Modern moral philosophy and the problem of relevant descriptions[1]

G. E. M. Anscombe's indictment of modern moral philosophy was full-blooded. She began with three strong claims:

> The first is that is not profitable to do moral philosophy … until we have an adequate philosophy of psychology, in which we are conspicuously lacking. The second is that the concepts of obligation and duty … and of the moral sense of 'ought', ought to be jettisoned … because they are derivatives … from an earlier conception of ethics … and are only harmful without it. The third thesis is that the differences between the well-known English writers on moral philosophy from Sidgwick to the present are of little importance.[2]

The connections between these three thoughts are not immediately obvious, but their influence is not in doubt. Many exponents of virtue ethics take Anscombe's essay as a founding text and have endorsed all three thoughts. Many consequentialists and theorists of justice, who may reasonably be thought the heirs of the 'modern moral philosophy' that Anscombe criticised, have disputed or disregarded all three. Yet I believe that Anscombe's essay is neither as reassuring for contemporary virtue ethics nor as damaging to other strands in contemporary moral philosophy as this snapshot account of its influence could suggest.

Anscombe's diagnosis and virtue ethics

Anscombe diagnoses many modern attempts to do moral philosophy as failing for lack of an adequate philosophy of psychology. As she sees it, we still use a moral vocabulary that once had sense and resonance, but we now have no adequate grip on the philosophy of psychology that supports that

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[1] First published in Anthony O'Hear (ed.), *Modern Moral Philosophy*, Royal Institute of Philosophy, Supp. Vol. 54 (Cambridge University Press, 2004), 301–16.
[2] G. E. M. Anscombe, 'Modern Moral Philosophy', *Collected Philosophical Papers of G. E. M. Anscombe, Vol. III, Ethics, Religion and Politics* (Oxford: Blackwell, 1981), 26.

vocabulary. Consequently we use it to say things that are deeply confused, and sometimes morally corrupt. We cannot, on Anscombe's view, substitute 'modern', naturalistic psychology for an adequate philosophy of psychology since it offers no adequate basis for an account either of obligation or of virtue.[3]

This diagnosis of the failings of modern moral philosophy initially had limited influence, but became more widely accepted from the early 1980s. Its widening acceptance can perhaps be traced to Alasdair MacIntyre's much-discussed restatement of many of Anscombe's thoughts some twenty-five years after she wrote, in which he acknowledged a deep debt to her essay. In *After Virtue* he accused not only the 'modern' moral philosophers whom Anscombe names but their Enlightenment predecessors of engaging in "an inevitably unsuccessful project".[4] They fell into confusion by discarding teleological accounts of human-nature-as-it-could-be in favour of naturalistic accounts of human-nature-as-it-actually-is.[5] This left them unable to make coherent ethical claims, since ethics is about making a transition from human-nature-as-it-is to human-nature-as-it-would-be-if-fully-realised. Ethics, MacIntyre wrote,

> presupposes some account of potentiality and act, some account of the essence of man as rational animal and above all some account of the human *telos*. The precepts that enjoin the various virtues and prohibit the vices, which are their counterparts, instruct us how to move from potentiality to act, how to realise our true nature and to reach our true end.[6]

MacIntyre added that this scheme is

> complicated and added to, but not essentially altered, when it is placed within a framework of theistic beliefs … and the precepts of ethics … have to be understood not only as teleological injunctions but also as expressions of divinely ordained law.[7]

Apparently neither Anscombe nor MacIntyre saw any difficulty in combining Aristotelian teleological accounts of human beings and law conceptions of ethics *provided that the law concerned was divine law*. This view is easily read as a familiar Thomist fusion of Natural Law theory with Aristotelianism. A theological framework integrates the claims that God determines the end of man and that the principles He prescribes can guide their pursuit of that end. Anscombe put her conclusion boldly:

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[3] *Ibid.*   [4] Alasdair MacIntyre, *After Virtue* (London: Duckworth, 1981), 53.   [5] *Ibid.*, 50.
[6] *Ibid.*   [7] *Ibid.*, 51.

> To have a *law* conception of ethics is to hold that what is needed for conformity with the virtues failure in which is the mark of being bad *qua* man … is required by divine law. Naturally it is not possible to have such a conception unless you believe in God as a lawgiver; like Jews, Stoics and Christians.[8]

In her view, any law conception of ethics collapses unless it is set in a theological framework.

