

CHAPTER 10



Morality, the Peculiar Institution

EARLIER I referred to morality as a special system, a particular variety of ethical thought. I must now explain what I take it to be, and why we would be better off without it.

The important thing about morality is its spirit, its underlying aims, and the general picture of ethical life it implies. In order to see them, we shall need to look carefully at a particular concept, *moral obligation*. The mere fact that it uses a notion of obligation is not what makes morality special. There is an everyday notion of obligation, as one consideration among others, and it is ethically useful. 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." Morality is not one determinate set of ethical thoughts. It embraces a range of ethical outlooks; and morality is so much with us that moral philosophy spends much of its time discussing the differences between those outlooks, rather than the difference between all of them and everything else. They are not all equally typical or instructive examples of the morality system, though they do have in common the idea of moral obligation. The philosopher who has given the purest, deepest, and most thorough representation of morality is Kant. But morality is not an invention of philosophers. It is the outlook, or, incoherently, part of the outlook, of almost all of us.

In the morality system, moral obligation is expressed in one especially important kind of deliberative conclusion — a conclu-

sion that is directed toward what to do, governed by moral reasons, and concerned with a particular situation. (There are also general obligations, and we shall come back to them later.) Not every conclusion of a particular moral deliberation, even within the morality system, expresses an obligation. To go no further, some moral conclusions merely announce that you *may* do something. Those do not express an obligation, but they are in a sense still governed by the idea of obligation: you ask whether you are under an obligation, and decide that you are not.

This description is in terms of the output or conclusion of moral deliberation. The moral considerations that go into a deliberation may themselves take the form of obligations, but one would naturally say that they did not need to do so. I might, for instance, conclude that I was under an obligation to act in a certain way, because it was for the best that a certain outcome should come about and I could bring it about in that way. However, there is a pressure within the morality system to represent every consideration that goes into a deliberation and yields a particular obligation as being itself a general obligation; so if I am now under an obligation to do something that would be for the best, this will be because I have some general obligation, perhaps among others, to do what is for the best. We shall see later how this happens.

The fact that moral obligation is a kind of practical conclusion explains several of its features. An obligation applies to someone with respect to an action — it is an obligation to do something — and the action must be in the agent's power. "*Ought* implies *can*" is a formula famous in this connection. As a general statement about *ought* it is untrue, but it must be correct if it is taken as a condition on what can be a particular obligation, where that is practically concluded. If my deliberation issues in something I cannot do, then I must deliberate again. The question of what counts as in the agent's power is notoriously problematical, not only because of large and unnerving theories claiming that everything (or everything psychological) is determined, but also because it is simply unclear what it means to say that someone can act, or could have acted, in a certain way. To say anything useful about these problems needs a wide-ranging discussion that I shall not attempt in this

book.¹ What I shall have to say here, however, will suggest that morality, in this as in other respects, encounters the common problems in a peculiarly acute form.

Another feature of moral obligations in this sense is that they cannot conflict, ultimately, really, or at the end of the line. This will follow directly from the last point, that what I am obliged to do must be in my power, if one grants a further principle (it has been called the "agglomeration principle"), that if I am obliged to do *X* and obliged to do *Y*, then I am obliged to do *X* and *Y*. This requirement, too, reflects the practical shape of this notion of obligation. In an ordinary sense of "obligation," not controlled by these special requirements, obligations obviously can conflict. One of the most common occasions of mentioning them at all is when they do.²

The philosopher David Ross invented a terminology, still sometimes used, for discussing the conflict of obligations, which distinguished between *prima facie* and actual obligations. A *prima facie* obligation is a conclusion, supported by moral considerations, which is a candidate for being one's actual obligation. It will be the proper conclusion of one's moral deliberation if it is not outweighed by another obligation. Ross tried to explain (without much success) why a merely *prima facie* obligation — one that is eventually outweighed — is more than an apparent obligation. It is to be seen as exerting some force on the place of decision, but not enough, granted the competition, to get into that place. The effect, in more concrete terms, is that the considerations that supported the defeated *prima facie* obligation can come to support some other, actual, obligation. If I have for good and compelling reasons broken a promise, I may acquire an actual obligation to do something else because of that, such as compensate the person who has been let down.

It is not at all clear why I should be under this further obligation, since it is one's own business, on this view of things, to observe one's obligations, and I shall have done that. No actual obligation has been broken. This has a comforting consequence, that I should not blame myself. I may blame myself for something else, such as getting into the situation, but it is mistaken to blame or reproach myself for not doing the rejected action: self-reproach

belongs with broken obligations, and, it has turned out, there was no obligation. It is conceded that I may reasonably feel bad about it, but this feeling is distinguished by the morality system from remorse or self-reproach, for instance under the title "regret," which is not a moral feeling. This reclassification is important, and very characteristic of what happens when the ethical is contracted to the moral. To say that your feelings about something done involuntarily, or as the lesser of two evils, are to be understood as regret, a nonmoral feeling, implies that you should feel toward those actions as you feel toward things that merely happen, or toward the actions of others. The thought *I did it* has no special significance; what is significant is whether I voluntarily did what I ought to have done. This turns our attention away from an important dimension of ethical experience, which lies in the distinction simply between what one has done and what one has not done. That can be as important as the distinction between the voluntary and the non-voluntary.³

Moral obligation is inescapable. I may acquire an obligation voluntarily, as when I make a promise: in that case, indeed, it is usually said that it has to be voluntarily made to be a promise at all, though there is a gray area here, as with promises made under constraint. In other cases, I may be under an obligation through no choice of mine. But, either way, once I am under the obligation, there is no escaping it, and the fact that a given agent would prefer not to be in this system or bound by its rules will not excuse him; nor will blaming him be based on a misunderstanding. Blame is the characteristic reaction of the morality system. The remorse or self-reproach or guilt I have already mentioned is the characteristic first-personal reaction within the system, and if an agent never felt such sentiments, he would not belong to the morality system or be a full moral agent in its terms. The system also involves blame between persons, and unless there were such a thing, these first-personal reactions would doubtless not be found, since they are formed by internalization. But it is possible for particular agents who belong to the system never to blame anyone, in the sense of expressing blame and perhaps even of feeling the relevant sentiments. They might, for instance, be scrupulously skeptical about

what was in other people's power. The point that self-blame or remorse requires one's action to have been voluntary is only a special application of a general rule, that blame of anyone is directed to the voluntary. The moral law is more exigent than the law of an actual liberal republic, because it allows no emigration, but it is unequivocally just in its ideas of responsibility.

