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Foot-Notes

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FOOT-NOTES by Joseph Gilbert

"And are you stronger than all these? for if not,
You will have to remain where you are.
May there not be the alternative, I said, that
We may persuade you to let us go?
But can you persuade us, if we refuse to listen
To you? he said.
Certainly not, replied Glaucon.
Then we are not going to listen; of that you may be assured.¹

Mrs. Foot allows that the non-hypothetical use of *should_m* is 'correctly maintained and adequately supported,' independent of the agent's desires or interests, if the right kind of thing can be shown about the nature of the action — even when special circumstances justifying the ends mentioned are not required. "What is not necessary", she says, "is that we should show a connexion with the agent's desires or interests if we are correctly to maintain our use of 'should'; so that we have here a non-hypothetical' use of the word."

Now she claims that such non-hypothetical usage can also be found in nonmoral contexts. Though this may be true, I do not think that Mrs. Foot has shown the nonmoral contexts in which she thinks it also operates. In fact, I doubt whether one can correctly maintain *and* adequately support the non-hypothetical use of 'should' in the context of club rules or rules of etiquette.²

Let us consider Mrs. Foot's full description of the non-hypothetical use of *should_m*. She allows that for the non-hypothetical use of *should_m*, "where a moral ground is suggested as the reason why something should be done, we may say that a man should ϕ without the implication that ϕ -ing stands in an ancillary relation to his desires or interests." It may, of course, but it is not necessary. We may, for example, suppose that others care about the moral ends she mentions. But even if others do not care about such ends, the *should_m* is correctly maintained and "adequately supported if the right kind of thing can be shown about the nature of the action."

If I read Mrs. Foot correctly, the full description of the 'adequately supported and correctly maintained' non-hypothetical use of *should_m* is as follows: "What is not necessary is that we should show a connexion with the agent's (or anyone else's) desires or interests if we are to correctly maintain our use of *should_m*."

What I wish to show is that either the non-hypothetical use of *should_e*³ is not analogous to the *should_m*, or that the *should_e* is, to use Beck's language, a conditional categorical 'should' or an elliptical expression of a hypothetical 'should'.⁴ Clearly Mrs. Foot is correct in saying that *should_e* does not fail to apply to one even if he *sensibly* decides to ignore it. If we are correctly to maintain our use of *should_e*, it must also stand supported even when there exists no connection with the agent's desires or interests. But whether or not the agent sensibly decides to ignore the *should_e*, its non-hypothetical use is not analogous to that of *should_m*. For them to be analogous, for the argument to do what Foot sets it up to do, the non-hypothetical *should_e* must also stand supported even when there exists no

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connection with the agent's, or anyone's, desire or interest — as long as the right kind of thing can be shown about the nature of the action.

Now it would be silly and senseless in the absence of anyone's desires or interests to say that the *should_e* provides us with reasons for acting when enunciated as e.g. in 'Invitations in the third person should be answered in the third person' or 'Ladies should not be brought into the smoking room'. If no one's desires or interests were related to these rules it would be silly and senseless to follow them. It is not at all clear what we could say or do in such cases to show the right kind of thing about the nature of the action.

Therefore, and here I too merely wish to elucidate and not advocate, it appears that the non-hypothetical use of *should_m* may be correctly maintained and adequately supported (for the reasons Foot mentions) without being silly or senseless, independent of *anyone's* desires or interests, while the non-hypothetical use of *should_e* cannot stand supported, without being silly or senseless, independent of *anyone's* desires or interests. These examples fail to show that the importance of the *should_m* can easily be overestimated in ethics. It seems rather that our non-hypothetical use of *should_m* is important, or at least not silly or senseless, while the *should_e* is both not important, and silly or senseless.

What of the second so-called 'reason-giving' non-hypothetical use of *should_m*? Here it would seem impossible to disagree with Mrs. Foot, for this use of *should_m* amounts to either 'no reason has been given' or that moral considerations 'just do' give reasons for acting. Certainly one may say the same with equal gratuitousness about the *should_e*.

