



Introduction

Anscombe's Challenge

"Modern Moral Philosophy" is the title Elizabeth Anscombe gave to her famous broadside against the ethical philosophy she found around her in the middle of the twentieth century (Anscombe 1958).¹ Anscombe's chief complaint was that her contemporaries remained under the influence of a fundamentally mistaken turn that Western ethical thought had taken in the modern period, beginning roughly, I will suggest, with Hugo Grotius in the seventeenth century.²

Anscombe's most basic problem with modern ethical philosophy was that it is, as she put it, "*moral* philosophy." It concerns, even if not exclusively, what it calls *morality*: a set of putatively universal deontic or "juridical" norms of right and wrong that purport to *obligate* all normal human adults, indeed, all *moral agents*, as it terms beings who have the capacity to respond to obligation (5).³ Anscombe called this a "law conception" of ethics (5), since it posits a moral law of right and wrong, what Grotius and his followers called "natural law."

All societies are structured by laws or social norms (*mores*) in some way, of course. But what modern ethical philosophers called and still call "morality" transcends socially constituted norms. Of any social or legal obligation, we can always ask whether it obligates us *morally*, that is, whether it would be morally wrong, and not just against social convention or illegal, or even our society's moral beliefs, to violate it. Moral right and wrong can never be settled by looking simply to a society's laws or *mores*. They concern *morality's* norms.

¹ Thomas Nagel also describes Anscombe's article as a "broadside" (Nagel 2022).

² Anscombe had other concerns also. Partly, her target was the "consequentialism" that characterized, she said, "every single English academic moral philosopher since Sidgwick" (1958: 10). By "consequentialism," she meant views according to which sufficiently extreme consequences might justify otherwise immoral acts. By this standard, even deontologists like W. D. Ross count as consequentialists. "Consequentialism" has come to have a narrower use, referring to theories of the right that are ultimately based on the goodness of consequences (either directly, of actions, or indirectly, of rules, practices, or motives that dictate them).

³ Except when context requires it, I shall use these terms more or less synonymously, although strictly speaking, "deontic" terms express concepts that do not require actual socially constituted accountability structures to be instantiated, although "juridical" terms do.

This is not always apparent, since we use “morality” both as a count noun and as a non-count noun. In the count-noun sense there are as many moralities as there are societies with different *mores* (and perhaps different individual moral codes). Moralities, in this sense, are things we can count in the actual world. “Morality” in the sense that modern moral philosophers are concerned with, however, is not a countable aspect of actuality. It is an essentially normative deontic structure.⁴ When modern moral philosophers use “morality” to refer to this normative structure, they are using it in a non-count sense that contrasts with the count-noun sense of “morality.”

Moreover, what modern philosophers call “moral agents,” those who are subject to morality, is determined not by membership in any actual society, but by having certain capacities of thought and will that philosophers dub “moral agency.” These include the capacity to guide themselves by the moral law, which binds each simply as one moral agent among others. “Moral agent,” or “Person,” as Locke puts it, “is a Forensick Term” that “belongs only to intelligent Agents capable of a Law” (Locke 1975: 346).

Anscombe thought it obvious, however, that no practical law of any kind can exist without a lawgiver. So there can be a moral law only if it has a legislator whose jurisdiction transcends any posited earthly realm, even, indeed, that of the international law (*jus gentium*) that Grotius himself helped to originate in the early modern period.⁵ Anscombe concluded that there can be such a thing as morality only if it is legislated by God.

The idea that morality binds only because it is divinely legislated has certainly been represented in modern moral philosophy, for example, in seventeenth-century natural lawyers like Pufendorf and Locke. But it has been a decidedly minority view. Most modern philosophers have been content to employ the essentially juridical concept of morality without any such grounding in divine legislation.⁶ Grotius is an excellent example. And many deny that morality is even the kind of thing that *could* be legislated, even by God. It is not some actual thing that was made actual by creation or legislation. It is an essentially normative deontic structure.

⁴ This also can also be confusing, since “normative” is often used, mostly outside of philosophy, to refer to actual social norms or to what is “normal” by their lights. For a helpful discussion, see Parfit’s distinction between “rule-involving” and “reason-involving” conceptions of normativity (2011: I:144–148).

