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Anscombe, Williams and the positivisation of moral obligation

1. Obligation and its place in morality

Moral obligation or duty is a part of morality that is directive. We communicate obligations to direct people into doing what is right - what is morally obligatory or required as a matter of duty - and away from what is morally wrong. The direction given is demanding. And this demandingness seems linked to a criticism that is distinctively condemnatory. People who breach moral obligations and who do so without excuse are subject to blame. And the content of blame is that they are morally responsible for having done wrong.

This moral responsibility seems importantly different from anything invoked in ordinary rational criticism. We can be subject to rational criticism for our general attitudes as well as for our actions. Fears, wants and other passions and emotions can be foolish or sensible. But moral responsibility is commonly understood to be specifically for action and omission. We can only be morally responsible for our actions and missions and their consequences, and not - unless indirectly, as consequences of our own prior action - for the feelings and emotions that come over us. And just as moral responsibility is for action, so too are the moral obligations that we are responsible for keeping. We can only be under a moral obligation to act or to refrain from action - not to experience desires or to have feelings.

Morality shares the language of obligation, responsibility and blame with positive law - the law contingently legislated by political authorities for the specific human communities subject to their jurisdiction. 'You have an obligation to pay the money' could be said by a moralist asserting a moral obligation - or by a judge or state official asserting a legal obligation, that is an obligation under some system of positive law. And just as one can be under obligations that are legal as well as moral, so one can be held legally as well as morally responsible, and legally as well as morally to blame.

Besides this shared language of obligation and responsibility linking morality with positive law, there seems to be a shared directive function. It is very natural to think that in imposing legal obligations positive law likewise serves to direct human action and thereby the various outcomes that can be produced or prevented through human action. And there is an historically influential view of how, at least in the case of positive legal obligation, this action-directive function operates.

According to this view, positive legal direction, at least when effective, is of the voluntary - those outcomes that are subject to our will or decision, and that we produce or prevent by our own agency, through deciding so to do. The law makes a certain outcome - that our car not be parked on a double yellow line - legally obligatory, and threatens sanctions should this outcome not arise. We are motivated, either by a concern to be law-abiding, or, as often, by a further dislike

of the sanctions, to decide to do what is required to ensure the obligatory outcome. And so we act on the basis of that decision to produce the outcome and avoid the sanctions.

That morality shares a language of obligation and responsibility with the positive law, and that both moral and legal obligations seem alike directive of action, has long suggested the idea that in obligation morality too contains a form of law - a specifically moral law. Behind this conception of a specifically moral law stands an idea of law in general. Law, according to this conception, is any system of obligations as demanding directives on action, addressing a distinctive responsibility for meeting those obligations, a responsibility that we are supposed to possess for action and omission and its outcomes. Law addresses us as peculiarly responsible for what we do, and demands that we exercise that responsibility to do what is right and to avoid doing what is wrong. Direction by law so understood is distinct from the application of more general normative principles. Law is to be distinguished from more general principles of reason - principles that are merely advisory, and that presuppose no special responsibility for how we act, but serve to appraise attitudes and emotions generally simply as reasonable or unreasonable.

How might morality, in particular, take the form of action-directive law? One approach is to apply an understanding of positive legal obligation to the moral case as well. For if moral obligation might seem puzzling and in need of explanation, we are all too familiar with legal obligations and systems of humanly created positive law. Why not use the familiar positive case to model the moral case? A moral obligation is a moral directive that functions as a moral version of a legal obligation. The account would then proceed by selecting those salient aspects of legal direction that seem most plausibly to admit of some form of moral equivalent, and use them to identify what is constitutive of moral obligation. To characterise moral obligation in this way is to propose what I shall term a *positivising* model of moral obligation.

Positivising models of moral obligation can take a variety of forms. We might, for example, characterise moral obligations as moral directives that, like legal obligations, are the decrees of some appropriate law-giving authority - in the case of moral obligation, a specifically moral authority above any human legal authority, and that governs humanity generally, such as God. Just as to deny the very existence of a legislative authority is also to deny the existence of the legal obligations dependent on its authority, so denying the existence of such a moral legislator is to deny the very existence of moral obligations. For Elizabeth Anscombe, absent continued belief in God as divine lawgiver, all we are left with in morality is a metaphorical use of the term 'obligation'; we must give up belief in the literal reality of moral obligatoriness. The term 'moral obligation', she claimed, will now be empty, without any further literal application. Moral obligatoriness can no more exist without the divine decrees that constitute it than can criminality without the institution of criminal law:

> But if a [divine command] conception is dominant for many centuries, and then is given up, it is a natural result that the concepts of 'obligation', of being bound or required as by a law, should remain though they had lost their root…it is as if the

notion 'criminal' were to remain when criminal courts had been abolished and forgotten… Elizabeth Anscombe 'Modern moral philosophy' in Roger Crisp and Michael Slote eds. *Virtue Ethics* (Oxford: Oxford University Press 1997), p. 31

But positivising models can take secular form as well. The existence of moral obligations need not be tied to some form of theism. We might instead take moral obligations to be directives backed by some form of sanction, imposed if not by a moral legislator, at least by members of any community where the moral obligation applies.