So she sees the proponents of modern moral philosophy as attempting the impossible in putting forward a law conception of ethics that was detached from divine law. Anscombe comments on their ambition:

> Those who recognise the origins of the notions of 'obligation' and of the emphatic, 'moral' ought, in the divine law conception of ethics, but who reject the notion of a divine legislator sometimes look about for the possibility of retaining a law conception of ethics without a divine legislator.[9]

She sees this ambition as understandable but unrealisable:

> if such a conception is dominant for many centuries, and then is given up, it is a natural result that the concepts of 'obligation', of being bound and required as by a law, should remain although they have lost their root …
>
> It is as if the notion 'criminal' were to remain when criminal law and criminal courts had been abolished and forgotten.[10]

In failing to grasp this point, the proponents of 'modern moral philosophy' fail to see that the 'moral' use of the notion of 'ought' "has no reasonable sense outside a law conception of ethics"[11] and that the only coherent possibility of such position is a divine law conception of ethics. She concludes that if we want to retain the notion of obligation, we must accept a divine law view of ethics.

Many who accept Anscombe's diagnosis have rejected divine law accounts of ethics, but have argued for supposedly Aristotelian ethical visions, in which obligation and the moral 'ought' play no part, or little part. Most modern virtue ethics detaches virtue from any account of divine law. Its proponents say little about this element in Anscombe's criticisms of modern moral philosophy. They simply reject a morality of obligations, or of moral rules and see a life of virtue as constitutive of human flourishing. However, neo-Aristotelians differ widely in their views of human flourishing and of the true end of man. Some take a relativised or quasi-relativised view of the human good, seeing it as varying in differing societies; others identify the human good with a comprehensive and supposedly universal

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[8] Anscombe, 'Modern Moral Philosophy', 30.   [9] *Ibid.*, 37.   [10] *Ibid.*, 30.   [11] *Ibid.*, 32.

list of desirable states of being and capabilities, whose status and derivation may be harder to establish without a theological framework.[12]

Anscombe herself held to the divine law view of ethics, but left room for those unwilling to follow her to settle for Aristotelianism without divine law. Yet is this a stable position? Many, indeed most, virtue ethicists reject the thought that conformity with the virtues is or could be *law-like*. They distinguish sharply between an *ethics of rules* and an *ethics of virtue*, and insist that virtue cannot be set out in rules or laws. If they are right, does it follow that Anscombe and MacIntyre were mistaken in supposing that virtue ethics was compatible with divine law? If they are mistaken, should they distance themselves from Anscombe's polemic against forms of moral philosophy that appeal to principles or rules, and that use the vocabulary of obligation without the backing of a divine law conception of ethics? At the end of this essay I shall offer a speculative postscript on this striking gap between Anscombe and some of her followers.

Modern moral philosophy and relevant descriptions

We can perhaps see a little more accurately what Anscombe has in mind by asking what a more adequate 'philosophy of psychology' was supposed to contribute to moral philosophy. She certainly was not lamenting the lack of an adequate scientific or naturalistic psychology. She was markedly hostile to experimental psychology when I was taught by her in the early 1960s; she had no doubt been equally hostile to it a few years earlier; and I suspect that she would have been equally hostile to subsequent empirical work in psychology.

Her use of the term 'philosophy of psychology' is best illustrated by the philosophy of action that we find in Aristotle's *Nichomachean Ethics*, to which she repeatedly refers both in 'Modern Moral Philosophy' and in *Intention*[13] (published a year earlier). An adequate philosophy of psychology would cover topics such as action, intention, voluntariness, wanting, pleasure, weakness of will and self-control – and might even embrace accounts of virtue and of flourishing.[14] I have occasionally seen the term *moral psychology* used to refer to more or less this cluster of topics,[15] but the

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[12] For an example of the latter approach see Martha C. Nussbaum, *Women and Human Development: The Capabilities Approach* (Cambridge University Press, 2000).

[13] G. E. M. Anscombe, *Intention* (Oxford: Blackwell, 1957).

[14] Anscombe, 'Modern Moral Philosophy', 38 and 41.

[15] For example, in Owen Flanagan and Amélie Oksenberg Rorty (eds.), *Identity, Character, and Morality: Essays in Moral Psychology* (Cambridge, MA: MIT Press, 1993).

term seems subsequently to have been pressed into new and narrower duties in discussions of psychological features of moral education, of the sort discussed by Jean Piaget, Laurence Kohlberg or Carol Gilligan. So I shall stick with Anscombe's term *philosophy of psychology*.