Let us consider Foot's dilemma. I agree that we do not "create reasons for acting simply by putting together any silly rules and introducing a non-hypothetical 'should'." I also agree that the "non-hypothetical 'should' does not necessarily imply reasons for acting." This does not, of course, apply to all non-hypothetical uses of *should_m*. For the first use of the non-hypothetical *should_m* may be 'adequately supported' where a moral ground is supplied as the reason for acting and the right kind of thing can be shown about the nature of the action. The same thing cannot be said about the non-hypothetical use of *should_e*.

Perhaps here we should introduce another 'non-hypothetical' use of 'should', the gratuitous use of 'should'. The *should_g*, in any context, by definition, gives no reasons for acting. Here we must agree with Foot, if the *should_m* is used as the *should_g*, there are no reasons to give, nothing to be proved.

Let us turn to the first sense in which a moral system might be said to consist entirely of hypothetical imperatives. In this sense the hypothetical *should_m* applies "only in case the right connexion could be found with the agent's interests or desires." The hypothetical *should_m* operates only for members of the group which share common aims, so that if others outside the group do not care about the ends of morality they have no moral reason to refrain from stealing, rape, murder, and the like. Yet Foot maintains that we could change to a hypothetical use of *should_m* "without destroying or even disrupting morality". And "that it would not matter at all if we made this change in our usage" — unless of course we have "pure intuitions" about morality. Since we don't, our only loss, Foot claims, is "one among our many instruments for expressing a hostile attitude to persons outside the moral group". In this hypothetical use of *should_m*, we could no longer say that others outside the group shouldn't act as they do.

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If Foot is right about this, it is not a loss but a gain. Clearly, if the non-hypothetical use of *should_m* were only a device for expressing hostility — it could not serve as a moral reason for acting. In this sense, the indifferent amoral man may see the matter more clearly than we do, and, if so, may in fact also be a man of courage. For if our 'reason' for saying, non-hypothetically, that he *should_m* not ϕ are merely devices for expressing hostility, then indeed, he has good reason not to be moral.

But I think Foot makes too much out of the indifferent amoral man. He is not a gauge or monitor for reasons for acting in either the moral or non-moral context of the non-hypothetical or the hypothetical use of *should_m*. This man does not care whether he offends or does not offend someone else, and to say that we don't care whether we do or do not offend, is surely not to provide a reason for offending or a reason for not offending. Such a man has no reason to ϕ nor has he a reason not to ϕ .

Similarly, the indifferent amoral man has no moral reason to regard the rights of others, nor does he have reason to disregard them. Foot is correct; this man has no reason to behave morally. But it also follows that he has no reason to behave immorally; neither 'Hurt others' nor 'Help others' will provide a reason for his acting. What a strange case. We are unable to provide any reason for acting, moral or immoral, hypothetical or non-hypothetical. If we cannot find the right connection with this man's interests or desires, we cannot motivate him or provide him with reasons for acting; if he is apathetic, if it is a matter of indifference whether he offends or not, again we cannot provide him with reasons for acting. He should hardly be our test case, or a monitor for determining whether certain uses of 'should' may or may not provide reasons for acting.

In the second sense of our hypothetical *should_m*, the agent has reason for acting when and only when moral considerations are related to his desires or interests. Foot thinks that it may seem extraordinary that such a man may have a 'good will,' possess every virtue and have moral principles. In fact, it is not at all extraordinary; it is a very compelling conception of a moral man. It is so disarming, that even Kant might pause, and concede with Foot that such a man may be all that she claims he is. In fact, it may make us all non-categorical moralists.

