Contemporary Debates in Moral Theory
Contemporary Debates in Philosophy

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Introduction

James Dreier

This book includes debates on some of the most controversial and significant issues in contemporary ethical theory. All of the included papers were commissioned and written for this volume. There are debates on eight topics, and all of them but the first are presented as two-sided. Of course, this is inevitably something of an oversimplification, but where there seemed to be more than two sides to an issue I generally separated the issue into two, as for example the question of what is the most suitable organizing strategy for grounding a moral theory is divided into more specific debates over contractualism, virtue ethics, and consequentialism. The format suggests another simplification that the volume does not, in fact, respect: when there seem to be two opposing sides, often it is much more common (and fruitful) to find philosophers adopting a kind of accommodating position. When that happens here, though, we at least find the interlocutors on different sides of some watershed question or other.

The topics range over issues traditionally assigned to normative ethical theory, some that are counted as metaethical issues, and some that roam the borderlands between, and the chapters are arranged more or less beginning with the topics toward the normative theory end of the spectrum and finishing with those more squarely in metaethics.

Consequentialism

The first three essays are about consequentialism. Why three in this one case? There are really two closely related topics at issue. One is whether consequentialism is true; whether, that is to say, what one ought to do is always a matter of what will have the best consequences. The other question can in principle be asked about non-consequentialist conceptions of morality, but has tended to focus on consequentialism.
It is the question of whether a given moral theory is too demanding. How could a theory be too demanding? Consequentialist theories insist that we do what is best. That leaves us no wiggle room, no ‘moral freedom’ as it’s sometimes called. There seems to be no such thing, according to consequentialist theories, as having finished your duties and getting a little time and a few resources to worry about your own, non-moral affairs. This is too demanding, some philosophers have thought, because it is not plausible that morality should completely control our every decision, and also because if it is insisted that it does, then it will be doubtful that we have sufficient reason to defer to its demands. Why sacrifice everything (else) I care about for the sake of morality, even if I grant that moral considerations must be given some serious weight? William Shaw explains consequentialism and provides a general defense against popular objections. Then Alastair Norcross and Peter Vallentyne focus on the issues surrounding demandingness.

What is consequentialism?

The concept of consequentialism is, I think it’s fair to say, an abstraction from utilitarianism. To many philosophers, the problem with utilitarian morality is not merely that it has the wrong account of value, but further that its structure is somehow misconceived. Even given some measure of value, why should morality always insist on maximizing it? Aren’t we sometimes permitted to do something other than the value-maximizing act – are we even sometimes forbidden from maximizing value, as for instance when so doing would violate someone’s rights?

As Shaw explains, consequentialism is the general idea that right action is action with best consequences. We need to clarify: ‘best’ is defined independently of right, as Rawls (1971) stipulated in his distinction between teleological and deontological theories. There are a number of loose ends to tidy up, but fortunately I can leave them to Shaw, who also explains several distinctions between kinds of consequentialism. There is the agent-neutral kind, for instance, as distinct from a broader sort that allows for agent-centered goods (like the good of caring for one’s own children); there is the kind that grounds rightness in the actual consequences and the kind that grounds it in the expected consequences; and there is act consequentialism contrasted with various two-level varieties. Shaw assembles and deploys a number of defenses, some fairly well known, against the most common objections to consequentialism. For instance, he notes that some acts that strike us as wrong, even though consequentialism implies they are right, might seem wrong because they ought not to be blamed (which could be true even if they really are wrong).

Peter Vallentyne’s worries about consequentialism can all be seen as addressing its maximizing structure. Some are explicitly about that structure: he urges that a better account of moral permissibility would have a “satisficing” structure; that is, in the context of consequentialism, the permissible would be the “good enough,” not the best.

The other part of his objection redevelops Rawls’s famous complaint (directed specifically at utilitarianism) that “standard” consequentialism does not respect the separateness of persons. But one could see Vallentyne’s criticism rather as insisting that respecting certain values is different from and sometimes just as important as
promoting values (as in Pettit 1989). Promoting truth, for example, means trying to get as much truth told as possible, even if that might involve lying! (Maybe someone asks me what will happen to her if she doesn’t tell the truth, and I lie and say that the consequences for her will be dire.) Respecting truth, on the other hand, involves telling the truth. Similarly, respecting other people’s autonomy, for example, does not mean seeking to maximize the amount of autonomy that others have. It means refraining from interfering with (certain of) their powers and the free exercise thereof. Promoting always has a maximizing structure, but respecting does not seem to have one at all. In any case, Vallentyne’s own suggestion is that the failure to respect the normative separateness of persons can be cured by incorporating into a theory some constraints that have the form of claims, or rights. The idea is that among the constraints on our actions that there might be, some will be “impersonal,” not particularly owed to anyone – these could include a duty never to kill under any circumstances – while others will be personal, as for example the obligation to return what is owed, which may be claimed or waived by the creditor. These personal constraints, Vallentyne argues, can’t be accommodated by consequentialism, not exactly because of its concern with consequences, but because of its assimilation of all sorts of reasons to reasons to promote.

