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SECUNDUM NATURAM HOMINIS

AN ESSAY ON HUMAN FORM AND MORAL GOODNESS

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MICAH ELIAS LOTT

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For
Elizabeth Anscombe
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For just as for a flute-player, or a sculptor, or any expert, and generally for all those who have some characteristic function or activity, the good – their doing well – seems to reside in their function, so too it would seem to be for the human being, if indeed there is some function that belongs to him. So does a carpenter or a shoemaker have certain functions and activities, while a human being has none, and is by nature a do-nothing?

Aristotle *Nicomachean Ethics*

When I consider thy heavens,
 the work of thy fingers,
 the moon and the stars which thou hast ordained;
What is man, that thou art mindful of him?
 and the son of man, that thou visitest him?
For thou hast made him a little lower than the angels,
 and hast crowned him with glory and honour.

Psalm 8

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INTRODUCTION:

SECUNDUM NATURAM

Idem sunt actus morales et actu humani – moral acts are the same as human acts, Aquinas says.¹ Elsewhere he explains that human virtue is *secundum naturam hominis*, in accord with human nature, while vice is *contra naturam hominis*, contrary to human nature.² In saying this, Aquinas expresses an ancient and still appealing thesis – that moral goodness is *human* goodness, the goodness proper to our nature as human beings. We can evaluate people as singers or sculptors or science-teachers, but judgments of moral goodness and badness speak to excellence and defect in the action and character of human beings considered *as such*. Of course there is also a sense in which nothing is more “natural” to humans than vice, whereas virtue requires swimming against the stream of our inclinations. So for what sense of “human nature” is it true that virtue is in accord with human nature, and vice contrary to it?

In recent decades, philosophers have breathed new life into an Aristotelian interpretation of the idea that moral goodness is human goodness.³ According to *Aristotelian naturalism*, virtue is indeed in accord with human nature, and vice contrary to human nature, though grasping this thought properly requires an interpretation of “human nature” as *human form*. This Aristotelian position holds that understanding the category of human goodness requires seeing how goodness in individual human beings is conceptually connected to *the human good*. Human good

¹ Thomas Aquinas *Summa Theologica* Pt. I-II Q.1 A. 3.

² *Ibid.*, Pt. I-II Q. 71 A.2

³ Throughout this dissertation, I use the phrase “Aristotelian” rather than “neo-Aristotelian” to describe the view that interests me. This is a stylistic choice. Nothing I say is meant as an exegesis of Aristotle’s own texts, though of course the position that interests me has its roots in Aristotle’s writings. When I refer to “the Aristotelian view,” I mean Aristotelian naturalism, or a natural goodness view. Of course I grant that one might have a kind of Aristotelian view that was not a natural goodness view, but this is not the possibility on which I am focused.

determines what counts as goodness and badness in individual human actions, and a practical understanding of human good guides the actions of the virtuous person. Thus the notion of the human good is at the heart of both moral philosophy and the moral life.

Further, the Aristotelian view claims that our thought about human good should be understood as a special kind of *life-form* thought. From hyacinths to hedgehogs to human beings, we understand individual living things *as living* by viewing them in light of the life-form that they bear. In addition, the goodness of parts and activities in an individual living thing must be understood in relation to its good as defined by its life-form. In the case of human beings, *our* form is distinguished by the faculty of practical reason, or the rational will. Moreover, the moral virtues are those dispositions of the will that fit a human being to realize human form – to live well *qua* human being. Thus the virtues are modes of human goodness with respect to the rational will. And since human goodness is understood as the realization of human form, or human nature, the moral virtues are a type of *natural goodness* in human beings, and the vices a type of *natural defect*.

We gain insight, then, into the character of human goodness by beginning with the point that humans are one kind of *living thing*, and then investigating the special sort of excellence and defect found in living things. By considering the logic of life, we understand better what we talk about when we talk about goodness (to paraphrase Raymond Carver). Moral goodness is a sub-determination of the category of natural goodness. Like other forms of natural goodness, moral goodness is a matter of realizing the kind of life characteristic of a certain life form. But unlike natural goodness in plants and non-human animals, moral goodness pertains to the rational will of a living thing. Closely related to this, moral goodness requires that we guide ourselves

according to our *understanding* of the very form that we bear – it belongs to human beings to live according to their grasp of human form.

The Aristotelian natural goodness view can be found, with some variations, in the work of philosophers such as: Elizabeth Anscombe, Philippa Foot, Rosalind Hursthouse, Alasdair MacIntyre, Anselm Müller, Michael Thompson, and Warren Quinn. One of the attractive features of Aristotelian naturalism is that it captures the thought that moral goodness is human goodness, while also capturing our continuity with the rest of the biological world. And it captures this continuity without explaining away moral judgments or reducing them to their survival value, as in some forms of “evolutionary ethics.”

However, the attempt to understand moral goodness as a sub-determination of the category of natural goodness also faces a number of challenges. In light of these challenges, many philosophers consider Aristotelian naturalism as doomed to fail. And in many cases, contemporary Aristotelians have done little or nothing to respond to prominent criticisms.

The principle aim of this dissertation is to develop and defend the natural goodness view. I argue that Aristotelian naturalism can survive the most serious objections against it, though in certain respects this requires formulating the view in a way that departs from authors like Foot and Anscombe. I also aim to show how the appeal to human form can make a contribution to substantive ethical debate. Having defended an Aristotelian framework in earlier chapters, in the final chapter I employ Aristotelian categories in an argument about labor exploitation and the global economy.

Of course, Aristotelian naturalism is not the only contemporary view to stress the relevance of human nature for ethics. Thus before turning to Aristotelianism, I first consider a recent *non-Aristotelian* appeal to “the human” in moral philosophy – the neo-Humean view of

Harry Frankfurt. Frankfurt's account of morality is based in a conception of human nature that combines (a) a subjectivist view of practical reason with (b) the idea of "volitional necessities" that characterize human beings as such – things which humans simply cannot help caring about. In the first chapter, "Love, Morality, and Volitional Rationality," I argue that Frankfurt's conception of "the human" is insufficient to provide a satisfactory account of moral goodness, because it fails to capture any sense in which immorality is defective, and it fails to explain the rational authority of morality.

In my defense of Aristotelian naturalism, I first address the objection that Aristotelian natural normativity conflicts with evolutionary science, and in particular with the Darwinian insight that biological function is ordered toward gene replication. Because of this, the objection holds, Aristotelians are unable to distinguish between "actual function" and "incidental benefit" in biological teleology. In my experience, this Darwinian objection is quite influential. In fact, I first encountered Foot's *Natural Goodness* in a graduate seminar on ethics, and when I told the professor that I was interested in working on a view like Foot's, I was discouraged from doing so. The reason given was that natural normativity had been more-or-less refuted on evolutionary grounds. In "Have Elephant Seals Refuted Aristotle?", I show that this Darwinian objection is based on a misunderstanding of Aristotelian natural norms. First, the objection fails to appreciate that natural norms do not require the thought that *it is good (or bad) that* this is how things stand with a life-form. Second, the objection fails to distinguish between teleological judgments that remain *within* a life-form conception, and those that seek to explain how a life-form came into existence. Once this distinction is properly made, we see that Aristotelian notions of "function" and "natural goodness" are neither refuted by, nor replaceable with, Darwinian categories.

A deeper set of worries concerns how we come to *know* anything about the human good. How do we determine what kinds of activities and experience human good consists in? Granting that there are excellences and defects of the human rational will, how are we to say which traits are naturally good (virtuous) and which naturally bad (vicious)? These questions can lead to a *temptation* for Aristotelians, and this temptation in turn gives rise to a further criticism of the view. The temptation is to answer these questions about our knowledge of human form by appealing to some *minimal account* of the human. We can, the thought goes, begin with some spare, non-ethical account of human beings, defined primarily in terms of survival and reproduction. We then identify goodness of the will by seeing what kinds of rational traits are necessary to sustain this minimal life, and such traits are deemed to be naturally good.

This line of thought, which I call the “two-stage strategy,” is tempting in part because it promises to explain what belongs to the human in a way that will adjudicate between rival substantive conceptions of human good. However, this strategy also opens up Aristotelianism to the objection that a *variety* of traits might provide for a minimal sort of human life, including traits that we regard as paradigms of vice, such as deception and greed. Because these traits can also “play a part” in human life, Aristotelian naturalism must deem these vicious traits to be “naturally good,” and thus there is a gap between what is naturally good and what we in fact consider to be morally good. To suppose otherwise is to have a “Pollyannaish” view of human nature. Hence one of the philosophers who has formulated this objection terms it the “Pollyanna Problem” for Aristotelian naturalism.⁴

In my view, Aristotelians should not give in to the temptation to pursue the two-stage strategy, although there are hints of this strategy in Foot, Anscombe, and others. In fact, both the

⁴ Elijah Millgram, “Critical Notice of *Life and Action*” in *Analysis Reviews* Vol. 69 N. 3, July 2009.

strategy and the corresponding Pollyanna Problem are based in a failure to recognize the full significance of the Aristotelian claim that human form is defined by *reason*. Aristotelians recognize not only a continuity between humans and other living things, but also a watershed difference between humans and other creatures. The core of this difference is the presence of *reason* in human life. As Aquinas says:

Now in human actions, good and evil are predicated in relation to the reason; because as Dionysius says (*Div. Nom. iv*) *the good of man is to be in accordance with reason*, and evil is *to be against reason*. For that is good for a thing which suits it in regard to its form; and evil, that which is against the order of its form.⁵

and also:

But it must be observed that the nature of a thing is chiefly the form from which that thing derives its species. Now man derives his species from his rational soul: and consequently whatever is contrary to the order of reason is, properly speaking, contrary to the nature of man, as man; while whatever is in accord with reason, is in accord with the nature of man, as man. Now *man's good is to be in accord with reason, and his evil is to be against reason*, as Dionysius states (*Div. Nom. iv*). Therefore human virtue, which makes a man good, and his work good, is in accord with man's nature, for as much as it accords with his reason: while vice is contrary to man's nature, in so far as it is contrary to the order of reason.⁶

I believe that if we appreciate properly the point Aquinas is making here, we will abandon the two-stage strategy. We will also see how questions about our knowledge of human form must be answered. We can determine what belongs to “the human” not by figuring out what is sufficient for “mere” survival and reproduction, but on the basis of our judgments about the forms of activity that are finally valuable, and what we have all things considered reason to do.

In chapter three, “Moral Virtue as Knowledge of Human Form,” I give an Aristotelian argument against the two-stage strategy. The core of my argument is that if we begin with a

⁵ Thomas Aquinas *Summa Theologica* I-II Q.18 A.5. trans. Fathers of the English Dominican Province (Notre Dame, IN: Christian Classics, 1948) volume II, p 666.

⁶ *Ibid.*, I-II Q.71 A.2., p 898.

spare, non-ethical account of “the human,” then we do not yet have *human form* in view. Thus nothing that belongs to *this* sense of “the human” has a claim to be naturally good, and therefore the two-stage strategy cannot possibly succeed. I also argue that Aristotelian naturalism can escape the Pollyanna Problem. The problem depends on the *empirical science assumption*, which says that in formulating Aristotelian categoricals about human action and character, we must rely on the same procedure and type of considerations as we do when formulating Aristotelian categoricals about other life-forms in the natural, or empirical sciences. However, once we grant that humans are a life-form characterized by the faculty of practical reason, reflection on the nature of human practical reasoning shows that the empirical science assumption must be rejected, and thus the Pollyanna Problem fails. I also show how the category of moral virtue can shed light on our knowledge of human form. To possess a moral virtue, I argue, provides one with knowledge of human form that has a special character: it is knowledge of one’s own form that comes from knowing what one ought to do.

In chapter four, “Does Human Nature Conflict with Itself?” I take up a different issue – whether or not Aristotelian naturalism is undermined by the tragedies and practical difficulties that mark human life. In particular, I consider the claim that human nature is such that, no matter the circumstances, there will be some lack of virtue in any human life. The “no-harmony thesis” claims that, when it comes to the virtues, human beings face an *inevitable loss*: possessing some virtues entails a lack of others. This thesis about the virtues is a deep challenge to Aristotelian naturalism. It amounts to the claim that human nature is not a *form* in the sense Aristotelians claim it is. While Aristotelianism can allow that all individual lives will suffer some failure or deficiency, it nevertheless regards human form – “the human” – as a teleological unity, whose

parts fit together in a harmonious whole. The claim that there is no-harmony among the virtues is a rejection of this picture of human nature.

Many people are willing to grant the claim that the virtues conflict. This claim is sometimes portrayed as the “realistic” view of human life, or as the lesson of tragic literature and art, or as just plain common sense. However, I believe that we have no good reason to reject the harmony of the virtues. In chapter four, I lay out a series arguments in favor of the no-harmony view: the Cases of Inevitable Loss Objection, the One Life to Live Objection, the Darwinian Objection, and the Napoleon Objection. I refute each of these arguments, showing how we can account for the tragedy and loss found in human life without giving up on the harmony of the virtues or the claim that human form is a teleological unity. I then offer a positive argument in favor of the harmony view. My argument turns on the way in which the concept of virtue involves the notion of “making good.” I aim to demonstrate that for *any* trait that is a human virtue, possessing that trait could not possibly rule out the possession of some other virtue.

The first four chapters deal with questions about moral goodness that are placed at a high level of abstraction: How is moral goodness similar to goodness in plants and animals? How is the knowledge of human form that is relevant to morality related to the knowledge of human beings gained from the biological and social sciences? How does the notion of “the human good” fit with the tensions we find in the moral life, and the seemingly divided nature of human beings? Given this high level of abstraction, these chapters might leave a reader wondering what difference, if any, Aristotelian naturalism will make in our approach to substantive moral issues. And indeed, it is part of my view that Aristotelian naturalism is best understood as a highly abstract framework. Naturalism serves to clarify what we talk about when we talk about goodness, but it is consistent with a variety of substantive conceptions of the human good and a

variety of competing answers to substantive moral questions.

At the same time, however, Aristotelian modes of thought can make a difference to how moral questions are framed, and to how we answer those questions. In the final chapter, I draw on Aristotelian forms of reasoning to analyze an issue of pressing importance – labor exploitation and global justice. In “Exploitation, Human Economy and Global Justice,” I begin with the nature and purpose of a human economy – cooperative productive activity, involving the division of labor and exchange of goods and services, for the sake of securing the means of life. Beginning with this conception, I show how two norms of justice are intrinsic to the relation of co-membership in an economic order. These two norms require: (1) that the character and conditions of a person’s labor be such that they are not degrading or humiliating to that person, and (2) that a person be compensated for her labor at a level sufficient to secure a minimally decent human life. The normative force of these requirements rests ultimately on (a) the purpose of a human economy, which is to secure for its members the necessary means of life, and (b) the equal moral standing of members of an economy, as free beings whose flourishing is equally significant to the flourishing of others.

I argue that the norms requiring decent working conditions and living wages are internal to the nature of an economic order – to the kind of thing a human economy is. For this reason, they set minimal standards for the terms of labor that can justly be agreed upon by workers and employers, and they provide a basis for the charge of exploitation. These norms also provide the basis for judgments about acceptable background conditions for situations in which terms of labor are to be settled by bargaining between workers and employers. Exploitative agreements arise, paradigmatically, because people are *forced* to accept them: the weaker parties cannot effectively influence the result of the bargaining process, and they have no better options

available to them. Thus if a process of bargaining is not to be liable to result in exploitative agreements, the respective positions of the bargaining parties must be such that both parties have *effective agency* over the bargaining process to prevent them from being forced to accept exploitative terms. Conditions in which workers do not have such effective agency are objectionable from the point of view of justice.

In the first half of chapter five, I set out my account of the two norms that can ground a charge of labor exploitation. I also show how these norms are relevant to the *global trade system*. If the trade system is to be just, it must be configured so that workers who are integrated into the system are protected from labor exploitation. Authors such as Thomas Nagel and Michael Blake are wrong to hold that norms of socioeconomic justice apply only within a political community under a sovereign. Rather, justice requires that the global trade system must not sustain conditions in which workers are forced to accept terms of labor that require: (a) working in degrading conditions or (b) working for compensation inadequate to secure basic human flourishing. In the second half of chapter five, I consider objections to my argument, including the *mere coordination view*, which holds that human economic activity is not cooperative but merely coordinated, and thus acting good *qua* economic agent is consistent with things going very poorly for those with whom one cooperates. Drawing on the notion of moral virtue, I argue that the mere coordination view of human economy is inconsistent with any egalitarian moral view, and thus should be rejected.

In the conclusion of my dissertation, *Secudum Rationem*, I address a question that is frequently asked of Aristotelian naturalism: *Granting that moral goodness is natural goodness for human beings, why should we care about being good human beings?* I distinguish three ways that we might interpret this question. I focus on an interpretation in which the question asks

about the rational authority of human form, and by extension about the authority of moral norms understood as norms of natural goodness. The idea is that unless our form is authoritative for us, norms that represent the natural goodness of our form cannot be our authoritative for us. And how could human form ever be authoritative for us, given our rational capacity to “step back” from our nature and to ask what *reason* we have to live and act way one way or another?

My reply to this question is two-fold. On the one hand, when we are faced with a substantive question about what human good consists in, or why we have reason to live one versus another, it is indeed illegitimate to answer simply by appealing to “our nature,” unless that appeal is supported by a further thought about the *goodness* of a proposed manner of living and acting. However, this is not because of our rational capacity to “step back” from our nature, as if reason were something added “on top” of our life-form. Rather it is precisely because *our* form is distinguished by reason, and so the excellence of our form is rational excellence. Thus those activities and pursuits which have a place in the life of “the human” – which are ways of acting and living proper to our life-form – are those that are done according to a proper employment of reason. It follows from this that when we say a type of activity belongs to “the human,” we are already making a claim that this is a rationally excellent way of acting. Thus once we have the proper notion of human form in view, the general worry about the rational authority of our nature disappears. For that worry depends on their being a gap between the dictates of our nature and the voice of reason, and there is no such gap for *rational animals* such as ourselves.

CHAPTER 1:
LOVE, MORALITY, AND VOLITIONAL RATIONALITY

1.0. “Solidly entrenched in our human nature”

Contemporary Aristotelians have revived the ancient idea that in order to understand moral goodness, we must think about human nature. Aristotelians like Philippa Foot and Rosalind Hursthouse have argued that the moral virtues are excellences for beings of our kind: human good is the flourishing, or fulfillment, of human nature, and moral goodness is a form of *natural goodness* in human beings.¹ The principle aim of this dissertation is to develop and defend such an Aristotelian position.

However, Aristotelian naturalism is not the only position in contemporary ethics to emphasize human nature. In his later work, Harry Frankfurt has made a very different appeal to human nature in order to give an account of morality and its rational authority. According to Frankfurt, we can explain the source of morality, and vindicate its rational claim on us, by reflecting on certain “volitional necessities” imbedded in human nature. Each of us, Frankfurt emphasizes, cannot help caring about certain things, and there are some actions we could not bring ourselves to do. In addition, there are some things that human beings *as such* cannot help caring about. We all care about being free from pain and boredom and isolation. As Frankfurt puts it, “We love being intact and healthy, being satisfied, and being in touch. We cannot bring ourselves to be wholly indifferent to these things, much less categorically opposed to them.”² These necessities of the will result from neither cultural habit nor individual preference, but are

¹ Philippa Foot, *Natural Goodness* (Oxford: Oxford University Press, 2001); Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999).

² Harry Frankfurt, *Taking Ourselves Seriously and Getting it Right* (Stanford: Stanford University Press, 2006), 38.

“solidly entrenched in our human nature from the start.”³ Moreover, these universal volitional necessities set the bounds of what Frankfurt calls “volitional rationality.” A person who was indifferent to such concerns, or acted in violation of them, might not be logically flawed but would be volitionally irrational. Moral norms, Frankfurt claims, express what is required of all people who have these presumptively universal human ends, and the rational authority of morality is the authority of volitional rationality.

Like the Aristotelian, Frankfurt is trying to capture two appealing ideas: 1) that moral goodness is *human* goodness, rooted in our nature and proper to beings like ourselves; and 2) that moral norms have a claim on human *reason*, that indifference to morality is a form of rational failure in a human being. Moreover, Frankfurt’s view might appear more attractive than Aristotelian naturalism, because it seems both simple and scientifically respectable. Unlike Philippa Foot or Michael Thompson, Frankfurt does not appeal to potentially obscure ideas about “life-form judgments” or “natural normativity.” And he emphasizes that it is possible to give evolutionary explanations for those things that humans can’t help but care about.

Furthermore, Frankfurt’s notion of universal volitional necessities is part of a broader subjectivist theory of practical reasoning, according to which an individual’s reasons for action can always be traced back to the things that the person cares about. Such a neo-Humean account of practical reasoning is attractive to many. But it is also difficult to reconcile with the rational authority of ethics – i.e. that moral considerations provide reasons for action to all people – since a person might not care about morality, or what she does care about might be better served through immoral actions. However, Frankfurt’s appeal to human nature promises to provide a way of preserving the subjectivist view of practical reason while accounting for a certain kind of

³ Ibid. They are, Frankfurt says, “presumptively universal final ends.”

objectivity in ethics. On the one hand, there are no “objective reasons” for a person independent from what she actually cares about. Reason can help us find effective means to our ends and figure out what we in fact care about, but it cannot tell us what a person *should* care about at the level of her ultimate ends. However, the fact of universal human ends also makes possible judgments of volitional rationality, and this introduces another level at which to we can explain the authority of morality – a standard located not at the level of the individual but of human nature. At the same time, this additional level of evaluation still preserves a measure of subjectivity, since a) the standards of volitional rationality are still determined by *our* own point of view – a point of view, that is, given by our common humanity – and, b) an individual’s practical reasons are still rooted in things which she in fact cares about.

In spite its attractive features, Frankfurt’s conception of human nature is insufficient to do the job he intends it to do. There is no reason to think that the immoral person is volitionally irrational, or deficient by any standard rooted in human nature as Frankfurt conceives it. Hence Frankfurt’s appeal to “volitional necessities” and “volitional rationality” fails to explain how moral goodness is human goodness and moral norms possess rational authority. Moreover, in seeing why Frankfurt’s conception of human nature fails, we also see how an Aristotelian conception of the “the human” can avoid the pitfalls of Frankfurt’s view.

1.1. Frankfurt’s Account of Morality and Volitional Rationality

1.1.1. Love, Reason, and Morality

According to Harry Frankfurt, a person’s reasons for acting are grounded in the way she *cares about* things. When we care about something, we are willingly committed to our desires

for what we care about; we endorse and identify with those desires.⁴ It is through caring that things become important to us. And if we care about something, be it a project or person or way of life, this gives us reasons to preserve and promote what we care about.

One especially important form of caring is *love*. On Frankfurt's account, love is a concern for the good of the beloved in which the beloved is conceived as particular, rather than as an instance of some type, and in which the beloved's good is desired for its own sake and not with a view to some further end. Moreover, love is outside the immediate control of the agent. However, love does not contradict the will of the lover. On the contrary, love is a volitional necessity: "the necessity that is characteristic of love does not constrain the movements of the will through an imperious surge of passion or compulsion by which the will is defeated and subdued. On the contrary, the constraint operates from within our own will itself. It is by our own will, and not by any external or alien force, that we are constrained."⁵

Frankfurt stresses that the lover perceives the beloved as valuable, but this value is not the basis of the love. Rather the perceived value *derives* from the love itself.⁶ Likewise, love need not be based on reasons, and in paradigm cases such as parents' love for children, it is not. Rather love itself is a source of reasons for the lover: love consists in having reason to further the good of the beloved.⁷ What we love provides us with ultimate ends, with objects we regard as

⁴ See Harry Frankfurt, *The Reasons of Love* (Princeton: Princeton University Press, 2004), 14-21. Needless to say, there are many deep and interesting questions here. I skip over many of them, since they are not central to my argument. For excellent discussions of Frankfurt's views, as well as responses by Frankfurt, see the essays in *Contours of Agency* eds. Sarah Buss and Lee Overton (Cambridge, MA: MIT Press, 2002).

⁵ Frankfurt, *Reasons of Love*, 46.

⁶ *Ibid.*, 38-41.

⁷ "[T]he lover does not depend for his loving upon reasons of any kind. Love is not a conclusion. It is not an outcome of reasoning, or a consequence of reasons. It *creates* reasons. What it means to love is, in part, to take the fact a certain action would serve the good of the beloved as an

valuable and with respect to which we cannot choose to be indifferent. And since what we love is not based on reasons, an individual's loves are the bedrock of her practical life.⁸ As Frankfurt says, "The origins of normativity do not lie, then, either in the transient incitements of personal feeling and desire, or in the severely anonymous requirements of eternal reason. They lie in the contingent necessities of love."⁹

Frankfurt argues that love is also the source of the normative authority of moral principles. Rejecting what he calls "rationalism in ethics," Frankfurt argues that the authority of morality is not based in necessary principles of reason, but in features of the will.¹⁰ As he says:

In the end, it seems to me, the most fundamental source of moral normativity is not in our rationality but in our love for the condition and style of life that moral principles envisage....Insofar as the imperatives of morality are guaranteed at all, it is not because acceding to them is a condition of rationality. It is because violating them injures or diminishes what we love, and that is something we cannot knowingly and deliberately bring ourselves to do."¹¹

Frankfurt's claim is not, I think, that morality is instrumentally valuable to a way of life that we care about. Rather, his claim is that what we care about is itself a moral way of life – modes of acting and feeling and living with others that are structured by moral norms and values. So the idea is that a person can be a "lover of justice." And for such a person, moral norms must possess normative authority, because love as such is a source of reasons for the lover. Thus with the

especially compelling reasons for performing that action." Frankfurt, *Taking Ourselves Seriously*, 25

⁸ In this way, Frankfurt argues, an individual's reasons for acting are ultimately based in non-instrumental, non-voluntary forms of caring. Frankfurt sometimes says that all reasons are based in *love*. This isn't quite right, since there are non-instrumental, non-voluntary forms of caring that are not love. But in any case, Frankfurt believes that the most important of our final ends are set by what we love.

⁹ Frankfurt, *Reasons of Love*, 48. Love is "the ultimate ground of practical rationality." Ibid., 56.

¹⁰ Harry Frankfurt, "Rationalism in Ethics" in *Autonomes Handeln* eds. Monika Betzler and Barbara Guckes (Berlin: Akademie Verlag, 2000), 259-274. I set aside the questions of whether or not Frankfurt's characterization of "rationalism" is accurate, and whether or not his criticisms of that view are successful.

¹¹Ibid., 272.

lover of justice, there is *reason* to act justly, because in so doing he serves the interests of something that he loves.¹²

Since what we love is outside our immediate control, grounding the authority of moral norms in love explains why we do not experience the claims of morality as optional requirements. Like other lovers, the lover of justice cannot simply decide what to love and not love. So for those who love a moral way of life, the claims of morality cannot shrugged off. Though their normative force derives from the agent's own will, they are experienced as unavoidable requirements to which the agent must submit.

However, as spelled out so far, this view also has the result of giving up the universal authority of moral considerations. Since an individual's reasons are rooted in features of her volitional make-up, if a person does *not* care about a moral way of life, then moral norms do not have a rational claim on her.¹³ If a person is indifferent to morality, or loves some counter-ethical way of life, then she cannot be faulted as irrational for failing to care about moral ends. For there is nothing *in the objects* of our love that makes our response to them normatively appropriate. Our loves are not merited or unmerited in virtue of some value we find in things, and love is not

¹² There is an inherent limitation to the kinds of reasons we can account for by appealing to "our love for the condition and style of life that moral principles envisage." What must be left out in any such appeal is an explanation of the very kind of reasoning internal to, and definitive of, such a style of life. For instance, to live a just life requires that one is moved to act on the basis of considerations that involve the rights of others and fairness to them. To understand justice, then, we need to understand the special kind of reasons that the just person recognizes. What does it mean to act on the basis of the thought "its due to him" or "I owe her" or "its hers"? Until we have an answer, we will miss something important about the reasons of justice – namely, the very kind of reasons that a just person acts upon, and her responsiveness to which qualify her as "just." And whatever reasons are given to a person by being a "lover of justice," those "reasons of love" cannot be the same as, nor can they explain, the reasons the just person acts upon. For in speaking about someone as a lover of *justice*, or a lover of a life envisaged in *moral principles*, we are already assuming as an object of love something that is defined by reasoning of a distinctive sort.

¹³ Unless, perhaps, they are instrumentally valuable to something he cares about. But then again, perhaps they will not be for some people, and Frankfurt gives no argument to show they must be.

based on reasons that we ought to recognize. Thus, morality's demands might be inescapable for those who love a moral way of life, but the authority of morality does not reach to those who love differently.¹⁴

1.1.2. Volitional Rationality and Moral Norms

There is something unhappy in the idea that the authority of morality applies only to those people who love a certain form of life, so that someone who was not a lover of morality would not have reasons to be moral. As Niko Kolodny suggests, even allowing for a diversity of human loves, minimal moral decency “does not seem merely optional.”¹⁵ However, this is not the end of the story for Frankfurt. In his later essays, Frankfurt says that moral truths are “stringently objective.”¹⁶ And he argues that there is a special *type* of rationality in light of which moral norms *do* possess rational authority – what Frankfurt calls “volitional rationality.” This is a sense of rationality that is not based in an individual's volitional make-up. Rather, it is a type of rationality determined with reference to general features of *human nature*. It provides a basis for rational evaluations of individuals *qua* human beings. Frankfurt's strategy is to connect this sense of rationality to moral norms, thereby showing how those norms have a claim on the rationality of all human beings.

As Frankfurt understands it, volitional rationality is defined in terms of finding certain actions *unthinkable*, in the sense that one could not will oneself to perform them. Whether or not something is unthinkable is outside of one's immediate voluntary control. Nevertheless, when an

¹⁴ As Frankfurt acknowledges in the footnotes to “Rationalism in Ethics,” there is a closely similarity between this view and the position of Philippa Foot in her famous essay “Morality as a System of Hypothetical Imperatives,” available in Foot, *Virtues and Vices* (Oxford: Oxford University Press, 2002), 157-174.

¹⁵ Niko Kolodny “Review of *Reasons of Love*” in *Journal of Philosophy* 103:1 (2006).

¹⁶ Frankfurt, *Taking Ourselves Seriously*, 47.

action is unthinkable in this sense, your aversion to the action is something you endorse. This is because instances of the unthinkable are rooted in volitional necessities – in constraints upon the will with which the agent identifies.¹⁷

What is unthinkable for one person may not be unthinkable for another.¹⁸ However, there is a class of unthinkable actions that are rooted in a class of volitional necessities that characterize human nature. There are certain things that human beings *as such* care about and cannot help caring about. These include such things as survival, connection to other people, and freedom from pain and boredom. Because human beings cannot help but care about these things, actions which go against them for are unthinkable for human beings as such. Thus, while we might face death or isolation for some further reason, it is unthinkable for us to choose such things for their own sakes.¹⁹ The class of actions and concerns that are unthinkable for human beings defines our conception of volitional rationality. Someone who failed to care about basic human concerns – or who cared about their opposites – would find thinkable actions that we find unthinkable. Such a person is volitionally *irrational*, and so are the actions that manifest such a volitional make-up.

If a person is volitionally irrational, his actions might be consistent with each other, but we would not be able to *make sense* of his life as a human one. The failure to find certain things thinkable makes one irrational in the sense of being a lunatic. Borrowing an example from David Hume, Frankfurt considers a man who prefers the destruction of the whole world to the scratching of his finger. There is a sense of “reason”, Frankfurt says, according to which Hume

¹⁷ As noted earlier, love is a paradigm case of a volitional necessity.

¹⁸ Also, what is unthinkable at one time may be thinkable at another, though in some cases it may even be unthinkable for you to form an intention to make the unthinkable into the thinkable.

¹⁹ Suicide might be thought a ready counter-example to this claim. But Frankfurt insists that even suicides act to be *free* from pain and suffering, and do not choose death for its own sake. See Frankfurt, *Taking Ourselves Seriously*, 38-39.

was correct to say that there is nothing contrary to reason about this man. What is wrong with such a person is not that he has made an error in logic. However, “despite the unassailability of his preference on logical grounds, we would consider both it and him to be wildly irrational.”²⁰ In fact the man is volitionally irrational. His irrationality consists in the fact that he is willing to make a choice that we find unthinkable, a choice we could never bring ourselves to make. And this is because of what we care about. In failing to care about the things that define volitional rationality, Hume’s man manifests a “defect of the will.” Thus we find his choices unintelligible, and we regard him as *inhuman*.

Having spelled out the idea of volitional rationality, Frankfurt connects this to the authority of morality. Moral principles, Frankfurt claims, articulate what is required to preserve and promote those universal human concerns that define the bounds of the unthinkable for human beings as such:

“[W]hat the principles of morality essentially accomplish is that they elaborate and elucidate universal and categorical necessities that constrain the human will.”²¹

and:

“The point of the moral law is to codify how personal and social relationships must reasonably be ordered by people who cannot help caring about the final ends that are most fundamental in the lives of all fully rational beings.”²²

and again:

“[A]ll the objectivity required by the moral law is provided by the real necessities of our volitionally rational will...The appearance that they [=the truths of morality] are necessary truths is, I believe, a reflection or a projection of the volitional necessities from which morality derives.”²³

Frankfurt’s claim, then, is that immorality is a manifestation of volitional irrationality.

²⁰ Ibid., 29.

²¹ Ibid., 46

²² Ibid.

²³ Ibid., 47.

Immoral acts do not violate formal principles of reason, and moral action is not demanded by normative properties in the objects we encounter. Things do not possess “inherent importance” to which we must respond. Nevertheless, moral goodness is an expression of what is required to realize basic and presumptively universal human ends. Thus immoral actions go against the reasons that are grounded in one’s own basic volitional commitments as a human being. Just as the lover of justice goes against his own interests when acting unjustly – he hurts the one he loves, so to speak – so a human being who acts against the principles of morality violates things that he cares about *qua* human being.

1.2. Making sense of (Im)morality

As I noted earlier, Frankfurt’s appeal to human nature has a number of attractive features. Among these are its appeal to aspects of human experience that are easy to recognize and hard to deny. Upon reflection, who could doubt that she would be unable to bring herself to care about isolation and boredom for their own sakes? In addition, the idea of volitional rationality seems to be metaphysically simple and scientifically respectable. There is nothing magical about volitional necessities: they have been built into our species through evolutionary forces.

Nevertheless, Frankfurt’s view fails as an account morality and its authority. To begin, it is hard to see how Frankfurt is entitled to the notion of “defect” in cases like Hume’s man. For Frankfurt’s presumptively universal ends belong to human nature simply in the sense of being very widespread; they are facts about what, as it happens, (nearly) everybody cares about. Thus if a person turns out *not* to care about such things, he is simply a statistical outlier. As a matter of fact, his will is different from other humans. He is an anomaly. But calling this a *defect*

implies some standard of how the human will *should* be configured, and it is not clear where or how Frankfurt comes up with such a standard.

Moreover, Hume's man might still reason well on Frankfurt's view, not only in the sense of not making a logical misstep, but in appropriately acknowledging all the reasons that apply to him. He simply has different reasons, because he has different concerns.

To this objection, Frankfurt might reply: "I am not talking about mere statistical outliers, but a kind of normativity connected to *intelligibility*. One sense of an action being 'rational' is that action *making sense* to us, where this is a matter of registering what the agent is going for. An action is made intelligible by figuring out what the agent is after, what they find *desirable* in their action. The whole point of volitional rationality is to capture this sense of rational, and distinguish it from other senses of rationality, such as logical coherence. From one angle, the volitionally irrational person might look like a mere 'outlier.' But from the point of view of trying to render his action sensible, such a person fails to meet the standard of intelligibility. This is because there are things which he finds desirable for their own sakes, and which we cannot bring ourselves to care about. And this justifies us in speaking of 'defect' and 'irrationality' in a special sense. In any case, this is a sufficient sense of defect and irrational to explain everything that needs to be explained with respect to morality and its claim on reason."