Thus Bernard Williams characterises moral obligations as, properly understood, directing us to meet standards of voluntary behaviour that matter socially. Moral obligation

> 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 that 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. Bernard Williams, *Ethics and the Limits of Philosophy* (London: Fontana 1985) p. 185

So the standards on voluntary action which protect these vital interests are properly classed as morally obligatory, and are reinforced by social pressure - the appropriateness of some kind of reinforcing pressure being, on this view, of the essence of obligation in all its forms. Our ethical training is designed to leave us strongly motivated towards performing those actions which count as morally obligatory, and away from those which count as wrong and forbidden. We are left concerned to do what is obligatory and to avoid doing what is wrong, and then through this concern thoughts about moral obligation motivate us voluntarily to do what is obligatory as a means to complying with our moral obligations. So the pressure that comes with moral obligatoriness enforces and encourages a certain practical conclusion - a concern to do what is morally obligatory:

> …moral obligation is expressed in one especially important kind of deliberative conclusion - a conclusion that is directed toward what to do...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… *Ethics and the Limits of Philosophy* pp. 174-5

The central form of social pressure is blame, whether communicated from without, by others, or once one is trained socially, communicated from within, by oneself to oneself in self-blame and remorse. Blame, like obligation-enforcing pressure generally, is likewise directed at the voluntary:

> …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 – although 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. *Ethics and the Limits of Philosophy* p.193

Positivising models of moral obligation have important implications for the place of moral obligation within wider morality. For besides moral obligation there is another aspect to morality. This involves the appraisal as morally admirable or contemptible in various ways, not only of people's actions, but of their characters, inclinations and dispositions too. This is the part of morality that is concerned with virtues and vices. And a positivising view of moral obligation tends to distance moral obligation from the morality of virtue and vice. For standards of virtue and vice seem not to depend on any legislation, or on the availability of sanctions to enforce them. And virtues or vices, such as courageousness or temperance, do not seem voluntary or subject to the will as are the actions and outcomes that, on the positivising model, are subject to legal direction. We do not acquire courage, say, just by deciding to, on receipt of some directive to be courageous. If moral obligation is understood to involve a form of action-directive law, and then the morally legal direction it involves is understood on the basis of natural models of positive law, it will seem that moral obligation is very different from the general morality of virtue and vice. Moral obligation will seem to form a distinctive part of morality with a special concern of its own - the direction of the voluntary - and to depend on special elements, such as sanctions and legislation, that are quite inessential to virtue and vice.

Hume assumed that the idea of moral obligation as a form of action-directive law was a deep mistake just because, in his view, no part of morality, the morality of obligation and blame properly understood being included by him in this, involved any kind of sanction-backed direction of the voluntary. The supposition otherwise was the invention of theologians, who had tried to remodel moral obligation and blame on the basis of some sort of fictitious cosmic version of positive law:

> Philosophers, or rather divines under that disguise, treating all morals as on a like footing with civil laws, guarded by sanctions of reward and punishment, were necessarily led to render this circumstance, of voluntary or involuntary, the foundation of their whole theory…but this, in mean time, must be allowed, that *sentiments* are every day experienced of blame and praise, which have objects beyond the dominion of the will or choice, and of which it behoves us, if not as moralists, as speculative philosophers at least, to give some satisfactory theory and explication. David Hume *An Enquiry Concerning the Principles of Morals,* P.H. Nidditch ed. (Oxford: Clarendon Press 1975), Appendix IV, 'Of some verbal disputes' p. 322

In Hume's view, wrongful breach of moral obligation or duty – moral 'crime' - is not anything like positive legal crime. Moral 'crime' is not the violation of some sanction-backed directive on the voluntary, but is simply a failure to meet a standard of admirability, a standard moreover that immediately applies not to voluntary actions, but to non-voluntary states of motivation and character.

> A blemish, a fault, a vice, a crime; these expressions seem to denote different degrees of censure and disapprobation; which are, however, all of them, at the bottom, pretty nearly of the same kind or species. *An Enquiry Concerning the Principles of Morals,* Appendix IV, p. 322.

One violates natural duty in morality as a parent, not just through failing to look after one's children, but by lacking a natural affection or care for them. This, in Hume's view, is the fundamental moral wrong, a failure of non-voluntary motivation, of which the neglect of children at the point of the voluntary is but a symptom or effect.