Alastair Norcross’s basic idea, to put it somewhat crudely, is to respond to the demandingness objection by performing a demandectomy on the theory. Consequentialism, Norcross suggests, tells us only which acts are better than which, and doesn’t really have any place for the notions of ‘right’ and ‘wrong’. Norcross seems to say that there are no significant lines to be drawn on the goodness scale, but he needn’t say that. There might be plenty. For example, there is often a certain amount that I can contribute that counts as my “fair share,” and though pure consequentialists will have no truck with free-standing obligations of fairness, they can still recognize the special significance that the line between doing one’s fair share and failing to do it might have (compare Murphy 1997). There is also the line Norcross mentions himself between good and bad (if there is any such line – compare Broome 1999), and there could be lots of others. Norcross’s real point, I think, is that having noted that various lines have their own sort of significance, what else might one be saying by adding that the line below which an action is ‘wrong’ is right here?

A similar question has been asked in connection with the idea of supererogation. To use Norcross’s example, think of a doctor who could, at significant risk, inconvenience, and cost to himself, move to a town stricken by a terrible disease so as better to help the victims, or instead set up a much safer (for him) out-of-town clinic and treat victims there. To move to the stricken town is better, but it is not wrong to set up the clinic instead; the doctor is under no duty or obligation; it is permissible to perform the less good act, in this case. But what exactly is that supposed to mean? The more difficult act is better. There is, no doubt, moral reason to do it instead of the safer, less onerous one. (If the doctor did decide bravely to move to the stricken town, it would be absurd to say that he did what he had no moral reason to do.) Then what do we add by adding, “but morality doesn’t demand that he do that”?

Maybe consequentialism should reject the whole idea of the supererogatory, and good riddance, on the grounds that presupposed the notion of the demands of moral-
ity, in the guise of ‘requirements’, ‘wrong’, ‘duty’, and so forth. Instead, the job of moral theory is to say what moral reasons people have. Goodness, with its dimension of weight, is better suited to ‘underwriting reasons’ than to ‘grounding requirements’.

If Norcross is right, then it looks as if consequentialism has a new, surprising answer to the charge that it is too demanding, namely, that it cannot be too demanding since it makes no demands of any kind. Let me say a word or two about the independent plausibility of the idea of “scalar morality.”

It’s plenty plausible, to my mind. One way of seeing this is to start off with an analogy. Because it has a built-in aim, chess provides a conceptually unproblematic notion of ‘better’ and ‘worse’ moves (conceptually unproblematic – in practice, of course, it may be reasonably disputed which move is best). In any given position, which move ought one to make? Which one is right? The best move is right. The others are wrong. Some may not be too badly wrong, and still pretty good moves, but after analysis, the experts will say that the pretty good move was wrong, since there was an even better one available. There is no room for dispute here: the best move is automatically also the right one. It is the one that the player ought to have chosen; if she didn’t, then she made a mistake. The evaluations are connected very tightly to the deontic notions.

How, we might ask Norcross, could the case be very different when we turn to morality? If we have found the best action of all available ones, how can we deny that it is also right, and all the inferior alternatives wrong? The answer might be something like this. It is very unusual for chess considerations to compete with other considerations. If it happens at all, it happens only in very artificial “cooked-up” situations. Sometimes I have a reason to make an inferior chess move – I am teaching my son, for example, and want to see if he can spot a definite flaw in my position. But even in that case, it isn’t as if didactic reasons compete with chess reasons. Rather, my teaching plan changes the landscape of reasons, so that ‘reasons of chess’ no longer count as reasons in favor of a certain move (they may even count against it) in my planning scheme. Moral reasons, on the other hand, very often do compete with non-moral reasons. Giving a huge contribution to a deserving charity competes with my lifelong devotion to NBA basketball (since those season tickets are expensive) and the possibility of sending my children to private school. So letting the moral reasons stand with their element of weight is important; it would be a mistake to let that dimension get swallowed up in a summary or verdict of wrongness, and in any case, it is that weight that matters when moral reasons come to compete with others outside the moral sphere. A good extension of the chess analogy might be to think of little “subgames” as it were within chess: maybe I first determine what is the best way to promote a pawn, then what is the best way to prevent my opponent from doing the same thing; then what is the best way to tie up his major pieces, and so on. It would be a mistake to summarize each conclusion simply with the “right” move for the purpose. I will have to balance the considerations later. So I need a ranking, and if possible a weighting. Norcross can be seen as suggesting that we think of morality in that way.

Introduction
Seeking the foundations of moral principles in the idea of free, rational, unforced agreement is a strategy that runs from Plato’s *Republic* through the early modern political theorists Hobbes, Locke, and Rousseau, and to our own time most famously in the work of John Rawls, Thomas Scanlon, and David Gauthier. Samuel Freeman distinguishes two broad forms of contract theory and several senses in which it might be thought to be ‘foundational’. One form, which Freeman finds in Hobbes and Gauthier, attempts to justify adherence to moral principles on the basis of self-interest. In reply to the question, “Why should I care about these moral principles?” the ‘reductionist’ contract theorist replies that complying is in some sense in accord with the things that matter to you independently (self-interest proper, for Hobbes, or one’s non-moral preferences, according to Gauthier). The other form, the one that Freeman takes as his main subject, is “right-based.” The aim of this form is not to reduce morality to (or justify it in terms of) self-interest, but to “elucidate its structure” from within. A right-based contract theorist takes the subject of morality to be respect for others and the importance of being able to justify one’s actions to those whom one affects. As Freeman puts it:

To respect another as a person is to give a justification for actions and institutions that she can accept in her capacity as a moral agent. It is to address oneself to those capacities of persons by virtue of which they are responsible moral agents with conceptions of the good that are worthy of pursuit. It is in this regard that moral contractarianism seeks to depict morality as involving mutual recognition and respect for persons.