In this respect, utilitarianism is a marginal member of the morality system. It has a strong tradition of thinking that blame and other social reactions should be allocated in a way that will be socially useful, and while this might lead to their being directed to the voluntary, equally it might not. This follows consistently from applying the utilitarian criterion to all actions, including the social actions of expressing blame and so forth. The same principle can be extended to unexpressed blame and critical thoughts; indeed, at another level, a utilitarian might well ask whether the most useful policy might not be to forget that the point of blame, on utilitarian grounds, was usefulness. These maneuvers do seem to receive a check when it comes to self-reproach and the sense of moral obligation. Utilitarians are often immensely conscientious people, who work for humanity and give up meat for the sake of the animals. They think this is what they morally ought to do and feel guilty if they do not live up to their own standards. They do not, and perhaps could not, ask: How useful is it that I think and feel like this? It is because of such motivations, and not only because of logical features, that utilitarianism in most versions is a kind of morality, if a marginal one.

The sense that moral obligation is inescapable, that what I am obliged to do is what I *must* do, is the first-personal end of the conception already mentioned, that moral obligation applies to people even if they do not want it to. The third-personal aspect is that moral judgment and blame can apply to people even if, at the limit, they want to live outside that system altogether. From the perspective of morality, there is nowhere outside the system, or at least nowhere for a responsible agent. Taking Kant's term, we may join these two aspects in saying that moral obligation is *categorical*.

I shall come back later to people outside the system. There is more that needs to be said first about what a moral obligation is for someone within the system. It is hard to agree that the course of

action which, on a given occasion, there is most moral reason to take must necessarily count as a moral obligation. There are actions (also policies, attitudes, and so on) that are either more or less than obligations. They may be heroic or very fine actions, which go beyond what is obligatory or demanded. Or they may be actions that from an ethical point of view it would be agreeable or worthwhile or a good idea to do, without one's being required to do them. The point is obvious in terms of people's reactions. People may be greatly admired, or merely well thought of, for actions they would not be blamed for omitting. How does the morality system deal with the considerations that seemingly do not yield obligations?

One way in which the central, deontological, version of morality deals with them is to try to make as many as possible into obligations. (It has a particular motive for the reductivist enterprise of trying to make all ethical considerations into one type.) There are some instructive examples of this in the work of Ross, whose terminology of *prima facie* obligations I have already mentioned. He lists several types of what he regards as general obligations or, as he also calls them, duties.⁴ The first type includes what everyone calls an obligation, keeping promises and, by a fairly natural extension, telling the truth. The second class involves "duties of gratitude": to do good to those who have done services for you. But it is not really clear that these are *duties*, unless the benefactor (as the word "services" may imply) has acquired a right to expect a return—in which case, it will follow from some implied promise, and the obligation will belong with the first type. Good deeds I have not asked for may indeed be oppressive, but I should not simply take that oppression for obligation.⁵

What Ross is trying to force into the mold of obligation is surely a different ethical idea, that it is a sign of good character to want to return benefits. This characteristic is not the same thing as a disposition to do what one is morally obliged to do. A different ethical thought, again, is disguised in Ross's third class, which he calls "duties of justice." What he says about this is extraordinary:

[these duties] rest on the fact or possibility of a distribution of pleasure or happiness or the means thereto which is not in

accordance with the merits of the persons concerned; in which case there arises a duty to upset or prevent such a distribution.

There are such things as duties or obligations of justice, but this incitement to insurrection against the capitalist economy (or any other, come to that) can hardly be the right account of what they are. The requirements of justice concern, in the first place, *what ought to happen*. The way in which a given requirement of justice relates to what a given person has reason to do, or more specifically is under an obligation to do, is a matter of how that person stands to the requirement. In politics, the question of how far personal action stands from the desirable — the *utopia measure*, as it might be called — is itself one of the first, and one of the first ethical, questions.

It is a mistake of morality to try to make everything into obligations. But the reasons for the mistake go deep. Here we should recall that what is *ordinarily* called an obligation does not necessarily have to win in a conflict of moral considerations. Suppose you are under an everyday obligation — to visit a friend, let us say (a textbook example), because you have promised to. You are then presented with a unique opportunity, at a conflicting time and place, to further significantly some important cause. (To make the example realistic, one should put in more detail; and, as often in moral philosophy, if one puts in the detail the example may begin to dissolve. There is the question of your friend's attitude toward the cause and also toward your support of the cause. If he or she favors both, or merely the second, and would release you from the promise if you could get in touch, only the stickiest moralist would find a difficulty. If the friend would not release you, you may wonder what sort of friend you have . . . But it should not be hard for each person reading this to find some example that will make the point.) You may reasonably conclude that you should take the opportunity to further the cause.⁶ But obligations have a moral stringency, which means that breaking them attracts blame. The only thing that can be counted on to cancel this, within the economy of morality, is that the rival action should represent another and more stringent obligation. Morality encourages the idea, *only an obligation can beat an obligation*.⁷

Yet how can this action of yours have been an obligation, unless it came from some more general obligation? It will not be easy to say what the general obligation is. You are not under an unqualified obligation to pursue this cause, nor to do everything you possibly can for causes you have adopted. We are left with the limp suggestion that one is under an obligation to assist some important cause on occasions that are specially propitious for assisting it. The pressure of the demand within the morality system to find a general obligation to back a particular one — what may be called the *obligation-out, obligation-in* principle — has a clearer result in those familiar cases where some general ethical consideration is focused on to a particular occasion by an emergency, such as the obligation to try to assist someone in danger. I am not under an obligation to assist all people at risk, or to go round looking for people at risk to assist. Confronted⁸ with someone at risk, many feel that they are under an obligation to try to help (though not at excessive danger to themselves, and so on: various sensible qualifications come to mind). In this case, unlike the last, the underlying obligation seems ready made. The immediate claim on me, "In this emergency, I am under an obligation to help," is thought to come from, "One is under this general obligation: to help in an emergency." If we add the thought that many, perhaps any, moral considerations could overrule some obligation on some occasion, we find that many, perhaps all, such considerations are related to some general obligations, even if they are not the simple and unqualified ones suggested by Ross's reductionism.

