and refuse to listen to their directives, but it is usually thought a valid imperative authority is then justified in imposing sanctions of some kind. In this respect, too, theoretic authority is different. My golf instructor is not going to impose sanctions if I refuse to follow his advice on some particular, nor would he be justified to try.
This difference makes room for another way of talking about the justification of authorities, upon which Richard De George focuses.\textsuperscript{110} If we are free to adopt as theoretic authorities whomever we wish, then it makes sense to talk about whom we are justified in taking as an authority. It is not very controversial to think we are responsible for who we decide to listen to. De George argues that I am justified in taking X to be a theoretic authority—and hence believing what she says—if the following four things are true: 1) X must have knowledge of the domain in which I take her to be an authority (for example, in chemistry). 2) I must have good reason to believe that X has such knowledge. 3) The beliefs which I accept based upon X’s authority must be properly within the domain of her expertise, or at least relevantly related to it. 4) I must have good reason to believe that X is telling the truth.\textsuperscript{111}

As certain events in modern history have made clear (Nazi Germany comes to mind), we do also expect people to be responsible for whom they accept as an imperative authority. As a result, we can also ask in this context whether we are justified in accepting a particular imperative authority. The answer is agent-relative. I can be justified in accepting someone as a legitimate imperative authority even though she is in fact not legitimate. Certainly, we are justified in accepting imperative authorities that, as far as we are able to determine, satisfy the criteria given above for legitimate authorities. Whether there are other cases is a question I will not enter into. I do, however, want to point out an important difference between imperative and other kinds of authority in respect to our acceptance of them. If one decides not to accept an imperative authority to which one is subject, that authority is usually able to use force to secure compliance or at least impose penalties. Thus, the rejection of an imperative authority carries with it the risk of retaliation. The rejection of the other kinds (except perhaps in extreme


\textsuperscript{111} Ibid., 35,36.
circumstances) does not. Imperative authorities have a claim—whether it is legitimate or not is another matter—upon our obedience that theoretic authorities lack.

3.6 Authority and Morality

It is now time to return to the topic with which this chapter began: the authority of morality. I said the terms most often used to describe it are inescapability and overridingness. It is now time to spell out clearly what each of these has to do with authority. The easiest way to proceed is to begin with a context more familiar than the moral one, so I will first consider how these terms could be connected to authority in the realm of law.

The laws of a place are partly comprised of imperatives directing citizens to do or refrain from doing certain things. Laws are also typically backed up by sanctions, such that violators of them are susceptible to penalties of one kind or another. To the extent the state enforces its laws, they will be more or less inescapable. In this context, the inescapability is not likely ever to be complete, but nevertheless the presence of penalties and mechanisms to enforce them brings it about that citizens are under the laws independently of their interests, desires, and ends. In the legal context, then, authorities make the laws inescapable by applying them to all citizens, which amounts to holding all citizens accountable to them.

Overridingness relates to authority in two different ways. On the one hand, it is part of the very nature of authoritative directives that they claim to override the private judgment of individuals as to what there is reason to do. Raz makes it part of his definition of imperative authority that its directives function as preemptive reasons. To accept an authority just is to accept its imperatives as definitive of what there is most reason to do in the situation. On the other hand, authorities try to make it the case that their directives are overriding even for those who do not accept them. This is the role sanctions play. They are intended to be sufficiently severe,
and inescapably applied, such that citizens always have most reason to obey the law in the face of them.

The inescapability and overridingness of the law, to the extent they obtain, are the result of authority. Without some authority, the laws are impotent, being neither inescapable nor overriding. Anscombe’s point is that this very same picture is behind our notions of inescapability and overridingness in morality as well (though this terminology is not hers). It is clear enough how this would look according to the once-dominant theological view. God is the authority who makes the moral law inescapable through his application of rewards and punishments. This is of course a literal inescapability since God does not suffer from the limitations of time and resources faced by civil authorities. God’s commands also are preemptive and for the pious represent what there is most reason to do. The nature of the punishments threatened and rewards promised bring it about that God’s commands are also overriding for the rebellious, for it could never be rational to violate them given the guaranteed results.

The question for us is whether something other than this picture can adequately capture the features in which we are interested. There seem to me two main strategies we could try. First, we might suspect that the connection between the two features and authority is not as tight as I have made it out to be. We could see if the features can be sustained without recourse to an authority of any kind. Anscombe suggests we go back to Aristotle, whose ethics are free from the special sense and its background assumptions about the law view of morality and its place for authority. Accordingly, virtue ethics is a good test case for whether our two features can be maintained without authority. This question will be considered in the next chapter.
The second strategy is to retain a place for authority, but posit a non-divine source for it. There are three possibilities I will consider: The source of authority is in *reason*, or it is in the *self*, or it is to be found in *other persons*. The first option I take up in chapter five. This is the thought that reason somehow requires morality of us. The second option is the subject of chapter six. I will examine Korsgaard’s account of normativity wherein she derives the authority of morality from the commands the agent gives to herself. Finally, chapter seven will consider the idea that society may be appealed to as the source of authority behind inescapability and overridingness.

In the examination of all of these approaches, we will be looking for an account that can explain how morality in part consists of *requirements* that are *inescapable* and provide us with reasons that are so weighty they *override* non-moral considerations. None of these strategies is ultimately able to give such an account. In the final chapter, I will sketch an account of divine command ethics that can do so. I will not deploy a full-scale defense of this view, but only try to show it is a possible alternative by addressing some of the most common objections to it. We will finally be left with a choice between pursuing some form of theistic ethics and abandoning inescapability and overridingness as definitive features of morality.
CHAPTER 4. DOING WITHOUT AUTHORITY

4.1 Introduction

So far, the discussion has centered upon what Anscombe calls the “law view” of morality and the puzzles associated with it. The law view attributes to morality a special authority, such that all are alike accountable to its requirements and given weighty reasons to comply with them. The name is fitting inasmuch as the ordinary laws with which we are familiar exhibit these same qualities, though in most instances to a lesser degree. The puzzles arise from the attempt to explain how morality could be like this. Who or what is requiring these things of us? How are they applied to all universally? How do they ground powerful reasons for action? The most difficult part of the law view to sustain is its claim of inescapability, the notion that the moral law applies to you no matter your particular ends, desires, or interests. That is to say, in Kant’s terminology, that its requirements are categorical, not hypothetical.

The reason for the difficulty is this: the ordinary way categorical imperatives are created runs into problems when applied to morality. That ordinary way is through commands. As Hobbes puts it, “Command is, where a man saith, do this, or do not this, without expecting other reason than the Will of him that says it.” This is in contrast to how he understands counsel: “Counsel, is where a man saith, do, or do not this, and deduceth his reasons from the benefit that arriveth by it to him to whom he saith it.”112 This contrast is that between the categorical and the hypothetical. The person who gives a command does not appeal to the interests of the one commanded; the person who gives advice or counsel does. In other words, the one who commands says, do this, and does not mean to appeal to the interests, desires, or ends of the one commanded. In the realm of morality, this source of categorical imperatives has problems. The

112 Thomas Hobbes, Leviathan, part 2, chapter 25.
traditional way of conceiving the law view has these commands coming from God. As Anscombe points out, however, this is not a live option for many contemporary philosophers. Thus, if they want to explain the categorical nature of moral requirements in terms of their being commands, they have to find another plausible commander.

This furnishes incentive to give up on the whole idea of morality’s requirements being anything like commands coming from some authority. We might wonder: cannot there be requirements both inescapable and overriding that arise in some quite different way? That is one question this chapter sets out to address, to which the answer, I shall argue, is ‘no’. This, in turn, might drive someone to abandon the idea that morality consists of anything either inescapable or overriding—or to put it differently, morality has no special authority—but is instead a much more modest affair. Trying to make clear exactly what this would mean and why it is not a very attractive alternative is the other aim of the present chapter.

Virtue ethics will serve as the context for a discussion of both these central issues. It is the view to which Anscombe suggested modern moral philosophers move in an effort to conduct their trade in a way free from the taint of the law view. This taint lies heavy upon those views that are deontological in nature. By this term I intend to encompass both what are usually called deontological theories, such as Kantianism, and the various standard forms of consequentialism. Despite their differences, both types of theory are predominantly about right action. Terms like ‘duty,’ ‘obligation,’ ‘moral requirement,’ etc., are frequently encountered in them both. These are all the terms associated with the law view of morality, and it is to a view that clearly sets itself apart from all this that we should look for a way of understanding requirements that does not involve authorities or their commands. Virtue ethics is an approach that stands apart in just this way, as it focuses not upon right action, but virtuous character.
As already revealed, I will be arguing that virtue ethics does not succeed as an alternative route to inescapable and overriding requirements. In its capacity as a failure, it provides an example of what a “more modest” view of morality would look like. Thus it will serve as a useful reference point when we approach the second part of this chapter concerning the shape of morality without authority. Anscombe gives little attention in “Modern Moral Philosophy” to what this shape might be. As we will see, doing so makes following her suggestion to return to Aristotle a more difficult choice.

The particular version of virtue ethics we will consider is that developed by Rosalind Hursthouse. The reason for selecting her over Aristotle is twofold. For one thing, her theory is free of Aristotle’s “metaphysical biology” and thus shows us what we can build on the kind of naturalistic foundations modern philosophers could accept. Furthermore, Hursthouse is sensitive to the issues raised in this dissertation in a way Aristotle was not, making what she has to say more directly relevant. We begin with her account of what determines which traits count as virtues, since it is in this discussion that the normative status of virtue arises.

4.2 Hursthouse and the Normative Status of Virtue

The problem Hursthouse sets herself in the closing chapters of On Virtue Ethics is this: can we arrive at an objectively correct answer about which traits are the virtues?\(^{113}\) This is highly desirable if virtue ethics is to be a competitor with other theories like deontology and consequentialism, which purport to be able to offer guidance about what we ought to do. Hursthouse has an account of right action in virtue ethical terms, but if it is to be of any use at all there must be some way of identifying specific traits as virtues.\(^{114}\)

\(^{113}\) Rosalind Hursthouse, On Virtue Ethics (New York: Oxford University Press, 1999), 164.

\(^{114}\) Ibid.
She thinks we can give the kind of answer required by relying on a conception of human flourishing. In this respect, her theory takes its lead from Aristotle.\textsuperscript{115} Her approach is to specify three criteria any trait hoping to qualify as a virtue must satisfy:

1) The virtues benefit their possessor. (They enable her to flourish, to be, and live a life that is, \textit{eudaimon}.)

2) The virtues make their possessor a good human being. (Human beings need the virtues in order to live well, to flourish \textit{as} human beings, to live a characteristically good, \textit{eudaimon}, human life.)

3) The above two features of the virtues are interrelated.\textsuperscript{116}

She uses the example of honesty, which appears on any standard list of virtues, as an example of a trait that illustrates the intuitive appeal of these three criteria.\textsuperscript{117} As far as 1) is concerned, surely a policy of honesty makes our lives easier, given those tangled webs issuing from dishonesty. Moreover, she points out, many of the things we tend to value most, such as relationships, are impossible without a high degree of honesty. The connection with the second criterion is pretty clear: it is not just I who find relationships, and therefore honesty, important. Humans in general value these things, and trusting, open, relationships are in part constitutive of what most would consider a good life. The final criterion emphasizes that the value of virtuous traits under both 1) and 2) is not a coincidence. The sort of things that make life go better as a human are the same things that tend to make \textit{my} life go better, and vice versa.

Her argument for premise one proceeds by trying to show that the standard list of virtues ("temperance, courage, generosity, honesty, justice, etc."\textsuperscript{118}) includes traits that indeed

\textsuperscript{115} See the \textit{Nicomachean Ethics}, 1.7.
\textsuperscript{116} Ibid., 167.
\textsuperscript{117} Ibid., 168.
\textsuperscript{118} Ibid., 208.
tend to benefit their possessor.\textsuperscript{119} The case for this, it turns out, is not too difficult to make since she sets herself an appropriately modest bar. She does not, after all, try to persuade us that the standard virtues \textit{always} benefit their possessor.\textsuperscript{120} She also emphasizes two points on which we should be clear in approaching this topic. First, the question about whether certain traits benefit their possessor is ambiguous, for we could want to know whether every instance of action in accordance with the trait benefits its possessor, or instead a life lived in general accord with the trait does so.\textsuperscript{121} Second, in the light of the fact that she is not out to show an infallible connection between the virtues and benefit, pointing out an example of a vicious person living a full and contented life is not an objection. In order to cast doubt on a particular virtue her opponent would have to show a pattern of that trait not benefiting its possessors and its opposite doing so.\textsuperscript{122} She compares the list of virtues to the advice of a doctor:

Logically, [the existence of the vicious who flourish] no more impugns the correctness of ‘The virtues benefit their possessor’ than the existence of the few centenarians who have regularly smoked and consumed remarkable quantities of alcohol impugns the correctness of my doctor’s saying, ‘A regimen of not smoking, moderate alcohol intake, regular exercise, etc. benefits those who follow it.’\textsuperscript{123}

\textsuperscript{119} She acknowledges that what counts as a “benefit” for a person is colored somewhat by his or her state of character. Having the opportunity to serve the poor might look like a benefit for the saintly but a liability for the self-absorbed. This diversity is not absolute, however, for there is a large area of overlap. For both virtuous and vicious alike, food and clothing count as benefits as the loss of a limb counts as a loss. Nevertheless, such diversity as there is means that her account will not appeal to all comers, and so she takes herself to be addressing those already at least somewhat attracted to the virtuous life. (See chapter 8.)

\textsuperscript{120} Ibid., 172.
\textsuperscript{121} Ibid., 171.
\textsuperscript{122} Ibid., 173.
\textsuperscript{123} Ibid., 173-174.
She admits extreme cases where having the virtues may actually harm, rather than benefit, those who have them.\textsuperscript{124} Nevertheless, under ordinary circumstances, she is confident the standard list of virtues fulfills the first criterion.

Her argument for the second is much more complex, but a simple overview of it will suffice for present purposes. It is strongly reminiscent of Aristotle, for she comes at what a good human life is like by considering what it is humans characteristically do. Also like Aristotle, she begins by thinking about plants.\textsuperscript{125} She says a good plant moves in a way typical of its kind towards its natural ends, of which there are two: 1) Individual survival and 2) species survival.\textsuperscript{126} Animals have an additional two ends: 3) “Characteristic freedom from pain and characteristic pleasure or enjoyment,” and 4) “The good functioning of the social group.”\textsuperscript{127} The natural ends of humans are the same, though our characteristic doings are more complicated because of the addition of reason, understood as our capacity to reflect and act for reasons. Moreover, she wants to focus attention not on flourishing in a physical sense, but in respect to those aspects of us not shared by the lower animals.\textsuperscript{128} But it remains true, for humans as much as for plants and animals, that “the criteria of goodness in human beings must be related to what human beings are and/or do, as such.”\textsuperscript{129} Rational social animals are what we are.

What we do is another matter. The problem Hursthouse encounters is that it is much harder to specify the characteristic way of going on in humans than in other cases. Animals and plants (within a particular species) do the things they do predictably and ubiquitously. With humans it is otherwise because, through reflection, we see that we can always do things

\textsuperscript{124} Ibid., 176-177.
\textsuperscript{125} See again the section of the Ethics mentioned above. Aristotle is trying to decide what the characteristic function of a human is, and so begins by excluding the behaviors we share in common with plants.
\textsuperscript{126} Hursthouse, On Virtue Ethics, 198.
\textsuperscript{127} Ibid., 199.
\textsuperscript{128} Ibid., 207.
\textsuperscript{129} Ibid., 206.
differently than we do. Hursthouse claims, however, there is a characteristic way we go about moving towards our four natural ends, and that is rationally:

Our characteristic way of going on, which distinguishes us from all the other species of animals, is a rational way. A ‘rational way’ is any way that we can rightly see as good, as something we have reason to do.

The good or flourishing human life, then, consists in fulfilling our ends in the way characteristic for us: that is, the rational way. Hursthouse tries to show this account validates the virtues on the standard list by showing how temperance, courage, generosity, etc., in fact are well-suited to the ends listed above. Assuming for the sake of argument she makes her case adequately, I want to draw attention to something very interesting about her descriptive account of the flourishing life. While in the case of plants and animals the flourishing life is the life actually lived by most members of a kind, with humans it appears this is not so. This is a direct result of our freedom through reflection already mentioned. Hursthouse is not blind to this fact:

But to maintain, as I am recklessly doing, that ‘our characteristic way of going on’ is to do what we can rightly see we have reason to do, is to give up with a vengeance any idea that most human beings do what it is ‘characteristic’ of human beings to do.

As she admits, when it comes to humans she is using ‘characteristic’ in a normative and not simply a descriptive sense. Most humans, she says, are not good instances of their kind. In fact, it is perhaps not an exaggeration to say what is characteristic of humans is that we usually are not good, fail to flourish, and do not go about our lives with our ‘characteristic’ rationality. Having followed Hursthouse’s account so far, the sudden arrival on the scene of

130 Ibid., 221-222.
131 Ibid., 222.
132 Ibid., 208-216.
133 Ibid., 223.
134 Ibid.
135 Ibid.
normativity is in a way surprising. This is because she desires to give a completely naturalistic account of human flourishing, with which this kind of normativity seems in tension. In another way, however, it is not surprising, for nothing is more natural for us than to posit a standard that says we “ought” to be a different way. I turn now to the issue of how a virtue-ethical account of the type just given can support this ‘ought.’

4.3 Ought, Inescapability, and Overridingness

The ‘ought’ makes its appearance in Hursthouse as it does in the writings of any other ethicist since part of the point of constructing ethical theories is to give us guidance about what we should do. Actually, this puts the point a bit too weakly, since there are others areas in which we might offer such advice that differ markedly from ethics. I could, for instance, compose a tract on flourishing gardens, describing in detail the proper care and feeding of plants of all kinds. I could also include notes on aesthetic and practical considerations behind landscape design. Whatever my goals in writing such a book, I would surely not consider myself to be providing general guidelines for action. I would not be describing how people ought to live (by arranging and raising plants in a certain way). I would simply be addressing myself to gardeners, with the thought that if you want to grow a successful garden, I can tell you how to do it. An ethicist, in contrast (and here Hursthouse appears no exception), typically takes herself to be addressing a wider audience: humans as such. She also does not cast her arguments in the shape of the hypothetical, “If you happen to care about morality, I can tell you how to go about it.” Rather, she writes with the conviction that the subject she addresses is important and should matter to all people. Consider Hursthouse’s argument in particular: she gives an account of what a flourishing or good human life consists in, and, as she says, this is the kind of life humans

---

136 She acknowledges this point, admitting it might seem that to bring in normativity now is to give up having a naturalistic theory. (224)
ought to have. This is the kind of way we ought to go on. This language has a distinct categorical ring to it. The idea is not that the life of virtue is the way you ought to be if you are into that sort of thing. Instead, no reference is made to our individual ends or desires. The account of flourishing specifies the way humans ought to be, period. This is the kind of language associated with inescapability.

If it is the case that humans ought to live virtuously and I am a human, then it follows as a matter of logic that I ought to live virtuously. But what is the meaning of this ‘ought’? It pretends to be a kind of rule, or law, and yet rules and laws are enunciated by someone. Who gave this rule? Certainly not Hursthouse: she does not mean to say she is requiring us to live virtuously, but that instead somehow our natural ends do. Perhaps this is a clue to the correct meaning of ‘ought’ here: it is the practical ought, the requirement that if we will an end we also will the means thereto. The problem, however, is this: the ends she claims we have—the four shared with the animals—are ours in a sense different from those upon which the practical ought rests. For on her account, these natural four ends are not willed by us, but simply had by us in the same way plants and animals have theirs. There is a difference between us and these other organisms, however, which is quite important: a plant naturally follows—indeed cannot help following—its end. In contrast, we can consider what Hursthouse proposes are our natural ends and choose either to make them our ends or not. Hence, it is an open question whether “species survival” is among my ends and therefore whether I “ought” to acquire the virtues conducive to it. Hursthouse cannot talk about how humans as such ought to go on since individuals do not necessarily have the ends she identifies as their own.

137 “Natural laws” may seem an exception. Indeed they are, but they are also “laws” only in a metaphorical sense, whose exact meaning has to be spelled out in terms of something that is not a metaphor.
It is not yet clear, then, how Hursthouse can specify the sort of behavior and virtues a person *ought* to have. Is there perhaps another way to justify the presence of this ‘ought’? She could fall back on her first criterion for identifying the virtues, that they are traits that benefit their possessor. If we take up a prudential conception of rationality, according to which one ought to do whatever will satisfy his long-term preferences, perhaps we could make it out that virtuous behavior is necessarily rational in this way. This would allow us to say of humans in general that they ought to take up the virtues. The problem with this is that Hursthouse has already admitted no such universal claim can be made. There are persons for which becoming virtuous may not lead to maximum benefit, and circumstances in which it may even lead to harm. Moreover, a disposition to respond appropriately to what we have reason to do is *itself* a virtue. How do we explain why we ought to acquire *it*?