So Freeman’s contractarianism asks what reasonable people could agree to, insofar as they were in search of principles to regulate their interpersonal relations. The contract then can be thought of as a “foundation” in the sense that their being the sorts of principles that free and equal people could agree to explains why certain principles are the principles of morality.

Freeman contrasts the contractarian model of people making demands on each other with the consequentialist one of the moral world making demands on us. I’m not sure this is quite fair. The moral world might demand that we respect each other in certain ways, so contractarian morality doesn’t logically distinguish itself in that way; and consequentialists can also think of the source of moral demands as the importance of other people, rather than something as impersonal as “the world.” Still, Freeman could rest on a different way of making what may be the same point: contractarianism is more “personal” in that it tells us that it is other people who are supposed to be our main objects of concern, rather than the sub-personal happiness, utility, or preferences of other persons. This feature of utilitarianism, that it values the utility rather than its bearer, is related to the criticism (mentioned also by Vallentyne) that it fails to take seriously the “separateness of persons.” The usual explanation is that for utilitarians, the location of goodness is not important but only its aggregate sum. Now this may seem a very unfair charge against utilitarianism. Consider the analogous charge against democracy: democrats do not care about the
boundaries between voters, but only about the net sum of votes for each candidate. The obvious reply is that the democrat insists that each citizen’s vote count the same as every other, and also that a system be positively responsive to votes in the sense that a winning option cannot be made to lose by adding votes, and that these conditions are what motivate the aggregation rule. Similarly, utilitarians may defend themselves against the familiar charge by noting that they insist on a kind of positive responsiveness to the welfare of persons along with Bentham’s egalitarian “each to count for one and none for more than one,” and that these principles underwrite the utilitarian aggregation.

Freeman stresses other, related differences between contractualism and utilitarianism. For one thing, the reasons that appear as moral reasons in contractualism are, he claims, reasons that real people have and act on, whereas the one and only utilitarian moral reason, that a certain action would maximize aggregate happiness, is a reason that no real person ever has. For another, contractualism’s reasons are essentially public and shared, and addressed by citizens to citizens, while utilitarianism could be secret, esoteric, addressed to each by the moral order itself.

Philip Pettit thinks contractualism (he is thinking mainly of T. M. Scanlon’s version, closely akin to Freeman’s) threatens to collapse to a kind of consequentialism, so that the idea of the best consequences will in the end be what explains what makes actions right or justifiable. Pettit charitably defends contractualism against one version of this charge. It might be thought that whatever reasons the contracting parties have to accept or reject various proposed rules would themselves be the ultimate moral reasons. Suppose we reject a certain rule or policy on grounds of fairness, or favor another on grounds of equality; then surely it is the goodness of fairness or equality that ultimately matters. But Pettit notes that there is another possibility: in deciding what to accept, the contracting parties might appeal to their more parochial, centered interests and reasons. Those couldn’t be moral reasons (or anyway, they need not), and it would be the way those reasons fit together under the guise of the contract that explained the character of rightness, rather than any antecedently discernible pattern of goodness.

Still, Pettit thinks that contractualism may best be understood as delivering a “practice-relative” notion of right and wrong. We have many practice-relative normative notions. Castling might be “the right move” in a chess game, it is “wrong” to play Beethoven’s Appassionata in F major, and “Him and I wasn’t going” is incorrect English. In each case, right or wrong are relativized to some rules or standards that a person might, but might not, accept or take an interest in. Contractualist rules, Pettit suggests, might be best understood as relativized to rules for “deliberative exchange,” namely, the practice of conversing, reasoning together, committing ourselves to what we say. Now Pettit himself thinks that deliberative exchange is very important, that it has great impartial value. But for any practice-relative notion of right and wrong the question always arises whether and why one ought to conform to (or engage in) the practice at all. Pettit’s thought is that there may be a very good consequentialist answer to this question in the case of the constituting rules of deliberative exchange, but if so, doesn’t that mean it turns out that the great goodness of deliberation is what explains the normative bite of contractualist morality?
Virtue

Virtue ethics is commonly understood as the attempt to ground ethical concepts in the idea of the virtues, so that the virtues have a kind of priority in moral understanding, or its conceptual structure. But Rosalind Hursthouse objects to the ‘reductionist’ strain in contemporary normative theory, which she attributes to the influence of Rawls. Reductionism seeks to identify one ethical concept as fundamental deriving, or defining the others from the fundamental one. Hursthouse herself takes the following biconditional to be true and central:

An action is right iff it is what a virtuous agent would, characteristically, (i.e. acting in character) do in the circumstances.