The problem with this re-statement of Frankfurt's view is that rationality-as-intelligibility is simply unable to account for the normativity of morality. For in the case of universal human volitional necessities, there is no reason a person could not care about such things (=safety, connection to others, etc.) and realize them through immoral actions. Suppose that I am a volitionally rational free-rider. In general terms, I care about the same basic things that others care about, such as pleasure, intimacy, interesting activity, etc. But I don't care about fairness or

pulling my own weight, and I'm willing to get the things I want through stealing or cheating when I am confident I won't be caught. In this case I am clearly immoral, but there is no reason to think I am defective or irrational according to any standard Frankfurt identifies. The type of failure we register when we describe a person as volitionally irrational is not the same as the failure to recognize moral considerations, and there is no reason to think that an agent's immorality can be traced to the agent's volitional irrationality. Indeed, on Frankfurt's view, there is no basis to conclude that as a free-rider I fail with respect to *any* standard of human goodness. After all, I care about the things that make me volitionally rational, and I reason effectively on the basis of the things that I care about. There is a gap between volitional rationality and the demands of morality, which opens up from the fact that one can pursue universal human concerns in ways that are thoroughly immoral.

Frankfurt is right, I believe, to try to understand morality and its authority in terms of a thought about human nature, or "the human." And he is right to think that if a person failed to care about certain things, we could hardly make sense of his life or understand his actions. Volitional rationality, however, does not give us the right *kind* of normativity to explain the authority of morality. It does not capture the type of failure at issue with the person who does not care about justice or charity. The "defect" of the volitionally irrational person is a matter of our inability to make sense of why they do what they do – a failure identified by our inability see what they find choice-worthy or desirable in the things they are going for. But a person who is indifferent to morality need not fail to care about Frankfurt's universal ends. On the contrary, acts of vice are typically ways of achieving goods the virtuous also see as desirable, such as

pleasure and comfort and engaging activity.²⁴ While the volitionally rational person is unintelligible or crazy, immorality is all-too-intelligible.²⁵ Even the very wicked need not be “inhuman” in the sense of being insane or alien.²⁶ Thus the conception of “the human” to which Frankfurt appeals is insufficient for an account of morality.

1.3. The Moral of the Story

The failure of Frankfurt’s appeal to human nature is revealing. It suggests that if a thought about human nature is to figure into our account of moral goodness, and if we think that moral norms possess rational authority, then we need a conception of “the human” that goes beyond a statistical summary of human drives or tendencies. For such a conception will fail to yield a properly normative account of morality. Simply because something is statistically atypical among humans beings – even if it is *very* atypical – this does not show that it is wrong, or defective. Likewise, if something was widespread among humans in a statistical sense, that would not show it was good in any way. After all, impulses to cruelty, or vicious actions, are not hard to find. Because Frankfurt’s notion of “presumptively universal final ends” seems to fail to go beyond the merely typical in its description of human nature, it seems that all Frankfurt is

²⁴ “Thus moral differences between agents do not necessarily surface in the differences between the kinds of ends pursued, for many narrow ends such as health, security, pleasure are common if not universal concerns. Differences of character show up in the ways and occasions of particular pursuits.” Sarah Broadie, *Ethics with Aristotle* (Oxford: Oxford University Press, 1991), 246.

²⁵ Oddly enough, this is a point that Frankfurt recognized in his earlier essay “Rationality and the Unthinkable” – “Immorality is not, as such abnormal. In many cases, it is only too easily recognizable as deriving in quite an ordinary way from human nature.” in *The importance of what we are about* (Cambridge, UK: Cambridge University Press, 1988), 185.

²⁶ It is possible, of course, that one could develop an argument to show that immoral actions do violate a person’s basic ends if that person is fully volitionally rational. But Frankfurt such an argument is conspicuously lacking in Frankfurt’s writings.

entitled to say about Hume's moral monster is that he is an outlier – i.e., that he doesn't happen to care about what *we* happen to care about.

However, we can see Frankfurt's idea of "volitional rationality" as precisely his attempt to go *beyond* a merely statistical account of human nature, and to define a sense of "the human" that will serve as a standard for the normative evaluations of an individual's practical reasoning. In making such an attempt, I believe that Frankfurt is on the right track. But the conception of "the human" to which he appeals is insufficient. Essentially, Frankfurt's conception of what belongs to human nature includes: a) practical reason understood along subjectivist lines, and b) a class of objects of care without which we could not find a person intelligible. This may provide for some evaluation of individuals, such as the judgment that a person is a lunatic. However, what this notion of human nature rules out as "defective" does not discriminate between the virtuous and the vicious, the morally good and the wicked. So it does not capture a sense in which moral goodness is human goodness; nor does it account for the rational authority of moral requirements.

In the following chapters, I defend and develop an alternative way of appealing to human nature in philosophical ethics – an Aristotelian *natural goodness* view. According to this view, our thought about "the human" is not merely statistical. Rather it is a special kind of *life-form* thought. Further, Aristotelian naturalism rejects a subjectivist account of practical rationality. For these reasons, the natural goodness view does not suffer the same difficulties as Frankfurt's appeal to love and volitional rationality.

However, Aristotelian naturalism also faces a number of objections that Frankfurt's view does not. One of the most basic of these is that, unlike Frankfurt's view, the Aristotelian account is not scientifically respectable. In particular, critics have charged that the Aristotelian notion of

“natural normativity” in living things is untenable in light of evolutionary biology. Since the notion of natural normativity underlies the Aristotelian appeal to human form, this evolutionary objection is a serious challenge to Aristotelian account of “the human.” In the next chapter, I lay out the Aristotelian view in greater detail, and I also defend it against this evolutionary objection.

CHAPTER 2:
HAVE ELEPHANT SEALS REFUTED ARISTOTLE?
NATURE, FUNCTION, AND MORAL GOODNESS

2.0. Moral Goodness and Life-Form Judgments

Aristotelianism naturalism holds that moral judgments share a conceptual structure with judgments of excellence and defect in other living things, including plants and animals. In every case, we understand an individual living thing *as* living by viewing it in light of the *life-form* that it instantiates. The goodness of parts and activities in a living thing is determined by their role in enabling the organism to realize the characteristic flourishing, or good, of its kind of life. And just as it belongs to the life of oaks to have roots and to the life of wolves to hunt in packs, so it belongs to the life of human beings to recognize and act on reasons, and the moral virtues characterize how human practical reason must operate if a person is to realize the human good. Thus moral goodness is a form of natural goodness in human beings, and vice a form of natural badness.

A view of this sort has been put forward by Philippa Foot in her book *Natural Goodness*, and Michael Thompson has defended central aspects of the view in his book *Life and Action*.¹ A very basic challenge to Aristotelian naturalism attacks the idea that biological teleology can be understood in relation to the good, or flourishing, of living things as defined by their life-form. For many, talk about “oak-good” or “tiger-good” seems to belong to an outmoded metaphysical, and perhaps theological, view of the biological world. Darwinism, it is claimed, has refuted the

¹ Foot, *Natural Goodness*; Michael Thompson, *Life and Action* (Cambridge, MA: Harvard University Press, 2008).

idea that parts and activities in living things are “for” the good of the organism, revealing instead that biological function is ordered toward the replication of genes. And once we see this, it becomes clear that whatever teleology is intrinsic to life, it does not provide a helpful framework for thinking about moral goodness. As Robert Adams says in rejecting Foot’s claim that virtue is natural goodness, “If there is a teleology intrinsic to *our* biology, it is one in which the *telos* served in fact by evolving organisms is the propagation of their genes; and efficacy in serving *that telos* has, I think, no plausibility as a measure of ethical virtue.”²

This evolutionary criticism has been developed most fully by William Fitzpatrick in his book *Teleology and the Norms of Nature*, which is a sustained critique of the Thompson-Foot account of natural normativity.³ Fitzpatrick’s book is especially interesting because he addresses directly the most intuitive reply for the Aristotelian, which is to claim that Aristotelian natural norms belong to a way of viewing living things which is different from an evolutionary approach but compatible with it.⁴ Against this, Fitzpatrick argues that once we understand the insights of evolutionary biology – especially as those involve the *details* of biology – we will see that there is *no room left* for the Aristotelian approach in our understanding of the teleology of living things. Biological function is determined not by the good of organisms but the end of gene replication. Since this end has no plausible connection to ethical norms, the Aristotelian claim that moral goodness is natural goodness is a nice-sounding bit of philosophy that is refuted by the “real world” of biological facts.

² Robert Adams, *A Theory of Virtue* (Oxford: Oxford University Press, 2006), 51.

³ William Fitzpatrick, *Teleology and the Norms of Nature* (New York: Garland Publishing, 2000). Although Fitzpatrick’s book was published prior to the books by Foot and Thompson, their ideas about natural goodness were already available to Fitzpatrick, both in published papers and in lectures. Arguments similar to those of Fitzpatrick have also been made, in a less developed way, by Joseph Millum in “Natural Goodness and Natural Evil,” *Ratio* XIX (June 2006), 199-213.

⁴ This is the type of point Foot makes in *Natural Goodness*, 32-33.

In spite of the seriousness of Fitzpatrick’s challenge, and the widespread belief that evolution is a problem for Aristotelianism, there has been little response by defenders of the Aristotelian approach.⁵ In this chapter, I aim to fill that gap. In the next section, I lay out the Aristotelian view. I then consider Fitzpatrick’s arguments in detail, and I show that they fail to undermine the Aristotelian account of natural normativity. A natural goodness view is not impugned by an evolutionary perspective. Nor can Aristotelian life-form judgments be replaced by an evolutionary account of living things. Rather, in order to even have a topic for evolutionary explanation, we must already be engaged in life-form thought of the sort described by Thompson and Foot.⁶

2.1. Aristotelian Natural Normativity

The Aristotelian account of natural goodness centers on the representation of life. Whenever we represent an individual organism *as* living, we do so by drawing on an implicit

⁵ One partial exception to this is a recent article by John Hacker-Wright – “What is Natural About Foot’s Ethical Naturalism?” in *Ratio* XXII (September 2009). In my view, Hacker-Wright says many correct things about the relationship between evolutionary biology and Aristotelian natural norms. However, Wright does not directly address Fitzpatrick’s arguments or the type of problems he raises.

⁶ There remain, of course, challenges to other aspects of Aristotelian naturalism, including its account of moral virtue. My claim in this chapter is simply that we have no reason to think the view fails to “get off the ground” because its basic account of natural normativity conflicts with evolutionary biology. The criticism to which I am responding should be distinguished from another attack upon the Thompson-Foot view, put forward by writers such as Chrisoula Andreou and Elijah Millgram. Unlike Fitzpatrick, these writers *grant* the legitimacy of the Aristotelian life-form judgments as an account of biological teleology. But they go on to criticize the substantive Aristotelian account of human virtues. In brief, they argue: “OK, we can grant that there are natural norms related to human form, but empirical science reveals that what belongs to our life-form is not (only) justice and benevolence, but forms of injustice and oppression. So what is naturally good is not (only) virtue, and vice is not (always) naturally bad.” See Elijah Millgram, critical notice of *Life and Action*, *Analysis Reviews* Vol 69 Number 3 (July 2009). Chrisoula Andreou “Getting on in a Varied World” *Social Theory and Practice* Vol 32 No 1 (January 2006). I respond to this challenge, which Millgram has termed “the Pollyanna Problem,” in the next chapter.

understanding of the life-form or species to which that individual belongs.⁷ In order to see a bit of activity as “eating” or “flying” or “reproducing”, we must employ a conception of a life-form and represent the individual as a bearer of that life-form. This understanding (or representation) of a life-form can be articulated in a set of statements which express the characteristic features and activities of the life-form – e.g. “the tiger has four legs”, “wolves hunt in packs.” Taken together, these “Aristotelian categoricals” spell out the natural history of a life-form – they capture “one’s *interpretation* or *understanding* of the life-form shared by the members of that class.”⁸ The generality expressed in Aristotelian categoricals is neither universal nor statistical. From the fact that “tigers have four legs” it does not follow that a particular tiger has four legs, or even that *any* tiger now living does (a disease may have just removed a leg from every tiger on earth, and that would not prove false the Aristotelian categorical “tigers have four legs”). And the truth of Aristotelian categoricals is also consistent with the fact that no individual organism will ever perfectly instantiate the life-form as it is spelled out in the natural history.⁹

The elements of a natural history can be organized into teleological judgments that articulate how a given kind of plant or animal carries out its characteristic vital processes. In this way, Aristotelian categoricals express the *function* of different parts and activities in the life of the species: “they articulate the relations of dependence among the various elements and aspects

⁷ See part I of Thompson, *Life and Action*. Here, as elsewhere, I use the terms “life-form” and “species” interchangeably.

⁸ Thompson, *Life and Action*, 73. Italics in original.

⁹ In fact, a true Aristotelian categorical need not be true of *any* individual who has ever lived. This can be seen by considering the fact that when true Aristotelian categoricals are conjoined, the resulting statement is also a true Aristotelian categorical. As Thompson says: “The same point emerges differently if we notice that by repeated application of our apparently unexciting rule of inference – “S’s are F,” “S’s are G,” *ergo* “S’s are both F and G” – we will presumably always be able to produce a true statement of our form involving a complex conjunctive predicate that is not true of *any* member of the kind denoted by its subject, living or dead. I mean: nobody’s perfect.” *Ibid.*, 72.

and phases of a given kind of life.”¹⁰ Aristotelian categoricals thus capture what something is *for*, what part it plays, in the life of species being described – e.g. “the human heart beats in order to circulate blood throughout the body.”¹¹ Because of this, Aristotelian categoricals also form the basis for normative evaluations of individual members of the species. How a life-form survives and maintains itself determines species-specific norms, or standards of goodness, for members of that life-form. For example, because deer escape from predators by running, a certain degree of swiftness is required for a deer to be good *qua* deer. In contrast, fighting with sharp claws is *not* part of how deer defend themselves, so possessing sharp claws is not a requirement for goodness in a deer. When an Aristotelian categorical fails to hold for a particular plant or animal – e.g. “*this* tiger has only three legs” – then there is an instance of natural defect. This can be brought out by considering the following: It is true of every tiger that it either has four legs or it is *missing* at least one leg (or, perhaps, has too many legs!).

Because “the tiger has four legs” is a true Aristotelian categorical, we can also say that tigers “need” four legs. In this way, Aristotelian categoricals correspond to what Foot, following Elizabeth Anscombe, refers to as “Aristotelian necessities.” Here, what is “needed” or “necessary” is that on which good hangs. In this sense an oak tree “needs” deep roots – to be a

¹⁰ Ibid., 78.

¹¹ Foot stresses that for her schema of natural normativity, the relevant Aristotelian categoricals are those relating to what “plays a part” in the life of the organism. Foot notes that there may be some general propositions about a life-form – e.g. “the blue tit has a round blue patch on its head” – that do not refer to things that *matter* in the life of the species, insofar as they do not express anything about the creature’s characteristic way of achieving the ends of self-maintenance or reproduction. Foot refers to Aristotelian categoricals which *do* relate to these ends as “teleological propositions.” – “What is crucial to all teleological propositions is the expectation of an answer to the question ‘What part does it play in the life cycle of things of the species S?’ In other words, ‘What is its function?’ or ‘What good does it do?’” Foot, *Natural Goodness*, 31-32. Alternatively, rather than picking out a special kind of Aristotelian categorical, we might deny that statements such as the one about the blue patch belong to the natural history of the form.

good, excellent oak tree, a particular oak tree must have deep roots, and this is so because deep roots play an important part in the life of “the oak.” What counts as “necessary” in the case of living things is determined by the life-form. Thus, earthworms do not “need” four legs as tigers do – and “earthworms have four legs” is not a true Aristotelian categorical – because having legs is not part of how the earthworm achieves the ends that define its life cycle. In addition, it belongs to the life of some species to act in ways that directly benefit others, rather than oneself, such as the dancing of the honeybee which alerts other bees to a source of food.¹² Such species live cooperatively. Thus what is “necessary” for an individual’s goodness *qua* member of the species is not entirely determined by what will directly benefit the individual.

Foot claims that the notion of “function” relevant to the identification of natural norms is not the same as the notion of function as defined in evolutionary biology. She notes that in evolutionary biology, “ ‘the function of a feature of an organism is frequently defined as that role it plays which has been responsible for its genetic success and evolution.’ ”¹³ Viewed as an evolutionary adaptation, the function of a part or operation is determined by placing it in the *history* of the species – saying something about why this feature has come about as a result of evolutionary forces. In contrast, the function of something in the Aristotelian schema is determined by placing it in the life of the species *at a given time*. An Aristotelian categorical expresses “truth about a species at a given historical time, and it is only the relative stability of at least the most general features of the different species of living things that makes these

¹² Foot, *Natural Goodness*, 35.

¹³ *Ibid*, 32. Foot is here quoting Simon Blackburn in the *Oxford Dictionary of Philosophy*.

propositions possible at all.”¹⁴ In forming the judgments that are the basis of natural norms, we take a “still” from the “moving picture of evolution.”¹⁵

Having given an account of natural normativity with respect to plants and animals, the Aristotelian argues that the same form of judgment is in place in the evaluation of human willing and acting. In the human case, the role played by the notion of a life cycle is played by the notion of a *good human life*; the place of plant or animal flourishing is filled by human good. “Good roots” in an oak are those that fit a tree to live well *qua* bearer of that life-form – roots that fit an oak for its characteristic way of living. “Good dispositions of the human will” are those dispositions that fit a human being for living well *qua* bearer of *that* life-form – dispositions that fit a person for realizing the human good.

Foot points out that we can begin to articulate a conception of human good by thinking about human deprivation. In recognizing those things without which a human being as such is deprived, we discover those things on which human good depends. As in the case of plants and animals, humans have characteristic forms of physical and mental goodness – for example, two eyes for seeing, two hands for grasping, the capacity for memories that last more than a few

¹⁴ Ibid., 29. Foot’s talk about the truth “at a given historical time” is potentially misleading. In particular, the point here should not be confused with the idea that, at a given time, an Aristotelian categorical will be instantiated by some of the now-living bearers of that life-form. Rather, what Aristotelian categoricals represent is the life-form itself, and their truth is consistent with the fact that all of the now-living bearers of that life-form are failing to instantiate the feature in question (see the tiger example in the text above). The Aristotelian categoricals that make up a life-form conception are put most naturally into a kind of timeless present tense – “the hedgehog defends itself by rolling into a ball, quills pointed outward.” This sort of present tense expresses relations of before and after, but not the time of particular, dateable events. And in such judgments, the life-form itself is represented as stable, not as under-going some transformation. For more on the temporal aspect of natural-historical judgments, see Thompson, *Life and Action*, 65-66, 76-80. As Thompson points out, we are able to put natural-historical judgments into the past tense when describing life-forms now extinct – “the velociraptor had three strongly curved claws on each hand.” But even here, Aristotelian categoricals articulate an understanding of the life-form that does not refer to specific, dateable events.

¹⁵ Ibid.

minutes, etc. In addition, in order to live their characteristic life, humans need “the mental capacity for learning language; they also need powers of imagination that allow them to understand stories, to join in songs and dances – and to laugh at jokes. Without such things human beings may survive and reproduce themselves, but they are deprived.”¹⁶ Humans also have characteristic ends involving love and friendship and respect. Human good involves the forming of relations with family, friends and neighbors, and our good depends on relationships of a certain *kind*: “It matter in a human community that people can trust each other, and matters even more that at some basic level humans should have mutual respect.”¹⁷

Crucial to human good is the human ability to recognize and respond to *reasons for action*. Even the barest sketch of human good makes clear that our characteristic life depends on the exercise of practical reason – how could human beings form friendships, or raise their children, or stand in relations of mutual respect, without acting for reasons? The excellent exercise of practical reason, then, is something on which good hangs in human life. As Foot says, “Natural goodness in reason following is as much a form of goodness in humans as is proper instinctive behaviour in animals.”¹⁸

One could accept this account of natural normativity, but reject the claim that the traditional virtues characterize proper exercise of practical reason in human beings. Aristotelians such as Foot hold that “something like the traditional table of virtues provides an apt characterization of the specifically human form of practical rationality.”¹⁹ However, there can be

¹⁶ Ibid., 43.

¹⁷ Ibid., 48.

¹⁸ Philippa Foot, “Rationality and Goodness” in *Modern Moral Philosophy* ed. Anthony O’Hear (Cambridge: Cambridge University Press, 2004) 11-12.

¹⁹ Michael Thompson, “Three Degrees of Natural Goodness,” 5. This essay originally appeared as a discussion note in *Iride* (2003). Online edition available at: <http://www.pitt.edu/~mthomps/>

many competing substantive accounts of human good and practical excellence, each of which accepts the framework of natural normativity. Fitzpatrick lodges his objection at a level that applies to all such accounts. Indeed, he argues that Aristotelian teleology fails as an account of living things, even before we move to the specifically human case.

2.2. Evolution, Flourishing and Biological Teleology

Fitzpatrick regards the Aristotelian view as a “welfare-based” account of biological teleology, and he argues that welfare-based views are false. What actually determines function in living things is not the flourishing of the organism (either the individual or the species), but the end of gene-replication. The lesson of evolutionary biology, Fitzpatrick argues, is that “organisms must generally be understood ultimately as complex gene replicating systems – functional systems that have as their general and ultimate biological end *the replication of certain germ-line copies of the genes represented in their co-adapted genomes in the next generation*, with lower level functions and ends all geared toward this end.”²⁰

Fitzpatrick is right to suppose that if the only kind of function in living things is that defined by gene replication, then the attempt to see moral goodness as a kind of natural goodness is unsuccessful. On a view like Foot’s, the moral virtues are traits necessary for realizing human good, and there is an analogy between moral virtue in humans and species-specific goodness in plants and animals. If the analogy is to hold, the end which is served by those functional features in plants and animals must be sufficiently similar to the human good, and for Foot that end is the relevant plant-good or animal-good, as defined by the characteristic life cycle of the species. If, however, the ultimate end served by the functional features of living things is gene replication,

²⁰ Fitzpatrick, *Teleology and the Norms of Nature*, 186. Italics in original.

then the analogy clearly does not work: Any “norms” associated with biological teleology will ultimately tell us not what is required for the flourishing of the organism, but for success or failure in the replication of genes. And the Aristotelian certainly would not accept a view of the moral virtues which defined them in terms of contribution to gene replication in humans!

Fitzpatrick stresses that even if we accept his view of natural teleology, we might still understand moral virtues in terms of human needs and the human good. We might, for example, speak of “the good that hangs on justice” in human life. The point, however, is that in doing so we would not be making any connection to the broader category of *natural goodness* as a special kind of goodness found in living things. Thus Fitzpatrick’s target is not the notion of human good, but what he considers Foot’s “persistent but erroneous appeal to nature in ethical theory.”²¹

Fitzpatrick recognizes that Foot intends her account of natural teleology to be distinct from accounts of function in evolutionary biology, and not in competition with those accounts. He argues, however, that even this “complementary” approach fails, given a proper understanding of biological teleology.²² In developing his own account of biological teleology, Fitzpatrick begins with reflection on function in machines. He considers the case of an unfamiliar machine. We believe that it has *some* function, but we do not know what that function is. To answer questions about its function, Fitzpatrick suggests, it makes sense to consider the *process of design* – what the designer intended the machine to do, what the designer was going

²¹ Ibid., 25.

²² Ibid. Emphasis in original. In the preface to his book, Fitzpatrick explains that he formerly held a view like Foot’s, and that he accepted the complementary approach. What changed his mind, however, was the reading of “numerous and varied biological examples in light of the plausible natural selection background.” (x) In an interesting personal detail, Fitzpatrick notes that “it was when I got to his discussion of dominance hierarchies among elephant seals that I first realized in particular that the welfare-based approach to natural teleology I had been defending for years – and, likewise, the ethical project that relied on it – was in deep trouble.” I discuss the case of elephant seals below.

for in putting the parts together in this particular way. Facts about the designer's intention are relevant to determining the functional facts about the machine because they explain how the system came together and they account for it being *no accident* that the parts and features are so organized. Thus Fitzpatrick endorses the following principle:

“[W]hatever is ultimately causally responsible for the non-accidental compresence and organization of a set of parts and features into a coherent system that produces certain special effects – without which relations we would not have a genuine functional system at all – is surely equally responsible for determining the functional facts pertaining to the system.”²³

In fixing the function of a machine, the facts about design thereby enable us to distinguish between the machine's function and its incidental effects. For example, in addition to moving people and things, a car also makes noise. But making noise was not part of the designer's intention, and hence its noise-making plays no role in explaining *why* the car-system is organized as it is. Thus a car's function is not to make noise.

Fitzpatrick then applies his central principle about function to the teleological features of living things. In the case of organisms, “the processes constituting the natural selection history behind the evolution of a given type of organism play the same *causal role*, with respect to the selection and organization of organic parts, features and activities at various levels, that is played by the process of intelligent design in the case of machines.”²⁴ It follows from this that an organism's evolutionary history fixes the functions of its teleological features. And the core mechanism of natural selection is gene selection and replication. Thus what is “ultimately causally responsible” for the non-accidental presence of the organism's features, and the coordinated hierarchy of effects they produce, is the contribution they have made to success in

²³ Ibid., 38.

²⁴ Ibid., 40.

gene replication. What living things are “working for” (of course there is no *intentional design* in view here) is the replication of those genes.

It is worth noting that on a certain reading of Fitzpatrick’s principle, an appeal to evolutionary history might not be necessary to explain biological function. Consider the function of a particular sparrow’s wing – flying. If a person points at the wing of a sparrow in front of us, and asks what is “ultimately causally responsible” for *this* wing being arranged as it is in a non-accidental way, it makes sense to respond: “because it grew from a *sparrow* egg.” It is clear that a sparrow’s wings develop as they do (and not like the wings of penguins) because they come from sparrow eggs and the particular stuff contained therein (rather than from, say, penguin eggs and the different stuff they contain). And of course biologists may study the causal mechanisms that transform the sparrow-egg-material into the sparrow’s wing. An explanation of sparrow wings in terms of sparrow eggs (and the production of sparrow eggs in terms of adult sparrows) thus gives a causal explanation of the functional features of particular sparrows.

An explanation such as this stays *within the life-form* of the sparrow, without referring to the natural selection history of the life-form considered as a whole. This, however, clearly does not capture what interests Fitzpatrick. In speaking of what is “ultimately causally responsible” for the features of a life-form, Fitzpatrick is not trying to explain a particular sparrow’s wing, but the origin of “the wing” as a feature of the sparrow life-form. He is asking how and why the wing came to have a place in the life-form – how the life-form as a whole came to have the functional features it does. To appeal to the sparrow eggs as the cause of the sparrow’s wings is to miss the point of his question – it is the *whole thing* (=sparrow wings for flying that develop from sparrow eggs) for which he is seeks the ultimate causal explanation.

2.2.1. *Function, Flourishing and a Benevolent Designer*

So far Fitzpatrick's picture presents no challenge to Thompson-Foot natural normativity. Aristotelian judgments articulate the functional relations within a life-form; they do not attempt to explain how the life-form came to be as it is. The fact that biologists (and philosophers of science) have a *different* way of approaching biological teleology does not, in itself, show anything illegitimate about the kind of judgment that interests Foot and Thompson.

But Fitzpatrick thinks evolution poses decisive problems for Aristotelianism, and he offers two main criticisms. His first criticism is based on the claim that there are functional features of organisms whose end is *not* the welfare of organisms, either at the individual or group level. Since these features *do* have functions, they show that biological teleology as such cannot be defined in terms of contribution to the organism's good – that welfare “cannot play the role of general or ultimate end within an organism's teleological structure.”²⁵

In order to support his claim that there are teleological features whose end is not the good of the organism, Fitzpatrick appeals to examples of traits that evolution has selected but that work *against* the flourishing of the organism and cannot be said to “benefit” the organism in any plausible sense. One example concerns the especially long tails of male birds of paradise. The evolutionary explanation of this trait is fairly straightforward: The females of the species prefer longer-tailed mates, and thus males with longer tails were able to attract more mates than they would otherwise, thereby spreading their genes more successfully, including the gene for longer tails. The function of the long tails, then, is to increase the individual male's reproductive output. However, the long tails are also an encumbrance for the males, thereby decreasing their personal ability to survive. Fitzpatrick's claim, then, is that there is no plausible *benefit* that can be

²⁵ Ibid., 62.

ascribed to these long tails. The individual male bird is not better off by attracting more mates than his shorter-tailed rivals. Likewise, the longer-tails are not something “needed” by the birds as a group, in the way bees might be said to “need” their stings. The birds could survive perfectly well without the longer tails, and the males would probably even live longer. In sum, “[t]he good of organisms, whether considered individually or generally, simply doesn’t have anything to do with such traits.”²⁶

A related example involves the dominance hierarchies among male elephant seals. These seals fight one another to gain exclusive control of the harem, sometimes to the point of significant injury, and the females of the species typically refuse to mate with any other than the dominant male. Such behavior, Fitzpatrick says, makes “perfectly good evolutionary sense,” because the genes tending to produce such behavior would have out-replicated their rival alleles in the gene pool. But once again there is no plausible *benefit* realized by such behavior: “Can we really suppose that animals fighting desperately with their peers simply in order to out-reproduce them are thereby acting ‘for their good’, or for any organism’s good for that matter, making themselves or others better off? On the contrary, it seems elephant seals could at least in principle *get on* just as well without these traits – perhaps even better, expending less energy fighting, avoiding the inevitable injuries, and so on.”²⁷

Fitzpatrick thinks it is clear that the long tails and dominance hierarchies do have functions, and that from the perspective of evolution this is no surprise. He also thinks it is clear that these traits do not have functions in the Aristotelian sense, because they do not promote the good of these organisms. But is it true that the long-tails and dominance hierarchies cannot have a function in the Aristotelian schema? The answer depends on whether these features are part of

²⁶ Ibid., 72.

²⁷ Ibid., 73.

the characteristic way each life-form has for surviving and maintaining its way of life.²⁸ And with both of these traits, we can say that these traits *do* have a Aristotelian function. It is characteristic of birds of paradise that the males attract mates via their long tails. That is part of how they find mates, and therefore part of how they achieve the end of reproduction. The long tails of the males, then, do “play a part” in the life cycle of the species. Given that, we could formulate an Aristotelian categorical along the lines of “the male bird of paradise attracts mates using his long tail.” An individual male bird who was born tail-less would be thereby defective *qua* male bird of paradise. And something similar seems true in the case of elephant seal hierarchies – that is *their* characteristic way of settling on a mate, and therefore how *they* realize the end of reproduction. We could presumably formulate an Aristotelian categorical and corresponding norm – e.g. “the male elephant seal recognizes hierarchical relations with other seals.” An individual male who failed to respond to hierarchy, perhaps avoiding all contact with other males, would be thereby defective. The fact that the males are *competing* for mates does not seem to alter the fact that they are realizing the end of reproduction. For birds of paradise and elephant seals, it turns out, the process of finding a mate and reproducing is a competitive one; that is their characteristic way of reproducing.

What is bothering Fitzpatrick, I think, is the thought that “the good” served by these traits – the characteristic way of living that these traits enable – does not seem to be a very good way to live. Fitzpatrick repeatedly stresses that many animal traits are *not* what we would expect to find if the organisms were the creations of a “benevolent designer” interested in their welfare.²⁹ The suggestion is that if Thompson-Foot account of function is true, the biological world should

²⁸ I use the term “feature” as a general term for aspects of a living thing, including organs/parts and operations/processes.

²⁹ *Ibid.*, 72, and twice on 79.

look like the product of a benevolent designer. Fitzpatrick finds it significant that we can imagine *better* ways for many organisms to realize the ends of survival and reproduction. The sense of “better” here is based on what Fitzpatrick calls our “ordinary, if somewhat fuzzy, conception of organismic welfare.” While Fitzpatrick leaves this ordinary conception “fuzzy,” at minimum it includes the claim that unnecessary pain is contrary to welfare.³⁰ The idea, then, is that birds of paradise could continue to mate *and survive better* with shorter tails. Elephant seals could still reproduce *and be injured less* without the struggle to control the harem. And that seems to cast doubt on the idea that these traits are *necessary* for the good of the organism. After all, if some other way of achieving its ends is possible, how can we say that *these* traits are necessary for the organism’s good? From the perspective of organismic welfare, the present traits seem to be *bad ways* for the life-forms to realize their *good*.

There may be something intuitive about this thought. It seems easy to imagine a slightly different life cycle that would be better for a given life-form, perhaps by allowing it to live longer or freer from pain. And looking at the struggles of elephant seals, we might find ourselves with the thought, “Surely a different life cycle would be better for those poor creatures.” However – and this is the crucial point – it is no part of Aristotelian naturalism that a life-form, when viewed as a whole, should appear to be the product of a benevolent designer. In identifying Aristotelian categoricals, we articulate an understanding of the life-form. The corresponding judgments of function and natural goodness are made by representing the individual as a bearer of that form. These judgments depend on an understanding of the relations of dependence *within* the life-form. But judgments of natural goodness nowhere depend on the idea that it is in some further sense good *that this is how things stand* with respect to this life-form.

³⁰ Ibid, 69.

It is true that Foot describes survival and reproduction as ends for all life-forms. But we should not take that to imply a single picture of “flourishing” or “welfare” across all life-forms. Rather, what counts as flourishing for a life-form is determined by *how* it realizes those ends, and the relevant sense of “flourishing” for an individual organism is *given* by its characteristic life cycle, as articulated in the system of Aristotelian categoricals that make up the conception of the life-form. So it is no part of an Aristotelian account of function or natural norms that a given life cycle is “good for” that life-form *in comparison to* other life-forms we are able to observe or to imagine. It is not “better” to be a tortoise than to be a mouse, because the former lives so much longer and thus realizes better the end of survival. Nor is it “bad” to be a fruitfly because they live for less than a month. (As if we should object: “A benevolent designer have given them at least *two* months!”)

The worry about a benevolent designer arises only when we consider the life-form “from without” and imagine how the life-form *itself* might be improved or made “better” for its bearers. In contrast, Thompson-Foot judgments of natural normativity are internal to a life-form conception. Understanding an organism as living depends on seeing it as the bearer of some life-form, and our understanding of the life-form can be articulated in a system of natural historical judgments. The species-specific “good” of a living thing is fixed by the natural history account, and this account provides the measure for judging excellence and defect in individuals of the kind. Now, given a benevolent commitment to reducing animal pain, perhaps we can make sense of the idea that a species’ way of life amounts to a “bad state of affairs.” And perhaps that might inspire us to try to help the species live differently – e.g. train the elephant seals to find mates via some less aggressive means. But however we understand that thought that *it is good (or bad) that*

things stand this way with a life-form, judgments of natural normativity in living things do depend upon or entail such a thought.³¹

2.2.2. *Distinguishing Actual Function from Incidental Benefit*

Even if the Aristotelian view can handle cases of elephant seals and birds of paradise, Fitzpatrick argues that the view faces another, deeper problem: the Thompson-Foot approach cannot distinguish between a feature's incidental benefits and its actual function. Since any successful account of function must enable us to make that distinction, the Thompson-Foot view fails. To see what Fitzpatrick has in mind, imagine the following example: Suppose someone intends to invent a quieter, more fuel efficient car. The inventor is successful. Several years go by, and it is discovered that the car also produces special vibrations which are good for the health of dogs in its vicinity. It is clear, however, that the *function* of the car is not to improve the health of dogs, but to transport people in a quieter, more fuel efficient way. It does not have a veterinary purpose, but a locomotive one. The improved health of the dogs is a "happy accident." To grasp the function of something is to be able to make such distinctions between its genuine function and such incidental benefits, and thus an explanation of function must account for such distinctions. But a flourishing-based approach to biological function, Fitzpatrick claims, fails to do precisely this in the case of specific features of living things. For a given part or behavior, the

³¹ Foot has also argued (persuasively, to my mind) that the notion of a "good state of affairs" must be understood as a concept *within* morality: A "good state of affairs" makes sense in the context of what a virtuous person aims for – as an end related to a given virtue, such as benevolence – but not as something standing prior to morality which it is the business of morality to promote.