> We blame a father for neglecting his child. Why? because it shows a want of natural affection, which is the duty of every parent. Were not natural affection a duty, care of children cou'd not be a duty; and 'twere impossible we cou'd have the duty in our eye in the attention we give to our offspring. David Hume, *A Treatise of Human Nature,* P.H. Nidditch ed. (Oxford: Clarendon Press 1978) p. 478

So a positivising understanding of what moral law would involve can, as with Hume, lead to a rejection of the very idea of moral obligation or duty as action-directive law. Or else, as with Anscombe and Williams, who despite his admiration for Hume, reasoned here as one of Hume's 'divines' in philosophical disguise, that positivising understanding can still leave moral obligation something action-directive. But then, since it is taken to resemble positive law in its directive function, the morality of obligation is viewed as detached from and importantly different from the morality of virtue and vice.

But this view of how moral obligation might take the form of action-directive law is very debatable, and alien to an important part of the Catholic intellectual tradition. In late medieval and early modern Catholicism, moral obligation was certainly conceived as action-directive law. But it was not conceived as different in its basis from the morality of virtue and vice. Rather the morality of obligation was part of the morality of virtue and vice. Moral law was, in effect, the morality of virtue and vice as concerned not with morally admirable or disadmirable characteristics in general, but those parts of the morally admirable and disadmirable that fell within our control. Moral obligation was the morality of virtue and vice as it applied to our exercise of freedom - a power to determine what we do that applies in particular to how we exercise the will itself as well as to what is subject to the will and voluntary.

This very different view of moral obligation as a form of law should not be a surprise. For besides positivising theories of moral obligation, there is also the natural law tradition. And the natural law tradition takes a very different view of moral law. Far from moral law being understood on the model of positive law, for the natural law tradition moral law is a form of law that is importantly prior to law in positive form. Moral law is a demanding form of moral direction that comes with our human nature. Whereas positive law is a secondary form of law that when it does its proper job, serves to extend the force of moral law, and to render its requirements more specific, in ways that serve ends of personal and communal happiness and justice that the moral law requires us to pursue.

Because positive law is a secondary and special form of law, many features of it may go beyond what is required for the legal direction of action in itself, and may not apply to moral law. So legislative origin, the involvement of sanctions, a special concern with direction of the specifically voluntary - these features of positive law may not apply to the moral law at all; and yet moral obligation may

still be demandingly directive of a distinctive responsibility for action, just as any genuine law must be.

In the moral theory of late scholasticism, we find a systematic defence of moral obligation as embodying natural law that radically distances moral obligation from positive legal obligation, and that does so by assimilating moral obligation to a special case of a wider morality of virtue and vice. Central to this approach is a distinctive approach to a fundamental problem within the theory of normativity - the problem of the relation of normative direction to normative appraisal.

2. Normativity - direction and appraisal

We can distinguish two aspects to normativity. First, there is a directive function. Standards that are normative for us may possess a directive role. They may point us in a given direction or support us taking it; and are *strongly* directive when they point us in that direction and away from any other - when they not only support A, but oppose any contrary B. And as directive, normative standards address a capacity to respond to that direction - to register or cognize the direction being given, and to respond to and follow that direction, or at least attempt to.

But secondly there is an appraisive aspect to normativity. People who meet or exceed standards that are normative may be praised or judged favourably for having done so; while those who breach or fail to meet the standards may be criticized or judged unfavourably for this failure. So besides any capacity we might have to register direction and respond to it, there are the capacities and activities that normative standards serve to appraise. Besides providing various kinds of direction, normative standards support various forms of appraisal; and there may be a variety in the kinds of normativity corresponding to the different sorts of capacity and activity appraised.

These two aspects to normativity, the directive and the appraisive, are importantly distinct. Obviously, there can be standards of appraisal that apply to objects that cannot be directed. A vase's goodness has to do with its form and utility, not with its responsiveness to any form of direction. And even as humans the capacities for which we are appraised need not have much to with our responsiveness to direction either. People are praised for being amusing or for being inventive. But neither talent need be easily subject to direction or much dependent on receptiveness to direction. At the same time standards may serve to give direction without supporting much by way of appraisal of those being directed: consider an instruction manual. Obviously one could use the manual as a basis for appraising people in terms of whether they followed it correctly or not. But this would be vastly peripheral to the main point of the manual - which is simply to provide a set of directions.

Ethical standards give direction. They guide us to do what is right and good, and to avoid what is wrong and bad. But they also serve as a very important basis of appraisal both of actions and of the agents who perform them, and in a way that seems profoundly connected to direction. The term 'a good thing to do' may communicate a directive in support of performing the action in question. But the

term 'good' also serves favorably to appraise the action, as well as to appraise the agent who performs it. If the action is a good thing to do, it may have been good of the agent to perform it. The combination of the directive and the appraisive is central to ethical standards as we ordinarily understand them. But how to relate the appraisive and directive in morality?