Her reply to all this may be that I am failing to understand her position. The normativity of our nature does not rest upon our ends or desires or our subscribing to it in any self-conscious way. Our natural ends simply *are* normative. It is just part of the concept of our end that it is how we *ought* to be. This idea is somewhat inscrutable. Since the ends she identifies (consider the example of species survival) are supposed to be just like the ends of the animals and plants in so far as they are ends, it is hard to see any reason for assigning normativity to them. After all, it would seem the ascription to plants of the end of species survival is entirely a descriptive exercise. On the thorough naturalism she espouses it simply makes no sense (in anything other than a metaphorical way) to talk about what plants *ought* to do. We can simply make generalizations about what they in fact do. Why is it different for humans? Is there any reason at all to suppose that since we tend to behave in a way that in fact contributes to species
survival that we therefore *ought* to behave in this way? She certainly does not give us such a reason.

None of this should be construed as an objection to the concepts of flourishing or virtue, for I have no complaint against them. Yet on a completely naturalistic account they must be understood in a certain way. We can describe what we take to be flourishing—perhaps relying on the external signs of happiness and our own reflection on what makes for a satisfying life—and enjoin others to pursue the virtues that seem to make it possible. Yet when we take our concept of flourishing as normative, and try to say that this is how everyone ought to be, we make a move that stands in need of justification. How this move can be justified on a naturalistic virtue account is not clear. Until it is made so, a view like this must content itself with merely commending the virtuous life. It can speak of its pleasures and benefits and the unsavory aspects of vice. It can say, “Try this; I think you’ll like it.” But what it cannot do is explain why, if we have no interest in such a life, we *ought* to take it up regardless.

If we think, then, about inescapable and overriding requirements, it is obvious a naturalistic virtue-ethical account has no hope of establishing them. Recall that inescapability is the idea that requirements apply to all agents regardless of their particular desires, interests, or ends. I have argued the mere applicability of a requirement—in the sense that a person falls under the description it contains or implies—is not a strong enough notion. In the account Hursthouse gives us, the norms she specifies do not meet even this trivial threshold. This is because it is not clear, as I have tried to show, in what sense it is true that humans *ought* to live virtuously in the first place.

How does overridingness fare? Is being virtuous always what one has most reason to do? We must keep in mind the double aspect of this question. On the level of virtuous actions
considered singly, Hursthouse takes it as obvious that the particular virtuous act is not always what we have most reason to do.\textsuperscript{138} The idea is more plausible when we think of “being virtuous” in terms of a settled life policy. Yet even here Hursthouse is reluctant to say there are no exceptions to the general rule that living virtuously is the best means to living happily.

The obvious conclusion is that a naturalistic virtue account like Hursthouse’s cannot assign the features of inescapability or overridingness to morality.\textsuperscript{139} I should reiterate that this is not an objection to her account \textit{per se}, for she does not take herself to be attempting any such thing. The concern with these features comes from arguments in Anscombe and one possible strategy for dodging her conclusion that the special features of morality implied by modern moral philosophers could only find their support in God. I want to ponder two questions in the remainder of this chapter: So far, I have considered only one instance of one kind of account. Is there any reason to think that every ethical account that does without authority will also be forced to do without inescapable and overriding requirements? Secondly, why should the prospect of doing without inescapability and overridingness bother us anyway?

4.4 The Absence of Authority and the Features of Morality

It is one thing to show that a naturalistic virtue ethics account cannot plausibly underwrite inescapability and overridingness and quite another to show that no theory that fails to appeal to some authority can do so. Nevertheless, I think this second claim is true. Consider what such a theory would have to look like: For inescapability, it would have to claim we are all subject to certain requirements that are applied to us. But in virtue of what could this be true? The requirements could not be applied by society (this is the authority of social pressure), nor by

\textsuperscript{138} Ibid., 171. Interestingly, she allows that it might be true if there is an afterlife, where, presumably, rewards and punishments add to the natural consequences of our actions experienced while on earth.

\textsuperscript{139} The qualification “naturalistic” is important. A non-naturalistic account may have very different resources from which these attributes could be supported.
government officials (the authority of the state), nor by the self as in Korsgaard-style self-rule, nor by the authority of reason. All of these options involve an authority of some kind or other.

It seems the only option left would be to appeal to the natural consequences of immoral action as being “inescapable” in a different sense. What I have in mind here is this: the norm, “You ought not to hit yourself in the knee with a hammer,” is inescapable in a way because the natural consequences of violating this norm are impossible to avoid.\footnote{Ignoring the complication of loss of feeling due to paralysis or anesthesia.} It is also, as it happens, probably overriding as well given the severity of the pain in question. Moral norms, unfortunately perhaps, are not quite like this. There is nothing about lying, for instance, that causes immediate physical pain. In some cases, it may cause pleasure. This seems to be true for any moral norm you care to name. For most people cruelty causes an immediate revulsion akin to pain, but for others it seems to have the opposite effect. Some people take pleasure in kindness, others find it requires painful effort. And so on.

Despite all this, we might be tempted to think there is one “natural” consequence of immoral action similar to pain that proves quite inescapable: guilt. It would require the mustering of various psychological studies to prove the point that this feeling really \textit{was} inescapable upon wrongdoing. We would probably also have to restrict the claim to a certain class of wrongdoing, which I would term “direct.” The class I have in mind here are those wrongs we commit where the party wronged along with the nature of the harm done cannot fail to escape our awareness. For example, personally executing a man whom you know to be innocent would constitute a direct wrongdoing. In contrast, signing an order for someone \textit{else} to perform the execution is indirect.\footnote{The restriction seems warranted by the way our moral intuitions are engaged by direct contact with the victims of our wrongs but are often relatively inert at a safe distance.} I am not going to consider psychological studies here, but I
think the idea of the inescapability of guilt has a strong intuitive appeal. For one thing, we have our own experience. Who has not suffered from the guilt of a wrong done and experienced the impossibility of getting away from it? The notably wicked seem no less susceptible to it.

Jonathan Bennett tells of how Himmler, despite his public speeches about the moral propriety of the extermination of the Jews, apparently suffered an internal anguish that manifested itself in such physical symptoms as headaches and ulcers.\(^{142}\)

As compelling as these thoughts may be, there is a problem with this line of argument that has nothing to do with the empirical matter of whether guilt really \textit{is} inescapable. There is a prior, conceptual problem that blocks this way to inescapability for theories attempting to do without authority. The problem is this: guilt seems to presuppose a concept akin to obligation. It is hard to conceive of guilt in the absence of a requirement, made by someone, that we have violated. Robert Adams emphasizes the social context of guilt, pointing out the special connection between guilt and forgiveness.\(^{143}\) A characteristic feature of guilt is alienation from others. If I have done wrong, “Typically there is someone who is, or who might well be, understandably angry at me.”\(^{144}\) If this person extends forgiveness, the guilt is removed. Our ability to be forgiven by the persons we wrong suggests the wrongness in cases of guilt consists in violating an implicit or explicit requirement of those persons.\(^{145}\) How could it make sense for

\(^{144}\) Ibid., 239.  
\(^{145}\) Ibid., 240. It is important to add the qualification that guilt feelings come from violating requirements we think of as \textit{appropriate} or \textit{justified}.  

someone else to forgive me for not doing as I had reason to do, or for not doing what is best?
In contrast, it does make sense for you to forgive me for failing to do as you required.146

We feel guilty when we do something we felt required or bound not to do (or when we
do not do something we felt required or bound to do).147 This feeling of being bound or
required has as its object some person or thing which is imposing the requirement. Imperative
authorities just are those who impose requirements. Guilt, then, makes sense against a
background of requirement, and this necessitates someone or something that makes these
requirements. This is just to say authority is operating somewhere in the system. Guilt will not
help, then, as a kind of natural sanction whose inevitability secures morality’s inescapability in
the absence of any authority. We must presuppose authority for guilt to even make sense.

It seems, then, that inescapability simply cannot be had without some source of authority
in morality. It is an easy task, then, to assess the possibility of overridingness without authority
for the two are closely connected. If morality is to be overriding, it must be the case that the
moral thing is always what there is most reason to do. If inescapability fails, that means there
are no (non-trivial) consequences inevitably connected with the violation of (or conformity to)
moral norms. In this case, overridingness is ruled out as well, for how could we always have
most reason to do something whose consequences were varied? Moral norms must in this case
be like norms of etiquette: sometimes we have most reason to abide by them, sometimes not. It
all depends on where and with whom we find ourselves.

146 Someone might worry about the case of feeling what appears to be justified guilt after actions towards someone
incapable of requiring anything (a person in a coma, for instance). This is a more complicated case, but it can still
be seen as involving a requirement, albeit one whose source is not the agent wronged. It could be, for example, that society requires us to treat the infirm in certain ways.
147 It is not necessarily the case that the authority behind this being bound or required comes from outside of us. For
now it is an open question whether we might be able to bind or require action from ourselves. The proposition that
we can, however, is a view of morality in which authority plays a part and so no help to the quest for retaining
inescapability and overridingness without it.
4.5 Morality without Authority

At this point, some readers may wonder, “So what if morality doesn’t have authority? Maybe we can do without inescapability, overridingness, and the idea of requirement and be no worse for wear.” We might think Anscombe is right and this whole authority business—along with the features I have been discussing—is a hangover from older views of morality we might now be better off without. Whether we would indeed be better off is partly a matter of taste. Nevertheless, in the remainder of this chapter I will sketch some of the consequences of doing without authority, which give us reason to look harder before resorting to this position.

Fyodor Dostoyevsky is often associated with the claim that without God everything is permissible. He puts this claim in the mouth of Ivan Karamazov, whose view is that if people ceased to believe in God and immortality, the following would result:

[N]othing then would be immoral, everything would be lawful, even cannibalism. That’s not all. He ended by asserting that for every individual who does not believe in God or immortality, the moral law of nature must immediately be changed into the exact contrary of the former religious law. He said that egoism, even to crime, must become, not only lawful but recognized as the inevitable, the most rational, even honorable outcome.148

This kind of concern appears against a background of the law view, specifically the divine command version of it. If it is accepted that God’s command is behind what is right and wrong, then finding out there is no God is at the same time finding out there is no moral law and no right and wrong. For Dostoyevsky, the prospect of a Godless world is one where the source of authority behind morality has been removed. True, in this passage he speaks of a “moral law of nature,” but it really just amounts to the practical maxim: Do whatever you

---

consider to be in your best interests. This hardly constitutes a moral law, but what is usually thought of as its opposite, inasmuch as morality presents itself (as in Sidgwick) as competing with self-interest. One consequence we could take away from all of this is a theoretical one: with the source of authority gone, the sensibility of talking about what is morally prohibited (or morally required) is cast into doubt.

So far, this is just the kind of thing Anscombe says. The point is broader, however, for it applies not just to theories identifying God as the source of authority. For even with a completely naturalistic theory, if there is no source of authority, there is no sense in talking of moral requirements, laws, obligations, etc. Why this is so I have already tried to make clear.\textsuperscript{149} The cost involved with these kinds of theoretical problems is a need to significantly revise the way we talk about morality. This is no small challenge. It is hard to see how we can continue to talk about something we would recognize as \textit{morality} without terms like these.\textsuperscript{150}

The eschewal of authority in morality also raises questions about other areas of normativity. Consider norms of rationality: It is not unusual to hear philosophers talk about the “requirements” of reason. Should this language be taken literally? Does Reason, imagined as some member of the normative pantheon, issue orders about how we are to think? This cannot be what philosophers are suggesting, yet the language of requirement strongly implies a requirer. To require is, after all, to perform a speech act, something of which only agents are capable. The view must instead be that norms of reason like \textit{avoid contradiction} are constitutive of reason itself. In other words, if you want to engage in this thing called reasoning, here are the

\footnote{\textsuperscript{149} Earlier in the present chapter; see section 4.4.}
\footnote{\textsuperscript{150} Nothing I have said yet, of course, precludes our using value terminology. We could still speak of what is good and bad. Yet if there is no requirement to do the good, if we are not bound to do so, it may turn out in many cases that doing the bad is actually what we have most reason to do.}
guidelines that define how it is done. Even if we grant that, there is no necessity about engaging in reasoning in the first place. Perhaps I smell a contradiction in my beliefs that *it is wrong for people to steal from me* and *it is ok for me to steal from others*. Finding these two beliefs nevertheless suit my tastes, I avoid reasoning about the matter. There is nothing to *require* my doing otherwise. I will do so or not depending upon how my interests seem best served. Ordinarily, we might be tempted to say there is a *moral* requirement not to hold contradictory beliefs like this when we are at least dimly aware of their incompatibility. Of course, here that option has already been ruled out. Thus, when we start undermining requirement in morality, it becomes a doubtful thing in other areas as well.

The implications I have raised so far may seem of concern only to philosophers. Surely ordinary folks are not too worried about giving a solid philosophical account of the underpinnings of their moral vocabulary. That may be true, but “ordinary folks” are not unaffected by authority and what can be said on its behalf. Authority plays a very practical role in bringing about behavior that conforms to commonly accepted moral principles. In this respect, I think, philosophers are no different from farmers. A theme that runs through many of Joseph Conrad’s books is the difference the structures of society around us make to our actions. In his most famous work, *The Heart of Darkness*, the central character’s move further away from “civilization” is at the same time a move further away from its norms. This is no mere contingent connection; rather, Conrad recognizes the power over our actions exercised by the opinions of others with whom we share social bonds. Nor is it any secret that feelings of alienation from one’s society are fertile soil for crime. The authority emanating from those around us—both private citizens and government officials—exerts a steady pressure that has great influence upon action.
An interesting example of this influence was reported recently in *Medical News Today*. A research team in the United Kingdom studied the honesty of students who used a self-service snack bar. The students were responsible to leave the appropriate amount of money for the items they took. The researchers found the rate of honesty increased dramatically when they attached a large poster of a pair of eyes on the wall directly behind where the money was placed. This result demonstrates something that should be rather obvious: for many people, behavior changes when no one is watching.

Think also of the things people do when the authorities normally in place break down, as happens during emergencies of various kinds. The aftermath of hurricane Katrina furnishes an example, with the scenes of looting and general mayhem still fresh in our minds. Such occasions where the normal restraints are relaxed and people engage in all sorts of immoral behavior are a commonplace, and the kinds of wrongdoing engaged in are often much more serious. In this vein, consider the genocide in Rwanda or the violence in present-day Iraq. Reflecting on these kinds of examples reveals the extent to which the behavior of many remains decent only so long as the regular sources of authority are intact. Whatever theory we argue for in our philosophical moments, it is clearly true that the presence of authority is very important for the maintenance of social order, and that authorities of various kinds play a central role in the moral lives of most.

There is no prospect of these kinds of authorities being removed all together from the life of society at the bidding of philosophical theorizing (though philosophy may indeed succeed in changing the content of the norms society enforces through these means). We well know

152 And we can be unconscious of the effect others have upon our behavior.
what happens in those rare instances when they are temporarily removed: chaos. There is, however, a problem that does result from philosophy that makes no place for authority. Ethical theories that result from it will prove inadequate to our situation. If we were all angels we would have no need of constraint on our action. Our inclinations would align perfectly with the good and right. In our present condition, however, our inclinations often run counter to these things, and it is authority in one shape or another that imposes restraint. A theory that takes no notice of this and makes no effort to explain and justify it is only half a theory.

In short, living without authority is not a real possibility for us. Doing philosophy without it is, but ethical theories that result will fail to capture important features of the moral life as we actually live it. Let us move on, then, to consider what kind of ethical account can adequately capture the authority—expressed through inescapable and overriding requirements—so central to our experiences. The next three chapters consider naturalistic strategies to do just that.

---

153 It is not necessary for an authority to be entirely tangible for it to play such a role. Whatever philosophers may think of the fact, it is a fact that the thought of divine authority exerts a powerful influence over the behaviors of many. Paul Johnson, for instance, writes of “one beautiful and fashionable lady who is prevented from deceiving her husband and taking lovers almost entirely because she fears she will be sent to Hell if she does.” The Quest for God (New York: HarperCollins, 1996), 173. Of course, the influence of divine authority need not take a negative form (as caricature tends to have it) through fear. In fact, I suspect its more usual operation is through an attitude of devotion.
5.1 Introduction

J.B. Schneewind tells the story of moral philosophy in the Enlightenment as a steady movement away from external sources of authority—such as God, the church, or the state—to an understanding of morality as self-governance. Another way to think of this is as a shift from morality as obedience to morality as autonomy.\(^\text{154}\) This was not, however, a move from there being objective moral principles to their absence. The assault on the idea that morality is something objective and universal still lay in the future. Neither was it an abandonment of the conception of morality as consisting in requirements or laws. It was, therefore, not a move away from authority but only the exchange of one authority for another. The older authority was God; the new authority was reason. The appeal to reason is ideally suited to the temperament of the Enlightenment with its emphasis upon the individual. If reason is the source of morality’s demands, individuals no longer need be dependent upon revelation or other reputed sources of authority in order to understand what morality requires. Still, it is not as though individuals simply make up the moral law. Insofar as I am reasoning properly, I take part in something universal, for anyone who reasons the same way must come to the same conclusion. As Thomas Nagel puts it:

> Whoever appeals to reason purports to discover a source of authority within himself that is not merely personal, or societal, but universal—and that should also persuade others who are willing to listen to it.\(^\text{155}\)

So understood, reason appears an ideal candidate to be the source of authority behind morality. Its actual suitability is the subject of this chapter.

---
To being with, let us recall the ground covered so far. Anscombe’s contention, presented in chapter two, is that modern moral philosophers often invoke, but seldom properly ground, the law view of morality with its special sense of authority. She concedes a divine command view could ground it, but this is not a view most philosophers are willing to adopt. The dilemma she seems to leave us with, then, is to either give up the law view or adopt divine command ethics. The most obvious way out of this dilemma is to suggest an alternate grounding for the law view of morality. I proposed two broad strategies for doing this: trying to find an alternative authority to God or attempting to make do without an authority at all. The latter strategy was the subject of the last chapter, wherein we saw that it entailed giving up on the law view—captured by the idea of inescapable and overriding requirements—altogether. This chapter is the first of several to consider the first strategy. The alternate source of authority to be examined is reason.

An earlier chapter covered at some length the concept of authority. Before we can evaluate reason as a candidate for the authority of morality, it will need its own conceptual preface. Reason comes in two broad categories, theoretical and practical. Theoretical reason is concerned with what to believe, whereas practical reason is concerned with what to do. Inasmuch as morality is usually conceived of as having to do with action, the category of reason relevant to its authority is practical. The sense of the word ‘authority’ intended here also points in this direction, for it is imperative authority, the sort that says, “Do this.” This is not to deny that theoretical reason also plays a role in morality. To the extent that one is a cognitivist, one also accepts that there is moral knowledge. In this case, morality is not just a matter of doing but also of believing, and for any theory according to which there are truths about morality it would

---

156 Chapter 3.
matter that we know them. The availability of moral knowledge raises the issue of theoretical
to rely upon it for such knowledge. While this is an interesting
demand that we know them. The availability of moral knowledge raises the issue of theoretical
authoritaty and whether we need to rely upon it for such knowledge. While this is an interesting
question also, I will be concerned in what follows with action, not belief, since both
inescapability and overridingness relate to what we must do. I will focus, then, on practical
reason and the imperative authority corresponding to it.

Practical reason is itself divisible into different types, and a fairly standard way to do so is
to distinguish instrumental and prudential forms.157 These are typically used normatively, such that
practical rationality is understood in terms of the favored variety. In other words, reasoning
instrumentally (or prudentially) just is what it means to be rational. I discussed both of these in
chapter three,158 but a brief reminder is in order. Instrumental practical reasoning assigns
rationality to actions that further an agent’s present desires.159 In contrast, in the light of
prudential practical reasoning, those actions are rational that best promote the satisfaction of the
agent’s overall interests.160 The claim that reason is the authority behind morality thus presents
us with at least two different options, depending on whether we understand that reason as
prudential or instrumental (leaving theoretical reason aside). Before considering these, I want to
take notice of a third possibility. Both kinds of practical reason so far mentioned assume a
particular object as the proper target of their employment. It might be that we can formulate
more general rules of practical reasoning that would apply to either account, setting guidelines
for rationality whichever more substantive account is elected. If so, we could have a theory of

157 See, for example: Christine Korsgaard, “The Normativity of Instrumental Reason,” in Ethics and Practical
Reason ed. Garrett Cullity, Berys Gaut (New York: Oxford University Press, 1997), 215-254; Samuel Scheffler,
Human Morality, 73.
158 See section 3.3.
159 This can be qualified in various ways. Some would want to insist that the desires in question be stable as
opposed to merely transitory. These kinds of distinctions will not affect the arguments I want to make.
160 There are again various ways to put this. We might say “maximize” instead of “best promote” and “good”
instead of “interests.” Nevertheless, the basic idea is clear enough and suitable for the task at hand.
pure practical reason that might also serve as the authority behind morality. This proposal, of course, is Kant’s, and his ethical theory is built upon this idea. I will begin with him as perhaps the most prominent advocate of the notion that the authority of morality is that of reason itself.