This, along with her interesting device of ‘v-rules’ (which I’ll explain in a moment) form the core of virtue ethics – or it might be better to say that this is Hursthouse’s version of virtue ethics’ account of right action.

One challenge that Hursthouse recognizes is Robert Louden’s “application problem.” Louden asked whether a biconditional like Hursthouse’s could ever really help anybody in practice. For if you are already a virtuous agent, you are not going to need help (and it isn’t very helpful to tell you to do what you yourself would do in the circumstances!), and if you aren’t entirely virtuous then what you want to know is what a virtuous person would do, after all. Hursthouse suggests supplementary v-rules like ‘Do what is courageous, not cowardly’, which press virtues into rule form for practical consumption.

A second issue has to do with supererogation (which, remember, Alastair Norcross suggested that we jettison). The question for virtue theorists (or anyone who accepts Hursthouse’s biconditional) is whether to think that a virtuous person would always do the supererogatory act, or whether she would sometimes do the merely obligatory when a supererogatory act is available. If the virtuous agent would always do the best, even when that was well beyond the call of duty, then how is a virtue ethicist to explain the notion of what is obligatory? On the other hand, if the virtuous agent would always do what is obligatory but not always do what is absolutely the best, then how is a virtue ethicist to explain in what way that “best” action is better?

Hursthouse follows Philippa Foot in disentangling two ways in which a virtuous action might be “difficult” for someone to perform. It might be especially difficult because of the circumstances, in which case it is more virtuous and admirable than it would otherwise be; whereas if it is difficult for the person because of flaws in his character, then it is less virtuous. Actions of the first type, according to Hursthouse, are supererogatory when they are especially difficult.

I said that Hursthouse explicitly rejects the reductionist approach to ethics according to which we are supposed to derive or define all of our ethical concepts using one primitive one. But definition and derivation aside, there is a serious question about direction of explanation here. Suppose we provisionally accept the biconditional that Hursthouse endorses. The question remains whether an action’s being the one that a virtuous person would (characteristically) do explains its being the right one, or whether instead its being the right thing to do explains why the virtuous person...
would do it. While it is not the only question that can interest a virtue theorist (or critic), this is certainly a central philosophical question. (Needless to say, there is another possibility: that some third thing explains both why a virtuous person would perform the action and why it is right, with neither of these explaining the other. And, of course, the biconditional may well be false.) Julia Driver doubts that the explanation could really run from virtue to rightness.

In any case, is the biconditional true? Here is a worry raised by Driver. Sometimes an imperfectly virtuous person might find herself in a situation in which her own lack of virtue means that she really ought not to do precisely what a virtuous person ought to do. For instance, she might have an irrational fear of water, so there is no point in her jumping into the lake to save the drowning victim, even though a virtuous person (with no fear of water) would not hesitate. There are some things, it seems, that are wrong for you to do even though a fully virtuous person would do them, precisely because of the differences between you and a fully virtuous person. Making the account relative to circumstance can help. In your circumstance, perhaps, a fully virtuous person wouldn’t jump in the lake either, because your circumstance includes your phobia. Can a fully virtuous person share a phobia, or are phobias contrary to the idea of virtue? Hursthouse defends the biconditional on the ground that a phobia is not a virtue or a vice at all. This leaves open the question of whether there are other differences between me and a fully virtuous person that might make a certain action right for the virtuous person to perform, but wrong for me to do.

Reason and Motivation

Do moral obligations stem from reason, or from the sentiments? Here we make the transition from normative theory and its structure to more metaethical considerations, and this is the question that many have taken to divide Hume from Kant, and Humeans from Kantians. Samuel Kerstein defends the Kantian view, which he thinks of as captured by a collection of theses about the rational inescapability of morality, from a sentimentalist challenge.

As Kerstein sees it, sentimentalists (like Hume, or Blackburn) take obligations to others to be grounded in the moral feelings we have toward those others. If that’s so, then none of the imperatives of morality can be categorical. Kerstein writes:

A foreign office knave who does not take the common point of view and who thus has no displeasing sentiment towards treating strangers outside of his group unjustly would, according to sentimentalism, (at least sometimes) have no obligation to act in accordance with the principle ‘Do not treat strangers unjustly’. Sentimentalism would therefore not allow this principle to stand as a categorical imperative.

But this consequence, that no moral obligation is categorical, that all of them are conditional on the possession of moral feelings, is inconsistent with the content of common-sense moral thinking. Thus, what is intended as a metaethical thesis turns out to be rejectable for first-order normative moral reasons.
But Simon Blackburn claims that Kerstein’s arguments misfire. The sentimentalist, Blackburn insists, is in no way committed to the thought that our obligations are conditional on the presence of certain sentiments. Rather, the point is that when we announce or argue about or just endorse in thought the existence of various moral obligations, we do so by means of our sentiments. To judge that someone has an obligation, according to sentimentalists, is to express a moral sentiment; thinking through our obligations is sentimental thinking.