See Philippa Foot, "Morality, Action, and Outcome" and "Utilitarianism and the Virtues" in *Moral Dilemmas* (Oxford: Oxford University Press, 2002). These papers are a helpful background for understanding Foot's brief remarks about states of affairs in *Natural Goodness*, 47-51.

Aristotelian view is liable to misidentify its function as its contribution to the welfare of the individual or species, while in reality its function is something entirely different and its contribution to welfare is a “happy accident.”

It is easiest to understand Fitzpatrick’s argument by looking at one of the examples he develops.³² Consider the fact that some species of swift reduce their clutch size (= lay fewer eggs) from three to two in times of scarce resources. We can ask: what function does that behavior have in the life of swifts? Fitzpatrick claims that if we have the Thompson-Foot view, we are likely to suppose that clutch-reduction is a kind of cooperative birth-control swifts have to conserve their resources in hard times, so as to meet their nutritive needs and guard against extinction. And if that is the end of reduced clutch size, then we can generate an Aristotelian categorical and associated norm – “the swift reduces clutch size from three to two in times of scarcity” – and an individual swift that failed to do so would be thereby defective. Now, Fitzpatrick points out, from an evolutionary perspective the cooperative birth-control explanation *might* be the correct account of the behavior. It could be that groups with this “altruistic” trait fared better than groups without it, in which case it really was the trait’s connection to the welfare of the group that explains its presence in the current swift population. In that case, the Thompson-Foot approach would have landed on the correct explanation of function.

However, there is a second possible evolutionary explanation for the behavior, which is that the optimal clutch size for the *individual* turns out to be two rather than three. In scarce times, the attempt to care for three offspring spreads the resources of that family too thin, so that on average fewer survive from families with three offspring than with only two offspring to care for, and thus the trait for two eggs was selected for. If that is the correct evolutionary

³² Fitzpatrick, *Teleology and the Norms of Nature*, 10.

explanation, then what explains the presence of the behavior is not its contribution to the benefit of the swift group as a whole, but its role in maximizing individual reproductive success. What is *really going on* with respect to function is not that the swifts are “working together” to conserve resources via cooperative birth control, but that each is engaged in a competitive struggle to out-reproduce the other swifts. If that behavior also happens to benefit the swift-group in times of scarcity, that will just be an incidental benefit resulting from the actual function of clutch reduction. Thus, if the second evolutionary story is correct, the welfare-approach will have misidentified the true function of clutch reduction in the life of swifts. And even if the first story is correct, getting it right will just been “dumb luck” for the Thompson-Foot view.

Fitzpatrick’s idea is that for any teleological feature of a living thing, we can ask why the feature is manifest, where that question asks about the end the feature serves (e.g. Why is the heart making that movement? For pumping blood.) And appealing to the principle laid out earlier (2.2) we can say that if some benefit to the individual or group is not part of the ultimate explanation *why* the feature is manifest, it makes no sense to think of that benefit as the *end* that determines the feature’s function. To appeal to benefit in such a case would be like saying doggy-health was part of the function of the car in the example above – helping dogs is not the actual function of the car, because it is a side-effect that doesn’t *explain anything* about why the car is organized as it is. However, in the case of biological teleology, it is only by looking to the evolutionary history of a feature that we will be able to understand the real reason the feature is manifest. Thus if we ignore evolutionary history, we will be unable to distinguish actual function from incidental benefit. And because looking to that history is precisely what welfare-based accounts fail to do, such accounts cannot make that distinction. Therefore they often generate false teleological ascriptions, finding function where it does not exist. As Fitzpatrick says, “It is

only when we look to history that we see what they [the swifts] are really doing from a functional point of view is, for example, just *maximizing reproductive output*, rather than making a self-sacrificing contribution to overall population control...the proponent of the ahistorical view cannot just help herself to this insight and then proceed as if history were irrelevant.”³³

Fitzpatrick brings forward more biological examples to support his argument. However, the problem with his criticism is not a lack of biological detail, but that it assumes what needs to be proved. Let us grant that any account of teleology that could not properly distinguish between actual function and incidental benefit would be unsatisfactory. Fitzpatrick’s argument shows that the Thompson-Foot account of teleology fails to make such distinctions only by *assuming* that what determines the “real” or “genuine” function of features in living things must be whatever is the *historical cause* responsible for their existence. Only on that assumption can Fitzpatrick make his key claim about what is “really going on” in terms of function, which is the teleological fact that he claims the Thompson-Foot view will fail to account for. But of course the Thompson-Foot view is spelling out a different understanding of “function,” which is not arrived at by considering the evolutionary history of the species. In effect, then, Fitzpatrick’s argument simply takes for granted what needs to be shown – that *any* account of biological teleology must treat features as evolutionary adaptations rather than functional in the Aristotelian sense.

Consider how a Thompson-Foot judgment of natural normativity might work in the case of the swifts discussed above. In that schema, what determines the end of clutch-reduction will be the *good* that hangs on that behavior. Of course identifying the relevant good will require observing the life cycle of the swifts. But we do not need to know anything about the evolutionary history of the species to recognize, say, that without clutch-reduction the swifts

³³ Ibid., 202.

would starve for lack of resources. And if that does turn out to be the case, then we can say that clutch-reduction “plays a part” in the life the swifts by helping them avoid starvation. Suppose it also happens to be the case that, with respect to the history of the species, this trait is explained in terms of the success of individual swifts in maximizing reproductive output. How does that historical reality change the fact that in the current life of the species, avoiding starvation depends on clutch-reduction? Clearly, with respect to current life cycle, avoiding starvation is not an *incidental* benefit of clutch-reduction, since clutch-reduction is *ex hypothesi* necessary for the swifts to avoid starvation in times of scarcity. There is a *good* at stake here, which licenses the ascription of function and an associated natural norm, as well as the related judgments about defect in individuals that fail to reduce clutch size.

The benefits Fitzpatrick describes as “incidental” are so only when judged by the principle that “functional facts” of living things are determined by evolutionary history. But the current life cycle of the species is what Aristotelian normative judgments apply to. For a given feature, so long as we have identified a good that actually depends on that feature – that is, a true Aristotelian categorical – we are justified in saying that realizing that good is its genuine function *in the current life cycle* of the species.

Whether or not we should represent the swifts as cooperating will depend upon the facts of the case. Are swifts cooperative creatures, like ants, or solitary ones, like spiders? And if they are cooperative, which other swifts do they cooperate with and why? Since not any behavior that affects others counts as cooperation, in order to answer these questions we will need to answer other questions about the swifts: Do they communicate with each other (as with dancing bees)? Do they coordinate their activities toward a common goal (as with hunting wolves)? Do they share resources among themselves, giving and taking (as with humans)? Of course, the schema

of natural normativity will not allow us to say *in advance* if a given behavior is cooperative or competitive, but we can make such a distinction given a fuller account of the organism's natural history.

Likewise, the natural normativity approach allows us to distinguish between “actual function” and “incidental benefit” on the basis of the life cycle of the species in question. Imagine a tree that grows so large that the birds of the air build their nests in its branches. This benefits the birds (recall the car-dog example). But is it the branch's function (in the Thompson-Foot sense) to provide the birds with a place to build their nests? How we answer that question depends on whether or not there is some vital process of the tree that depends on providing a home for the birds. Perhaps there is no such process, and the nesting birds play no part in the life of the tree. On the other hand, perhaps for this kind of tree it is essential that its roots gain nourishment from the droppings of a particular kind of bird, and the tree will only get this nourishment if the branches are such as to support the nests of these birds. In the latter case, providing a home for the birds does play a part in the life of trees of this kind – it is part of how they get nourishment for their roots – and so the benefit to the birds is not “incidental” from the view of the tree's own life-form. The difference between these two possibilities will determine whether or not we judge an individual tree to be defective if its branches fail to support the birds' nests. In the first case, the failure to support the nests is not, as such, a defect in an individual tree. But in the second instance it is a defect, because having branches for that purpose is part of the life-form of such trees.

And of course the Thompson-Foot view can also recognize a case where a trait happens to benefit an individual, though that is not the function of the trait. Again this judgment will be made in light of the conception of the life-form. For example, suppose that a man is hunting

tigers. He comes across a tiger, raises his gun to shoot, but stops when he realizes that the pattern of fur on this particular tiger reminds him of his own mother's face. In this case, we might say that the tiger's stripes have the feature of looking like the hunter's mother and that this feature has been a benefit to the tiger. But clearly it is not the function of the stripes to look like this hunter's mother. We know this because we know it does not belong to the life of "the tiger" to have stripes that resemble the mother. Though it helped this particular tiger, it is no part of tiger-form to have stripes with that feature.

At this point, the critic of Aristotelianism might press the following objection: "I now grant that the Aristotelian approach can distinguish actual function from incidental benefit, but a problem remains, because Aristotelian ascriptions of function are bound to be viciously circular. For a given feature X, the Aristotelian identifies that feature's function, if there is one, by relating the feature to the characteristic good of the organism – that is, by appealing to our conception of the life-form in question. If some good hangs on X – if it plays a part in the life cycle of this life-form – then this gives us the function for X. However, we understand the characteristic good of the life-form *in the first place* only by grasping the functions of its characteristic parts and operations. That is, what *counts* as belonging to "the good" of the organism is fixed by the Aristotelian categoricals that are true of it. But then the good of the organism determines the truth-value of Aristotelian categoricals, while that good is itself determined by whatever Aristotelian categoricals are true of it. So the Aristotelian cannot provide non-circular criteria for the truth-value of Aristotelian categoricals."

In making charges of *vicious* circularity, the objection confuses two points. The first point is that, in our efforts to formulate true Aristotelian categoricals, our thought does not go "outside" the system of natural-historical judgments that represent the life-form. The second

point is that Aristotelian categoricals are therefore badly circular, presumably because they are not answerable to empirical observation or properly grounded in the facts. While the first point is true, the second point does not follow from it, and the type of “circularity” involved in Aristotelian categoricals is in no way vicious.

A particular natural-historical judgment is always one part of a system of such judgments, each of which is related to the others. These judgments articulate the relations of dependence between the parts and activities of the organism. They thereby make possible a special sense of the question “why?” that applies to vital processes.³⁴ This sense of the question “why?” asks about the function of a given feature in the life of the organism – how this feature makes possible, and in turn depends upon, other parts of the organism and other things the organism does. Since a life-form conception *just is* the representation contained in the system of natural-historical judgments, the truth or falsity of given Aristotelian categorical will have implications for the life-form conception as a whole. So the idea behind the objection is correct in a way: In grasping the function of given feature, we are simultaneously grasping some aspect of the organism’s good, and to the extent that we understand the good of an organism, we also understand the function of (at least some of) its parts and vital processes.

What makes a given Aristotelian categorical true or false is whether or not the given feature does in fact play the part attributed to it in the life cycle of this kind of living thing. To determine this, we will have to figure out how the feature in question relates to the other parts and processes of the living thing – how it fits (if at all) into the special unity that is represented in the life-form conception. And to figure this out, we must of course *observe* the creatures in

³⁴ Talk of a special sense of the question “why?” is taken from Anscombe’s method of investigation in *Intention*. Thompson makes it clear that he means his own method to be of the same sort as Anscombe’s. See *Life and Action*, 47-48.

question to see what life is like for them – How do they get around? What sort of organs do they use for nutrition? How do they reproduce? At each stage of our empirical investigation, our observation will be mediated by our current understanding of the life-form whose bearers we are investigating. And our observation of those individual bearers will in turn improve our understanding of the life-form itself, giving us a more thorough understanding of the life-form, thus making possible even more well-informed future observation of individual bearers.³⁵

So in order to determine the function of a given feature, we draw on our best current understanding of the characteristic good of the life-form we are observing. But this does not mean that our judgments about function will be viciously circular, or that our life-form conceptions will be immune to revision in light of empirical evidence. For example, imagine that a species of bird has bright red spot on its tail feathers. We initially believe that this spot is used to attract mates. We form an initial Aristotelian categorical: “Ss have a red spot on their tail feathers that attracts mates.” However, further observation reveals that the birds of the species do not seem to notice the red spot on their fellows, or react to it in any way. In addition, the birds display their tail feathers when attacked, and the red spot seems to frighten away some larger, predatory birds. We now have reason to revise our Aristotelian categorical to something like, “Ss have a red spot on their tail feathers that frightens away potential predators.” In each case, we formulate an Aristotelian categorical in light of our beliefs about how this feature relates to other aspects of the bird’s characteristic life. To the extent that we grasp the function of a given feature, our understanding goes hand-in-hand with a grasp of other vital processes – e.g. that is how it mates, that is how it flies, etc. And to so much as to describe these things *as feathers* is to

³⁵ In the opening sections of his essay “Apprehending Human Form,” Thompson discusses this “general and thoroughgoing reciprocal mutual interdependence of *vital description of the individual* and *natural historical judgment about the form or kind.*” 52, in *Modern Moral Philosophy* ed. Anthony O’Hear (Cambridge: Cambridge University Press, 2004), 47-74.

appeal to some conception of the life-form, to represent these things in relation to other aspects of this sort of creature. Even so, whether or not something *does* play the part we attribute to it is a factual question, and we can gain new insight into the function of a trait by observation. So we discover true Aristotelian categoricals through familiar methods of empirical research, and there is no vicious circularity to such judgments.

2.2.3. *Can we do without Life-Forms and Natural Norms?*

I have argued that, contrary to what Fitzpatrick claims, the Aristotelian account of natural normativity is not undermined by evolutionary accounts of how species have arisen. However, this might suggest that while natural norms are “safe” from the results of evolutionary biology, they are *unnecessary* to our understanding of living things. Even if Thompson-Foot life-form judgments are not refuted by evolutionary accounts, might not we dispense with them once we have an acceptable evolutionary story?

No. The reason for this is that we must employ some conception of life-form *whenever* we represent an individual *as* living. In order to see anything as an organism, we must understand some of its happenings as *vital processes* and some of its parts as *organs* or *members* of the organism. And in order to grasp what vital processes are happening and what organs are present, we must appeal to the “wider-context” of the life-form. To see why this is so, consider the fact that what counts as eating, breathing, hunting, etc. varies from life-form to life-form. And as Thompson points out, the same biochemical process may amount to a different life-process in different life-forms: mitosis is a part of *reproduction* in an amoeba, and part of *self-maintenance* in a human being.³⁶ There is nothing in the individual, considered in isolation from

³⁶ Thompson, *Life and Action*, 55.

some life-form conception, that tells you what is happening at the level of vital description – nothing that tells you what role this or that activity is playing in the life of this thing. Thus if we are to so much as see something *as* living, we must bring it under some life-form conception, however inchoate or partially formed that conception may be. As Thompson says: “every thought of an individual organism as alive is mediated by thought of the life-form it bears.”³⁷

Thus there is an appeal to life-form in each of the examples Fitzpatrick brings forward, whether elephant seals or sparrows or whatever. We want to give evolutionary explanations of how various parts and behaviors came to characterize the species, and of course there is nothing in Aristotelian life-form judgments that rules out such explanations. But *before* giving such explanations, we have already *presupposed* life-form judgments in characterizing the phenomena to be explained. We make implicit reference to a life-form conception whenever we represent this object *as* a wing, or that movement *as* flying. This is equally true of our representation of things *as* genes or an activity *as* reproducing. There is nothing in a particular bit of stuff considered entirely on its own that determines it to be “genes.” And the same is true for a particular happening described as “reproducing.” To characterize things in this way is already to make a *vital description* of what we are observing, and hence to appeal to some conception of the life-form present.³⁸

³⁷ Ibid., 81. See also “Apprehending Human Form” – “Even such apparently purely physical judgments as that the organism starts here and ends here, or weighs this much, must involve a covert reference to something that goes to beyond the individual, namely its life-form. It is only in the light of a conception of this form, however dim that conception might be, that you could intelligibly suppose, for example, that the tentacles are not parasites or cancerous excrescences or undetached bits of waste.” 52.

³⁸ Of course, we might be wrong about our initial natural-historical judgments of now extinct life-forms, just as we might be mistaken about currently living species. What we supposed to be a dinosaur’s wings might turn out to be legs for walking. However, with both initial and revised judgments, we never leave the distinctive form of natural-historical judgment, mediated by our conception of the life-form.

Thus, far from replacing life-form thought, an account like Fitzpatrick's relies on the concept of life-form explored by Thompson and Foot.³⁹ To so much as have a topic for evolutionary explanation, we must rely on Thompson-Foot judgments of life-form. And, as we have seen, a life-form conception contains within it the materials for normative judgments. Insofar as we understand what belong to the form of living thing, we are *already* in position to make judgments of excellence and defect about individuals who bear that form. As Thompson says, "We thus go no farther for critique than we went for interpretation."⁴⁰

³⁹ This is not a point that Foot emphasizes in her writing, but see Thompson: "But if the thoughts advanced in the last chapter are sound, then it is *not* a merely empirical fact, given that there are any organisms, that they fall under the particular items we were calling 'life-forms'. The received taxonomical hierarchy is a record either of history or of the similarities that this history explains; but the simple 'classification' of individual organisms in terms of life-form precedes any possible judgment of similarity or of shared historical genesis." *Life and Action*, 67.

⁴⁰ *Ibid.*, 81.

CHAPTER 3:

MORAL VIRTUE AS KNOWLEDGE OF HUMAN FORM

PHEDIPPIDES: Consider, again, the animal kingdom – cockerels, for example – where offspring *fight* their fathers. And what difference is there between them and us, except that they don't move resolutions in assemblies?

STREPSIADES: Well if you're so keen on the life of a cockerel, why don't you go the whole way and eat manure and sleep on a perch?

Aristophanes, *The Clouds*¹

3.0. Human Good and the Knowledge Thereof

In the last chapter, I defended Aristotelian naturalism against the objection that the Aristotelian view never gets off the ground in moral philosophy, because its notion of natural normativity does not hold even in the case of plants and animals. However, even if we can successfully defend Aristotelianism against that objection, a different objection applies to the specifically human case. This further objection centers on the worry that a natural goodness view will justify *too many* traits as “naturally good” – including those traits that are paradigms of vice, such as deception and greed. At the root of this challenge is the question of what we can *know* about “the human,” and how we come to make substantive judgments about human form. In this chapter, I address this question and I respond to this objection, developing an Aristotelian response that further clarifies the shape of a viable Aristotelian naturalism. In some respects, this response distances my account from claims made by Aristotelians like Philippa Foot and Elizabeth Anscombe. This response also bring out the kinship between Aristotelian naturalism

¹ Trans. Alan Sommerstein (London: Penguin Books, 2002), pgs 126-127.

and Kantian ethics, and it helps us to clarify what is at stake in the disagreement between Aristotelian and Kantian approaches.

According to Aristotelian naturalism, human goodness is both *similar* to the goodness of other living things, and importantly *different*. In the last chapter, I dealt with issues relating to that similarity. In this chapter, I will be focusing on matters of human distinctiveness. Like other living things, human beings have a good specific to their life form.² And human goodness – including goodness in action and choice – is determined by the good of “the human.” In this respect, there is a shared conceptual structure between the evaluation of human action and the evaluation of excellence and defect in other living things, including plants and animals. In each case, the goodness of parts and activities in an individual living thing is understood in relation to its good as defined by its life-form– in relation to a particular plant-good or animal-good, in the one case, and in relation to human good in the other. Thus the moral virtues – states of character that lead one to act well *qua* human being – are analogous to deep roots in an oak or swiftness in a deer. Moral virtue is a special type of *natural goodness*, and vice a natural defect.³

However, human good is crucially different from other kinds of plant-good and animal-good, because human good requires that the individual possess an *understanding* of the very life-form she bears. A virtuous person does not act from blind instinct, but according to some understanding of the good. And since what determines goodness in human action and choice is

² We understand individual living things *as living* by viewing them in light of the life-form that they instantiate. In order to see something as living, we must identify some happenings as vital processes of an organism. However, there is nothing within an individual thing considered in isolation that will determine what is happening at the level of vital process – which we fix the vital description we are to give of the part of process in question. Rather to grasp what is going on here and now with a living thing, we must draw on some understanding of the life-form of the organism in question. For an extended argument along these lines, and a detailed account of life-form judgments, see Thompson, *Life and Action*, part I. See also my summary in the last chapter, especially sections 2.1 and 2.2.3.

³ See Foot, *Natural Goodness*.

human form, the virtuous person must have some understanding of her own form. Simply put: the virtuous person has a grasp of human good, and her virtuous action springs from this grasp. And here we encounter a difference between the human case and other life forms. For while there is such a thing as oak-good, it is no part of the life of an oak to form a conception of its own life form, and the realization of oak-good does not depend on an oak's understanding of its own form. In contrast, it belongs to the life of a human being to live *in light of* some understanding of its own form – some grasp of what “the human” is – and a human acts well *in virtue of* having such an understanding. Human good, then, is such as to be *essentially known*.

How, then, do we come to have knowledge of human form, and what substantive account of “the human” should we accept? These are important questions, but it is precisely here that many believe the Aristotelian view founders. For, it is claimed, our most complete knowledge of human form must come, like our knowledge of other life forms, from research in the biological and social sciences. And such research reveals that the traits which belong to human form are inconsistent with substantive Aristotelian virtues. As Elijah Millgram says:

“Now, when natural historians do take a close look at humanity, what they find is not necessarily justice: for instance, it has been argued...that human females are fine-tuned by natural selection to murder their infants in a suitable range of circumstances...that human males are fine-tuned by natural selection to rape women in a suitable range of circumstances...that humans value occupying dominant positions in hierarchies to a degree not compatible with justice of any kind.”⁴

So if we accept the claim that moral goodness is the goodness proper to human form, we seem to run into what Millgram has called “the Pollyanna Problem” – that it is naïvely optimistic to suppose that virtues like justice and benevolence are naturally good and vices like injustice and selfishness are naturally defective, and in fact empirical science suggests otherwise.

⁴ Elijah Millgram, “Critical Notice of *Life and Action*”, p 5 in *Analysis Reviews* Vol. 69 Number 3 (July 2009).

This is one of the most influential objections to Aristotelian naturalism, and it has not been sufficiently addressed by Aristotelians. In the next part of this chapter, I defend the Aristotelian view against the so-called Pollyanna Problem. The objection fails, I argue, because it depends upon what I call the *empirical science assumption* – the mistaken assumption that our knowledge of the human rational will must come from natural science, just like our knowledge of oak trees or human kidneys. In fact, unlike our knowledge of oaks and kidneys, our knowledge of human action and character depends upon our practical understanding of how we have reason to act and live. This understanding cannot be given by natural scientific research, and it is possessed by someone not *qua* scientist but *qua* practically wise person.

Aristotelian naturalism has seemed vulnerable to the Pollyanna Problem, in part because prominent Aristotelians appear to be making a particular “two-stage argument” that seeks to ground the moral virtues in a pre-moral conception of human nature. And indeed the two-stage approach is susceptible to the kind of criticism that Millgram and others make. Thus after answering the Pollyanna Problem, I go on to show that Aristotelianism does not require such a two-stage argument, and I offer my own argument *against* a two-stage approach *on Aristotelian grounds*.

In the final part of the chapter, I make an argument about our knowledge of human form, focusing on the nature of moral virtue. Possessing a moral virtue, I argue, provides one with knowledge of human form that has an essentially different character than the knowledge provided by the empirical sciences: Knowledge of human form that comes from knowing what one ought to do. Identifying this sort of knowledge furthers the positive account of Aristotelianism. Moreover, it also allows us to see more clearly the similarities and differences

between Aristotelianism and Kantianism, as two ways of appealing to form or “constitution” in ethics.

3.1 Does Aristotle have a Pollyanna Problem?

3.1.1. Vice, Empirical Research and Human Form

Versions of the Pollyanna Problem, aimed at the work of Philippa Foot and Michael Thompson, have been put forward by Elijah Millgram,⁵ Scott Woodcock,⁶ and Chrisoula Andreou.⁷ In each case, the critics claim that *empirical research* in the biological and social sciences suggests that what is naturally good for humans includes actions and dispositions that are immoral and vicious – actions such as sex-selective infanticide, and dispositions to deceive or rape. Now, it might seem that the Aristotelian can avoid this conclusion by pointing to the special character of judgments about what belongs to a life-form. These judgments – expressed as statements of Aristotelian categoricals – include such things as “the tiger has four legs,” “deer escape predators by running” and “the human has 32 teeth.” Such statements express our understanding of the life cycle of a given life-form. However they are not claims about what is *statistically common* among individual members of a life-form. For example, it may be that only a few mosquitoes live their characteristic life cycle, out of thousands of mosquito eggs laid. But the various troubles and distortions experienced by the majority of individual mosquitoes are not part of mosquito-form, since they do not play a part in the characteristic life of “the mosquito.” Rather the troubles are interruptions of mosquito life, no matter how common they may be.

⁵ Elijah Millgram, “Reasonably Virtuous” in *Ethics Done Right*, (Cambridge, UK: Cambridge University Press, 2005) 133-167, and “Critical Notice of *Life and Action*.”

⁶ Scott Woodcock, “Philippa Foot’s Virtue Ethics has an Achilles’ Heel” in *Dialogue* XLV (2006) 445-68.

⁷ Chrisoula Andreou, “Getting on in a Varied World” *Social Theory and Practice* Vol 32 No 1 (January 2006).

Likewise (it might be claimed), all empirical research could ever show is that vice is statistically widespread among humans, and that is insufficient to show that it belongs to human form.

Critics such as Millgram and Andreou, however, anticipate this reply. They insist that the relevant empirical research into human beings is *not* simply making statistical claims.⁸ Rather, the research reveals that there is a *function* to vice in human life. As Andreou says, “we find sociobiologists seeking and finding plausible survival-and-reproduction-related functions not only for ‘nice’ phenomena, like maternal love, but also for ‘nasty’ phenomena, like sex-selective infanticide by mothers.”⁹ These critics, then, do not intend to challenge the basic Aristotelian framework of life-form judgments, Aristotelian categoricals and natural norms. Further, they accept that Aristotelian natural normativity can be applied to the human will – that we can speak of natural norms for rational action and choice, and natural excellence and defect in dispositions to choose. However, the Pollyanna Problem arises when, having *accepted* the Aristotelian account of life-form normativity, we then investigate actual human beings in order to formulate true Aristotelian categoricals about “the human.” For what research shows (it is claimed) is that actions which are selfish, unjust, and even murderous are part of how “the human” maintains and reproduces itself in certain circumstances.¹⁰

In her essay criticizing Philippa Foot’s *Natural Goodness*, Andreou articulates the Pollyanna Problem in terms of two possibilities concerning human nature which, Andreou claims, the Aristotelian view overlooks. The first possibility is that virtue and vice are instances of “multiple naturally sound types,” in which case *both* virtue and vice (e.g. both justice and

⁸ As Millgram says: “Hrды [a researcher] and the rest are making claims that are not in the first place statistical, but rather about how the species *works*: that is, they mean to advancing claims of just the type that is at issue, supported by just the right type of evidence for such claims.”

⁹ “Varied World,” 71.

¹⁰ See also Woodcock, esp. 456-460.

injustice) are forms of natural goodness. The second possibility is of “mixed naturally sound types”, in which case what is naturally sound is *neither* a traditional virtue nor a vice, but a trait which mixes the two – e.g. a trait combining both compassionate and uncompassionate responses, depending on the circumstances. With each possibility, Andreou pursues the same strategy: She takes the kind of argument Foot uses to demonstrate that the moral virtues are forms of natural goodness, and she argues that this argument works as well for traits that are vices, or a mixture of virtue-and-vice. Thus according to the Aristotelian’s own framework of natural normativity, vices and mixed traits have equal claim to be forms of natural goodness.

Andreou appeals to work in the biological and social sciences to support her claim that multiple sound and mixed sound types exist in the plant and animal world, and are likely to characterize humans as well. As an example of multiple naturally sound types, Andreou discusses a species of moth that lays broods of caterpillars in both the spring and the fall. Those born in the spring feed on a different type of food from those born in the fall, and they each develop to resemble the food they eat. Individual caterpillars are born with genetic programming for *either* sort of development, and how they grow to look depends on the food they eat within their first three days. So depending on the circumstance, there are multiple naturally sound ways for a caterpillar to develop, either “knobby, wrinkled” or “utterly twiglike.” Each of these has a survival value for the caterpillars, helping them to camouflage themselves and to elude predators.

And perhaps justice and injustice are both naturally sound types for human beings, depending on the circumstances of their early life. We can accept Foot’s derivation that justice is a kind of natural goodness because of its function in human life. But perhaps *injustice* has a function as well. As Andreou says: “Even if justice plays a crucial role in human survival and reproduction, it does not follow that injustice is a defect in humans. For injustice may also play a

crucial role in human survival and reproduction, in which case both justice and injustice are naturally sound in humans.”¹¹ And Andreou suggests that individuals deemed immoral, such as sociopaths or neglectful mothers, may turn out to be exhibiting naturally sound behavior in response to particular circumstances. We cannot rule out that possibility that they *are* naturally sound, given that their behavior may spring from a naturally sound psychological mechanism – that is, a mechanism that plays a crucial role in human survival and reproduction.

In spelling out the idea of mixed naturally sound types, Andreou points out that some species of birds exhibit behavior that is “neither purely maternal nor purely unmaternal.”¹² With a first-hatched chick, the mother bird might fight off predators to protect it. With a last-hatched chick, however, the mother bird might stand by as it is killed by an older sibling. Thus, taking “maternal” to mean “nurturing and protective,” the characteristic behavior of these birds is neither strictly maternal nor unmaternal, but a trait that is a “mix” of both.

And perhaps just and unjust responses in humans function in the same way. It is possible that *neither* justice nor injustice, as traditionally understood, is the *only* form of natural goodness in humans, or indeed a form of natural goodness at all. Andreou protests that Foot gives no argument to show that a mixed trait, incorporating elements of justice and injustice, lacks a function in human life: “[I]t cannot just be assumed that mixed moral types are naturally defective. There is, indeed, no reason to accept that human survival and reproduction calls for pure moral types. Quite the contrary; given our varied world, the reasonable default view is that being a mixed moral type is naturally sound (not just typical) for humans.”¹³ And sociobiological

¹¹ Ibid.

¹² Ibid., 68.

¹³ Ibid., 71.

research finds that “natural soundness sometimes supports behaviors, traits, or strategies that conflict with (any ideal that can plausibly be called) moral goodness.”¹⁴

3.1.2 *Against the Pollyanna Problem*

In spite of its initial plausibility, the Pollyanna Problem is actually not a problem for Aristotelian naturalism. To see why, let us begin with a general point about life-form judgments:

General Point about Life Forms: The parts and activities that belong to the form of any living thing are those that enable it to live *in the way* characteristic of the life-form.

To see this point, imagine a certain polar bear that is exceptionally timid and fearful, and refuses to defend itself in the aggressive way characteristic of polar bears. Perhaps a group of hunters, having killed other polar bears, notice this bear’s timidity and spare its life, taking it instead to be in the circus. Although this bear’s timidity may have led to survival in these circumstances, such timidity is not for that reason part of the form of “the polar bear,” since this is not *how* “the polar bear” defends itself and survives. Rather what is *defective* by the standard of polar bear form has, in this case, turned out to have survival value. What is proper to a particular living thing, in the sense of “proper” relevant to Aristotelian judgments of life form, is a matter of *how* beings of this sort realize the goods specific to their life form. Thus if empirical research in the human case is to show that vice is proper to human form – that vice has a function in the life of “the human” – then that research must show that the vicious traits or actions are part of *how* the human being realizes its characteristic life. It will not be enough to show that some trait enabled some individuals in some circumstances to survive and reproduce.

¹⁴ Ibid., 73.

Now, the understanding of any life-form also includes some understanding of the conditions required to realize its life cycle. For example, it is true of the human form that “the human child learns to speak a language.” However, a particular human will learn a language only if she is raised by other humans who are speaking a language. If *this* human is raised by wolves, she may not learn a language. But being raised by other humans is itself not something *accidental* in the life of a human infant. It is not merely one circumstance among others that might befall the child. Rather, being raised by other humans is a condition presupposed by the natural historical account of the life cycle of “the human.” The way the human rears its young is not by giving them away to be raised by wolves (though we could imagine a life-form that did this). Nor will humans carry out their characteristic vital activities if someone deposits them on the surface of the sun. But the fact that ours is a terrestrial life, and not a solar one, is already included within our understanding of the human form. And the presupposing of certain conditions within a natural history gives sense to the idea of *normal* circumstances, as opposed to abnormal ones. Normal circumstances are those presupposed in our account of the life-form. Such conditions are *proper* to the life-form. Abnormal circumstances are those that qualify as alien interventions or disruptions in the life cycle.

In light of this, however, we have some reason to doubt that the empirical studies cited by the critics actually give us a picture of a characteristic human life – i.e. human form. For at least some of these studies represent humans in situation that we immediately recognize as *abnormal*. In the case of the sociopath, for example, Andreou suggests that sociopathic behavior might be triggered in infancy by environmental cues, such as a neglectful parent.¹⁵ To speak of a

¹⁵ 67. Andreou notes the possibility of describing some environments as “abnormal.” But she fails to see, I think, that the ascription of certain conditions is *part* of the natural historical description of the life-form—i.e. *part* of our conception of human good.

neglectful parent, however, is already to register the child's circumstances as defective according to a standard internal to our conception of human good. In the same way, it may be true that putting a type of dog into a cage will cause it to tear out its fur anxiously. Clearly, this does not show that "tearing out its fur" is one of several "multiple sound types" of behavior for the dog! On the contrary, we register this behavior as an interruption in the characteristic life of the dog – as defective dog behavior – brought about by improper conditions. Likewise, rather than accepting the sociopath as one of several "multiple sound types" in the human, we register that the conditions which bring out the sociopathic response are themselves improper to humans, and the response itself is inimical to human good. Thus the case in no way shows that a sociopathic response belongs to human form or is an alternative version of sound human behavior.

Furthermore, even if critics like Andreou are able to overcome this difficulty, there is an even more compelling reason to reject the Pollyanna Problem. To see why, we may add a specific point about the characteristic human life:

Specific Point about Humans: Human form is characterized by *practical reason*. This is the capacity to act in light of an awareness of the ground of our actions, to recognize and respond to practical reasons.

The capacity for practical reason means that there is a dimension to human life that is not found in the life of oaks or worms. This is the dimension of the rational will, manifested in action and character.¹⁶ Combining the General Point and the Specific Point, we arrive at the idea that what is proper to human form (with respect to the will) is action in accord with practical reason. So there is a physiological aspect to human good, with corresponding Aristotelian categoricals – e.g. "the human has one heart that pumps blood"; "humans have two lungs", etc. And there is also

¹⁶ I mean to include here both choice and emotional response.

an aspect of human good that concerns rational choice and activity, with corresponding Aristotelian categoricals. Thus far this point is not controversial for the proponents the Pollyanna Problem. On the contrary, that problem depends on the idea that there are Aristotelian categoricals pertaining to the rational will, since it claims that some of the true categoricals are contrary to virtues such as justice.¹⁷

At this point, we may ask: How do we acquire our knowledge of this aspect of human form – of the goodness of the rational will? In answering this question, the Pollyanna Problem relies on the following crucial assumption:

Empirical Science Assumption: In formulating Aristotelian categoricals about human action and character, we must rely on the same procedure and type of considerations as we do when formulating Aristotelian categoricals about other life-forms in the natural, or empirical sciences.