Is direction primary? In which case understanding ethical standards begins with the basic notion of a directive to do something; and appraisal is then explained in terms of the theory of direction: the capacity addressed by ethical standards is simply the capacity to receive and respond to ethical direction, and ethical appraisal of agents is then for whether they follow ethical directives or not. Or perhaps direction is not primary. Perhaps the appraisive side of ethical standards should be viewed as in certain respects importantly independent of and even explanatory of the directive. It may be that ethical appraisal is of capacities that go significantly beyond the capacity to respond to ethical direction. And these further capacities and their ethical significance may then inform and shape not only ethical appraisal but even the use of ethical terms to give direction.

In recent philosophy the prevalent assumption has been that quite generally, or at least in the moral sphere, normativity is identical with reason. Standards that are normative for us, it is assumed, are just standards that it is reasonable for us to meet. Indeed, the identity of normativity with reason is typically presented as if it were trivial or obvious. Thus Joseph Raz:

> Aspects of the world are normative in as much as they or their existence constitute reasons for persons, that is, grounds which make certain beliefs, moods, emotions, intentions, or actions appropriate or inappropriate.
>   'Explaining normativity: on rationality and the justification of reason' in Joseph Raz *Engaging Reason*, (Oxford: Oxford University Press, 1999) p. 66

If as philosophers we identify normativity with reason, then we will tend to concentrate our attention on the directive side of normative standards, as opposed to their agent-appraisive function. And indeed, it is direction and our capacity to respond to it that has dominated much recent philosophical discussion of normativity. This is because in relation to reason it seems to be agent-direction rather than agent-appraisal that takes central stage. Standards of reason are indeed used to appraise agents; but they are used to appraise agents just in terms of their responsiveness to rational direction. So in relation to reason, it seems to be the directive side of normativity that is primary, the appraisive side to be explained in terms of the directive.

Reason provides directions in the form of justifications. And rational justifications, it seems, are immediately justifications for or against forming and holding psychological attitudes, whether beliefs, or emotions, desires, intentions and

various kinds of content-bearing motivations for action generally. [1] The justifications derive from possible objects of thought at which content-bearing attitudes might be directed, and from the various justification-providing properties those objects of thought might have – such as likelihood of truth in the case of belief, of goodness or desirability in the case of desires and other motivations. These justifications direct us towards the attitudes that they support, and away from the attitudes they oppose.

Favourable rational appraisal makes use of terms such as 'reasonable', 'sensible', 'rational' and so forth; and unfavourable rational appraisal correspondingly uses terms such as 'foolish', 'less than sensible', 'unreasonable', 'irrational', and the like. It is very plausible that to be subject to appraisal in such terms at all – to count at all either as reasonable or as unreasonable – is always to have some capacity to cognize and respond to justifications and the direction that they provide, whether that capacity be exercised competently or incompetently. Lower animals, such as sharks and mice, which are clearly quite incapable of recognizing or responding to justifications, equally clearly fall outside the sphere of reason. In other words, they are a-rational, and no more capable of being genuinely foolish or unreasonable than they are capable of being sensible or reasonable. Lacking any capacity to respond to rational direction, such lower animals are beyond rational criticism or appraisal.

Not only does rational appraisal presuppose some capacity in the agent appraised to respond to rational direction. Rational appraisal is also precisely for our responsiveness to such direction. The sensible or reasonable agent is just one who is responsive to rational direction – who is moved by justifications to form the attitudes justified; and an unreasonable agent is one who fails to respond properly to justifications – who despite having the general capacity to respond to reason, is unmoved by justifications, and who is moved to form those attitudes that the justifications oppose. The capacity addressed by standards of rational appraisal - the capacity for rationality or reasonableness - just is the capacity to respond to rational direction.

If we identify all normativity purely and simply with reason, then we may be tempted to adopt the position that I shall call 'ethical rationalism'. This view does not simply regard ethical standards as reasons – a claim I should myself wish to support - but claims that the capacity addressed and governed by ethical standards is simply the general capacity to respond to rational direction.[2] According to the ethical rationalist, there is nothing more to ethical direction than general rational

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[1]As T.M. Scanlon puts it: Judgment-sensitive attitudes constitute the class of things for which reasons in the standard normative sense can sensibly be asked for or offered. *What We Owe to Each Other* (Harvard University Press 1998) p. 21

[2] Consider Scanlon's view of moral responsibility or our responsibility to ethical standards. The capacity addressed seems to be not much more than the general capacity for reason:

…"being responsible" is mainly a matter of the appropriateness of demanding reasons… *What We Owe to Each Other* p. 22

direction as applied to moral questions; and ethical appraisal is entirely of our responsiveness to such rational direction. Hence for the ethical rationalist it is the directive aspect of normativity that is fundamental to ethical theory.