It may be that it takes two distinct but related Humean theses to trap sentimentalism into the rejection of the common-sense categoricity of morality. Suppose, with Blackburn, that we do not come by moral motivations purely in virtue of our practical rationality. It’s plausible that whenever a person is under a moral requirement, that person has thereby a reason to act (in accordance with the requirement). Add a second Humean element, then: nobody can have a reason that cannot motivate her. Then reasons, and so moral requirements, must be contingent on the motivations that people happen to have. As R. Jay Wallace puts it:

Judgments about what one has reason to do give rise to corresponding motivations to action in agents who are not irrational. So if moral considerations constitute normative reasons, they will be motivating in those agents who are reasoning correctly.

Now, Sigrún Svavarsdóttir poses a challenge to the thesis, generally called ‘internalism’, that genuine moral judgment is conceptually, logically linked to motivation. She presents an example, spelled out in some detail, of Patrick, who uses the language of moral judgment with apparent sincerity and understanding, but seems to remain unmotivated. Why is it not an open possibility, she asks, that things are, in fact, as they seem, that Patrick is a counterexample to the internalist thesis? The burden, Svavarsdóttir argues, is on internalists to show how that possibility is ruled out.

Svavarsdóttir’s own view of moral motivation is, to oversimplify, that people ordinarily have a desire with a distinctively moral content. The thought that something is morally required ordinarily carries with it a novel motivational force just because we contingently but reliably do care about right and wrong, justice and virtue, under those particularly moral descriptions.

Wallace agrees that it is implausible to insist on a conceptual necessity tying moral judgment to motivation. Instead, he suggests that there is a normative connection. Someone who is deliberating correctly, Wallace claims, will be motivated by his reasons, insofar as he is practically rational; this Wallace calls the ‘motivation requirement’. His formulation is significantly different from the more traditional thesis of ‘internalism’: Moral reasons could fail to motivate someone who actually has them in two ways, consistent with the truth of the motivation requirement: first, the person might be suffering from weakness of will (and so practically irrational), and second the deliberation might be incorrect. The second case, as Wallace envisions it, would involve the person making incorrect judgments about what reasons she has, so that although she believes that a certain act is morally required, she decides that this fact has no normative significance for her. Of course, it is a non-trivial substantive normative assumption that moral requirements really do provide people with reasons, and if the assumption is false then so is Wallace’s motivation requirement, since in
that case someone really could deliberate correctly without granting moral considerations any normative significance. But that’s how Wallace intends his version: the motivational significance of moral judgment is, he thinks, a substantive normative thesis and not a conceptual truth that stands independent of views about what reasons we really have.

Svavarsdóttir notes that her account is consistent with Wallace’s normative claims. And she adds that the explanation for why it strikes us as irrational for a person to acknowledge the normative significance of a consideration without letting that consideration play any motivational role is that it is a function of the role and point of deliberation in our mental lives. The issues that remain between Wallace and Svavarsdóttir, and the philosophical considerations that could resolve their differences, are complex and subtle; my simplified account in this introduction has not done their debate full justice.

## Moral Facts

In recent years, questions about explanation have loomed large in metaethics. In this volume we find three related explanation questions, all of them broadly metaethical. One, addressed by Nicholas Sturgeon and Nick Zangwill, is the question of whether moral facts and properties play any important role in the explanation of natural phenomena, and especially of our moral judgments. Another, much more recent in origin, is the question of whether and how general moral principles explain particular moral facts. But first up is a relatively new role for the question of explanation to play, having to do with the very basic question of whether and in what way it is correct to think of morality as having as its subject matter a domain of moral facts. Traditionally this question has been thought to be relatively straightforward, even if it is somewhat exotic and distinctively philosophical. So-called anti-realists deny that there are any moral facts, taking our moral talk and thought to be some sort of projection of affect, emotion, or practical attitude. So, rather than a discovery or investigation into an independently existing realm of moral facts, our moral thinking and discussion should be thought of as bringing to light the moral attitudes that structure our evaluations and intentions, our plans of action, our preferences and desires, according to the anti-realist view. Realists, by contrast, think the phenomenology of moral thought is that of “fact-finding,” that our moral judgments at least purport to be (and sometimes really are) about the moral facts themselves, that the truth of the matter transcends the attitudes we bring to the table, that there is such a thing as getting it right or wrong. But recent work in metaethics and in other areas of philosophy have cast doubt on this straightforward way of posing the old issue. What is there to the idea of a ‘moral fact’, philosophers have asked, aside from the reaffirmation of the ordinary, first-order moral judgments that we all make when we are actually engaged in ethical deliberation? Besides the judgment we all want to make to the effect that slavery is morally wrong, what is there to the idea that ‘it is a fact that slavery is morally wrong’?

Peter Railton and the team of Terry Horgan and Mark Timmons share the view that a plausible ‘deflationism’ about truth and its allied notions have thrown the tradi-
tional distinction into question. Still, they believe, there is a real question to be tackled about ‘factualism’, and they fall out on different sides of this question. Part of what divides them, we shall see, is a question of explanation: what account of moral concepts and meanings explains the most salient and distinctive phenomena?

Peter Railton lists a cluster of features of moral thought and language which might together be considered constitutive of the idea of morality. The features include the supervenience of the moral on the descriptive, the generality of moral judgment (distinguishing it from other forms of normative judgment), the practicality or prescriptive dimension of moral thought. Railton concedes that the motivational element of moral thought suggests non-factualism, but notes that, on the face of it, some logical features of the way moral language is used, especially in reasoning, can’t be explained by non-factualist theories. After all, we call all sorts of moral judgments ‘true’ and ‘false’, and we employ them in arguments and other contexts in which we’d ordinarily think that only the true and the false are at home.