Perhaps the deepest thought linking the many topics that Anscombe would group under the rubric 'philosophy of psychology' is the thought that *action is propositional*. Acts fall under many descriptions; act descriptions may have many instances. Although individual acts – act-tokens – are events in the world, we both think about action and act *under certain descriptions*. We also consent to or reject others' action as described in certain ways, but not others;[16] we hold people responsible for what they do under certain descriptions, but not under others;[17] we classify acts under certain descriptions, but not others. How does this make a difference to the way we do moral philosophy?

In 'Modern Moral Philosophy' Anscombe argues that the fact that we think of action under descriptions is fatal to ethical positions that aim to provide accounts of moral *rules* or *principles*. She criticises both Kantian and Utilitarian ethics – the central versions of 'modern moral philosophy' – on these grounds. She writes of Kant that

> it never occurred to him that a lie could be relevantly described as anything but just a lie … His rule about universalisable maxims is useless without stipulations as to what shall count as a relevant description of an action with a view to constructing a maxim about it[18]

And she writes that

> Mill, like Kant, fails to realise the necessity for stipulation of relevant descriptions, if his theory is to have content. It did not occur to him that acts of murder and theft could be otherwise described. He holds that where a proposed action is of such a kind as to fall under some one principle established on grounds of utility, one must go by that.[19]

The so-called 'problem of relevant descriptions' is the basis of Anscombe's condemnation of Utilitarian and Kantian positions, and is presented as a central source – perhaps the central source – of the alleged failure of modern moral philosophy. The problem can appear both profound and intractable. Any act-token will fall under many true descriptions, hence also under many possible principles of action. Absent a proper philosophy

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[16] G. E. M. Anscombe, 'Two Kinds of Error in Action', in *Collected Philosophical Papers of G. E. M. Anscombe, Vol. III*, 3.
[17] *Ibid.*, 4–5.   [18] Anscombe, 'Modern Moral Philosophy', 27.   [19] *Ibid.*, 28.

of psychology, she asks, how can we tell which act description is relevant
for moral assessment? We will not, for example, know whether to assess an
action under the descriptions that an agent intends, or under descriptions
others think salient, or under descriptions that nobody has noted. Both
Kantian and Utilitarian ethics may have other defects, but if Anscombe is
right they founder on this point alone: the many different act descriptions
and principles under which any act falls may form the basis for diverging
moral assessments, and so to incoherence.

I believe, although Anscombe's text does not make this explicit, that this
is why she supposes that 'modern moral philosophy' so readily lapses into
some form of consequentialism. For if we have no way of determining
under which descriptions we should judge action, we cannot judge acts for
their *intrinsic* character – which we cannot know. So we must end up
judging acts by their extrinsic features, such as their (expected) conse-
quences. This will lead us away from what Anscombe calls 'the Hebrew-
Christian ethic', which prohibits certain acts "simply in virtue of their
description as such-and-such identifiable kinds of action".[20] She points to
examples of types of action that are intrinsically unacceptable, regardless of
consequences:

> it has been characteristic of that ethic to teach that there are certain things
> forbidden whatever *consequences* threaten, such as choosing to kill the
> innocent for any purpose, however good; vicarious punishment; treachery;
> idolatry; sodomy; adultery; making a false profession of faith.[21]

There are several oddities to these claims. In the first place, if the problem
of relevant descriptions is so intractable, how has 'the Hebrew-Christian
ethic' managed to avoid it, whereas modern moral philosophy has not? I
presume that Anscombe's answer to this point would be that the former
has an adequate philosophy of psychology, while the latter does not.
However, this is by and large an inference from her comments on the
moral corruption of modern moral philosophy, and not (I think) some-
thing she establishes.[22] Equally, why did Anscombe think that the problem
of relevant descriptions was a weakness – a fatal weakness indeed – in
Kantian ethics and more generally in 'modern moral philosophy' but not
fatal for Aristotelian ethics? The problem of relevant descriptions – *if* it is a

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[20] *Ibid.*, 34.   [21] *Ibid.*, 34; cf. 39–40.
[22] For example, she upbraids Sidgwick for his simplistic claim that we are responsible for *all* foreseen
effects of action, and his failure to distinguish good action that has foreseen but unintended bad
effects from bad action, *ibid.*, 35–6; she concludes with splendid certainty that "it is a necessary
feature of consequentialism that it is a shallow philosophy", *ibid.*, 36.

problem – will surely affect *all* approaches to ethics except those forms of radical particularism that (purportedly) do not view acts by reference to descriptions under which they fall. Mere claims that some approaches to moral philosophy have access to a philosophy of psychology that resolves the problem, and mere assertions that other approaches do not, are not enough.