In this system, practical reasoning, consisting only of hypothetical *should_m*, the agent is a man of resolution and self-discipline.⁵ Such a man *may* want, "and want more than anything in the world, to help other people; and his hypothetical imperatives will then relate to such ends." This man *could* have all the virtues; where they are not defined by their relation to an end, this agent, having engaged in his desire-dependent practical reasoning, *might* believe that "rules of honesty and justice were important for the common good and the protection of the weak, about which he cared." In addition, he *wanted* "to live openly and in good faith with his neighbors and therefore refused dishonesty and injustice even where it seemed possible to conceal these things and nullify their bad effects."

If we substitute throughout for *may want* and '*might believe*' such expressions as '*wanted*,' '*does in fact have*' or '*believe*'; and add, as Foot does, that this agent's desire-dependent practical reasoning is "in conformity with virtue not contingently but as directed to the ends internal to the virtue concerned", why indeed would we deny virtue to such a man? And further, this agent does not want another's happiness merely for the sake of his own, nor does he want to be honest

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because it is the best policy; rather he simply wants another person's happiness, and he wants to be honest because of the importance of honesty in the life of the community, and on account of his concern for the common good.

Indeed Kant himself must rejoice, for his theory of human nature rests on a false premise; and for the army of volunteers, which Foot describes so well, we have discovered "just that set of ends which would give true virtue rather than accidental conformity."

Having abandoned Kant's theory of human action, we are now presented with a "set of ends which would give true virtue rather than accidental conformity." Why, indeed, should we deny virtue to one whose desires are in conformity with virtue *not contingently* but as *directed to the ends internal to the virtue concerned*, as is so well put by Foot? Here, though they may provide 'incentive' it is not desires and interests which constitute the determining ground of an action. It is the ends internal to the virtue concerned when related to the agent's interests and desires. To put it differently, it is the ends considered internal to virtue that make these ends morally desirable not the desiring of these ends that make them morally desirable. If so, then these ends may be considered, and sometimes are considered as desirable independent of the agent's desires or interests. The interests and desires of this agent appear to be purely moral; his actions are self-imposed and endorsed by his own desire-dependent practical reasoning; we might even say that his concern and care exhibit reverence and respect for the ends of morality. Though the question whether his maxims are capable of becoming laws does not arise, he subjects himself to no other 'will' but his own. Though, I suspect, if we push this too far we would have a non-hypothetical use of 'should'.

Even from Foot's view, ethics does not appear as merely an elaboration of human psychology. One's desires and interests are non-contingently directed and intimately bound up with the requirements of the ends of morality itself; e.g. such a moral agent desires perhaps more than anything else, to do what is right as such. Even here it would not be correct to say that interests and desires do not meet the conditions of inescapability which attach to the criteria of morality. For it is not the desire or interest which provides the moral support, though these would be, on Foot's view, necessary conditions of the motivational source of practical action. Kant himself admits that love, for example, as an affection ('pathological love') cannot be a command of duty. In one place, he says that "Consequently, the law . . . does not command the action itself . . ." There is then some question whether, according to Kant, we have a duty to adopt our reverent respect for the moral law as our sufficient incentive for obeying the universalizability-requirement of the law. So we can have no duty to adopt the ends of morality, since we can never know if our interest is exclusively based on reverent respect for the moral law; as such, we cannot, of course, be obligated to make certain that we motivate ourselves by such an interest. The 'disposition' of Foot's agent to \bullet is already moral. His virtuousness has already developed to a high degree. Foot's agent is not so much striving for 'purity of heart' but is one, considering his concerns, whose character already constitutes 'purity of heart.'

A person may even believe that these moral ends are desirable, and yet not have any interest or desire to do what is right. So though all passional or motivational considerations involve desires and interests, the ends themselves are open to rational assessment; the reasons for acting in these contexts, though desire-

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dependent, are specifically moral. Now is it because these reasons constitute moral requirements that they motivate us to act, and if so, to raise a broader question, then is it true that morality would not be disrupted if it consisted only of hypothetical 'shoulds' in the first sense, so that these moral ends when independent of our desires or interests cannot motivate us to act? Would we have lost only one of our devices for expressing hostility?