⁵ Grotius’s *De Jure Belli Ac Pacis* (*The Rights of War and Peace*) was published in 1625 (Grotius 2005).

⁶ And even when philosophers like Pufendorf take this position, they often feel philosophical pressure to argue that the reasons that are distinctively tied to moral obligations are not *eudaimonistic* or egoistic. On this aspect of the modern view, see the next section. This is a crucial distinction between medieval theological voluntarists, like Ockham and Scotus, and modern ones. I am indebted to an anonymous reviewer for the Press for asking me to clarify this.

Anscombe thought that this left modern deontic concepts with no “discernible content except a certain compelling [‘psychological’] force” (Anscombe 1958: 18). Deontic moral concepts certainly do not present as psychological concepts, however. How could they present as such and have the distinctive normative purport that has been thought to be morality’s hallmark? We take morality to purport to be essentially normative, to provide us with *normative reasons* for acting.⁷ Indeed, we take morality to purport to *obligate* us in an essentially normative way, to make violations not just unwise or imprudent but morally *wrong*: things we are accountable for not doing and for which we incur culpability and guilt when we do them without excuse. How could anything like that follow from psychological facts alone?

So powerful is this idea and so insidious is the moderns’ error, Anscombe thought, that the concept of moral obligation is often invoked as a necessary ground even for divine law itself. In order for God’s laws to obligate, it is said – for example, by the seventeenth-century Cambridge Platonist Ralph Cudworth – we must be obligated to follow God’s legislation independently of his legislative act.⁸ Any moral obligation to comply with God’s commands cannot, Cudworth argued, itself be created by his commands. If Anscombe is right, however, the very idea of such a legislation-independent obligation is fundamentally confused. Philosophers who employ it end up deploying a contentless concept having only psychological force.

“Anscombe’s Challenge,” as we can call it, indicts much of the thought that ethical philosophers have produced in the West since the early seventeenth century. As we shall see, Anscombe is unquestionably right that a central feature of “modern moral philosophy” has been its fundamentally deontic or juridical character. Modern moral philosophers have indeed been concerned to articulate, understand, defend, and attempt to ground *morality* with its distinctively obligating normativity.

Even modern critics of the idea of morality – most prominently, Nietzsche, but also more qualified critics like Bernard Williams – have focused on the deontic features that Anscombe identifies. In seeking to overturn or at least rein in morality, they have implicitly accepted her point that deontic morality has been a, if not the, central focus of modern ethical thought (Nietzsche 2007; Williams 1985: 1–4, 174–196).

⁷ Even those who deny that morality’s imperatives are “categorical” and reason-giving for every person do not contest that they purport to be (see, e.g., Foot 1972).

⁸ “It was never heard of, that any one founded all his Authority of Commanding others, and others’ Obligation or Duty to Obey his Commands, in a Law of his own making, that men should be Required, Obligated, or Bound to Obey him” (Cudworth 1996: I.ii.3). For a discussion of Cudworth’s claim, which, in effect, argues that it begs the question against the Anscombean view, see Schroeder 2005a.

To appreciate the distinctiveness of this conception of deontic morality, compare it to the view of ethics one finds in Plato and Aristotle. Notably, the term “morality” does not even appear in standard English translations of Plato’s *Republic* or Aristotle’s *Nicomachean Ethics*, though it sometimes does in commentaries on these texts.⁹ For Plato and Aristotle, the central ethical concepts all concern species of the good: virtue, intrinsically good or noble (*kalon*) action, and the good or benefit (*eudaimonia*) of human beings. Much of what modern ethical philosophers consider under the heading of morality, Plato and Aristotle discuss under the virtue of justice or intrinsically good just action.

When Socrates is challenged by Glaucon and Adeimantus at the beginning of Plato’s *Republic* to say why we should be just, his reply is not that justice is morally obligatory or that others’ rights provide, in themselves, reasons to respect them. Rather, Plato has Socrates argue that justice is both instrumentally and intrinsically good for the just person.¹⁰

But consider how a modern like H. A. Prichard responded to arguments like this near the beginning of the twentieth century. Prichard maintains that such arguments “rest” “moral philosophy ... on a mistake” (Prichard 1912: 21–37). That complying with the moral law can benefit us, even intrinsically, is an important fact; but it is not one, Prichard argues, that can either explain why morality obligates us or establish any reason for being moral that might flow directly from its doing so. For these tasks, Socrates’s argument provides a reason of the wrong kind.

