

## CONVENTIONALISM IN MORALS AND THE APPEAL TO HUMAN NATURE

### I

Can a reasonable case be made for the claim that moral rules and principles are merely rationalizations of custom? A conventionalist might argue that morality is simply comprised of certain conventional social rules and the actions and attitudes that are in accord with those rules. If this is so, is it not the case that any effort to establish the soundness or truth of moral claims is, in effect, an effort to square the circle?

There is no serious dispute that for the most part, at least, a moral commitment to defer to a moral rule arises from the "requirements of the social order." As the anthropologist, Firth, puts it, morality is concerned with "the activity of individuals in relation to one another in society." The nonconventionalist can (and in my view should) grant that morality is social, that moral obligations and duties are to others, and that moral rights are rights others must recognize. Indeed he need not, and in reason should not, dispute that morality arises primarily (if not totally) because of the stringencies of social living and is only at home in a social context. But the nonconventionalist is also claiming that we are bound to defer to certain social rules of conduct not simply because they are the thing done in that society but finally because, on a rational and objective review of the needs of everyone involved, the rules are judged to be in the public interest or general welfare.

Yet to establish that such claims are true would not free the nonconventionalist from the conventionalist's net for a subtle conventionalist simply denies that there is any nonethnocentric sense of 'public interest,' 'general welfare,' 'human well-being,' 'common good,' and the like. Such a conventionalist would argue that though there must be a conceptual distinction between 'reason' and 'rationalization,' so-called reasoning over which rules and principles of social living are sound or in the "common good" must involve rationalization. In its more sophisticated forms the rationalization consists of failing to recognize that when we call certain actions or attitudes 'reasonable,' 'rational,' 'valid,' or 'sound,' we are using these labels in a purely *moralistic* sense. Moral convictions are simply rationalized expressions of social demands. These social demands often vary from society to society, though some very vague and general ones

have gained universal acceptance by all normal members of every culture. Yet if A and B, as normal members of two diverse cultures, honestly feel bound by two conflicting social demands that present themselves to them as moral claims, they cannot, even when they are fully informed, sympathetic, and disinterested persons, find any reasonable ground for a belief that one of the conflicting moral claims has a greater rational warrant than the other. Indeed, if both are normal, nonalienated members of their respective cultures each will feel bound to the moral fiat, of his own group. One will *seem* or *feel* right to them, while the other will not; but they can find no rational ground for this conviction. Morality in reality is founded on ancient custom. Its ground is not to be found in nature or even in human nature. It is an arbitrary human artifice, without rational basis. To have moral beliefs is to have a more or less integrated system of recipes for action which the agent rationalizes as sound precepts based on reason.

Moral knowledge - such a conventionalist could claim - is basically a "knowing how." We don't spring from Zeus trailing systems of moral knowledge. People who are capable of making moral judgments are people who have already been conditioned to a mode of life which, at one time at least, they simply accepted "almost unconsciously as the inevitably right way of living."<sup>1</sup> Many, perhaps most, people never seriously query this unwittingly imbibed way of living. They may come to take some bits of it with a grain of salt, but they seldom come to question its fundamental claims; when an occasional iconoclast does challenge a major bastion, his challenge will at the very most enable him to achieve only an ambivalent rejection of the moral beliefs taught him at his mother's knee. Moral philosophers have traditionally made morality into much too much of an intellectual, theoretical affair. But to gain moral knowledge or understanding is to *know how* to properly apply the rules of conduct of one's society. There is nothing really to be questioned or grounded in any more final way. We indeed give reasons for our actions but these are called 'good reasons' simply because they are in accord with some accepted social practice or rule of the road which we have been taught by being drilled in how to apply it. Having moral knowledge is like knowing how to play a game; having moral insight or wisdom is like knowing how to play a game well or deftly. To behave virtuously is to know *how* to behave. Knowing good and evil is knowing how to make certain moves in accordance with certain rules that define certain social practices. Gaining moral insight is like gaining skill in chess. Moral rules and moral principles are just ancient conventions that we are simply

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<sup>1</sup> George Boas, "Cultural Relativism and Standards," in *Vision and Action*, S. Ratner, ed., p. 127.

conditioned to accept. When we make an inference we are proceeding in accordance with some rule of inference; when we make a moral judgment we are, in a like manner, proceeding in accordance with some culturally defined moral rule. Once a social practice with its moral rules defining that practice actually exists it is senseless to try to question its validity or soundness, just as it is senseless to ask if what the pope decrees *ex cathedra* concerning faith and morals is valid Catholic doctrine or if what the queen enacts in Parliament is valid English law.