The major disagreement here is that Foot, contra Kant, denies that moral ends are ends that the agent has a duty to adopt. Though I, in part, agree with Foot, it is difficult to see what is paradoxical about this view as she presents it. Foot's position is the one that appears paradoxical. I may do my duty, independent of desire or interest, simply because it is my duty — as a teacher, doctor or policeman; but I do not have a duty, *qua* duty, to become a teacher, doctor or policeman. I may have, as Foot would allow, duties within morality, but I cannot have a duty to adopt the ends of morality, or the ends which substantively define morality. It may not be good Kantian exegesis, but one may say that the "spirit of Kant" is preserved if we consider his fundamental theme within the context of "a community, every member of which is respected by all others, and in which only those rules of conduct are followed which everyone recognizes to be reasonable."⁷ As a member of that community, my actions do not exhibit blind obedience to the commands of duty. Moreover, here, though we may have no argument for non-members, we have very powerful arguments for those who might waver, or for those who seek justification for their participation. We cannot have it both ways. We cannot justify not paying our taxes and at the same time claim that we have a right to participate and share in what tax money provides. So whatever my desires or interests, I cannot justify not adopting the ends of morality of the above community and claim that I also have a right to participate and share in whatever benefits morality may afford.

Let us look at the free floating, unsubscripted 'ought' in 'One ought to be moral'. Surely Foot is right; it is not clear just what is being said here. It seems to make no sense unless the 'ought' has the moral subscript, giving a tautology, or relates morality to non-moral systems. This is not an argument against any system, moral or non-moral, in which such an 'ought' operates. This 'ought' would be like the 'should_g', the gratuitous 'should'. Here too, when the ought_g is issued, the uncaring, amoral man, or any man for that matter, has no reason for acting morally; or immorally, or non-morally. This ought does not ride shotgun over the moral or the non-moral point of view. Just what does it mean?

Foot's case is odd. When the 'ought' is subscripted, it *still* cannot provide reasons for acting for the uncaring, amoral man. If such a man is indifferent to the suffering of others, then he has no moral reason to act in order to relieve their suffering. But such a man is amoral, not immoral, and as such, though he has no moral ends which require regard for others, he has no ends which require disregard of others, i.e. which require that he behave immorally. This is a paradoxical view: subscripted or unsubscripted, the 'ought', for such a man, would provide no reason for action in any context — moral, immoral, or non-moral. And if we take the 'One ought to be moral' to mean 'One ought to adopt the ends of morality, the ends which define morality', we cannot appeal to those ends within morality without begging the question or uttering a tautology. Similarly for club rules or rules of etiquette, either we beg the question or issue a tautology.

Let us now turn to the issue which may indeed make Kantians of us all. When it

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comes to appraising moral character, no one can contract out of morality; morality is inescapable. Since the rules of etiquette are not Kantian categorical imperatives, we must explain what, if any, additional inescapability belongs to morality. What then are we to say about the categorical use of ought_m and the ought_e ? Perhaps we can show that more concessions have been made to Kant, in regard to the inescapability of morality, than Foot allows. We can at least show that the inescapability of morality is quite unlike the inescapability of etiquette and that the central difference is precisely that the two do not have an analogous status. It can at least be shown that men, whatever their desires, may have the best reasons to act morally. This is not to say or to reduce moral considerations to considerations of reason where "one has reason to do what it is rational to do;" but that there are numerous reasons, moral and non-moral, why one ought to be moral. They will be complex and overlapping reasons; they will not serve to prove or demonstrate, but neither will they serve to merely express our feelings; hopefully they will exhibit or reveal a reasonable and well-founded case for being moral if certain other questions are first raised.