As Millgram says, “(W)hat Aristotelian categoricals are true of human beings is an empirical question (the sort of question that is assessed not by counting heads – remember that Aristotelian categoricals need be true of no member of the species – but by going and looking, in just the way natural historians do).”¹⁸

¹⁷ According to the kind of Aristotelian view that interests me, our capacity for practical reason includes the capacity to act on the strength of non-instrumental considerations, such as a recognition of the rights and needs of others. I will not here argue for this view of practical reason. But this is not begging the question in this context, since the Pollyanna Problem is does not depend on an instrumental conception of practical reason, nor is it an argument for such a conception. If someone rejected the claim that human life is a practically rational one, or held that practical rationality was limited to instrumental rationality, that would amount to challenge different from the Pollyanna Problem, and it would a different merit response from the one I give here.

¹⁸ Millgram, “Critical Notice of *Life and Action*” 5.

But we should reject the Empirical Science Assumption.¹⁹ Against this, I will argue that our grasp of goodness in human action and character *cannot* come from natural scientific investigation. Instead, our account of what belongs to “the human” in this dimension of human life depends upon an understanding that lies outside the distinctive area of natural science. It depends on our normative practical understanding of how humans should act, our grasp of practical reasons. My argument against the Empirical Science Assumption, and by extension against the Pollyanna Problem, comes in 6 steps:

- 1) Practical reason is a capacity of the human being, manifested in choice, action and emotion, and in dispositions of character that issue in choice and action and emotion.

¹⁹ In his essay “Apprehending Human Form” Michael Thompson argues that a human being can come to know general facts about human form in a way that is not derived from observation. His argument is: 1) We have non-observational, first-person knowledge of certain facts about ourselves, such as our knowledge that we are in pain, or hungry, or thinking, or doing something intentionally. 2) “Individual states and episodes coming under the general types *pain, hunger, conceptual thought* and *intentional action* must always be realization of a *capacity* that is characteristic of the life-form of the pained or hungering or thinking or intentionally acting individual organism. These are not things that could break out in a rogue individual where they have no place in the description of the life-form it bears.” 3) Thus from the non-observational knowledge of these states and episodes in my own case, I can conclude that it belongs to the form I bear – human form – that it has certain capacities. So I can, as a human, come to know general facts about human form “by reflection on the logical conditions of particular facts about myself which are not themselves matters of observation...we have ways of knowing some substantive propositions that bear the generality that is our theme apart from anything like biological observation; we have, if you like, ways of knowing things about our own form ‘from within.’” in *Modern Moral Philosophy* ed. Anthony O’Hear (CUP: 2004), 71-72

Thompson takes his argument to show that it is *possible* – that it cannot be ruled out in advance – for us to give an account of the content of normative judgment as thought about our distinctly human life form. In his discussion of Thompson, Millgram acknowledges this argument. He insists, however, that in the case of Aristotelian categoricals of the human will, the beliefs we arrive at non-observationally must be answerable to evidence about humans from the natural sciences: “That you think you are not a bigot does not override observation showing you to be a bigot; that we think that we as a species are just does not override observation showing that we are not.” Millgram “Critical Notice of *Life and Action*,” 6.

My argument in this section is designed to show that Millgram is wrong to think that the kind of observation of humans found in the natural sciences could tell us what is proper to the human will.

- 2) What is *characteristic* of “the human” is a proper functioning practical reason. Those choices/actions/dispositions that are proper to human life are those that manifest a properly functioning practical reason – i.e. those that are *practically rational*.
- 3) What is rationally excellent for a human being (= what a human being has reason to choose, what manifests excellent practical reason) is a matter of giving proper consideration to a variety of factors and weighing them appropriately. Thus an action will not count as practically rational if relevant considerations do not justify doing this in these circumstances, even if the action is done for some real and recognized good. For example, the pleasure of eating an ice-cream cone may be a real and recognized good, and it may be a *pro tanto* reason to get one. But such a consideration does not justify a journey that endangers the safety of oneself and one’s family. Thus choosing such a journey in order to get an ice-cream cone displays a lack of practical rationality.
- 4) We cannot say what counts as properly functioning practical reason – what practical rationality actually requires in action and choice – apart from substantive judgments about what is a good reason for what. We have no access to judging that an action or trait is rationally excellent for a human being apart from the claim that humans have all-things-considered *reason* to act and choose in this way.
- 5) Empirical research *as such* cannot establish that an action is rationally justified – that there are good practical reasons to do this – or that a trait is a manifestation of practical rationality. The relevant empirical studies are interesting, I take it, because they reveal some *point* to the behavior in question. That is, they show that there is some recognizable good that the persons described are going for in immoral actions,

especially goods of “survival and reproduction.” These goods make the actions intelligible (in a way, perhaps, not understood before the research) and they may even seem to “speak in favor” of the action to some extent. It is this feature of these studies, I believe, which inclines people to suppose that they can form the basis for Aristotelian categoricals about the rational will.

However, even if we acknowledge a kind of rational intelligibility to the immoral actions described, the empirical research has not shown that this is the *right way* to pursue these goods in these circumstances. And no sociobiological investigation *could* establish this. For whatever empirical studies might reveal to be rationally intelligible about vice, and whatever they show humans to be “fine-tuned” to do, we can always respond: “Yes, that is how we are inclined. And yes, there is even some good at stake there (something to make the action intelligible). But should we follow that inclination? And does *that* consideration really justify doing *this* in such situations?”

To answer this question, we require something different than an explanation of how humans are inclined or fine-tuned to act. For any such knowledge about inclination will invite the same question again. We require a judgment about how a person *acts well* in choosing to do a certain thing for certain reasons in a certain situation. And such judgments depend on our substantive grasp of what is a reason for what – what activities/relationships/projects are worthwhile, and what they justify us in doing. However, to the extent that we make such judgments, we have stepped outside the special province of the empirical sciences, which are purposively neutral on questions

of all-things-considered reasons for acting.²⁰ We have stepped into the province of the practically wise person.

We can bring out the point this way: In locating goods at stake which make the action intelligible, the empirical researcher brings out something that can be recognized as desirable by virtuous and vicious alike – e.g. safety for oneself, freedom from pain. But to make a claim about human form is to make a judgment about *how* these goods ought to be pursued, in what circumstances and for what reasons. And judging correctly about *that* issue requires more than is shared by virtuous and vicious alike. For to get such judgments right one must have proper sensitivity to considerations about various ends and values, and such sensitivity is precisely what distinguishes the virtuous from the vicious.

- 6) Empirical research, then, cannot tell us what belongs to human life with respect to the dimension of action and choice. So it cannot tell us that certain vices rather than virtues are naturally good for human beings. Since the Pollyanna Problem depends on empirical science for its claims about human goodness, the Pollyanna Problem fails.²¹

²⁰ At this point, we might wonder: Might it not be possible to formulate an approach to empirical science that did incorporate substantive judgments about practical rationality? Should we seek to develop an Aristotelian natural science of the human being that is not purposively neutral on questions of all-things-considered reasons for action? I do not take a stand here on these questions. My point is only about the empirical sciences as they are now practiced and as relevant to the Pollyanna Problem.

²¹ Of course, it is still possible to challenge the substantive account of the virtues accepted by Aristotelians such as Foot. In this sense, Aristotelians may still face a “Pollyanna Problem” – but it is a *different* sort of problem from what critics like Millgram take it to be. The potential problem for Aristotelianism is not that sociobiology might reveal survival-and-reproduction benefits from vice. Rather, the problem is that what Aristotelians have considered vice might be shown to be necessary for realizing some ends that we have reason to go for – that the kind of life we regard as *good for us* might be one that involves, or depends upon, what Aristotelians have considered vicious traits and actions. In which case, the Aristotelian substantive account of the virtues would require revision. However, to make this sort of argument against substantive

3.1.3. *Against the Two-Stage Argument*

I have been arguing that our understanding of human goodness in action and character cannot come from empirical scientific research, because it depends upon our judgments about the ends and activities that humans have good reason pursue. However, this point has been obscured by the tendency of some Aristotelians to present the view as if it involved a “two-stage” argument to ground a particular conception of the moral virtues. The two-stage argument makes it seem as if the Aristotelian view is vulnerable to the Pollyanna Problem. In this section, I will explain why this is so, and I will then offer my own argument, on Aristotelian grounds, for rejecting the two-stage argument. In this way, I aim both to remove the motivation for posing the Pollyanna Problem, and also to clarify the shape the Aristotelian naturalism should take.

The goal of the two-stage argument is to show, given the general framework of natural goodness, that justice and other virtues are naturally good, while injustice and other virtues are naturally bad. In the first stage, we identify “human life” or “human good” *apart from any substantive conception of the practical virtues*, defined primarily in terms of survival and reproduction. In the second stage, we show how the traditional virtues are necessary for realizing good human lives so defined, and thus are forms of natural goodness.

There are passages in *Natural Goodness* that suggest such a two-stage argument.²² As Foot presents it, the second stage relies on a type of argument about virtue made by Elizabeth Anscombe. These Anscombe-style arguments combine two elements: 1) The identification of

Aristotelian virtues, the critic requires not empirical research but claims about the choiceworthy ends and activities for a human being.

²² And a two-stage argument, though with a slightly different structure, is suggested by Hursthouse in the sections on naturalism in *On Virtue Ethics*. Though in her reply to Brad Hooker, Hursthouse accepts that by the end of her account she has “taken ‘virtually all descriptive content out of “characteristic” and left it ‘as a purely normative notion.’ ” (43) see “Virtue Ethics vs Rule-Consequentialism: A Reply to Brad Hooker” *Utilitas* 14.1. March 2002

some parts of human good, and 2) A story of what humans can and cannot do. Foot discusses an example from Anscombe concerning promise-keeping. First, we recognize that much good depends on our ability to bind each other's wills by something like a promise – e.g. the complex exchange of services requires this. Second, we realize that because of human limitations, promise-keeping is *necessary* for binding each other's wills. Humans simply do not have another widespread way for binding each other's wills, such as some future-related mind-control device. Thus if humans are to realize their good, it is necessary for them to make and keep promises, and so one acts badly if, absent special circumstances, one breaks a promise.²³

In her essay, Andreou takes Foot to be making a two-stage argument.²⁴ The argument can be summarized as follows:

- 1) A trait counts as a virtue (= as a good exercise of the human will) in case humans cannot “get on” without it –i.e., if human survival and reproduction depend on it.²⁵
- 2) Humans cannot get on without justice, or indeed without morality in general; this includes traditional virtues like benevolence, honesty, fidelity, etc. And therefore
- 3) The traditional virtues are forms of natural goodness; propositions like “humans are benevolent” are true Aristotelian categoricals. And therefore

²³ Philippa Foot, *Natural Goodness*, 45-46. And other things Foot says suggest the two-stage argument as well. For example, early in *Natural Goodness* she says that “Anyone who thinks about it can see that for human beings the teaching and following of morality is something necessary. We can't get on without it.”²³ She then claims that this point is the “nub of the proper answer” to the question of why it is *rational* to follow morality in a way it is not to follow dueling rules or silly rules of etiquette. The idea of what it takes to “get on” suggests something that is required for a minimal sense of “good human life,” given primarily in terms of survival and reproduction. It appears, then, that the Footian strategy is to begin with a minimal sense of getting on – with a notion of human good defined *apart* from the activity of specific virtues – and then show (using Anscombe-style arguments) that realizing this human good depends on the teaching and following of some traditional virtues, such as justice and benevolence.

²⁴ Woodcock also interprets Foot as offering a two stage view. See, e.g., 455.

²⁵ For Andreou's focus on survival and reproduction, see 63, 66 and 73.

4) Immorality is a natural defect in human beings.²⁶

With respect to this argument, Andreou's case of multiple sound types is meant to show that the inference from premise 3 to premise 4 is invalid, because injustice might *also* be something without which (some) humans cannot "get on." The case of mixed sound types is a challenge to premise 2, because mixed traits, rather than traditional virtues, might be what humans require to "get on"; vice as well as virtue might fulfill important functions in human life.

Both proponents of a two-stage view and critics like Andreou and Millgram seem to assume that a two-stage argument might succeed in giving us a *substantive* account of the human virtues. The critics, however, charge that when we actually "go and look" at humans, the substantive account that emerges includes vice as well as virtue. In contrast to both groups, I believe we have reason to *reject* the two-stage argument, independent of the results of scientific research. The Aristotelian view does not require a two-stage argument, and a proper understanding of Aristotelian life-form judgments actually shows that such an argument to ground the virtues *cannot possibly* succeed.

The two-stage argument faces a dilemma. Either the minimal account of the "the human" that the argument begins with includes within it some conception of the practical virtues or it does not. If the minimal account does include some conception of the virtues, then it will *already* have begun to spell out, if only in a limited way, *how* the human achieves its characteristic ends in the practical realm – what sort of reasoning, actions, relationships, etc. are required for human good. In this case, however, the argument is not giving any "grounding" for the practical virtues that is somehow "prior to" or "outside" a conception of the virtuous life. And since giving some

²⁶ Ibid., 64.

such grounding is the goal of the two-stage argument, the argument will not have succeeded as it is intended to work.

On the other hand, suppose that the initial description of “the human” is neutral with respect to the practical virtues. It does not include a conception of the rationally excellent way for the human to achieve some general ends - of *how* the human attains its survival and reproduction. In this case, then whatever traits may contribute to human life so conceived, this contribution will not qualify these traits as naturally good for “the human.” For a trait is naturally good for a human if it belongs to the characteristic life of the human being, and *that* characteristic life is constituted by activities manifesting rational excellence in choice and action. But the sense of human life the two-stage argument begins with is a “minimal” one, stripped of any conception of the practical virtues and defined in terms of some generic ends. So in the first stage of the two-stage argument, we do not yet have the characteristic life of the human in view. And thus whatever contribution a trait makes to human life conceived *this* way, that contribution cannot qualify such a trait as naturally good.²⁷ There is no way, then, that the two-stage argument could show that certain substantive virtues are practical virtues.

To see this last point, consider an analogous case of what the two-stage argument would look like if applied to tigers. Suppose we began with some “neutral” conception of tigers, defined in terms of some generic ends – survival, reproduction, a life of movement and perception – but *independent* of any conception of *how* tigers characteristically realize these ends. A two-stage argument would then try to show, beginning with such a conception, that certain parts and operations were naturally good for tigers. But such a project is doomed to fail.

²⁷ Again: A trait is naturally good because of its place in the *form* of a living thing, and we do not yet have *human form* in view if we are thinking of humans in terms of mere survival and reproduction, describable apart from the excellences of practical reason.

For suppose that we find a few tigers with only one eye and three legs. And perhaps these tigers are able to subsist and even reproduce by scavenging for dead animals rather than hunting. So their way of doing things allows them to meet the generic ends of our “minimal” conception of tiger life. But clearly this would not show that having either three or four legs was a “multiple-sound” type in tigers, simply because tigers with three legs could use them to survive and reproduce! Rather the life these tigers maintain is defective viewed in light of tiger-form. That a trait can be shown to contribute to a “minimal” sense of tiger life does not therefore show that the trait belongs to tiger-form.

Of course, we can imagine another animal, similar to a tiger, but who had only three legs, one eye, and who scavenged for its food. What is naturally defective in a tiger would be naturally sound in such an animal. The key point is that what counts as naturally good for a given life-form cannot be “built up” by finding parts and operations that are sometimes conducive to some generic ends of living things. And this is why, whatever a two-stage argument might establish, it cannot establish what is proper to a given life form. In the case of natural norms for plants and non-human animals, no one thinks to make a two-stage argument, and we quickly see how misguided the strategy is. In just the same way, however, a two-stage argument for the virtues cannot succeed and the strategy should be abandoned.

Happily, however, the Aristotelian view does not require such an argument. For there is no need to say that moral virtues are naturally good because of their contribution to some minimal, virtue-neutral account of human life, defined primarily in terms of survival and reproduction. Rather, the moral virtues are naturally good because humans are practical

reasoners and the virtues lead humans to reason well with respect to action and choice.²⁸ In light of this, it is fine to talk, as Foot does, about the “necessity” of the virtues for achieving human good.²⁹ In speaking this way, however, we should take ourselves to be making a claim *within* a conception of “the human good” that is already includes by an account of the virtues. Thus we should not think of Anscombe-style arguments as attempts to argue our way *into* a substantive account of the virtues from a non-ethical starting point. Rather, the activities that belong to human good are themselves partly *constituted* by virtuous dispositions and ways of acting, and that is why we couldn’t have them without certain virtues. Thus not just *any* family ties, artistic endeavors, or codes of conduct make up the human good, but the *virtuous* ones. Of course, we can imagine a family-structure in which a patriarch holds all the rights and privileges and other family members don’t have rights to bodily integrity, decision-making, etc. It might even be that in some cases they would live longer and have more children than in other arrangements! But in such a case humans would still be deprived, because the *kind* of family ties that make up the human good are not present in such an arrangement. The Aristotelian’s proper claim is not that in order to have *any* working family system, humans must have virtues like justice and benevolence. Rather it is that if we are to have the kind of families on which human good depends, then the virtues are required. This does not mean that Aristotelianism is merely an “empty formalism.” Anscombe-style arguments bring out the relations among the different

²⁸ I mean this here as a *formal* point, compatible with competing conceptions of what the virtues are. For this point, see the passage from Aquinas quoted in the introduction – ST, I-II Q.71 A.2.

²⁹ The way Foot develops the idea of the human good may also suggest a two-stage argument for the virtues. She begins by enumerating a number of things that humans need if they are not to be deprived. These include language, imagination, artistic endeavor, family ties, codes of conduct and friendship. She then asks: “And how could they have all these things without virtues such as loyalty, fairness, kindness, and in certain circumstances obedience?” *Natural Goodness*, 44-45. The strategy, then, seems to be first establishing a sense of the human good apart from any substantive claims about the virtues, and then showing that the virtues are forms of natural goodness because they are necessary for that good.

aspects of human good. And different substantive claims about human good(ness) can be supported or criticized with a whole range of arguments that take a variety of forms, some more successful and convincing than others.

It is thus no problem for the Aristotelian view if some morally bad qualities contribute to survival and reproduction in the individuals who possess them. A sociopath's total disregard for the welfare of others may have served him initially as a way to survive in harsh circumstances, and it may even continue to help him survive. But "getting on" by disregarding others as the sociopath does is not the *way* humans need to survive if they are to realize their good. Human good depends on giving due consideration to the rights and welfare of others, and insofar as the sociopath fails to do this he acts badly qua human being.

In fact, not all of Foot's statements support the two-stage view. Consider again her "demonstration" that promise-keeping is a form of acting well for humans. It begins with the claim that binding each other's wills is something on which "much human good hangs." After spelling out the argument, Foot asks why a promise should be kept even when no harm or annoyance will come from breaking it.³⁰ The reason it would be wrong to break a promise even here, Foot suggests, comes from the fact that promises "belong to the area of trust and respect for others" and "disrespect and untrustworthiness are bad human dispositions. It matters in a human community that people can trust each other, and matters even more that at some basic level humans should have mutual respect."³¹

So the good which hangs on promise-keeping is ultimately characterized in terms of the quality of relations between people: It is part of human good to stand in *relations of respect* to

³⁰ She gives an example of an anthropologist who has promised not to photograph his servant, but who may do so without the servant's knowledge when he is sleeping.

³¹ Foot, *Natural Goodness*, 48.

one another. It is not that these relations are instrumentally valuable for realizing another, minimal sense of human good. Rather these relations of respect *are* the good that is preserved by the practice of promise-keeping.³² The norms of justice, then, are not justified simply because of the contribution justice makes to survival and reproduction. Rather the activities which constitute a good human life – forms of work, leisure, friendship, etc. – are those done in accordance with justice. There is no argument that takes one from a “virtue-neutral” starting point in nature (=the idea of “bare” survival and reproduction, plus facts about humans one might find in textbooks of biology, psychology and anthropology) and draws conclusions about the authority of moral virtues like justice and benevolence. There is, instead, practical wisdom.³³

3.2. Moral Virtue and Knowledge of Human Form

I have been arguing that knowledge of human form with respect to the will cannot be derived from the empirical sciences, since such knowledge depends upon an understanding of practical rationality that lies outside the domain of those sciences. On my view, our knowledge of human form here depends upon practical wisdom – an understanding of what is good and bad to do in various spheres and situations of human life. This idea, however, might arouse suspicion: “Isn’t there something strange and mysterious about the idea of knowing what our form *is* by making practical judgments about how we *should* live? Practical judgments about what to do seem very different from claims about human nature or form. And how is it that we learn about plants and animals in one way, through empirical science, but learn about our own form in another way?”

³² Elsewhere Foot recognizes more generally that it is a constitutive part of the human good to recognize the *rights* of others and to fulfill one’s *obligations* to them Ibid., 51.

³³ For a complaint about the “missing argumentation” in *Natural Goodness* for Foot’s substantive ethics, see Millgram “Reasonably Virtuous” note 3, page 157.

In this section, I aim to show that this claim about our knowledge of our own form is not mysterious. In fact, it follows from some familiar and plausible points about moral virtue. I will begin by reflecting on the idea of a moral virtue, and explain how features of moral virtues imply that the virtuous person possesses a knowledge of human form. My argumentative strategy is to show that *if* you already accept some familiar and plausible features of moral virtue, then you should accept a special kind of knowledge of human form. And in discussing moral virtue, I hope to shed some light on the nature of this knowledge – a knowledge of how a human should live that comes from knowing how to live as a human.

3.2.1. Moral Virtue and Knowing What to Do

The moral virtues are excellences of the human will, and a given moral virtue is distinguished by a characteristic response to a given type of consideration. Thus the virtue of courage is distinguished by a response of boldness, or steadfastness, in the face of things recognized as dangerous, while the virtue of benevolence involves perceiving the needs of others and taking those needs as a reason to provide assistance. What distinguishes the virtuous person are the *reasons* for which she acts. The responses of the moral virtues embody distinctive patterns of practical inference. The premises for such inference are considerations present in the situation, and the conclusions are the actions which are justified by those considerations. Thus a virtue involves: 1) seeing situations in light of salient normative considerations – i.e. registering certain factors as considerations in determining one’s actions (e.g. “there is someone who needs some help”) and 2) drawing certain practical conclusions from those considerations (e.g. “so I’ll help him!”). The virtuous person recognizes the features of the situation *as meriting* a practical response (in emotion and action) and she responds accordingly.

For example, the virtue of gratitude requires 1) that you recognize when another has given you an undeserved good and 2) that you regard this as a reason to express your thanks to that person by doing something that will please her. In addition, the practical reasoning relevant to virtue culminates in a particular action, and this means that the virtuous will take into account various factors in determining what is right to do *here and now*. The virtue of gratitude, then, will lead a person to express her thanks in a way that is responsive to particular features of the situation, including considerations relevant to the other virtues. (Thus, she will not steal something to give to another as an expression of thanks, since stealing is a violation of justice). So an example of the grateful person's reasoning can be represented thusly:

- 1) Joan helped me out so much with that project, when she really didn't have to.
- 2) So I'll express my thanks by doing something nice for Joan!
- 3) A good way to express my thanks is getting her that novel she wants to read.
- 4) So I'll get Joan the novel!³⁴

So it is part of virtue that one reasons *well* in a way that culminates in action – that one correctly grasps what one ought to do and does it.³⁵ And what the virtuous know they ought to do are actions in accord with the virtues. It is part of a virtue, then, that one knows which actions accord with virtue and which are against it. At the same time, the virtues are also the practical excellences of human beings considered as such. That is, they provide an account of what counts as *acting well* for us as human beings. A virtue's distinctive response characterizes human goodness (with respect to the rational will) and not goodness with respect to some more

³⁴ The move from 1 to 2 is an instance of what Anscombe in *Intention* called “backward looking rationality”. The move from 2 – 4 is an instance of forward-looking, means-ends rationality.

³⁵ I am simplifying my focus here somewhat – it is also part of virtue that one has the proper *affective* response to situations. And reasoning well may culminate in acting well even when there is not specific action performed – i.e. acting well can be a matter of refraining from doing anything, e.g. not interfering.

particular or local identity – e.g. goodness *qua* Americans, or people with our aesthetic tastes, etc. So if the virtuous person knows what she ought to do and this accords with virtue, and if the virtues characterize goodness in human action, then the virtuous person also knows what a human being ought to do. To possess a virtue is to know *how a human should act*. However, to know how a human should act is to know what counts as living and acting well for a human being. And knowledge of how the human lives well *just is* knowledge of a characteristically human life – i.e. knowledge of human form – with respect to the sphere of human life at issue.³⁶ Thus to possess a virtue is also to possess, to some extent, an understanding of human form. Moreover, since one does not come to possess the moral virtues through empirical scientific investigation, it follows that it is possible for a human being to gain knowledge of human form that is not arrived at through empirical scientific investigation.³⁷

What is distinctive about the virtuous person's knowledge is not only the object known – which actions are required by virtue – but the *way* this is known. The virtuous person's knowledge comes *through* her disposition toward virtuous actions, and away from vicious ones. Consider a person with the virtue of justice who recognizes the fact of a debt as a reason to repay it. Her reasoning can be represented as follows:

- 1) Roger has loaned me some money. (Or, to make it a case for charity: Roger is in need of help)
- 2) The time has come to repay. I have the means to do so, and a good time is on Tuesday (I am positioned to help)

³⁶ Might one possess one virtue but not others, and thus have knowledge of human form in some respects but not others? This is, of course, a question about the unity (or mutual entailment) of the virtues. What I say here is, I believe, consistent with different positions on the extent to which the virtues form a unity.

³⁷ This is not to deny that that in order to acquire the virtues, one will require some experience of the world and human life.

3) So I'll repay on Tuesday! (So I'll help!)

If you were to ask the just person what action was in accord with justice here, she would be able to tell you – e.g. repaying the debt on Tuesday, when she usually sees Roger. She could also tell you the means to do this – e.g. with a check, and not a wheelbarrow full of nickels. In addition, the just person could tell you which actions would be against justice – e.g. lying to Roger and telling him she doesn't have the money, or changing her phone number to avoid him. She *knows* which action accord with justice, and which are against it. However, she knows what the just action is *through* her perception of the situation and what it requires – via her recognition that the fact of the debt owed is a good reason to repay it, and that there is good reason to repay it at this time, in this manner, etc. She perceives the situation in light of certain salient considerations, and she recognizes that those considerations have a claim on her actions.³⁸ That she does so is partly constitutive of having the virtue of justice. She knows *that* a particular action is just through her understanding of *what she ought to do*.

Even though a person with a virtue has knowledge of what actions accord with that virtue, this does not mean that a virtue term must figure into her practical reasoning. In particular, the *goal* of her action need not be preserving her virtue or becoming more virtuous.³⁹

³⁸ Which is to say, she recognizes the validity of a form of practical inference, and she recognizes it in a practical way – by *drawing* the inference and acting.

³⁹ The idea the virtuous person acts with the intention, or purpose, of “being virtuous” is sometimes attributed to Aristotle. For example, Richard Sorabji says, interpreting Aristotle's picture of the virtuous person: “Presumably, then, he can be said to choose his courageous act as the means to retaining his courageous character.” “Aristotle on the Role of Intellect in Virtue” in *Essays on Aristotle's Ethics* ed. Amélie Rorty (Berkeley, CA: University of California Press, 1980), 203. Whether or not this is Aristotle's view, we should not accept it as a general point about the motivation for virtuous action. As Anselm Müller says, “There is a further reason for rejecting the idea that something done from gratitude or for the sake of justice is done for the purpose of acting in accordance with those virtues; and this is that you do not need to pursue this kind of purpose in order to act gratefully, or justly. To act virtuously is no more to do things with a view to practicing virtue than to act, say selfishly, is to do things with a view to practicing

As in the example above, “being a grateful person” is not a goal that the grateful person is trying to achieve with her action. Rather, her gratitude consists in the fact that she perceives and acts in accordance with a certain type of reasoning, and she does so from a settled state of character.

What, then, about the idea that the virtuous person does an action *because* it is virtuous, or chooses virtuous actions *for their own sake*? The virtuous person chooses these actions for their own sake in this sense: She regards acting this way in these circumstances to be a way of acting well, something that there is decisive reason to do. There is some description of what she is doing that the agent accepts and that explains how her response is a way of conducting oneself well in this situation.⁴⁰ This description may involve a virtue term – e.g. “I am returning the check, because doing anything else would have been dishonest.” Or it may not – e.g. “I am leading the charge, because the troops are in danger.”

Typically, a virtuous action will have some specific goal that the person is trying to achieve, some result or change to be brought about. Being done in accordance with virtue is a matter of how the person recognizes reasons to pursue *this* goal in *these* circumstances, and to pursue the goal in *this* way. For example, suppose that Don is trying to fix the tire on Peggy’s bicycle. Don acts virtuously here, because of his motivation for acting – he has chosen to fix the tire as a way of helping Peggy, his friend, who needs her bicycle to get to work – and because of the manner in which he pursues the goal – he has not stolen tools to use, he is not abandoning a more pressing duty, etc. Of course, we can imagine someone else, Pete, who chooses to fix the tire on Peggy’s bicycle for a different reason, so that it will be easier to steal. The actions of Don

selfishness.” Section 3.6 in “The Teleology of the Virtuous Life.” I have learned a great deal from this unpublished essay by Müller.

⁴⁰ On this point, I believe I am in agreement with Christine Korsgaard’s account of deliberation and rational choice in her essay “Aristotle’s Function Argument” in *The Constitution of Agency* (Oxford: Oxford University Press, 2008), 129-150. See especially pgs 147-148. See also Hursthouse’s discussion of the virtuous persons reasons for action in *On Virtue Ethics*.

and Pete have the same the immediate goal – fixing this bicycle tire. That is the specific change each aims to bring about, and their actions can be evaluated with respect to their success or failure in actually fixing the tire. At the same time, their actions can also be evaluated with respect to their motivations in pursuing this goal, and what they take as relevant considerations in pursuing the goal. For this evaluation, the virtues provide the standard. The goodness or badness of their actions at this level is not a matter of success or failure in fixing the tire, but their reasons for attempting to do so. Even if Don fails to fix the tire, he acts well in attempting to do so. And even if Pete succeeds in fixing it, he acts badly in doing what he does.⁴¹

To say that Don chooses the action “for its own sake” means that he considers what he does – fixing the tire so that Peggy can get to work – to be worthwhile, choiceworthy, without considering some *further* gain toward which this action is instrumentally valuable. Insofar as Don acts from virtue, his action in helping Peggy manifests his acceptance of a general pattern of reasoning, and it expresses his conception of what is valuable, what is a reason for what, and how one ought to act and live. In this respect, to say that he does the action “for its own sake” marks off his action from something done either akratically or thoughtlessly.

⁴¹ The of evaluation of action against the standard of the virtues corresponds to what Müller, in “The Teleology of Virtue,” call “immanent teleology” or “qualifying teleology.” With this type of teleology, “The *telos* that it is to achieve is not anything other than the *praxis* itself, but rather the *praxis*’ *being of a certain shape or structure*. The *telos* is simply *praxis* qualified, or, if you like, a qualification of the *praxis*...The word *praxis*, then, does not *classify* things we do, but rather imposes on them a particular *standard of evaluation*. This standard, the ethical standard, can, at least to some extent, be articulated by specifying *eupraxia*, the *telos* of *praxis*. We apply the standard in calling, what people do or may do, just, unjust, courageous, cowardly, good or bad...On a revised Aristotelian teleology of action, in saying of *praxis* that *eupraxia* is its *telos* we are just saying: *Qua praxis*, it ought to be (or instantiate) *eupraxia*. In this respect the teleology of *praxis* resembles natural teleology. *Eupraxia* can play the role of *telos* without being anyone’s purpose.” (section 4.2).

3.2.2. *What the Merely Clever (Don't) Know*

In contrast to the virtuous, a merely clever person may also know that a certain action would accord with virtue, but he knows it in a different way. By “merely clever”, I have in mind a person who does not accept the virtuous person’s understanding of what acting well requires.⁴² To see the difference between the knowledge of the virtuous and knowledge of the merely clever, let us return to the case in which there is a debt owed. The merely clever man can also know that repaying the debt will count as just. But we cannot represent him coming to this knowledge as the virtuous does, through the recognition of the fact of the debt as a straightforward reason to repay. For the fact that he does *not* reason that way is part of his being merely clever, and not just. The clever man can recognize that repaying the debt is the just action, and that other options are unjust ones, but this will be because of an understanding of how the concept of ‘justice’ works, and not in virtue of recognizing considerations of justice as having a direct claim on how he should act. Thus the merely clever man can recognize that an action would be just or unjust, but how this fact figures into his reasoning will differ from the just person. We can imagine him reasoning as follows:

- 1) Roger has loaned me some money. (Or, to make it a case for charity: Roger is need of help)
- 2) Not repaying your debts counts as unjust. (Helping others is considered charitable)
- 3) People look down on unjust actions, punishing the unjust with social ostracism. (People look down on the uncharitable, punishing them with social ostracism).
- 4) I want to avoid social ostracism (I want to avoid social ostracism).

⁴² To be clear, the clever person I am imagining is not the depressed person, who accepts an account of acting well like the virtuous but for whom the account has little or no motivational force. Nor is he the shameless person, who accepts an account of acting well like the virtuous but then says, “Says what? I want to do something else.”

5) So I'll repay the debt! (So I'll help!)

Here, the fact that an action counts as just figures into the reasoning of the merely clever person, but it is a fact of instrumental significance, and that is part of his being merely clever and not just. Unlike the virtuous, he cannot be said to know *that* repaying the debt is just simply by considering what to do in the situation.

However, insofar as he is not acting akratically or thoughtlessly, the merely clever person also chooses in a way that manifests his conception of what is worthwhile in these circumstances. In this sense, the merely clever person also chooses his action “for its own sake,” as something there is decisive reason to do given his situation. But his understanding of what *makes* this an instance of acting well differs from the understanding of the virtuous. His actions manifest a non-virtuous understanding of what is a reason for what, what activities are choiceworthy, what ends worth pursuing, etc.⁴³ And for this reason, the merely clever person's knowledge of what actions accord with virtue does not provide him with knowledge of human form. For he does not *take* virtuous activity to be a way of acting well as a human, but at most regards it as having instrumental significance for acting well. So what is actually proper to human form – action in accord with virtue – he does not *believe* to be proper to human form. Thus insofar as he lacks virtue, he does not have knowledge of “the human,” since he accepts a *false* conception of how human beings live well their characteristic life.

In one sense, then, the virtuous person and the merely clever person both choose to repay the debt. Both also choose their respective action for its own sake. Thus they are each different from someone who acts akratically or thoughtlessly. In another sense, however, only the virtuous person chooses to repay the debt for its own sake, since only she takes “repaying the debt” to be

⁴³ In short, the clever non-virtuous person has an understanding of human good incompatible with the understanding of the virtuous person.

a description of what is worthwhile or choiceworthy in the action. In contrast, for the merely clever what is choiceworthy here is not “repaying the debt” itself but avoiding social ostracism, and repaying the debt is chosen only for that purpose and not for its own sake.⁴⁴

3.2.3. Illustrative Comparison with Craft Knowledge

In several respects, the virtuous person’s understanding of what to do may be usefully compared with the understanding of the craftsperson. In talking about the virtuous person’s knowledge of what virtue requires, I have emphasized what we can call the *mode of recognition*: The virtuous know what acting well requires through their perception of the situation in terms of its salient features that call for a specific practical response. In the example above, Don knows what acting well requires through his perception of certain particulars – Peggy’s broken bicycle, her need to get to work, his ability to help, etc. – and his recognition of those features as meriting a certain response from him (= to attempt to fix the tire).