But the identity of ethical normativity with reason is hardly trivial. For otherwise the ethical project of David Hume would be unintelligible – which it seems not to be. Hume certainly allows that ethical standards are normative for us; he supposes that ethical standards make a call on us to meet them, and support appraisal of us in terms of whether or not we meet the standards. But he denies that the call is that of reason, and that ethical appraisal is of us as reasonable or unreasonable.

> Actions may be laudable or blameable; but they cannot be reasonable or unreasonable: Laudable or blameable, therefore, are not the same with reasonable or unreasonable. *A Treatise of Human Nature* p. 458

Hume replaces the notion of reason in the theory of ethical normativity with that of *merit*. Merit is a particular form of personal goodness or admirability. It is admirability that takes the form of talent. In other words merit is admirability or excellence in relation to arts or skills. And for Hume moral admirability or virtue is just another form of talent. The supposed distinction between moral virtue and talent is, in Hume's view, wholly verbal.[3] The moral person is good at morals and so admirable or estimable in moral terms as, say, the able singer is good at singing and so estimable in terms of standards supplied by the art of singing.

The assimilation of virtue to talent, of moral admirability to a form of merit, tends to broaden the focus of a theory of ethical normativity from being narrowly on reason – which is what Hume intended. It also prevents the theory of ethical normativity from assuming a primacy of the directive over the appraisive. For to possess talent is obviously not in general a mode of being reasonable, just as to lack talent is not in general to be unreasonable. There are plenty of arts and skills that are not greatly dependent on, still less a function of our reason; consider, for example, a talent for song or ballet. And to be appraisable as good or bad in terms of an art or skill may or may not be to possess a capacity to respond to any particular form of direction, let alone to that provided by reason. Some talents may consist in a largely undirectable knack; and their exercise be largely an expression of that knack. Consider again wit, or the talent to amuse.

How far merit appraisal is of our capacity to respond to any form of direction depends on the nature of the art or skill in question, and of the kinds of capacity which practice of the art or skill involves. The immediate question raised by the appeal to merit is the question that ethical rationalism assumes from the very start to have been answered – what kinds of capacity are involved in morality, and what kind of practice is it that involves their exercise? Is more involved than just some general capacity to respond to rational direction? What is it that we are appraising when we appraise people ethically?

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[3] See again Hume's *An Enquiry Concerning the Principles of Morals*, appendix IV, 'Of some verbal disputes'.

Hume needed the appeal to merit because he had already denied himself any recourse to reason. And that is because Hume's psychological theory committed him to a complete denial of the very possibility of any form of practical reason – of reason, that is, in a form governing what ethical standards centrally apply to, namely motivations and the actions which those motivations guide and explain. According to Hume, motivations are contentless feelings, akin to sensations of pain and pleasure.

> When I am angry, I am actually possest with the passion, and in that emotion have no more a reference to any other object, than when I am thirsty, or sick, or more than five foot high. *A Treatise of Human Nature* p. 415

Motivations, as contentless feelings, are not attitudes towards some object of thought in terms of which they might be justified. So motivations and the actions they explain are, in Hume's view, subject neither to rational direction nor to rational appraisal. Reason, to the extent that Hume admits the notion, is simply directive of belief.

Even if we do not find this wholesale denial of practical reason credible, there is still a question how far ethical normativity in particular is a normativity of reason. For the view that laudable and blameable are not the same as reasonable or unreasonable is clearly right in the general case. As we have noted there can be merit and demerit in relation to arts and skills that does not consist in reason or unreason. We certainly can praise and criticize people other than as reasonable or unreasonable – for forms of excellence or its lack that are not a matter of rationality or reasonableness or its lack. And even in the ethical case it is not obvious that praise and criticism are as reasonable or unreasonable. For the most immediate terms of ethical appraisal are surely not 'reasonable' and 'unreasonable', still less 'sensible' and 'foolish', but, exactly as Hume supposed, 'good' and 'bad'. Immoral people are bad people – that seems obvious. It is not quite so obvious that they are unreasonable, still less that they are foolish; which is why establishing that immorality is contrary to reason has in the past seemed to many a substantial philosophical problem.