Relevant descriptions in Intention

These issues can be clarified to some extent by considering Anscombe's more systematic and extensive discussion of the problem of relevant descriptions in *Intention*. There she asks, "how I am to select from the large number of true statements that I could make about a person".[23] And she suggests that any of us could "say what would immediately come to your mind as a report to give someone who could not see and wanted to know".[24] But if there are large numbers of distinct descriptions of a given action – large numbers of distinct *true* descriptions – why should *just one* immediately come to mind? Might not a number come to mind? Might not the wrong one(s) come to mind?

In fact both problems seem to arise quite often. We may find that we are torn between a number of competing descriptions of an action. In *Intention* Anscombe provided an example that later became well known: a man is moving his arm up and down, thereby pumping water into a cistern, thereby poisoning a water supply, thereby poisoning the inhabitants of a villa, thereby dispatching a group of war criminals. This action can be correctly described in many distinct ways, whose ethical significance differs: and multiplicity of true descriptions is ubiquitous.

Does this raise a problem for *all* ethical judgement? Even if in a given case we settle with conviction on one description of what is done, and that description is true of the case, there will always be other true descriptions. If others think that one or another of the competing true descriptions is more compelling or ethically significant, how are we to reply? We have only to think about the competing act descriptions that have figured in debates about abortion, civil war or other contentious political disputes to realise that a choice of one rather than another act description *might* have momentous ethical implications, and that there are no simple or general ways of choosing which is the most appropriate or relevant description of a given act.

[23] Anscombe, *Intention*, 8.   [24] *Ibid.*

18 Practical principles and relevant descriptions

So does the multiplicity of true descriptions of any given act create an intractable difficulty for *all* attempts to do ethics? How are we to tell which are the morally significant or most significant descriptions of a given act? How are we to judge the action of those who, as it seems to us, fail to see morally significant descriptions of what they do or of what others do? How are we to know that we are not overlooking morally significant descriptions of what we or others do? Won't any account of practical reasoning, *a fortiori* of ethical reasoning, be stymied at the very start if we have to resolve these problems? To many later writers Anscombe's concerns seem to raise a central problem, perhaps the central problem, for any adequate account of ethical judgement. The worry is acknowledged and addressed both in work in the tradition of 'modern moral philosophy' *and* in the work of those who follow Anscombe in aspiring to virtue ethics.

For example, the leading Kantian writer Barbara Herman has described the problem of relevant description as a serious issue for Kantian ethics, and also proposes a solution for it. She writes:

> The CI [Categorical Imperative] cannot be an effective practical principle of judgement unless agents have some understanding of their action before they use the CI procedure … It is useful to think of the moral knowledge needed by Kantian agents (prior to making moral judgements) as knowledge of a kind of moral rule. Let us call them "rules of moral salience".[25]

But where do these "rules of moral salience" (*RMS*) come from, and how are they to be justified? Herman argues that these rules do not themselves have moral weight, but that

> Typically they are acquired in childhood as part of socialisation; they provide a framework within which people act. When the rules of moral salience are well internalised, they cause the agent to be aware of and attentive to the significance of "moral danger". They are not learned as bits of information about the world, and not as rules of guidance to use when engaged in particular sorts of activities … They constitute the structure of moral sensitivity … They may indicate which actions should not be undertaken without moral justification …[26]

The 'rules of moral salience', it seems, are not *moral rules*, but a sort of *moral early warning system*. As such they are not (on Herman's view) essential to moral judgement, in that an early warning system is not *essential* for applying the Categorical Imperative. But these rules "enable

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[25] Barbara Herman, *The Practice of Moral Judgement* (Cambridge, MA: Harvard University Press, 1993), 77.
[26] *Ibid.*, 78.

an agent to appreciate what is at issue in hard cases by making perspicuous the morally significant features that make them hard",[27] although they "do not themselves generate duties".[28] The rules of moral salience supposedly provide some answer to the problem of relevant descriptions because they "alter our idea of how an agent perceives situations that require moral judgement".[29]

Herman acknowledges that the rules of moral salience, which she sees as "pre-procedural moral rules"[30] need some foundation [*sic*] that connects them to Kant's moral philosophy. Without such connection she would find herself ascribing an internally incoherent account of practical reasoning to Kant.[31] It seems to me that Herman is torn between the thought that rules of moral salience are an indispensable presupposition of any use of the Categorical Imperative, and an account that makes them not just a *preliminary* but an *independent* basis for moral judgement, and so threatens to make the Categorical Imperative redundant or at least less important. Once we have "rules of moral salience" how much work remains for the Categorical Imperative?