Sidgwick’s Contrast

The great nineteenth-century moral philosopher Henry Sidgwick made a similar point when he wrote that according to “the Greek schools” of ethics,

Right action is commonly regarded as only a species of the Good. ... Their speculations can scarcely be understood by us unless with a certain effort we throw the quasi-jural notions of modern ethics aside, and ask (as they did) not “What is Duty and what is its ground?” but “Which of the objects that men think good is truly Good or the Highest Good?” (Sidgwick 1967: 105–106)¹¹

⁹ This can be confirmed by a search of electronically available translations, such as W. D. Ross’s and Terence Irwin’s translations of Aristotle’s *Nicomachean Ethics*, or Benjamin Jowett’s or Paul Shorey’s translations of Plato’s *Republic*. “Moral” appears in Aristotle, of course, for example, in his contrast between theoretical and moral virtue. But there it simply means virtues that are connected to character and the will.

¹⁰ On this point and Prichard’s response, discussed presently, see Brown 2007.

¹¹ John Rawls’s *Lectures on the History of Moral Philosophy*, which aims to cover “Modern Moral Philosophy: 1600–1800,” begins with an invocation and brief discussion of Sidgwick’s contrast (Rawls 2000: 1–2). In my discussion of Sidgwick in the companion

As Anscombe would later, Sidgwick argued that modern moral philosophy differs from the ethical thought of the ancient Greeks in viewing the “quasi-jural” or deontic notion of moral duty or right as distinct from any “species of the Good.”

Sidgwick drew a further, related contrast between ancient and modern ethics concerning what philosophers these days call “normativity” or the force of *normative reasons* or *oughts*:

[I]n Greek moral philosophy generally, but one regulative and governing faculty is recognised under the name of Reason ...; in the modern ethical view, when it has worked itself clear, there are found to be two, — Universal Reason and Egoistic Reason, or Conscience and Self-love (1964: 198).¹²

Plato, Aristotle, and other ancient thinkers tend to be *eudaimonists*, holding that all normative reasons for action must derive from the agent's own good or happiness (*eudaimonia*) broadly conceived, even when it comes to virtue and justice.¹³ In Socrates's exchange with Glaucon and Adeimantus, it is simply assumed by all parties that if Socrates cannot establish that it is intrinsically or extrinsically beneficial to the just person to be just, he will not have shown any reason for them to act justly rather than, say, simply to appear to be doing so.

According to Sidgwick, however, “the modern ethical view” allows for the position that Prichard clearly assumes, namely, that the fact that an action would unjustly wrong someone and therefore be morally wrong is or entails *in itself* sufficient reason not to do it. “Conscience,” the mental power through which we make moral judgments, can be a “regulative and governing faculty” in its own right, an aspect of practical reason itself.¹⁴ According to Sidgwick's moderns, deontic morality can provide an independent source of normative reasons and oughts that are additional to those provided by any species of the good. As we shall see, even modern *eudaimonists* or rational egoists who hold that all reasons for acting must come from (the agent's) good, like Locke, nonetheless often maintain that moral right and obligation are independent ethical ideas that cannot be reduced to any “species of the good.”

volume to this one, I will discuss how Sidgwick himself uses deontic terms in a broader sense than the quasi-jural, accountability-entailing sense. In this, he is followed by Broad and Ross. Ewing notes the distinction between these in Ewing 2012a. For discussion, see Hurka, 2014. I am indebted to an anonymous reviewer for the Press for requesting clarification here.

¹² For an excellent discussion of this passage, see Frankena 1992. For a defense of a “reason-implying” conception of normativity, see Parfit 2011: I:144–148.

¹³ The Stoics complicate this picture, though Irwin characterizes them as *eudaimonists* in Irwin 2003.

¹⁴ For an excellent history of the idea of conscience, see Sorabji 2014.