5.2 Kant and Pure Practical Reason

Kant appears to be worried about the exact problem we have been considering: How can the inescapable and overriding requirements of morality be accounted for? He develops his answer by starting with the kind of phenomenology to which I have many times referred. He appeals first to the common sense understanding of the universal scope of morality’s demands:

Everyone must admit that a law, if it is to hold morally, i.e., as a ground of obligation, must imply absolute necessity; he must admit that the command, “Thou shalt not lie,” does not apply to men only, as if other rational beings had no need to observe it.\footnote{Immanuel Kant, \textit{Foundations of the Metaphysics of Morals}, trans. Lewis White Beck (New York: MacMillan, 1959), 5.}

Notice here the “absolute necessity.” The moral law is enjoined upon all persons, indeed all rational beings, irrespective of their particular ends or inclinations. He also thinks our intuitions tell us something about the motives proper to moral action. In passages that are somewhat infamous, he describes those actions as being of true moral worth that are done not for the sake of some private advantage, nor out of a natural inclination, but simply out of the sense of duty:

Furthermore, if nature has put little sympathy in the heart of a man, and if he, though an honest man, is by temperament cold and indifferent to the sufferings of others…would not he find in himself a source from which to give himself a far higher worth than he could have got by having a good-natured temperament? This is unquestionably true even though nature did not make him philanthropic, for it is just here that the worth of the
character is brought out, which is morally and incomparably the highest of all: he is
beneficent not from inclination but from duty.\(^{162}\)

According to Kant, then, our intuitions tell us morality is applicable to all and the proper
reason to comply with it is simply because it is our duty. The two points are connected. If
morality is going to be properly universal, it cannot be required of us in virtue of mere
contingent ends we may have. For this reason, Kant thinks morality cannot find its ground in
either instrumental or prudential rationality. Both of these are capable of furnishing a kind of
imperative of reason, since it is a practical requirement that if we will a particular end we must
also will the means to it that lay within our power.\(^{163}\) The problem with them is that they rely on
ends that may or may not be ours, and so they yield only hypothetical imperatives. Morality
commands categorically:

\[\text{What is necessary merely for the attainment of an arbitrary purpose can be regarded as}
\]
\[\text{itself contingent, and we get rid of the precept once we give up the purpose, whereas the}
\]
\[\text{unconditional command leaves the will no freedom to choose the opposite.}\(^{164}\)

If morality does not rest upon any of our particular ends, the only reason we can do it is
for its own sake. We ought to perform our duty because it is our duty, and this corresponds
nicely to what Kant thinks our intuitions tell us. At this point in the argument, Kant leaves the
path of intuition for a moment. He wants to specify the supreme principle of morality, from
which particular moral duties can be derived. After he has done so, he returns to common

---

\(^{162}\) Ibid., 14-15. It has seemed to some that Kant has things confused in this part of the *Groundwork*. Surely, they
say, the person who actually wants to help the needy and derives pleasure from doing so is morally superior to the
one who reluctantly helps at the bidding of duty. For two interesting attempts to make Kant’s account more
intuitive, see: Christine Korsgaard, “From Duty and for the Sake of the Noble: Kant and Aristotle on Morally Good
University Press, 1996), 203-236; and Rosalind Hursthouse, *On Virtue Ethics* (New York: Oxford University Press,
1999), chapter 4.

\(^{163}\) Ibid., 34.

\(^{164}\) Ibid., 38.
intuition to show that what this principle picks out as morally right lines up with what we have traditionally thought.

The way he generates his principle is as a kind of deduction from what he has already established. If morality is not grounded in contingent ends of agents but is instead categorical, it must hold for any rational being as such. And if the proper motive to do it is again not based on some contingent interest in the agent, the impulse to action must be (as Kant puts it) respect for the law as such. The moral agent, then, seeks to act according to whatever principles can be made laws. The distinguishing feature of a moral law is its universal applicability. In Kant’s words:

Since I have robbed the will of all impulses which could come to it from obedience to any law, nothing remains to serve as a principle of the will except universal conformity of its action to law as such. That is, I should never act in such a way that I could not also will that my maxim should be a universal law.\(^{165}\)

This is, of course, the famous categorical imperative in its first formulation. So far this is not too informative; a lot turns on how we decide whether a maxim can be willed a universal law. For Kant, only those maxims are universalizable that avoid contradiction. The contradiction in question comes in two varieties: some maxims are such that they cannot even be thought without contradiction; others, while they may be thought, cannot be willed without contradiction.\(^{166}\)

Kant gives a bit more content to his first formulation of the categorical imperative by coming at it from a different angle. He says an end “serves the will as the objective ground of

---

\(^{165}\) Ibid., 18.
\(^{166}\) Ibid., 42.
its self-determination,” meaning here that an end is that for the sake of which the will moves. Now the ends we have are various and depend upon our particular psychologies. As we have already seen, this means the taking of the means to those ends can only be hypothetically commanded by reason. If there is to be a categorical command of reason, and Kant certainly thinks there is, then it would have to depend upon an end that was not contingent. Various philosophers have suggested our own happiness is an instance of such a non-contingent end for us, though Kant rejects this possibility. The main problem with it is that though all humans have it (as he concedes), the concept is too vague to provide any clear guidance as to means: “[T]he task of determining infallibly and universally what action will promote the happiness of a rational being is completely unsolvable.” He settles instead upon rational creatures as being ends in themselves, and thus necessarily ends for any other rational creature. This gives him the second formulation of the categorical imperative: “Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.” As he elaborates upon this formula, it turns out to be a kind of Nozickian side constraint. It is not that our actions must always serve this end, but that they must never act against it.

We have so far seen how Kant derives his categorical imperative in two forms from what he thinks intuition tells us about morality. What is still obscure is in what sense these formulae are imperatives. An imperative, after all, is a kind of command, and commands must be issued by someone or something. Who or what is commanding the categorical imperative? The same

167 Ibid., 45.
168 Ibid., 46.
169 Ibid., 36.
170 Ibid., 47.
171 Ibid.
172 “…the end here is not conceived as one to be effected but as an independent end, and thus merely negatively. It is that which must never be acted against, and which must consequently never be valued as merely a means but in every volition also as an end.” (Ibid., 56)
intuitions so far appealed to appear again in Kant’s argument at this point to yield an answer by process of elimination. There are two broad possibilities to begin with: either someone else gives the command to me, or I give it to myself (assuming for the moment it makes sense to give oneself commands). Kant thinks we can rule out the first option by again reflecting on the unconditional nature of the moral law. If a law comes from outside of me, then Kant claims some stimulus to obedience is required apart from the law itself. Our compulsion to obey it must always rest in some interest connected to it, like punishment:

For if one thought of him as subject only to a law (whatever it may be), this necessarily implied some interest as a stimulus or compulsion to obedience because the law did not arise from his will. Rather, his will was constrained by something else according to a law to act in a certain way. By this strictly necessary consequence, however, all the labor of finding a supreme ground for duty was irrevocably lost, and one never arrived at duty but only at the necessity of action from a certain interest. This might be his own interest or that of another, but in either case the imperative always had to be conditional and could not at all serve as a moral command.173

As Kant puts it more succinctly elsewhere, the problem with laws coming from outside the agent is that he only wills them insofar as he wills something else.174 To the obedience to laws thus coming from outside Kant gives the name *heteronomy*, and declares any such thing inferior to and different from action according to duty.175

If the relationship between us and the moral law cannot be heteronomous, it must, Kant concludes, be *autonomous*. In other words, the source of the command of the categorical

173 Ibid., 51.
174 Ibid., 59-60.
175 It seems to be Kant’s thought here that if a law is to be universally binding on all, as he takes the moral law to be, it cannot depend upon contingent factors to motivate agents to obey it. Thus, he rules out various “incentives” of practical reason. Yet it does not seem to me to follow that, because the motivation to comply with it is conditional, the command itself is likewise.
imperative is the agent herself. Kant pinpoints the source of authority more precisely as *reason*. The will is not automatically determined by reason in the pure sense of the categorical imperative, since there are other impulses to action—desires, urges, etc.—that we sometimes act on instead. As a result, there is a tension between our inclination and what we perceive to be the course of action recommended by reason. As Kant thinks of the relationship, reason constrains our will by issuing “inexorable commands” for us to obey.

At the outset, I indicated that Kant’s concern is to show morality can be inescapable and overriding. He thinks no empirical considerations connected to contingent ends can show this, and thus rules out both instrumental and prudential rationality as the source of morality’s special authority. His solution is to derive the content of morality from pure reason, making it independent of any contingent circumstances and thus applying to any rational agent as such. He tries to move morality beyond mere applicability and give it a compelling force for agents by making it the command of their own reason. Reason, then, is the authority that stands behind morality, issuing universal commands that apply to any rational agent as such. Given this overview, we can think of Kant as trying to accomplish two main tasks. First, inasmuch as he desired to free his ethical theory from empirical considerations, he sought to identify formal principles from which the *content* of morality could be derived. Doing this on the strength of merely formal principles guarantees universal applicability. Second, he needs to show not just that the moral law applies to us but that it functions as a law to our wills. He needs to make clear how we feel bound, or required to do the moral thing such that we would describe the moral law as inescapable. I turn now to an assessment of his success in these two respects.

---

176 Ibid., 50-51.
177 Ibid., 21.
Kant’s attempt to derive the content of morality from formal principles of reason is probably that part of his account most often criticized. Matters are not helped by the examples he uses, which strike most readers as strained at best. Much of the problem with understanding how to apply Kant’s categorical imperative is how to conceive of the contradictions I mentioned above. The most natural way to think of a contradiction in the will is that it involves at the same time willing both P and ~P, but this does not seem to be what is going on in Kant’s examples. Fortunately, I need not enter into the debate about whether the categorical imperative is empty or can instead yield some substantive view of the moral law. I can grant Kant the claim that it can do the latter, but this still only gives him mere applicability of the moral law. He must go beyond this to show how this law is actually made to apply to us. As Korsgaard expresses the point, “A law does not make a claim on me merely because it is addressed to me, or to some group that includes me. It must get its grip or hold on me, its capacity to bind me, from some intelligible source.” The second of Kant’s tasks, therefore, is to show the moral law to be inescapable for agents.

Kant describes in familiar terms the possible opposition between self-interest and moral norms. Here I do not mean “self-interest” narrowly, but intend it to include genuine concern for others and whatever else comprises my interests. Such an opposition is created by two normative viewpoints. According to prudential rationality, I ought to do one thing. According to the canons of pure practical reason, I ought to do another. Why is it that I am bound or required to follow the dictates of pure practical reason over those of prudence? One thing we might say here (which in fact Kant does say) that does not help is that insofar as we are guided

---


by pure reason we will follow the categorical imperative.\textsuperscript{180} Let us grant that. The question remains, why are we required to be guided by pure practical reason and not prudence, or for that matter simple inclination?

One answer is that we require ourselves. This is Korsgaard’s reading of Kant.\textsuperscript{181} She suggests we can understand how the moral law is normative for us by seeing that our own will commits us to it. This is brought about by the application of the categorical imperative, which enjoins us to act only according to such maxims as we can will to be universal laws. According to Korsgaard, there are two possible outcomes when we put our maxims to this test:

If a maxim passes this test, the action is right in the broad sense—it is all right, permissible, not wrong. It is only if a maxim fails the test that we get a duty—the duty of doing the opposite of what the failed maxim says, or, more precisely, of adopting the opposite of what the maxim says as law.\textsuperscript{182} She goes on to explain that this maxim of duty is one you “must will” as a universal law. The idea, then, is that the requirements of the moral law inescapably apply to you because you cannot help applying them to yourself.

In order to see exactly how she thinks this happens, let us consider Kant’s example of the lying promise (which Korsgaard herself also uses).\textsuperscript{183} A man needs money and considers whether it is permissible for him to obtain it by borrowing it while falsely promising to repay it. Kant would have him formulate his maxim like this, “When I need money, I will borrow it under a false promise to repay it.” Now the categorical imperative enjoins him to decide whether he can will this maxim to be a universal law. Here he is supposed to run into difficulty.

\textsuperscript{180} \textit{Groundwork}, 29.
\textsuperscript{181} Korsgaard, “Kant’s Analysis of Obligation.”
\textsuperscript{182} Ibid., 63.
\textsuperscript{183} Kant’s example appears in \textit{Groundwork}, 40.
because Kant thinks his willing to get the money and his willing of the universalization of this maxim conflict. The reason is this: if it were a universal law that persons lie to obtain money, then no one would ever believe promises to repay and hence no one would ever loan money. So if the man wills this universal law, he undermines the means to the other thing he wills: to borrow money. His will is thus in conflict with itself. If he is to will his maxim of obtaining money by a false promise, he finds that he cannot help willing that promises in general be kept:

A man who wills to use the institution of promising in pursuit of his end must will that the institution should work. And it does not work unless promises are generally made in good faith. So he himself is committed to willing the law that people should make their promises in good faith, so long as he wills this particular maxim. Therefore, he cannot rationally will to act on this maxim at the same time as he wills it as a law.\textsuperscript{184}

Alas, this argument is not going to suffice to show that we cannot escape commitment, by our own wills, to the requirements of the moral law. There is an easy way to remove the conflict identified above, such that the man in the example can consistently will both that the institution of promising generally works \textit{and} that he obtain money through a false promise. He can simply decline to will his maxim, “When I need money, I will borrow it under a false promise to repay it,” as a universal law. What Kant (and Korsgaard) would have to show is that this is not really possible, that he \textit{must} so will it.

A possible strategy they could adopt is to appeal to consistency on the part of our would-be liar. After all, if he acknowledges that he has reason to make his false promise in order to get money, then he must admit anyone else in similar circumstances would also have such reason. Notice, however, that this admission is nothing like him willing a universal law. Instead, he grants a universal permission; he gives up his right to complain if someone else acts the same

\textsuperscript{184} Korsgaard, “Kant’s Analysis of Obligation,” 64.
way he does. This kind of admission, though, is perfectly compatible with planning to take advantage of the fact that most people do not give false promises and hence that his stratagem is likely to succeed. There is simply nothing inconsistent with a man planning to lie even though the only reason the lie would work is because others tell the truth. There does seem to be some problem if the man both wills his maxim a universal law and wills that people generally tell the truth. There is, however, no apparent reason why he must do the first of these things. Unless one can be found, it has not been shown that the man must impose the requirements of the moral law upon himself.

Perhaps we are required by reason? Kant often talks this way, saying things like, “Now reason issues inexorable commands without promising anything to the inclinations.”\textsuperscript{185} In this way he treats reason as an authority figure, capable of applying moral requirements to us. Recall, though, that an authority (of the imperative type) is a person(s) who is able to impose requirements, which is to say she is able to make demands and hold others accountable to them. Why must it be a person? The answer is that the making of a demand is a speech act, and things are not able to perform speech acts. It is tempting to think a document—such as a set of laws—could function as an authority in the necessary sense. However, as I argued in chapter three, a written law alone is not enough to impose requirements.\textsuperscript{186} It must be made to apply to me by some agency. This is what marks the difference between dead and living laws. The problem, however, is that reason is not a person, despite the tendency of Kant to personify it in his writing. “Reason” does not issue commands or perform any other independent actions. Agents are the only things that can give commands. Hence, it can only be metaphorical to say that reason commands us to obey the moral law. At most, what we can mean is that having

\textsuperscript{185} \textit{Groundwork}, 21.
\textsuperscript{186} Section 3.2.
reasoned to the conclusion that we ought to obey the moral law we command ourselves to do so. But there is something very strange about this. What work is the command here supposed to do? If I decide after reasoning about the matter that I ought to do a certain thing, whatever considerations were salient are what move me to do it. This point is brought out more clearly if we imagine my commanding myself to do some completely arbitrary thing next week. When the time comes to do it, it is hard to see that the command would have any influence whatever on my behavior unless I also think there are good reasons to do the thing in question. In that case, it is the reasons and not the command that are doing the work.

Contrast this with commands coming from other persons. These do make a difference inasmuch as they supply extra reasons. Your command may give me a reason because I value what you think of me, or because I fear what you might do to me, or because I anticipate some reward for compliance. Appealing to commands I give myself seems a vain attempt to understand the source of feelings of constraint.

There is one sense in which we can legitimately understand reason as giving rise to certain requirements. It is, for instance, a requirement of reason that we not hold contradictory beliefs. Kant’s idea is that the moral law also turns out to be a requirement of reason because of the contradiction involved in violating it (a point already discussed). The problem here is that this is the wrong sense of requirement. There are at least two different things we can intend by the term, a constitutive requirement and an imperative one. The difference, again, is this: A constitutive requirement tells us what is necessary as a proper part of something. For example, if you want to play chess, a board and pieces are required. An imperative requirement indicates that someone is imposing a demand upon you, as when your neighbor says, “I require you to get off my lawn.” The distinction between these two types of requirement corresponds quite
closely to that between hypothetical and categorical imperatives. Now the requirements of reason must be understood constitutively, for, as we have argued, reason is not an agent that can plausibly be seen as making demands. Constitutive requirements, however, are hypothetical. They tell you what you need if you are playing chess, or driving a car, or being rational. Kant needs his requirements to be categorical, a point upon which he insists. But categorical requirements are imperative; they are formed by commands. They cannot, therefore, be requirements of reason.

All these arguments show that Kant has no good way to account for the inescapable requirements of morality, though he is a firm believer in their existence. He is unable to do any better in respect to overridingness. If moral demands are overriding, then we have especially weighty reasons to comply with them. What kinds of reasons can Kant advance in support of such compliance? The way Kant has set up his theory makes this a tricky question for him to answer. Ordinarily, our reasons are connected in some way to the things we care about. I have reason to get out of bed because I care about keeping my job; I have reason to vote because I care about the politics of my country, etc. Kant has, however, excluded any such incentives. He is at pains to make clear that the moral law does not rest upon any of our contingent cares or ends for its normative force. Whence then derives our reasons for obeying it, for feeling bound to honor its commands? Kant’s answer here is somewhat disappointing:

Yet how pure reason, without any other incentives, wherever they may be derived, can by itself be practical, i.e., how the mere principle of the universal validity of all its maxims as laws (which would certainly be the form of a pure practical reason), without any material (object) of the will in which we might in advance take some interest, can itself furnish an incentive and produce an interest which would be called purely moral; or, in other words,
how pure reason can be practical—to explain this, all human reason is wholly incompetent, and all the pains and work of seeking an explanation of it are wasted.\textsuperscript{187}

This position should not be surprising. Having excluded all the things that normally give us reason for action, and in virtue of which we feel ourselves bound, what else could he say? We just do feel a special weight attaching to the moral law, and that’s the end of it.

Think again of the example of the lying promise. Suppose we follow Kant in his understanding of the case, even to the point of thinking that making such a promise would involve an inconsistency in my will. What am I to conclude about what I have reason to do? I might think, first of all, that a little inconsistency in the will is a small price to pay for the sum of money I plan to get. Perhaps I need the money to avoid being evicted; that is a pretty strong reason to get it. On the other hand, there are reasons that tell against making such a promise: I may suffer some form of retribution for it; it is not appropriate for the kind of virtuous character I am trying to cultivate; it will probably ruin whatever relationship I have with the prospective lender. These, however, are not reasons that flow from this action being a violation of moral requirement, understood in the Kantian way. For according to Kant, to violate the requirements of morality is to act on a maxim I cannot will to be a universal law. Why \textit{that} should matter so much is a mystery.\textsuperscript{188}

\textsuperscript{187}Ibid., 81.
\textsuperscript{188}This is especially so in the light of examples that seem to fail Kant’s categorical imperative test and yet appear perfectly innocent. For instance, suppose I plan to become a financial advisor as a means of earning a living. My maxim: “In order to earn a living, I will become a financial advisor.” Can I will this maxim as a universal law? If we conduct the sort of reasoning Kant employs about the lying promise, we run into a similar problem. If it were a universal law that everyone needing to earn a living became a financial advisor, then everyone would know everything they needed to about finance and would have no need of an advisor. The universalization of my maxim would undermine my purposes, and so, analogously to the lying promise, I hope to benefit by my knowledge of financial matters by relying on a world in which most do not have such knowledge. In the lying promise case, it is because people generally tell the truth that my lie succeeds, and so in willing universal lying I undermine myself. In the financial advisor case, it is because people generally are ignorant of finance that my knowledge of it is valuable, and so in willing the universal acquisition of such knowledge I undermine myself. Examples like this provide another reason to think that reason requires us to think of ourselves not as giving universal \textit{laws} but only universal \textit{permissions}. 
It may well be that Kant’s imagined person of good will is disposed to treat behavior according to such maxims as can be willed universal laws as that which he has most reason to do. In other words, such a person may treat the moral law as overriding. Why he would do this remains obscure. As we saw in the quote above, Kant has no good explanation, either.