Other writers, who share more of Anscombe's views, have suggested that any solution to the problem of relevant descriptions would be a matter not of *rules* of moral salience but of *capacities* to appreciate the salient features of situations, which we internalise, making any appeal to ethical principles redundant. On such views, we can reach ethical judgements without appeal to principles or rules, guided simply by our sensitised, attentive perception or judgement of the case at hand that calls for ethical response. For example, John McDowell writes of moral judgement or deliberation as "a capacity to read the details of situations"[32] or a "capacity to read the details of situations in the light of a way of valuing actions"[33] or a "capacity to read predicaments correctly".[34]

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[27] *Ibid.*, 79.   [28] *Ibid.*, 79.
[29] *Ibid.*, 81. Cf. also "To be a moral agent one must be trained to perceive situations in terms of their morally significant features (as described by the *RMS*)", 83; "The role of the *RMS* in moral judgement is to provide the descriptive moral categories [*sic*] that permit the formulation of maxims suitable for assessment by the CI procedure", 84; they "guide the normal moral agent to the perception and description of the morally relevant features of his circumstances", 78.
[30] *Ibid.*, 86.
[31] *Ibid.*, 85. She locates this foundation in the Moral Law itself, and draws on the Fact of Reason passages in the *Critique of Practical Reason* to support her reading. This is not the place to query Herman's reading of those difficult passages. In my view they are about the status of practical reason, and not about judgement. For a different reading of the passages see Onora O'Neill, 'Autonomy and the Fact of Reason in the Kritik der praktischen Vernunft', in O. Höffe (ed.), *Immanuel Kant, Kritik der praktischen Vernunft* (Berlin: Akademie Verlag, 2002),30–41, Klassiker Auslegen 26, pp. 81–97.
[32] See John McDowell, 'Deliberation and Moral Development', in Stephen Engstrom and Jennifer Whiting (eds.), *Aristotle, Kant and the Stoics* (Cambridge University Press, 1996), 23.
[33] *Ibid.*   [34] *Ibid.*, 26.

If either 'rules of moral salience' or 'capacities to read situations' can provide this much, it may seem tempting to cast the full weight of moral judgement onto them, if at the price of flirting with forms of relativism. Yet it is quite unclear to me how either of these approaches could resolve the problem of relevant descriptions. What shows that 'rules of moral salience' or 'capacities to read situations' fasten on the (morally) relevant descriptions of the acts being considered?

Reflective and determinant judgements

I think that Herman was right to hold that Kant needs an account of capacities to judge the nature of cases. I also think that he wrote extensively on the topic. The best-known texts are his discussions of *determining* and *reflecting* judging (often translated as *determinant* and *reflective* judging) in the *Critique of Judgement*. Kant there divides theoretical judgements (note: *theoretical*, not *practical* or *ethical* judgements) as follows:

> If the universal (the rule, the principle, the law) is given, then the judgement, which subsumes the particular under it, is *determining (determinant)* … If, however, only the particular is given, for which the universal is to be found, then the judgement is simply *reflecting (reflective)*. (Kant, *CJ* 5:179)

Both sorts of judgement begin with a case to hand, for example with a particular object, or situation, or an act. Our judgement of a particular is *determinant* if we merely ask whether some 'given' description or category or principle applies. I see a bird and determine whether it is a chaffinch; I find four people playing cards and determine whether they are playing bridge; I write a cheque and determine whether my account will be overdrawn. Determinant judgement *subsumes*. Subsuming may not be philosophically thrilling, but is surely cognitively indispensable. Determinant judging does not offer an answer to the problem – or supposed problem – of relevant descriptions: it is blind to the problem, since it assumes that 'the universal (the rule, principle or law) is given'. However, it is not on Kant's view the only way to judge objects, situations or acts.

Reflective judging is more interesting, and resembles the ways in which both Herman and McDowell approach the task of finding relevant descriptions. Here 'only the particular is given' and 'the universal has to be found for it'.[35] I see a bird, but rather than simply determining whether it is or is not a chaffinch, I try to work out what sort of bird it is. If in the course of

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[35] *Ibid.*