Once the journey into more general obligations has started, we may begin to get into trouble — not just philosophical trouble, but conscience trouble — with finding room for morally indifferent actions. I have already mentioned the possible moral conclusion that one *may* take some particular course of action. That means that there is nothing else I am obliged to do. But if we have accepted general and indeterminate obligations to further various moral objectives, as the last set of thoughts encourages us to do, they will be waiting to provide work for idle hands, and the thought can gain a footing (I am not saying that it has to) that I could be better employed than in doing something I am under no obligation to do, and, if I could be, then I ought to be: I am under an obligation not

to waste time in doing things I am under no obligation to do. At this stage, certainly, only an obligation can beat an obligation, and in order to do what I wanted to do, I shall need one of those fraudulent items, a duty to myself. If obligation is allowed to structure ethical thought, there are several natural ways in which it can come to dominate life altogether.

In order to see around the intimidating structure that morality has made out of the idea of obligation, we need an account of what obligations are when they are rightly seen as merely one kind of ethical consideration among others. This account will help to lead us away from morality's special notion of moral obligation, and eventually out of the morality system altogether.

We need, first, the notion of *importance*. Obviously enough, various things are important to various people (which does not necessarily mean that those things are important for those people's interests). This involves a relative notion of importance, which we might also express by saying that someone *finds* a given thing important. Beyond this merely relative idea, we have another notion, of something's being, simply, important (important *überhaupt*, as others might put it, or important *period*). It is not at all clear what it is for something to be, simply, important. It does not mean that it is important to the universe: in that sense, nothing is important. Nor does it mean that it is as a matter of fact something that most human beings find important; nor that it is something people ought to find important. I doubt that there can be an incontestable account of this idea; the explanations people give of it are necessarily affected by what they find important.

It does not matter for the present discussion that this notion is poorly understood. I need only three things of it. One is that there is such a notion. Another is that if something is important in the relative sense to somebody, this does not necessarily imply that he or she thinks it is, simply, important. It may be of the greatest importance to Henry that his stamp collection be completed with a certain stamp, but even Henry may see that it is not, simply, important. A significant ideal lies in this: people should find important a number of things that are, simply, important, as well as many

things that are not, and they should be able to tell the difference between them.

The third point is that the question of importance, and above all the question of what is, simply, important, needs to be distinguished from questions of *deliberative priority*. A consideration has high deliberative priority for us if we give it heavy weighting against other considerations in our deliberations. (This includes two ideas, that when it occurs in our deliberations, it outweighs most other considerations, and also that it occurs in our deliberations. There are some reasons for treating the second idea separately, and I shall touch on one later, but in general it is simpler to consider them together.)

Importance has some connections with deliberative priority, but they are not straightforward. There are many important things that no one can do much about, and very many that a given person can do nothing about. Again, it may not be that person's business to do anything: there is a deliberative division of labor. Your deliberations are not connected in a simple way even with what is important to you. If you find something important, then that will affect your life in one way or another, and so affect your deliberations, but those effects do not have to be found directly in the content of your deliberations.

A consideration may have high deliberative priority for a particular person, for a group of people, or for everyone. In this way priority is relativized, to people. But it should not be relativized in another way: it should not be marked for subject matter, so that things will have moral or prudential deliberative priority. This would be a misunderstanding. It may be said that moral considerations have a high priority from a moral point of view. If this is so, what it will mean is that someone within the moral system gives those considerations a high priority. It does not define a kind of priority. A major point about deliberative priority is that it can relate considerations of different types.⁹ The same thing is true of importance. In a sense, there are kinds of importance, and we naturally say that some things are morally important, others aesthetically important, and so on. But there must be a question at the end, in a particular case or more generally, whether one kind of importance is more important than another kind.

Those who are within the morality system usually think that morality is important. Moreover, morality has by definition something to do with personal conduct, so here importance is likely to have something to do with deliberation. But what it has to do with it depends crucially on the way one understands morality and morality's importance. For utilitarians, what is important is that there should be as much welfare as possible. The connection with deliberation is a subsequent question, and it is entirely open. We saw when we considered indirect utilitarianism how the question is open of what moral considerations should occur in a utilitarian agent's deliberations. More than that, it is open whether any moral considerations at all should occur in them. Some kinds of utilitarian thought have supposed that the best results would follow if people did not think in moral terms at all, and merely (for instance) acted selfishly. With less faith in the invisible hand, others give moral considerations some priority, and some of them, as we have seen, take a highly conscientious line. But for any utilitarian it should always be an empirical question: What are the implications for deliberation of welfare's being important? In this respect, however, there are many utilitarians who belong to the morality system first and are utilitarians second.

At the other extreme, the purest Kantian view locates the importance of morality in the importance of moral motivation itself. What is important is that people should give moral considerations the highest deliberative priority. This view was relentlessly and correctly attacked by Hegel, on the grounds that it gave moral thought no content and also that it was committed to a double-mindedness about the improvement of the world. The content of the moral motivation was the thought of obligation to do certain things, as against mere inclination; the need for that thought implied that individuals were not spontaneously inclined to do those things; its supreme importance implied that it was better so.

Neither view is adequate, and a better view is not going to consist of any simple compromise. Ethical life itself is important, but it can see that things other than itself are important. It contains motivations that indeed serve these other ends but at the same time be seen from within that life as part of what make it worth living.