Now, Railton recognizes an important move in the debate between moral factualists and non-factualists, a move employed by Timmons and Horgan. Truth, according to a popular and powerful contemporary conception, is no big deal. Asserting something carries metaphysical commitment. Calling it true carries no more metaphysical commitment than that. To call something true carries no more metaphysical commitment than just asserting that thing carries. So, insofar as a non-factualist is herself happy to make moral judgments, she should be happy too to say that they are true (and just as happy to call them false as to deny some particular ones, by the same token). This is the ‘minimalist’ or ‘deflationary’ move. It allows truth back on the non-factualist stage. Horgan and Timmons doubt that there is any serious problem for non-factualists accounting for the apparent truth-aptness of moral judgments: after all, moral judgments are apt for truth, only truth itself is deflated and metaphysically uninteresting.

But the deflation of truth carries with it the deflation of fact. After all, it is just as much a tautology to say that snow is white if and only if it is a fact that snow is white, as it is to say that snow is white if and only if it is true that snow is white. What is at stake between self-styled factualists and non-factualists can then become puzzling. Railton plausibly suggests that what is at issue is the question of how best to account for the ‘character of moral judgment’, that is, for the distinctive cluster of features that together constitute a judgment’s being a moral one. One element of that cluster is the motivational feature of moral judgment, which is, we can see, why the debate between Wallace and Svavarsdóttir is so important to metaethics. One account might have it that the conditions of rational agency as such already require a certain type of motivational structure, one that is poised to endorse typically moral principles (so the debate between Blackburn and Kerstein is again critical). In that case, the motivational efficacy of moral judgment could be traced to something outside of moral concepts themselves, so the account would fall into the factualist category. Railton himself leans toward an ‘externalist’ account of the moral/motive connection, something in the same family as Svavarsdóttir’s view. By contrast, Horgan and Timmons think that the motivational efficacy of moral judgment is due to the essential nature of the judgments themselves. Moral judgments, according to Horgan and Timmons, are not descriptive but prescriptive. The state of mind expressed by a moral
assertion is a conation, not a representation. So Horgan and Timmons don’t think of moral discourse and thought as factual. Their view is in the tradition of emotivism, but with some striking differences.

Horgan and Timmons subscribe to a kind of "non-factualism which denies that there are any moral properties possessed by actions or other objects of evaluation and so this view denies that there are in-the-world moral facts." They reject realist factualism on the grounds that there is no reasonable semantic story about how moral expressions could come to pick out one particular (natural) property determinately, relativist factualism on the grounds that it misconstrues (or fails to make out) some ordinary moral disagreement, and constructivist factualism on the grounds that it cannot avoid “slipping into relativism.”

Even so, Horgan and Timmons do say that moral judgment is a kind of belief, that moral utterances are assertions, that moral sentences can be true or false. They agree with almost all of what traditional metaethical realists say. So they agree with Railton that the real dispute between factualists and non-factualists is not over the trappings of truth (as Fine 2001 puts it). The question of what exactly is at issue is a difficult one, not fully resolved by the present debaters.

## Moral Explanation

We next turn to the older problem of moral explanation, framed by Gilbert Harman (1977). Harman asked us to focus on the difference between scientific observation and the observation of moral properties and facts. His point was not that there isn’t any moral observation. To take his infamous example, we can imagine some boys torturing a cat, and an observer who judges that what the boys are doing is bad. Now the ‘observation’ of the badness, clearly, requires that the observer already have a certain moral sensibility, which we could think of as a kind of (possibly latent) background moral theory. But the need for this background does not distinguish moral observation from scientific observation. Compare a physicist observing a cloud chamber and remarking, “There goes a proton.” The ‘observation’ of a proton requires a great deal of assumed background theory. Observation is in general, we might say, theory-laden.

Harman’s point was rather that the explanation for the scientific observation, the best explanation we have, requires that we posit the presence of a proton. The proton itself enters into the best explanation of the observation. This explanatory role, according to Harman, is what gives us reason to believe that there are protons. And now we see the real contrast: our best explanation of the moral observation does not involve the badness of the act itself. Instead, it appeals to the psychology of the boys, the sentience of the cat, and other descriptive (rather than evaluative) properties. If explanations of observations never appeal to the moral properties themselves (as opposed to the moral sensibilities of human beings), then why should we believe in them?

Sturgeon raises several questions about Harman’s argument. First, he wonders whether even if Harman is right that the moral properties, and facts themselves do not enter into our best explanation of moral judgments, they might not still enter
into the explanations of other phenomena. For example, doesn’t Hitler’s moral depravity at least partly explain Hitler’s actions? One might say that Hitler’s character described non-morally does all the explaining necessary – his traits of character neutrally described, that is to say. But if we conclude that appeal to moral traits of character are thus unnecessary, won’t we be stuck saying similarly that all sorts of ordinary facts are also explanatorily vacuous? Do we really have no reason to believe in, say, trains, because anything that locomotive facts can explain can be explained just as well by a more basic level of facts, the facts about steel and wheels and electricity, that do not explicitly mention trains? Maybe the point is to identify what properties occur in the best explanations of the phenomena. But Sturgeon notes that which explanations are “best” is highly context-sensitive and interest-relative. Sometimes we want “safe” explanations, explanations with the least chance of being mistaken; in that case, appeals to moral properties will be worse, but then so will explanations that commit us to protons (rather than simply mentioning vapor trails in cloud chambers). If we want explanations that will generalize, and generalize in the right way, it is not obvious that we can do better than citing someone’s depravity, or injustice, or cruelty.