At the same time, Hume's scepticism about practical reason is based on a psychology that renders very problematic any satisfactory theory of ethical direction. Hume certainly did not deny that ethical standards serve to direct us. Such a denial would have been quite incredible. But the form this direction took is left rather mysterious. For Hume, as we have noted, motivations are not content-bearing attitudes formed in response to some object of thought – an object that might serve as justification for the attitudes. Motivations, for Hume, are just contentless feelings, that no are no more attitudes towards an object than is (say) a stab of pain; and, as we have seen, that is fundamental to his general scepticism about practical reason. But how is someone to be directed into or out of feeling a contentless sensation, such as a pain or pleasure? There is no satisfactory account of how mere feelings might be sensitive to normative direction.

But it is very important to our conception of ethical appraisal, whether as good or as bad, that it really is of agents who are capable of ethical direction. Just as to be unreasonable, as opposed to falling a-rationally outside the sphere of reason as

might a shark or a mouse, an agent must have at least some capacity to respond to rational direction; so, too, to be genuinely immoral, it might be thought, an agent must have at least some capacity to understand and respond to ethical direction.

Badness in terms of many arts or skills – being bad at them – may, when sufficiently pronounced, detach the talentless from any capacity even to be directed towards excellence. But immorality seems different. To be morally very bad arguably always presupposes some capacity for being directed ethically - and at the very least therefore some cognitive grasp at least of the kinds of ethical standard being disregarded. If that capacity is absent then one is not immoral or bad in moral terms. One falls outside the class of those who are morally appraisable. A shark is not morally bad any more than a shark is foolish. Quite incapable of being directed ethically, sharks fall outside morality just as they fall outside reason.

We now have the basis of two contrary positions, occupying opposing extremes. The first is what I have called 'ethical rationalism'. This certainly provides a theory of ethical direction - one taken from a general theory of rational direction. Yet nothing more is said about moral practice and about moral appraisal in relation to that practice than that the capacity involved and appraised is the capacity to receive and respond to rational direction. But if nothing more than that were involved, why would ethical appraisal be immediately intelligible in terms that are not obviously and immediately those of rational appraisal? Why does ethical appraisal immediately involve terms familiar from general merit appraisal, which takes the form of appraisal of agents as good or bad - terms which leave it to some degree a question whether immorality is *ipso facto* a form of folly or unreason? For Hume was perfectly right to note that where a person or action is concerned, being laudable or good is not the same as being reasonable.

On the other extreme we have the reason-scepticism of Hume, which treats the appraisive function of ethical standards as primary. Ethical standards are introduced just as standards of merit or personal admirability. But the disavowal of any appeal to reason leaves a void as far as explaining ethical direction is concerned. Hume thought that he could accommodate the directiveness of ethical standards; and, in particular, that he could accommodate even the directiveness of obligation. But it is not clear that his appraisive model supplies, on its own, the required basis for explaining ethical direction.

3. Obligation and appraisal

Positivising theories of moral obligation as directive law appeal to some distinctive form of direction associated with positive law – such as direction through legislative decree, or direction backed by threat of sanction. But it may be that to understand moral obligation as action-directive law we should appeal instead to a distinctive form of appraisal - and characterize the distinctively demanding direction provided by moral obligation in terms of that.

Late scholasticism provides a theory of moral law as a wholly natural form of action-directive law - a theory that is not positivising. The theory constitutes a *via*

media between ethical rationalism with its prioritisation of normative direction, and reason-scepticism with its exclusive attention to normative appraisal. As natural law, moral obligation provides a form of rational direction, and so addresses motivation as a capacity to respond to that direction. But the peculiarly demanding and action-specific direction that comes with obligation is explained in terms of a theory of ethical appraisal, and by reference to capacities subject to that appraisal that go beyond a simple capacity to respond to rational direction. The theory of normative direction is a theory of practical reason. But this theory is informed by a theory of normative appraisal that goes beyond a simple theory of rationality and reason - a theory of appraisal elements of which survived, detached from the general theory of rational direction, to form Hume's theory of merit.

Aquinas thought, just as did Hume, that moral obligation is linked to a negative form of moral appraisal. As for Hume, moral obligation is a standard to breach which is to be disadmirable or bad. Wrongdoing involves demerit. But, by contrast to Hume, the negative appraisal that relates to breach of moral obligation is not just ordinary negative evaluation, but takes a distinctive form - as moral blame.