In the same way, the craftsperson registers certain features of situations *as demands* on him that call for a certain response. As the potter throws a pot on a wheel, he recognizes: “Now the walls are too thick, I should make them thinner” or “Now the clay is too dry, I should add water” or “Now the wheel is spinning too slowly, I need to speed it up.” The features of the situation – the thickness of the walls, dryness of the clay, speed of the wheel – are perceived as practically significant, and the potter knows *what to do* next by seeing these features as grounds

⁴⁴ The virtuous person could also be said to choose the action “for justice’s sake”, or “to make the world a better place”, or “to live the life I want to live.” But repaying the debt is not instrumental to any of these ends in the way it is instrumental to the ends of the merely clever person.

for a particular action (= drawing up the clay, adding water, speeding up the wheel).⁴⁵ To have a trained perceptual capacity is a crucial part of knowing how to pot, and in the activity of throwing a pot, one's actions are guided by one's trained perceptions.

If asked to justify what he is doing at any point, the potter can explain his action in terms of the features of the situation and what they call for. In offering such an explanation, the potter also makes clear *what he is doing* at a particular time – what sub-activity he is engaged in as part of the overall activity of making pots. Now he is pushing the clay down as a way of centering it; now he is pressing in as a way of opening the top of the bowl-to-be; now he is pulling up the sides to shape the walls, etc. It is because of what he is doing at a given time that the particular considerations he recognizes have their specific practical significance. And they have an immediate, non-accidental connection to his will because he is in the business of doing that very activity. If pressed further to justify his actions, the potter can explain why doing these activities is necessary to making the pot he is in the process of making, and why doing them *this way* rather than that way is part of the craft of pottery. In particular acts as a craftsman, it is not necessary for an individual to refer explicitly to an articulated conception of his craft. But if prompted to explain what he is doing, the craftsman *may* provide an articulated account.

In the case of virtuous activity, there is no product that the virtuous person aims to bring about analogous to the potter's pots or the carpenter's houses. However, if pressed to explain

⁴⁵ Of course I do not mean to say that the craftsman must consciously think such thoughts. Only that his actions display an intelligibility and rationality that can be characterized by these phrases, and that he the craftsman *could* explain his action this way if prompted. Compare: "When a machine stops, a workman, a foreman or an engineer can perceive a means of making it go again without possessing any general knowledge of the principles of repair governing machinery. The first thing to be done in such a case is to have a look at the machine. Nevertheless, in order to look at it to some purpose, one must carry in one's mind a definite notion of mechanical relationships." Simone Weil, *The Need for Roots* trans. Arthur Wills (Routledge: NY, 2002) 187.

some particular choice or action, the virtuous person can also explain what she is doing in terms of some larger activity in which she is engaged, or in light of some more general ends – “keeping a promise”; “helping my neighbor”; “doing my part for this family,” etc. Taken to a very high level of generality, this explanation becomes a reflective picture of human good. In particular actions, the virtuous person need not have an explicit conception of human good in mind. But if prompted she is able to provide a more general, reflective account of human life and proper human activity. And there may be times when the virtuous need to consult such a general account explicitly – e.g. when encountering an alternative conception of human good and deciding between the two, or when faced with an unfamiliar and difficult choice, or upon discovering an apparent contradiction in one’s own account of acting well.⁴⁶

Even though it is general, the reflective picture of human good is also *practical* and not merely theoretical. For in formulating such a picture a human being characterizes the very activity she is engaged in – living a human life. Just as the potter *qua* potter is “in the business” of making pots, so the human being *qua* human being is “in the business” of living a human life. And thus the potter’s reflective judgments about the craft of pottery, as well as the human’s reflective judgments about human form, are both practical, for in each case the person formulates a judgment in which her own actions are implicated.⁴⁷

⁴⁶ Cf. Alasdair MacIntyre’s account of how moral philosophy arises out of the moral life – “[I]f an agent were to articulate the rational ground for her or his rank ordering of goods in this way rather than that, he would have to become to some significant extent a moral philosopher...The rational agent therefore always may, but seldom needs to end up as a moral and political philosopher. Yet moral and political philosophers always have to begin from their own experience as rational moral agents...” “Aristotle against some modern Aristotelians” in his *Ethics and Politics: Selected Essays*, Vol 2 (Cambridge: Cambridge University Press, 2006) 35, 37.

⁴⁷ In thinking about these issues, I have benefited from an unpublished manuscript by Anton Ford. See also “Acting Well” by Anselm Mueller, in *Modern Moral Philosophy* ed Anthony O’Hear (Cambridge: Cambridge University Press, 2004) 15-46.

A full discussion of our reflective accounts of human good is beyond the scope of this chapter. Here, I wish only to relate this section to the earlier part of this chapter by emphasizing that our reflective accounts of human good, although general, cannot come from the empirical sciences. For even this general account originates in virtuous activity: the perspectives given by the virtues provide the material from which the reflective picture is constructed. In this way, the reflective account is a generalization of the practical standpoint, not a departure from it. And in formulating a reflective account, we require just the sort of judgments that the empirical sciences purposively avoid – judgments about the actions worthwhile for human beings and the ends which we have all-things-considered reason to adopt.⁴⁸

3.3. Human Form and the Form of Pure Practical Reason

My goal in this chapter has been to further the development of a viable Aristotelian naturalism in moral philosophy. In order to defend the Aristotelian view against the “Pollyanna Problem,” I have argued that knowledge of human form, with respect to the rational will, cannot come from empirical scientific investigation. Furthermore, I have argued that human beings characteristically possess a knowledge of their own form – a knowledge of human good – that is not derived from empirical science, but instead comes through virtue: a human being who possesses practical virtue knows what human form is by knowing how to live as a human being.

In conclusion, I want to consider an additional question that I have not yet addressed, and that arises naturally in response to my argument. Granting that a person with practical virtue will know how to live as a human, what is it that *makes it the case* that this is how a human being

⁴⁸ Roughly speaking, our reflective accounts of human good are to be found not in sociobiology but in the humanities, broadly construed – in essays on human life and culture, in novels and poetry, in works of religion and cultural criticism, in the writing of history, and in theology and philosophy (in some of its forms).

should live? That is, what determines that this-or-that kind of practical response counts as acting well for a human being? Put another way, what are the ultimate *grounds* of the virtuous agent's practical knowledge of how to live? I will not attempt to decide this issue here, but I want to describe two kinds of answer that one might give. The difference between these two kinds of answer reveals what is distinctive of Aristotelian naturalism, and how it differs from a more Kantian view.

The first kind of answer yields a resolute Aristotelian naturalism. On this view, our most basic account of acting well for a human being must make *ineliminable* reference to our specifically *human* nature. What makes it the case that certain actions are good, and certain dispositions praiseworthy, is a matter of the final ends that belong to “the human” and practical principles which govern specifically human practical rationality. This sort of view is embraced by Philippa Foot. And it is the view put forward by Warren Quinn when he says, “An objectivism of the kind I wish to defend sees practical thought as deploying a master set of noninstrumental evaluative notions: that of a good or bad human end, a good or bad human life, a good or bad human agent, and a good or bad human action. Practical reason is, on this view, the faculty that applies these fundamental evaluative concepts.”⁴⁹ For a resolute Aristotelian naturalism, a reference to the *specifically human* is part of the *fundamental* evaluative concepts that structure human practical rationality (= human ends, human life, human agent, human action).

A version of the Aristotelian view is also presented by John Finnis in his *Natural Law and Natural Rights*. Finnis argues that what counts as acting well for a human being is determined by a set of basic normative principles that govern human practical rationality (or,

⁴⁹ Warren Quinn “Putting rationality in its place” in *Morality and Action* (CUP: 1993), 233.

“practical reasonableness” as Finnis prefers). These basic requirements of practical reasonableness each express some aspect of moral goodness, and taken together they embody the requirements of “morality” in the broadest sense. These requirements are fundamental, underived, and irreducible. It belongs to the human capacity for rational agency to grasp these requirements and to act in accordance with them. Furthermore, these requirements of practical reasonableness are themselves defined with reference to basic human goods. For example, the seventh requirement of practical reasonableness is that “one should not choose to do any act which *of itself does nothing but* damage or impede a realization or participation of any one or more of the basic forms of human good.”⁵⁰ The basic forms of human good include such things as knowledge, friendship, and aesthetic experience.⁵¹ Like the basic requirements of practical reasonableness, the basic forms of human good are fundamental, underived, and irreducible. They are known in a self-evident manner: their goodness cannot be demonstrated, and it stands in no need of justification. And each of these forms of good is such that reference to them is sufficient to make intelligible (though not to justify) an instance of human activity.

What interests me here is that Finnis, like Foot and Quinn, takes the most basic account of good human action to include reference to the *specifically human*. The basic requirements of practical reasonableness are requirements of *human* rationality. The basic forms of good are the “general ends of human life.”⁵² A human life devoid of any one of these goods would lack something necessary for human flourishing, and a human being who did not recognize these basic goods *as* good would thereby manifest a defect of human practical understanding. Likewise, a person who failed to recognize properly any one of the basic requirements of

⁵⁰ John Finnis, *Natural Law and Natural Rights* (OUP: 1980), 118.

⁵¹ In this work, Finnis lists seven basic forms of human good, and nine requirements of practical reasonableness.

⁵² *Ibid.*, 101.

practical reasonableness would be defective *qua* human agent.⁵³ Thus, the virtuous agent's knowledge of how to live is grounded in her perception of basic human goods, combined with her practical understanding of how it is reasonable to pursue those goods in the various situations of human life. However, so far as Finnis account goes, there might be *different* forms of good that are basic to the well-being of different life-forms. And there might be *different* requirements of practical reasonableness that apply to other sorts of rational beings.⁵⁴

In contrast to the resolutely Aristotelian answer, which makes ineliminable reference to our specifically human nature, a second kind of answer yields a more Kantian position. The Kantian can agree that the virtuous person has practical knowledge of how a human should act. But what *makes* it the case that this-or-that is how a human being should act is ultimately a matter of categorical imperative, and this is rooted in a person's nature as a finite rational agent, rather than her specifically human nature. For the Kantian, the specifically human is important for determining goodness in human action, but it enters only when we *apply* practical norms to the human situation, whereas the norms themselves belong to finite rational agency as such. Thus at the most basic level, the form which *grounds* the goodness of virtuous action is not human form, but the form of pure practical reason. The ends and principles (or, principle) that the virtuous person grasps, and which thereby determine her to action, are such as to apply to any and all finite rational agents. Virtue is "the strength of a human being's maxims in fulfilling his

⁵³ Interpreting Aquinas, with whom Finnis sees himself in agreement on this point, Finnis says: "Of course, Aquinas would agree that 'were man's nature different, so would be his duties'. The basic forms of good grasped by practical understanding are what is good for human beings with the nature they have." *Ibid.*, 34.

⁵⁴ Finnis does not, to my knowledge, assert the possibility that other rational life forms might have different basic goods and different requirements of practical reasonableness. This possibility does not concern him. But it is a possibility left open by the fact that his account of practical reasonableness makes fundamental reference to the specifically human.

duty”⁵⁵ and the ultimate ground of duty is the categorical imperative, which applies to persons *qua* finite rational beings.

Moreover, Kant goes beyond Aristotelianism in claiming to discern a *single principle* that grounds practical reasoning across the virtues. The categorical imperative is meant to identify a principle that explains what justice, generosity, etc. all have in common, and what explains their goodness. The search for a such a single justifying principle does not conflict with Aristotelianism as such, but it goes beyond the Aristotelian ambition. On Kantian view, the virtuous person can still be said to act well *qua* human being, and virtue can still be regarded as that which makes us good *qua* human beings. But this is true only because human nature is defined by the form of pure practical reason. The norms that determine acting well for a human are the norms of *rational* nature, and they make us good human beings only insofar as our humanity is understood as our finite rational nature. Thus according to the Kantian view, it is *not* the case the basic norms of practical reasonableness apply to human beings *as such*, and hence it is not the case that different norms of basic practical reasonableness, or different moral requirements, might apply to different life forms. As Kant emphasizes:

Everyone must grant that a law, if it is to hold morally, that is, as a ground of an obligation, must carry with it absolute necessity; that, for example, the command ‘thou shalt not lie’ does not hold only for human beings, as if other rational beings did not have to heed it, and so with all other moral laws properly so called; that, therefore, the ground of obligation here must not be sought in the nature of the human being or in the circumstances of the world in which he is placed, but a priori simply in conceptions of pure reason...⁵⁶

For the Kantian, the virtuous person can also be said to know human form, because she grasps how the human should live. But this knowledge must be analyzed into two “moments.”

⁵⁵ Immanuel Kant *Metaphysics of Morals* trans. Mary Gregor in *Practical Philosophy* (Cambridge, UK: Cambridge University Press, 1996) 6:394.

⁵⁶ Immanuel Kant *Groundwork of the Metaphysics of Morals* trans. Mary Gregor in *Practical Philosophy* (Cambridge, UK: Cambridge University Press, 1996) 4:389.

The first moment is a cognition of the moral law, and this is a law that applies to every finite rational agent. Thus there is no need to make reference to the specifically human to understand the moral law and its force. Indeed, as Kant stresses, any references to human nature are out of place. In the second moment, however, there is the cognition of how the moral law *applies* to the specific conditions of human life. This includes an understanding of maxims suited to govern the actions of beings with our distinctly human needs and capacities. The virtuous agent – who knows what is good to do – will see concrete situations in light of these maxims, and she will act accordingly, even in the face of competing natural tendencies.⁵⁷ So the virtuous agent has a knowledge of how the human should act, and hence of human form, although this is based in a more basic cognition of a principle that determines how *any* finite rational being should act.

Similarly, in giving a reflective description of the human virtues, it will be important for the Kantian to make reference to specifically human needs and capacities. For example, if human beings had very different capacities for memory, or different vulnerabilities to physical harm, then the virtues of truthfulness and courage might look very different – that is, they might require a different set of specific actions, a different kind of practical response. However, what grounds the fundamental choiceworthiness of virtuous action would remain the same. Virtue would still be the strength of will to fulfill one’s moral duty (whatever specific responses such fulfillment

⁵⁷ Furthermore, Kant is clear that the notion of *virtue* applies only a will subject to temptation, such as the human will, and not to a holy will. This is because the notion of virtue involves the idea of strength to overcome obstacles, in particular the obstacles of one’s own natural inclinations that conflict with one’s moral resolutions (6:394). Thus virtue includes the idea of *self-constraint*. Since a holy will has no inclinations to impede the law of its will, the notion of virtue does not apply. In this way, the concept of virtue applies specifically to creatures, such as humans, subject to temptation: “Virtue is, therefore, the moral strength of a *human being’s* will in fulfilling his *duty*, a moral *constraint* through his own law-giving reason, insofar as this constitutes itself an authority *executing* law.” *The Metaphysics of Morals* trans Gregor, 6:405.

required) and the basic character of that duty would remain the same, as determined by the categorical imperative.

For this reason, I believe there is something misleading about Foot's evaluation of Kant when she says: "Kant was perfectly right in saying that moral goodness was goodness of the will...He seems to have gone wrong, however, in thinking that an abstract idea of practical reason applicable to rational beings as such could take us all the way to anything like our moral code. For the evaluation of human action depends also on essential features of specifically human life."⁵⁸ This is misleading, because in fact Kant can allow features of specifically human life to enter into the justification of our moral code. The specifically human enters, however, only at the level of application of a more fundamental principle of practical goodness. So the specifically human does not justify the basic principle of morality, but it is part of the justification of distinctly human moral responses. Thus the Kantian position cannot be dispensed with as quickly as Foot suggests. The real difference between Kant and the Aristotelian naturalist concerns whether or not Kant can succeed in giving an account of moral goodness in terms of demands internal to the pure form of practical reason, which are then applied to the human case – or if instead our accounts of practical rationality and moral goodness must make some ineliminable reference to the specifically human at more basic level than Kant allows.

My goal in this section not to make an argument in favor of Aristotelian naturalism over the Kantian ethics. Rather, my aim is to clarify what the difference between these two positions, and in particular to show that the distance between them is not as great as commonly supposed.

⁵⁸ Foot, *Natural Goodness*, 14.

CHAPTER 4:

DOES HUMAN NATURE CONFLICT WITH ITSELF?

HUMAN FORM AND THE HARMONY OF THE VIRTUES

4.0. An Inevitable Lack of Goodness?

So far I have defended a version of Aristotelian naturalism, in response to two serious objections, each of these which appealed to empirical evidence from the biological and social sciences.¹ In this chapter, I further develop the Aristotelian position, in response to a third objection, which appeals to our *practical judgments* about human goodness. This objection can be seen as taking on board the point that I argued for in the last chapter, that our account of human form with respect to the will must be based in practical judgments. However, this objection claims that we can see, from within the standpoint of practical reflection, that some human virtues conflict with one another, and that this refutes the natural goodness account of human virtue and vice.

Few people would claim to possess all the human virtues. But setting aside our various individual failings, is it even *possible* for all the virtues to be present in a single human life? Or does possessing some virtues entail that one will not have others – is it true that “you can’t have it all” when it comes to virtue? This is the question of the harmony of the human virtues. By “human virtue,” I mean a rational excellence of human beings as such. In this essay, I defend “the harmony thesis”:

Harmony thesis: It is possible for the human virtues to fit together harmoniously in a single life. Possessing some virtues does not, as such, entail a lack of others.

¹ Fitzpatrick’s argument about the failure of natural normativity, based in evolutionary considerations (Chapter 2), and the “Pollyanna Problem” (Chapter 3).

The harmony thesis is, I believe, a minority view among contemporary philosophers. Most doubt or reject it, and some regard this rejection as simple common sense.² The harmony thesis should be distinguished from a thesis about the unity (or mutual entailment) of the virtues, which holds that you cannot possess one virtue without possessing them all. The harmony thesis could remain true even if the unity thesis is false. Even if a person could possess a virtue while failing to possess others, it could still be possible for a person to possess them all. In contrast, the unity of the virtues implies the harmony thesis, given the additional (and plausible) premise that it is possible for a person to have a virtue.

The harmony thesis has received less attention than the unity thesis in recent philosophical discussions of the virtues. Even so, the issue of the harmony of the virtues raises basic and important questions about what it means to be human: To what extent is human nature in conflict with itself, such that some aspects of human flourishing will always come at the expense of other aspects? Is some form of rational defect or loss *inevitable* for a human being, on account of the kind of thing a human being is? What sort of harmony among her dispositions is it reasonable for a person to hope for?

One philosopher who has raised the question of the harmony of the virtues is Philippa Foot. At the end of her essay “Moral Realism and Moral Dilemma,” Foot mentions what she calls “the most difficult part of the thought about inevitable loss”:

I mean the thought that so far from forming a unity in the sense that Aristotle and Aquinas believed they did, the virtues actually conflict with each other: which is to say

² E.g. Owen Flanagan *Varieties of Moral Personality* (Cambridge, MA: HUP, 1991), 33; A.D.M. Walker “Virtue and Character” in *Philosophy* 64 (1989). For the latter point, e.g. Brad Hooker writes, “Admittedly, there are virtue ethicists who reject the proposition that the virtues ever really conflict. I won’t argue the point here. Instead, I will simply take for granted the common-sense view that of course justice can conflict with kindness, kindness can conflict with honesty, etc. I am trying to put the most favourable possible construal on virtue ethics.” “The Collapse of Virtue Ethics” Brad Hooker in *Utilitas* Vol 15, No 1 March 2002, 22-40, 29.

that if someone has one of them he inevitably fails to have some other. Many people do not see the difficulty of this idea because they interpret it rather superficially, as the thought that, e.g., the claims of justice and charity may conflict. But this is easy to accommodate. For in so far as a man's charity is limited only by his justice – say the readiness to help someone by his recognition of this person's right or the right of some other person to non-interference – he is *not* less than perfect in charity. The far more difficult thought is that he can only become good in one way by being bad in another...³

Foot says that “the subject seems a hard one which stands ready to be explored,” but she does not explore it herself. In this essay, I aim to: 1) show how the thesis of the harmony of the virtues is best understood, and what is at stake in holding it, and 2) to defend the harmony view against the most serious objections against it, and to offer a positive argument in its favor.

My own interest in the harmony thesis comes from its place in Aristotelian naturalism, according to which moral virtue is a kind of *natural excellence* in human beings, and vice a kind of *natural defect*. In the next section, I explain why Aristotelian naturalism view requires the harmony thesis. In each of the three sections that follow, I consider a different argument against the harmony thesis. These are: 1) The Cases of Inevitable Loss Objection, 2) The One Life to Live Objection, 3) The Darwinian Objection. In each case, I show how the objection fails to undermine the harmony view. In so doing, I also make clearer the nature and implications of both the harmony thesis and its rejection (the “no-harmony thesis”). In the penultimate section, I reply to another objection – The Napoleon Objection – and I draw on the insights of the previous sections to make a positive argument for the harmony view. Not only can the Aristotelian idea of harmonious human good survive objections, but we have good reason to accept it as true. In the final section, I reply to a potential objection to my defense of the harmony view.

³ Philippa Foot “Moral Realism and Moral Dilemma” in *Moral Dilemmas* OUP 2002 57-58

4.1. Human Form, Moral Goodness and the Harmony Thesis

An Aristotelian view of the sort proposed by Philippa Foot is both a formal account of the category of moral goodness, and a substantive account of human good and the human virtues.⁴ With respect to the formal account, the view claims moral judgments share a conceptual structure with judgments of excellence and defect in other living things, including plants and animals. In each case, individual living things are understood *as living* by viewing them in light of the life-form that they bear. And the goodness of parts and activities in an individual is understood in relation to its good as defined by its life-form – in relation to a particular plant-good or animal-good, in the one case, and in relation to human good in the other. Thus at the center of this approach to ethics is the notion of *human good*.⁵ Moral evaluation concerns the evaluation of the human rational will, and the moral virtues – whatever those turn out to be – are qualities necessary for human good – whatever that turns out to involve.⁶ Hence moral goodness is a kind of *natural goodness* in human beings, and vice a kind of *natural defect*.

With respect to the substantive account, Aristotelians such as Foot hold that the virtues include such traditionally-revered traits as justice, charity, and fidelity. However, it is possible for a person to agree on the formal account of moral goodness, but reject this substantive view. For example, Foot considers Nietzsche as someone who agrees with the formal framework of

⁴ See Thompson, “Three Degrees of Natural Goodness.”

⁵ Human good determines what counts as goodness and badness in human action, and a practical understanding of human good guides the actions of the morally virtuous person.

⁶ We can evaluate people with respects to particular skills or roles, but judgments of moral goodness and badness speak to excellence and defect in the action and character of human beings considered *as such*. As one proponent says, “ ‘That was morally good action’ is equivalent to ‘Qua human action, that was good’ or ‘That was good human action,’ and ‘That was a morally bad human action’ is equivalent to ‘Qua human action, that was bad’ or ‘That was a bad human action.’ G.E.M. Anscombe “Human Action” in *Human Life, Action and Ethics* (Exeter, UK: Imprint Academic, 2005) 203.

natural goodness, but has a dramatically different substantive conception of human good and the virtues.⁷

In this essay, I will consider an objection that rejects the basic, formal framework of natural goodness when applied to the rational will of human beings (whatever may be the case with plants and non-human animals). The problem with the natural goodness view, according to this objection, is that it supposes human form to be a *teleological unity* – it takes the parts and operations of “the human” to fit together in a harmonious and mutually-supporting way in the human life cycle. However, whatever may be true at the biological level, at the level of the will human form does not possess this sort of harmony. And the *evidence* for this lack of harmony (the objection claims) is that the human virtues conflict with one another, such that possessing some virtues entails not possessing others – and this is something we see *from within the standpoint of practical evaluation*.

I believe this objection poses a serious challenge to the Aristotelian view. The harmony thesis is indeed an expression of the core Aristotelian conviction that human good is a harmonious whole.⁸ The objection is *correct*, I think, to suppose: a) that the natural goodness view of virtue and vice requires that human form, at the level of the rational will, is a teleological unity, and b) that this unity requires a harmony of the human virtues. The reason why the first point is true is that the natural goodness view takes the conception of the life-form to serve as a

⁷ According to Foot’s reading of Nietzsche in *Natural Goodness*, Nietzsche is what Michael Thompson refers to a “local Footian”, but not a “substantive Footian.”

⁸ When I refer to “the Aristotelian view,” I have in mind a kind of natural goodness view, at least in its broad outlines. I recognize that there are other sorts of Aristotelian views. And I grant that one might have *some* view, inspired by Aristotle, that did not accept the harmony thesis. However, the harmony thesis is required for the central strand of Aristotelianism that interests me here. This strand can be found in the work of Foot, Anscombe and Thompson, as well as in Alasdair MacIntyre, *Dependent Rational Animals* (Peru, IL: Open Court, 1999) and Rosalind Hursthouse, *On Virtue Ethics* (Oxford: OUP, 1999).

standard for excellence and defect in individual living things. Given that “the tiger has four legs,” and that *this* tiger has three legs, it follows that this tiger is missing a leg. Likewise, our conception of “the human” serves as a standard for excellent and defect in an individual. Given that justice is a virtue of the human being, injustice in *this* human being qualifies as human defect. And if human form is to be a standard for the evaluation of individuals in this way, then that standard cannot conflict with itself. For in that case it would not *be* a standard – it would issue inconsistent evaluations of individuals, and so would not produce a measure for judgments of excellent and defect. Put another way: the full account of “the human” includes everything that “belongs” to the human (in the sense that it “belongs” to tigers to have four legs), and *only that* which belongs to the human. This must be so because the full account of “the human” is the standard for determining what “belongs” to humans in the relevant sense. Thus the account itself cannot include anything that will count as human defect or lack, and so it must be consistent with itself.

This coherence of human form requires the harmony of the virtues, because the virtues characterize the goodness of human practical reason with respect to different types of considerations in human life. Moral goodness is *human* goodness – the goodness of human beings as such, in regards to the will. But if the virtues conflict with one another, or if the moral virtues conflict with other forms of human excellence, then there is no coherent standard according to which moral goodness can claim the unique status of *human* goodness, against which vice is characterized as human defect. For at the level of “the human,” none of the conflicting forms of human development has more claim than the others to represent human goodness or human flourishing. Rather, there simply is *no* form of life, morally virtuous or otherwise, that represents the realization of human goodness *as such*.

Among recent philosophers, Bernard Williams saw correctly that Aristotelianism requires the conception of human nature as a teleological unity. He also saw that this unity requires a view of the human virtues as harmonious. However, Williams rejected the harmony of the virtues, and he made this central to his critique of contemporary Aristotelian moral philosophy.⁹ Williams, then, is one supporter of what I will call “the no-harmony thesis”:

No-harmony thesis: The human virtues conflict with one another, such that it is not possible for a person to have them all. Possessing some virtues entails that one will not possess others.

Williams claims that we can discern conflicts among the ethical excellences, as well as conflicts between ethical and non-ethical excellences, though his own *arguments* in favor of this claim are less than obvious. In the next four sections, I consider what I take to be the strongest arguments in favor of the no-harmony thesis.

4.2. Human Form and Bad Situations: The Cases of Inevitable Loss Objection

The no-harmony view can seem to go hand-in-hand with a realistic view of human life, in comparison to which the harmony view appears naïve. The no-harmony thesis seems to receive support from the hard facts of human life, such as illustrated in the following kind of case:

Suppose there is a promising young writer in a very small village. He has great talent and enthusiasm for philosophy and literature. He would like to leave his village to study at a university and develop his abilities as a writer and thinker. However, his parents have come down with a crippling disease, and his younger sister is mentally disabled. He knows that if leaves the village, life will be very difficult for his family; they will suffer and possibly die. If he remains in the village, he can care for his family. This will mean the realization of some ethical virtues: living up to one’s familial obligations, being kind and generous and helpful, etc. But staying will also mean years of difficult labor as a farmer, with little or no opportunity to develop his intellectual and creative talents.

⁹ Bernard Williams, *Ethics and Limits of Philosophy* (Cambridge, MA: HUP, 1985). See also “Evolution, Ethics and the Representation Problem” in *Making Sense of Humanity* (Cambridge: CUP, 1995) and “Relativism, History and the Existence of Value” in *The Practice of Value* (Oxford: OUP, 2003).

Such cases seem sadly common, and they lead to the Cases of Inevitable Loss objection:

- 1) There are cases in which the pursuit of some virtues entails the inability to develop and possess other virtues.
- 2) If there are such cases, then the harmony view is false.
- 3) Thus, the harmony view is false (= the no-harmony view is true).

This objection points to something real in human life, but it fails because its second premise is false. While cases of inevitable loss may be sadly common, they are compatible with the harmony view and do not undermine the notion of harmonious human good.¹⁰ This is because there are two ways of thinking about the *source* of the conflict between virtues in cases such as these. On one view, the source of the conflict lies not in human nature, but in the *abnormal circumstances* that have befallen particular humans. On the other view, the source of the conflict is human nature itself – developing one virtue entails missing others because of the *kind of thing* we are. Cases of inevitable loss pose a problem for the Aristotelian view only if we accept that they have their source within human nature, for only then will it be shown that there is a lack of harmony within human good itself and a conflict between human virtues as such. But we have no reason to think that such cases of inevitable loss arise from human nature itself, and thus such cases pose no problem for the harmony view.

¹⁰ The response to this argument may seem brief and obvious: “The harmony view claims only that it is *possible* for the virtues to co-exist in a single life, and the fact that there are some cases when they cannot co-exist does not rule out this possibility.” This response, however, is unsatisfying. For it suggests that the harmony view will be true only of some people, while the no-harmony view is true for others. But thinking of matters this way obscures the fact that these are competing views are about the character of human virtue as such – about the harmony or lack of harmony within human good.

In order to develop this reply, we need to make sense of the distinction between circumstances that are “normal” and “abnormal” for human beings. This distinction is not *ad hoc*, and in fact follows from the nature of life-form judgments. As noted earlier, the Aristotelian maintains that the notion of human good plays a role in the evaluation of the human will that is analogous to the role played by plant-good and animal-good in the evaluation of other living things. This idea begins with a point about the representation of life: Whenever we represent an individual living organism *as* living, we do so by drawing on an implicit understanding of the life-form or species to which that individual belongs.¹¹ This understanding can be articulated in a set of statements which express the characteristic features and activities of the life-form –e.g. “the tiger has four legs”, “wolves hunt in packs.” Taken together these statements, known as “Aristotelian categoricals,” spell out the natural history of the life-form, which is “one’s *interpretation* or *understanding* of the life-form shared by the members of that class.”¹² The generality expressed in Aristotelian categoricals is neither universal nor statistical. From the fact that “tigers have four legs” it does not follow that a particular tiger has four legs, or even that *any* tiger now living does (a disease may have taken a leg from every tiger).¹³

Aristotelian categoricals express the *function* of different parts and activities in the life of the species: “they articulate the relations of dependence among the various elements and aspects and phases of a given kind of life.”¹⁴ Because of this, Aristotelian categoricals also form the basis for normative evaluations of individual members of the species. How a life-form realizes

¹¹ See part I of Thompson, *Life and Action*. I use the terms “life-form” and “species” interchangeably.

¹² Thompson, *Life and Action*, 73.

¹³ And the truth of Aristotelian categoricals is consistent with the fact that no individual organism will ever perfectly instantiate the life-form as spelled out in the natural history. See Thompson, *Life and Action*, 72

¹⁴ *Ibid.*, 78.

its ends determines species-specific standards of goodness, which apply to individuals who bear that life-form. When an Aristotelian categorical fails to hold for a particular plant or animal – e.g., “*this* tiger has only three legs” – then there is an instance of natural defect. If a pigeon has no wings, then it is *missing* something, whereas a hedgehog without wings is not missing anything. We make such judgments about what *ought* to be there in an individual by drawing on a conception of the individual life-form. In the human case, the practical virtues (whatever they turn out to be) capture the characteristic way in which human beings realize their good. They spell out the goodness of our rational will in different spheres of human life.

There is an asymmetry between our explanations of what is healthy or good in an individual living thing and what is unhealthy or defective. The former are features that *belong* to the form of the thing, whereas the latter are *alien interruptions* of the form. And whereas a good feature can be explained in terms of the life-form, instances of defect must be explained in terms of something *accidental* in the life of the individual. Thus if someone, pointing at a giraffe, asks why *this* thing has four legs, we can appeal to the fact that it is a giraffe. And given that it is a giraffe, it is no accident that it has developed four legs and is using them to walk. But if someone, pointing at a different giraffe, asks why *that* thing has three legs, then some interruption in the form is needed to explain why it has only three legs – e.g. she’s missing a leg because she was attacked by a lion.

In addition, the understanding of a life-form brings with it understanding of the conditions required to realize its characteristic life cycle. As discussed in the previous chapter, we can say of humans that “the human child learns to speak a language.” Thus a human child who lacks the capacity for learning a language is *missing* something, and a human who grows to adulthood without acquiring language is deficient. Of course, an individual human child will

learn a language only if she is raised in a certain way. If she human is raised by wolves, she will not learn a language. However, these are not simply two possibilities that might befall a child. For a human infant, being raised by other humans who are speaking language is itself not something *accidental* in her life. Rather, being raised by other humans is a condition presupposed by the natural historical account of the life cycle of “the human.” The way “the human” raises its young is not by giving them away to be raised by wolves or any other animal, though some other life-forms might do such a thing. Likewise, humans cannot carry out their characteristic vital activities if placed, unprotected, on the ocean floor or the surface of the sun. But the fact that a human being finds himself on the surface of the earth, rather than under the sea or on the sun, is not an accident: ours is a terrestrial life, and this fact is already included within our understanding of the human form.¹⁵

And this point is crucial, for the presupposing of certain conditions within a natural history gives sense to the idea of *normal* circumstances, as opposed to abnormal ones. Normal circumstances are those presupposed in our account of the life-form. These are conditions *proper* to the characteristic life cycle of the life-form in question. Abnormal circumstances are those that qualify as an alien interventions or disruptions in the life cycle.

With these points in mind, we can return to the case of the young writer. The conflict of virtues here consists in the fact that he can realize some human excellences only at the expense of realizing others, and he must choose between them. However, the source of this conflict, and the inevitable loss associated with it, does *not* come from the nature of the excellences

¹⁵ As Thompson says, “[T]he conditions required for some natural-historical attributable phenomena to arise will themselves be natural-historically attributable to the life-form in question and belong to the history of the form. If these conditions include a feature of the environment, still the system will contain the judgments that they live in such an environment.” Ibid., 78-79.

themselves or an essential feature of human good, but from the particular circumstances of the case. For there is nothing in the demands of these ethical virtues (loyalty, helpfulness, etc.) which leads them to conflict *per se* with the intellectual virtues like creativity. The virtues here do not *rule out* each other in the way that a trait like justice rules out injustice, or courage rules out cowardice. Instead, they *crowd out* each other. Realizing some virtue simply “takes up space” in the life of the individual, such that nothing is “left over” for some other virtues. And crucially, this crowding out is explained by unfortunate circumstances. After all, it is *possible* that a human life filled with activities of helping one’s family could also include intellectual and creative development. And the writer’s unfortunate circumstances are themselves something that we can register as abnormal in light of human good. For why should we think these are the normal conditions of the human being – the way things are “supposed to go” in the life of the human? On the contrary, when we hear the story we quickly see it as a *bad* situation. In so doing, we register *more* than the idea that there has been some loss. We register that some of the conditions presupposed in our account of human good are not present in this case.