Nick Zangwill defends the unusual thesis that moral judgments are especially isolated from explanation by moral facts. All sorts of moral properties may explain all sorts of things, Zangwill argues, but they will never explain our beliefs about them. His argument depends on what he calls the “Because Constraint,” namely, the thesis that whenever we think that something has a moral property, we must think so because it has some non-moral property. For instance, when we think that Billy is bad, we must think he is bad because of some non-moral fact about him. This seems clear enough. Zangwill says that because of the Because Constraint, we have no independent access to moral properties. The only access we have is via the natural properties that underlie the moral ones (like Billy’s hard-heartedness, or his narcissism) plus some principles that take us from natural to moral. This No Independent Access thesis in turn shows that the non-moral properties themselves are always fully responsible for our moral beliefs; the moral properties can play no role. On that score, Zangwill argues, Harman was right. Though Zangwill’s argument may not turn on it, the claim that we infer moral conclusions from non-moral facts plus moral principles is an important one.

**Particularism**

Generalism is the view that there are important, quite general, moral principles that ground particular moral judgments; particularism is the view that the order of explanation is the other way around. That is vaguely put, in part because it has not been altogether clear in the contemporary dispute over particularism just what is at stake. It certainly has something to do with the existence or role of universal, exceptionless moral rules. But, for example, there is the metaphysical question of whether there are any such rules, and if there are, whether they determine the particular moral facts or instead are determined by them; and then there is the epistemological question of
whether our justification for particular moral judgments comes via general rules or whether instead we think of moral rules as hypotheses, speculative summaries of the particular moral judgments we have made and will make.

It may be helpful to think of particularism as a view about moral reasons, as Mark Lance and Margaret Little do. One model of reasons is the model of vectors. Reasons contribute to what we all-things-considered ought to do as individual component forces (the lift, thrust, drag, gravity on an airplane) contribute to the overall acceleration of the object on which the forces act. The acceleration can be decomposed into components, and the component forces are stable contributors from one context to another, always adding the same thing to the overall acceleration. Particularists doubt that reasons work that way. There are no considerations, they think, that always contribute the same “vector” to what we ought to do. Lance and Little add that we need not suppose that reasons get their “force” from any moral law lurking in the background (as gravity might be supposed to get its pull from a law of nature). And indeed, they argue that every conceivable consideration (where considerations must be framed in non-normative language) that counts in favor of an act could in principle count against an act, if the context were suitably changed. This possibility of “valence-switching” is a hallmark of particularism.

Robert Audi, though sympathetic to some of the milder planks of the particularist platform, explains also why some generalist claims have also to be paid proper respects. He begins by asking what sort of generality we should expect moral principles to exhibit. Audi wants to defend a kind of Rossian view, according to which there are some general moral principles that always provide us with reasons to follow them, although there is no formula that can tell us how to factor all conflicting reasons into a resultant final obligation. “Some moral principles are both wide in scope and useful in day-to-day moral thinking,” Audi says.

Audi helpfully distinguishes between the deliberative relevance of a consideration and its normative relevance. There are many cases in which a smallish consideration, one that really does make a normative difference to the case at hand, should obviously be ignored since it is so plain that very much larger considerations are going to decide the issue; and Audi notes that the oddness that we feel in saying that, for example, the annoyance of a librarian at my outcry does count against my loudly alerting browsers to the fact that the stacks have caught fire might be explained by its deliberative irrelevance rather than by what a stronger particularist would say is its normative irrelevance.

Audi also points out that particular judgments might be thought to have a normative priority, an epistemic priority, a methodological priority, a conceptual priority, or a genetic priority, and that although these are related they are also quite distinct.

Lance and Little take their main opposition to be the idea that exceptions to general principles stand in the way of explanation. They think it is a mistake to insist that explanations must always involve subsumption of a case under an exceptionless law. This is a crucial point, because particularists deny that there are such exceptionless moral laws, but do think there can be moral explanations of moral facts. (Note that moral explanations of moral facts are not the subject of the debate between Sturgeon and Zangwill, who are talking about explanations of non-moral facts.) The worry is
that if there are no descriptions of a case that together entail (via some graspable moral rule) that it is bad, or just, or wrong, then it will be left utterly mysterious how we could ever come to such a judgment.