## II

There are obvious objections to this conventionalist account but the sophisticated conventionalist has some standard counters for them. Though 'morals' is etymologically derived from the Latin word 'mores' and the Latin word 'mores' means 'pertaining to custom or customs,' it can be argued that etymology is not a good guide here to the present usage of 'morals.' That this is so can be seen by simple linguistic considerations. Note the following sample sentences.

- (1) I know it's customary for an Eskimo to lend you his wife but you really ought not to sleep with her.
- (2) Human sacrifice was indeed customary among the Aztecs but it was a beastly and immoral custom.
- (3) "Staying loose" is the custom at college but it's a bad custom for it tends to keep the student from ever coming to grips with anything.
- (4) It is a very deep rooted custom with us but we ought to eradicate it.

(1), (2), (3) and (4) are not unintelligible as moral remarks. They are not self-contradictory; they are not even deviations from linguistic regularities. We balk at the sentence 'I know Toby is a dog but he got a driving license just the same' in the way we do not balk at (1) - (4). We know what they mean. We understand full well the contexts in which it is appropriate to use them in a way we do not understand how to use our sample deviant utterance. It is clear that 'moral customs' is not self-inconsistent and 'moral customs' is not a redundancy or even a linguistic freak. Indeed, it may be the case that moral norms emerged from an undifferentiated mass of social conventions or customs, but by now they have come of age. There is no identity between 'the customary' and 'the moral.' We now properly speak of moral codes, religious codes, legal codes, and customs. They all had a common origin but now they have distinct functions.

A reasonable conventionalist should grant this. But it is open to him to reply that he is not claiming that there is an identity between 'the customary' and 'the moral' but that the class of moral acts and rules is included in the class of customary acts and rules.

He might argue for this as follows. In talking about the Tikopia, Firth points out that their moral rules are those rules designed to preserve their community. The conventionalist could generalize and argue that this is not only true for the Tikopia but that it is generally true. Moral practices are those customary practices which are judged to be socially important; that is to say, the people who engage in them believe them to be absolutely vital to the welfare and continued existence of their community. Moral rules and principles are designed to guide our conduct, and to alter our actions and attitudes toward what are taken to be socially important issues. The customary or conventional is not, of course, exhausted by the moral, but the moral is included in it. Furthermore, what is taken to be 'socially important' or 'for the welfare of the community' is also determined by ancient custom. The criteria for 'community welfare' are themselves purely conventional.<sup>2</sup>

It may be replied in turn that such a conventionalist view overlooks an important difference between morality and custom. When we say 'It's merely a custom' or 'It's just a custom' we imply that there is no reason for it but when we say 'That's the best thing to do' or 'It's something I ought to do' the person to whom we assert this will expect that if we are justified in saying this we must have sound reasons for our moral utterance. We must be prepared to give reasons for a moral utterance, but in saying it is merely a matter of convention we imply that it just sprung up fortuitously or was adopted arbitrarily. If it is merely customary or just conventional, there can be no reasons for it which make the adoption of the custom in question rationally mandatory, except where the custom has been long developed and a change would cause serious difficulties all around, e.g., changing our custom of driving on the right hand side of the road. But this qualification does not take the sting from the criticism of the conventionalist's account. Since the *original* decision to drive on the right side rather than the left was itself purely conventional, there could not have been any reasons for the rule in the first place. There are reasons for having *some* convention here but there are no reasons for having *this* convention rather than some other. And where the rule in question is 'merely customary' or 'just conventional' this must be true of it. A Quaker may explain to a Catholic that in his church the men wear their hats and the women go bareheaded; a Finn may explain to an American that in his country it is the custom to paint the mail boxes yellow rather than red and blue; but all parties usually recognize that what is involved here is simply a convention and not something dictated by reason. There are good reasons for mail boxes being painted some standard and distinctive color; but there