The case of the young writer is similar to a case in which a wolf has been caught in a hunter’s trap, and the wolf must sever his own leg in order to escape the trap. In severing his own leg, the wolf further maims himself. And surely *under normal circumstances* this would be very defective wolf behavior. But given his circumstances, a kind of loss is inevitable for the wolf: either he will lose a leg or lose his life. Importantly, the inevitability of loss in this particular case does not have its source in wolf-nature – when we describe the life of “the wolf” it is not part of that life to be caught in hunters’ traps.¹⁶ So the inevitability of loss comes into the life of this *particular* wolf not on account of the life-form that he bears, but on account of how

¹⁶ And this is *not* because hunters are not part of “nature” in the sense of the non-human world. For it is equally true that it is not *part of the life* of a rabbit to be maimed by a wolf.

circumstances have conspired against him – circumstances which we easily recognize as alien interventions into the life of the wolf.¹⁷ Likewise in cases like the young writer, the conflict of excellences is not part of the life of “the human.” For this reason, the idea of human good is no more undermined by such cases than the idea of wolf-good is undermined by the fact that wolves are sometimes caught in traps. What such cases show is not that human nature lacks harmony, but that human goodness is fragile.¹⁸

And it is now clearer what the no-harmony thesis, as a rejection of harmonious human good, amounts to. In claiming that the virtues *as such* conflict with each other, the no-harmony thesis holds that some virtue will be missing in every life and this *on account of human form itself*. That is the force of rejecting the Aristotelian notion of harmonious human good. For any individual human, there will be some human excellence that is unrealized. And the reason for

¹⁷ In contrast, if a particular wolf hunts in packs or has a thick coat, this will not be an *accidental* development, in the way that being caught in a trap is.

¹⁸ The harmony thesis is consistent with (but does not entail) the view that one human activity is the highest or most excellent, and that the best sort of human life is ordered toward that activity. Suppose that the highest activity is contemplation, understood as an activity done from the intellectual virtue of wisdom. It follows that a life is defective if it is so filled with activities of practical virtue that it lacks any room for contemplative activity. Such a life is *missing* something with respect to human good. However, as in the case of the young writer, the possibility of such defect poses no problem for the harmony thesis. The question is: *why* is it that the life lacks room for contemplation? Is this on account of human form itself, or because of abnormal circumstances? The mere claim that contemplation is the single highest activity does not show any tension within human form itself. For there is no reason to suppose that a life ordered toward contemplation could not also have room for the other activities in which human good consists. To claim that activity A is the highest human activity does not commit one to the claim that engaging in activity A is always more choiceworthy than activity B. Even if the best human life is ordered around contemplation, that does not mean that the best life will have only contemplation, where that crowds out the activities of other virtues.

If we hold that contemplation is central to human good, then we ought also to hold that it belongs to the human to live in such circumstances as to make contemplation possible. Thus we should regard it as lamentable if a human community cannot, because of a dearth of resources, provide its members with any time for contemplation. And we should regard it as objectionable if a human community disvalues contemplation and is structured to undermine its members' possibilities for contemplation.

this is not only particular interruptions in an individual's life-history, but the nature of the life-form that the individual bears. Thus Williams, in putting forward a no-harmony view, claims that we no longer have reason to believe in "an order in relation to which there could be an existence which would satisfy all the most basic human needs at once."¹⁹ And if there is no such order, then for any sort of human life – any set of commitments and dispositions, ethical or non-ethical – there will always be some *basic human need* that is left unsatisfied. There will be something *missing* in each case that would have to be there for a fully good human life. Hence Williams describes humans as "beings for whom no form of life is likely to prove entirely satisfactory, either individually or socially."²⁰

On the no-harmony view, there are a variety of excellences, each of which is a development of human nature. But some of these excellences rule-out the others, so that from the perspective of one, some other will not count as something proper to human nature and will amount to a deficiency. However, viewing matters from sufficient reflective distance, we see that they are *all* part of human nature. Each can be described as a human excellence – and as a human defect – depending on the perspective we choose to take up on it. According to the no-harmony view human nature, when considered in total, presents us with a cacophony of voices. Some of its requirements rule out others. We might say, then, that the parts of human nature do not "agree with each other" about what human nature *is*, insofar as they do not agree on what is proper to the human, versus what counts as interruption or deficiency in a human life. And *that* conflict is a feature of what "the human" is – a bricolage, rather than a unified whole. There is a lack of teleological organization among human needs and capacities, and this means that there is not the

¹⁹ Williams, "Evolution, Ethics and the Representation Problem", 109.

²⁰ *Ibid.*, 110.

sort of order to make it possible for a being with this life-form to live a fully satisfactory life *qua* being that it is.

4.3. Human Form and Human Finitude: The One Life to Live Objection

My response to the Cases of Inevitable Loss objection depended on the point that certain conditions are presupposed in our conception of human good. If a conflict of virtues arises from conditions that are alien to normal human life, then this conflict does not show that the human virtues cannot fit together or that human nature itself lacks harmony. However, this response may give rise to another objection, which finds an inevitable conflict that *does* have its source in human nature and not abnormal circumstances. And like the previous objection, this one seems supported by some familiar facts of life:

Objection: Surely it is impossible for a person to realize all the human excellences simply because of human *finitude*, which can hardly be called an “abnormal circumstance” in the characteristic life of human beings! It is a feature of *our* life that we must choose among various tasks and projects to which we can devote ourselves. And in devoting ourselves to some projects we inevitably develop some human excellences at the expense of others. For example, one may have to choose between being an astronaut or a musician. In each case, there will be forms of excellence that get developed – different capacities for perception and response and “know how” that go along with each of these life-paths. In the same way, the painter’s capacity for imaginative creativity differs from the chemist’s capacity for analytic thinking. Each of these capacities, however, is an excellence, and a distinctly *human* one. After all, the characteristic way for human beings to pursue these activities is not found in the life of wolves or ants. And yet, it is not an *accidental* feature of an individual’s life that she cannot realize all these human excellences. Rather, the reason is simply that human limitations do not allow it. So for reasons based in human nature itself, the human excellences crowd-out each other, such that an individual must always realize some excellences at the expense of others.

Call this the One Life to Live Objection. We can formulate it as follows:

- 1) There are cases in which the pursuit of some human excellences entails the inability to develop and possess other human excellences, and these cases have their source within human nature itself.
- 2) If there are such cases, then the harmony view is false.
- 3) Thus, the harmony view is false.

This objection points to an obvious truth about human limitations. The objection fails, however, because the idea of “excellence” in the first premise conflates the notions of “skill” and “virtue.” Taken as a point about skills, the first premise is true. And this is what gives the objection its apparent force. It is true that various human skills cannot all be realized in a single human life; they crowd each other out. However, as a point about skills, it is not a challenge to the harmony thesis, which concerns human virtues. So if the first premise is true, the second premise is false. On the other hand, taken as a point about virtues the first premise is false. Either way the objection fails.

To make good on this reply, I will spell out the difference between skills and virtues.²¹ A skill is a capacity defined in terms of some particular result or change that it enables its possessor to bring about, and the achievement of which is the characteristic goal of the skillful activity. Thus, what makes a type of perception the skill of an explorer is the way that this kind of perception serves the goal of exploration and enables the explorer to bring about that goal in his activities as an explorer. Likewise, what counts as skillful movement in a potter is determined by what is required to bring about good pots. In contrast, a virtue is not defined by a specific result or change. To be sure, an action that springs from virtue will involve trying to achieve something

²¹ I am attempting here to bring out salient differences between skills and virtues, and not to provide an exhaustive definition of either. For more on virtue, and similarities and differences between virtue and craft-knowledge, see 3.1.1 and 3.2.3).

in particular (in the extended sense of “achieve” that includes refraining from acting as a way of “achieving”). Thus an act of justice might include trying to get the money back to the lender, or an act of charity might include trying to get the medicine to the man who needs it. But there is no *particular* goal that defines these virtues. Rather, what distinguishes the virtues is a characteristic pattern of response in a distinctive situation – e.g., courage is a matter of steadfastness before fearful things; charity involves a willingness to help those in need, etc. In the case of courage or charity, there is nothing comparable to a pot that the activity of the virtue *per se* aims to bring about. This is clear from the way that the virtues may be displayed across a variety of contexts. A person may be patient with her family, patient with a task at work, patient teaching a dog to sit, and so on.

Another distinction between skills and virtues concerns the way in which they engage the will.²² One may possess a skill but not *want* to exercise it, whether on a particular occasion or in general. I may have great skill as a carpenter but no desire to be a carpenter, being totally indifferent or even antagonistic toward the activity of carpentry. In the case of virtue, however, it is impossible to possess a virtue while being similarly indifferent toward its exercise. To possess a virtue requires that one *wants* certain things connected with that virtue. This is because the pattern of response that defines a virtue includes caring about certain things and granting them practical relevance. For example, charity necessarily involves having some concern for the needs of others, and justice involves taking the rights of others as reasons for action. Thus it is impossible to possess a virtue while being indifferent to its exercise, since that would mean being indifferent to the things that the virtuous person *as such* cares about. Unlike carpentry, I cannot be just while failing to care about being just and doing the things the just person does.

²² Cf. Williams, *Ethics and the Limits of Philosophy*, 9, and Foot, “Virtues and Vices” in *Virtues and Vices* (Oxford: OUP, 2002) 7-8.

These two distinctions are related to a third: Whereas a virtue is available to any normal adult human being, given the environment and upbringing presupposed in our account of human good, a skill may require special training or talent, where “special” is a matter of going beyond what is required for living well as a human being.²³ Thus if an individual does not possess a given skill, this need not be seen as a frustration, or defect, in the life of the individual *qua* human being. If it happens that a person is not an excellent carpenter or pianist, she is not thereby a defective human being! In the case of virtues, however, an individual who does not possess a virtue thereby *lacks* something that is proper to her *qua* human being. Given that justice is a human excellence, a lack of justice makes action defective not only with respect to a given skill, but defective *qua* human action, no matter what specific skills might be involved.

So while both skills and traits can be considered “human excellences,” the virtues are so in a different sense. For only in the case of the virtues are we describing excellences that belong to “the human” as such. And it should now be clear that the mutual unrealizability of various skills in a single human life is not a problem for the notion of harmonious human good. For it is at the level of the virtues that we spell out what belongs to “the human,” with respect to goodness of the will, and the argument for the no-harmony view must show a conflict among virtues. The One Life to Live objection points to an obvious truth, but it is a truth about *skills*, not virtues. It applies to excellences that are capacities for bringing about specific change, which one could possess without wanting to exercise, and which (most importantly) are not necessary for being a good human being.

On the other hand, if we think about candidate virtues – benevolence, courage, justice, etc. – why should we think that these cannot all be realized in whatever projects or tasks one

²³ I do not mean that *all* the virtues are by definition available to *every* adult human. That claim would of course beg the question unfairly against the no-harmony view.

undertakes? Of course, depending on the projects one devotes oneself to, such excellences will require different actions. Patience in an astronaut may look different from patience in a father. The mere appeal to finitude, however, gives us no reason to think that the virtues must necessarily crowd each other out in a human life.

4.4. Evolution and Virtue: The Darwinian Objection

The no-harmony thesis is often thought to receive support from the fact of evolution. The harmony view, it is suggested, made sense in Aristotle's "teleological worldview," but it has become untenable in light of the evolutionary understanding of human life and the related "disenchanted condition" of the modern worldview.²⁴ It is often unclear, however, exactly *how* evolution is supposed to support the no-harmony thesis. Williams puts the point thusly:

the most plausible stories now available about evolution, including its very recent date and also certain considerations about the physical characteristics of the species, suggests that human beings are to some degree a mess, and that the rapid and immense development of symbolic and cultural capacities has left humans as beings for whom no form of life is likely to prove entirely satisfactory, either individually or socially.²⁵

According to Williams, the evolutionary picture is relevant to the question of harmony because it supports the idea that "the historical story means much what it looks as though it means." That is, evolution undermines the attempt by the defender of the harmony thesis to "read beyond" the historical story in an effort to discern a harmonious human nature that is "partly hidden" and waiting to be revealed.²⁶

²⁴ Williams, "Relativism, History and the Existence of Value," 115. And in another passage Williams claims support for the no-harmony thesis in the "first and hardest lesson of Darwinism, that there is no teleology at all, and that there is no orchestral score provided from anywhere according to which human beings have a special part to play." "Evolution, Ethics and the Representation Problem," 109.

²⁵ "Evolution, Ethics and the Representation Problem," 109.

²⁶ Ibid.

The problem with this claim, however, is that the evolutionary story becomes relevant to Williams' argument about harmony only *after* the recognition of conflict among human excellences – or, the recognition of the appearance of such conflict. For Williams, Darwinism itself does not establish the no-harmony view. It only gives us reason to endorse the no-harmony view in further reflection, once we have already accepted it from a realistic reading of human history. That reading involves, presumably, the recognition that everywhere we look, we find humans who are failing to live flourishing, happy lives – the recognition of what Rosalind Hursthouse calls the “dismal course of human history.”²⁷ However, the dismal record as such does *nothing* to show that human excellences are in conflict with each other. For the defender of harmony can reply that the dismal record is simply a record of human beings failing to realize human good. And the failure of individuals to realize their good does not unsettle the idea that these individuals are bearers of a coherent form. No doubt we can look at human life and history and say “what a mess.” In so doing, we register that *this* is not how things are supposed to go with human beings – these kinds of actions and structures corrupt human life, those human beings are failing to flourish. But in saying this, we need not “read beyond” the historical record to find a human nature that is “partly hidden.” Rather we are *already* in possession of some normative conception of human nature – some notion of human form – in light of which we evaluate particular humans as excellent or defective. On its own, then, the dismal record of human beings lends no support to the no-harmony thesis, and Williams' references to evolution pose no problem for the harmony view.

²⁷ *On Virtue Ethics*, 261. Hursthouse offers her own response to Williams' arguments against harmony. Her reply is unsatisfactory, however, because it depends on characterizing Williams' view as a form of “moral nihilism,” and Williams can refute that charge.

There is, however, another way of appealing to evolution to undermine the idea of harmonious human good – The Darwinian Objection. This objection goes as follows:

- 1) Evolution reveals various traits as belonging to human nature.
- 2) These traits conflict with each other – e.g. aggression with compassion, or honesty with deception, etc.
- 3) Therefore, human nature lacks harmony.

This objection gains its appeal from the thought – very plausible in itself – that research related to evolution can tell us something about the kind of beings that we are. However, the argument fails as an objection to the harmony view. By “trait” the objection can mean either *tendency* or *virtue*, and in either case the argument is unsuccessful. On the one hand, we can appeal to Darwinism to explain tendencies in human beings that conflict with ethical dispositions – e.g. tendencies toward aggression, selfishness, infidelity, etc. But the presence of such “non-ethical tendencies” does not undermine the Aristotelian account of harmonious human good, because the harmony that matters for the Aristotelian is not a harmony of tendencies but of *virtues*, of practical excellences. In recognizing something as a tendency – as an inclination to act or feel in certain ways rather than others – we do not thereby judge that tendency to be a good form of human action. We may in fact judge it to be bad.²⁸ So the fact that humans *tend* to act in ways that are ethically bad, combined with an evolutionary explanation of why this is so, does not show that human excellences are in conflict with each other. On the contrary, such bad tendencies are precisely what the ethical virtues correct in human life.

On the other hand, if the appeal to evolution is intended to show that these non-ethical traits *are* human excellences, and not mere tendencies, then the argument rests on an error. For

²⁸ This is true even if we have an evolutionary explanation of the trait’s presence in humans.

the fact that some tendency or trait has some evolutionary explanation does not show that the trait should be regarded as a virtue – as a disposition that leads a person to act well, as an admirable character trait. Rather, we can always ask whether or not such a trait belongs to human good – whether we *ought* to follow this inclination – and the mere fact that humans have an inclination cannot tell us that we *should* follow it.²⁹

Does this mean, then, that our account of the virtues, and the related conception of human form, is floating free from facts about human nature as revealed by science? No. The point, rather, is that what counts as virtue, as good human action, cannot be simply “read off” from an evolutionary account of human tendencies. Instead, information about human nature from the biological and social sciences can provide “raw material” for ethical reflection. For instance, in asking about good human action and character, it is important to know what is possible for a human being, both physically and psychologically, and the sciences can shed light on this question.³⁰ Likewise, if we understand better how humans tend to respond to various situations, this can inform our evaluations and choices. For example, knowing more about how humans react to traumatic situations can inform the evaluation and treatment of people who have experienced trauma, and it can alter our judgments about the type of experiences to which it would be right to expose humans. However, any facts about human tendencies, taken on their own, do not tell us what our response to these tendencies should be. The raw material about human nature from the sciences becomes relevant to ethical evaluation only in light of some conception of what is valuable and choice-worthy for a human being. It belongs to the human to

²⁹ See my argument against the “Empirical Science Assumption” in 3.1.2.

³⁰ And this might have highly revisionary consequences for ethics. For example, if science could show that a certain form of motivation, formerly regarded as praiseworthy, was actually impossible for human beings, then it would make little sense to continue viewing it as a practical ideal for humans.

act according to reason, and thus to know "how the human lives" we must form some conception of what the proper working of human reason is. And thus what counts as good action and character for "the human" – what belongs to our life-form – cannot be determined apart from some understanding of what is a reason for what, which actions are choiceworthy and blameworthy, what choices imply self-contradiction or self-deception, and so on.

So the no-harmony theorist can still argue that some counter-ethical trait is a human virtue, but this cannot be shown simply on the grounds that the trait has an evolutionary origin. Rather, it must be because we judge this trait to be a way of acting well for a human being – we find it excellent or praiseworthy for a human being to act in accordance with this tendency. Thus references to Darwinism are largely a distraction in the debate here. At most Darwinian accounts can reveal a conflict of tendencies, which is no challenge to the harmony thesis.

4.5. Admiration and the Counter-Ethical: The Napoleon Objection

I have so far considered three arguments against the harmony thesis, and in each case argued that they fail. In this section, I consider a final objection and I offer a positive argument for the harmony thesis:

Objection: Surely we can and do *admire* traits in others that conflict with the virtues that we embrace for ourselves. For example, we can look at Napoleon and believe that there is something amazing about his way of acting. And we appreciate not merely his skills as a general, but qualities of his character. In some respects, we judge him an especially fine human being. And yet, he was also an immoral scoundrel. His amazing traits were also destructive, and in some respects awful. This is true of his marvelous will-to-power, according to which he strove to reshape society into his own image. This trait cannot be harmonized with ethical traits, such as cooperativeness, but we see it as a *human virtue* nonetheless. So we have a conflict among virtues.

We can represent The Napoleon Objection in the following argument:

- 1) Napoleonic will-to-power is a human virtue. (The evidence for this comes from our admiration of him).
- 2) Cooperativeness is also a human virtue.
- 3) Napoleonic will-to-power and cooperativeness conflict with each other.
- 4) Therefore, human virtues can conflict with one another.

Unlike the earlier objections, the Napoleon Objection has the *right kind* of traits in view – cooperativeness and will-to-power are not skills, and the source of their conflict is not an abnormal circumstance. Likewise, the objection appeals to the right kind of *support* for the claim of conflict – our admiration for these traits, which expresses our practical judgment, rather than evidence about how human tendencies.

My argument in the remainder of this section aims to show that for any trait that is a human virtue, possessing that trait *could not* rule out the possession of some other virtue.³¹ For the no-harmony thesis to be true, it must be the case that at least two human virtues conflict with each other. I will show, however, that for any two purported virtues which conflict with each other, we have reason to think that these traits are not virtues. It is in the nature of a human virtue to be harmonizable with all other virtues, and thus the no-harmony thesis is false.

One strategy for establishing the harmony thesis begins with the point that the virtues delimit each other in the actions they recommend and require. That is, what *counts* as the manifestation of a virtue is partly determined by the requirements of other virtues, such that no virtue will require an action that is forbidden by another virtue. For example, while it is part of charity to help the needy, it is not part of charity to kill the innocent in order to do so. Thus a person who refused to kill the innocent in order to help someone would not be deficient with

³¹ Except, of course, in the sense outlined in 4.1 above, where the “ruling out” is really a matter of “crowding out” as the result of a bad situation.

respect to charity, for what counts as charity is delimited by the norms of justice.³² And for the same reason, whatever purportedly counter-ethical trait we select will not, if it is truly a virtue, conflict with ethical traits, if they are indeed virtues as well. For the manifestation of these traits will delimit each other. Thus if there is a virtue called “will-to-power,” its proper expression will be determined by the ethical virtues (whatever those are) and vice versa. Reflection on figures like Napoleon, then, may require a revision in our conception of which traits are the virtues or what actions those virtues require, just as reflection on the ethical virtues may require a revision in our appreciation of Napoleon. But in no case will reflection reveal that the requirements of the virtues conflict.

It is legitimate, I think, for the defender of harmony to appeal to the idea that the virtues delimit one another. But this response also risks begging the question against the no harmony view. For the proponent of the no-harmony thesis can reply that the claim that the virtues fully delimit each other is itself a part of the Aristotelian picture in which human nature is a coherent whole. And the point of the objection is to *unsettle* that picture by showing, on the basis of concrete cases, that the virtues *do* conflict. So saying that the virtues delimit each other might seem to be just reassert the view in question, without moving forward the debate between the two views.

My argument, then, takes a different course. It begins with the following claim about virtue: The virtue of something is that which makes a thing good, and is necessary and sufficient to do so. Human practical virtues make good human action and life, including our emotional responses. Since goodness in human action is not only a matter of what we do but why we do it, the practical virtues make good our motivations and reasoning. To possess a virtue is to

³² For a statement of this point, see the quote from Foot in the section 4.0.

acknowledge certain considerations as reasons for acting, and to act on them.³³ We distinguish one virtue from another by its characteristic pattern of response – which includes perception, evaluation and practical inference – and by the domain of considerations to which this response relates – e.g. boldness in the face of fearful things (courage), readiness to tell the truth (honesty), slowness to anger and frustration (patience), etc. So for each virtue, there is a distinctive type of consideration that the virtue relates to. The virtuous person acts and feels as she does *in light of* considerations present in the situation, and the characteristic response of the virtue set a standard for acting well in situations of the relevant kind. Moreover, this response corrects or preserves this domain of human life from possible defect. Thus courage makes good our response to fearful things and justice makes good our relations to others with respect to their rights, correcting for a tendency to care less for the rights of others than our own.

I will not offer a conclusive argument for the claim that the virtue of something is that which is necessary and sufficient to make something good. But the idea “making good” seems to be part of even a minimal sense virtue. The notion of virtue has application where there is a possibility of going wrong or being defective. And if we were unable to see a disposition as realizing goodness, or excellence, why would we ever call it a *human virtue* or suppose it to be something excellent for “the human”? Moreover, the idea that virtue is necessary and sufficient for goodness is supported by the following: If we grant that honesty is the virtue with respect to telling the truth, then what you need for goodness of the will in this area is *honesty*, nothing more and nothing less. If you lack honesty, then you do not have full goodness with respect to truth-telling; and if you are honest, you don’t need anything else so far as goodness in truth-telling goes. And the same is true for the other virtues. (This is consistent, of course, with the

³³ Cf. Philippa Foot’s discussion of the virtues in *Natural Goodness*, 11-12, and also my section 3.2.1.

idea that you might need *other* virtues in order to possess or manifest honesty. I am neither assuming nor denying the unity of the virtues here.).

Let us consider, then, the sort of case that is required for the no-harmony thesis, in which there are conflicting virtues. At least two things must be true: 1) both traits must be virtues, and 2) the distinctive response required by one of them must rule out or preclude the response required by the other. If the second point is to be true, then the traits in question must be relevant to the same sort of consideration, otherwise their requirements will not come into contact with each other in such a way as to generate practical conflict. And if the traits are to be virtues, then they must lead their possessors to act well, since this is part of even a minimal sense of something as a virtue. The earlier example of will-to-power and cooperation meets both of these criteria. Thus, as a purported case of conflict, we can assert:

- 1) Will-to-power leads a human being to act well, with respect to the extension or limitation of one's power over others.
- 2) Cooperativeness leads a human being to act well, with respect to the extension or limitation of one's power over others.

This much is implied by the claim that these two are virtues, and that is the very claim the no-harmony view requires. However, from 1 and 2 it follows:

- 3) A human being is led to act well in this domain of practical concern by *either* will-to-power *or* cooperativeness.

And from this it follows that:

- 4) Neither will-to-power nor cooperativeness, *considered on its own*, is necessary for acting well with respect to these considerations (= for making good human action in the domain of one's power over others).

However, we posited earlier that a human virtue is that which is necessary and sufficient for making human action good in some area. Since *neither* will-to-power *nor* cooperativeness are necessary for making action good, it follows that:

5) Neither will-to-power nor cooperativeness, considered on its own, is a human virtue.

This does not mean that these traits cannot be ways of acting well, but whatever a human virtue is in this area will be what accounts for both of them – e.g., a disposition for having *either* will-to-power or cooperativeness. The notion of a virtue is not out of place here, since there may still be ways of going wrong – e.g. a disposition to isolate yourself entirely from others. However, since neither will-to-power nor cooperativeness are human virtues, it follows that:

6) Will-to-power and cooperativeness do not give us a case of conflicting virtues.

And what is true of these two traits will be true of any other case thought to support the no-harmony view, since the relevant points must hold for any purportedly conflicting virtues.

We can illustrate the argument with an analogy to a person's virtue *qua* player of a certain game. Here the trait in question involves practical response, but it is not a human virtue since it pertains only to one's role as a player of the game.³⁴ Suppose, then, that there is a game in which there are two equally good styles of playing. One can play either quick and aggressive, or slow and deceptive. One cannot play both ways, since the actions required by one style are incompatible with the actions required by the other. However, playing either quick/aggressive or slow/deceptive can make one good at the game. (And there are other ways of playing that count as playing poorly – e.g., playing quick/deceptive or slow/aggressive). In this case, one can play well in virtue of playing quick/aggressive or in virtue of playing slow/deceptive, but neither of these styles considered on its own is *the* virtue of a player of the game. For the virtue of a player

³⁴ It is what I described as a skill in section 4.3.

is that which is required to make good one's actions *qua* player, and it is possible to play well *without* being quick/aggressive and *without* being slow/deceptive. So if we consider each on its own, neither describes the virtue of a player of the game. Rather, the virtue of a player is to play either quick/aggressive or slow/deceptive.³⁵

At this point, a defender of the no-harmony view might protest that the analogy with the game is unfair, since in that case there is a single end, or telos, to playing the game, and that telos (= winning) determines goodness for a player. And what is being rejected on the no-harmony view is the idea that human beings *have* a coherent telos. So imagine, instead, a tool that is used both to prune the branches of a certain tree and also to measure the length of those branches. In order to be good for pruning, the tool must be curved. However, in order to be good for measuring, the tool must be straight, and being one way rules out being the other. And that tool, the no-harmony view claims, is what a human being is like. There is no single end or function to the human being, and thus no unified activity that counts as good human action.

However, if human life is like this, then once again we will not have a conflict of human virtues. For suppose that one of the purported virtues, will-to-power, is like the curvedness of the tool, while the other purported conflicting virtue, cooperativeness, is like the straightness of the tool. In that case, *neither* will be sufficient to make good human action, because in making good in one respect it will be making bad in another. And thus *neither* of these will be human virtues, and so again there can be no conflict of human virtues.

What this shows, I believe, is that in order to be the kind of thing that might possibly have a virtue, a thing must have a unity of purpose or telos. In the case of the moral virtues, that telos is acting well as a human being. In the case of the imagined pruning/measuring tool, there

³⁵ Compare the idea of "multiply sound types," discussed in the last chapter, 3.1.1.

is no virtue of the thing regarded as a whole because there is no unity of purpose to the thing as a whole. And in a real sense, the tool is not one thing but two: it is a pruning tool and measuring tool that are unhappily competing for the same space. The notion of virtue, however, has its conceptual home in the idea of unified entity with a characteristic function or activity.

My argument for the harmony view has taken the form of a dilemma: Either human action has a unified aim, as in the game example, or it has multiple conflicting and irreconcilable aims, as in the tool example. Either way it will not be possible for purported human virtues to conflict, since either true virtue is something else (as in the game case) or the lack of teleological unity means that nothing could count as a virtue of this kind of thing (as in the tool case). In each case the conflicting traits turn out not to be human virtues. Thus it is the very nature of human virtues not to come into conflict with each other.

At this point it remains open for Williams or another no-harmony theorist to embrace the second horn of the dilemma and insist that, like the tool, a human being is not one thing but many competing things. The cost of this, however, is giving up a very basic and plausible claim about human virtue – that there are virtues, and that they are necessary and sufficient to make good human action. Moreover, in light of the arguments of the previous sections, this costly move is unmotivated, since we have no good reason to reject the harmony view in the first place.

4.6. A Pyrrhic Victory for Aristotelianism?

In response to the argument I have given, an objector might reply: “I now grant that a human virtue – properly understood – cannot conflict with another human virtue. So cases like Napoleon do not show that human form is in conflict with itself, or that every human life must lack some of the virtues. For while Napoleon must lack cooperativeness, and cooperativeness is

one way of realizing the human virtue in this domain, cooperativeness in particular is not necessary for virtue, and Napoleon need not be judged defective or lacking in virtue on account of lacking cooperativeness. And the same goes for the cooperative person who lacks will-to-power. However, this is a pyrrhic victory for Aristotelianism, because it means that when we come to the *substantive* question of the virtues, we are not longer justified in claiming that what is usually meant by “vice” is actually human defect. For surely it is traits like will-to-power, dishonesty, or infidelity that are usually meant by “vice.” And if we allow that these are actually one mode of a higher-order, disjunctive virtue, then we are no longer justified in saying that the usual vices are human defects. And this seems to substantially reduce the interest of Aristotelianism as a position in moral philosophy, and also to concede the essence of Williams’ point – that whatever unity there is to a human being, it is not sufficient to underwrite the claim that virtue and vice (as usually understood) are human excellence and defect, respectively.”

On the one hand, I think the point made in this objection is basically correct. However, it is not a problem for Aristotelian moral philosophy, because there is no need for the Aristotelian to concede that will-to-power (or any other trait considered a “vice” in the usual sense) is actually one mode of virtue. That is, the defender of harmony can reject the first premise in the Napoleon Objection. This premise is a substantive and highly questionable claim about the status of a particular way of living and acting. Against it, we can assert that what is called “will-to-power” is not a virtue but a vice, or a collection of vices, such as injustice, selfishness, and cruelty. Moreover, whatever admiration we may feel for Napoleon can be explained as admiration for traits other than his will-to-power – e.g. his determination, endurance, daring. Traits such as these are indeed virtues, or in any case they are the kind of dispositions that *would* be virtues if ordered by the proper ends. And we have no reason for thinking that these traits

cannot be harmonized with other ethical virtues, such as cooperativeness. Thus even if we feel some admiration when considering scoundrels, this is not evidence that we actually regard some distinctly counter-ethical trait as a human virtue. In my view, this is the proper response to figures like Napoleon, and other supposedly “admirable” villains.

The point of my argument in the last section was to show that *if* we grant that conflicting traits such as will-to-power and cooperativeness lead a human to act well, then we cannot conclude that either trait on its own is a human virtue in the domain to which they both pertain. However, it is the defender of the no-harmony thesis, not the harmony view, that must insist in the first place that both these traits lead a person to act well. For that point is implied by the claim that both of these traits are virtues, which is a claim necessary for the Napoleon Objection.

Indeed, in the case of will-to-power and cooperativeness, it is hard to see how these could be two modes of the same virtue – two ways of realizing human good with respect to one’s power over others. For it is not clear, to say the least, what these two have in common in the way of perception, evaluation and action. It is hard to see what good is realized by each of these, and precisely what is regarded as “good” by one seems to be ruled out as defective by the other – not simply an alternative, acceptable “style” of living a human life (as in the game example). But that is simply a reflection of how *strange* it would be to admire will-to-power as a virtue without revising one’s belief that cooperativeness is a virtue. And this is a difficulty for the defender of the no-harmony thesis, not for the harmony view, for it is the Napoleon Objection that insists both traits are virtues.

Moreover, the claim that this is a pyrrhic victory for Aristotelianism in fact concedes that a conflict among the virtues poses no special problem for the basic natural goodness framework. I earlier distinguished two ways of objecting to an Aristotelian view like Philippa Foot’s. One

kind of objection accepts the formal framework of natural goodness, including the notions of human good and human virtue, but rejects Foot's own substantive conception of the virtues. A second kind of objection rejects the basic framework of natural goodness, on the grounds that "the human" lacks the teleological unity this framework requires. In this chapter, I have been considering the no-harmony thesis as evidence for the *second* kind of objection. However, the charge of pyrrhic victory now supposes that the objection is of the *first* kind. We "reduce the interest" of Aristotelianism only if we actually grant an alternative substantive conception of human good and the virtues – a conception that allows for both cooperativeness and will-to-power to be two ways of realizing human good, two modes of manifesting human virtue. However, as I have been stressing, this would be a very odd view of human good, and we have no good reason to accept it. What my argument has shown, then, is that a) we have no grounds to reject the harmony thesis, and b) what had *seemed* to be an argument for the no-harmony thesis, and hence an objection to the formal framework of natural goodness, turns instead to be an alternative (and implausible) substantive conception of human good.

CHAPTER 5:

EXPLOITATION, HUMAN ECONOMY, AND GLOBAL JUSTICE

Let it be granted, then, that, as a rule, workman and employer should make free agreements, and in particular should freely agree as to wages; nevertheless there is a dictate of nature more imperious and more ancient than any bargain between man and man, that the remuneration must be enough to support the wage earner in reasonable and frugal comfort. If through necessity or fear of a worse evil, the workman accepts harder conditions because an employer or contractor will give him no better, he is the victim of force and injustice.

Leo XIII *Rerum Novarum*

I am alluding to the rights such as the right to work and freely to choose one's work. – The right to form vocational groups or unions. – The right of the worker to be considered socially as an adult, and to have, some way or another, a share and active participation in the responsibilities of economic life...The right to a just wage, that is sufficient to secure the family's living. – The right to relief, unemployment insurance, sick benefits, and social security. – The right to have a part, free of charge, depending on the possibilities of the social body, in the elementary goods, both material and spiritual, of civilization. What is involved in all this is first of all the dignity of work, the feeling for the rights of the human person in the worker, the rights in the name of which the worker stands before his employers in a relationship of justice and as an adult person, not as a child or as a servant. There is here an essential datum which far surpasses every problem of merely economic and social technique, for it is a *moral* datum, affecting man in his spiritual depths.

Jacque Maritain *Man and the State*

5.0. Labor Exploitation: What it is and Why it Matters

This aim of this chapter differs from the previous chapters. Whereas the last three chapters have defended the basic position of Aristotelian naturalism, this chapter applies Aristotelian modes of thought to a particular topic – labor exploitation in the global economy.

My goal in this chapter is not to show how an appeal to human form can refute moral skepticism. Nor is my aim to show how Aristotelian naturalism can compel someone to accept a particular substantive account of human form – e.g. to hold that justice is a virtue. Rather, my goal is to show how an already-ethicized account of “the human” can contribute to our moral

thought on a specific topic. I develop an Aristotelian account of the concept of labor exploitation, and I show how exploitation is relevant to justice in the global trade system. In formulating this account, I make claims about what “belongs” to human beings, and I appeal to the notion of human good. The previous three chapters clarify how these claims are to be understood, and they provide justification for these Aristotelian concepts and modes of thought.

If I exploit you, then I act in such a way as to benefit from you or your resources, without giving proper consideration to your interests. Exploitation is a form of injustice, because in exploiting you, I am not giving you what is *owed* to you, or what you can reasonably demand from our interaction. Exploitation often takes place in bargaining situations, when one party presses her advantage to force the other party to accept terms that are unfair – terms to which the weaker party could reasonably object, but which she is nonetheless required to accept for lack of better options.