On any adequate showing, ethical motivations are going to be important, and this has consequences for how we should deliberate. One consequence is that some kinds of ethical consideration will have high deliberative priority. This is only one way in which ethical motivations may affect people's deliberations. They may equally affect their style and their occasion, among other things.¹⁰

There is one kind of ethical consideration that directly connects importance and deliberative priority, and this is obligation. It is grounded in the basic issue of what people should be able to rely on. People must rely as far as possible on not being killed or used as a resource, and on having some space and objects and relations with other people they can count as their own. It also serves their interests if, to some extent at least, they can count on not being lied to. One way in which these ends can be served, and perhaps the only way, is by some kind of ethical life; and, certainly, if there is to be ethical life, these ends have to be served by it and within it. *One* way in which ethical life serves them is by encouraging certain motivations, and *one* form of this is to instill a disposition to give the relevant considerations a high deliberative priority—in the most serious of these matters, a virtually absolute priority, so that certain courses of action must come first, while others are ruled out from the beginning. An effective way for actions to be ruled out is that they never come into thought at all, and this is often the best way. One does not feel easy with the man who in the course of a discussion of how to deal with political or business rivals says, "Of course, we could have them killed, but we should lay that aside right from the beginning." It should never have come into his hands to be laid aside. It is characteristic of morality that it tends to overlook the possibility that some concerns are best embodied in this way, in deliberative silence.

Considerations that are given deliberative priority in order to secure reliability constitute obligations; corresponding to those obligations are rights, possessed by people who benefit from the obligations. One type of obligations is picked out by the basic and standing importance of the interests they serve. These are all negative in force, concerning what we should not do. Another, and now positive, sort involves the obligations of immediacy. Here, a high

deliberative priority is imposed by an emergency, such as the rescue case we considered before. A general ethical recognition of people's vital interests is focused into a deliberative priority by immediacy, and it is immediacy to *me* that generates *my* obligation, one I cannot ignore without blame. Two connected things follow from understanding the obligations of emergency in this way. First, we do not after all have to say that the obligation comes from a more general obligation. The point of the negative obligations does lie in their being general; they provide a settled and permanent pattern of deliberative priorities. In the positive kind of case, however, the underlying disposition is a general concern, which is not always expressed in deliberative priority, and what produces an obligation from it is, precisely, the emergency. We need not accept the *obligation-out, obligation-in* principle.

More important, there are ethical consequences of understanding these obligations in this way. Some moralists say that if we regard immediacy or physical nearness as relevant, we must be failing in rationality or imagination; we are irrational if we do not recognize that those starving elsewhere have as big a claim on us as those starving here. These moralists are wrong, at least in trying to base their challenge simply on the structure of obligations. Of course this point does not dispose of the challenge itself. We should be more concerned about the sufferings of people elsewhere. But a correct understanding of what obligation is will make it clearer how we should start thinking about the challenge. We should not banish the category of immediacy, but we must consider what for us, in the modern world, should properly count as immediacy, and what place we have in our lives for such concerns when they are not obligations.

The obligations considered so far involve (negatively) what is fundamentally important and (positively) what is important and immediate. They are both based ultimately on one conception, that each person has a life to lead. People need help but (unless they are very young, very old, or severely handicapped) not all the time. All the time they need not to be killed, assaulted, or arbitrarily interfered with. It is a strength of contractualism to have seen that such positive and negative obligations will follow from these basic interests.¹¹

The obligations that are most familiarly so called, those of promises, differ from both of these because what I am obliged to do, considered in itself, may not be important at all. But just because of that, they are an example of the same connection, between obligation and reliability. The institution of promising operates to provide portable reliability, by offering a formula that will confer high deliberative priority on what might otherwise not receive it. This is why it is odd for someone to promise not to kill you — if he does not already give it high priority, why should his promising be relied upon to provide it? (There are answers to this question, in special cases, and considering what they might be will help to show how the system works.)

Obligation works to secure reliability, a state of affairs in which people can reasonably expect others to behave in some ways and not in others. It is only one among other ethical ways of doing this. It is one that tries to produce an expectation *that* through an expectation *of*. These kinds of obligation very often command the highest deliberative priority and also present themselves as important — in the case of promises, because they are promises and not simply because of their content. However, we can also see how they need not always command the highest priority, even in ethically well-disposed agents. Reflecting that some end is peculiarly important, and the present action importantly related to it, an agent can reasonably conclude that the obligation may be broken on this occasion, as we noticed before, and indeed this conclusion may be acceptable,¹² in the sense that he can explain within a structure of ethical considerations why he decided as he did. But there is no need for him to call this course another and more stringent obligation. An obligation is a special kind of consideration, with a general relation to importance and immediacy. The case we are considering is simply one in which there is a consideration important enough to outweigh this obligation on this occasion,¹³ and it is cleaner just to say so. We should reject morality's other maxim, that only an obligation can beat an obligation.

When a deliberative conclusion embodies a consideration that has the highest deliberative priority and is also of the greatest importance (at least to the agent), it may take a special form and become

the conclusion not merely that one should do a certain thing, but that one *must*, and that one cannot do anything else. We may call this a conclusion of practical necessity. Sometimes, of course, "must" in a practical conclusion is merely relative and means only that some course of action is needed for an end that is not at all a matter of "must." "I must go now" may well be completed ". . . if I am to get to the movies" where there is no suggestion that I have to go to the movies: I merely am going to the movies. We are not concerned with this, but with a "must" that is unconditional and *goes all the way down*.

It is an interesting question, how a conclusion in terms of what we must do, or equally of what we cannot do, differs from a conclusion expressed merely in terms of what we have most reason to do; in particular, how it can be stronger, as it seems to be. (How, in deliberation, can anything stronger be concluded in favor of a course of action than that we have most reason to take it?) I shall not try to discuss this question here.¹⁴ What is immediately relevant is that practical necessity is in no way peculiar to ethics. Someone may conclude that he or she unconditionally must do a certain thing, for reasons of prudence, self-protection, aesthetic or artistic concern, or sheer self-assertion. In some of these cases (basic self-defense, for instance), an ethical outlook may itself license the conclusion. In others, it will disapprove of it. The fundamental point is that a conclusion of practical necessity is the same sort of conclusion whether it is grounded in ethical reasons or not.