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<sup>2</sup> Some of these points have been put very well by John Hartland-Swann, *An Analysis of Morals*, pp. 56-62.

is no good reason for their being red and blue rather than yellow. When this is so, we say the adoption of one color rather than the other is purely conventional. We are not, however, willing to say this about morality and moral principles. If someone makes a moral statement it is always logically proper to ask him for his reasons. 'Why do you say that knowing lots of men before you get married is a good thing?', we ask. We quite properly expect a reason for the claim that it is a good thing for women to know lots of men before they get married. If a claim is a moral one it must be supportable by reasons. It will not do to say 'It's merely a custom in my group' or 'It's a convention I adopted.' There is a vital link between 'being moral' and 'being reasonable' or 'acting according to reason' or 'being a dictate of reason.' It is this vital link the conventionalist overlooks.

Again, as we in effect have already indicated, the conventionalist has a reply. The reply will take the form of pointing out the systematic ambiguity of 'reasonable' and the frequent laudatory, moralistic use of 'reasonable' and 'reason' in moral contexts.<sup>3</sup> We do say, against Hume's deliberate paradox, that it would be unreasonable to prefer the destruction of the world to the scratching of our fingers. To prefer the destruction of the world to the scratching of one's finger is a veritable paradigm of what it is for a human being to be not just extremely unreasonable but mad. To be kind, considerate, impartial, fair, to be prepared to make sacrifices when the commonweal is at stake is to be reasonable; the opposite is unreasonable. Yet a man who generally inferred reasonably and correctly and who made good inductions and proposed reasonable hypotheses might be neither kind, considerate, impartial nor (in the appropriate sense) fair. In the context of action or morality, 'being reasonable' is equated with governing our behavior according to the dictates of morality.<sup>4</sup> We say of a normal, fair-minded person, who tries to follow through on his duly weighed convictions, that he is a reasonable man. We say he acts in accordance with reason but we do not imply by this that he is clever, unusually intelligent, that he is good at logic or hypothesis construction, and the like.

To call someone or something 'reasonable' in any of its many senses normally involves commending him or it; but the criteria of application of the term varies with the context in which we are using it. In moral contexts its criteria are tied in part to what is taken to be the right thing to do. I say 'in part' for some actions are said to be unreasonable because they are based on unreasonable factual beliefs. Our criterion for the beliefs being unreasonable in the latter sort of case is that it is illogical,

<sup>3</sup> J. J. C. Smart has done this in his "Reason and Conduct," *Philosophy*, vol. 25 (1950), pp. 209-224. But by way of contrast see my "Appealing to Reason," *Inquiry*, (Spring 1962) and my "Wanton Reason," *Philosophical Studies*, Vol. XII (1963.)

<sup>4</sup> J. J. C. Smart, *op. cit.*, p. 213.

has been shown to the believer to be factually false or very improbable. And where an action is based on a belief that is recognized to be unreasonable or where normally it could be expected that the belief could be seen to be unreasonable, the action itself in most circumstances is said to be unreasonable. But we also say that actions are unreasonable simply because they are not in accord with our conventional criteria for right action. Just as we may say that an inference is reasonable because it is in accordance (say) with Barbara so we can say that an action is reasonable because it is in accordance with the conventional moral rule, 'Promises must be kept.' Moral knowledge is not to be identified with the possession of reasonable factual beliefs and the ability to act on those beliefs; in addition, we must know how to apply conventionally determined moral rules that define our social practices. Moral actions are justified by reference to these rules; but the rules themselves cannot be justified. We can merely learn how to apply them intelligently and then try to act in accordance with them. Morality is impossible without them and if I wish to be a moral agent I simply have to try to act in accordance with them, for to choose and act reasonably (in the moral sense of 'reasonably') necessarily involves choosing and acting in harmony with these moral rules. Morality can have no more objective basis. It is by the reification of "Reason" into a mysterious kind of "directive faculty" that the illusion is created that moral conceptions are something more than conventionally-determined, directive concepts designed to harmonize our social behavior.