5.3 Practical Reason as the Source of Authority behind Morality

At the outset, I distinguished three possible ways of grounding the authority of morality in reason, based upon three different conceptions of it. Kant’s way, that attempts to draw upon the formal principles of pure practical reason, we have just looked at. As we have seen, his account builds upon his intuitions about morality’s inescapability and overridingness, and yet leaves it ultimately mysterious how these things can be accounted for. I want now to consider the other two conceptions: instrumental and prudential practical reason. It seems obvious that the instrumental conception will not serve very well as the basis for morality, since our present desires often conflict with what we take morality to recommend. The views I am aware of that do try to ground morality in practical reason all look to the prudential conception instead (the classic example being Hobbes). As a result, I will hereafter use ‘practical reason’ to refer to the prudential conception of it unless otherwise specified. At the end, I will have a bit more to say about the instrumental view. I proceed by first drawing attention to two objectionable implications of making reason the source of authority behind morality and then bringing into question the conceptual coherence of the view.

The first problem created by the view that practical reason is the source of authority in morality (hereafter, PR) is this: If moral obligation has its source in the authority of practical
reason, it is hard to explain what is wrong with doing wrong. Viewed from the outside, what are we witnessing when we see an agent do something we would ordinarily call morally wrong? There are essentially three possibilities. First, it may be the case that practical reason, if engaged in carefully enough, would have dictated to the agent not to do the act in question. This could be because, whether generally or only in this specific case, the traditional norms of morality line up with the requirements of prudence. But assume the agent has not been sufficiently careful in his reasoning. Hence, he is doing as his practical reason in fact tells him to do, even though it would have told him differently if he had been more conscientious. If this is what is going on, however, we ought not to be upset with the agent because he simply acted in ignorance, a circumstance usually taken to be an excusing condition.

A second possibility arises from a more skeptical assessment of the coincidence of prudence and traditional morality. If they do not inevitably line up, then we may be observing an agent who, though his actions look wrong to us, is in fact following the dictate of practical reason after having engaged in it carefully and accurately. He is obeying the obligation imposed upon him by the authority of his practical reason. We might be tempted to blame him for this, but on what basis? Obviously, we could do so if we were moral realists who thought his obligations did not depend upon judgments of his reason, but that option is not open to the proponent of PR. The most she can say is that she does not like his behavior.

The third possibility is this: the practical reason of the agent we are observing dictates that he do what we take to be the moral thing. In this case, prudence and traditional morality line up. He decides, however, that he is not going to do as practical reason dictates (perhaps he

---

191 Ibid., 28.
is tired and cannot be bothered to exert so much energy). Now how do we fault him? The
most obvious thing to say is that he is being irrational. He knows what his practical reason tells
him to do but is simply too lazy to do it. The question still remains: What is so bad about that?

I am not denying what he did was wrong. According to PR, he has violated a moral
obligation. What seems mysterious is why this should be seen as any big deal if violating a moral
obligation simply consists in being irrational. As Samuel Scheffler puts it, “It is not clear why
those sympathetic to morality should take much comfort from the suggestion that its authority
rests exclusively on the possibility of charging wrongdoers with this kind of cognitive
misdemeanor.”192 Is it the right thing to say, when coming upon a man who has just murdered
his whole family, “Now that was certainly irrational”? That cannot be what is wrong with doing
wrong. The victim seems to drop out of the picture altogether.

Incidentally, this highlights another problem with PR. The reason why it is ridiculous to
think of exclaiming the sentence above at the scene of a murder is that common sense morality
marks a clear distinction between irrationality and immorality. It is hard to see how PR can
follow suit. If I am sitting in my living room flipping a quarter, and I say to myself, “The last
three came up heads, so this next one is sure to be tails” I am being irrational. Yet this is not
morally blameworthy. Someone will say this is because the example is trivial; the irrationality
here costs nothing. If, however, one is the captain of a ship and takes the irrational gamble that
no icebergs are likely to be met with in the north Atlantic, hundreds of people may die. We do
not, however, blame the captain for his irrationality itself; rather, we blame him for the
willingness to take risks with the lives of people. It is his decision to count even the remote

possibility of the deaths of hundreds as an acceptable risk that is objectionable, and this has nothing to do with his rationality but with the relative value he assigns to the lives of persons.

We do make a distinction between being irrational and being immoral, and it is not one of degree. The severely irrational person is crazy or a fool; the severely immoral person is evil. To mark the distinction in a slightly different way, when we have done something irrational we feel embarrassment and perhaps regret, whereas the feeling appropriate to wrongdoing is guilt. If PR is correct there is no obvious way to mark the distinction, and this is another objectionable implication of that view.

PR, then, has two implications that make it an unattractive view. First, the view implies that wrongdoing consists in somehow violating the requirements of practical reason. As I have tried to show, there is only one way to understand this that makes sense: the violation involves reasoning correctly, acknowledging the command of practical reason, and yet choosing to do otherwise. It is hard to understand why this should be anything too serious, and yet we often take the violation of moral obligations very seriously. Secondly, it follows from this that for PR wrongdoing is just a species of irrationality, but common sense morality maintains a clear distinction between the two. The next section will show that not only is PR unattractive, it also appears to be incoherent.

5.4 Conceptual Problems with Practical Reason as Authority

In order to appreciate the conceptual difficulties with PR it would be helpful to recall some aspects of authority explored in chapter three. The authority obviously in question here is the imperative kind, for PR must be understood as claiming practical reason somehow

---

194 Robert Adams emphasizes this way of marking the difference. See Finite and Infinite Goods, 238.
commands us to act in whatever way is practically rational. Imperative authority is the power to impose requirements. Recall that Raz made it a central feature of authoritative directives that they *preempt* the subject’s own judgment on the merits of the case. Another way to describe this is to say authoritative commands are *exclusionary* reasons for action.\textsuperscript{195} Thus for me to respond to an authority *as* an authority is to do the thing commanded *because* the authority commands it, not because I have looked at the reasons for and against the action and decided it was the thing to do.

It would be helpful to have an example in hand to illustrate the difference here between responding to an authority *as* an authority and deciding based on one’s own judgment to act in a way that just happens to coincide with the authority’s directive. Imagine a parent commands his child: Do not take rides home from strangers. Later, the child is called over by a man he does not recognize after school. The man says, “Your parents couldn’t pick you up today and sent me instead. Get in.” Imagine two possible thought processes of the child: 1) He thinks: I don’t know this guy, which makes him a stranger. I know my parent said not to take rides home with strangers. Still, he does not look dangerous. If he says my parents sent him, maybe they did. If they really aren’t coming and I refuse to go with him I will be stuck here for who knows how long. On the other hand, I may get in trouble if I ride home with this guy. Besides, maybe he *is* dangerous. I guess I’ll tell him “no.” 2) He thinks: I don’t know this guy, which makes him a stranger. I know my parent said not to take rides home with strangers. Therefore, I will have to say “no,” even though he seems safe to me.

\textsuperscript{195} The term here is also Raz’s though from a different source. An exclusionary reason is a second-order reason not to act on the basis of certain first-order reasons. See: Joseph Raz, *Practical Reason and Norms*, rev. ed. (New York: Oxford, 1999), 39.
Note the differences between these two thought processes. In the first, the child utilizes his own assessment of the case to decide whether it is a good idea to ride home with the stranger. In the second, the child simply responds to the authority’s command he has been given. Though he has a thought of his own about the merits of the case, he recognizes that the authoritative directive excludes his acting on its basis. In the second case, then, the child has responded to the authority as an authority, while in the first case he simply makes his own decision. The way to recognize the difference between acting on the basis of authority or acting on one’s own is to see if the action is undertaken because the authority commanded it, or because the agent judges it the best thing to do given all relevant information. Notice acting on one’s own in the sense just described does not preclude taking the authority’s command into consideration. After all, violating the commands of authorities often brings undesirable consequences and these will also have to be weighed in coming to a decision. But what the authority’s command does not do in this case is rule out certain considerations altogether as being bases for judgment.

Now it seems to follow from all this that a person can either respond to an authority as an authority, and thereby give up her right to act on her own practical reasoning as to the merits of the case; or she can reject the authority and come to her own conclusion about what to do. In other words, we can follow our own practical reason or listen to authority. It is therefore hard to see how we can think of practical reason as a source of authority.

The thought must be something like this: “To respond to an authority as an authority is to do the thing required because the authority requires it and not on the basis of my own judgment as to the merits of the case. So, to respond to practical reason as an authority is to do the thing required because practical reason requires it and not on the basis of my own judgment
as to the merits of the case.” Yet this does not make any sense because we feel we must do
something on the basis of practical reason precisely because we have examined the merits of the
case. Practical reason itself just is the process of doing this.

One of the complaints I have made about Kant’s account is that at some points it seems
to personify reason, endowing it with the ability to give commands. The same problem lies
behind the view currently under consideration. However, I think it is clear that only agents give
commands and reason is not an agent. This rather obvious point has an implication for any
variety of the strategy of finding the authority behind morality in reason: no such strategy can
literally be correct. Reason cannot be an authority. The conclusions of reason are just my
conclusions, and acting on the basis of them is something quite distinct from obeying an
authority.196

There is another way to understand talk of the “authority of reason” that avoids these
various difficulties. It is to admit we are using metaphor to indicate the special standing
conclusions of reason have with us. When we reason that something is the thing to do, we
naturally feel a pull towards doing it. This pattern certainly operates in the moral realm. It is not
unusual to be convinced by an argument that something we had previously overlooked is in fact
a requirement of morality (or is forbidden by the same). This conclusion usually brings with it
some motivation to act accordingly. However, reason in this sense manifestly fails to yield either
inescapability or overridingness. Consider instrumental practical reason. While we may reliably
feel motivated to do what satisfies our present desires, these do not coincide with the demands
of morality. The case with prudential practical reason is little better. While compelling

196 I am not the only one who finds the idea of self-command suspicious. Anscombe also rejects it: “That legislation
can be ‘for oneself’ I reject as absurd” (“Modern Moral Philosophy”, 13). See also: David Gauthier, Practical
arguments might be found that the requirements of morality and our own good overlap considerably, it is notoriously difficult to show that they always do. The more fundamental problem, however, is that the conclusions of practical reason simply do not take the same form as requirements of morality. To repeat a point made several times already, the directives of practical reason are inherently hypothetical whereas those of morality are categorical. This is nothing more than what is involved in the idea that moral requirements are inescapable: they apply to agents no matter their particular ends, desires, or interests.

We ought to conclude, then, that reason in all its various forms is not a suitable source for the authority of morality. The Kantian strategy of appealing to pure practical reason is supposed to yield inescapable requirements on pain of contradiction in the will, a contradiction generated by willing to act on certain maxims while at the same time willing them to be universal laws. It is, however, unclear why anyone must will his maxim to be a universal law in the first place. Moreover, even supposing Kant’s argument goes through, it is difficult to see how avoiding an abstract contradiction in my will gives me weighty reason to comply with morality’s demands. The other strategy of making the authority behind morality rest on either instrumental or prudential rationality turns out to be conceptually incoherent. The only way to understand the authority of reason that makes sense is as a psychological tendency for conclusions of reason to be motivationally efficacious. Yet this is distinct from the idea of morality as imposing inescapable requirements. The next chapter considers a different strategy. If reason will not serve as the authority behind morality, then perhaps the agent himself will do. Though this thought appears in Kant, Christine Korsgaard develops it in a significantly different way. I now turn to her account.
CHAPTER 6. AUTHORITY WITHOUT GOD: SELF

6.1 Introduction

In the last chapter I considered the view that reason might be the authority behind morality, able to impose inescapable and overriding requirements. I have argued that reason is not able to impose anything at all, and the idea that it can relies upon its personification. There are indeed “requirements” of reason, but these are merely constitutive—and hence, hypothetical. In order for something to be an inescapable requirement, and hence to apply to the agent no matter her particular desires, ends, and interests, it must take the form of a command. It must, then, come from some agent or other (since, for reasons already discussed, things do not give commands). This decisively rules out reason as a possible source of morality’s inescapable requirements.

I have suggested that Kant personifies reason in his efforts to show how the moral law is imposed upon us. We might charitably regard his language that points in this direction as somewhat imprecise and poetic. Perhaps his account is better read as a story about how and why we impose the moral law upon ourselves. This is certainly Korsgaard’s interpretation of Kant and the inspiration for her own view. In this chapter, I will consider her attempt to understand the inescapable and overriding requirements of morality as those we give to ourselves.

Though Korsgaard’s writings draw heavily upon Kant, it seems to me her own position is significantly different from his. Kant thinks the inescapability of the moral law rests on formal principles of practical reason, so that in disobeying it we cannot fail to be irrational. It is just this reliance on formal principles that makes Kant’s theory so unimpressive in one important respect: It is hard to see why violating the moral law is such a big deal. In contrast,
Korsgaard’s account aims to show not that immoral behavior violates formal principles of reason, but that it poses a threat to the very structure of our practical agency. For her, the introduction of enough immorality into our lives can literally ruin us, making us unable to live any kind of a coherent existence. For Kant, violating the moral law earns us the badge of irrationality; for Korsgaard, doing so threatens the very foundation of our agency. For this reason, her account initially sounds much more promising as a way to account for the inescapability and overridingness of morality. I will argue, however, that it ultimately falls short. First, a brief description of her view is necessary.

6.2 Korsgaard’s Argument

The account I will consider appears in *The Sources of Normativity*. As the title suggests, she is worried about what she calls “the problem of normativity.” Here is how she describes it:

> Ethical standards are normative. They do not merely describe a way in which we in fact regulate our conduct. They make claims on us; they command, oblige, recommend, or guide… And it is the force of these normative claims—the right of these concepts to give laws to us—that we want to understand.\(^{198}\)

She begins, then, with the phenomenology of morality I have been emphasizing all along. Morality seems in part to consist in requirements or laws we typically feel bound to obey. The problem here is not one of mere intellectual curiosity, for as she points out, “the day will come, for most of us, when what morality commands, obliges, or recommends is hard.”\(^{199}\) In such moments, we will want an answer for what justifies these demands made on us.


\(^{198}\) Ibid., 8, 9.

\(^{199}\) Ibid., 9.
There are two answers to this question she wants to reject: voluntarism and realism. The first of these she identifies in the writings of Pufendorf and Hobbes, for whom the source of normativity is in the command of a sovereign. The reason we are required or obligated to do something is that God, or in certain cases the legislator, has commanded it. The reason she rejects this view is that it appears to lead to a regress. If we are obligated, for example, not to murder because the sovereign has so commanded, why are we then obligated to obey the sovereign? She thinks there are two possible responses here, neither of which work. The first is to claim the sovereign must be obeyed because he has legitimate authority. But this is itself a normative concept, so we have not yet reached the source of normativity. The other option, which she attributes to Hobbes, is to say we are obligated to obey the sovereign because of his irresistible power. Here the problem is that if we manage to escape punishment by the sovereign we were never under an obligation in the first place.

She describes realism as a way to stop the kind of regress the voluntarist view encourages. According to her description, the realist simply asserts that certain things are obligatory or required, and further questions are out of place. For her, Prichard is a paradigm example. He thought it did not make sense to ask why we had to do our moral duty. If we tried

---

200 Though the point is not of great importance for the argument of this chapter, her criticism of voluntarism actually rests upon a confusion. If we wonder why we ought not to murder and receive the answer that we are obligated not to because the sovereign has forbidden it, there need be no further question about whether we are obligated to obey obligations stemming from the sovereign. It is as though, when told that he must not steal because there is a law against it, a man were to reply, “But is there a law against breaking the law?” There is no law outside the system of law, nor need there be. The law just is the sort of thing that can create obligations. The voluntarist would say the same about the command of a sovereign. Lest this sound puzzling, consider the analogous example of a promise. The act of promising creates an obligation, and there is no need for a further question about whether there is an obligation to keep that obligation.

201 Ibid., 29.

202 “I am obligated to do what is right only because the sovereign can punish me if I do not. Well, suppose I commit a crime and I get away with it. Then the sovereign was not able to punish me. And if my obligation sprang from his ability to punish me, then I had no obligation.” (29) She makes her argument much easier here by only considering the case of an earthly sovereign, whereas earlier she had used the term to include divine command views as well. Presumably, a divine command theorist would reply that no one ever “gets away with it.”
to give a reason appealing to self-interest, we would give something irrelevant. On the other hand, giving a moral reason to do the moral thing would be viciously circular. Korsgaard puts the conclusion this way:

If a question admits only answers that are either circular or irrelevant then it must be a mistake to ask it. And if that is the question of moral philosophy, Prichard thinks, then moral philosophy rests on a mistake. Obligations just exist, and nobody needs to prove it.\(^{203}\)

The problem with realism of this kind is that it fails to address the normative question.\(^{204}\) If someone is in the position of wanting to know if he really must do his duty, it is of no help to simply repeat that he must for it is his duty.\(^{205}\)

With these possibilities off the table, Korsgaard returns to the normative problem to see her way forward. This time, she formulates it slightly differently. The problem of someone who faces the normative question is this: Perhaps, when the full story is told about what morality is and how it gives us demands, we will no longer feel we must pay attention to it. This is the problem of transparency.\(^{206}\) If an account of morality is to be transparent, the way it describes its subject must enable us to see that we have good reason to abide by the demands of morality. A sociobiological theory that told us the reason we felt we were obligated to do the moral thing had to do with the programming of our genes would fail to be transparent. When we found ourselves in a position where morality demanded something hard, the knowledge it was only our

\(^{203}\) Ibid., 32.

\(^{204}\) For a thorough response to Korsgaard’s argument against realism, see: William J. FitzPatrick, “The Practical Turn in Ethical Theory: Korsgaard’s Constructivism, Realism, and the Nature of Normativity,” *Ethics* 115 (July 2005): 651-691.

\(^{205}\) Ibid., 39, 40.

\(^{206}\) Ibid., 17.
genes talking would not tend to steel our wills against temptation.\textsuperscript{207} If the problem is that the true explanation of morality might not survive reflection, the solution is to show it would: “If we find upon reflecting on the true moral theory that we still are inclined to endorse the claims that morality makes on us, then morality will be normative.”\textsuperscript{208} She calls this method of establishing normativity \textit{reflective endorsement}.\textsuperscript{209}

She discusses three representatives of this method: Hume, Mill, and Bernard Williams.\textsuperscript{210} All of these seem to argue that a fairly traditional system of morality can be endorsed as a whole through reflection. She sees a weakness here, though, that a common criticism of rule utilitarianism illustrates. If the rules of morality are reflectively endorsed because, for instance, they lead to the greatest good of the greatest number, then my reason for following them will be undermined in circumstances where the greatest good seems likely to be achieved through breaking them.\textsuperscript{211} This problem leads us to the need to endorse our actions singly, and for Korsgaard this means adopting a Kantian approach.

\textsuperscript{207} This example is Korsgaard’s (see pages 14-16). Her point is well illustrated in a piece by Ruse and Wilson: “Human beings, all human beings, have a sense of right and wrong, good and bad... What is distinctive about moral claims is that they are prescriptive; they lay upon us certain obligations to help and to cooperate with others in various ways. Furthermore, morality is taken to transcend mere personal wishes or desires. ‘Killing is wrong’ conveys more than merely ‘I don’t like killing.’” So far, they agree with Korsgaard about the phenomenology. But then they decisively undermine it: “[H]uman beings function better if they are deceived by their genes into thinking that there is a disinterested objective morality binding upon them, which all should obey... What Darwinian evolutionary theory shows is that this sense of ‘right’ and the corresponding sense of ‘wrong,’ feelings we take to be above individual desire and in some fashion outside biology, are in fact brought about by ultimately biological processes.” Michael Ruse, E.O. Wilson, “Moral Philosophy as Applied Science,” \textit{Philosophy} 61, no. 236 (April 1986): 178, 179. Ruse and Wilson do not take themselves to be undermining morality. In contrast, someone who looks to the sources of our morality with the intent to do so is Nietzsche. His \textit{On the Genealogy of Morality} exploits Korsgaard’s point by trying to discredit our moral principles through an exhibition of their origins. It should be noted that a causal story for a phenomenon does not necessarily cast it into doubt. Even if we accept an evolutionary story about the origins of love, we are not likely to abandon the practice. But causal stories like the examples I have given seem to require that something more be said in support of the practice in question. Given a certain story about a practice’s origins, we may still have reason to support it.

\textsuperscript{208} Korsgaard, \textit{The Sources of Normativity}, 49, 50.

\textsuperscript{209} Ibid., 50.

\textsuperscript{210} It might strike the reader as strange to hear these three grouped together. However, she is only claiming they are similar in their basic approach to the normative question, not in their ultimate conclusions.

\textsuperscript{211} Ibid., 86, 87,
All of this so far provides the preparation for her main argument, which now proceeds in two stages. First, she tries to explain in detail how normativity comes about. The second stage is to explain how specifically moral considerations become normative for us.