Blame for doing wrong is distinctively condemnatory as a criticism because it does not just detect a fault in the agent's action, but condemns that fault as bad, and then attributes that fault so understood to the agent as their fault, condemning the agent himself. Not only was what they did bad, but it was bad of them to do it. And as Aquinas argued, this condemnation of the agent as bad to have done what he did involves a central and distinguishing human capacity - the capacity for freedom:

> Hence a human action is worthy of praise or blame in so far as it is good or bad. For praise and blame is nothing other than for the goodness or badness of his action to be imputed to someone. Now an action is imputed to an agent when it is within his power, so that he has dominion over the act. But this is the case with all actions involving the will: for it is through the will that man has dominion over his action...Hence it follows that good or bad in actions of the will alone justifies praise and blame; for in such actions badness, fault and blame come to one and the same. Thomas Aquinas, *Summa theologiae* 1, 2 q21 a 2, resp. (Turin: Marietti, 1950) p. 122

Hume did not recognize this capacity for freedom as of moral significance - which is why he reduced moral blame to a nothing more than a mere negative evaluation. But there is another difference between Aquinas and Hume. For Aquinas, moral blame is a form of rational criticism, and addresses a failure to follow a form of rational direction. This direction comes not as rational advice, but as rational demand. This is a distinctive form of direction that is identified by the special form of negative appraisal, moral blame, that is made of those who disregard the direction - who breach moral obligation.

The directive aspect of normativity, just considered in itself, does not easily distinguish between obligation and advice. We can be strongly directed to do what is advisable just as we can be directed to do what is obligatory. In each case, direction can be conveyed in terms that imply marked criticism of those that disregard it. 'It would be foolish or deeply inadvisable not to do that', and 'Not to do that would be very bad and quite wrong'. What distinguishes obligation and

advice lies at the level of appraisal - the way in which failure to follow the rational direction is negatively appraised. In the case of duty or obligation, the negative appraisal does not allege folly or lack of sense. That is the criticism that meets disregard of advice. Rather the criticism takes the form of moral blame. And the message of moral blame is that the agent is a wrongdoer, and that in the absence of excuse the agent was therefore bad to have done what they did.

So the direction given by moral obligation is located by the scholastic tradition within a general framework of rational direction. But the peculiar kind of rational direction involved is then explained in terms of a theory of appraisal - appraisal that is not simply of the agent's capacity to respond to reason, but of how the agent exercises freedom.

The general theory of rational direction takes motivations, the agent's decisions and intentions, to be directed at objects of thought - objects that specify various voluntary actions between which the agent must decide, and which he will perform on the basis of deciding to perform them. Thus I might have to decide between keeping a sum of money or giving it to someone else. Each voluntary action may have various reason-giving features that rationally support its performance. Thus keeping the money allows me to spend it on myself. Giving it to another might repay a debt.

Motivation   *Voluntary action*

Deciding/ intending to give the money   Giving the money

justify   with   a   given   force ⟵—— Reason-giving features
                                                                    (e.g. repays a debt)
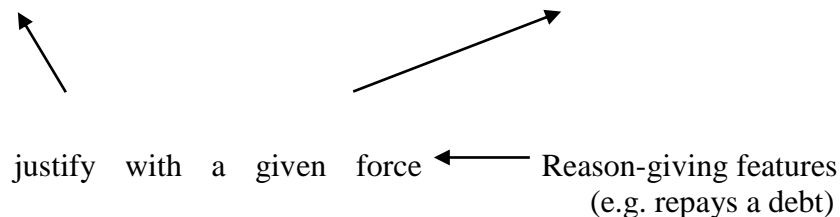
Besides these reason-giving features and the justification they provide, we need the idea of various kinds of directive force with which these features might support or justify both the voluntary actions that possess them and the motivations for performing these voluntary actions. The difference between advisability and obligatoriness is then explained as a difference in respect of justificatory force - a difference between recommendation and demand - that is unpacked, in turn, in terms of a theory of appraisal. To disregard the force of advice is to be criticized as foolish or less than sensible. To disregard the force of obligation is to act badly so that, where there is no excuse such as from ignorance or lack of control, it was bad of one so to act.

In the practical sphere the pair 'sensible' and 'foolish' shares with 'good' and 'bad' a set of common properties. Each pair similarly applies both to voluntary actions

and to prior motivations to act, and in a way that both conveys direction, and that serves to appraise people for their response to such direction.

The terms 'sensible' or 'foolish' can be used of voluntary actions to pick them out as possessing features that support or oppose their performance and leave that performance advisable or inadvisable. But they also apply to the motivations to perform those voluntary actions; and then they track the application to those motivations of the justificatory force generated by their voluntary objects. If it is sensible to give the money, then to intend or to be motivated to give the money is sensible too. And correspondingly if it is foolish to hand the money over, then it is foolish to be motivated to hand over the money. Finally those terms sensible and foolish serve to appraise agents for their responsiveness to the force of the justification provided, both for voluntary actions and the prior motivations to perform them. Agents who are sensible act and are motivated to act in ways that are sensible.

But the same pattern applies to 'morally good' and 'morally bad'. The terms can similarly be used to pick out voluntary actions as possessing features that support or oppose their performance. And just as with 'sensible' and 'advisable' this support applies also to the motivations to perform those actions. Giving the money might be morally good because it helps another or fulfills a promise. And if it is good to give the money, it is correspondingly good to intend or be motivated to give the money; if morally bad or wrong to give the money, then it is equally bad or wrong to intend to give the money. And finally 'good' and 'bad' similarly serve to appraise agents for their responsiveness to the normative support or lack of it for various voluntary actions and the motivations to perform them.