### III

The doctrine that morality is founded on human nature, is an effort to undercut such conventionalism. Such a conception is not the creature of Maslow, Sorokin or Fromm but is in the main Western ethical tradition. It is common to both Aristotle and Hume. Bishop Butler summed up its main claim well when he said. "Man has the rule of right within: what is wanting is only that he honestly attend to it." If we come to know the nature of our human nature and if we have a clear understanding of how the world goes we will come to understand what it is that we and any human ought to do. The foundation of morality is in our very nature as social beings.

There are formidable difficulties in such a conception. The key terms in the various classical formulations have not been given a clear use. Furthermore, as Falk points out, the classical formulations involve a "naive trust in the simplicity and permanence of human nature; a faulty psychology; a misplaced confidence in the powers of reason and observation to

settle moral issues with ease.”<sup>5</sup> Yet some existential theologians, certain psychologists and some philosophers have tried recently to put new wine into old bottles. Even Falk thinks “at heart . . . the ‘classical doctrine’ rested on a simple truth;” and, he concludes that in spite of its inadequacies the classical doctrine is “substantially sound.”<sup>6</sup>

In “Morality and Nature” and incidentally elsewhere Falk has made a sustained and intelligent effort to “rationally reconstruct” the “classical view,” to capture and elucidate its sound common sense core.

In trying to get clear about the soundness of this puzzling yet persistent effort to meet conventionalism and scepticism in morals, I am going to examine Falk’s perceptive yet often mystifying remarks. Unlike many others who write about morality and nature, Falk appreciates the difficulties inherent in such an appeal to human nature. Yet Falk has also restated in a partially clarified form the alluring features of this view with a sensitivity that I have not found elsewhere in the literature. But for all that, Falk’s view seems to me to leave more puzzles than it resolves. It does not at all take us out of the bog. I shall now state Falk’s view and show why this is so.

Falk wants with some important reservations to defend the view which claims that “Man . . . has the moral order in his own nature because he has both a social nature and can reflect. By reflection he can put it to himself what it is to do good or harm; his social nature enables him to respond to these ideas. So when guided by reflection any human being will find the obligation to doing good and not doing harm in his own heart. The right order of choices is laid down for all in their own natures, plain for everyone to see who will trouble to look into himself.”<sup>7</sup> This he takes to be the traditional account and he only takes exception to the claim that what is good or obligatory is *plain* for everyone to see if they will only reflect, take the matter to heart. But if, as mature human beings, we make the effort our own natures will guide us to the good. That we should care for our children or help our parents is plain. That the infliction of unnecessary pain is evil is also plain to anyone who deserves the name, “human being.” There are choices a human being could not make if he really thought of them, if he put them to himself “clearly, vividly and without reserve.” (Falk makes this sound like a psychological observation; it seems to me to be analytic with the help of a quite understandable persuasive definition of ‘human being.’ Falk remarks that one may harm others in a thoughtless frame of mind;) “if roused, one may even enjoy it. But if one reminds one’s self, sympathetically and plainly, of what doing

<sup>5</sup> W. D. Falk, “Morality and Nature,” *The Australasian Journal of Philosophy*, vol. XXVIII (September, 1950), pp. 69-92.

<sup>6</sup> *Ibid.*, p. 78.

<sup>7</sup> W. D. Falk, “Moral Perplexity,” *Ethics*, vol. LXVI (January, 1956), p. 93.

harm does, one will find one's own nature will not let one. One finds that harm-doing could not be one's choice as a reflective and normal human being."<sup>8</sup> Falk contends that there remains a simple truth embedded in the classical doctrine: though a "Man might be stripped of everything he ever believed about moral restraints; he would still, in his constitution, find impediments to acting quite at random." "If all else 'fails,' there is some order of obligations which by their very nature and condition men are bound to incur from within themselves."<sup>9</sup> There is more moral ambiguity than the classical view would have us believe but there are some objective moral dictates derived from our own nature.

This is a doctrine that most of us would like to accept, that is, we *wish* it were true. And in some general but I fear very opaque sense it may well be true. But this alluring claim has its standard difficulties as Falk is very well aware.<sup>10</sup> In fact in the last three pages of "Morality and Nature" Falk seems to make a *volte-face*. There he makes so many concessions to the critics of the classical doctrine that very little of it seems to remain in his "rational reconstruction." He concludes "Morality and Nature" by granting that "an operative moral order natural to man in this sense (the classical sense) is not a fact."<sup>11</sup> He argues that in reality it is a goal. But it turns out on his showing to be a very odd "goal" indeed, for Falk concludes that we would not know when we had reached this goal, if we had.<sup>12</sup> But if this is so then clearly we do not know what we are asking; if such conditions obtained, we could not even know what is *meant* by a 'moral order based on human nature.'