A central claim of Lance and Little's is that moral reasons and prima facie principles do have a kind of standing; they are not just like the specks of color on a painting, which contribute literally nothing on their own to the painting's aesthetic value but only in relation to other specks. Reasons, like the fact that a certain act would be a lie, do have a kind of explanatory power that derives from their function in special, default contexts. In this respect they are like the events that we single out as causes, as opposed to the background conditions necessary for the causes to do their work. The striking of a match can be the cause of the flame, though the flame would not have come into being in other, oxygen-deprived circumstances, even if the match had there been struck too. That's because the situation in which there is oxygen (and the candle's wick is not wet, and the ambient temperature is not so low as to extinguish combustion immediately . . .) is the normal backdrop. Similarly, Lance and Little argue, that the act would be a lie is a reason not to do it, even though there are situations in which a lie is called for. Though lying isn't always wrong, nor always wrong-tending, it is always defeasibly wrong-making, in that it is always the sort of thing that in normal circumstances would be wrong, and this status is itself always significant in the explanatory role that lying plays in moral thought.

I hope these essays will give the reader new to the issues some background and insight and the reader already steeped in them something new to think about.

Notes

1 Oddly enough, it seems to be only the philosopher's usage of 'fact' that can be deflated in this way. There is an ordinary, non-jargony usage according to which something counts as a fact only if it is known, or confirmed in a publicly available, uncontroversial way. That is not the sense meant here, or by Railton, or anywhere in this volume.

References


PART I

NORMATIVE THEORY
Is the Rightness of Action Determined by the Value of Consequences?
Philosophers use the term consequentialism to identify a general way of thinking about right and wrong and thereby provide a convenient label for a whole family of theories or possible theories in normative ethics. Consequentialist ethical theories maintain that right and wrong are a function of the consequences of our actions – more precisely, that our actions are right or wrong because, and only because, of their consequences. The only because is important because almost all ethical theories take consequences into account when assessing actions, and almost all philosophers believe that the consequences of our actions at least sometimes affect their rightness or wrongness. What distinguishes consequentialist from non-consequentialist ethical theories is the insistence that when it comes to rightness or wrongness, nothing matters but the results of our actions.

When consequentialists affirm that the results or consequences of an action determine whether it is right or wrong, they have in mind, more specifically, the value of those results. That is, it is the goodness or badness of an action’s consequences that determines its rightness or wrongness. Different consequentialist theories spell out this relationship in different ways. In other words, if right and wrong are a function of the goodness and badness of the results of our actions, then different functions are possible, different ways of connecting consequences to rightness and wrongness. What I shall call standard consequentialism advances some further theses that distinguish it from other possible types of consequentialism.

Standard consequentialism asserts that the morally right action for an agent to perform is the action, of those actions that the agent could perform at the time, that has the best consequences or results in the most good. Standard consequentialism is a maximizing doctrine. By instructing us to bring about as much good as we can, standard consequentialism distinguishes itself from the thesis that an action is right if and only if it has good consequences (or consequences that are sufficiently good or that are good enough). Standard consequentialism holds, furthermore, that we are
not merely permitted or encouraged to act so as to maximize good; we are required
to do so. Accordingly, standard consequentialism rejects the idea that there can be
degrees of rightness so that an agent might have several options open to him, all of
which are right but some of which are more right than others. On the other hand, of
the actions open to the agent, several might have equally optimal results. Thus, there
may be no single best action and, hence, no uniquely right action. Put more precisely,
then, standard consequentialism holds that an action is morally right if and only if
there is no other action, among those available to the agent, that has better conse-
quences; otherwise, the action is wrong. Thus, several actions might be equally right,
and what morality requires is that the agent do one of them. Finally, an action might
have bad consequences and yet be right. This will be the case if all alternative actions
have worse results.

Further Features of Standard Consequentialism

In this section, I describe some further features of standard consequentialism. I call
it standard consequentialism because it is the most familiar and widely discussed form
of consequentialism; it is what I usually have in mind when discussing the subject. I
am also inclined to think it is the most plausible form of consequentialism. But even
if I am wrong on both counts, for purposes of discussion it will be helpful to focus
on one reasonably specific version of consequentialism.

Outcome includes the value of the action itself

When consequentialists refer to the results or consequences of an action, they have
in mind the entire upshot of the action, that is, its overall outcome. They are con-
cerned with whether, and to what extent, the world is better or worse because the
agent has elected a given course of conduct. Thus, consequentialists take into account
whatever value, if any, the action has in itself, not merely the value of its subsequent
effects.

This might sound odd, because when speaking of the ‘results’ or ‘consequences’ of
an action, we frequently have in mind effects that are distinct from, subsequent to,
and caused by the action. Consequentialists, however, don’t limit results to effects in
a narrow or causal sense, because they are interested in the consequences not only
of one’s acting in various positive ways, but also of one’s refraining from acting. For
example, it would seem odd to say that, by ignoring a panhandler’s request for rent
money, I “caused” his family to sleep outside tonight. Still, this may be one result of
my not stopping to help him; if so, then consequentialists will take it into account in
assessing my conduct.

Consequentialists, moreover, needn’t assume that the line between an action and
the effects that flow from it, between what we do and what results from what we do,
is set in nature. Rather, this line is a function of how the situation is described. For
example, what I did at the faculty seminar at 4.36 p.m. might be described as “opening
my mouth wide and covering my ears with my hands,” “feigning shock and horror,”
“expressing my disdain for the ontological argument,” or “insulting my colleague.”