There are two separate but related aspects to what we can call “Sidgwick’s Contrast.” First, many moderns claim that the deontic concept of moral right or obligation is irreducible to any species of the good. And second, an important strain of modern ethical philosophy, at least, holds that the right has a normative practical force that is additional to that of the good.

Modern Moral Philosophy’s Shadow I

Obviously, I have chosen my title with Anscombe’s essay in mind. I agree with Anscombe, Sidgwick, and others (most notably, John Rawls and J. B. Schneewind) that the “quasi-jural” or “law conception” of morality has been at the very heart of ethical philosophy in the West, roughly from Grotius on (Rawls 2000; Schneewind 1998). Of course, not all modern ethical philosophy can be categorized as *moral* philosophy in Anscombe’s sense. Just to take one example, G. E. Moore famously argued in *Principia Ethica* (Moore 1993) that the concept of intrinsic good (though not that of a person’s good) is the single fundamental ethical concept, an ineliminable kernel of any ethical concept.

About the concept of moral right, Moore there says that “to assert that a certain line of conduct is, at a given time, absolutely right or obligatory is obviously to assert that more good or less evil will exist in the world, if it be adopted than if anything else be done instead” (Moore 1993: 77). Clearly, there is nothing irreducibly juridical or deontic about the notions expressed by “right” and “obligatory” as Moore defines them in *Principia*. If what it means to say that an act is morally right or obligatory is just that it produces the most good, then the claim that it is morally right or obligatory to produce the most good is not a deontic normative claim. It is what Parfit calls a “concealed tautology” (Parfit 2011: II:276).

In using deontic moral terms like “right” and “obligatory” to express his views, however, Moore is arguing against and arguably trying to co-opt more orthodox deontologically minded moral philosophers of his time like Prichard. Thus, even though Moore’s philosophical project is not itself moral philosophy in Anscombe’s sense, his use of deontic moral terms is testimony to modern moral philosophy’s powerful influence.

Even more obviously, if anyone counts as a modern ethical philosopher, Nietzsche surely does, though he is hardly a *moral* philosopher in Anscombe’s sense. Even so, the idea of morality unquestionably looms large in Nietzsche’s thought. *On the Genealogy of Morality* is devoted to understanding what Nietzsche argues to be the concept’s questionable origins and to a critique of “the value of these [i.e., morality’s] values” (Nietzsche 2007: 7).

Thus, even when ethical philosophers in the West from the seventeenth century on have not been doing moral philosophy, strictly so called, their thought has often been shaped by it. Either their terms bear the influence of modern moral philosophy, as with Moore; their projects are defined in opposition to it,

as with Nietzsche; or their thought is formulated and received against modern moral philosophy's background and in its shadow.

Modern Metaethics

My aim in this book and the one to follow is to investigate central aspects of Western ethical philosophy from the publication of Hugo Grotius's *The Rights of War and Peace* in 1625 through the end of the twentieth century, using Anscombe's and Sidgwick's characterizations as reference points. Mostly I will be concerned with philosophers' attempts to understand, articulate, defend, and ground morality, as well as to grapple with the distinctive metaphysical and epistemological questions that arise in relation to it, *metaethical* questions, as we now call them. Are there moral truths, and if so, what makes them true? What is the relation between any metaphysical basis morality might require and that needed by the natural sciences that began to take a recognizably modern shape in the seventeenth century? Has modern moral philosophy the resources to respond adequately to Anscombe's Challenge and to Nietzsche's and his followers' critiques? On the epistemological side: can we acquire moral knowledge? And if so, how might that be related to moral motivation?

Although philosophers since the ancient Greeks have concerned themselves with fundamental metaphysical and epistemological questions about ethics, metaethics as a subfield of ethical philosophy did not exist before the modern era, arguably, not before the twentieth century.¹⁵ It was only in the aftermath of Moore's *Principia Ethica* that philosophers began to distinguish and focus on so-called second-order issues about ethical language and concepts and their relation to questions in the philosophy of language and mind, metaphysics, and epistemology as a distinct area of inquiry, separable from "first-order" "normative ethics" (Mackie 1977).