Concerns about exploitation are central to debates about justice in the global economy. There are a variety of grounds for thinking that the global economic order is unjust. One of the most serious of these is that the global economy allows, and indeed depends upon, the exploitation of workers in poorer countries, who are forced to accept terms of labor in which they receive inadequate compensation, and must work in degrading conditions. The direct beneficiaries of this labor are typically wealthy firms, based in richer countries with greater international influence. Objection to labor exploitation is a driving force behind campaigns against sweatshops and efforts to create a global system of “fair trade.” As one workers-rights group, the National Labor Committee, describes its mission:

Transnational corporations now roam the world to find the cheapest and most vulnerable workers. The people who stitch together our jeans and assemble our CD-players are mostly young women in Central America, Mexico, Bangladesh, China and other poor nations, many working 12 to 14-hour days for pennies an hour. The lack of accountability

on the part of our U.S. corporations – now operating all over the world, and the resulting dehumanization of this new global workforce is emerging as the overwhelming moral crisis of the 21st century...As [workers] fight for the right to work in dignity, in healthy and safe workplaces and to earn a living wage, we will work with them to provide international visibility and backing for their efforts – and to press for international legal frameworks with effective enforcement mechanisms that will help create a space where fundamental internationally recognized worker rights can be assured.¹

I believe that groups like NLC are right to object to such labor arrangements. Moreover, I believe that such arrangements are frequently instances of exploitation and socioeconomic injustice, and that they pose a serious moral challenge to the current system of global trade.

However, there are arguments, from both political philosophers and economists, that this charge of unjust exploitation is misplaced. Philosophers such as Thomas Nagel argue that norms of justice, properly so called, require the existence of a sovereign state. Since there is no global sovereign, norms of socioeconomic justice do not apply to the global economy. While we have a duty to aid those in distress, this is not the same as a duty of socioeconomic justice.² From economists and pundits, one hears a variety of points to justify supposedly “exploitative” labor arrangements: the workers want these jobs and are glad to have them; these jobs are better for the workers than the alternative, which is often no job at all; if firms tried to pay better wages, they could not afford to remain in business.

In this chapter, I show why these attempts to evade the charge of exploitation are unsuccessful. In order to do this, I pursue the more basic task of giving an account of two norms that ground the charge of labor exploitation. These norms are: 1) that the character and conditions of a person’s labor be such that they are not degrading or humiliating to that person,

¹ Statement from their website: <http://www.nlcnet.org/about>. Accessed January 2011.

² Thomas Nagel “The Problem of Global Justice” in *Secular Philosophy and the Religious Temperament* (Oxford: Oxford University Press, 2010) 61-91. For a similar conclusion, arrived at through a related but different argument, see Michael Blake “Distributive Justice, State Coercion, and Autonomy” *Philosophy and Public Affairs* 30, no. 3. (2001) 257-296.

and 2) that a person be compensated for her labor at a level sufficient to secure a decent human life. I argue that these norms are internal to human economic relations as such; they belong to the nature of an economic order – to the kind of thing a human economy is. For this reason, they set minimal standards for the terms of labor that can justly be agreed upon by workers and employers, and they provide a basis for the charge of exploitation.³ The normative force of these requirements rests ultimately on a) the purpose of a human economy, which is to secure for its members the necessary means of life, and b) the equal moral standing of members of an economy, as free beings whose flourishing is equally significant to the flourishing of others.

In arguing that norms of justice belong to the nature of human economy, my argument has much in common with recent “practice-dependent” accounts of justice.⁴ The core idea of such accounts is that the norms of justice which apply to a given practice depend upon the nature of that practice – its constitutive aims and essential organization. In the first instance, the practice which interests me is the basic practice of human economic activity. I take the form of this activity to be: cooperative productive activity, involving the division of labor and exchange of goods and services, for the sake of securing the means of life. Internal to this activity is the

³ As will become clear, my claim is that these norms are *sufficient* to ground the charge of exploitation (absent special circumstances). However, I leave open the possibility that these are not necessary. So far as my argument goes, there might be cases in which workers are exploited even though the terms of their labor satisfy the minimal norms I describe.

Also, there are forms of exploitation less directly related to labor, and some of these are also relevant to global justice – e.g. exploitation in the use of a country’s natural resources by foreign firms. My focus in this chapter is on the specific issue of labor exploitation.

⁴ See Aaron James “Constructing Justice for Existing Practice: Rawls and the Status Quo” *Philosophy and Public Affairs* 2005 33, no 3 281-316; Andreas Sangiovanni “Global Justice, Reciprocity, and the State” *Philosophy and Public Affairs* 2007 35, no 1 3-39; Miriam Ronzoni “The Global Order: A Case of Background Injustice? A Practice-Dependent Account” *Philosophy and Public Affairs* 2009 37, no. 3.

practice of making agreements which set the terms for the exchange of goods and services.⁵ If the economic agreements that establish terms of labor are not to be exploitative, they must meet the two norms I identify.

I am also interested in what I will call the *global trade system*, because its rules and institutions affect the positions and prospects of workers who are potentially subject to exploitation. The global economic order reaches around the world and involves relations between citizens of different countries. Moreover, particular labor agreements within the global economy are strongly impacted by an international system of rules, laws and agencies designed to foster and regulate economic activity. Call this the *global trade system*. The global trade system, I argue, is a distinct site for concerns about exploitation. At the level of the trade system, the two norms I have identified become relevant in a new way: If this system is to be just, it must be structured to protect workers within it from exploitative labor arrangements, as specified by the two norms.

In the next two sections, I provide my account of norms that ground a charge of labor exploitation, and I show how these norms apply to economic activity in general, and to the global trade system in particular. In the two sections after this, I respond to objections to my account.

5.1. Human Economy: Flourishing, Exploitation, and Norms of Justice

Suppose that you and I come to an economic agreement, in which I will offer you compensation in exchange for some service that you will provide. According to one view, the

⁵ The sort of economy that interests me is one in which employers and workers arrive at terms of labor through bargaining. It belongs to any human economy to have *some* way of agreeing about terms of exchange. But it is not internal to the nature of a human economy to arrive at terms of labor in *this* way, through bargaining. However, this is the sort of economy which I take to be most relevant for the charge of labor exploitation in the current global economy, and thus it is the sort of economy I will be focus on here. For more on this point, see section 1.1.

justice of such agreements concerns only whether we have made our agreement freely, without force or fraud, and whether each of us upholds his or her end of the bargain. Given that these conditions of agreement are met, the resulting arrangement cannot be considered *exploitative* – at least not if that term is taken to imply injustice. Call this the “pure contract” view of labor agreements. Such a view has a long and influential history. It was noted by Leo XIII at the end of the 19th century: “Wages, we are told, are fixed by free consent; and therefore, the employer when he pays what was agreed upon has done his part, and is not called upon for anything further. The only way, it is said, in which injustice could happen would be if the master refused to pay the whole of the wages, or the workman would not complete the work undertaken.”⁶

I believe that such a view is false. Against the “pure contract” view, I will argue that the nature of human economic interaction sets limits on the acceptable terms of labor agreements. In particular, I will argue that justice requires that workers be provided with humane working conditions and compensation sufficient for a decent life. These minimal conditions on just terms of labor provide a basis for the charge of exploitation. In this section, I will show how these norms are rooted in the practice of human economy, conceived as a cooperative enterprise among free beings of equal standing and value. Since the norms are internal to the relation of co-membership in an economic order, they apply wherever such an order obtains.

5.1.1. Terms of Labor: Two Internal Economic Norms

We begin with the idea of a cooperative system of labor and exchange, directed at the production and distribution of the goods necessary and useful for living – i.e., an economy. In forming and sustaining such a system, the participants aim to attain the means of life. It is

⁶ *Rerum Novarum* section 34. In the passage that follows this quote, Leo XIII gives an argument against this view, based in the natural duty of self-preservation.

characteristic of human beings to form a system of this sort. On her own, each person cannot get what she needs for living, and humans secure what they need through cooperative productive activity. They divide up the tasks of labor, and they distribute the goods produced. They exchange goods and services, each party providing something valuable to the other.

When human beings form an economic system to attain the means of life, their aim is not to secure a “mere life” of bare subsistence and biological functioning. Rather they aim to secure the goods necessary for living well. They engage in economic activity for the sake of the good life, the life of flourishing activity consistent with human dignity. For this reason, we are not satisfied with an economic arrangement if it makes possible for us only a life of subsistence. We regard an economy as defective *qua* economy if it fails to provide its members with the possibility for activities we judge central to a flourishing life – e.g., opportunities for creativity, leisure time with friends and family, music and dance, philosophy and scientific investigation.⁷

In making this claim about economic activity and the good life, I am making more than an empirical psychological claim about what, in fact, we humans aim at. On the hand, I do think that it is a near universal truth that if an economy makes possible only “mere life” for its members, they will be dissatisfied with it as an economy. On the other hand, however, if an individual were to insist that all he wanted was bare subsistence, this would not refute my claim about human economic activity. My claim is that it belongs to “the human” – i.e., is part of the characteristically good human life – to engage in a cooperative economic system for the sake of living well. If a person insisted he was satisfied with an economy of mere subsistence, this would be a strange sort of human defect. It would amount, I think, to an indifference toward those activities that are essential to human flourishing. For if one is satisfied with an economy that fails

⁷ I do not mean to say that the activities of the good life must stand *outside* economic activity.

to make possible such activities, then one is satisfied with not engaging in those activities. But since they belong to human flourishing, these are activities about which a human being ought not to be indifferent; such indifference is a defect of the rational will.⁸

Any economy depends on the labor of its members; the goods that are distributed come about through the efforts of the participants. Because human beings divide up the tasks of labor and exchange goods and services, rather than each doing everything for herself, there is need for agreements on the *terms* on which goods and services will be exchanged. This gives rise to some basic economic relationships. Thus there are, on the one hand, buyers and sellers: buyers are those who compensate sellers in exchange for goods, according to agreed upon terms. On the other hand, there are employers and workers: employers are those who compensate workers in exchange for services provided, according to agreed upon terms. In the case of workers, the terms of labor have two central aspects: 1) character/condition, and 2) compensation.

Human labor must assume some character, and it must be done under some type of conditions. The work one does might be stimulating or boring, strenuous or relaxing; the conditions in which one works might be comfortable or cramped, dangerous or safe. (The

⁸ In fact, once we properly construe the claim that having an economy “belongs to the human,” we can see that the goods which are the proper object of economic activity must be those necessary for human flourishing, and not “mere life.” This claim is not about what is statistically widespread among human beings, but a description of human good, taking humans to be one kind of living thing. Defending such *life-form* judgments about human good has, of course, been the task of the previous three chapters.

Given that it is characteristic of human beings to have an economy in order to secure the means of life, the type of economy that belongs to “the human” will be one that has a place in a characteristic human life. But the characteristic human life is one *lived well*. That follows from the special sense of “characteristic” at work in speaking about what “belongs” to the human. What is “characteristic” is what is described in the life-form conception, spelled out in the system of natural historical judgments. And thus the sort of economy proper to the human will be one that secures the means for *that* kind of life – an economy that enables its participants to live flourishing human lives. In the same way, once we recognize that it “belongs to the sparrow” to build nests, it follows that the *kind* of nest-building that belongs to the sparrow is that which figures into flourishing sparrow life, not sickly or defective or “mere” sparrow life.

character of the work will often not be neatly separable from the conditions in which it is done.) Below a certain level, the character and conditions of labor are degrading and humiliating to the workers – e.g. performing painful, mind-numbing tasks, without rest, in an environment damaging to one’s health.⁹ However, one important component of human flourishing is work consistent with human dignity. Thus to be required to work in a degrading or humiliating manner is inimical to human good. Such work is a frustration of a person’s attempt to live well.

Workers in an economy are also compensated for their labor. This compensation might take a variety of forms. Below a certain level, the compensation received is inadequate for the worker to realize some crucial elements of a decent human life. This may happen, for example, if the compensation for labor is so low that persons must work nearly all their waking hours to earn enough for food to survive, leaving no time for activities other than work. It may also happen if the compensation is insufficient to provide the workers with resources to shape their environment in necessary ways, such as securing clean drinking water and sanitation, or being able to afford medicine for their children.

In making these claims, I take it for granted that we operate with some conception of a flourishing human life, and that we are able to form evaluative judgments of individuals in light of such a conception. In addition, I am making some substantive, though minimal, claims about what belongs to a flourishing human life. The appeal to the notion of human good is not foreign to contemporary political philosophy. One prominent example is the “capabilities approach” developed by Martha Nussbaum. Nussbaum develops a conception of human flourishing for the purpose of making quality of life assessments and, related to this, as a basis for evaluating the justice of basic political arrangements. Like Nussbaum, my notion of human good appeals to the

⁹ Of course, not all dangerous work is degrading to the worker – e.g. photographers in conflict zones.

idea of a “minimally decent human life” – a threshold of activity below which a person’s well-being as been seriously compromised.¹⁰ I am not, however, making any claim about what constitutes the best human life; nor am I saying that persons whose flourishing has been seriously compromised do not have worthwhile lives, or lives of great value and excellence in certain respects. Rather I am claiming that a flourishing life can come under attack, and I am emphasizing two ways in which this can happen that are relevant to an economic order. The conception of flourishing required for this claim is quite minimal and, I hope, uncontroversial.

Taking these points about the character and compensation of labor, and combining them with the aim of an economic system, it follows that any economic arrangement is *defective* if its members must work in a degrading manner, or if their compensation is too meager for them to secure the means for a good human life. For if either of these obtains, then the system’s arrangement fails to secure for its participants the means of living well, or it undermines their ability to enjoy those goods as parts of a decent human life. Since the aim of an economy is precisely to enable its members to live well, such an arrangement fails by the internal standards of an economy. That for the sake of which members act *qua* members is being denied to them.

We can imagine situations, such as a natural disaster, in which the members of an economy are forced to toil under brutal conditions in order to survive. These persons are caught in a situation that is deficient from the perspective of human flourishing. They are suffering. Things are not going as they should with a human community. But in this case, there is no way the participants could order their arrangement to avoid the brutal conditions. In that sense, the source of the deficiency is external circumstances rather than the arrangement of the economy.

¹⁰ See, e.g. *Women and Human Development*, (Cambridge, UK: Cambridge University Press, 2000), and *Frontiers of Justice*, (Cambridge, MA: Harvard University Press, 2006) For another recent appeal to human flourishing in determining justice, see the first and second essays by Thomas Pogge in *World Poverty and Human Rights* 2nd Edition, (Cambridge, UK: Polity, 2008).

However, an economic order can also be defective in the two ways identified, even when this result is avoidable. Let us set aside, then, defective situations due to external circumstances, and rather focus on situations in which there are sufficient resources to make it possible that no participants labor under degrading conditions, or receive inadequate compensation, but the system is nevertheless arranged in such way that some workers must accept these terms.

Further, let us focus on cases in which: 1) terms of labor are arrived at through bargaining between workers and employers in a “labor market”; 2) the workers depend upon their wages for securing the means of life; 3) each worker has one principle job, or source of employment. None of these are essential to a human economy as such. A cooperative system of production and distribution, involving the division of labor and the exchange of goods and services, might not have any of these specific features.¹¹ However, focusing on economies with these features is not arbitrary. On the contrary, purported instances of labor exploitation in our world take place largely in economies with these features, and so that will be my focus here.

Since economic arrangements that fail according to the two norms I have identified are inimical to human flourishing, why might such defective arrangements arise and remain in place, even with this avoidable with regard external circumstances? Among the reasons, one stands out: the arrangements benefits other members of the economy. In particular, it benefits the employers, with whom workers must bargain to set the terms of labor. People are asked to accept work in humiliating conditions because it will secure some (perceived) good for someone else who is

¹¹ Because human economic activity involves the division of labor, and because human economics is cooperative, there is need for *some* agreement about the terms on which goods and services will be exchanged. But there are other ways than bargaining to reach such an agreement – e.g. employers and workers might turn over the decision about terms of labor to a third party, and agree in advance to accept the terms the third party decides upon. Then again, there might be decisive reasons to settle terms of labor by bargaining – e.g. economic efficiency and innovation, or respect for personal autonomy. I am not taking a stand here on whether or not deciding terms of labor in this way is the best way of doing so.

able to gain from their labor. And people do not want to compensate others at a higher level because that means that they will have to pay more. So it is not just that the system is arranged to generate avoidable deprivations for some participants, but those deprivations correspond directly to *benefits* for other participants.

Thus the situation we have isolated is one in which: 1) employers benefit from the labor of their workers, 2) the terms of this labor require the workers to accept poor conditions and/or inadequate compensation, 3) it would be possible for different terms of employment to be reached, such that this deprivation would not be required of the workers, 4) the employers refuse to offer these better terms for the workers, even though such terms would not require the employers to sacrifice their own means of living well.

5.1.2. Socioeconomic Justice and the Value of Persons

The situation I have just described is not only defective according to the internal standards of a human economy, it is also a case of exploitation and injustice. In this arrangement, an additional benefit to the well-off (= the employers) which is *not* necessary for a decent life, is being allowed to trump the claims of need by the bad-off (= the workers) whose flourishing is being seriously compromised. Thus the bad-off are being treated as if their basic flourishing does not have equal significance to the basic flourishing of the well-off. For if it did count equally, then the terms of the agreement should be altered so that the bad-off might also have goods necessary for living well. More specifically, the terms should enable them to work in decent conditions, and to receive compensation adequate for the means of life. In pressing for terms that do not treat the basic flourishing of the workers as equally significant to their own basic flourishing, the employers fail to show proper regard for the good of the workers. And since the

employers press for these terms precisely to gain from the workers' efforts, the employers can be said to exploit the workers.

In the exploitative agreement, the well-being of some is treated as less significant than that of others. In this way, the *persons* whose good is being compromised are not regarded as equals: They are not treated as having equal standing to demand that their good be considered as equally important as the good of others with whom they interact. The problem in such an unjust economic arrangement cannot be fully seen by considering the worse-off parties in isolation. What is objectionable is not merely the fact that some people face deprivation. Rather, there is a problem in the *relationship* between the persons involved, a relationship that is held in place by their joint activity economic activity.¹²

Within this joint activity, the workers are being thwarted in their basic economic purpose – to secure the means necessary for a flourishing human life. This is not a purpose we attribute to them by taking a poll of their views. Rather it is a purpose we represent them as having *qua* participants in a cooperative human system for the production and distribution of the means for living well. What they properly aim at, considered as participants in this *kind* of human activity system, is being denied to them by the particular arrangement of *this* instance of such activity.

In light of this, we can say that if I am an employer who forces my workers to accept such exploitative terms, then I am frustrating their activity as rational self-directing agents. In order to benefit myself, I am hindering their attempts to realize a decent life. I thus prevent them from being *self-directing* agents, in the following sense: their own purpose (= to secure their good for themselves) is not determining what they must do, but *my* purpose (= that I be benefited) is determining what they must do. I am bending their activity to my will against their

¹² To say that the arrangement is held in place by their activity does not mean that all members of the arrangement are *equally responsible* for the shape the arrangement takes.

own interests. I thereby deny their good equal significance to mine, and I deny them equal standing within our interaction. To treat others this way is not only to harm them, but to disrespect them. It is to deny them proper standing as free and equal rational beings. And this is a form of injustice.¹³

It follows, then, that the “pure contract” view referred to earlier is wrong. The very nature of a human economy sets limits on acceptable terms of labor. These limits correspond to the requirements: 1) for humane working conditions, and 2) a living wage. These are requirements of socioeconomic injustice.¹⁴ Employers who refuse to offer these terms, in order

¹³ I have spoken of labor exploitation as a matter of “socioeconomic injustice” rather than “distributive justice.” This is partly because I emphasize notions that are not most naturally seen as matters of distribution – e.g. the equality of basic flourishing, respect for others as self-directing agents, effective agency over bargaining outcomes. However, the types of exploitation I have identified might also be characterized as instances of *distributive injustice*. At its core, the idea of distributive justice concerns the relative sharing of costs and benefits by the members of a common enterprise. In the case of exploitation, the employers and workers are members of such an enterprise, which results in productive goods that neither could achieve on their own. However, the employers receive a level of benefit that requires the workers to be denied the necessary means for a decent life – that is, to be denied the very good for the sake of which they engage in economic activity. For this reason, the exploiters can be seen as receiving *too much* of the benefits generated by the arrangement, in comparison with the exploited, who receive *too little*. Here, the notion of a decent human life provides a point of reference for the judgment that someone is paying too high a cost, or receiving too little a benefit, in comparison to how their co-members in that enterprise are faring.

If we take people who are working in dangerous and degrading conditions, we can look at their situation on its own, from the view of human flourishing. We then judge that they are not getting what they need for their good. However, in addition to this, we can also look at how these persons are faring *relative* to the other members of arrangement, bringing the position of others into view. Here we take into account the fact that the arrangement creates burdens and benefits, and the burdens for some are directly related to benefits for others. Looking at matters this way, our focus not just human suffering or flourishing, but the distinctive question of how these burdens and benefits are distributed. And bringing the relative positions of the members into view, our judgment about someone's basic flourishing (or lack thereof) enables us to identify with confidence situations in which burdens and benefits are *not* being distributed properly, based on the nature and purpose of human economy.

¹⁴ As stressed in the previous section, I am focusing on a human economy in which workers bargain with employers for their wages, and cases in which workers depend upon the wages from a single job for securing the means of life. There are obviously complications here. What about

to secure a greater benefit for themselves, are guilty of unjust exploitation.¹⁵ *The normative basis of these standards of justice is the equal standing of persons as self-directing agents in pursuit of their own flourishing.*

So far I have focused on (in)justice in the relationship between employer and worker, and indeed this relationship is primary for the issue of labor exploitation. However, exploitative economic arrangements are held in place because they are profitable to the exploiters, and they are typically profitable because the exploiters are able to take the goods and services acquired through exploitative arrangements and exchange them with *other* individuals. That is, the exploiting employers are typically also *sellers* of goods and services, and other individuals are *buyers*, or consumers of them. Thus a fuller account of an economic order and its justice must include those who use and enjoy the fruits of labor. And while a consumer does not enter into a labor agreement with the exploited workers, they may nevertheless enable the injustice and contribute to it in a secondary way. Suppose that I am a well-off consumer who enjoys the goods generated by the exploitative economic arrangement: I eat food, wear clothes, live in a house, etc., and these things are the product of labor done in poor conditions, or for inadequate

part-time workers? What about workers who are very wealthy, but choose to work – should their wages still amount to a *living wage*, even though they don't need the wages to live? Or should they not be compensated at all? These are interesting questions. However, we do not need to answer them to make judgments about exploitation in the cases which I have described and which I take to be paradigm instances of labor exploitation in the global economy. Moreover, my account of the basic nature and purpose of a human economy will be relevant to answering these further questions as well.

¹⁵ The two norms I have identified are minimum standards for socioeconomic justice. If either of these norms are violated, then we are *prima facie* justified in making a charge of labor exploitation. However, in claiming this, I leave open the possibility that an economic arrangement could be exploitative, even if the workers receive a living wage and work in humane conditions. In addition, there might be types of socioeconomic injustice that do not involve the specific notion of “exploitation.” Finally, I also leave open the possibility that other forms of association, including co-citizenship, generate even stronger egalitarian demands than simple co-membership in an economic order.

compensation. To the extent that I benefit from the arrangement and enable the exploiters to profit, I am holding the arrangement in place. And the goods that I enjoy are generated by the very *same* economic interaction that frustrates others' attempts to realize their own good.

To the extent that I *willingly* benefit from the arrangement, I choose to benefit from the labor of others while being indifferent to whether or not that labor is done in a way that prevents them from realizing their own good. And the way they are being treated in this economic arrangement actually prevents them from realizing their good. Thus I willingly receive some gain at the expense of the flourishing of others, thereby treating the bad-off members as if their good did not matter equally to mine. In this way, by purchasing goods produced in an exploitative agreement, I foster that exploitation and participate in its injustice.

We can illustrate this point with the following example. Suppose that Walter lives near a stretch of remote desert highway. He knows that, because of rocks in the highway, travelers frequently wreck their cars, and because of the desert heat, they will perish quickly if they do not have extra water. Thus Walter waits for stranded travelers without water, and offers to provide them water. Walter is able to do this at little risk or inconvenience to himself, but he agrees to provide the travelers water only if they give him half their earthly possessions. Since they face the possibility of death, they agree to the deal. Walter later sells the possessions at his resale shop and grows enormously wealthy. Walter exploits these travelers, and the terms he demands are unfair. He benefits from their disadvantage without giving proper consideration to their interests, and without showing them proper respect as persons. Now suppose that I know how Walter acquires the goods in his store and I continue to shop at his store and enjoy the goods I acquire there. In this case, even though I do not directly exploit the travelers, I nevertheless enable and sustain their exploitation by giving Walter incentive to exploit them. And I participate in the

injustice in a secondary sense, by enjoying the fruits of ill-gotten gain. Likewise, I participate in the unjust exploitation of workers in a secondary sense if I willingly enjoy the goods produced in an exploitative arrangement, and thereby enable the exploitation to remain in place.¹⁶

5.1.3. *The Circumstances of Bargaining and Background Justice*

Given that terms of labor are to be set through bargaining, and given that we are concerned about exploitation in labor agreements, it follows that we must also be concerned about the *circumstances* of the bargaining process. For these circumstances are crucial to preventing the occurrence of exploitation. In the case of exploited labor, the outcome of the bargaining process is an arrangement that thwarts the basic aim of the worker *qua* economic agent – it impedes the worker’s attempt to secure the necessary means of life. We are justified, then, in supposing that the circumstances of the bargain were such that the exploited worker was unable to influence the bargaining process to result in a non-exploitative arrangement. For if she could have influenced the process to prevent her exploitation, she would have. Exploitative agreements arise, paradigmatically, because people are *forced* to accept them: the weaker parties cannot effectively influence the result of the bargaining process, and they have no better options available to them.¹⁷

¹⁶ I deliberately speak here of participation in injustice, rather than *responsibility* for injustice. At this point, I do not intend to address the question of who bears what responsibility for labor exploitation, including how much responsibility is born by different individuals acting in various roles. I also recognize that there are complicated questions about what it means to act *willingly* versus *unwillingly* as a consumer (and citizen) in the global system. I do not address those questions here.

¹⁷ At the beginning of this section, I characterized the “pure contract” view as holding that the justice of labor agreements is limited to whether or not the parties enter the agreement freely, without force or fraud, and whether each party upholds his or her end of the bargain. It should now be clear, however, that the pure contract view uses the notion of a “free” in a narrow sense. In the paradigm cases of exploitation I have isolated, the exploited workers lack the full freedom

Thus if a process of bargaining is not to be liable to result in exploitative agreements, the respective positions of the bargaining parties must be such that both parties have *effective agency* over the bargaining process to prevent them from being forced to accept exploitative terms. Possessing such effective agency will typically require such things as: multiple options for bargaining partners, a non-monopolistic initial distribution of resources and skills, and an understanding of the relative strength of one's own bargaining position. I will not attempt to give necessary and sufficient conditions for effective agency over the bargaining process. My point is simply that if we are concerned about exploitation in labor arrangements, and if the terms of labor are to be fixed by bargaining, we must also be concerned that the circumstances of bargaining process provide each party a minimal level of control over the outcome. For only in such circumstances can the parties reliably protect themselves against exploitation.

Furthermore, the cumulative effect of labor arrangements, combined with the accidents of history, might be such that, over time, circumstances of mutual effective agency are eroded. Such erosion might occur even if we set aside the influence of violence and deception, even if the initial arrangements are non-exploitative, and even if none of the parties intends to undermine the circumstances necessary to protect against exploitation. Moreover, it might be that there is nothing *individual* economic agents can do, or no policy they can be reasonably expected to follow *qua* individuals, which will prevent the circumstances of bargaining from eroding. This could be so if the results of individual agreements are so complicated that the agents cannot predict their impact, or cannot be reasonably expected to plan for the combined cumulative effect of individual decisions, or adopting an individual policy would be burdensome or ineffective.

of self-directing agents, to the extent that they are being thwarted in their efforts to secure for themselves a decent life. The exploited workers might have a kind of minimal freedom over their labor – e.g. no one is forcing them to work at gunpoint. But they lack the freedom to pursue successfully basic human flourishing.

In this case, the need to preserve acceptable circumstances of bargaining generates the need for a *new* regulatory structure, over and above the level of particular agreements among individual parties. This new level of structure will include policies and institutions that shape the labor market, with the aim of preserving the circumstances necessary for individuals to protect themselves against exploitation. Although this higher-order structure is not itself productive of the means necessary for living and so not “economic” in a direct sense, it is nevertheless required *for the sake of economic justice*. For a situation of labor bargaining that fails to provide the parties with the circumstances of effective agency is one that fails to protect them against exploitation. Such a situation is thereby objectionable from the viewpoint of justice. And we are now considering the possibility that a higher-order system of regulation is necessary to preserve the circumstances of bargaining that justice requires.

My argument here is similar to Rawls’ argument in favor of a basic structure, whose scope goes beyond the minimalist libertarian state.¹⁸ Rawls’ argument against libertarianism centers on the notion of *background conditions*. Rawls suggests that we begin, as the libertarian does, with a practice of free and fair transactions between individuals. If such transactions are to be truly free and fair – to be legitimate by their own internal standards – then there must be certain background conditions for the position of the parties entering the transaction. However, over time these conditions are eroded, not only by force and fraud, but by the cumulative effect of legitimate transactions and the transfer of wealth over generations. Moreover, there are “no feasible rules that it is practicable to require economic agents to follow in their day-to-day transactions that can prevent these undesirable consequences. These consequences are often so

¹⁸ See John Rawls, *Political Liberalism*, paperback edition, (NY: Columbia University Press, 1996). In addition, an argument similar in structure has recently been made by Miriam Ronzoni in “The Global Order.” Ronzoni’s essay is an interesting and creative contribution to the discussion of global justice.

far in the future, or so indirect, that the attempt to forestall them by restrictive rules that apply to individuals would be an excessive if not an impossible burden.”¹⁹ Thus in order to preserve the background conditions necessary for justice in free and fair transactions between individuals, something beyond the practice of free and fair transactions is needed – the basic structure.

I am not defending Rawls’ specific argument, nor am I giving my own argument for a basic structure. Rather, my aim here is: a) to show that concern for exploitation in a labor market requires one to be concerned about the circumstances of bargaining which make persons liable to exploitation, and b) to suggest a way that the threat of exploitation can provide reasons for creating higher-order institutions to regulate economy activity. My line of thought has a similar structure to Rawls’. Like Rawls, I identified an initial practice – in my case, human economy, understood to involve agreements on terms of labor that are made through bargaining. I then argued for norms of justice internal to that practice. I further pointed out that in order to preserve the standards of justice internal to the initial practice – to secure workers against exploitation – it is necessary to secure particular background conditions for bargaining. And doing that is likely to require some *additional* level of rules and institutions. This line of thought will become especially significant in the final section of this chapter, because it forms an important part of my reply to an objection against my account.

5.2. Exploitation and the Global Trade System

At present, many of the most troubling cases of labor exploitation involve workers who are participants in the global economy, where goods and services are exchanged between persons who are not co-citizens. Workers are frequently employed by firms based in a different country.

¹⁹ Rawls, *Political Liberalism*, 266.

Raw materials originate in one country, are shaped into products by workers in another, and these products are then used by persons in a third. According to the argument of the last section, there is a prohibition on labor exploitation that does not depend on the relation of co-citizenship. Rather the prohibition is internal to the relation of co-participation in a human economy. Thus the norms prohibiting exploitation apply to global economic activity, even though there is no global sovereign.

However, the global economy is not only the sum of particular economic arrangements that span borders. Rather particular transactions and arrangements are made possible, and given specific shape, by an international system of economic rules, laws and regulatory institutions. This system includes such things as: internationally recognized rights of property ownership; international antitrust, copyright and patent law; safety and environmental regulations on goods that cross borders; the rights of states to borrow and to confer legal title to the use of natural resources; international rules governing tariffs and subsidies, and penalties for violating those rules; industry-specific regulatory agencies; organizations such as the World Trade Organization, the World Bank, the International Labor Organization, and the International Monetary Fund. As a matter of shorthand, I will refer to this set of rules and regulatory institutions as the “global trade system.” The specific configuration of the global trade system results from negotiations between nations, as well as the decisions of regulatory organizations.²⁰ The aim of this system is

²⁰ On the importance of non-state global actors shaping regulations, see Joshua Cohen and Charles Sabel: “While states remain essential players, to a considerable and growing extent, rule making, as well as rule elaboration and application, especially in the area of economic regulation, but also in areas of security, labor standards, environment, rights, food safety standards, product standards among others, are taking place in global setting that, even if established by states (and many regulatory functions are provide by private or public-private bodies), conduct their activities of making elaborating, and applying rules activities with some de facto decision making independence from their creators.” *“Extra Rempublicum Nulla Justitia?” Philosophy and Public Affairs* 2006 34, no 5, 165.

to foster the economic activity of participants, by enabling a more expansive and efficient exchange of goods and services.

In the last section, I focused on persons *qua* participants in a cooperative system of production and distribution – as workers, employers and consumers. In turning to the global trade system, I now focus on persons *qua* participants and upholders of this system – as persons who comply with and sustain the system’s rules and institutions. Given the existence of the global trade system, the prohibition on labor exploitation has new relevance. The global trade system is a distinct site for claims about unjust exploitation: If the global trade system is to be just, it must be configured so that workers who are integrated into the system are protected from labor exploitation. As a matter of justice, the global trade system must not sustain conditions in which workers are forced to accept terms of labor that require: a) working in degrading conditions or b) working for compensation inadequate to secure basic human flourishing.²¹

5.2.1. Integration, Variable Impact and Exploitation

To see why a norm prohibiting exploitation applies to the global trade system, we can begin with the twin facts of *integration* and *variable impact*. In saying that workers are integrated into the system of global trade, I mean that their labor is conducted as part of the network of economic activity that is governed by international economic rules and institutions. Aspects of this integration include: the raw materials and instruments to which workers have access are regulated by international property and copyright laws; the goods workers produce are subject to tariffs established by international agreements; workers’ home countries set domestic

²¹ I intend this as a *necessary* condition for justice in the system of global trade. However, it may not be sufficient for justice. Even if the system protects workers from the sort of exploitation I identify, it may nevertheless fail to be just for other reasons.

tax and trade policies as a result of negotiations with other countries; workers' home countries make agreements with firms based in other countries that give those firms rights to access the country's natural resources.

In these ways and others, a worker's productive activity is directed and shaped by the global trade system. Insofar as a person works in accordance with the system's rules and institutions, she complies with the system and upholds it. Of course workers often have few real options other than to follow the relevant rules and regulations. But that does not change the fact that in working as they do, they are complying with the system and upholding it. Indeed, it is essential to the functioning of the global trade system that the productive activities of those within the system are shaped by its rules. The economic benefits of the system – the growth in goods and services the system makes possible – arise only because workers comply with the system, only because concrete acts of production and distribution are conducted according to the system's policies.²²

The rules of the global trade system are typically enforced by the governments of particular countries. But this does not mean that workers are simply members of a domestic economic and political order, rather than participants in the system of global trade. For although states are enforcers of global economic policy, the character of those policies is determined by bargaining between nations, and/or the decisions of international agencies. Moreover, it is typically not a realistic option for individual nations to opt-out of global economic institutions. As Cohen and Sabel point out, "Opting out is not a real option (the WTO is a 'take or leave it' arrangement, without even the formal option of picking and choosing the parts to comply with),

²² To say that one upholds the system, however, does not mean that one is *responsible* for the configuration of the system. Indeed, the paradigm case of an exploited worker is a person whose labor upholds the system but who has little or no control over how the system is configured.

and given that it is not, and that everyone knows that it is not, there is a direct rule-making relationship between the global bodies and the citizens of different states.”²³

In speaking of the *variable* impact of the global trade system, I mean simply that different ways of structuring the system will impact integrated workers in different ways. In particular, different rules and regulations will have varying implications for the terms of labor that workers must accept, thereby affecting the quality of labor for workers. The system might impact terms of labor in a variety of ways: shaping access to natural resources; shifting the range of available jobs; allowing, or preventing, the accumulation of wealth over time by individuals and corporations; altering the availability of technologies and the rights to use new technologies.