Practical necessity, and the experience of reaching a conclusion with that force, is one element that has gone into the idea of moral obligation (this may help to explain the sense, which so many people have, that moral obligation is at once quite special and very familiar). Yet practical necessity, even when it is grounded in ethical reasons, does not necessarily signal an obligation. The course of action the agent "must" take may not be associated with others' expectations, or with blame for failure. The ethically outstanding or possibly heroic actions I mentioned before, in being more than obligations, are not obligatory, and we cannot usually be asked to do them or be blamed for not doing them. But the agent who does such a thing may feel that he must do it, that there is no alternative

for him, while at the same time recognizing that it would not be a demand on others. The thought may come in the form that it is a demand on him, but not on others, because he is different from others; but the difference will then typically turn out to consist in the fact that he is someone who has this very conviction. His feelings, indeed, and his expectations of feelings he will have if he does not act, may well be like those associated with obligations (more like them than morality admits¹⁵).

I have already mentioned Kant's description of morality as categorical. When he claimed that the fundamental principle of morality was a Categorical Imperative, Kant was not interested in any purely logical distinction between forms of what are literally imperatives. He was concerned with the recognition of an *I must* that is unconditional and goes all the way down, but he construed this unconditional practical necessity as being peculiar to morality. He thought it was unconditional in the sense that it did not depend on desire at all: a course of action presented to us with this kind of necessity was one we had reason to take *whatever we might happen to want*, and it was only moral reasons that could transcend desire in that way. As I have introduced it, however, practical necessity need not be independent of desire in so strong a sense. I distinguished a "must" that is unconditional from one that is conditional on a desire *that the agent merely happens to have*; but a conclusion of practical necessity could itself be the expression of a desire, if the desire were not one that the agent merely happened to have, but was essential to the agent and had to be satisfied. The difference between this conception of practical necessity and Kant's is not of course merely a matter of definition or of logical analysis. Kant's idea of practical necessity is basically this more familiar one, but it is given a particularly radical interpretation, under which the only necessary practical conclusions are those absolutely unconditioned by any desire. For Kant there could be a practical conclusion that was radically unconditioned in this way, because of his picture of the rational self as free from causality, and because there were reasons for action which depended merely on rational agency and not on anything (such as a desire) that the agent might not have had.¹⁶

Kant also describes the conclusion of practical necessity, understood as peculiar to morality, as a recognition of the demands of moral law, and when he speaks of this in psychological terms, he refers to a special feeling or sentiment, a "sense of reverence for the law." Modern moralists are not likely to use those words, but they do not find it hard to recognize what Kant was describing. (Some of them still want to invoke a conception of moral law. Others, reluctant to do so, are using ideas that implicitly involve it.) Kant did not think that the compelling sense of moral necessity, regarded as a feeling, was itself what provided the reason for moral action. As a feeling, it was just a feeling and had no more rational power than any other merely psychological item had. The reason lay not in what that feeling was, but in what it represented, the truth that moral universality was a requirement of practical reason itself.

That truth, as Kant took it to be, meant that morality had an objective foundation, as we saw in Chapter 4, and he took the experience of the moral demand to represent this foundation. However, it must be said that it also significantly misrepresents it. The experience is like being *confronted* with something, a law that is part of the world in which one lives.¹⁷ Yet the power of the moral law, according to Kant, does not lie and could not conceivably lie in anything outside oneself. Its power lies in its objective foundation, and no experience could adequately represent that kind of objectivity. The objectivity comes from this, that the requirements of practical reason will be met only by leading a life in which moral considerations play a basic and characteristic role; and that role is one they perform only if, unlike other motivations, they present themselves in the form of an objective demand. But then what is it for a consideration to present itself as an objective demand? It cannot consist in its presenting itself as so related to that very argument. It must have some other psychological form, and the form will be, to that extent, misleading.

On Kant's assumptions, however, one can at least come to understand how, and why, such an experience is bound to be misleading, and this will help to make it stable to reflection. If Kant is right, I can come to understand what the "sense of reverence for the law" is, and not lose my respect for it or for the moral law. This

stability is helped by a further thought, that there is one sense in which the law is rightly represented by the experience as being outside me: it is equally in other people. The moral law is the law of the notional republic of moral agents. It is a notional republic, but they are real agents and, because it is rationally self-imposed by each of them, it is a real law.

Once we have ceased to believe in Kant's own foundation or anything like it, we cannot read this experience in this way at all. It is the conclusion of practical necessity, no more and no less, and it seems to come "from outside" in the way that conclusions of practical necessity always seem to come from outside—from deeply inside. Since ethical considerations are in question, the agent's conclusions will not usually be solitary or unsupported, because they are part of an ethical life that is to an important degree shared with others. In this respect, the morality system itself, with its emphasis on the "purely moral" and personal sentiments of guilt and self-reproach, actually conceals the dimension in which ethical life lies outside the individual.

When we know what the recognition of obligation is, if we still make it the special center of ethical experience, we are building ethical life around an illusion. Even in Kant's own view, this experience involves a misrepresentation, but it is a necessary and acceptable one, a consequence of transposing objectivity from the transcendental level to the psychological. But if this experience is special only in the psychological mode, then it is worse than a misrepresentation: there is nothing (or nothing special) for it to represent.

Kant's construction also explains how the moral law can unconditionally apply to all people, even if they try to live outside it. Those who do not accept his construction, but still accept the morality system, need to say how moral obligation binds those who refuse it. They need to say how there can be a moral *law* at all.¹⁸ 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. The law of a state applies to a person because he belongs to a state that can apply power. The law of God

applied because God applied it. Kant's moral law applied because as a rational being one had a reason to apply it to oneself. For the moral law to apply now, it can only be that we apply it.