Let us indicate the additional inescapability of morality by contrasting and exhibiting the difference between the should_m and the should_e . Clearly questions in regard to the kind of person one wants to be, the kind of life one wants to live are more fundamental and significant than the social forms of decorum which may or may not be sensibly denied. It is largely arbitrary (and may be senseless or at least silly) whether or not one answer in the third person, invitations sent in the third person; or whether one uses a fork or spoon for eating peas; or to remain seated or standing when the hostess approaches the table. These things may easily be changed; any rule or set of rules enabling us to get along in certain ways will do. If these rules are not connected to anyone's desires or interests, they seem to be simply senseless. If they are so related, one may even sensibly ignore them; and though he may be unmannerly, may have morally redeeming reasons for acting in such a way, but the man who ignores the suffering and needs of others cannot be redeemed by appeal to the rules of etiquette (when these are non-moral).

When there are disagreements about the should_m and about the should_e , the additional inescapability of morality is more apparent; moral considerations are seen as more fundamental and significant. Consider two cases:

I. (a) The hostess thought that I was rude or at least unmannerly because I sat before she was seated; (b) I sat before the hostess was seated, but she did not think that I was rude or unmannerly, for she thought these social amenities were silly.

II. (a) The hostess thought I was cruel, breaking the child's arm because in reaching for the bread, he did not ask for permission; (b) I broke the child's arm, but the hostess did not think I was cruel, for she thought the rules of morality were silly.

In the former case, the rules may or may not apply. They can be sensibly ignored. In the former sort of case, it may be right to \emptyset , or it may be a matter of complete indifference if no one cares about these things. In the latter kind of case it is wrong to \emptyset , and the man is a brute if \emptyset -ing is done dispassionately, wicked and depraved if \emptyset -ing is done with pleasure.

In support of Kant, though not for Kant's reasons, the things we say about the should_m cannot be said about the should_e . . . in fact, in the second case we may

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certainly ask if the man is rational, i.e., does he know what he is doing, is he responsible for his actions? Perhaps he is rational, as he is surely inhumane. Some persons' feelings may be hurt if one violates the rules of etiquette; one may expect that price and remain a morally good man. To violate the rules of morality may render one unfit and cost one the right to live in most forms of human society; he may have to contract out of human society.

Let us now relate the inescapability of morality with 'One ought to be moral', morally subscribed, addressed to men who are not wholly indifferent, though they may be amoral or perhaps immoral. I am not trying to invest human psychology with the requirements of logic. And it is not tautologous nor unreasonable to say that 'One ought to be moral' because of what it means to be moral. Reason here would be tied up with all sorts of considerations. We can grant that for many of us there is, at times, an insensitivity and blindness concerning the results of actions performed indifferently which questions such as 'Do you realize what you are doing?,' 'How would you like it if . . .?' or 'What if everyone . . .?,' may help us remove, and in so far as they do, they are germane to any moral (though not only moral) argument. In the 'One ought to be moral' sentence, in regard to the ends of morality — viz. concern over human suffering, cruelty, or human worth — literature, poetry, and the cinema, are perhaps better means than cool argument to help us to realize more concretely the effects of our actions and, the social situation of which we are a part. (We have already seen that one cannot have it both ways.) Although in this sense, the question "Would you want everyone to behave . . .?," has no overriding importance in making us come to realize these things; the above devices provide more *vivid* ways of getting us to imagine what it would be like to ignore morality. Appeals to reason, or name-calling, where compassion is absent, is both silly and useless, though compassion is not enough either. Although, as K. Nielsen forcefully argues, Hobbes does, to transport the question, adequately answer the 'Why should we be moral?' question, he does not answer the 'Why should I be moral?' question.⁸ We could say, e.g. to be fully amoral is to be less than a man; to be fully immoral is to be both wicked and depraved. In either case, if our agents are not mindless, and if they do not refuse to listen, we may rationally motivate them to be moral by revealing in bold relief the agent's conception of himself. If we can reveal what reasons the agent has for doing things for himself, we may get him to see what reasons others have for doing things for him, and what reasons he has for doing things for others. This is not to separate ethical from motivational considerations. Though the two may operate independently they complexly overlap.