As I already mentioned, she thinks the springs of normativity are in reflection itself. To make sense of it, then, we need to understand what is going on in reflection. Her argument is rather simple (though not uncontroversial). She begins with the observation that we are reflective creatures. Thus, we are able to step back from the impulses to action that present themselves to us and ask, “Is this really a reason for action?” The candidates for action that present themselves this way are either endorsed, and acted upon, or rejected. She claims we must have some criterion in virtue of which this sorting takes place, otherwise we would never act at all. She puts this in Kantian terms, explaining that the will is free but needs some principle that will determine its actions. However, if the will is to be truly free, this principle must not come from outside but must be self-created. This, of course, is what it means to be autonomous, to give oneself the law. For reasons that are not very clear, she insists the principle by which the will determines its actions must take the form of law. Since the will is to be autonomous, there can be no antecedent reasons for selecting one law rather than another. The sole criterion is that it must be a law. She takes this conclusion to be the same one Kant reached: “The categorical imperative merely tells us to choose a law. Its only constraint on our

---

212 Ibid., 93.
213 Ibid., 97, 98.
214 G. A. Cohen is skeptical about this point: “The reflective structure of human consciousness may require, as Korsgaard says, following Harry Frankfurt, that, on pain of reducing myself to the condition of a wanton, I endorse the first-order impulses on which I act, that, as we say, I identify myself with them. But it does not follow, and it is not true, that the structure of my consciousness requires that I identify myself with some law or principle.” G. A. Cohen, “Reason, Humanity and the Moral Law,” in The Sources of Normativity, 167-188.
215 Ibid., 98.
choice is that it has the form of a law. And nothing determines what the law must be. *All that it has to be is a law.*”

She does not say exactly what she thinks this entails, but admits this does not yet get us to the *moral* law. For that, a few more steps are required. The first thing she wants to draw attention to is our tendency to identify with the principles by which we endorse or reject action candidates:

> When you deliberate, it is as if there were something over and above all of your desires, something which is you, and which chooses which desire to act on. This means that the principle or law by which you determine your actions is one that you regard as being expressive of yourself.

This self-conception she terms our *practical identity* and it is in virtue of it that we endorse or reject possible actions. This identity gives rise to obligations since it constitutes who we are, such that we cannot bring ourselves to act in ways inconsistent with it. She argues it is in terms of this conception that we value ourselves and see life as worth living. This makes sense of the willingness of persons to sometimes face death rather than do something in conflict with their identity (for example, as a mother). There are things the doing of which destroys our self-conception, and for Korsgaard, this can be worse than death.

At this point in the argument, Korsgaard has made her case for the source of normativity: it arises from our autonomy in conjunction with our practical identity. She describes its operation explicitly in terms of authority:

---

216 Ibid., 98. See also her article, “An Introduction to the Ethical, Political, and Religious Thoughts of Kant,” in *Creating the Kingdom of Ends* (New York: Cambridge University Press, 1996), 25.

217 Ibid., 99.

218 Ibid., 100.

219 Ibid., 101.

220 Ibid., 102.
Notice that this means that voluntarism is true after all. The source of obligation is a legislator. The realist objection—that we need to explain why we must obey that legislator—has been answered, for this is a legislator whose authority is beyond question and does not need to be established. It is the authority of your own mind and will...It is not the bare fact that it would be a good idea to perform a certain action that obligates us to perform it. It is the fact that we *command ourselves* to do what we find it would be a good idea to do.\(^{221}\)

You might think the act of commanding requires two persons: the one giving the command, and the one receiving it. She seems to agree, and divides the self into the *thinking part*, which is the legislator, and the *acting part*, which is the subject.\(^{222}\) The second part of her argument remains, and that is to show why this legislator must legislate morality.

As she has already established, we have need of a practical identity in order to have reasons for action. As it happens, we have various practical identities that coexist and overlap: I can identify myself as a husband, a parent, a teacher, an artist, an American, etc. all at once. These identities vary in strength, such that when conflicts arise, we tend to act in a way consistent with the more central ones. Korsgaard thinks reflection on the normative question leads us to seek the most fundamental identity. For someone might ask herself, “I have the practical identity as a mother, and in virtue of it I am obligated to care for my children. But why must I do the things required by that identity?” Ultimately, she thinks it is a fact about us that we are the kind of creatures who must have some practical conception of themselves and act in terms of it.\(^{223}\) This gives us an identity that is not contingent, as the others we have are:

But *this* reason for conforming to your particular practical identities is not a reason that *springs from* one of those particular practical identities. It is a reason that springs from your

\(^{221}\) Ibid., 104.

\(^{222}\) Ibid.

\(^{223}\) Ibid., 121.
humanity itself, from your identity simply as a human being, a reflective animal who needs reasons to act and to live. And so it is a reason you have only if you treat your humanity as a practical, normative form of identity, that is, if you value yourself as a human being.\textsuperscript{224}

Her contention is that this “rationally requires” our valuing others as human beings as well. The last part of her argument is dedicated to showing why this is true.

Korsgaard thinks a major obstacle to the view she is advocating is the opinion that our reasons are “private.” By this she means we have reasons in virtue of our own interests and the reasons of others can only become reasons for us if somehow we have private reasons so to consider them.\textsuperscript{225} According to her, this picture of reasons leads to two different strategies in ethics that try to bridge the gap between our reasons and the reasons of others:

Either the individual’s private reasons are served by attention to other people’s reasons, as in the neo-Hobbesian arguments; or the individual’s private reasons are found logically to commit her to taking other people’s reasons into account, as in the neo-Kantian arguments.\textsuperscript{226}

Having attended to her argument so far, the reader might have expected her to take this second strategy. Yet she rejects the idea that reasons are private and with it the notion that we need to bridge some gap between my reasons and yours.\textsuperscript{227} Instead, she thinks of reasons as inherently shareable, and appeals to the phenomenology to bear out her point. Her example is

\textsuperscript{224} Ibid., 121.
\textsuperscript{225} Ibid., 133. As she notes, the usual way of describing these reasons is as “agent relative” (as opposed to agent-neutral). The change in terminology plays an important part in her argument for it allows her to deploy Wittgenstein’s private language argument. Critics have suggested this change in terminology is unwarranted: agent-relative reasons are not private in the sense Wittgenstein was worried about. This makes much of her argument in lecture four seem beside the point. See: John Skorupski, “Rescuing Moral Obligation,” \textit{European Journal of Philosophy} 6, no. 3, (1998): 348. To make matters worse, her private language argument starts off with a curious non-sequitur: “What obligates me is reflection. I can obligate myself because I am conscious of myself. So if you are going to obligate me I must be conscious of you.” (136) One would have expected the second half of this equation to read, “So if you are going to obligate me you must be conscious of me.” Put that way, however, the claim is of no obvious help to her argument.
\textsuperscript{226} Ibid., 133.
\textsuperscript{227} Ibid., 135.
this: if I call out your name, I thereby give you a reason to stop.228 We will, indeed, tend to stop, because it is hard to ignore this sort of thing. The reason given presents itself as something to be responded to, at least in the absence of countervailing reasons. In this way, she thinks the reasons of others have a default standing for me that is just like my own impulses to action: “We do not seem to need a reason to take the reasons of others into account. We seem to need a reason not to.”229 So her point so far is just that the reasons of others can intrude upon our consciousness and once there present themselves as reasons for action in just the same way as our own impulses and desires.

The way she moves from this to the conclusion that we must treat others morally is a little obscure. The essence, however, seems to be an appeal to consistency. She imagines the example of a man tormenting someone else. The tormented says, “How would you like it if someone did that to you?”230 She claims that once the victim has said this, he has obligated the tormentor to stop. How is this supposed to work? If it is the case that the reasons of others make their way into our consciousness and stand on equal footing with our own impulses and desires, then the victim has given the tormentor a reason to stop that he must give other reasons to ignore. Korsgaard thinks this forces the tormentor to consider whether he would think his objection to such treatment, if the roles were switched, would be a reason for the one mistreating him to stop. She continues the argument as follows, imagining the reader is the tormentor in question:

You would think that the other has a reason to stop, more, that he has an obligation to stop. And that obligation would spring from your own objection to what he does to you.

You make yourself an end for others; you make yourself a law to them. But if you are a

228 Ibid., 140.
229 Ibid., 140-141.
230 Ibid., 142.
law to others in so far as you are just human, just someone, then the humanity of others is also a law to you. By making you think these thoughts, I force you to acknowledge the value of my humanity, and I obligate you to act in a way that respects it.231

The point is this: by speaking, the victim is able to intrude his reasons into the thought of the tormentor. This forces the tormentor, via the somewhat abstract chain of reasoning just described, to acknowledge a sort of inconsistency in what he is doing. This, in turn, forces the recognition of an obligation to stop.

Let me summarize her argument. The normative problem arises whenever morality demands something hard and we want to know, “Am I really obligated to do this? Why must I do it?” She thinks the worry is that after reflecting upon morality’s demand we will conclude we do not really have to pay it any attention. She tries, therefore, to trace a path through reflection to the endorsement of morality’s demands. The way she does this is to recognize we are creatures who act for reasons. Thus, when impulses to action present themselves we must decide whether they are reasons for us to act. We do this by means of principles, and these principles derive from our practical identity. However, our particular identities—as parents, doctors, captains, etc.—are contingent. When we ask why we are obligated to live by them, we come at bottom to our identity as creatures who need to live by identifying ourselves with practical identities. This is not contingent, and so the identity we must have is simply that of human being as such. If this identity is to be normative for us we must value ourselves as humans. This rationally commits us to valuing others as humans as well, and this involves taking the reasons of others as also reasons for us. Finally, this shows us we must, through reflection, come to endorse the claims morality makes on us, at least in respect to the treatment of others.

231 Ibid., 143.
6.3 Assessing the Argument

Korsgaard says at the outset of her argument, “What I say will necessarily be sketchy, and sketchily argued.”\(^{232}\) It is an interesting admission to make, but an honest one. Her argument is quite complicated and wide ranging, and it is easy to feel after reading it that its various threads do not all tie together in a single knot. Though there are many criticisms I could make of the details of her argument, this is not necessary for present purposes.\(^{233}\) Rather, I want to draw attention to some general problems having to do specifically with issues of authority and the inescapability and overridingness connected with it.

There seems to me first of all some confusion about what the source of normativity actually is. Early in her argument, she discusses the voluntarist view that normativity arises from the command of an authority. She later explicitly endorses this claim:

Notice that this means that voluntarism is true after all. The source of obligation is a legislator... It is not the bare fact that it would be a good idea to perform a certain action that obligates us to perform it. It is the fact that we command ourselves to do what we find it would be a good idea to do.\(^{234}\)

She does reject the voluntarist idea that the source of authority must be external—in the commands of God or a sovereign. Instead, the source of obligation is the authority of our thinking self, which gives commands to the acting self, backing them up by threats of

\(^{232}\) Ibid., 91.
\(^{234}\) Ibid., 104, 105.
punishment in the form of guilt.\textsuperscript{235} If this is the whole story, then moral obligation must arise in the following way: Suppose I see a drowning child in a pool who calls for help. It is not too controversial to think I am obligated to help save the child if I can. According to the view Korsgaard just expressed of the source of normativity, I am obligated to help the child because I command myself to do it. Keeping in mind the rest of her theory, this command would presumably arise from my conception of practical identity. So it might be a \textit{good idea} in any case to save the child, but it becomes a moral obligation for me once I command myself to do it.

There is a strange consequence of all this: If I decide (for whatever reason) not to command myself, then I have no obligation. That seems to entail it would not then be \textit{wrong} for me to let the baby drown, though it may still count as a “bad idea.” Much of what Korsgaard says seems to support this conclusion. She is, for example, a constructivist about ethics, denying any form of substantive realism.\textsuperscript{236} Value is something we impose on the world, so of course we must \textit{actually impose it}. “Autonomy is the source of obligation”\textsuperscript{237}—not something else out there in the world. She also applies the implication I have just drawn to suicide: “It is hard to say of one who commits… suicide that he has done wrong, for he has violated no value in which he still believes.”\textsuperscript{238} This seems consistent: wrongdoing depends upon violating commands you give yourself, which flow from the values with which you identify.

I have said there is a confusion about the source of normativity because in other places Korsgaard seems to reject the view just given. The clearest occasion comes in her discussion of the thought that reasons are inherently private. She thinks the strategy of showing that I have

\begin{flushright}
\textsuperscript{235} Ibid., 104. She mentions guilt as an internal “sanction” here, but otherwise says nothing about it.  
\textsuperscript{236} Ibid., 44.  
\textsuperscript{237} Ibid., 91.  
\textsuperscript{238} Ibid., 162-163. Here she is referring to suicide motivated by the feeling that there is nothing worth living for. Other kinds of suicide seem motivated by some value in which the agent believes very strongly. 
\end{flushright}
private reasons to pay some attention to your reasons is misguided. It gives the wrong sort of answer to the question:

It would show that I have an obligation to myself to treat you in ways that respect the value which I place on you. It would show that I have duties with respect to you, about you, but not that there are things I owe to you. But some duties really are owed to others: we may be obligated by others, I will argue, in much the same way that we may be obligated by ourselves.\textsuperscript{239}

The last line here is the crucial one: we can be obligated by others, not only by ourselves. Notice that she distinguishes this from merely having obligations to others, whose source may nevertheless lay within ourselves. It seems, then, that she allows for the possibility that our obligation to save the drowning child does not spring from us or from our autonomy, but from the child. Interestingly enough, in her final paragraph she says the things that obligate us, that “tell us what to do and make us do it,” are “people, and the other animals.”\textsuperscript{240} She also says, in a place already noted, that by calling out your name I obligate you to stop.

So which is true? Is the source of normativity and obligation the command of myself addressed to myself, or is it the demands and requests of others? There is an intuitive pull towards both options. On the one hand, Korsgaard seems correct to say, “nothing can be normative unless we endorse our own nature, unless we place a value upon ourselves.”\textsuperscript{241} If we valued nothing and had no practical identity, it is hard to see how we could have any reasons for acting, moral or otherwise. This suggests our reasons for action come from how we see ourselves and what we endorse in consequence of this. According to Korsgaard, the form this takes is of commands given to self by self. On the other hand, our intuitions pull in the

\textsuperscript{239} Ibid., 134.
\textsuperscript{240} Ibid., 166.
\textsuperscript{241} Ibid., 165.
opposite direction in the drowning child case. There certainly seem to be obligations that spring not from within but from without, in the demands and requests of other persons.

The problem here can be resolved if we are more careful about what we mean by the “source” of normativity and obligation. Someone might say of a fire that the wood is the source of the heat. Strictly speaking, this is not correct. The fire is the source of the heat, although if it were not for the wood there would be no fire. So it is with the issue at hand. Autonomy and endorsement in virtue of practical identity are a necessary condition for obligation, but are not necessarily its source. The mistake here is rather like that involved in the position of psychological egoism. According to that doctrine, humans are always selfish in their actions. No matter how altruistic it may appear, every action is ultimately motivated by the agent’s own desires, not the needs or interests of others. A psychological egoist looks at the philanthropist and says, “She only goes around doing good to others because she enjoys it.” Now the usual response to this person is to point out that the enjoyment of doing good to others is not an indicator of selfishness, but of selflessness. The psychological egoist notices a trivial truth—that all intentional action is in some sense what we want to do—and ignores the very significant differences among persons in the content of our desires. The selfish person is the one who desires and enjoys serving himself; the unselfish person is the one who desires and enjoys serving others.

Returning to Korsgaard’s argument, autonomy and practical identity seem to be necessary conditions for appreciating normativity, yet this does not mean they are its source. Imagine a soldier who receives an order from his commanding officer. In order to respond to it he will need to endorse it, for an order is not simply a cause that operates with no conscious cooperation. Suppose he endorses it because he says to himself, “I am a soldier, and soldiers
obey orders.” Here he endorses the order in virtue of his practical identity. Now because he has done so, do we need to say he is himself the source of the normativity of the order? Is he obligated to obey because his thinking self commands his acting self: “Obey the order! You’re a soldier, for heaven’s sake!” It is clear there are one too many officers in this chain of command.

There is a tension in Korsgaard’s account, then, that results from failing to clearly distinguish a condition of normativity from its ultimate source. In the realm of interpersonal morality at least, obligations do not arise from my endorsement; rather, my endorsement is a response to an obligation that has its source in another person. She may still want to respond at this point that my criticism can be accommodated by insisting that, while its source is in my will, an obligation can still be to another person. It seems to me, however, that the only plausible way this ‘to’ can be interpreted is to mean something like “concerning.” Granted, the object of the obligation on Korsgaard’s account can be something outside me. But when we think about being bound by an obligation, we are bound by the one who imposes it—which in this case is my own will.

Despite the apparent inconsistency here, the weight of her argument seems to suggest she finds the source of authority within the agent himself in the way I have described. The problem for us then is to see how this arrangement can secure the inescapability and overridingness of morality’s requirements. I will consider the former first. The main stated concern behind her project is that she wants to give some suitable reply to the normative question asked from the first person perspective: “Why must I do the things morality demands from me?” This question, since it is the starting point for reflection, must mean something like this: “Why must I do the things morality—understood as the code accepted by my society and

242 Fred Miller suggested this point.
believed in by me—demands from me?” For example, we may face the normative question when presented with the opportunity to lie in order to save someone’s life. We may have previously thought lying is always wrong and our society may have taken the same view. Now we want to know, “Is this really something I must not do? Why not?” For Korsgaard, finding out what you are obligated to do consists in finding out what practical identity you cannot help endorsing. In virtue of this identity you will command yourself to do (or not do) the thing in question. What you are actually obligated to do turns entirely upon what you actually command yourself to do. This is where the problem arises.

The problem is that this makes obligation contingent upon an internal psychological process. This point is important: Korsgaard is not giving us an account according to which our obligations are constituted by what we would command ourselves to do if we engaged in a certain kind of reflection. Rather, they are constituted by what we do in fact command. Hence, she accepts that a Mafioso could have, in virtue of his practical identity, real obligations to behave in the sort of ways Mafiosi do.\(^\text{243}\) The result seems to be that if certain moral obligations do not emerge from our reflection, then we simply do not have them. If, for instance, I do not feel myself obligated on reflection not to torture you, then I am not in fact so obligated. This makes moral demands eminently escapable.

Korsgaard has a reply to this line of criticism. The central idea in her argument is that, if you really do engage in careful reflection, you will end up endorsing your humanity as such as your practical identity. This leads you to endorse the humanity of others and, as we have seen, eventually to commanding yourself to treat others in ways consistent with morality.\(^\text{244}\) Yet it seems to me there is nothing necessary about you carrying reflection “all the way down” to the

\(^{243}\) See her discussion on 254-258.

\(^{244}\) Ibid.
bedrock of your identity as a reflective being who acts for reasons. You will only feel the need to do this if one of your more particular identities fails to motivate. Suppose I am a little league assistant, and a responsibility of my job is to prepare the field for a game early one Saturday morning. When my alarm clock goes off, I think, “Must I really go do this?” As I start to reflect, I first say to myself, “Well, you are a little league assistant, and this is what a little league assistant must do.” I am especially tired, and so reflection presses on: “But must I really take my identity as a little league assistant seriously?” I may then fall back on a more fundamental practical identity: “I am Ben’s father, and he is on the team and is counting on me to hold up my responsibilities as a little league assistant.” And here, let’s suppose, reflection comes to an end because the practical identity of being a father does motivate me and I drag myself out of bed. I command myself to go prep the field because not doing so is inconsistent with my identity as a father. This certainly seems like a satisfactory conclusion to reflection, for I have answered my normative question. It is hard to see what the point would be in a case like this to go any farther.

It seems to me this kind of reflection is more the norm than the exception. By a similar process a father discovers his obligation to prep a field, and a Mafioso his obligation to kill the competition. We may be happy to accept Korsgaard's story about all of this, but surely we want something more. We want to say (perhaps) that the father’s obligation is morally legitimate, whereas the Mafioso acts contrary to what his real obligation is. Yet this is just the thing Korsgaard cannot say.

She does have one final attempt to ward off this kind of problem, and that is the suggestion that reflection must be carried to a certain point:
The activity of reflection has rules of its own, rules which, in the way I described in section 2, are constitutive of it. And one of them, perhaps the most essential, is the rule that we should never stop reflecting until we have reached a satisfactory answer, one that admits of no further questioning. It is the rule, in Kant’s language, that we should seek the unconditioned. If the argument of the lectures is correct, following that rule would have led the Mafioso to morality.\(^{245}\)

Unfortunately, section two does not contain as much detail as one would like. She images how someone could keep asking herself the normative question until she came to the “unconditioned,” but she certainly does not show why this is a rule applying to every case.\(^{246}\) In fact, reflection on the rule she specifies above shows how unreasonable it is. With the first part of it I have no quarrel: we ought indeed to reflect until we have reached a satisfactory answer. But as the example of the father above shows, most of the time such an answer is reached long before we have gone all the way to the unconditioned in the sense she intends—which is all the way to our bare identity as a rational agent. It seems most implausible to say, as she does, this rule is “constitutive” of reflection, and I do not discover in her a good argument to the contrary.

Until one is forthcoming, Korsgaard must be content to affirm that our obligations are simply the ones we give ourselves. It is almost as though her account seems to change what the normative question is asking for, in such a way that she cannot fail to succeed in answering it. We might have thought of the question in the light of the typical way of thinking about morality, which I would argue is strongly realist. In that context a successful answer would consist in showing there are moral obligations—certain things I am bound to do—that are independent of me and are not contingent upon my particular thoughts, feelings, etc. Korsgaard rejects realism,

\(^{245}\) Ibid., 257-258.
\(^{246}\) See 88-89.
however, and gives the normative question a different spin. Instead of being, “Is there really anything I am bound to do?” it implicitly becomes, “Is there really anything I feel I am bound to do?” This latter question, of course, is answered through reflection. As I have already pointed out, its result is that the only things I really am bound to do are those things I feel bound to do, for they amount to the same thing. So if after reflection you do not endorse an obligation then you do not have it.