When we say that someone ought to have acted in some required or desirable way in which he has not acted, we sometimes say that *there was a reason* for him to act in that way — he had promised, for instance, or what he actually did violated someone's rights. Although we can say this, it does not seem to be connected in any secure way with the idea that *he had a reason* to act in that way. Perhaps he had no reason at all. In breaking the obligation, he was not necessarily behaving irrationally or unreasonably, but badly. We cannot take for granted that he had a reason to behave well, as opposed to our having various reasons for wishing that he would behave well. How do we treat him? We recognize in fact, very clumsily in the law, less clumsily in informal practice, that there are many different ways in which people can fail to be what we would ethically like them to be. At one extreme there is general deliberative incapacity. At another extreme is the sincere and capable follower of another creed. Yet again there are people with various weaknesses or vices, people who are malicious, selfish, brutal, inconsiderate, self-indulgent, lazy, greedy. All these people can be part of our ethical world. No ethical world has ever been free of those with such vices (though their classification will be a matter of the culture in question); and any individual life is lined by some of them. There are, equally, various negative reactions to them, from hatred and horror in the most extreme cases, to anger, regret, correction, blame. When we are not within the formal circumstances of the state's law, there is the further dimension of who is reacting: not everyone can or should sustain every complaint. It is another consequence of the fiction of the moral law that this truth does not occur to us. It is as if every member of the notional republic were empowered to make a citizen's arrest.

Within all this there is a range, quite a wide one, of particular deviations that we treat with the machinery of everyday blame. They include many violations of obligations, but not all of them: some of the most monstrous proceedings, which lie beyond ordinary blame, involve violations of basic human rights. Nor, on the

other hand, is there blame only for broken obligations; particularly in bringing up children, actions that merely manifest imperfect dispositions are blamed. But blame always tends to share the particularized, practical character of moral obligation in the technical sense. Its negative reaction is focused closely on an action or omission, and this is what is blamed. Moreover — though there are many inevitable anomalies in its actual working — the aspiration of blame is that it should apply only to the extent that the undesired outcome is the product of voluntary action on the particular occasion.

This institution, as opposed to other kinds of ethically negative or hostile reaction to people's doings (it is vital to remember how many others there are), seems to have something special to do with the idea that the agent had a reason to act otherwise. As I have already said, this is often not so.¹⁹ The institution of blame is best seen as involving a fiction, by which we treat the agent as one for whom the relevant ethical considerations are reasons. The "ought to have" of blame can be seen as an extension into the unwilling of the "ought to have" we may offer, in advice, to those whose ends we share. This fiction has various functions. One is that if we treat the agent as someone who gives weight to ethical reasons, this may help to make him into such a person.

The device is specially important in helping to mediate between two possibilities in people's relations. One is that of shared deliberative practices, where to a considerable extent people have the same dispositions and are helping each other to arrive at practical conclusions. The other is that in which one group applies force or threats to constrain another. The fiction underlying the blame system helps at its best to make a bridge between these possibilities, by a process of continuous recruitment into a deliberative community. At its worst, it can do many bad things, such as encouraging people to misunderstand their own fear and resentment — sentiments they may quite appropriately feel — as the voice of the Law.

The fiction of the deliberative community is one of the positive achievements of the morality system. As with other fictions, it is a real question whether its working could survive a clear understand-

ing of how it works. This is part of the much larger question of what needs to be, and what can be, restructured in the light of a reflective and nonmythical understanding of our ethical practices. It is certain that the practices of blame, and more generally the style of people's negative ethical reactions to others, will change. The morality system, in my view, can no longer help them to do so in a desirable way. One reason is that morality is under too much pressure on the subject of the voluntary.

To the extent that the institution of blame works coherently, it does so because it attempts less than morality would like it to do. When we ask whether someone acted voluntarily, we are asking, roughly, whether he really acted, whether he knew what he was doing, and whether he intended this or that aspect of what happened. This practice takes the agent together with his character, and does not raise questions about his freedom to have chosen some other character. The blame system, most of the time, closely concentrates on the conditions of the particular act; and it is able to do this because it does not operate on its own. It is surrounded by other practices of encouragement and discouragement, acceptance and rejection, which work on desire and character to shape them into the requirements and possibilities of ethical life.

Morality neglects this surrounding and sees only that focused, particularized judgment. There is a pressure within it to require a voluntariness that will be total and will cut through character and psychological or social determination, and allocate blame and responsibility on the ultimately fair basis of the agent's own contribution, no more and no less. It is an illusion to suppose that this demand can be met (as opposed to the less ambitious requirements of voluntariness that take character largely as given). This fact is known to almost everyone, and it is hard to see a long future for a system committed to denying it. But so long as morality itself remains, there is danger in admitting the fact, since the system itself leaves us, as the only contrast to rational blame, forms of persuasion it refuses to distinguish in spirit from force and constraint.

In truth, almost all worthwhile human life lies between the extremes that morality puts before us. It starkly emphasizes a series of contrasts: between force and reason, persuasion and rational conviction, shame and guilt, dislike and disapproval, mere rejec-

tion and blame. The attitude that leads it to emphasize all these contrasts can be labeled its *purity*. The purity of morality, its insistence on abstracting the moral consciousness from other kinds of emotional reaction or social influence, conceals not only the means by which it deals with deviant members of its community, but also the virtues of those means. It is not surprising that it should conceal them, since the virtues can be seen as such only from outside the system, from a point of view that can assign value to it, whereas the morality system is closed in on itself and must consider it an indecent misunderstanding to apply to the system any values other than those of morality itself.

The purity of morality itself represents a value. It expresses an ideal, presented by Kant, once again, in a form that is the most unqualified and also one of the most moving: the ideal that human existence can be ultimately just. Most advantages and admired characteristics are distributed in ways that, if not unjust, are at any rate not just, and some people are simply luckier than others. The ideal of morality is a value, moral value, that transcends luck. It must therefore lie beyond any empirical determination. It must lie not only in trying rather than succeeding, since success depends partly on luck, but in a kind of trying that lies beyond the level at which the capacity to try can itself be a matter of luck. The value must, further, be supreme. It will be no good if moral value is merely a consolation prize you get if you are not in worldly terms happy or talented or good-humoured or loved. It has to be what ultimately matters.