Falk might reply that he was ending his article with hyperbole or with rhetorical flourish and insist that there he merely meant to indicate that the concept of a moral order based on human nature is exceedingly vague and, in order to understand it, the most exacting human ratiocination and struggle for self-knowledge is necessary. But man is a creature adept of rationalization. His cultural conditioning runs far deeper than most of us suspect and he has unconscious motives that he has little understanding of and no rational control over. Furthermore, to expect people to consistently make such an effort to attain moral understanding is indeed utopian. Conceding all this, Falk contends that it is still the case that there are *some* choices, *some* ordering of incentives, *some* judgments about what is to be done, that literally could not be made by a reflective and normal

<sup>8</sup> *Ibid.*

<sup>9</sup> W. D. Falk, "Morality and Nature," *The Australasian Journal of Philosophy*, vol. XXVIII (September, 1950), pp. 78-89.

<sup>10</sup> R. C. Cross has brought out many of them in his "Virtue and Nature," *Aristotelian Society Proceedings*, vol. L. (New Series), 1949-50, pp. 123-37.

<sup>11</sup> Falk, "Morality and Nature," *The Australasian Journal of Philosophy*, vol. XXVIII (September, 1950), p. 91.

<sup>12</sup> *Ibid.*, p. 92.



human being who understood what was involved and who had sympathetically, impartially, and without reserve put it to himself what these choices or practical judgments involved.

Though this - as well as certain other key remarks that Falk makes - has the ring of a psychological insight or a moral insight, it is really a dramatized grammatical remark. When Falk says "One finds that harm doing could not be one's choice as a reflective and normal human being,"<sup>13</sup> it sounds as if he had made a crucial observation about "the human condition," instead, he has served us a well garnished tautology. It is like saying 'One finds that only the person himself could write his autobiography' or 'I find that no one else can have my toothache' or 'I alone can know for sure whether I dreamt' or (paradoxically) 'Each man's thoughts are finally his own.' Falk does not set forth his claims as a psychological hypothesis to be confirmed or disconfirmed. In making his claims Falk quite properly does not consider whether the choices of Nero, Atilla, Hitler, Eichmann, Kadar, Batista or Trujillo were reflective choices made in the proper way, for many of the choices such men made are paradigms of mad choices made by insane men. That is to say, if someone deliberately sets forth on a policy of harming others wantonly, he is, *by this very token*, called an 'abnormal human being.' By implicit definition, his choices could not intelligibly be said to be the impartial, reflective, sympathetic choices of a man who had really reminded himself of what it would be like to be in the other fellow's place. This is not a question of empirical, psychological investigation or of experimental design. Rather it rests on a linguistic decision on our part to use our language in a certain way. (It does not follow from this that this "language game" is not a form of life of great importance to us as human beings.)

There is also an important, though frequently unacknowledged, normative element involved here. 'Normal' and 'abnormal' are not just classificatory or descriptive terms, they also usually have moral or quasi-moral connotations. People who flaunt certain very fundamental moral beliefs of their culture are by that very token called 'abnormal.' If a man, coolly, reflectively, deliberately, seeks to harm his fellows in any serious way, if he makes this into a set policy, he is by virtue of that judged insane; he can no more follow such a course and still properly be *said* to be 'normal' than he could write someone else's autobiography.