This is not an attractive outcome, and as I have suggested, Korsgaard herself does not want to accept it. Yet her account seems to commit her to it. She gives a compelling descriptive account of normativity. It is the case that our practical identify exerts a strong influence upon our will, and that acting against it can often be a painful thing. I think this can be so even to the extreme she suggests: that we can regard death as preferable to serious violation of our identity. Given these identities we have, we indeed feel bound or required to do certain actions, and the consequences of doing otherwise appear—and probably are—inescapable. Guilt and self-condemnation are serious things and can impede our ability to live a flourishing life. The key problem for Korsgaard as far as inescapability is concerned, is that while certain of our obligations will be inescapable for us, there is no guarantee that specifically moral ones will be. There is nothing inevitable about our adopting as our practical identity our bare rational humanity, and I would in fact be surprised if anyone ever feels the weight of obligation arising from such a thin conception.247

This last point brings up an interesting contrast. Our more everyday practical identities have a real psychological force for us, whereas it is harder to imagine the philosophically constructed ones Korsgaard argues for having the same effect. Her account, though, seems to

want to transfer the force attaching to the first to the second as well. If we grant that we must act according to our everyday practical identities, then her arguments are designed to show that we must act according to our philosophically constructed ones as well. What is easy to miss, however, is that there seems along the way to be a shift in the meaning of ‘must.’ The beginning of her account seems to suggest that she is after a ‘must’ of psychological compellingness. In other words, because of the constraints of agency, we must endorse the claims of practical identities in the same way that we must experience fear when faced with the prospect of an imminent and violent death. The other sense of ‘must’ is a logical one: on pain of inconsistency, the exercise of practical agency commits one to endorsing the claims of morality. There is no indication in her essay that she intends two different senses of must, but once they are distinguished we can see that neither will serve in an argument to the conclusion that morality is inescapable for us. If the ‘must’ is psychological, the claim is obviously false: it is not necessary to endorse the claims of morality in order to coherently act for reasons. If the ‘must’ is logical, then it only points to a requirement of reason in the constitutive sense. As we have already noted, this is the wrong kind of requirement and is really nothing like a ‘must’ at all. It is quite open to the agent to not trouble himself about whether his actions exhibit the philosophically subtle consistency Korsgaard identifies (even if it could be made to withstand all the objections that have been raised against it).

Overridingness, the claim that we always have most reason to comply with the requirements of morality, also fails. The reason here is simple: the violation of morality may have trivial, or in some cases no, objectionable consequences. The consequence for violating

---

248 This argument is given by FitzPatrick in “The Practical Turn in Ethical Theory.” See especially pages 663-673. Allan Gibbard also suggests that Korsgaard’s argument may implicitly involve more than one sense of necessity. See: Gibbard, “Morality as Consistency in Living,” 144.

249 On this point, see FitzPatrick, “The Practical Turn in Ethical Theory,” 666-668.
morality that Korsgaard’s account provides is damage to one’s practical identity. If I violate my identity as a teacher, for instance, I may introduce a tension into my life that causes problems in various quarters. These kinds of consequences can often be trivial if the violations in question are not too serious or too frequent. This is true even of what present themselves to us as moral obligations. Cohen puts the problem this way:

It is a huge exaggeration to say, as Korsgaard does, that “an obligation always takes the form of a reaction against a threat of a loss of identity.” I could remain me, both in the evident banal sense and in every pertinent non-banal sense, if I gave nothing to help the distant dying who oppress my conscience. I just wouldn’t feel very good about myself. And I might even say, in morose reflection: “How typical of me, to be so bloody selfish.” And I might lose my grip on myself if I suddenly found myself being very philanthropic…plenty of what I do that I regard as wrong does not challenge my identity at all.250

If no great consequences follow from violating our moral obligations, then it is not necessarily irrational to violate them. There would seem to be many cases, then, when we would pay a small price for immorality and the balance of reasons would seem to incline us in this direction is the payoff is significant. The requirements Korsgaard gives us, then, are neither Inescapable nor overriding. This should not be a surprising result, inasmuch as she advocates autonomy as the source of authority behind morality. If we give ourselves the law, it would seem to follow that we can give whatever laws we will and that the cost of violating them is not necessarily high. Even if it were sufficient to yield morality, there is no necessity that drives us to the practical identity of rational humanity as such. We will, therefore, require ourselves in

accordance with our particular, varied, and highly contingent, identities. Acting against such identities will not always involve a particularly serious cost.

In fact, the whole idea of a person having authority over herself is conceptually incoherent. To treat someone as an authority is just to take her directives as preempting your own judgment about what to do in a particular situation. A justified authority is one whose directives, if followed, allow an agent to better comply with the reasons that apply to him than if he followed his own judgment. But “being our own authority” just amounts to following our own judgments, which is the opposite of following authority. To affirm autonomy as the source of morality’s authority is really to do without authority altogether. Authority used in this way can only be metaphorical.

The criticisms I have raised should not be taken to signify that there is little of value in Korsgaard’s account. On the contrary, much of what she has to say is insightful and illuminating of the nature of normativity and the way it arises. She draws attention to the aspects of our agency that make norms even possible for us and that determine which of them we will find psychologically compelling. My broadest criticism, however, is that she loses sight of the difference between our acting upon our own reasons and acting in response to the demands of others. It is one of the most widely recognized features of moral phenomenology that moral requirements appear to us as the demands of someone other than ourselves. As we saw in the last chapter, it is not plausible to understand reason as that other. Neither, as this

251 Maurice Mandelbaum, in his study of the phenomenology of morality, emphasizes this point: “We have come to the basic element in all direct moral judgments: the phenomenon of a ‘reflexive demand,’ that is, of an ‘objective’ demand which is experienced as being directly leveled against the person apprehending it. As most deontological theories have recognized, this is not only an inexpungeable element in our immediate experience, but it is the foundation upon which any adequate theory of the consciousness of our own obligations must rest....It is my contention that the demands which we experience when we make a direct moral judgment are always experienced as emanating from ‘outside’ us, and as being directed against us. They are demands which seem to be independent of us and to which we feel that we ought to respond.” The Phenomenology of Moral Experience (Glencoe, IL: The Free Press, 1955), 51, 54.
chapter has tried to show, does it seem adequate to think of ourselves, or some part of ourselves as the other. The final two chapters present candidates for the source of morality’s requirements that really are others: in the next chapter it is other persons, and in the following chapter, God.
CHAPTER 7. AUTHORITY WITHOUT GOD: OTHERS

7.1 Introduction

I have been examining different ways of grounding the authority behind morality without resorting to theistic premises, and have argued that reason and autonomy are both inadequate. The last alternative I come to is in some ways the most natural, and that is finding the authority behind morality in the demands of others. This is natural since for each of us the first experiences of proto-moral obligations stem from what our parents or other adults required of us. This intuitive connection also prompted Freud’s psychological mythology of the super ego as the internalized, authoritative voice of the parent. Moreover, it is quite obvious that those around us do make demands upon our behavior and that we often feel obligated to comply with them. Think, for example, of the requirements of manners. These considerations might lead us to suggest that the requirements we associate with morality are ultimately traceable to those of other individuals or society as a whole.

I will develop an account like this drawing mainly on H.L.A. Hart and Robert Adams. This is not to say either one supports the view here under discussion, but they give accounts of how obligations can arise from a social context. It will come as no surprise that I conclude accounts of social obligation are not adequate to the task of grounding the seemingly inescapable and overriding requirements of morality. Moreover, they have another serious flaw in that they offend against the perceived objectivity of morality. In what follows, I will be considering social relationships broadly construed. This includes relations between family members, friends, fellow citizens, etc. The state as a source of obligation is a subset of this broader category and most of my arguments will apply equally to it; it will not be separately addressed.
7.2 Social Obligation

H.L.A. Hart begins his discussion of obligation as a social phenomenon with his well-known gunman example: “A orders B to hand over his money and threatens to shoot him if he does not comply.” According to older conceptions of law, says Hart, this example furnishes an instance of obligation that serves as a model for legal obligation (the state standing in relation to its citizens as A does to B). Hart rejects this thought and makes a distinction between ‘being obliged’ and ‘having an obligation.’ It is proper to say B was obliged to hand over his money, but we would never naturally say he had an obligation to do so. The part of his account I am interested in is how he explains this difference.

The concept of someone being obliged is the simpler of the two, and Hart suggests it is merely a statement about the psychology of the agent in question. In the gunman example, B is obliged to hand over his money because he believes the gunman’s threat is genuine and greatly fears this consequence. As the example makes clear, the seriousness of the threatened consequence is important. B would not be obliged if the gunman threatened to make fun of him. Also, we speak of someone being obliged to do something only if she would not otherwise want to do it. It does not make sense for me to say, “I was obliged to eat a really fantastic meal,” except, perhaps, as a joke.

If being obliged is mostly in the head, having an obligation requires a rather complex social setting. Moreover, an agent need not have particular beliefs and motives in order to count as having an obligation. What is required for the having of an obligation is the existence of what Hart calls ‘social rules.’ These form the background of our statements about obligation.

---

253 Ibid.
254 Ibid., 82-83.
255 Ibid., 83.
256 Ibid.
Typically, to say someone has an obligation is to both imply the existence of such a social rule and also assert that the case in question falls under its scope. Thus, the reason the agent’s psychology is irrelevant to his having obligations is that they are constituted by facts about the society of which he is a part.

Social rules are standards adopted by a significant portion of society, which meet three important criteria. First, behavior that deviates from the rule is regarded blameworthy to some extent and threatened deviations are met with some kind of social pressure to conform. Second, the existence of the standard is regarded a legitimate reason for the blame and pressure. Finally, a portion of the society must take what Hart calls the “internal” perspective on the standards. This involves looking “upon the behavior in question as a general standard to be followed by the group as a whole.” Those who take up this perspective use the rules not as predictors of what consequences will follow from their behaviors but as guides by which to live.

This does not yet get us all the way to obligation. The less important social rules may constrain what we “ought” to do without making us obligated. According to Hart, social rules give rise to obligation when they reach a certain level of seriousness: “Rules are conceived and spoken of as imposing obligations when the general demand for conformity is insistent and the social pressure brought to bear upon those who deviate or threaten to deviate is great.” From here, it is a short step to moral obligations. This subset of obligations is defined by the kind of pressure applied in its enforcement. Hart thinks moral obligations are supported by “the

\[257\] Ibid., 85.
\[258\] ‘Significant’ is admittedly a vague word. The idea is that if we are to say a society accepts a certain rule, a majority of them must actually live by it much of the time. If we are told something is a rule and yet find it universally disregarded, we should be rightly puzzled.
\[259\] Ibid., 55.
\[260\] Ibid., 55-56.
\[261\] Ibid., 56.
\[262\] Ibid., 86.
operation of feelings of shame, remorse, and guilt.”263 This is a kind of internal pressure. It is also applied from without, however, since others appeal to these things as a way of trying to motivate compliance. In addition, the social rules that give rise to moral obligation are usually those that seem necessary to the very existence of a civilized society.264 For example, no society could reasonably get along without a rule prohibiting murder.265

The conclusion of Hart’s account, then, is this: To have a moral obligation to do something is to be a member of a society that accepts such behavior as a standard and demands conformity to it. The society is also ready to enforce conformity to this standard by pressures of various kinds. In order to make the position I wish to criticize as strong as possible, I will now supplement Hart’s account with that of Robert Adams.

Adams affirms with Hart that the only way to understand obligation is by appreciating its social context. Adams’ account is, however, more comprehensive. This is so for two reasons. First, while Hart can explain quite general obligations (like that not to steal), his account is not able to make sense of particular interpersonal ones. Secondly, Adams gives a much more detailed story about how obligations provide reasons for action.

As to the first point, there is a class of obligations not captured by Hart’s social rule story. My having an obligation to you does not necessarily seem to require a social rule under which this instance falls. For instance, because of our close friendship I may have an obligation to go to see you perform in a play. This does not obviously presuppose a background social rule of any kind. Instead, the obligation seems to come from a demand (perhaps tacit) that you made upon me. For Adams, obligations do not require social rules but only demands, stated or

263 Ibid.
264 Ibid., 171-174.
265 That is, at least with respect to most members of a society. Unfortunately, societies can and have gotten along while permitting murder of a certain subset of the populace.
implied, made upon an agent by others.266 Included within ‘others’ are single individuals, small groups, or even large segments of society. The way to see the difference is that what Hart makes the necessary criterion for an obligation—a social rule—is actually a subset of the criterion Adams proposes—a social demand. A social rule in Hart’s sense is essentially a standard of behavior the society as a whole demands from its members. Demands need not, however, take the form of a rule. This makes room for the sort of particular obligations of which we are conscious.

Adams also gives us a more complete picture of the way obligations are reasons for action. Hart implies that obligations can provide reasons for action because the things a society demands with enough seriousness to rise to this level are conducive to the common interests of its members:

Much of the importance thus ascribed to the maintenance of moral rules may be very simply explained on agreeably rationalistic lines; for even though they demand sacrifice of private interests on the part of the person bound, compliance with them secures vital interests which all share alike.267

The interests he has in mind are things like having a stable society in which to carry out one’s projects. The problem here is that the stability and survival of society is not threatened by individual acts of immorality, especially if they are not detected. This kind of consideration is too rarified to provide a common and effective motivation to comply with the obligations imposed by society.

In his account, Adams focuses upon the social relationship itself. In the case of an obligation owed from one person to another, we can readily understand the kinds of

motivational resources in play: It may be fear of the other’s disapproval, anger, or rejection; desire to strengthen the relationship or be approved of; devotion in the form of disciple to master; etc. Similar kinds of considerations are at play with more generalized social demands. Fear of punishment is certainly a real motivator that probably keeps many in line with society’s demands. But so is a valuing of one’s social bonds along with the desire to experience a feeling of belonging in the community.²⁶⁸ In short, it is often the case that we are motivated to comply with the requirements of others because we value those relationships and seek to maintain them. Adams drives this point home by emphasizing the phenomenology of guilt. For Hart this seems to be a mere psychological feeling that, for some unexplained reason, accompanies the violation of obligations. Adams points out that a central feature of guilt is a feeling of alienation from others to whom the obligation was owed.²⁶⁹ The alienation stings—and thus the guilt gets its bite—precisely because we value the relationship that has been strained.

Adams marks the difference between ordinary obligations and moral ones quite differently than Hart. While Hart gives a descriptive account that points to the variety of social pressure employed, Adams incorporates normative criteria. He suggests obligations tend to be rightly seen as moral ones to the extent they satisfy three criteria: (1) the demands behind the obligation are made in the context of a social bond that is itself good; (2) the demands are made by persons who are themselves morally respectable; and (3) the action demanded is good.²⁷⁰

The strongest account of the grounding of the authority of morality in social requirement will combine the insights of both Hart and Adams. I would summarize this composite view this way: Morality is constituted by the demands made upon individuals by other individuals, either

²⁶⁹ Ibid., 239.
²⁷⁰ Ibid., 244-245. The way these three criteria contribute in general to the force of obligation will be discussed in the following chapter.
singly or as a group. To have an obligation is to be subject to such demands, and to have a moral obligation is to be subject to good demands made by reasonably good people. Moral obligations have normative, motivational force for us because of our valuing of the social bonds between us and those who impose them. Call this account The Social Obligation Account of Morality (hereafter SOAM). Can such an account underwrite the inescapability and overridingness of morality?

7.3 Evaluating the Social Obligation Account of Morality

Someone might first want to know if anyone holds a view like SOAM. Roger Crisp is one example of a philosopher who asserts that all there is to morality is a system of socially imposed obligations. Many of the things he has to say are quite familiar and have analogues in Hart and Adams. He recognizes first of all that central to morality is the idea that it contains “a set of to-some-degree-inescapable constraints.” He also says it is typically bound up with sanctions for non-compliance. He goes beyond Hart and Adams, however, by making the positive assertion that all there is to morality is the social practice: “Just as what is illegal within some state or other is what is forbidden by the law in that state, so what is wrong in any culture is what is forbidden by the lived morality within that culture.” This appears to be a form of moral relativism, though Crisp denies this. The reason he gives is that moral relativism is a normative thesis, while his is merely descriptive. The crucial question as he sees it is whether we can find non-moral reasons to justify these kinds of social practices.

---

272 Ibid., 88.
273 Ibid., 89.
274 Ibid.
275 Ibid.
proposes we look is in the resources of prudential rationality: “Lived morality is justified by the benefits it brings to particular individuals.”

Crisp sketches his account within the confines of an article mainly dealing with the arguments of Anscombe’s “Modern Moral Philosophy.” A more fully developed social obligation account of morality is presented by T.M. Scanlon in his book, *What We Owe to Each Other*. He describes his view as a form of “contractualism,” and this label nicely signifies that for him the requirements of morality ultimately stem from our relationships with other persons.

Scanlon’s book has much in common with Adams and, indeed, with the overall approach of our argument thus far. In regard to the latter, we share a common procedure. He begins with a characterization of the distinctive qualities of morality and then sets about trying to construct an account of the basis of moral judgments that can adequately explain these qualities. His characterization of what these qualities are is also similar to my own. For him, the most salient feature of morality is its overridingness, which he describes this way: “The fact that an action would be wrong constitutes sufficient reason not to do it (almost?) no matter what other considerations there might be in its favor.” He does not offer any extended account of inescapability, though he does refer to the seeming “inescapability” of the moral “must.” He also suggests that a person who ignores the requirements of morality “does fail to

---

276 Ibid., 91.
278 Ibid., 5. As I have done in the present work, Scanlon recognizes the diversity of what falls under the heading “morality” and stipulates that his account is meant to describe that part of morality roughly having to do with interpersonal obligations—hence the title.
279 Ibid., 6.
280 Ibid., 148. See also page 1.
281 Ibid., 151.
appreciate reasons that apply to him or her.” The nature of the reasons that make moral judgments overriding is such that few people, if any, could really stand outside them.

It is in his description of these reasons that he is most like Adams. The basic formulation of his position is quite simple:

When I ask myself what reason the fact that an action would be wrong provides me with not to do it, my answer is that such an action would be one that I could not justify to others on grounds I could expect them to accept. This leads me to describe the subject matter of judgments of right and wrong by saying that they are judgments about what would be permitted by principles that could not reasonably be rejected.

He recognizes the crucial social setting to morality and the implicit demands others place upon us in our behaviors that affect them. We stand in a certain relation to others, which can only be maintained by mutual respect exhibited through our desire to be able to justify to others our actions toward them. We have powerful reason to extend this respect because of the value of the relationship itself:

This relation, much less personal than friendship, might be called a relation of mutual recognition. Standing in this relation to others is appealing in itself—worth seeking for its own sake. A moral person will refrain from lying to others, cheating, harming, or exploiting them, “because these things are wrong.” But for such a person these requirements are not just formal imperatives; they are aspects of the positive value of a way of living with others.

---

282 Ibid., 158.
283 Ibid.
284 Ibid., 4.
285 Ibid., 162.
As with Adams, the feeling of guilt attendant upon moral transgression is in part constituted by feelings of alienation brought on by violating the implicit requirements of a relationship to others.\footnote{Ibid.}

How well do these accounts fare as solutions to our problem about the origins of the requirements of morality? We need not dwell long on Crisp’s account, inasmuch as it appeals directly to the resources of prudential rationality, a strategy discussed in chapter five. However much it might be that behaving morally is generally conducive to our interests, it is hard on an account like Crisp’s to see how it could always be so. This seems especially clear if we take his language—“benefits it brings to particular individuals”—to imply a narrow self-interested view of prudential rationality. Scanlon gives a more nuanced position that merits closer attention.

If Scanlon’s version of morality were to be inescapable, it would have to be because the requirements of morality—to act in ways sanctioned by principles others could not reasonably reject—applied to us no matter our particular interests, ends, or desires. Within his account, it appears that morality can apply to us in two different ways. One is in the sense that we have reason to do what morality requires since obedience to it is a condition for maintaining our relationship with others that Scanlon thinks we all have reason to care about. The other way is that the requirements of morality are actually applied to us by others inasmuch as they put pressure on us to conform to them and stand ready to blame and sanction us if we do not. Let us consider each of these in turn.

The first option, that morality applies to all since all have reason to value a certain standing with others, is not going to provide a grounding for inescapability. Its most serious drawback is that it is not sufficiently universal. Even if it is correct to say, as Scanlon does, that
standing in a “relation of mutual recognition” to others is “worth seeking for its own sake,” it is hard to see that we have reason to care about having this relation to everyone. Do we have such a reason with respect to perfect strangers or enemies? What about a member of a group that has been largely rejected and alienated by society? Does such a person have reason to value that relation and so to act only on principles his society could not reasonably reject? It is hard to see that he necessarily does. Aside from this problem, we have noted before that “requirements” of reason are not really requirements in the sense in which we are interested. Appealing to the reasons persons have to care about society with others is to attempt to show how the requirements of morality are really those of reason.