It is not merely that a man is 'dishonest,' 'unjust' and 'uncharitable,' it is difficult to see that such vices are tied up with the well-being of anyone. We want to be the best that we can become and although we must struggle alone here, we are alone as men, our hazard, as members of a human community, is that we may indeed contract out of such a community, become brutes, unfit, less than men. And perhaps moral inescapability enters and operates best when such men are wronged or believe that they are wronged.

Consider the following:

"After I returned to prison, I took a long look at myself and, for the first time in my life, admitted that I was wrong, that I had gone astray — astray not so much

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from the white man's law as from being human, civilized — for I could not approve the act of rape. Even though I had some insight into my own motivations, I did not feel justified. I lost my self-respect. My pride as a man dissolved . . .

I realized that no one could save me but myself. The prison authorities were both uninterested and unable to help me. I had to seek out the truth and unravel the snarled web of my motivations. I had to find out who I am and what I want to be, what type of man I should be, and what I could do to become the best of which I was capable . . .

If I had followed the course laid down for me by the officials, I would undoubtedly have long since been out of prison — but I'd be less of a man. I'd be weaker and less certain of where I want to go, what I want to do, and how to go about it.

The price of hating other human beings is loving oneself less."⁹

There is no blind obedience to duty here; the above may even exhibit a rational and autonomous basis for morality. What flags are being raised here? Who is being duped? The above is surely in line with the spirit¹⁰ of Kant; 'A community, every member of which is respected by all the others', because of the questions raised, and because of what one is trying to be; 'and in which only those rules of conduct are followed which everyone recognizes to be reasonable' 'Who am I?', 'What do I want to be?' 'What type of man I should be, and what I could do to become the best of which I was capable.'

Why can't a man contract out of morality? The inescapability of morality is not to be found only in appraisals of the moral character of others, as a device for expressing our hostility; but as a genuine concern with what the other is doing (not only to us) but to himself. I am not sure what it means to prove or look for the truth in such contexts; if we differ, the flag need not be dropped, for we require that our differences be well-founded and reasonable.

Perhaps there will be less fear of being tricked if we start here; the question 'How can we make ourselves better?' should be one of the first questions reflective men should attempt to answer. Here not only moral questions but much broader questions of character are raised. The question whether we have a duty to be moral requires broader treatment than appeal to any specific moral theory. Surely if the dimensions of human existence are reduced to moral character alone as the most important and worthwhile, we suffer a loss. We want to become the best of all we are capable of becoming. Morality is a part and an important part, but only a part, of these considerations; and why should we deny these concerns as fundamental themes of rational human nature.

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1. REPUBLIC, Bk. 1.
2. Though such a use may be maintained if these rules border or tend to merge with moral considerations. That though is a different issue.
3. 'e' I shall use indifferently, to mean either rules of etiquette or club rules where these are non-moral.
4. L. W. Beck, 'Apodictic Imperatives', KANT-STUDIEN, X-XI (1957) pp. 7-24.
5. A morality of inclination as Foot puts it, would not get off the ground; nor indeed get us out of bed in the morning.
6. T. K. Abbott in KANT'S CRITIQUE OF PRACTICAL REASON AND OTHER WORKS ON THE THEORY OF ETHICS, 6th edn. (Lionman's, London, 1959) p. 303.
7. H. B. Acton in KANT'S MORAL PHILOSOPHY, (St. Martin's Press, 1970) pp. 43-44.
8. K. Nielsen, "Why Should I be Moral?" METHODS, XV, No. 59-60 (1963) pp. 275-306.
9. E. Cleever, SOUL ON ICE, (Dell, 1968) pp. 15-17.
10. Though, as one philosopher puts it, a 'de-mythologised' version of Kant, K. Ward, "Review of Kant's Moral Philosophy", by H. B. Acton, PHILOSOPHICAL BOOKS, Vol. XII No. 1 (Jan., 1971) pp. 1-2.