There are other places where both the classical doctrines and Falk's reformulation gain the force they have from *linguistic* necessity. In addition there are other points where both the classical doctrine and Falk's restatement remain too vague. Falk, for example, speaks of there being no guarantee that men "will in fact do only what their innate value-

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<sup>13</sup> W. D. Falk, "Moral Perplexity," *Ethics*, vol. LXVI (January, 1956).

dispositions would make it imperative for them to do, and what would in this sense fulfill the nature or essence of their being.”<sup>14</sup> But what is meant by ‘*innate* value-dispositions’ and, more importantly still, what counts or could count as fulfilling “the nature or essence of our being?” This is excessively vague talk and Falk does not help us when in another passage he tells us “The possession of reason, and of dispositions to value good, is of his [man’s] ‘nature’ as constituting his *formal essence*; so that, when he acts in accordance with rules resting on these foundations he will be fulfilling what *he essentially is*, or has been *cut out* to be.”<sup>15</sup>

Suffering from a theological hangover, Falk here joins company with Tillich, Maritain and Fromm. Why, pray, assume that there is or could be anything that man was “cut out” to be? Man has many capacities. Why assume that when he develops certain ones he has “fulfilled what he essentially is?” And how do we detect what man essentially is? Man, Falk might reply, possesses reason - this is unique to him. It is indeed true that man can think and communicate in a way no other creature can. If we want to, we can say this is man’s essence. A man who could not do this would indeed in some appropriate sense be said to be subhuman, though in another sense he is still a man. These are distinctive characteristics that we rightly enough cherish, though even here there are always prophets among us to tell us we prize them too much, regard them too exclusively and lose as a result important parts of the affective life that we inherit from our animal ancestry. (We might say such moral views are mad. Yet they are still intelligible.) In addition, if this is all that is meant by “realizing one’s essential being” or being in possession of reason, then we must say that a Kadar or Eichmann realizes his essential nature just as much as a Chekhov or Schweitzer. They, too, are discovering an objective rule of right within.

It is plain, however, in “Morality and Nature” that this is not *all* that Falk means by “the possession of reason” or fulfilling one’s essential nature or “formal essence.” But then we have to face anew the difficulties raised in (1). We have already plainly involved a moral conception in speaking of “dispositions to value good,” and ‘possessing reason,’ ‘fulfilling one’s formal essence’ also become moralistic uses of language. We bring a moral measure to human nature in determining what man’s “essential nature” is, when we are supposed to be finding the foundations of morality in human nature. (I shall return to this point later.) Talk of man’s “formal essence” or of his “essential nature” or of “fulfilling our nature” will get us nowhere. We are back again with the vagaries of a Tillich or Fromm.

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<sup>14</sup> W. D. Falk, “Morality and Nature,” *The Australasian Journal of Philosophy*, vol. XXVIII (September, 1950), p. 91.

<sup>15</sup> *Ibid.*, p. 77. italics mine.

Such talk is best engaged in against the Scholastic assumption of the providential ordering of creatures. There it has enough difficulties, but given a secular setting it is completely without point.<sup>16</sup>

There are related difficulties in Falk's view. He wants to say that there are certain ends which, if they are rehearsed, vividly and imaginatively thought through, could not but be willed and taken as binding by any human being. If a man conscientiously searched his own heart, he could not find it in himself to harm others pointlessly, to fail to regard others or even himself. We can find in our "mental and bodily constitution and . . . the average conditions of social life reason enough to act as moral beings."<sup>17</sup> But we have our Himmlers, Eichmanns, Stalins, and Kadars and we have whole cultures like the one in Brazil described by Redfield, who raise captive children as their own and then as they near adulthood eat them. We say Eichmann was mad, but were all Nazi Jew-haters mad? Are we to say that the whole Brazilian tribe is insane or abnormal or not properly human? Or is there no *objective* rule of right within?

At this point the linguistic maneuvers I described above usually take place. 'Properly human' and 'normal' become a part of moral discourse itself. But then we have not derived any moral claims from "the nature of human nature" and the 'naturalness' of 'natural moral obligations' begins to evaporate. Falk is aware of this difficulty but it seems to me he has not yet "sufficiently rehearsed it" or "taken it to heart."

There remains the standard difficulty of the transition from 'I ought' (or 'you ought', 'he ought', etc.) to 'I (or 'you,' 'he,' etc.) would if I (or you, he, etc.) first stopped to think,' or from 'I would want to' to 'I would have to' or 'I must,' where these latter expressions have a moral force.<sup>18</sup>

Keenly aware of these difficulties, Falk tries valiantly but unsuccessfully to meet them. Falk has a hypothetical critic say that 'I (or 'you') would want if I (or you) first stopped to think' lacks the normative and coercive connotation of 'I ought' or 'You ought.'<sup>19</sup> Against this Falk contends that "if a person of sympathetic dispositions thinks that an act of his would hurt the feelings of another, and distinctively envisages what he is thinking, it seems natural for him to say: 'But then I *can't* want to do this,' and 'can't' seems to express some special compellingness of the deterring motive."<sup>20</sup> But this does nothing to support the classical view; it does nothing at all to show that this logical gap between 'I want' and 'I ought'

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<sup>16</sup> I have shown what some of these difficulties are in my "An Examination of the Thomistic Theory of Natural Moral Law," *Natural Law Forum*, vol. 4 (1959).