Surely, one aspect of the modern period that stimulated metaethical thought was the decline of Aristotelian teleological metaphysics alongside the rise of modern science. If nature is not itself teleological, this forces the question of what place value can have "in a world of fact" (Köhler 1938). Another factor is that metaethical questions sometimes turn on technical issues in logic and the philosophies of language and mind, whose tools required the increasing specialization of the twentieth century to be developed sufficiently to pursue metaethics in a focused, fruitful way.

I speculate that a further important factor that led to metaethical reflection in the modern period, however, concerns Sidgwick's Contrast. So long as there is believed to be only a single fundamental ethical concept, the good, the question need not arise of what makes something an ethical or normative concept

¹⁵ A search of JSTOR reveals "metaethics" first being used in its contemporary sense in Wisdom 1948.

in general, or of what the “sources of normativity” are (Korsgaard 1996a). No distinction between evaluative and normative concepts and questions seems possible. Once, however, there are thought to be two fundamental ethical notions, the good *and* the right, these more general and fundamental metaethical questions begin to seem unavoidable.¹⁶

Moreover, once it is believed, for example, by the early modern natural lawyer Francisco Suárez, that the deontic moral concept of right has a distinctive normative profile that differs from that of the good – that the morally right *obligates* whereas the good *recommends* – these philosophical questions can seem even more urgent. As we shall see, Suárez makes a fundamental distinction between *law* and *counsel*, the influence of which extends through Grotius, Hobbes, Kant, and the moral philosophy that follows them.¹⁷ This focuses Prichard’s question and also opens up philosophical space for thinkers like Nietzsche to argue that even if the good can be adequately grounded, the putatively obligatory normativity of morality (the right) cannot be.

In addition to these metaethical issues, modern moral philosophers have also grappled with substantive normative questions both at the level of normative moral theory and in thinking about specific cases. The familiar dispute between deontology and consequentialism is itself a creature of the modern period, requiring morality’s hallmark deontic categories even to be formulated. It is worth bearing in mind that though it begins with a view about the good, consequentialism is itself a view about the good’s relation to the *right*. Mill begins *Utilitarianism*, indeed, by saying that nothing is “more significant of the backward state” of ethical knowledge than the “little progress” that has been made in determining “the criterion of right and wrong” (Mill 2002: I:1). It is to this matter of deontic morality that utilitarianism and consequentialism more generally have historically been addressed.

Modern Moral Philosophy’s Shadow II

Modern philosophy about morality will not, however, be my sole focus. I seek also to understand and situate aspects of modern ethical philosophy that are not moral philosophy in Anscombe’s sense. Some of these concern traditional questions about the good – both, what kind of life is best for human beings,

¹⁶ It was only toward the end of the twentieth century when Gibbard introduced the idea that there is a single *normative* concept, which can be expressed equivalently by “ought” or by “normative reason” (in Gibbard’s terms, what “makes sense”), that metaethics came to be regarded as a species of the larger genus of metanormative theory, which concerns normativity more generally, including in, for example, normative epistemology (1990). As we shall see, Gibbard follows a strain of thought that arguably begins with Sidgwick’s idea that ought is the fundamental ethical concept (Sidgwick 1967: 23–38).

¹⁷ Suárez was not the first to draw this distinction. On this see Preface, n.3.

and, what is intrinsically choiceworthy – questions that have been a staple of ethical philosophizing since the ancient Greeks. But much such philosophy in the modern period, I shall be arguing, must nonetheless be understood in relation to modern moral philosophy, even when its aims are profoundly different. Sometimes this is because, as with Nietzsche and Williams, ethical conceptions are put forward in opposition to morality, as a replacement for or at least as a counterbalance to it. And sometimes, as with Moore, a philosopher's project may not itself concern deontic morality, but still be formulated in moral philosophy's distinctive deontic terms.

Different varieties of modern virtue ethics provide a particularly interesting example. Some virtue ethicists, like Francis Hutcheson in the seventeenth century and Rosalind Hursthouse in the late twentieth, put forward their theories in a moral philosophical idiom. Hutcheson is concerned with what he calls "moral goodness," which he distinguishes from "natural goodness." And Hursthouse draws on an account of moral virtue to ground a theory of what makes actions morally right or wrong (Hutcheson 2004; Hursthouse 1999). But modern virtue ethicists also often advance their virtue theories in opposition to deontic moral theories. Hume is a leading example. And a major aim of Anscombe's "Modern Moral Philosophy" in 1958, after all, was to wean her readers from that subject and return them to a virtue-centered Aristotelian approach.