So 'morally good' and 'morally bad' are used in the same way as 'sensible' and 'foolish' in relation to objects of thought, to communicate the support given by them to psychological attitudes. And they are used in the same way in arguments to support the formation of motivations directed at those objects of thought. Both 'bad/wrong' and 'foolish' are used to convey strong direction in a way that we immediately treat and understand as equally argumentatively conclusive in each case. To point out that doing A would be foolish is plainly not a merely preliminary step in a rational argument against doing A that would need to be completed by somehow showing that (therefore) it would be wrong or bad of one to do A. But nor is pointing out that it would be bad or wrong of one to do A merely the first step in a rational argument against doing A that would need to be completed by somehow showing that (therefore) it would be foolish of one to do A. Once either the folly or the wrongness and badness of an action has been established, each is on its own enough to convey an argumentative and rational rejection of the action as an option. Advisability and obligatoriness is each a genuine force of reason, and neither needs to be buttressed by the other.

There is in late scholasticism a systematic project of using this appraisal-based account of moral obligation and the rational direction it provides to detach moral obligation from divine commands, and so from the tie to legislation and sanction so characteristic of positive law:

Since even if God never gave any command about the matter, it would still be bad to kill a human being without reason, to show contempt for one's superiors, or to expose oneself to clear danger of death, therefore even if natural law did not do so by way of any particular commandment given by God, natural law would still forbid such actions. … for by the natural law we understand that on account of which some action is good or bad independently of any positive law, and so insofar as there would still be very many good and bad actions even if there were no divine commands, there would still be a natural law even in the absence of such commands. John Punch commentary on Scotus on the decalogue, *distinctio* 37 in Duns Scotus, *Opera Omnia*, vol. 7, Luke Wadding ed. (Lyons, 1639), pp. 857-77.

Even Suarez, trying to defend a dependence of moral obligation on divine legislation, remains within the same framework of appraisal-centred natural law – a framework he shares with the many early modern Catholic disbelievers in such dependence. Unlike Anscombe, Suarez does not appeal to divine commands to explain what moral obligations are. He and his opponents already share the same conception of what moral obligations are. They involve a justificatory force identified by a distinctive kind of negative appraisal. So Suarez is quite happy to assume the very notion of obligation to characterize the content of the decree of the divine will necessary, in his view, to the generation of moral obligations. The content of the divine decision that generates moral obligation, and that in Suarez's view is necessary to its very existence, is that a given action be *morally obligatory*. And, again, when Suarez attempts to argue for the dependence of moral obligation on divine legislation, he does so within the terms of an appraisal-centred theory, by alleging that without that legislation, there would not exist a peculiar form of badness - that which he terms *praevaricatio* or transgression, and which is in his view is necessary to genuine wrong-doing.

I therefore reply that in a human action there is indeed some goodness or badness by virtue of the object positively aimed at, in as much as that object is compatible or incompatible with right reason, so that by right reason the action can be counted as bad, and a fault and blameworthy in that regard, apart from any relation to law proper. But beyond this a human action has a *particular character of being good or bad* in relation to God, when we add divine law forbidding or decreeing, and in respect of that the human action counts in a particular way as a fault or blameworthy in relation to God by virtue of its breaching of the genuine law of God himself, which *particular badness Paul seems to have referred to by the name of transgression* when he said, 'Where there is not law, neither is there any transgression'. Francisco Suarez, *De legibus ac legislatore deo*, in *Opera Omnia* volume 5 Charles Berton ed., (Paris: Louis Vives 1856) p. 110 (my emphases)

Whether or not Suarez's position is convincing, it is clear that moral obligation and its directiveness is still being characterized, even by him, in terms of a 'particular badness'. The peculiarly demanding direction that constitutes moral obligation is being characterised in terms of a distinctive form of moral appraisal.

The natural law tradition views moral law as prior to positive law, and moral obligation or duty as prior to positive legal obligation or duty. But there is more to the tradition than just that priority. In characterizing moral obligation, rather than appeal immediately to some distinctively legal form of direction, such as might be

involved in positive law, the Catholic natural law tradition came to view legal direction as indeed distinctive – but in ways that had to be understood in terms of a theory of ethical appraisal, and as involving a special form of the general morality of virtue and vice. Anscombe and Williams, by contrast, agree on a very different and positivising view of moral obligation. Despite the many other differences between them, together these two philosophers exemplify, in a strikingly similar manner, the great distance between modern ethical theory and that earlier natural law tradition.

Thomas Pink