This is in some ways like a religious conception. But it is also unlike any real religion, and in particular unlike orthodox Christianity. The doctrine of grace in Christianity meant that there was no calculable road from moral effort to salvation; salvation lay beyond merit, and men's efforts, even their moral efforts, were not the measure of God's love.²⁰ Moreover, when it was said by Christianity that what ultimately mattered was salvation, this was thought to involve a difference that anyone would recognize as a difference, as *the* difference. But the standpoint from which pure moral value has its value is, once more, only that of morality itself. It can hope to transcend luck only by turning in on itself.

The ideals of morality have without doubt, and contrary to a

vulgar Marxism that would see them only as an ideology of unworldliness, played a part in producing some actual justice in the world and in mobilizing power and social opportunity to compensate for bad luck in concrete terms. But the idea of a value that lies beyond all luck is an illusion, and political aims cannot continue to draw any conviction from it. Once again, the other conceptions of morality cannot help us. They can only encourage the idea, which always has its greedy friends, that when these illusions have gone there can be no coherent ideas of social justice, but only efficiency, or power, or uncorrected luck.

Many philosophical mistakes are woven into morality. It misunderstands obligations, not seeing how they form just one type of ethical consideration. It misunderstands practical necessity, thinking it peculiar to the ethical. It misunderstands ethical practical necessity, thinking it peculiar to obligations. Beyond all this, morality makes people think that, without its very special obligation, there is only inclination; without its utter voluntariness, there is only force; without its ultimately pure justice, there is no justice. Its philosophical errors are only the most abstract expressions of a deeply rooted and still powerful misconception of life.



Postscript

THESE ARE TWO tensions to which the argument of this book has constantly returned. In terms of philosophy's questions and its centers of interest, there is a tension between ancient and modern. In actual life, the tension is between reflection and practice. I have suggested that in some basic respects the philosophical thought of the ancient world was better off, and asked more fruitful questions, than most modern moral philosophy. Although it had its own limiting concerns, such as the desire to reduce life's exposure to luck, it was typically less obsessional than modern philosophy, less determined to impose rationality through reductive theory. The hopes for philosophy that some of those philosophers could entertain have gone, however, and the world to which ethical thought now applies is irreversibly different, not only from the ancient world but from any world in which human beings have tried to live and have used ethical concepts.

The resources of most modern moral philosophy are not well adjusted to the modern world. I have tried to show that this is partly because it is too much and too unknowingly caught up in it, unreflectively appealing to administrative ideas of rationality. In other ways, notably in its more Kantian forms, it is not involved enough; it is governed by a dream of a community of reason that is too far removed, as Hegel first said it was, from social and historical reality and from any concrete sense of a particular ethical life — farther removed from those things, in some ways, than the religion it

3. I have offered this idea, with more detail than here, in “The Truth in Relativism,” *Proc. Arist. Soc.*, 75 (1974–75), reprinted in my *Moral Luck*, from which I have adapted a few sentences in what follows. As will be seen, I no longer want to say without qualification as I do there (*Moral Luck*, p. 142), that for ethical outlooks a relativistic standpoint, defined in these terms, is correct.

4. For an example of the emergence of a legend—or, rather, several different legends—see J. C. Holt, *Robin Hood* (London: Thames and Hudson, 1982).

5. One very interesting contribution to this large subject is Bernard Smith, *European Vision and the South Pacific* (New York: Oxford University Press, 1969).

6. For the same reason, fantasy not directed to the past has now shifted from exotic peoples to extraterrestrials. Since they can offer no concrete resistance at all to the most primitive fantasies, the results are pathetically or repulsively impoverished.

7. Alasdair MacIntyre, in *After Virtue* (Notre Dame: University of Notre Dame Press, 1981), is interesting on this subject, though he shows a certain weakness for the myth.

8. “When once the veil begins to rend, it admits not of repair. Ignorance is of a peculiar nature: and once dispelled, it is impossible to reestablish it. It is not originally a thing of itself, but is only the absence of knowledge: and though man may be kept ignorant, he cannot be *made* ignorant.” Thomas Paine, *The Rights of Man*, part 1.

9. This is discussed by Geoffrey Hawthorn in a forthcoming book on counterfactual thinking in the social sciences.

10. Rawls seems not to have considered the issue in specifically historical terms. For him it would, revealingly, belong to “partial compliance theory,” the theory of justice for societies that fall short of the conditions necessary for implementing the full theory.

11. Helpful secondary works are: Raymond Geuss, *The Idea of a Critical Theory* (New York: Cambridge University Press, 1981); Martin Jay, *The Dialectical Imagination* (Boston: Little, Brown, 1973), and also *Adorno* (Cambridge: Harvard University Press, 1984). Critical theory has paid, particularly in the past decade, a just penalty for its obfuscatory style of thought, and for an unlovely combination of radical rhetoric and professorial authoritarianism. But there is something to be learned from it, particularly if some of its insights are deployed in the theory of justice rather than in connection with freedom, which was the Frankfurt School’s own emphasis.

12. One important question is how far a universal form of justice can be

given a different content in different societies: this idea is central to the view of justice given by Michael Walzer in his helpful *Spheres of Justice* (New York: Basic Books, 1983). Another question is how we can think the past unjust while knowing that we owe it almost everything we prize. I hope to discuss such questions, and the critical-theory test, in a forthcoming publication based on the Tanner Lectures given at Harvard in May 1983.

13. The best-known and most exciting version of this view was the kind of existentialism that Sartre held for a while after the Second World War, and later came to think as ridiculous as many others had thought it all along. In a less dramatic form, the view has become almost a platitude of much recent philosophy. John Mackie, for instance (*Ethics: Inventing Right and Wrong*, p. 106), was able to say, without finding it at all special, “morality is not to be discovered but made: we have to decide what moral views to adopt,” but it is not clear whether “we” means each of us or all of us together, nor, in either case, what we have to do. In such passages, it is probable that a logical or metaphysical doctrine is being misleadingly put in a psychological form.