<sup>17</sup> W. D. Falk, "Morality and Nature," *The Australasian Journal of Philosophy*, vol. XXVIII (September, 1950), p. 89.

<sup>18</sup> *Ibid.*, pp. 80-1.

<sup>19</sup> *Ibid.*, p. 80.

<sup>20</sup> *Ibid.*, p. 81.

can be closed, for 'can't' in the above expression does much the same job as 'ought.' 'I can't want to do this' is a bit of moral discourse. The person who uttered it could just as well have said 'It would be vile of me to want this,' 'I ought not to want this,' 'I'd be an S.O.B. for wanting this.' His utterance express a moral judgment. It does not just - if at all - describe a natural fact of his "inner life." The "is-ought" gulf has not been bridged.

To effect the difficult passage Falk invokes the Kantian notion of "a *rationally necessary* impulse of 'will' to do something."<sup>21</sup> But here he pulls another linguistic sleight of hand. A rationally necessary "willing," we are told, must satisfy two conditions: 1) *we will it* with foreknowledge, and after a careful mental rehearsing, and 2) no further ratiocination, no matter how often repeated, will alter what we will. We are to call willing, *when these conditions are satisfied*, rationally necessary willing or a "dictate of reason." The special forcefulness of such willing derives "from having the formal feature that no further testing by 'reason' would change or dislodge it."<sup>22</sup> It is true that often we want to do something other than what "we would have to want" - or ought to want - but we "will" what we have an impulse toward when those conditions are met. That is to say, we are said to will what we want under these conditions. Such wanting presents itself "with the normative and coercive qualities of an 'ought'."<sup>23</sup>

Yet a Kadar, or an Eichmann, could have foreknowledge and mentally rehearse what he wants, and could repeat this ratiocination over and over and still come to the same conclusion - a very different conclusion than a Schweitzer or a Pasternack might come to after a similar "thinking of." Are we to say, then, that their human natures just "informed" them differently and that there are no grounds for saying one or another is mistaken? Are we to say that human nature sanctions such radically different moral conceptions? Where is the rule of right within? And if we do say that "human nature sanctions" such radically different moral conceptions, then our appeal to human nature has not been able to overcome the moral conventionalism it set out to oppose.

It is at just this point that Falk pulls his linguistic sleight of hand. He tells us that "rationally necessitated willing is nothing other than a willing informed by the ordinary powers of self-control exercised not just causally, but carried to an *ideal limit* . . ." <sup>24</sup> The moral judgments we make under such circumstances conform to a "formal standard of perfection"; they remind us not of some "given" about ourselves "but of an ideal attitude

<sup>21</sup> *Ibid.*, p. 82.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*

towards an act.”<sup>25</sup> Moral judgments “are . . . ultimately about a species of psychological fact, i.e. conative responses, but not about them as they actually are, or normally tend to be, but about them as, in *ideally* defined conditions, they would be.”<sup>26</sup> Here Falk’s linguistic trickery is in full view. We do not find out what we ought to do from coming to know in full detail our own natures. Eichmann and Kadar’s moral reasoning would be ruled out as not having been carried to the ideal limit. Instead we have again brought a moral yardstick to human nature. We determine our “natural obligations” by testing them against a “formal standard of perfection,” a set of “ideal attitudes”; we bring into play a conception of an “ideal limit” and “ideally defined conditions.” But these very conceptions are themselves normative conceptions and, at the very least, Falk has not shown that they are derived or derivable from our human nature. It is clear from Falk’s account that the very conceptions we use in making moral appraisals and in defining ‘a dictate of reason’ or ‘acting as a rational agent’ presuppose these normative conceptions. But, Falk correctly contends, we do not just find them in our experience; instead, we use them in all our judgments about what we ought to do.<sup>27</sup> But these presupposed concepts are themselves normative and moralistic. I do not see how they could be derived from our own natures and they could be interpreted conventionally as J. J. C. Smart does and as I have in (1).