The other sense of requirement—that of actual demands made upon us by others—does appear in Scanlon’s account in connection with morality. Could we find the grounding of inescapability in it? There is no question that the requirements of those around us exercise a powerful influence, but it is hard to see that they are actually inescapable. Individuals often succeed in doing things society would strongly object to without being caught. Are society’s demands really being applied to such persons in these cases?

Whatever the answer to that question, the real problem with an account like Scanlon’s that makes the demands of morality the demands of others is that what others demand of us is a highly contingent matter. Some societies demand equal treatment for minorities while others do not; some demand fair treatment of outsiders, while others consider foreigners sub-human. What we take to be the basic requirements of morality are in fact escapable if the society in question does not impose them upon its members.

---

287 Ibid., 162.
Scanlon has a response to this objection. What he takes to be the grounds of right and wrong are not the *actual* demands in respect to behavior made by a society, but the principles a society could not reasonably reject.\(^{288}\) Thus, while a particular social group may have no objection to a principle according to which outsiders are ruthlessly killed or enslaved, the killing of foreigners by its members is still morally wrong since they could *reasonably* reject the principle that allows it.

Unfortunately, this way of responding undermines what Scanlon considers a central feature of his account. That feature is its ability to make sense of the phenomenology of moral experience. In particular, he thinks an adequate understanding of morality must make it clear why moral requirements are so important to us from the first-person perspective, such that we often treat them as indicating what we have most reason to do. Moreover, we also must make sense of the strong negative response of others to those who do wrong.\(^{289}\) His contractualism is calculated to explain both these things. From a first-person point of view, the requirements of morality are supposed to be very important because they represent the kind of behavior others expect from us, thereby setting the terms according to which we can dwell in harmony with others. When it comes to the response of others to the wrongdoer, its severity reflects their feeling that he has held in contempt their reasonable expectations of treatment. This story about the phenomenology, however, only makes sense in terms of *actual* expectations and demands, not ideal or reasonable ones.

Consider an example to illustrate the problem. Imagine a society that accepts and practices slavery. Imagine also that the slaves themselves have generally accepted their place and the social understanding of it. Thus, they do not in fact reject the principles according to which

\(^{288}\) Ibid., 340-341.
\(^{289}\) He discusses both of these points at length in chapter four.
their enslavement is justified. However, in all likelihood these principles are ones the slaves could reasonably reject. According to Scanlon’s account, then, their masters are violating the requirements of morality by enslaving them.

In these circumstances, however, this moral fact looks phenomenologically inert. Moral requirements are supposed to be so important because acting against them destroys our relations with our fellows; here there is no strain, for all parties are satisfied with current arrangements. The outrage of others at the moral wrongdoer is supposed to be explained by their feeling that he has violated reasonable expectations; here there is no such violation and no outrage.

Scanlon is left with a choice: he can make moral requirements arise from the actual demands made upon each other in accordance with what we actually consider reasonable; or, he can make them depend upon what would be reasonable to demand from each other. In the first case, he can make sense of the phenomenology but leaves the requirements of morality hostage to the actual culture of a place. In the second case, he can secure a greater objectivity for morality but at the cost of not being able to explain the phenomenological import of its requirements.

The latter option we must reject on the strength of now familiar arguments. Requirements that would be made by people who were reasonable are not the same as actual requirements that have been made. In fact, they are not requirements at all, inescapable or otherwise. The first option is more realistic, though also more troubling. The pictures given by both Scanlon and Adams about the role of others in the creation of moral requirements and in our reasons to pay attention to them seem fundamentally sound as far as they go. However, if this is the end of the story we are left with cultural relativism: the actual moral requirements to which an agent is subject depend upon the society of which he is a part.
In contrast to this position, when we think of moral requirements, like that prohibiting murder, as inescapable, we imagine they apply to members of any society even if that society does not demand compliance with them. As Adams puts it, “I cannot get rid of a moral obligation by persuading myself and others that I do not have it.” The problem here is that morality may demand it, even if society does not. This is not the only problem that arises from making moral requirements depend upon the requirements of society. There is also the possibility of society requiring of us what morality does not. Adams refers to the example of Huckleberry Finn: a societal demand that we return escaped slaves seems illegitimate from the point of view of morality. Finally, the demands of a society upon the individual may be in conflict. Which demand ought she to follow? These problems suggest that views tracing moral requirements to social ones are ultimately incompatible with the intuition that morality’s demands are inescapable and apply to persons in every society.

Concerning overridingness, little need be said. The desire to be in harmony with one’s fellows that Scanlon identifies is oftentimes a powerful one. For some persons, considerations of what might maintain or threaten such harmony carry a lot of weight. Unfortunately, this does not seem to be the case for everyone. Some people are hermits and despise the company of others; some care a lot about harmony with their particular group and not at all about harmony with those outside of it. Overridingness is a claim about what we have most reason to do. Given Scanlon’s source of the reason giving force of moral requirements—in a desire to maintain society with others—it would seem that the actual extent to which moral requirements give agents reasons must be contingent upon their relative valuation of various social bonds.

291 Ibid., 247.
Some persons at some times will have most reason to obey the requirements of morality; others at other times will not.

Before concluding this chapter, I ought to say something about Scanlon’s contractualism in relationship to other forms of the view. He is careful to distinguish his theory from others that typically go by the designations “contractarian” or “contractualist.” The key difference is in the standpoint of the parties to the “contract.” For Scanlon, these parties are persons who want to get along with others on terms those others could not reasonably reject. This motivation derives from valuing community for its own sake. The more standard contractualist account, however, has the parties trying to find principles that will maximize their own private advantage.292 The reader may want to know what I would say about accounts of this latter kind.

The exact details would of course depend upon the particular account in question. The outline of my response, however, would be in any case the same. A contractarian account claims that the requirements of morality are the rules rational individuals could agree upon as a shared framework for social interaction. It is clear enough no actual agreement has ever been made, so such accounts must appeal either to the requirements implicitly made by members of society upon each other or to those that would be made by rational bargainers. The arguments I have made above serve equally here to illuminate the problems with either approach. In short: the actual, implicit requirements in a society can often be decidedly immoral by the lights of our intuitions whereas hypothetical requirements are no requirements at all and at best serve simply as a heuristic for the discovery of what would be rational.

7.4 Conclusion

---

292 Scanlon, What We Owe to Each Other, 5.
The conclusion of this chapter is pretty clear. Though there is much to accounts like Hart’s and Adams’, they are incomplete. While I think we do become subject to obligations through the demands of others in society, those demands are highly contingent. Sometimes they run directly counter to what we take morality to require, other times they simply fall short of its full rigor. If we were to rely completely upon societal demands we would escape many of those thought to belong to morality. Our experience of morality makes us feel as though we are also subject to higher obligations. In other words, there are things we feel we must do or are bound to do that take precedence over what others require of us. As I have been saying all along, these requirements in fact seem to us in some sense inescapable. They also seem overriding in a way social demands often are not. Since Adams’ account gives such an attractive picture of the mechanics of requirement and obligation, is there some way to buttress a social account of obligation to solve the problems I have mentioned? Adams asks himself the same question and concludes there is: He maintains the social picture but adds God as a member of society. Divine command ethics can be developed as a picture wherein our most pressing obligations stem from demands coming from God. This view can explain how morality is both inescapable and overriding, or so I will now argue.
CHAPTER 8. AUTHORITY WITH GOD: DIVINE COMMAND ETHICS

8.1 Introduction

The argument so far has concerned four inadequate strategies for grounding the special features of morality (inescapability and overridingness) noticed at the outset. The first was a form of virtue ethics that attempts to do without an authority of any kind. I argued, among other things, that some authority must be present as a necessary condition for inescapability in order to actually apply norms to persons. Overridingness was impossible to establish because of the contingent connection between prudence and the directives of virtue. The next strategy considered was to place reason itself in the seat of authority. The problem here was that reason could not, strictly speaking, be an authority. Its “requirements” turned out to be only what I called “constitutive,” which are both hypothetical and not in fact requirements at all in the sense needed. I then considered Korsgaard’s appeal to autonomy, which at least endows a person with authority. That person is the agent himself. The main flaw in her account, however, is that I have only those obligations I actually give myself, which clearly violates the inescapability of morality. The final strategy addresses this problem by making the norms of morality those things demanded of the agent by others in society. Inescapability fails here, too, however, since a society might not demand from its members what we take to be obviously moral. The moral reformer exploits just this possibility. The demands of a society may also not be especially weighty for some agents in some circumstances.

What we seem to need, then, is an account that: specifies an authority, makes this authority a person(s), makes this person(s) external to the agent, and endows this person(s) with the ability to both infallibly require what is good and hold agents accountable to it. A divine command theory of ethics fits these criteria nicely. It is the burden of this chapter to both
sketch such a view and defend it from certain standard objections. I do not attempt to argue here that this theory of ethics is the correct one, for that would require another dissertation in its own right. However, I do want to show that it is at least a coherent theory. To the extent that one finds inescapability and overridingness important and the other strategies considered unable to sustain it, divine command ethics merits serious consideration.

8.2 Divine Command Theory

According to Adams’ social account of obligation, which I sketched in the previous chapter, obligations arise from requirements made within relationships. As we saw, this nicely accounts for several of the features of obligation, particularly its connection with guilt, alienation, and forgiveness. It also gives us a straightforward picture of the authority behind morality and the way in which we come to be aware of moral demands. Its main drawback was that we sometimes find the actual demands of a society to be morally reprehensible or in conflict with each other. It is also often the case that a society does not demand all the things of its members we think it ought to. For these reasons, the social account of obligation looks incomplete, and this observation leads Adams to expand it by the addition of divine command ethics.

Lest we think this move is purely ad hoc, Adams tells a brief story about the development of human morality that tries to present it as a natural one to make.\textsuperscript{293} He suggests that, given a context of social requirement, the awareness inevitably comes that human institutions and their demands can often be less than they should be if not completely corrupt. From this observation arises the idea of a moral standard that transcends mere human requirements and to which the latter must conform. A natural place to find this standard is in

the requirements of the gods. Adams admits he is just speculating, but in fact, anthropology supports him. All religions that accept the existence of deities make them in some way the guardians of morality, as the guarantors of both retribution for immoral action and rewards for its opposite. It has been the most common thing for humans to connect the felt demandingness of morality with their deities.

The kind of divine command ethics I will be discussing will follow Adams’ account in finding the source of moral obligation in God as understood within the Judeo-Christian tradition. The basic idea is quite simple. Adams describes it this way:

- God’s commands are the standard, conformity to which constitutes the ethical validity of human social requirements, and the correctness of one against another when they disagree;
- and God’s commands may go beyond human standards, revealing new ethical obligations not previously known.

This basic thought needs to be expanded in various ways. I will go about this somewhat indirectly, by first addressing the Euthyphro problem. This discussion will illuminate the way divine command theory relates to and draws on Adams’ account of social obligation. I will then discuss the epistemological issues suggested by the above characterization. In particular, how does this source of moral obligation relate to our knowledge of it? In what way does God reveal obligations?

8.3 Euthyphro

\[294\] Interestingly, C.S. Lewis tells a story similar to this except that he considers the connecting of a belief in universal moral requirements with the numinous in nature an unexpected move to make. It is the conjoining of the moral law—already an exacting thing—with the mysterious unseen powers to which he imagines primitive humans were in awe and dread. See: The Problem of Pain (1962; repr. Simon & Schuster, 1996), 19-20.

\[295\] For a sustained argument in support of this claim see Ronald M. Green, Religion and Moral Reason (New York: Oxford University Press, 1988).

\[296\] Adams, Finite and Infinite Goods, 262.
The most frequently encountered objection to divine command theory goes by the name of “The Euthyphro Dilemma.” It takes this title from the Platonic dialogue *Euthyphro* wherein Socrates asks a seemingly simple question about piety: “Is the piou̇s being loved by the gods because it is piou̇s, or is it piou̇s because it is being loved by the gods?” 297 In its more modern guise, the question is usually altered to a form concerning the relationship between God’s commands and what is right. Thus, it becomes, “Is conduct right because God commands it, or does God command it because it is right?” 298 This is supposed to be a dilemma on account of the undesirable consequences of adopting either option.

If the divine command theorist opts for the first, then it appears God could make anything whatever right by fiat. Erik Wielenberg stresses how counter-intuitive this seems by imagining an all-powerful being who subjects humanity to various tortures and yet declares these things are right and good. 299 Surely, Wielenberg thinks, such a declaration cannot make it so. 300 Moreover, if God’s commands are the source of morality, ascriptions of moral perfection to Him are in danger of being empty. If we say God always does what is right, then we are just saying He always acts consistently with His will. There does not, however, seem to be anything especially praiseworthy about that. After all, someone could consistently implement a wicked will.

The other option, that God commands certain things because they are right, entails there is a standard of rightness independent of and antecedent to God. If this is so, then morality has an independent basis and does not really rely upon God’s commands at all. God might still bear

---

298 This is, for example, the way James Rachels puts the dilemma. See: *The Elements of Moral Philosophy*, 3rd ed. (n.p., McGraw-Hill, 1999), 56.
300 Rachels makes this same point. See: *The Elements of Moral Philosophy*, 56-57.
some relationship to morality under such a view. He could be, for example, an authority on what is right in virtue of His superior wisdom and knowledge. Yet there would seem to be no reason why the facts upon which He relies should be unavailable to lesser agents. Thus, God might only provide a nice shortcut for figuring out what agents could nevertheless come to on their own.

In short, the two options facing the divine command theorist seem to either make morality arbitrary or God unnecessary.

8.4 Right and Good

So much for the standard objection. I now want to suggest the critics of divine command theory tend to overlook an important distinction that, once made, goes some way towards undermining the force of the dilemma. Rachels furnishes us with perhaps the clearest example of the mistake. Concerning the first horn of the dilemma, the claim that a thing is right because God commands it, he says this: “On this option, the reason we should be truthful is simply that God requires it. Apart from the divine command, truth telling is neither good nor bad. It is God’s command that makes truthfulness right.” The mistake is this: he completely ignores the distinction between the good and the right. There are three possible things a divine command theorist might want to say in relation to these two: God’s commands establish what is right, or they establish what is good, or they establish both. Rachels, and many others with

301 Though see also: Erik J. Wielenberg, Value and Virtue in a Godless Universe, chapters 2 and 3. Wielenberg does not make the mistake as crudely as Rachels, though he does not take notice of the possibility I present here. Kai Nielsen makes the mistake in a form much like that in Rachels. See his: Ethics without God, revised ed. (New York: Prometheus Books, 1990), 53. David Brink also treats the theist as having the option of asserting either that both good and right depend upon God’s will, or that morality is wholly independent of God. See: “The Autonomy of Ethics,” in The Cambridge Companion to Atheism, ed. Michael Martin (New York: Cambridge University Press, 2007), 149-165. Peter Byrne takes note of the option I propose, but only as a kind of footnote on his account which otherwise flows in the familiar channels. See his: The Philosophical and Theological Foundations of Ethics, 2nd ed. (New York: St. Martin’s Press, 1999), chapter 8.

302 Rachels, The Elements of Moral Philosophy, 56.
him, seem to assume the only thing the divine command theorist could intend is the last of these. However, according to the first option, that God’s commands establish only what is right, Rachels’ statement here quoted is clearly a non-sequitur. Even if it is true that God’s command makes truth telling right, that does not tell us anything yet about what makes it good. The divine command theorist can heartily agree with her critics in affirming that God cannot, for example, make torture good by simply commanding it to be done. But this is quite separate from the question of whether he could make it right.

Let us, then, assume a view of divine command ethics according to which God’s commands are the source of the right but not the good. Someone might want to protest this move by denying that the good and the right can be neatly separated, or indeed, separated at all. Let us grant a tight connection between the two ideas: something we consider monstrously bad is in no danger of being thought right. As the argument proceeds, we shall see that this is actually a rather important point for the divine command theorist. Nevertheless, there is a clear conceptual distinction between the two ideas manifested in the different roles each plays in our moral language and practice. Consider just one aspect of this: If we fail to do the right we are subject to guilt and the blame of others; on the other hand, there is much good we can do but do not, and receive neither kind of reproach. The good, though laudable, is voluntary; the right is required.

Even given this distinction, and the assertion that God’s commands affect only what is right, the divine command theorist is not yet off the hook. Critics can still raise problems with this divine relationship to the right. Even if God cannot make torture good by declaring it to be

---

so, is it any more attractive a position to say he could make it right? Our intuitions strongly support the thought that, just as there are some things that cannot be good, so there are others that cannot be made right. This is only an objection, though, if the divine command view is committed to the doctrine that God could make anything right. We will now see that it is not.

One reason God could not make just anything right is that his commanding is constrained by His character. This may at first sound odd, for is not God supposed to be completely free in His actions? Yet to be constrained to act in accordance with one’s character is no kind of unfreedom. In fact, it is just the opposite. As compatibilists, for one, are given to emphasize, freedom is simply being able to do what we want. As persons, however, our desires are not typically random urges, but flow from our nature and our cares. In other words, they reflect who we are. God’s free action, also, flows from His divine nature. He could not therefore command just anything, but only what is consistent with who He is. It is usually held that God is perfectly good, and if so, His commands will be also.\(^{304}\)

Erik Wielenberg finds this unsatisfying. It seems to suggest that God has the ability to make anything right by commanding it, even if his exercise of that ability is constrained by His character. So if God were, per impossible, to command gratuitous torture, He would thereby make it right.\(^{305}\) This implication, however, does not follow. In order to see why, we need to say something about what features of God bring it about that He can, by commanding, create moral obligations (which is another way of saying “make things right”). This will ultimately yield a second reason why God cannot make anything whatever right.

\(^{304}\) In a closely related objection to the one considered here, it is sometimes suggested that divine command views necessarily make God’s commands arbitrary. It should be clear what the proper response to this is: they are not arbitrary at all but emanate from His nature. William Alston emphasizes this point; see his: “Some Suggestions for Divine Command Theorists,” 303-326.

\(^{305}\) Erik Wielenberg, Value and Virtue in a Godless Universe, 49.
Hobbes claimed God was able to create obligations because of His “irresistible power.” This view would lead straight to the kinds of objectionable consequences already noticed. If power alone could create obligations, then an all-powerful being could make anything whatever right. There is good reason, however, to deny that divine power is the salient feature as far as obligations are concerned. Rather, God’s moral qualities play a much more important role. To see why, think first of the ordinary human context. The state is usually thought able to impose obligations on its citizens. Contrast this with the gangster, who may threaten the same kind of force as the state, but who is not able to create obligations. H.L.A. Hart made much of this difference in developing his theory of law. For him, what separates the gangster from the state are the background conditions within which each gives its orders.

What are the background conditions for the creation of moral obligations? The most basic one is a context of social relationships. If there were only one person existing in the universe, it would be hard to think of any obligations she would have. Rather, obligations arise from our relationships and interactions with others. Take promising for example: If I tell you I will meet you Tuesday, I have created an obligation for myself to do so. You now have a legitimate claim that I will have violated if I fail to show up. It is hard to think of an obligation someone has that does not obtain in virtue of the explicit or implicit demands of some relationship in which he stands.

This is bound to be a controversial point. Someone might wonder about obligations to self or to animals, which have no obvious connection to other persons. Obligations to animals are easier to explain, so I begin with them. It is instructive to notice that our feelings of...
obligation towards animals inevitably correlate with their level of—for lack of a better term—
“humanness.” By this I mean their ability to experience pain or pleasure in a way recognizable
to us and in general to display evidence of some form of inner life.\[^{309}\] As an example, consider
how much stronger people tend to feel that they ought not to maim or kill a dog or chimpanzee
than a worm or jellyfish. The source of this feeling of obligation concerning the treatment of
animals, I suggest, springs from our perception that they desire us not to cause them pain. They
are even able to communicate this in a rudimentary way. This all, no doubt, relies on a tendency
we have to anthropomorphize animals to some degree.\[^{310}\] Nevertheless, anyone who has ever
had a dog has experienced very real demands from an animal.\[^{311}\]

What about obligations to self? It is an open question whether there are any, but some
have proposed certain candidates, like the obligation to develop our talents (put forward by
Kant). Let us assume for the moment there are some such obligations. Would they constitute a
counter-example to the claim I have made that all obligations rely on social relationship? First,
we need to be clear about the meaning of ‘to’ in this context. There are two senses in which we
could understand it: We could construe it to mean the self is the \textit{source} of the obligation, or
instead that the self is the \textit{object} of the obligation. The first would mean that an obligation—to
use Kant’s example—to develop my talents is one I impose upon myself. The second would
mean only that such an obligation \textit{concerns} myself, but leaves it an open question who imposes it.

\[^{309}\] This kind of criterion is very similar to the one Peter Singer uses to argue for concern for animals. For him, some
kind of “sentience” that allows for the experience of pleasure and pain is the decisive factor. See his: \textit{Practical
Ethics}, 2\textsuperscript{nd} ed. (New York: Cambridge University Press, 1993), 55-61.
\[^{310}\] This is very similar to the way T.M. Scanlon explains our feelings of obligation to animals. See: \textit{What We Owe
to Each Other}, 182.
\[^{311}\] This is meant to be a story about how we could explain obligations to animals in terms of social relationships and
the demands made within them even in a universe with only one person. In our world, the picture is more
complicated than the one I sketch here. In addition to whatever demands issue from animals themselves, we are
subject in our treatment of animals to the demands of other persons as well. Witness, for example, the existence of
anti-cruelty laws.
It is certainly a possibility that all obligations to self merely have the self as an object but are imposed by others. Society may well demand that I develop my talents and thereby impose upon me an obligation to myself. The objection thus relies upon the sense of an obligation to self whereby the self is both the object and the source of the obligation. Surely, the objection must go, it is possible that the only person in the universe has obligations to herself, and the obligations in question are not the sort imposed by others on the self. Who, then, I might ask, are they imposed by?