10. Morality, the Peculiar Institution

1. I touch briefly on some points later in this chapter. Most discussions of free will do not pay enough attention to the point that causal explanation may have a different impact on different parts of our thought about action and responsibility. It is worth consideration that deliberation requires only *can*, while blame requires *could have*.

2. I have discussed the question of conflict in several essays, in *Problems of the Self* and *Moral Luck*. It is important that, if it were logically impossible for two actual obligations to conflict, I could not get into a situation of their conflicting even through my own fault. What is it supposed that I get into?

3. This point is discussed in my essay “Moral Luck,” in the book of that title. It illustrates the general point that the morality system lays particularly heavy weight on the unsure structure of voluntariness.

4. W. D. Ross, *The Right and the Good* (Oxford: Clarendon Press, 1930), pp. 21ff.

5. This is so even when the good deeds are part of a general practice that others hope I will join. The point is admirably pressed by Robert Nozick in *Anarchy, State and Utopia* (New York: Basic Books, 1974), chap. 5.

6. The example is of a conflict between an obligation and a consideration that is not at first sight an obligation. It may very readily represent

another conflict as well, between private and public. For various considerations on this, and particularly on the role of utilitarian considerations in public life, see the essays in Stuart Hampshire, ed., *Public and Private Morality* (New York: Cambridge University Press, 1978).

7. Morality encourages the idea, certainly in cases of this kind, but it does not always insist on it, at least in the form that an obligation of mine can be overridden only by another obligation of mine. If some vital interest of mine would have to be sacrificed in order to carry out a promise, particularly if the promise were relatively unimportant, even the severest moralist may agree that I would have the right to break the promise, without requiring that I would be under an obligation to do so (I owe this point to Gilbert Harman). This is correct but, unless the promise is very trivial, the severe moralist will agree, I suspect, only if the interests involved are indeed vital. This suggests an interpretation under which my obligation would indeed be beaten by an obligation, but not one of mine. In insisting that only vital interests count, it is likely that the moralist, when he says that I have the right to safeguard my interest, does not mean simply that I may do that, but that I have what has been called a claim-right to do so: that is to say, others are under an obligation not to impede me in doing so. Then my original obligation will be canceled by an obligation *of the promisee*, to waive his or her right to performance.

8. What counts as being confronted is a real question, and a very practical one for doctors in particular. I touch on the question later, in giving an account of immediacy which does not need the *obligation-out*, *obligation-in* principle. This is notoriously a kind of obligation increasingly unrecognized in modern cities, to the extent that it is not saluted even by people guiltily leaving the scene.

9. The point is related to the discussion of deliberative questions in Chapter 1.

10. It is relevant to recall, as well, a point made in Chapter 1: the deliberative considerations that go with a given ethical motivation, such as a virtue, may not be at all simply related to it.

11. The reference to contractualism brings out the point that the account is, in a certain sense, individualist. For some further remarks on this aspect, see my Postscript.

12. It is a mistake to suppose that it has to be equally acceptable to everyone. Some may have a greater right than others to complain.

13. This *kind* of occasion? Yes. But particularizing facts, such as that this is the second time (to her, this year), can certainly be relevant.

14. I have made a suggestion about it in "Practical Necessity," *Moral Luck*, pp. 124–132.

15. How alike? This touches on an important question that I cannot pursue here, the distinction between guilt and shame. There is such a distinction, and it is relevant to ethics, but it is much more complex than is usually thought. Above all, it is a mistake to suppose that guilt can be distinguished as a mature and autonomous reaction that has a place in ethical experience, whereas shame is a more primitive reaction that does not. Morality tends to deceive itself about its relations to shame. For some suggestive remarks on the distinction, see Herbert Morris, "Guilt and Shame," in *On Guilt and Innocence* (Berkeley: University of California Press, 1976).

16. This is connected with the differing conceptions of the self entertained by Kant and by his Hegelian critics: see Chapter 1, note 6. It is important here to distinguish two different ideas. Other people, and indeed I myself, can have an "external" idea of different ideals and projects that I might have had, for instance if I had been brought up differently: there are few reasons for, and many reasons against, saying that if I had been brought up differently, it would not have been me. This is the area of metaphysical necessity. But there is a different area, of practical necessity, concerned with what are possible lines of action and possible projects for me, granted that I have the ideals and character I indeed have. This is the level at which we must resist the Kantian idea that the truly ethical subject is one for whom nothing is necessary except agency itself. This is also closely related to the matter of real interests, discussed in Chapter 3.

17. The model of a moral law helps to explain why the system should have the difficulties it has with those ethical acts that, as I put it before, are more or less than obligations. It is not surprising that something interpreted as law should leave only the three categories of the required, the forbidden, and the permitted. Kant's own attempts to deal with some problems of these other ethical motives within his framework of duty involve his interpretations (which changed over time) of the traditional distinction between perfect and imperfect duties. On this, see M. J. Gregor, *Laws of Freedom* (New York: Barnes & Noble, 1963), chaps. 7–11.

18. The question of a categorical imperative and its relation to reasons for action has been pursued by Philippa Foot in several papers, collected in *Virtues and Vices*. I am indebted to these, though our conclusions are different. The moral *ought* was one of several targets assaulted by G. E. M. Anscombe in her vigorous "Modern Moral Philosophy," reprinted in *Ethics, Religion and Politics*, vol. 3 of her *Collected Papers* (Minneapolis: University of Minnesota Press, 1981).

19. Of course, much depends on what is to count as having a reason. I do not believe that there can be an absolutely "external" reason for action, one

that does not speak to any motivation the agent already has (as I have stressed, Kant did not think so either). There are indeed distinctions between, for instance, simply drawing an agent's attention to a reason he already has and persuading him to act in a certain way. But it is basically important that a spectrum is involved, and such distinctions are less clear than the morality system and other rationalistic conceptions require them to be. See "Internal and External Reasons," in my *Moral Luck*.

20. This is why I said in Chapter 4 that Kant's conception was like that of the Pelagian heresy, which did adjust salvation to merit.

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