In stressing the variable impact of integration on workers, I am not denying that the quality of labor will be shaped by things other than the global trade system, such as domestic political institutions and geography. My claim is merely that the global trade system does have a significant impact on the condition of workers, and that different configurations of the system will distribute the burdens and benefits of global economic activity in different ways. As Nobel-prize winning economist Joseph Stiglitz says: “One of my criticisms of the international economic institutions is that they tried to pretend there were not trade-offs...while the essence of economics is choice, that there are alternatives, some of which benefit some groups (such as foreign capitalists) at the expense of others, some of which impose risks on some groups (such as workers) to the advantage of others.”²⁴

Moreover, some ways of structuring the global trade system will impact the situation of workers such that they are forced to accept terms of labor in which they work in degrading conditions, or they receive compensation inadequate for a decent life. That is, some

²³ Cohen and Sabel, “*Extra Rempublicam Nulla Justitia?*” 168.

²⁴ Joseph Stiglitz, *Making Globalization Work*, (NY: W.W. Norton, 2006) xv.

configurations of the system will foster exploitative labor arrangements as part of the economic activity that the system coordinates. In contrast, a different configuration would protect workers against exploitation. A variety of strategies and structures might achieve this protection for workers. I remain agnostic here as to which rules and methods are best for realizing this goal. What matters for my argument is simply that it is *possible* to frame a system of global trade in which: a) potentially exploited workers are instead protected from exploitation, and b) other participants – other workers and employers – continue to enjoy economic benefits generated by the system of trade and are able to enjoy flourishing human lives.

In light of this, a minimum condition for justice in the global trade system is that it protect workers within it from being forced to accept exploitative terms of labor. For if the system is not so structured – if instead it enables labor exploitation – then the system shows insufficient regard for the basic flourishing of the exploited workers. In a trade system that does not protect workers from avoidable exploitation, the benefits of the system for the better-off are being allowed to trump the exploited workers' claims to a decent life. In this way, the configuration of the system treats the basic well-being of the exploited workers as less significant than that of better-off participants. The exploited workers are disrespected within the trade system, since they are not accorded equal status to demand that their basic flourishing be considered as equally important to the basic flourishing of others. For if they were accorded this equal status, the system should be re-structured to protect them from exploitation.

We can express the injustice of such a trade system by saying that the workers within the system have a legitimate claim to be protected against exploitation. Any system that allows labor exploitation is one to which the exploited workers could reasonably object, in favor of a system that shows respect for their basic flourishing by providing protections against exploitation. This

is a claim the exploited workers have *on* the system – about how it is to be structured. And it is a claim *against*, or upon, the persons who benefit from the system and uphold it.²⁵ The basis on which the exploited workers make such a claim is not merely as people who are harmed by the system of trade, but as people who *participate* in the system and uphold it. The impact on the exploited workers is a result of their integration into the global trade system, and the benefits of the system depend on their compliance. Thus they have a special claim on how the benefits and burdens of the trade system are to be distributed. At minimum, they can legitimately demand that their participation in the global trade system not result in an avoidable attack on their basic flourishing. This claim is grounded in the equal importance of each worker’s well-being. Since exploitative labor arrangements are an attack on the basic flourishing of exploited workers, participants in the global trade system have the standing to demand that the benefits the system produces are not realized through a configuration of rules and institutions that sustains their avoidable exploitation – i.e. to demand that the system protect them from exploitation.

So there is a) the injustice of particular exploitative economic arrangements, and there is also b) the injustice of a trade system that enables such arrangements. To see the connection between these forms of injustice, consider the following analogy. If I rob you, then I have done you an injustice. Suppose, then, that we have a police system for mutual protection. However, I support a configuration of the police system in which the resources for protection are unevenly distributed, so that I am very well-protected and you are scarcely protected at all. In this case, even if I do not rob you, I nevertheless fail to give you what I owe you as a co-participant in our system of protection. I fail to show sufficient regard for your interest in being protected, and I fail to respect your legitimate claim to equal protection from the system. Over and above the

²⁵ Compare Thomas Pogge’s account of the structure of claims about human rights, “How Should Human Rights be Conceived?” in *Global Poverty and Human Rights*.

injustice of robbing one another, there is the issue of what we owe to each other as co-members of the system for mutual protection. Analogously, over and above exploitation in specific labor arrangements, there is the issue of what we owe to others as co-participants in the global system designed to regulate global economic activity. And protection against exploitation is a minimum of what we owe to each other, in view of the equal value of each participant's basic flourishing.

Since the ultimate aim of the system of global trade is to foster economic activity, the prohibition on exploitation is not an external or merely general principle applied to the trade system. For the norm prohibiting certain labor arrangements as exploitative is internal to human economic interaction. And the global trade system is, after all, a set of *economic* rules and institutions – i.e. the distinctive kind of activity the system governs is cooperative activity for the production and distribution of the means of living. Since the global trade system is designed to enable economic activity, it is answerable to the internal norms of human economy. If the system holds in place structures that effectively *undermine* flourishing human economic activity, then it fails in terms of the very thing that gives it purpose. Any configuration that sustains defective conditions or wages is defective in terms of the very activity that gives the system its distinctive character and justification.

Justice, then, requires that when the terms of the global trade system are being worked out, this process should not be one in which the parties simply press for their own advantage. As a matter of justice, a concern for exploitation must be taken into account by those with decision-making power in the system, such as politicians, bureaucrats, trade representatives, lobbyists, and voters. And to the extent that a person willingly complies with and benefits from an unjust

system of trade – enjoying the gains produced by a system that sustains exploitation – that person participates in the injustice of the system.²⁶

In speaking about justice in the global trade system, I have emphasized the importance of the impact that global economic institutions have on workers. There are, very broadly speaking, two ways that existing institutions can impact exploited workers: by what they do, and by what they fail to do. For a given class of exploited workers, we might trace the source of their exploitation to specific policies or decisions. Or exploitation might arise because a given area, which is the potential site of legitimate regulation, is left unregulated. In both types of case, an aspect of the global trade system fails.

In addition, it might be argued that the institutions of global trade, as they currently exist, are *incapable* of preventing labor exploitation, no matter how they are structured. In this case, the problem with the system would not simply be its current configuration, but its lack of capacity to alter the situation of workers in a way that protects them from exploitation.²⁷ I will not pursue this possibility here, but it is consistent with my main argument. If the existing system of global trade is simply too minimal in its scope and authority to provide workers with sufficient protection against exploitation, this is reason not merely for the alteration of existing regulator structures but for the implementation of new ones.

²⁶ I avoid here the complicated question of assigning responsibility to different participants in the global trade system, including differences between those with varying levels of influence and varying levels of benefits received.

²⁷ Compare the recent formulation by Ronzoni: “Is the global order unjust? And if so, why? Because it imposes unjust institutions on the world’s citizens, or rather due to the very lack of regulatory institutions it so badly needs?” 229.

5.2.2. Bargaining, Humanitarianism, and Justice Beyond Borders

In recent years, a number of philosophers have argued that it is misguided to speak about “global economic justice,” because socioeconomic justice, properly so called, applies only *within* states.²⁸ A particularly influential version of this view has been put forth by Thomas Nagel, who summarizes the position as follows: “[C]itizens have a duty of justice toward one another through the legal, social, and economic institutions that sovereign power makes possible. This duty is *sui generis*, and is not owed to everyone in the world, nor is it an indirect consequence of any other duty that may be owed to everyone in the world, such as a duty of humanity. Justice is something we owe through our shared institutions only to those with whom we stand in a strong political relation.”²⁹ Call this the “statist” view of socioeconomic justice.³⁰

While the statist claims that standards of justice apply only within a sovereign state, this does not mean that we have zero obligations to those who are not our fellow citizens. Rather, authors such as Nagel and Blake distinguish between two kinds of norms. On the one hand, all persons are related to one another by a universal morality, embodied in basic human rights and humanitarian duties of rescue.³¹ However, universal morality differs from justice, both in *focus*

²⁸ Authors skeptical of talk about “global economic justice” include Michael Blake, Thomas Nagel, Andreas Sangiovanni. There are important differences among their respective arguments for *why* socioeconomic justice is limited to the state. There are also differences between them over the *extent* to which socioeconomic is limited to the state. For instance, whereas Nagel is skeptical that any sort of distributive justice applies outside the state, Sangiovanni holds that distributive justice applies globally, but *equality* is a demand of justice only within the state: “Equality applies only in circumstances in which we share in the reproduction of a legal-political authority that is ultimately responsible for protecting us from physical attack and sustaining a stable system of property rights and entitlements.” 34.

²⁹ Nagel, “The Problem of Global Justice,” 68.

³⁰ I have taken this term for this view from Cohen and Sabel.

³¹ For Nagel, this universal morality is based in our capacity to put ourselves in other people’s shoes, and to make judgments about value from an impartial point of view. In his essay, Nagel uses the term “justice” in a rather restrictive sense, reserving it for political relations. He does not apply the term “justice” to what might be called duties of “natural justice” – e.g. obligations not

of concern and in normative *basis*. Humanitarian duties are concerned with the absolute position of others – with a person’s well-being considered on its own. In contrast, justice is concerned with relative position – with how well we are doing in comparison to others, and the sources of inequality between us. And whereas universal morality is based in our shared humanity, justice is based in a special associative relation we can have with others. According to the statist, this special relation is that of co-citizenship. So while we might have humanitarian duties to assist South Sea islanders with whom we have never interacted, the scope of justice is limited to those we whom we interact as fellow citizens.³²

The statist position combines two claims: 1) Norms of justice depend a special relationship between persons; there must be some *interaction* for justice to be at issue, and 2) The relation necessary for norms of justice is co-citizenship. My account of exploitation accepts the first of these, but rejects the second. For the claims of justice I have identified are based in forms of interaction – co-membership in an economic order, and co-participation in a system designed to regulate economic activity. My account, then, is not “cosmopolitan” in Nagel’s sense of the term, according to which norms of justice govern our relations to all people, regardless of any practical arrangement that obtains between us. Rather the prohibition on labor exploitation is rooted ultimately in a universal moral requirement to treat persons as free and equal, and in

to commit violence or defraud others, no matter what our association with them. These pre-political duties belong, in the terminology of Nagel’s essay, to “universal morality” or “human rights.”

³² In their dependence on a special relation between people, norms of justice are analogous to the norms of being a good friend or good father. While humanitarian morality governs my relations to everyone, I have special (and more demanding) obligations *qua* friend or *qua* father, and I have those obligations only to people with whom I stand in a relationship of friendship or fatherhood. Likewise, the obligations of justice belong to the relationship of co-citizen and have no application outside of that relationship. Thus claims about injustice in global economic institution are similar to demands that a stranger treat me in a way required by the specific demands of friendship or fatherhood. In each case, the demand is out of place because a norm has been misapplied to a relationship for which the norm does not hold.

certain contexts of interaction, this requirement generates norms that are distinct from our basic humanitarian duties to all people. For if we are to cooperate with others as co-members of an economic system, then not *any* arrangement of that system is consistent with the equal standing of its members. At minimum, members must not be required to work in an inhumane manner, and they must be compensated in a way that makes possible a decent human life. These norms are universal in sense that *whenever* such an economic order exists, then they apply to that order. Likewise, whenever we are co-participants in a system designed to regulate economic activity, justice requires that we not support a configuration of that system that fosters exploitative labor arrangements.

There is a similar strategy of argumentation in the essays by Blake, Nagel and Sangiovanni. In each case the author attempts to identify the kind of relationship that gives rise to justice, and to explain why norms of justice are internal to that relation. Although their respective accounts differ, they agree that the relevant relationship is found only within a state. Thus each of their respective views on the *site* of justice (= the relationship on which norms of justice depend) limits the *scope* of justice to within the state.³³ I am not interested here in criticizing their various accounts of why co-citizenship is a *sufficient* condition for certain norms of justice. The issue, rather, is whether or not co-citizenship is a *necessary* condition for socioeconomic justice. I have shown that it is not, by giving an account of norms of justice that belong to a relationship that does not require co-citizenship.³⁴

³³ As noted earlier, this claim is more qualified in the account of Sangiovanni.

³⁴ An argument against Nagel's view, with a similar structure, is found in A.J. Julius "Nagel's Atlas" *Philosophy and Public Affairs* 23 2006. According to Julius, requirements of justification, and hence norms of justice, apply wherever persons pursue their projects through institutions designed to direct the wills of members in that system. As he says: "Viewed from the perspective of the people who make them, institutions are primarily devices by which they can direct other people to serve their purposes. The thing to notice is that you *shouldn't* use other

In arguing that the global trade system must not enable exploitation, I have not argued that the global trade system must meet the same egalitarian standards that apply within a state. Even if the global trade system were structured to prevent exploitation, this would be consistent with forms of inequality that would be ruled out by some more demanding standards of justice, such as Rawls' Difference Principle. However, Nagel is skeptical that the global system is subject to even the more limited norms of justice that I have argued for. Nagel considers the possibility that "even if economic globalization doesn't trigger the full standards of justice, it entails them in a modified form."³⁵ And he recognizes that a concern for global justice, even in a less demanding form, can be seen in "the call for standards of minimum compensation, fair labor practices, and protection of worker health and safety as conditions on international trade agreements."³⁶ These are, of course, precisely the calls for justice I have attempted to ground in a prohibition on exploitation. Nagel, however, questions whether such calls for global economic justice "make moral sense."³⁷ To the person who claims – as I have done – that terms of labor are an issue of justice for the global system, Nagel issues the following challenge: "But if those institutions do not act in the name of all the individuals concerned, and are sustained by those individuals only through the agency of their respective governments or branches of those

people by directing their action to your benefit unless you can show that the resulting sequence of actions and results is something they themselves have reason to want to come about." (188) I am not interested in arguing against this claim of Julius. But our strategies for approaching global justice are different. His non-statist view proceeds from the "top down," beginning from the abstract idea of pursuing one's projects through a cooperative institution. In contrast, my non-statist account proceeds from the "ground up," beginning with the idea of an economy and its distinctive place in human flourishing. Moreover, my focus is more limited than that of Julius, since I am interested in the specific problem of exploitation.

³⁵ Nagel "The Problem of Global Justice" 85.

³⁶ Ibid.

³⁷ Ibid., 87.

governments, what is the characteristic in virtue of which they create obligations of justice and presumption in favor of equal consideration for those individuals?”³⁸

The answer is that the individuals under consideration are *integrated* into the global trade system, allowing its rules to direct their activities, and through their compliance they generate the economic benefits of the system. The fact that global institutions are sustained by the agency of governments, and that governments enforce the rules of the trade system, does not change the fact that workers, firms, and consumers are participants in a system of global trade. And this system can be configured in different ways, resulting in differing impacts on workers. If the system is not configured to give equal consideration to the basic flourishing of its members, then it fails to show them proper respect. And within a system of economic trade, proper regard for the basic flourishing of others requires providing protection against avoidable exploitation – precisely because exploitation is an attack on the basic flourishing of the exploited workers. Moreover, this requirement does not merely reflect a humanitarian duty to all people. Rather, it is a norm internal to the relation of co-participation in a global trade system; it is not a norm that applies between us and South Sea Islanders with whom we have no interaction.³⁹

5.3. Cooperation, Competition, and Economy

I have argued that certain norms of justice are internal to the nature and purpose of a human economy. To make this argument, I characterized economics as a *cooperative* activity. This is why economic activity that is structured to prevent workers from achieving their own

³⁸ Ibid.

³⁹ Of course *as soon as* we begin to interact with the South Sea Islanders as co-participants in an economic order, the norms against exploitation will apply.

good is defective *qua* economic activity, and why an economic agent who avoidably prevents others from realizing their good is acting badly *qua* economic agent.

An objection can be made against this characterization of economy, and thereby against my claim that the norms I have identified are *internal* to economic activity. The **mere coordination objection** claims that *qua* economic actor, a person simply seeks her own good (or seeks to maximize her preferences). Granted, a person's economic activity must be coordinated with the activity of others, but an economic order is not thereby a cooperative activity. Rather an economic agent aims at her own good (or maximizing her preferences), and she may achieve this goal even if things are going badly for those with whom she coordinates her activity. Thus norms of justice are not internal to human economic activity as such.

In reply to this objection, I grant that the norms of justice I have identified do not belong to just *any* conception of a human economy. However, my goal is not to formulate norms that will apply to any conception; nor am I offering an empirical account of how actual economies operate. Rather I am offering a normative account of the kind of economy that is proper to human beings. I am making a substantive normative claim about how human economies *should* operate – about how humans properly secure the means of life.⁴⁰

Why, then, accept my normative conception of economics as cooperative activity? The “mere coordination view” rejects this conception. There are good reasons, however, to oppose the mere coordination account of human economy. My argument against the mere coordination view has six steps:

⁴⁰ Compare Wendell Berry: “Rats and roaches live by competition under the law of supply and demand; it is the privilege of human beings to live under the laws of justice and mercy.” “Economy and Pleasure” in *What are People For?* (North Point Press: New York, 1990), 135.

- 1) The moral virtues are excellences of human practical rationality; they characterize goodness in action and choice for human beings.
- 2) It belongs to the virtuous person to recognize other (adult) human beings as self-directing persons, whose flourishing is of great importance, and equally important to the flourishing of other human beings.
- 3) In speaking about "economy activity," we focus on one sphere of human life and action, one domain in which human practical reason is employed. Thus human economic activity will be done well – it will be in “working order” – only if it is governed by the excellences of practical rationality.
- 4) But practical rational excellence requires us to recognize others as persons whose flourishing is of great and equal importance (from 2), and thus proper human economic activity is done with due consideration for others' flourishing.
- 5) However, on the "mere coordination" view, the economic actor *does not* recognize the good of others in this way. He does not treat their good as making a claim on him, something that conditions what will count as "acting well" for him economically. The basic flourishing of others has only instrumental value for him *qua* economic agent.
- 6) Thus economic activity as "mere coordination" cannot be the characteristically human way to act economically; it is defective *qua* human economic action.

Whereas premise one is a formal point about the concept of moral virtue, premise two is a substantive claim about what virtue requires. I will not give an independent argument here for this substantive claim. But it is a core conviction of egalitarian morality, and it might be supported on a variety of grounds. And given this claim, it follows that the *kind* of economic activity that is characteristically good for human beings is cooperative. Thus the mere

coordination view of human economy amounts to skepticism about egalitarian morality. To the extent we are committed to egalitarian morality, we should reject the mere coordination view.

The defender of mere coordination might counter by claiming that economics is simply the (meta)skill of securing material wealth for oneself, through coordination with others who are doing the same. And like other skills, we can distinguish excellence of the skill *qua* skill, from employing the skill in a virtuous manner – e.g. Jack is a great house builder, but he only builds safe-havens for criminals. Likewise, you can be great *qua* economic agent (= excellent at getting material goods for yourself) but practice your craft for either virtuous or vicious ends. It might be *immoral* not to care about others, but its not an *economic* mistake.

My reply to this is two-fold. First, if the objector accepts that morality rules out non-cooperative economic activity, but still insists “the defects you have identified are not bad economically, only morally,” then this does not substantially impact my argument. For, given that economics is not exempt from morality, the crucial point remains: Anywhere we find a human economic activity, that activity is subject to norms of justice. In that sense, the norms *do* belong to the nature of human economy.⁴¹

Second, it is mistaken to suppose that economics is merely the craft of securing wealth, unless one recognizes that wealth *as such* is that which is useful for living well. Something counts as a material good, as wealth, only because it can be consumed or employed in the activities of life. Thus, the aim of economic activity is not securing wealth in the sense of mere “stuff,” but securing those things that are the means for living well. However, it is possible to

⁴¹ When authors like Nagel argue that justice is the *internal morality* of the state, they do this by showing how moral general moral claims gain new significance in the case of the state and its specific features — the “complex fact” of co-citizenship, in Nagel’s view. Why, then, can we not do the same in determining the internal morality of a human *economy* and distinctly economic interaction?

pursue those means in such a way that one *undermines* the very goal toward which those means are directed. If the virtues are excellences of human practical life, and if non-cooperative economic activity is inconsistent with virtue, then the non-cooperative pursuit of economic aims erodes the very point of economic activity – it amounts to pursuing the means of life *in such a way* that undermines a person’s activity of living well, which is the whole point of pursuing these means in the first place. This line of thought depends on the formal notion of virtue as a practical rational excellence, and on the substantive claim that cooperation is a human virtue. But if we accept these points, we have further grounds to characterize non-cooperative economic activity as defective *economic* activity.

5.4. Living Wages: Objections and Replies

5.4.1. Living Wages and Transfers

I have argued that employers must compensate workers at a level adequate for a minimally decent human life, and that this norm is rooted in the nature of human economy. Against this, it might be claimed that employers can, in justice, refuse to offer a “living wage” *given* that the labor market is part of larger political economy, which makes other provisions for workers, and to which employers contribute through taxes. For example, in *A Theory of Justice*, Rawls hold that justice does *not* require minimum wages, and that instead wages should be left to the market. However, Rawls also takes the labor market to be embedded in a political economy that includes different branches of government, and one of these branches is responsible for *transfers*. The task of the transfer branch is to secure a guaranteed social minimum for all members of the political economy. So while workers might not receive wages from their

employers that are adequate for a decent life, the transfers make up for what is lacking in wages to enable the workers to meet their basic needs.⁴²

My argument neither assumes nor denies the justice of an economic order shaped by such transfers. This is simply not the kind of case that is relevant to my claim about non-exploitative compensation. Rather I have focused on a situation in which workers depend upon their wages to secure a decent life, and that is *not* the case in a system such as Rawls proposes, since workers in that system are also provided with the means of life through transfers. So even if workers in such a system are not exploited when they receive less than a living wage, this does not mitigate the charge of exploitation in the kind of economy I have been considering. Nor does it undermine the claim that the norms I have identified are rooted in the basic nature of a human economy.

I have focused on a situation in which workers depend upon their wages to secure a decent life, because I take this to be the primary context for contemporary occurrences of labor exploitation, especially in the global economy (see 5.1.1). It is clear that the global labor market is not embedded in a political economy with transfers to guarantee a social minimum for workers at risk of being exploited. There may be reasons for or against a political economy of the sort Rawls' proposes, but that is irrelevant to my account of exploitation.

5.4.2. Bad Jobs Better than no Jobs at All?

It is sometimes claimed that the labor arrangements I have characterized as “exploitative” are not actually so, because: 1) the “exploited” workers are better off than they would otherwise be (“bad jobs are better than no jobs at all!”) and 2) the workers *want* these jobs, and are happy

⁴² John Rawls, *A Theory of Justice* section 43, “Background Institutions for Distributive Justice.” (Cambridge, MA: Harvard University Press, 1971), see esp. pages 274-277.

to have them.⁴³ These points are closely related, because (1) is the chief explanation for (2). However, neither of these replies suffices to show that the labor arrangements are non-exploitative. What accounts for their being exploitative is not that the workers are worse off than they would be refusing these arrangements, or that they are strictly speaking “forced” to accept these jobs. Rather the arrangements are exploitative because they fail to show due consideration to the worker’s basic-well being and they frustrate her pursuit of a decent human life, and they are held in place *in order to* secure greater profit for someone else.

The fact that you are “better off” to accept my exploitative offer does not show that I am not exploiting you by refusing to offer you better terms. The stranded travelers whom Walter exploits (see 5.1.2) are in some clear sense “better off” by accepting the deal he offers – if they don’t accept, they will die! But this does not show that Walter is not exploiting them. It does not show that he shows proper consideration for their interests, or that they could not reasonably object to the terms he offers. Even if they are “better off” accepting his terms than refusing them, this simply shows that they are in a position of vulnerability that makes them easy to exploit, not that the terms are non-exploitative. And the same point holds for workers who are “better off” accepting work in miserable conditions for inadequate wages.

Likewise, the fact that a worker wants the job does not show that the arrangement is non-exploitative. Again, there is a sense in which the stranded travelers “want” to take the deal that Walter is offering them, but that does not alter the fact that they are being exploited. And workers might “want” their jobs, in the sense of being willing to accept them, but that does not

⁴³ For example, see Paul Krugman’s essay “In Praise of Cheap Labor” with the subtitle “Bad jobs at bad wages are better than no jobs at all.” *Slate* Posted Friday, March 21, 1997. Available at: <http://www.slate.com/id/1918/>

show they are not being exploited. Rather, the fact that their options are so bad that they are willing to accept these jobs simply shows how vulnerable they are to being exploited.

Further, the fact that the travelers *accept* the deal does not alter the fact that the terms of the deal are thwarting their will in another significant sense. For clearly their choice to accept these terms is constrained by their unfortunate circumstances, and the deal they must accept is one that frustrates some of their important interests. Similarly in the case of labor exploitation, the terms of the agreement frustrate the worker's basic purpose in engaging in economic activity – to secure the necessary means for a decent life. Thus we can say with confidence that this arrangement is against the will of the worker in a significant sense: it hinders her self-directing efforts to attain a minimally decent human life.

5.4.3. Living Wages, Competition, and Background Conditions

A different objection to living wages is as follows: “If a firm elects to pay living wages, this firm will not remain competitive with firms that pay lower wages, so it will be impossible for a firm that pays living wages to remain in business. And a firm can't be reasonably expected to adopt a practice that will put it out of business. So a firm cannot be reasonably expected to comply with the requirement to pay living wages.” Call this the **demands-of-business objection**.

Importantly, the demands-of-business objection changes the paradigm case of exploitation I isolated earlier (see 5.1.1). In the paradigm case, the employer refuses to offer better terms, even though doing so would not require the employer to sacrifice her own means of living well. But the objection supposes that offering better terms does require this sacrifice, insofar as it drives the firm out of business and thereby costs the employer her job.

I have three responses to the demands-of-business objection. A first response is to question the empirical claim in its first premise. Is it really the case that many global firms, with their massive resources and wealthy executives, will be driven out of business by paying higher wages to their workers whose compensation is inadequate for even basic flourishing? If the demands-of-labor objection is to deflect the charge of labor exploitation in the global economy, there must first be clear evidence that the answer to this question is “yes.” It is not enough for the objector merely to raise this possibility.

Even if we grant the first premise in the demands-of-business argument, another response is to reject its second premise. It is simply not the case that a firm is can never be expected to abide by practices which, in certain circumstances, may drive it out of business. Suppose that a firm is engaged in what would *otherwise* be a legitimate enterprise – e.g. agriculture, or garment-making. If circumstances were such that *child labor* was necessary to stay competitive in the garment industry, would this justify a firm in using child labor? Or if terms approaching *slavery* were required to stay competitive in agriculture, would this justify a firm in employing people on those terms? Rather, one might well say: “Given that ‘success’ in those enterprises depends on child labor or slavery, I refuse to participate or profit from it. Although those industries are legitimate in themselves, they cannot be pursued here and now in an unobjectionable way.” If the demands-of-business objection is to hold, it cannot simply be asserted that a firm can never reasonably be expected to close. If circumstances indeed require the firm to demand terms that undermine the basic flourishing of its workers, on pain of being driven out of business, it might be that a firm is simply unjustified in remaining in business in these circumstances.

In addition to these two responses, a third and more important point remains. The demands-of-business objection implies is there has been an erosion of the *background conditions*

necessary to prevent workers from being forced to accept objectionable terms of labor. The workers in the scenario do not have *effective agency* over the bargaining process to secure terms that provide them with wages adequate for basic flourishing. We are justified in supposing this, because if the workers did have effective agency over the bargaining process, they would have secured better compensation for themselves. And in that case, firms would not be able to out-compete other firms by paying less-than-living wages. Such background conditions, however, are themselves objectionable from the view of human economy, precisely because they fail to protect workers against exploitation (see 5.1.3.) Thus the demands-of-business objection presupposes a context in which 1) wages are fixed by bargaining, but 2) the circumstances of bargaining are defective, in light of the basic purpose of human economy.

The fact that the background conditions for acceptable bargaining have been eroded in this way significantly impacts how we should view the situation. On the one hand, there is a grain of truth in the demands-of-business objection. In circumstances where workers do not have effective agency over the bargaining process, a significant burden is placed on employers that *do* want to pay their workers a living wage, since a firm's efforts to respect the basic flourishing of workers may drive it out of business. And not only is this a burden for a firm that seeks to pay living wages, but it makes paying such wages a self-defeating effort, because if the firm fails, its workers will not have those jobs with living wages.

However, this does not show that the requirement for a living wage is not rooted in the nature of human economy. Rather the economic situation implied by the demands-of-business objection is clearly *defective* when judged by the internal norms of a human economy, for the workers are being denied access to the means of life, and that is a good internal to human economy. What the objection actually shows is that there is a need for mechanisms to maintain

acceptable circumstances of bargaining (if terms of labor are to be decided upon by bargaining). The truth in the objection is that once acceptable background conditions have been eroded, it will be difficult or impossible for the situation to be remedied by firms acting on their own, for the efforts of individual firms to pay living wages will be rendered ineffectual by the same defective circumstances. The lesson to be drawn from this is *not* that it is acceptable for employers to press for arrangements in which the basic flourishing of workers is compromised. Rather what is required is a higher-level of regulation, over and above specific acts of bargaining, that can coordinate economic activity in a way that preserves the conditions necessary for minimally acceptable bargaining.

CONCLUSION:

SECUNDUM RATIONEM

In the preceding chapters, I have attempted to articulate and apply a viable version of Aristotelian naturalism, according to which the virtues are naturally good traits in a human being. However, I have not yet addressed a question which will have long ago occurred to some readers: *Granting that moral goodness is natural goodness for human beings, why should we care about being good human beings?*

Interpreted in one way, this question is voicing skepticism about the rational authority of morality - *If I don't happen to care about being a "good human," what reason do I have to be morally good, or to care about the things the moral person cares about?* This is a question that Foot takes up in *Natural Goodness*, as well as in her later essay "Rationality and Goodness." Foot argues that the skeptical question can itself be heard in two ways. First, it may be a challenge to a substantive account of the virtues – i.e. why do I have reason to do what *you* say is "morally good"? This question, according to Foot, makes sense, but it is not really a challenge to the formal framework of Aristotelian naturalism or to the authority of morality. Rather, it is simply an invitation to debate substantive questions about what human goodness actually consists in – e.g. "You say we have reason to be humble, but is humility as you construe it really a human virtue?"

However, the question may be heard in a second way, if it is spoken by someone who grants that X-ing would be morally good, but still wants to know what *reason* there is for her to X. In this case, the questioner assumes that if she has reason to act on a moral consideration, this must be because of some connection to her desires or self-interest. And Foot rejects this

assumption. Rather, following Warren Quinn, she holds that: a) moral judgments are claims about practical reasons, and b) moral reasons are basic within practical rationality. So in its second form, the skeptical question is misguided, and based on the wrong account of practical rationality.¹

However, we can also interpret the initial question such that it is *not* voicing skepticism about the rational authority of morality. On this interpretation, the question is different from either of the questions that Foot addresses, and it poses a different kind of challenge for Aristotelian naturalism. We can imagine a person saying: “I don’t challenge the idea that moral considerations have rational force, but how is the *naturalist* entitled to that claim? Given your view that moral goodness is natural goodness, you can hold that moral norms have rational authority only if human nature itself has normative authority over us – only if we have reason to do whatever our form dictates for us. But why should we think that human form is authoritative in that way, especially given our capacity to ‘step back’ from our nature? That is what I was asking when asking why we should care about being good human beings.”

This question gets its appeal partly from the comparison with other life-forms, and from the thought that *if* those other life-forms could “step back” from their own life cycle and question it, then it would make sense for them to do so. In chapter two, I defended natural norms in plants and animals by pointing out that these norms do not require the thought that *it is good that* this is how things stand with a given life-form (2.2.1). However, if we imagine the elephant seals as rational creatures, then it seems they could ask *why* they should fight for their mates as they do. Further, it seems reasonable for them to come up with a new, less-violent arrangement for finding mates. Once a creature is rational, it is able to ask how it should carry out its life. And

¹ Foot, *Natural Goodness*, 52-65.

once asked, that question can only be answered with a *reason* – with a thought about why it is good to act one way or another. Thus once the question of how to live is raised, an answer that appeals to our “nature” seems to be of the wrong sort. For it just re-asserts that this *is* the way things are with us, rather than giving an answer as to *why* we should embrace this way or depart from it. True, a certain way of living might be “naturally good” for the life-form, but why does what is naturally good qualify as *normative*, or choiceworthy, for a rational being? An appeal to “nature” would only be of the right sort if supported by the additional thought that our nature is *good*, or *it is good that* things stand this way with our nature. Only then could human form have rational authority for us.

Although there is something correct about this line of thought, it is also misleading. What is misleading is the idea of human nature as something that we “step back” from, given our rationality. For this supposes that our “nature” is whatever we share with non-rational animals, and then our reason is added “on top” of that. But Aristotelian naturalism holds that reason is a *characteristic capacity* of our life-form, not something additional to it, and this means that the excellence of our form is rational excellence.² Thus those activities and pursuits which have a place in the life of “the human” – which are ways of acting and living proper to our life-form – are those that are done according to a proper employment of reason. It follows from this that when we say a type of activity belongs to “the human,” we are already making a claim that this is a rationally excellent way of acting. For if it were not, then *ipso facto* it is not the excellence of our nature as rational animals. As Aquinas says: “But it must be observed that the nature of a thing is chiefly the form from which that thing derives its species. Now man derives his species

² Likewise, it is misleading to imagine that the elephant seals could become rational and then question their (old) nature, for if they were rational animals they would have a *new* nature as rational beings.

from his rational soul: and consequently whatever is contrary to the order of reason is, properly speaking, contrary to the nature of man, as man; while whatever is in accord with reason, is in accord with the nature of man, as man (*quod autem est secundum rationem, est secundum naturam hominis inquantum est homo*).³

Thus once we have the proper notion of human form in view, the general worry about the rational authority of our nature disappears. For that worry depends on their being a gap between the dictates of our nature and the voice of reason, and there is no such gap for *rational animals* such as ourselves.

Having said this, we can also see what is correct in the worry about the authority of our nature. Faced with a substantive question about what human good is, or why we have reason to do this rather than that, it is indeed illegitimate to answer simply by appealing to “our nature,” unless that appeal is supported by a further thought about the *goodness* of a proposed manner of living and acting.⁴ For without a thought about the good, the appeal to our nature misses the point of the question, which seeks *grounds* for doing things one way rather than another. It is like a situation in which in someone asks, “Why don’t we do things this way, rather than that” and the only reply is “Because that’s not the way things are done around here.” Likewise, a thought about “our nature,” independent from our grasp of the good, is not a source of insight into how we should live and act.⁵ However, this is not because reason is added “on top” of our life-form. Rather it is precisely because *our* form is distinguished by reason – just as Aristotelian naturalism holds.

³ Thomas Aquinas *Summa Theologica* I-II Q.71 A.2., trans. Fathers of the English Dominican Province (Notre Dame, IN: Christian Classics, 1948) volume II, p 898.

⁴ My view on this point is very similar to the view that Finnis attributes to Aquinas in *Natural Law and Natural Rights*. See especially 34-36.

⁵ Indeed, independent from a grasp of the good, it cannot be an insight into *our* nature at all.