If the objector is tempted to reply that they need not be imposed by anybody, it becomes a bit mysterious how to account for these supposed obligations. The very concept of an obligation is a thing that must be done, that is in some way required. A requirement entails a requirer. To grasp this point, imagine another universe, this time containing no persons whatever. Could anything possibly be required in such a universe? The idea is absurd. We might want to say objects in such a universe would be required to behave according to its physical laws, but this is quite clearly not the sense of requirement relevant to obligations. The only possibility for the lone agent to be subject to requirements is for her to require things of herself. As we have seen, this notion is somewhat strained. Yet notice again how an account like Kant’s, which has as a central feature the moral law imposed by the agent upon himself, has a tendency to personify reason itself. This reason, magically endowed with personhood, places demands upon the agent. Thus Kant, devoted as he is to autonomy, finds it necessary to talk—even if metaphorically—in terms of demands arising within relationship.

We ought to notice, however, that not just any relationship can give rise to any obligation. My child’s request for assistance is not on a par with a similar request coming from a stranger on the street. In Adams’ account of social obligation, he suggests several factors that
contribute to the creation of obligations.\footnote{Robert Adams, \textit{Finite and Infinite Goods}, chapter 10. Actually, these are the criteria he suggests tend to elevate mere obligations to the more stringent status of \textit{moral} obligations. For my purposes, it is not important to introduce this complication. The point is the same: these are factors that increase the felt pull of the demands of others upon us.} The members of our society place many demands upon us; we will tend to treat them as imposing obligations to the extent that: 1) they arise from within a relationship that is itself good and so properly valued; 2) the personal characteristics of those who make the demands are praiseworthy; 3) the thing demanded is good.\footnote{Ibid., 244-245.} This is not intended as a list of necessary and sufficient conditions. In other words, not all of these things will seem relevant in all cases. Rather, it is an attempt to generalize some features of relationships that seem to have a tendency to elevate the demands made within them to obligations.\footnote{I should add that these features have the described effect when \textit{thought} present, whether they in fact are.}

A series of cases wherein we hold two of the factors constant while varying the third will help to illustrate their salience. Imagine first a parent who receives a request for assistance in paying for college from her child compared to the same request coming from an abusive boyfriend; surely we are more likely to consider the first a possible source of obligation. As for the second factor, compare the same request to the parent coming from a diligent and respectful child versus a rebellious and lazy one. Again, the first seems a more likely source of obligation. Finally, imagine a child who requests financial assistance for college and one who requests money to set up an assassin training camp. As in the other two cases, the first is more likely to give rise to an obligation. The general picture that emerges is that the goodness of the demands and those who make them are central to their forming obligations.

There is a certain class of obligations, which I denominate \textit{contractual}, that are a special case. Having made a promise, for example, it does not appear that our obligation to fulfill it
depends upon the factors described above. The reason for this is that in making the promise we are implicitly granting that the one to whom we make it has a legitimate claim on us for the thing promised. In other words, we stipulate at the outset that the future demand of the person with whom we contracted will be treated as imposing an obligation upon us, and that this is not subject to revision. It even seems plausible to think that the force of the demand for the fulfillment of a promise comes as much (or more) from society as from the recipient of the promise.\footnote{Hume thought about promises in a way very much like this. As he explains, “All of them, by concert, enter into a scheme of actions, calculated for common benefit, and agree to be true to their word; nor is there any thing requisite to form this concert or convention, but that every one have a sense of interest in the faithful fulfilling of engagements, and express that sense to other members of the society. This immediately causes that interest to operate upon them; and interest is the first obligation to the performance of promises.” \textit{Treatise of Human Nature} (1739; repr. New York: Prometheus Books, 1992), 522-523.}

Moreover, a case can be made that some of the factors above are relevant to the obligation to keep a promise. The relationship within which the promise is made surely is: promises extracted through threats or manipulation are often thought not to bind the one who made them. Imagine a child who is kidnapped and abused and made to promise never the tell the authorities should he ever escape. Should we consider that promise binding? The nature of the thing promised also is important. If a person makes a promises to carry out a mob hit but later repents of the idea, should we say he ought nevertheless to fulfill it? These considerations point to the conclusion that even though contractual obligations are more complicated, they are still sensitive to at least some of the factors we have been discussing.

The lesson for divine command theory is clear: God’s goodness is of highest importance to His ability to create obligations by His commands. Adams puts the point nicely: “It is only a God who is supremely excellent in being, in commanding, and more generally in relating to us,
whose commands can plausibly be regarded as constituting moral obligation.”\textsuperscript{316} The second reason why God cannot make just anything right should now be apparent: If God’s character were quite different, such that He commanded gratuitous torture and other such things, He would no longer be the sort of being whose commands could give rise to obligations. To put it differently, they would no longer be a source of the right.

Let me summarize the argument so far: The standard version of the Euthyphro dilemma (as we saw with Rachels) presents the theist with two options: Either he must say God’s commands make things right and good, or that there are moral standards independent of God. We have seen first that the good and right must be kept separate, and that the theist is not committed to the position that God’s commands determine the good. The theist can claim God’s commands do ultimately establish the right, but this does not make the right arbitrary. The reason why is that God’s commanding is constrained by His nature, and His very ability to be the source of moral obligations depends upon His goodness.

8.5 Divine Goodness

If the arguments so far presented are sound, then the Euthyphro dilemma has been dissolved as far as my overall project is concerned. It poses a threat to the very idea that moral requirements could come ultimately from God, but I have shown that there is no conceptual problem in thinking that they do. Nevertheless, someone might like to press the objection in a slightly different way. Inasmuch as the account given has depended at several points on the goodness of God, we can recapitulate the Euthyphro dilemma: does a thing’s goodness depend upon God, or is even God good in virtue of something else? I will address this question also in order to give a fuller picture of the divine command account I have in mind.

\textsuperscript{316} Ibid., 255.
I suggest that God is the standard of goodness and thus that things are good in so far as they resemble Him in some fashion. This raises a problem: it seems to make the ascription of goodness to God appear vacuous, for in calling God good we are only saying God is like God.\textsuperscript{317} It would seem that in order for such an ascription to have substantive content, we must have a standard of goodness independent of God.

This objection runs into problems for the same reason the Euthyphro dilemma does: it fails to notice an important distinction. While it is correct to think that a substantive description of God as good requires our having an independent conception of goodness, this independence can be of two kinds. Let me illustrate them with an example: Imagine a language called Twing someone makes up and sets down in an official manuscript. Suppose Tim learns Twing indirectly from some friends who speak it. Suppose further that one day he stumbles upon the official manuscript, reads it, and exclaims, “This thing is written in perfect Twing!” Tim is here making what is for him a substantive statement. He has an independent concept of perfect Twing that he applies in this case. Contrast this case with Tim finding some other manuscript (perhaps a translation of Homer) composed in Twing accompanied by the same exclamation. In the first case, Tim’s evaluation of the manuscript depends upon a merely epistemically independent conception of perfect Twing. In fact, his conception is ontologically dependent, for his conception of perfect Twing traces back to the very source he now evaluates. In the second case, Tim’s conception of perfect Twing is both epistemically and ontologically independent of the manuscript he is evaluating. Returning to the case at hand with this distinction in mind, we can see that, in order to make a substantive ascription of goodness to God, our conception of it

\textsuperscript{317} For objections like this, see Kai Nielsen, \textit{Ethics without God}, chapter two, and David Brink, “The Autonomy of Ethics,” 152-153.
need only be epistemically independent and not ontologically so.\textsuperscript{318} In other words, it is only necessary that we learn what is good from instances other than God. It would be a real and important discovery for us that what we antecedently understand as the good is exemplified in God, even if He is ultimately its source. This objection therefore fails as an argument for the necessity of an independent standard of goodness.

There is one final worry, however, that someone might have: If God’s nature is the source of the good, then does changing His nature change the nature of the good? If His nature were to become cruel instead of loving, would cruelty then be good? The answer to this question relies on the distinction just made between what establishes the good and how we come to form our conception of it. The latter depends upon the kind of creatures we are and the environment in which we find ourselves. Leaving that fixed, changing God’s nature to something quite contrary to its present form would not change at all what we take to be the good. Furthermore, any knowledge we acquired of His altered character would neither incline us to call Him good nor to accept His requirements as imposing obligations. Changing God’s nature would also not change what is “really” good since an identification of God with the good is only intelligible on the assumption that He is the superlative exemplar of our prior conception of the good.\textsuperscript{319}

There is one way in which God having a different character would yield a different conception of the good, and that is if He created a quite different world that reflected that other character. If we were creatures with a very different form of life, we would have a

\textsuperscript{318}This distinction is quite similar to, and serves a similar purpose as, the old distinction between “order of being” and “order of knowing.”

\textsuperscript{319}That is not to say that an encounter with God cannot change our idea of the good in certain respects, but those changes must always seem in hindsight to be commensurate with what was previously a partially incomplete grasp of the good. This is similar to a point often made in ethics: a theory that required us to alter too much our currently held conception of morality would not seem to us a theory about morality at all. Likewise, if God’s character were radically different from what we consider good, we would never be tempted to apply this label to it.
correspondingly different conception of the good. There is nothing out of order about this, however. Our notion of the good seems necessarily tied to our attributes and capacities as humans. This is a premise most ethicists would surely be willing to grant.

What shall we say, then, about the Euthyphro dilemma? For one thing, it is able to present a serious obstacle to theistic views of the sources of morality only when both those views and the dilemma itself are crudely described. If a distinction is drawn between the right and the good, divine command theory can yield accounts of both that easily evade the objections the Euthyphro dilemma is supposed to generate. To the objection that God could make anything right, the theist can point to the constraints of God’s nature and the background conditions for the creation of obligations. The theist can also accept that the ascription of goodness to God requires an independent standard, but insist that it need only be epistemically and not ontologically so. In short, a nuanced divine command theory can finally put Socrates’ troubling question to rest. The Euthyphro problem can no longer be relied upon to undermine the conceptual coherency of theistic approaches.

8.6 Epistemology

I turn now to the epistemological issues raised by divine command ethics. First, I should dispel a confusion that may be lurking in the minds of some readers. Divine command ethics is not a theory about the meaning of “moral obligation,” but about its nature. In other words, I am not saying that “morally obligatory” means “commanded by God.”

Obviously it does not. Rather, the divine command theory I am giving is about the ultimate nature and source of moral obligations, things which may be quite unknown to competent users of moral

\[320\] Adams stresses this same point (Finite and Infinite Goods, 234).
language (in the same way that the nature of water as $\text{H}_2\text{O}$ has for most of history been unknown to competent users of ‘water’).\textsuperscript{321}

The above confusion about what divine commands ethics is claiming sometimes leads to a quick objection: Since atheists (among others) do not mean “commanded by God” when they say “morally obligatory”, divine command ethics must be mistaken. The clarification I made shows why this sort of objection is off target, yet there is a related one that poses a true puzzle: If divine command ethics is correct about the ultimate source of moral obligation, how is it that we can have knowledge of what is morally required without having any knowledge of or making any explicit reference to God? A divine command theorist must admit this possibility or else deny that atheists and agnostics have any knowledge of what is morally obligatory. This would be not only counterintuitive but has been explicitly rejected in the Christian tradition. It has been held instead that everyone has at least a rudimentary knowledge of what is morally right and wrong.

A command must, by definition, be communicated to those who are subject to it. If God’s commands are the basis for moral obligation, then they must somehow be conveyed in a way consistent with the above observation about agnostics and atheists. The first thing to note, as Adams does, is that the communication of divine commands need not rely upon a written religious text.\textsuperscript{322} This should be obvious for a reason already mentioned: only those with access to the text would be accountable to such a written command and yet the divine command theorist no less than anyone else wants to affirm that all are alike subject to the demands of morality. Instead, the means by which God could communicate his requirements to humans could take various forms. God could speak directly, through a prophet, through so-called

\textsuperscript{321} The analogy is suggested by Adams (Ibid., 355).

\textsuperscript{322} Ibid., 263.
natural law perceived by reason, or through conscience, to name just a few common proposals. Adams’ suggestion is that a primary vehicle for God’s communication of his demands is through human social requirements.\(^{323}\) The idea is that we have been so constituted as to naturally perceive that certain things ought or ought not to be done and as a result to demand them of each other.

Yet how can any of this be construed as a species of \textit{divine} command? Adams suggests that a divine command, in order to count as such, must satisfy three conditions:

1. A divine command will always involve a \textit{sign}, as we may call it, that is intentionally caused by God.  
2. In causing the sign God must intend to issue a command, and \textit{what is} commanded is what God intends to command thereby.  
3. The sign must be such that the intended audience could understand it as conveying the intended command.\(^{324}\)

As I already said, divine commands might be conveyed in various ways, but I want to focus as an example on the way I just mentioned: a natural perception that certain things ought or ought not to be done. Adams construes ‘sign’ quite broadly, and the sign here is simply the perception itself. Think of how conscience operates: we experience a compelling feeling that some thing is or is not to be done. As a matter of fact, people very often do take the voice of conscience to represent the requirements of God (this is not to say they necessarily take the voice of conscience as literally the voice of God). Given this fact, the third condition is satisfied. The second condition is simply a point about the necessary intentionality of commanding. It reminds us also of the possibility of misinterpreting commands. Thus, even if God does intend to convey requirements through the voice of conscience, agents can be quite mistaken in their interpretations of them. The collectivization, so to speak, of our consciences into social

\(^{323}\) Ibid., 264.  
\(^{324}\) Ibid., 265.
requirements can help to cancel out the biases and misinterpretations introduced on the individual level.

This may all sound somewhat vague, but I would return to something I pointed out earlier to dispel some of its initial implausibility. Humans have shown remarkable consistency in both accepting the existence of norms standing above and beyond mere human ones and attributing the source of these norms to gods of some kind. If God indeed has communicated to us his requirements, in admittedly diffuse and indirect ways, we have been quite perceptive in divining their ultimate source.

Someone might object that a person cannot see something as a command or requirement without actually knowing the source of that command, but this is not correct. Consider a simple example: Upon coming to an unknown land I might be informed by its inhabitants, “It is forbidden to wear shoes here.” It is possible for me to accept and abide by this command without inquiring further into by whom it is forbidden. The government? Religious authorities? The society at large? In order for it actually to be forbidden some such agency must stand behind the forbidding. Yet I need not know who it is. The same thing goes for what we take to be morally required or forbidden. This possibility is in fact what gives rise to the problem Anscombe addresses: people sometimes talk about things being “morally required” without knowing in virtue of what this is true. This dissertation is an extended exploration of the problem posed here: we are dimly aware that certain things are absolutely forbidden or enjoined, or to put it as I have been, certain moral norms are inescapable. The problem is to identify how this can be so. Divine command ethics says the ultimate answer is that certain moral norms are inescapable because commanded by God.
I would be the first to admit that the brief account I have given here about how knowledge of God’s commands might be conveyed presents us with a complex epistemological challenge if we were actually interested in discovering them. But this is something we should already know, whatever our views of the ultimate sources of morality: Attainment of moral knowledge is a slow, difficult process beset on all sides by uncertainty and the dangers of personal bias and blindness. This is why the Christian tradition stresses the tempering of individual moral judgment by that of the community, tradition, and scripture.

8.7 Divine Command Theory, Inescapability, and Overridingness

I want now to return to something I said at the outset of this chapter. I indicated that the lesson of the argument to this point is that in order to secure inescapability and overridingness, we need an account that does four things: (1) specifies an authority, (2) makes this authority a person(s), (3) makes this person(s) external to the agent, and (4) endows this person(s) with the ability to both infallibly require what is good and hold agents accountable to it. Divine command theory does all of these things. God is the authority and is obviously a person, He is external to the agent, and He has the ability both infallibly require what is good and hold agents accountable to it. Inescapability is clearly secured inasmuch as it is impossible to exempt oneself from the requirements of God. Their applicability does not depend upon any subjective features of agents. Moreover, God is clearly able to detect all infractions and hold those who violate moral requirements accountable. There is no question of one “getting away with it.” As for overridingness, recall that I claimed a moral norm is overriding if one has most
reason to obey it. Given rather standard beliefs about the nature of God’s rewards and promises, overridingness is also established.\(^{325}\)

Finally, it is also appropriate at this time to return to the account of authority given in chapter three and consider how God may meet the criteria given there for establishing authoritative legitimacy. I borrowed from Raz the idea that an imperative authority is justified in relation to a certain function. That function is to pre-empt individual judgment as to what there is most reason to do in a given situation because either that individual is likely to go astray or such preemption is necessary to solve a collective coordination problem. An authority is justified to the extent that it is performing this function well. Clearly, God is always in a better position than we are to know what reasons apply to us and so is at least perfectly qualified to exercise authority. Whether he does in fact command in a way consistent with what we have most reason to do is a question that cannot really be answered here for obvious reasons. However, if what I said above is correct—that God’s nature is the paradigm of goodness and his commands flow out of it—then we have reason to believe that he does (granting the additional assumption that what we have most reason to do is good and not evil).

8.8 Conclusion

This dissertation began by taking note of certain compelling features of the phenomenology of morality. These features are articulated in talk of being \textit{bound}, \textit{required}, or \textit{having to do} the moral thing. The connection of these ideas with morality is ubiquitous, now just as much as in the past. I suggested we could adopt one of two stances in regard to this phenomenology. We could be skeptics, saying to ourselves, “We may \textit{feel} these ways, but that feeling is an illusion.” This is in effect the position taken by Ruse and Wilson (as I have had

---

\(^{325}\) This should not be thought of only in terms of the afterlife. It is commonly held by theists that obedience to God’s commands also furnishes the most desirable kind of life (the life we have most reason to live) here and now.
occasion to mention earlier), who suggest our belief in an objective and binding morality is a trick played on us by our genes in furtherance of survival. Alternatively, we could entertain the idea that the phenomenology points to something true and important about morality. This raises two questions: First, what exactly does the phenomenology suggest about the nature of morality? Second, given an answer to the first question, can we discover a way to philosophically ground it?

I have argued that the way to answer the first question is that the phenomenology and our ways of talking about it imply that we believe morality applies to all in a way that cannot be escaped from and that it furnishes reasons for action of an especially weighty kind. I have been referring to the first feature as *inescapability* and the second as *overridingness*. Anscombe hints, though somewhat inchoately, at these same notions, but chastises modern moral philosophers for continuing to appeal to them. Without God as a moral lawgiver, she says, we must let go of the thought that morality has some special authority.

An attempt to answer the second question above inevitably leads to a confrontation with Anscombe’s thesis. There are many who do not wish to tie morality to theology and yet who nevertheless hope to maintain the features traditionally and inevitably connected to it. The question then is whether Anscombe is right: Is an appeal to God the only way to sustain the inescapability and overridingness of morality? I have suggested that it is. All of the alternatives considered have come up short in various ways. That is, of course, except for divine command theory which, when suitably formulated, accounts for inescapability and overridingness with no trouble at all. This last point may not be too controversial, but the thought that such an account can be plausibly sustained is. I have tried to show in this last chapter that some of the standard objections to divine command theory can be answered such that it is at least a coherent view.
Whether it is thought more than that will depend upon considerations that fall outside of the scope of this particular project.\textsuperscript{326}

In the end, then, we are back to Anscombe’s contention. Modern moral philosophers ought to give up imbuing morality with a special sense because the only realistic way to do so depends upon a God they reject. This suggestion, however, looks less inviting when its implications are appreciated. It is clear that this special sense contains within it the ideas of inescapability and overridingness, without which morality becomes a pale shadow of its former self. And this should not be surprising, for as Anscombe rightly notices, our morality descends from a world in which theology was central. Removing the theology is bound to substantially alter it. I have tried to show that one significant change is a general relaxing of the stringency of morality. Inescapability and overridingness perish together with God.

\textsuperscript{326} I would, however, suggest that philosophers balance the tendency to dismiss it out of hand with the reflection that some form of divine command ethics has been, and continues to be, the dominant view of mankind.
BIBLIOGRAPHY


Gibbard, Allan. “Morality as Consistency in Living: Korsgaard’s Kantian Lectures.” *Ethics* 110, no.


—. “Kant’s Formula of Universal Law.” In Creating the Kingdom of Ends, 77-105.