As it happened, the 1960s and 1970s intervened, with movements for social and political equality that made issues of justice and rights inescapable, forming a backdrop for Rawls's monumental *A Theory of Justice*, which commanded the moral philosophical scene through the 1970s (Rawls 1971). This required deontic moral philosophy, since there can be no moral rights without moral duties.

It was only in the 1980s, in a very different sociopolitical climate, that the revival of virtue ethics for which Anscombe called began to take place, frequently formulated in non-deontic terms, as by writers like Alasdair MacIntyre and Annette Baier, and sometimes put forward in opposition to morality, as in Michael Slote's *From Morality to Virtue* (MacIntyre 1981; Baier 1985; Slote 1992).¹⁸

¹⁸ Another precursor was Philippa Foot, whose landmark papers, "Moral Arguments" and "Moral Beliefs," appeared roughly contemporaneously with Anscombe's (1958 and 1959, respectively), and whose *Virtues and Vices* (Foot 1978), appeared just before the heyday of virtue of ethics in the 1980s. In effect, Foot worked out both the metaethics and normative ethics of the kind of neo-Aristotelian virtue ethics for which Anscombe called. And she expressed her skepticism of orthodox moral philosophy in "Morality as a System of Hypothetical Imperatives" (1972).

Baier's work was less concerned with the systematic development of virtue ethics than with defending a broadly Humean virtue approach against more orthodox normative moral theory (see, e.g., "Doing Without Moral Theory?" in Baier 1985).

The Case of Kant

Perhaps the most fascinating example of a philosopher whose thinking is shaped, and in some ways arguably distorted, by the modern moral philosophical frame, is Kant. On the face of it, Kant's ethics can seem a paradigm of moral philosophy in the modern idiom, a textbook example of deontological ethics and an archetypical theory of the "moral law." I shall argue, however, that on closer inspection the deontic categories of duty, obligation, and the moral law are, for Kant, only the shadow for finite rational beings of how a fully rational being would choose and act. Fully rational deliberation, according to Kant, always only involves questions of the good (albeit the intrinsically choiceworthy rather than agents' good – *das Gute* vs *das Wohl*) and not deontic moral questions.

This means that duty, obligation, and the moral law have no independent normative force for Kant. Kant's response to Anscombe's Challenge is that it is *reason* that commands us finite rational beings to do what it is best (what there is most reason) for us to do, hence what a fully rational being would do in our place. But two questions then arise. What can give reason this distinctively deontic power, if it is itself concerned exclusively with the good? And how can reason create any further reason to do something by commanding what it has already determined there is independently reason to do? Any such deontic aspect would seem to be normatively epiphenomenal. And if that is so, morality itself may end up being epiphenomenal on Kant's view also.

Despite this, Kant's emphasis on freedom and what he calls "autonomy" is unquestionably modern and unlike anything to be found among the ancient Greeks or in ethical philosophy of the medieval period that derives from them. Moreover, I shall argue that the emphasis on the distinctive freedom of a deliberating rational agent in modern philosophers like Cudworth, Locke, and Samuel Clarke even before Kant, as well as in Kant himself, derives from their taking it to be necessary for the very possibility of morality and moral obligation. And this surely is an essential feature of philosophers who follow in Kant's wake, most obviously, Fichte and Hegel, but also Kierkegaard and, arguably, even Nietzsche.

(Relatively) Modest Aspirations

I do not aspire to anything like a comprehensive treatment of modern ethics in this volume. Even were I capable of writing such a book, we already have in T. H. Irwin's magisterial, three-volume *The Development of Ethics* a more widely ranging and detailed treatment, even of just modern ethics, than perhaps anyone else can or will be able to provide (Irwin 2007, 2008, 2009). Irwin devotes almost all of his second and third volumes to the modern period, nearly nineteen hundred pages. I seek something significantly more modest.