Falk has not escaped conventionalism. He has not shown us how we can have an objective morality squarely and unequivocally based on human nature. In avoiding the crudities of the classical view he has hopped from the frying pan into the fire.

#### IV

It seems to me, then, that Falk has not given us sufficient grounds for believing that “the classical doctrine is substantially sound.” Indeed, we would all like to believe that “if all else ‘fails,’ there is some order of obligations which by their very nature and condition men are bound to incur from within themselves . . .,” but Falk has not been able to elucidate how these obligations are to be found in our very nature as human beings. For most of us, it is indeed true that if we “*conscientiously* search our own hearts” we will find that there are certain things we cannot bring ourselves to do. But, after all, we are not “children of nature”; most of us do not come to the age in which we can so reflect without undergoing long moral indoctrination. And the little word ‘conscientiously,’ as do

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<sup>25</sup> *Ibid.*, p. 83.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*, p. 84.

phrases like 'ideal attitude' and 'standard of perfection,' indicates that unanalyzed moral concepts remain in play even here. Falk has not shown us that there are some moral conceptions that are purely natural, that are free from all artifice and human convention. If a man were to act in a random way or even in what is called a "brutal" way, we would automatically say either that he was *not* capable of conscientious reflection or that he did not conscientiously reflect. There is no *testing by experience* to discover if men by nature have a moral understanding within that they can elicit if they will only vividly think of what they do.

Yet, is not there something somehow unrealistic in my discussion? Can it really be that the moral views we have are unrelated to the sort of people we are? Are there not some things that all men generally find good? Are there not conditions of life that we all would take to be evil, if we really stopped to think about them? When we read Malraux's *La Condition Humaine* and we are made painfully aware of the life of the Chinese proletariat and of the trials of agitators like Katov, Che'n, Kyo or Hemmelrich, do we not recognize that the starvation, tortures, poverty and filth that are a part of such a life are thoroughly evil? Human nature being what it is, such conditions can be seen to be vile by any man. There are certain things all men need and they need them because any human being who is without them will be miserable. Though we must be wary of the complexity of the word 'need' (it often is not a morally neutral word), it is apparent that this last remark is true enough.<sup>28</sup> (It is something that each of us can test for himself.) Any realistic view of morality must simply acknowledge this.

This still has not got us to morality. An Eichmann or Kadar could acknowledge that certain conditions of life would make a man miserable but they might find it in themselves to ignore the interests of the proletariat, the Jews, or the interests of those they did not favor. They might vividly think of these people and their lives and still choose to turn their backs on their needs and even their rights.

On good Hobbesian principles, it might be objected that they could come to appreciate, if they were rational and if they would reflect, that it would be in their interests to regard the interests of all, for without such common cooperation there could be no such thing as a community life. And if we stop to think, we all are aware that with all its attendant evils, community life is far superior to a state of nature. It gives a more desirable life for each of us. Given our human nature and given a clear

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<sup>28</sup> It should most particularly be stressed that there are certain "need" statements that are normative and that there are other different types of "need" statements that are purely factual. See Paul Taylor "Need" Statements," *Analysis*, vol. 19 (April, 1959), pp. 106-11, and my "On Human Needs and Moral Appraisals," *Inquiry*, vol. VI (1963).

understanding of our situation, we would not want a life without the benefits of community living. But while we all, when acting as thinking human beings, would want a community life, it does not follow that as thinking human beings we would always reason morally - always consider the interests of others as well as our own. It is a tautology to say that as thinking, rational beings we would not act at random; but that our behavior would not be random behavior does not entail that our behavior would be *moral* behavior. *Certainly* there is an important link between our human natures and our morality. But we have not shown, even in Falk's attenuated sense, that we have the rule of right within. We need an accurate description of the exact relationships here - a description I am painfully aware that I cannot at present give - but it is apparent that understanding morality is not just *really* understanding ourselves. The Butlerian dream is tempting but it remains a dream.

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